CPGE 2023-2024

oral sessions with C. Hamard

[www.theguardian.com](http://www.theguardian.com), Jan 23, 2024

The Guardian view on environmental protest: dissent is vital to protect democracy | Editorial

In the last few years, environmental protesters in Britain have pulled off some striking – and strikingly irritating – acts of civil disobedience. These have caused indignation and aggravation, especially by disrupting people’s lives. But their actions grabbed our attention. The purpose is to denounce an injustice by intentionally breaking the law in a non-violent way. The justification is a climate emergency that threatens humanity’s future.

There is nothing new in this: the suffragettes smashed windows and set buildings alight. Today we honour their cause and courage. Yet the government appears intent on criminalising protest, a move rightly criticised by Michel Forst, the UN special rapporteur on environmental defenders. He warns that a pillar of democracy – the right to protest – is under threat in Britain. The demonisation of environmental activists and the erosion of civil rights without adequate scrutiny from lawmakers, or protection by the courts, are undermining the UK’s guarantees of freedom and the rule of law. It had been almost unheard of since the 1930s for demonstrators to be imprisoned for peaceful protest in the UK. Last month, he said, a climate protester got six months behind bars for slow-walking on a road.

The UK would like to swat away such criticism – as it did last August when another UN special rapporteur warned that lengthy jail time for activists could curb freedoms. But the British government has to tread more carefully. Mr Forst’s statement is an invitation to aggrieved parties to complain to him directly. He is empowered by an international treaty signed by the UK and could take it up with ministers. An unsatisfactory response from them could see Britain declared as acting unlawfully.

There’s plenty that Mr Forst sees as wrong. He was aghast to learn that some environmental defendants in criminal trials were forbidden from explaining their motivation for participating in a given protest, or from mentioning climate change when their liberty was at stake. A jury’s power to acquit had been seen for decades as a “constitutional safeguard” – insurance that the criminal law should conform to the ordinary person’s idea of what is fair. That notion is held in contempt, evidently, by ministers.

Juries have for years acquitted activists after listening to their rationale for seemingly unlawful protest. It is Orwellian to think the answer would be to abolish their role. Yet Gail Bradbrook, the co-founder of Extinction Rebellion, was found guilty last year of criminal damage after the judge banned her from explaining her motivation. Worse could follow if the attorney general, Victoria Prentis, wins a test case in the court of appeal next month. She wants to narrow the defences available in climate protest cases about criminal damage. She may win. Judges sided with her predecessor, Suella Braverman, by saying that the toppling of a statue of the slaver Edward Colston was not a “proportionate exercise” of the right to protest, removing a defence for protestors.

Democracies are easily broken. They need political leadership that prizes the rule of law and a truthful media. But they also depend on a public determined to retain their freedoms. (512 words)