Protesting Outside The Homes Of Politicians

Justifying a New Protest-Related Offence in the Crime and Policing Bill

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On 13 November 2025, Minister of State for the Home Department Lord Hanson introduced an amendment to the Crime and Policing Bill providing for the new "offence of making representations to public office-holders in their home". Recent years have seen many protests outside the private homes of politicians in the UK. Former Prime Minister David Cameron experienced numerous protests outside his Oxfordshire home, including a hunger strike by the Fathers4Justice in 2011 and an anti-fracking protest in 2015 spearheaded by fashion designer Vivienne Westwood who drove a tank to his front gate. Former Prime Minister Rishi Sunak's Yorkshire home was subject to a protest by Greenpeace in 2023, where activists climbed his house and draped oil-black fabric over it to protest his commitment to expand oil and gas exploration in the North Sea. Most recently in 2024, members of "Youth Demand" gathered outside Prime Minister Kier Starmer's home to protest against his Government's stance on the Israel-Gaza conflict. These protests take place against a background of increasing privacy and safety of politicians and their families. While the amendment aims to tackle these important contemporary concerns, it is questionable whether it is compatible with Article 11 of the European Convention on Human Rights (ECHR) on freedom of assembly.

The amendment

Amendment 381 states that a person commits the new offence if he or she is outside or in the vicinity of a public office-holders home in order to pursue a prohibited purpose.

The first prohibited purpose to persuade a public office-holder that he or she should or should not do something (or should have or should have not done something) in connection with their role as public office-holder. The second prohibited purpose is to persuade a public office-holder that he or she should or should not done something (or should have done or should have not done something) that they were not entitled or required to do other than in connection with their role as a public office-holder. A person found liable will be subject to imprisonment for six months or a fine of £2500. A public office-holder for the purposes of the offence includes members of the House of Commons and Lords, members of the Senedd Cymru (the Welsh Parliament), and local councillors in England and Wales.

The amendment not only creates this new offence, but it also expands existing offences. Under section 42 of the Criminal Justice and Police Act (CJPA) 2001, the police currently have the power to move a person from someone's house if he or she is trying to persuade the homeowner to do something or not. Additionally, the police officer must believe that the presence of the person amounts to, or is likely to amount to, harassment, or to cause alarm or distress to the resident. Furthermore, section 42A CJPA 2001 as amended by the Serious Organised Crime and Police Act 2005, provides for the existing "offence of harassment of a person in his home" with a penalty of 51 weeks imprisonment and/or a £2500 fine. Under section 42A, a person is liable if he or she is outside an individual's home to persuade them that they should or should not do something. Their behaviour must objectively amount to harassment or cause alarm or distress, and he or she must know or be reckless to this is the case. The offence was introduced as a response to "home visits" conducted by animal rights activists during the early 2000s targeting the employees of pharmaceutical corporations accused of engaging in animal testing. Such "home visits" frequently involved arson, criminal

damage to homes or vehicles, and intimidation. The amendment will extend these offences temporally by incorporating situations where individuals try and persuade any persons from outside their home that they should have, or should have not, done acts that were committed in the past.

Rights of others

The new offence raises several issues from the perspective of Strasbourg jurisprudence on Article 11. The starting point is that the freedom of assembly includes the right to choose the location of the protest (*Sáska v Hungary* App. No 58050/08, §21, 27 November 2012). In Lashmankin v Russia (App no 57818/09 7 February 2017), the European Court of Human Rights (ECtHR) held that while content-based restrictions must be subjected to "the most serious scrutiny", Contracting Parties must be allowed, however, a wider margin of appreciation to impose restrictions based on location (§417). In the context of Article 10 on freedom of expression, the ECtHR has similarly found that the exercise of this right "does not bestow any freedom of forum", and stated that similar considerations apply to the exercise of Article 11 (*Appleby v United Kingdom* App no 44306/98, §47, §52, 24 September 2003).

Consequently, Contracting Parties may lawfully impose restrictions on the forum of the freedom of assembly. Restrictions in this context must be justified by reference to the legitimate aims outlined in paragraph 2 of Article 11. One aim which may justify an interference with Article 11 is the protection of the rights of others. The UK Supreme Court recently held that "safe access zones" adjacent to abortion clinics where protesting was prohibited were compatible with Article 11 ((*Reference by the Attorney General for Northern Ireland- Abortion Services (Safe Access Zones) (Northern Ireland) Bill* [2022] UKSC 32) (*SAZ case*)). The Supreme Court emphasised that the Bill met a "pressing social need" to protect the rights of women seeking treatment (§154), highlighting the importance of their Article 8 right to private life and autonomy (§125). The new offence in question similarly concerns the rights of others to privacy, namely politicians and their families. While politicians would be expected to accept more incursions into their private life due to their status as public figures, their families have a legitimate interest in remaining out of the public eye, especially if they have chosen to remain at private homes rather than move into official residences.

Similar concerns have long been represented in the activity of "doorstepping", where journalists confront politicians at their homes. However, news organisations continue the practice, albeit with heavy editorial regulation, given that the intrusions of privacy may be justified in the public interest. Similar public interest concerns justifying an incursion into politicians' privacy rights are not prevalent in the case of protesting outside politicians' homes. While the only opportunity journalists may have is to "doorstep" an evasive politician to bring to the public's attention newsworthy information, protesters have a range of fora to exercise their freedom of assembly. Protesters can voice their grievances against politicians in demonstrations situated outside their workplaces, particularly Parliament, constituency offices or, in the case of senior politicians, their official residences. These locations fall outside the scope of the proposed offence: the amendment includes a specific exception to continue to permit protests outside official residences such as 10 Downing Street and Chequers (the Prime Minister's country retreat) given their symbolism in British political culture. Protesting at these locations would be less disruptive than outside politicians' homes because politicians' families are spared intrusions to their privacy. Furthermore, representatives can expect their right to privacy to be curtailed at their workplace as public officials.

Prevention of disorder and crime

The freedom of assembly can also be limited to pursue the aim of preventing crime and disorder. Demonstrations outside politicians' homes have been peaceful. However, these protests take place against the background of an increasing concern for the safety of our politicians in the UK. In June this year four people were arrested for setting fire to a car and two houses, linked to Prime Minister Kier Starmer, including his North London home. In the past decade, two sitting

British MPs have been murdered by extremists: Jo Cox in 2016, and Sir David Amess in 2021. In 2019, a neo-Nazi was sentenced to life imprisonment for attempting to murder Labour MP Rosie Cooper, and in 2010 a woman was jailed for life after stabbing Labour MP Stephen Timms in an Islamist attack. More broadly, a survey by the speaker of the House of Commons in 2025 found that 96% of all MPs have experienced some level of harassment or intimidation, and a quarter of election candidates have experienced individuals "loitering" around their homes or offices. The incessant use of death threats (in the case of female politicians, constant rape threats too) to intimidate and influence MPs has become commonplace. Some MPs have even fitted panic alarms in their private homes, and have installed bulletproof glass and bomb-proof letterboxes. This "climate of abuse" explains that while protests outside politicians' houses have been peaceful, their presence understandably causes heightened fears of safety. In this light, Security Minister Dan Jarvis has justified the offence on the basis of the concerning rise in harassment or intimidation.

The freedom of assembly can be limited to pursue the aim of preventing disorder and crime. The concept of disorder is fleshed out in the ECtHR's landmark ruling of *Kudrevičius v Lithuania* (App. no. 37553.05 15 October 2015). The Grand Chamber held that "the intentional serious disruption, by demonstrators, to ordinary life and to the activities lawfully carried out by others, to a more significant extent than that caused by the normal exercise of the right of peaceful assembly in a public place, might be considered a 'reprehensible act' within the court's case law" (§173). The UK Supreme Court ruled in the SAZ case that the persistency of anti-abortion protesters meant patients and staff were at an ongoing risk of harassment and intimidation by protesters when entering the abortion clinics (§139). This behaviour ultimately justified the interference with the anti-abortion protesters' freedom of assembly.

However, in the current context, it is difficult to state that the aim of preventing harassment and intimidation is not already achieved through the existing offences within sections 42 and 42A CJPA 2001. As discussed above, these offences concern protests outside anyone's home that objectively amount to harassment or cause alarm or distress. The mental element of the offences is that the person must be aware that their presence amounts to harassment or causes alarm or distress. The new offence does not include a mental element and therefore operates as a ban on any protest outside public office-holders' homes irrespective of any intimidatory nature. In this way, the offence goes beyond what is necessary to achieve its legitimate aim of preventing disorder. By justifying the offence on the basis of safety and intimidation, the government is claiming that the mere presence of individuals outside politicians' homes amounts to a "reprehensible act" which may limit the freedom of assembly. While there is a heightened political climate, protests outside politicians' homes have been of a peaceful nature, directly contradicting this assertion. The ECtHR has made clear that general bans "on demonstrations can only be justified if there is a real danger of their resulting in disorder which cannot be prevented by other less stringent measures" (*Lashmankin v Russia,* §434). The Government will have an uphill battle when justifying the offence on the basis of the prevention of disorder and crime where more specific interferences with the freedom of assembly already meet that aim.

Conclusion

For our democracy to flourish, politicians should not be worried about their or their families' privacy or safety in getting on with the job. This is bad for British democracy. Talented individuals wishing to enter politics and do real change become discouraged because of the abuse they will likely suffer as well as the consequences for their family in being propelled into public life. While being an elected official comes with an expectation of scrutiny, protesters are able to demonstrate at their workplace or official residences where the appropriate security arrangements and privacy expectations mitigate any intimidatory effects. The offence as currently drafted addresses these privacy concerns correctly, but struggles to prove necessary to deal with harassment and intimidatory protests which

are already the subject of offences under the CJPA 2001.

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