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UK politics

Palestine Action and the right to protest

In A-level politics you learn how rights have developed in the UK and how they are protected today by statute law, the judiciary and pressure groups. However, in recent years there has been some concern that rights – particularly the right to protest – are under a growing threat. Others argue that it is necessary to restrict the rights of certain groups to protect wider society from danger and from disruption to their daily lives. Palestine Action is a useful case study for this topic.

What does the right to protest mean?

The right to protest is an essential aspect of living in a democracy. The ability to express your political views in public, with or without others, in a peaceful way, suggests that a society is open, tolerant and pluralistic. Democracy is about a lot more than just voting.

This essential legal right has, however, always had limits. It is a qualified right which can be restricted under certain circumstances (unlike the right not to be tortured). For example, violence or vandalism is illegal and protest can be limited by law in certain circumstances, such as during the Covid pandemic.

How is the right to protest protected in the UK?

Protest has been a part of UK political culture for many centuries. From Magna Carta to the Suffragettes, there are public expressions of discontent throughout UK history. The European Convention on Human Rights (ECHR) was created in 1950 and, among other rights, it protects both the right to free expression and free association (meeting up with who you like). The UK was one of the first signatories to the convention. (It is worth noting that both the Conservative and Reform parties now campaign for the UK to leave this international agreement.)

The ECHR was incorporated into UK law by the Human Rights Act 1998. This groundbreaking piece of legislation aimed to create legal protection for citizens, and to replace the various statute and common-law rights that already existed.

As well as statute law, there are two other important ways that rights are protected in the UK:

- If an individual feels that their rights have been infringed, they can ask the courts to carry out a judicial review to examine the decision. The Supreme Court has an important role in deciding whether there has been a violation of human rights. If it decides that there has been – as was the case with the Rwanda Bill – it asks Parliament to review the decision.
- Pressure groups such as Liberty and Amnesty International focus on rights protection in the UK. They are involved in campaigns to raise public awareness and lobby politicians. For example, they are reviewing the implications of the introduction of digital ID cards.

Recent legal changes to the right to protest

The Police, Crime, Sentencing and Courts Act 2022

This gave new powers to the police to restrict the right to protest. For example, it includes reference to maximum noise levels, wider powers to restrict the timings of demonstrations and the creation of new offences. Civil liberties groups argue that this law is too far-reaching.

The Public Order Act 2023

This increased the powers of the police even further. It was designed specifically to deal with the Conservative government's concerns about environmental protesters, such as Extinction Rebellion and Insulate Britain. The law enables the police to ban specific individuals from taking part in protests and created new criminal offences, such as obstructing major transport works.

The significance of Palestine Action

Palestine Action is a UK direct action group set up in 2020. Its main focus is opposing British arms sales to Israel. Its tactics involve illegal actions, such as occupation and destruction of property, which has on occasion led to violence and injury and resulting arrests. Palestine Action sees these tactics as a way to gain publicity for its cause.

However, the Labour government has taken steps to restrict its actions, and on 5 July 2025 the group was proscribed as a terrorist organisation under the Terrorism Act 2000. This includes powers to ban organisations and was designed to prevent acts of terrorism from being carried out in the UK. The process to proscribe an organisation involves a vote in the Commons and Lords. This took place after members of Palestine Action vandalised Royal Air Force aircraft by spraying them with paint. As a result of this decision, it is now illegal to be a member of the group. Under the Terrorism Act, it is also illegal to dress in a way that suggests membership or to express support for it. It is possible to be sent to prison for up to 14 years for some of these offences.

The decision to proscribe Palestine Action has been seen by many as a restriction on civil liberties. Opponents, including pressure groups such as Liberty and some leading lawyers, argue that Palestine Action is not a terrorist group, but simply a direct-action protest group who mostly focus on damaging property, like the Suffragettes. Home secretary at the time, Yvette Cooper, responded by stating that most people were unaware of the group's intentions, which were violent.

Since this decision, over 1,600 people, many of them pensioners, have been arrested for showing support for Palestine Action. Most have been arrested in protests outside Parliament, where they have created placards stating 'I support Palestine Action. I oppose genocide', and then sat and waited to be arrested. This tactic aims to make a mockery of the decision, by creating an impossible amount of work for the police and courts. It has also led to a lot of publicity.

What next?

In November 2025, the High Court will review the decision to proscribe Palestine Action. This case is being supported by Amnesty International and Liberty, who argue that the definition of terrorism is now too unclear and broad.

Student tasks

- Create a plan for the following Edexcel-style essay: 'Evaluate the view that rights are not well protected in the UK'.
- How could you include this case study in your plan?

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