

Can the UK ban organisations such as Palestine Action and Extinction Rebellion?

In recent years, there have been growing concerns about the increasing restrictions on the right of freedom of expression, freedom of assembly and peaceful protest in the UK. Legal changes that expanded police powers and introduced harsher penalties for disruptive demonstrations¹ have been widely criticised for imposing extensive restrictions to these rights, with UN experts and others expressing concerns that these are not necessary to achieving a legitimate purpose.²

The recent decision by the Home Office to proscribe the activist group Palestine Action under the Terrorism Act 2000 has again raised questions about whether the government's powers to ban or restrict groups are excessive.³ Additionally, the sentencing of environmental activists and defenders to over three years in prison for participating in peaceful protest has also attracted international criticism.⁴ In 2020, UK media outlets revealed that counter-terror police were treating the environmental protest group Extinction Rebellion as an 'extremism' threat.⁵

We provide here a brief legal analysis of what we think the UK government is and is not permitted to do under human rights law when it comes to banning groups in their entirety. What we have written below is not legal advice; it is for general educational purposes only.

Applicable human rights law

The UK is bound by the European Convention on Human Rights (ECHR), which UK courts apply via the Human Rights Act 1998.

Making it illegal for people to be members of, or even express support for, a group has serious implications for the rights of freedom of expression, freedom of association and peaceful assembly, all of which are protected under the ECHR.

Below, we describe what we think the ECHR and the European Court of Human Rights (ECtHR) would have to say about the issue of the UK banning groups that do not promote violence or systematically engage in it.

Rights to freedom of expression and freedom of association and peaceful assembly

¹ The 2022 Police, Crime, Sentencing and Courts Act and the 2023 Public Order Act. The Police, Crime, Sentencing and Courts Act enables the police to restrict and even ban 'noisy' or 'disruptive' public assemblies. The 2023 Public Order Act grants the police extended powers to restrict peaceful protests. It also introduces new criminal offenses that make some forms of protest illegal, such as creating a criminal offense for 'locking-on' (i.e., attaching oneself to another person, to an object or to a building), or even for being 'equipped' for such acts.

² [UN Human Rights Chief urges UK to reverse 'deeply troubling' Public Order Bill | OHCHR](#), 27 April 2023.

³ [UN experts urge United Kingdom not to misuse terrorism laws against protest group Palestine Action | OHCHR](#), 1 July 2025.

⁴ UN Special Rapporteur on Environmental Defenders under the Aarhus Convention, [State repression of environmental protest and civil disobedience: a major threat to human rights and democracy](#), Position Paper, February 2023; and UN Special Rapporteur on environmental defenders under the Aarhus Convention, [Statement regarding the four-year prison sentence imposed on Mr. Daniel Shaw for his involvement in peaceful environmental protest in the United Kingdom](#), ACSR/C/2024/26, 18 July 2024.

⁵ <https://www.theguardian.com/environment/2020/jan/19/extinction-rebellion-listed-as-key-threat-by-counter-terror-police>

The ECHR establishes at Article 10 that '[e]veryone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.' This Article protects the right to share information and express ideas – even those that some may find offensive, shocking or disturbing,⁶ although the Court has upheld bans on hate speech, incitement to violence and Holocaust denial.⁷

Meanwhile, under Article 11 of the ECHR, everyone also 'has the right to freedom of peaceful assembly and to freedom of association with others'. This Article protects the right to join with others to protect common interests, or form trade unions or political parties; it also protects the right to hold meetings and assemble in groups to peacefully protest. The ECHR protects not only the act of gathering as a group, but also (in general) non-violent acts committed during an assembly, such as 'sit-ins', processions, the holding of banners or the attaching of banners to walls, creating roadblocks, slogan chanting, and the dissemination of leaflets.⁸ Under the Court's case law, whether those acts are protected often depends on the circumstances.

As stated by the ECtHR, these two Articles of the Convention are closely related, as freedom of expression is also one of the purposes of freedom of association.⁹

Restrictions on the right to freedom of expression (Article 10), association and peaceful assembly (Article 11)

The rights to freedom of expression, association and peaceful assembly are not absolute. According to the ECHR, governments can restrict the exercise of these rights if the restriction meets three criteria: (1) it must be authorised by law; (2) it must be done in pursuit of a legitimate aim, namely 'in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others'; and (3) it must be 'necessary in a democratic society' for achieving that legitimate aim.

When the ECtHR looks at whether a government has violated human rights by restricting or banning a protest or other speech/assembly it typically takes a very context-sensitive approach rather than creating one-size-fits-all rules. The ECtHR's case law clearly indicates that

⁶ On speech that offends, shocks or disturbs, see Application No. 5493/72, [Handyside v. UK](#), Judgement, 7th December 1976.

⁷ European Court of Human Rights, [Factsheet on hate speech](#), November 2023.

⁸ On the act of assembling, see Application No. 10613/10, [Can and others v. Turkey](#), Judgment, 8 March 2022, para. 68. On 'sit ins', see Application No. 51346/99, [Cisse v. France](#), Judgment 9 April 2002, paras. 39-40. On processions, see Application No. 4048/09, [Aydin v. Turkey](#), Judgment, 26 May 2020, para. 50. On banners, see Application No. 3704/13, [Cetin v. Turkey](#), Judgment, 26 May 2020, para. 26; Application No. 19620/12, [Akarsubaşı and Alçiçek v. Turkey](#), Judgment, 23 January 2018, paras. 31-33. On roadblocks, see Application No. 39013/02, [Lucas v. the United Kingdom](#), Admissibility, 18 March 2003. On slogans and leaflets, see Application No. 10613/10, [Can and others v. Turkey](#), Judgment, 8 March 2022, para. 91.

⁹ Application No. 7601/76; 7806/77, [Young, James and Webster v. the United Kingdom](#), Judgement, 13th August 1981, para. 57; and Application No. 20161/06, [Vörður Ólafsson v. Iceland](#), Judgement, 27 of July 2010, para. 46.

governments are entitled to restrict the freedom of assembly when a protest involves or incites actual violence against people.¹⁰ In other words, preventing violence is a legitimate aim.

The Convention also establishes that preventing ‘disorder or crime’ is a legitimate aim. In this regard, the ECtHR has determined that actions deemed peaceful but that seriously disrupt the activities carried out by others — such as certain road blockades,¹¹ or occupation of buildings¹² — are not at the core of freedom of assembly as protected by Article 11 of the Convention. In our analysis, these situations would give the UK government a ‘legitimate aim’ for stopping a specific protest or assembly.

However, ‘legitimate aim’ is only one of the three criteria for restricting the exercise of the right to freedom of association and peaceful assembly in a way that complies with the Convention. The second criterion is that the restriction of these rights must be ‘authorised by law’. This principle not only requires that the measure must have a legal basis in domestic law but also refers to the quality of the law in question, which should be accessible, and formulated with sufficient precision to be foreseeable as to its effects.¹³ The ECtHR considers that a law has ‘foreseeable’ effects if it is formulated with sufficient precision to enable the individual to regulate their conduct.¹⁴ In other words, the law should be specific enough that people know if something they plan to do will violate it.

Even if the law is specific enough to meet the ‘legality’ requirement of the ECHR, and the government has a legitimate aim, the authorities must show that the measure is ‘necessary in a democratic society’ before they ban a protest, assembly or association.

The concept of necessity includes two key conditions: a) any interference must address a ‘pressing social need’, and b) the interference must be proportional to the legitimate aim being pursued.¹⁵ This means that only strong and compelling reasons can justify restrictions on these freedoms, and any limitations should be the least restrictive means available to achieve the intended goal.

In relation to the principle of necessity, the ECtHR has stated that a general ban on demonstrations can only be justified if there is a genuine risk that they will lead to disorder, which cannot be prevented by other, less stringent measures, and the negative consequences of the demonstrations are clearly outweighed by the security concerns that warrant the ban.¹⁶ On the one hand, the Court has granted states a wide margin of appreciation in their assessment of the necessity of taking measures to restrict protests that could result in disorder.¹⁷ However, it has also clarified that

¹⁰ Application No. 37553/05, [Kudrevičius and others v. Lithuania](#), Judgment, 15 October 2015, para. 92; Application No. 25196/04, [Christian Democratic People’s Party v. Moldova \(No. 2\)](#), Judgment, 2 February 2010, para. 23.

¹¹ Application No. 37553/05, [Kudrevičius and Others v. Lithuania](#), Judgment, 15 October 2015; and Applications Nos. 56896/17, 56910/17, 56914/17, 56917/17 and 57307/17, [Laurijsen and Others v. the Netherlands](#), Judgment, 21 November 2023.

¹² Application No. 11800/85, [Ezelin v. France](#), 1991, Judgment, 26 April 1991; Application No. 14237/07, [Tuskia and Others v. Georgia](#), Judgment, 11 October 2018; and Application No. 31475/10) [Annenkov and Others v. Russia](#), 25 July 2017.

¹³ Application No. 37553/05, [Kudrevičius and Others v. Lithuania](#), Judgment, 15 October 2015, paras. 108-110; and Application No. 20652/92, [Djavit An v. Turkey](#), Judgment, 20 February 2003, para. 65.

¹⁴ Application No. 37119/97, [N.F. v. Italy](#), Judgment, 2 August 2001, Judgment, paras. 26 and 29.

¹⁵ European Court of Human Rights, [Guide on Article 11 - Freedom of assembly and association](#), Judgment, 14 August 2024, para 162.

¹⁶ Application No. 84478, [Christians against Fascism and Racism v. UK](#), Judgment, 16 July 1980.

¹⁷ Application No. 37553/05, [Kudrevičius and Others v. Lithuania](#), Judgment, 15 October 2015, para. 156.

governments do not enjoy unlimited discretion to take any measure they consider appropriate, stressing that when evaluating the severity of the penalties imposed for conduct involving disturbance of public order, the proportionality of an interference in relation to the aim pursued should be considered.¹⁸

Specifically when it comes to the dissolution of an association, the ECtHR's case law clearly indicates that such a harsh measure, entailing significant consequences, may be taken only in the most serious of cases.¹⁹ The Court has indicated that authorities have a heightened duty to provide reasons justifying such a measure,²⁰ and that in order to satisfy the proportionality principle in cases of dissolution of an association, the authorities must show that there are no other means of achieving the same aims that would interfere less seriously with the right of freedom of association.²¹

In its rulings, the ECtHR has attached specific weight to the chilling effect of restrictions on protests. The Court has acknowledged that both procedural and forceful measures to restrict the right to freedom of assembly can produce such an effect.²² In assessing the proportionality of a measure, the Court has stated that the chilling effect must be considered, and noted that specifically, a prior ban on an assembly may discourage people from taking part in it.²³

On 1 July, UN experts, in relation to the banning of Palestine Action, opined that 'acts of protest that damage property, but are not intended to kill or injure people, should not be treated as terrorism' and warned that the ban 'would have a chilling effect on political protest and advocacy generally in relation to defending human rights in Palestine'.²⁴

Our analysis of the UK situation

In the case of the UK Home Secretary's use of the Terrorism Act 2000 to proscribe an entire group in response to alleged criminal offences committed during a protest, we have doubts as to whether the language of the Act is specific enough to meet the 'legality' requirement of the ECHR. In our analysis, the definition of 'terrorism' in the Terrorism Act is broad and imprecise. Under the Act, 'serious damage to property' can qualify as terrorism (depending on the

¹⁸ Application No. 10613/10, [Ekrem Can and Others v. Turkey](#), Judgement, 8 March 2022, paras. 91-92, with further references.

¹⁹ Application No. 48848/07, [Association Rhino and Others v. Switzerland](#), Judgement, 11 October 2011, para. 62; Application No. 35943/10, [Vona v. Hungary](#), Judgement, 9 July 2013, para. 58; and Applications Nos. 4696/11 y 4703/11, [Les Authentiks and Supras Auteuil 91 v. France](#), Judgement, 7 October 2016, para. 84.

²⁰ Application No. 59835/10, [Adana TAYAD v. Turkey](#), Judgement, 21 July 2020, para. 35.

²¹ Ibid. para 36; Application No. 48848/07, [Association Rhino and Others](#), Judgement, 11 October 2011, para. 65; Applications Nos. 70945/11, 23611/12, 26998/12, 41150/12, 41155/12, 41463/12, 41553/12, 54977/12 and 56581/12, [Magyar Keresztény Mennonita Egyház and Others](#), Judgement, 8 April 2014, para. 96; and Application No. 11214/19, [Internationale Humanitäre Hilfsorganisation e. v. v. Germany](#), Judgement, 11 October 2023, paras. 95-97.

²² On procedural measures, see Application No. 1543/06, [Baczkowski and others v. Poland](#), Judgment, 3 May 2007, paras. 66-68. On the use of force, see Application No. 1774/11, [Nemstov v. Russia](#), Judgment, 31 July 2014, paras. 77-78; Application Nos. 35880/14 and 75926/17, [Zakharov and Varzhabetyan v. Russia](#), Judgment, 13 October 2020, para. 90.

²³ Application No. 28793/02, [Christian Democratic People's Party v. Moldova](#), Judgement, 14 February 2006, para.77.

²⁴ [UN experts urge United Kingdom not to misuse terrorism laws against protest group Palestine Action | OHCHR](#), 1 July 2025.

intention behind it), and a group can be banned if it is ‘concerned in’ terrorism or engages in ‘glorification’ of terrorism. We are concerned that ‘serious damage to property’ is a vague concept, and that it is unclear whether it might include – for example – pulling down a statue, breaking a shop window or splashing paint on a building or sign. While those activities might be crimes, it is difficult or impossible to know based on the Terrorism Act whether the government would treat them as terrorism offences—and this lack of foreseeability is a problem.

We also have concerns about whether it is genuinely ‘necessary’ – as the ECHR requires – for the UK to proscribe an entire group when that group does not promote violence and does not engage in widespread or especially grave property damage. In the event of a protest or assembly where the organisers or participants engage in violence, police in the UK have ample powers to act, and the authorities can prosecute individuals for damage and security breaches. Similarly, the UK authorities have the power to arrest people and take other measures regarding property damage. It does not appear to us that the UK has shown that it is ‘necessary’ in the ECHR sense for it to ban groups that do not systematically engage in or advocate for violence or serious destruction, especially under the heightened standard the European Court has applied when assessing whether a ban on an entire group is ‘necessary’. In fact, in recent years, the UK has given its authorities many powers for dealing with protests, apparently in response to peaceful environmental protests by Extinction Rebellion, Insulate Britain and Just Stop Oil. We have serious doubts as to whether some of these laws comply with the Convention, either, but they illustrate the point that the government has many alternatives to banning a group in full.

In the specific case of the banning of Palestine Action, we are concerned about the UK government’s apparent failure to consider alternatives – as required by the ECHR – and explain why it believes those lesser measures would be insufficient to deal with any threat to public safety or public order. For example, the authorities have not shown why individual prosecutions would be insufficient to address any threats to public safety or public order arising from the kind of protest the group engages in. We fear that by leapfrogging over the many less stringent measures available to it, and proceeding directly to a full ban on a group under the Terrorism Act without a sufficient explanation as to why this is necessary, the government may be undermining the rule of law.

Additionally, we are concerned that such a ban on a whole group of activists could create a ‘chilling’ (that is, discouraging) effect on other organisations or individuals who want to exercise their rights to freedom of expression and association non-violently, particularly when expressing their concerns about human rights violations in the context of the war in Gaza. The ‘chilling effect’ happens when people avoid expressing themselves peacefully and lawfully in a way they have a right to do – often because the government has given itself enforcement powers that are overly broad. The freedoms of association and assembly, as guaranteed in the ECHR, will be undermined if people fear that any serious misconduct by anyone involved in the movement will lead to a ban on the entire group under the Terrorism Act.