

Peaceful Protests

Briefing by Thompsons Solicitors

March 2011

YOUR RIGHTS:

Since the introduction of the Human Rights Act in 2000 there is a protected right to peacefully protest.

The law protects peaceful communication and persuasion.

- Everyone has a right to assemble and protest peacefully
- The right to peaceful assembly is a fundamental right and is set out in Article 11 of the Human Rights Act 1988.
- The Police **cannot** ban public assembly altogether
- The Police **can** impose conditions on location, numbers and length of assembly BUT only to prevent serious public disorder, serious damage to property or serious disruption to the life of the community or if the purpose of the assembly is to intimidate others.

Where people are peacefully demonstrating against job cuts then, provided this does not result in damage to property, it is unlikely to breach such conditions.

Onerous conditions imposed by the Police, such as limiting the time for a protest to 5 or 10 minutes or to 2 or 3 people, may amount to a breach of a protester's right to assembly in that they are effectively a ban and a ban is unlawful.



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KETTLING:

- **What is it?** – a technique where protesters are trapped inside a cordon for long periods of time.
- **Is it legal?** – the Police have a right to keep and enforce the peace and have used Kettling to deal with breaches of the peace. But the Police must **strike a balance** between keeping the peace and protecting freedom of expression and assembly: Kettling should be confined to where there are breaches of the peace and should not be used where people are peacefully protesting;
- **What can I do?** – remain peaceful at all times and keep repeating that you are peacefully protesting and not in breach of the peace.

Ask the Police officer to leave the containment by pointing out you are making a peaceful protest as is your right. Keep repeating your right to make a peaceful protest until you are released.

If you feel ill, ask to leave the containment for medical assistance immediately.

If you need the toilet or a drink of water, ask to be released immediately.

The Police should have a plan in place for releasing vulnerable people. Remind the Police of this.



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If you are approached by the Police:

- You should be treated fairly and with dignity and respect at all times
- Where the Police have reasonable grounds to suspect an offence, they must give you the following caution before questioning:

“You do not have to say anything but it may harm your defence, if you do not mention when questioned, something that you later rely on in Court. Anything you do say may be used in evidence”

- If you are not given a caution and are subsequently arrested, tell your solicitor.
- If you are cautioned without being arrested, you must be told that you are free to leave at any point.

If you are arrested:

- You must be told that you are under arrest.
- You must be told the reason for your arrest.
- If you are arrested in a crowd, keep calm but shout your name so others know you have been arrested.
- If you witness an arrest, try and write down the name of the arrested person, where they were arrested, and the number of the arresting officer.
- The Police must take you to a Police Station as soon as possible.



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At the Police Station:

- The right to consult a solicitor can be exercised at any point whilst detained (apart from in rare cases).
- You have the right to have someone informed of your arrest (though not to make a phone call yourself).
- You have the right to silence and to answer “no comment” to all questions.
- You have the right to consult the Police “Codes of Practice”.
- You have the right to decent conditions. If the conditions are poor, ask to speak to the Custody Officer.
- If you are under 17 or vulnerable then you should have an appropriate adult with you when the Police do certain things, such as caution and interview.
- A suitable interpreter must be provided where appropriate.
- Your detention must be reviewed regularly.

**MEMBERS WHO ARE ARRESTED SHOULD
CONTACT THOMPSONS THROUGH
THE UNION'S 24 HOUR LEGAL HELPLINE**

0800 587 7530



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