



KNOW YOUR RIGHTS



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ABOUT THIS GUIDE

Peaceful protest has been a key tool in many of the most significant social movements for equality and against oppression, and the right to protest is a fundamental part of our democracy.

This guide tells you about:

- Your right to protest under Northern Ireland (NI) law¹;
- What you are allowed to do at a protest; and
- The limitations there may be on a protest, including PSNI powers

Please note that this guide is specific to Northern Ireland, and there are different laws around protest in England, Scotland, Wales and the Republic of Ireland.

This guide is designed to assist organisers and protestors to understand their legal rights around protest in NI. For practical tips around protest, and 'know your rights' guides to other jurisdictions, please see the 'Contacts' section of this guide.

Structure of this guide:

SECTION 1 My rights when planning a protest

This section explains what rights you have when planning a protest including what type of protest you can organise and how the State must facilitate your right to protest.

SECTION 2 My rights during a protest

This section explains what kind of activity and behaviour you can engage in during a protest and what the PSNI can and cannot do to limit your protest, including why they might arrest you.

SECTION 3 My rights after a protest

This section explains what happens if you are arrested and what you can do if you think the PSNI have unfairly or unlawfully restricted your right to protest.

(This guide is modelled on the Irish Council for Civil Liberties Know your Rights: Right to Protest guide, found here: <https://www.iccl.ie/wp-content/uploads/2020/01/Know-Your-Rights-Protest.pdf>).

¹ Accurate as of date of publication.



INTRODUCTION:

What do we mean by human rights?

Human rights are the basic freedoms and entitlements that all of us have. These rights should be available to everyone, whatever their sex, gender, nationality, language, race, ethnicity, disability, religion, marital or family status, sexual orientation, age, class, political opinion or other opinion might be.

Who makes sure my rights are respected?

The government must make sure your rights are respected. Governments (such as the UK and Ireland) sign up to human rights treaties and agree to be bound by them. Human rights organisations, or individuals, can then use international human rights law to hold states accountable for abuses.

The implementation of the European Convention on Human Rights (ECHR) through the Human Rights Act 1998 and the Northern Ireland Act 1998 means that all legislation and decisions taken by the UK Government and the NI Government need to be compliant with human rights law. Breaches of the ECHR can be enforced through the court system.

Part of ensuring that people have the right to protest means that public authorities (including the police) have obligations to **proactively** do certain things and also to **avoid** doing certain things to ensure that people can exercise their rights. This includes an obligation to **facilitate and protect** free assembly.

All agents of the Government, including the Police Service of Northern Ireland (PSNI), schools and health services must respect your rights.



KEY WORDS EXPLAINED:

- **Offence:** An act or behaviour that is against the law and is punishable by the legal system.
- **Breach of the peace:** A breach of the peace occurs when someone's conduct either has caused, or is likely to cause, harm to a person or their property, or is likely to provoke violence. It can also include behaviour that creates fear of imminent violence, even if no violence has yet occurred.
- **Conspiracy:** Two or more people combining to engage in an unlawful act.
- **Conviction:** Being found guilty of a criminal offence.
- **Custody:** Being in custody means you are deprived of your liberty and you are under the supervision of the police. When you are arrested you are taken into custody.
- **Custody Officer:** A police officer responsible for the care and supervision of individuals who have
 - been arrested and are being held in custody. They ensure that the detained person's rights are protected and that legal procedures are followed.
 - **Effective remedy:** If your rights are breached, you are entitled to have the breach recognised and, where possible, your rights restored. This might include an apology or compensation.
 - **General Data Protection Regulation (GDPR):** A law that outlines rules to protect the storing and processing of your personal data (information).
 - **Narrow legal interpretation:** This is where a definition of a legal term is interpreted in a very specific/limited way.
 - **Exceptional Power:** Special authority granted, usually to law enforcement or the government, to take actions that go beyond normal legal limits, often in emergency situations.
 - **Custodial Sentencing:** A punishment where the offender is required to spend time in prison or a detention centre.
 - **Non-Custodial Sentencing:** A punishment where the offender is not sent to prison, but instead receives penalties like fines, community service, or probation.
 - **Positive Obligation:** A legal duty requiring the government or public bodies to take active steps to protect certain rights or ensure the well-being of individuals.

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- **Defamation:** Making false statements about someone that damage their reputation, which can be actionable in court.
- **Warrant:** A legal document issued by a judge or magistrate that gives police the authority to make an arrest, seize property, search premises, or carry out other legal actions.
- **Fixed Penalty Notice:** A fine and/or penalty points given for minor offences, such as traffic violations, which can be paid to avoid going to court.
- **Street Bail:** When a person is released by the police at the scene of an incident on the condition that they will return to the police station at a later date.
- **Police Bail:** When a person is released from police custody while an investigation continues, with the condition that they must return to the police station when required.
- **Indictable Offence:** A serious crime that is usually tried in a higher court, such as the Crown Court, and may carry heavier penalties.
- **PPS Summons:** A legal document issued by the Public Prosecution Service (PPS) requiring a person to appear in court, usually in relation to an offence.



KEY LEGISLATION AND OTHER TEXT EXPLAINED

- **The Public Processions (Northern Ireland) Act 1998:** Provides the regulatory regime for moving public assemblies (parades, marches etc)
- **Public Order (Northern Ireland) Order 1987:** Provides the police with powers to regulate public processions and assemblies to maintain public order.
- **Police and Criminal Evidence (Northern Ireland) Order 1989:** This gives the police general powers to prevent crime and maintain public order.
- **Police (Northern Ireland) Act 2000:** The PSNI has the general power to preserve order and prevent the commission of offences which may be applied under its general policing powers.
- **The PSNI Code of Ethics:** PSNI officers are required to comply with the Code of Ethics. A breach of the Code can be examined by the Police Ombudsman and may be evidence of misconduct.



SECTION 1

MY RIGHTS WHEN PLANNING A PROTEST



What laws protect my right to protest?

There are many human rights in law which make up your right to protest, including:

The European Convention on Human Rights (ECHR):

- Article 11 protects your right to peacefully freely assemble which is the right to gather and meet in public or private, and the right to association, which is the right to organise and to form and take part in groups.
Article 10 protects your right to hold your own opinions and to express them freely without government interference. This includes the right to seek, receive and share information and ideas through any media.
Article 8 protects your right to have your private life respected, including your home and correspondence.

Your ECHR rights are protected under the Human Rights Act 1998, and if they are breached, you have the right to challenge this in court. Everyone in Northern Ireland has these rights, however the government can limit these rights under certain circumstances. Any limitation of your rights must be lawful, necessary and proportionate in order to:

- Protect national security or public safety
Prevent disorder or crime
Protect health or morals, or
Protect the rights and freedoms of other people.

What steps do I have to take if I am organising a protest?

This depends on the type of protest that you are organising. Most protests will likely be considered "static" protests. These are open air public meetings that stay in one place. You do not need to ask police for permission to protest, and police have an obligation to facilitate your protest, and not to put limits on your protest unless they have reason to believe it may cause serious public disorder, serious damage to property or serious disruption to the life of the community, or if the purpose of the protest is to intimidate others.

Under these circumstances, the police can put conditions on the protest like where it can take place, how long it can last, or the maximum number of people allowed to participate. These conditions must be necessary and proportionate.

If you are organising or participating in a protest and knowingly do not comply with one of these conditions, you will be guilty of an offence. However, if you can prove that the failure to comply was because of circumstances outside of your control, this can be used as a defence.

If you are planning a moving protest, like a march, there are different steps you have to take before your protest. You have to tell the parades commission at least 28 days in advance if you are planning to hold a moving protest (unless it is not reasonably practical to do so). This involves filling out a notification form online at the Parades Commission website. If you choose to fill out a hard copy of the form, this has to be submitted to the PSNI (28 days in advance of the protest).

2 https://www.legislation.gov.uk/nisi/1987/463/article/4

3 See The Public Processions (Northern Ireland) Act 1998.

4 See the Parades Commission website for more details: https://paradescommissionni.flexigrant.com/.

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It is important to know that the law is not clear about the minimum number of people that make a public procession.⁵

If a march or moving protest has been organised and you are organising a **counter-protest** to it (even if it is static), you need to notify the parades commission 14 days in advance (unless it is not reasonably practical to do so) either through their online form, or by sending a hard copy to the PSNI.

Can I gather with a group to protest?

Yes. You have a right to gather in groups to voice opposition or support for social, cultural, political or other causes.

Does it matter what I want to protest about?

Yes, it can matter what you want to protest about. In general, the State must let you protest even if it does not agree with your message. However, if the message of a protest incites violence or racial hatred, this can be a basis for it being restricted and participants may be committing offences.

What are my protest rights when I am online?

The rights you have in the physical world apply in the online world too. This means that rights that exist for physical gatherings should extend to online gatherings such as group chats. You also have a right to privacy online. Under the Communications Act 2003, it is a criminal offence to send seriously offensive or malicious messages or statements online.⁶ Other offences may be triggered by online communication, such as harassment (which may be pursued through criminal or civil proceedings).

Where can I protest?

You have the right to protest in most public spaces.

In NI, protests against reproductive rights near certain health services locations can be prohibited under the Abortion Services (Safe Access Zones) Act (Northern Ireland) 2023.

When is a protest considered trespass?

In NI, being on someone else's property without permission is not a crime, it is a civil matter between the landowner and individual. Until you refuse to leave when asked by the landowner (or staff, security guards, etc.,) you are not committing a crime. If you damage the property or commit theft or carry out some other act which may be treated as an offence, you may be charged by the police.

The police may also be entitled to assist the landowner in removing you, including using reasonable force, if you refuse to leave the property after you have been ordered to leave by the owner. If you refuse or resist at that point, it is likely to lead to arrest for obstruction of a police officer.

Can I protest at places like shopping centres?

Generally, yes you can protest within private property such as shopping centres, subject to potential public order restrictions.

5 The legislation states that a "public procession" means a procession in a public place, whether or not involving the use of vehicles or other conveyances." <https://www.legislation.gov.uk/ukpga/1998/2/section/17>

6 <https://www.legislation.gov.uk/ukpga/2003/21/section/127>, messages that fall within this include: Messages that are grossly offensive, menacing or obscene; Sending false messages for the purposes of causing annoyance, inconvenience of needless anxiety to another individual; Persistent or vexatious calls or the purposes of causing annoyance, inconvenience of needless anxiety to another individual.



Can PSNI collect information about me during a protest?

Yes, but surveillance must be justified by a legitimate aim, such as public safety or the prevention of disorder. It must be proportionate, meaning it is necessary and the least intrusive means available, and it must be lawful. Covert surveillance can only take place under strict conditions and requires clear legal authorisation and adequate safeguards against abuse.

This typically means that data collection should be focused on individuals reasonably suspected of disorderly or criminal behaviour. General or indiscriminate data collection on peaceful protestors without evidence of a threat or unlawful activity is likely to be considered a violation of ECHR principles, particularly if it has a chilling effect on the exercise of free expression and assembly rights.

If these conditions are met, the Police Service of Northern Ireland (PSNI) has certain powers to collect information during protests to ensure public safety and order. Detailed below are the main points at which this is likely to come up during protests:

- **Surveillance and Monitoring:** The PSNI can use surveillance methods, such as video recording and photography, to monitor protests. This helps in identifying individuals involved

in unlawful activities or in maintaining a record of the event for security purposes.

- **Personal Data:** During protests, the PSNI can collect personal data of individuals, especially if they are involved in or suspected of involvement in unlawful activities. This data collection must comply with data protection laws, such as the UK Data Protection Act 2018 and the General Data Protection Regulation (GDPR).
- **Stop and Search Powers:** The PSNI has the authority to stop and search individuals if they have reasonable grounds to suspect that someone is carrying illegal items, such as weapons or prohibited substances, or if they believe an individual is involved in criminal activity. This can include unlawful behaviour both at the protest or separate to the protest completely. The police have specific guidance on the use of stop and search powers.⁷ The police should generally provide you with a reference number and record of the search, and it is a good idea to always keep a record of any time you are stopped and searched. You can generally request the police record if it isn't provided to you.

Additionally, the police have broad powers to stop and search protestors under counter-terrorism legislation.

- Terrorism Act 2000 (TACT) allows stop and search:

- With reasonable suspicion (Section 43) when there are specific reasons to suspect involvement in terrorism.
- Without reasonable suspicion (Section 47A) if authorised by a senior officer, in response to a credible terrorist threat in a designated area.

⁷ <https://www.psni.police.uk/about-us/our-initiatives/stop-and-search>



- Justice and Security (Northern Ireland) Act 2007 (JSA):

- Under Section 21, police officers can stop and question any individual to ascertain their identity, where they are going, and the purpose of their journey. This power can be used broadly and does not require reasonable suspicion of a crime.
- While attending or traveling to a protest, individuals may be stopped and questioned under this section, especially if the protest takes place in a sensitive area or during times of heightened tension. However, this is a questioning power, not a search power.

In areas with heightened security concerns, protestors may be stopped and searched under these broad powers. However, these powers should be used proportionately and in a way that respects human rights. You should ask (and make a record of) what legal power police are using to stop you. If you are unsure if the stop and search is over, you can ask police *“am I being detained?”* If the answer is no, you are free to leave.

- **Body-Worn Cameras:** PSNI officers may use body-worn cameras during protests to record interactions with the public. These recordings can be used as evidence in legal proceedings or to review the conduct of both police officers and protesters.
- **Reporting Requirements:** Under certain circumstances, such as when imposing conditions on a protest, the PSNI may require organisers to provide information about the planned protest, including details about the route, expected number of participants, and key organisers.



When can my right to protest be limited?

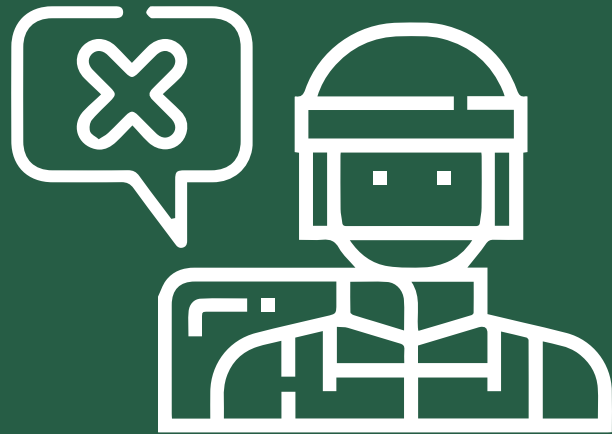
Right to protest in Northern Ireland can be limited under certain circumstances, primarily to ensure public safety, public order, and the rights and freedoms of others. Below are a few of the primary reasons for restrictions on protest:

- **Public Safety:** Authorities can limit a protest if there are concerns that it may pose a significant risk to the safety of participants, bystanders, or the general public. This includes risks of violence, injury, or other hazards.
- **Public Order:** If a protest is likely to cause significant disruption to public order, such as leading to riots or substantial disorder, authorities may impose restrictions or conditions. This could include altering the protest route, limiting the number of participants, or changing the timing of the protest.
- **Rights and Freedoms of Others:** The right to protest can be limited to protect the rights and freedoms of others. For example, protests that block access to essential services, such as hospitals or emergency services, may be restricted to ensure that these services can continue to operate effectively. This includes protests that block public roadways.



- **Preventing Crime:** Authorities can limit protests to prevent crime or to prevent potential damage to property. This includes taking measures to stop protests that are likely to result in criminal activities, such as vandalism or looting.
- **Compliance with Legal Requirements:** Under the Public Processions (Northern Ireland) Act 1998, organisers are required to notify the police at least 28 days in advance of a protest. Failure to provide this notification can result in the protest being restricted or prohibited. However, if it is not reasonably practicable to provide 28 days' notice, this is an exception to the requirement.
- **Conditions and Restrictions:** Under the Public Order (Northern Ireland) Order 1987, the police can impose conditions on protests to minimise disruption and ensure safety. Conditions can relate to the location, duration, route, and size of the protest.

While these limitations can be imposed, they must be justified, proportionate, and in accordance with the law. The European Convention on Human Rights (ECHR), particularly Article 11 (freedom of assembly and association), protects the right to peaceful assembly, and any limitations on this right must meet the criteria set out in the ECHR



What can I do if I think the PSNI have unfairly limited my right to protest?

You have a few options if you think the PSNI have unfairly limited your right to protest, you can:

- **Request an Explanation:** Contact the PSNI to request a detailed explanation of the reasons for the limitations imposed on your protest. Understanding the specific concerns and legal basis for their actions can help you determine the best course of action.
- **Contact the Police Ombudsman for Northern Ireland:** If you are not satisfied with the response from the PSNI or prefer an independent investigation, you can file a complaint with the Police Ombudsman for Northern Ireland (PONI). The PONI is an independent body that investigates complaints against the police.
- **Seek Legal Advice:** Consult with a solicitor or legal professional who specialises in human rights or civil liberties law. They can provide advice on the legality of the restrictions imposed and guide you on potential legal actions you can take.

It's important to gather as much evidence as possible to support your case, including documentation of the restrictions imposed, correspondence with the PSNI, and any other relevant information.



SECTION 2

MY RIGHTS DURING A PROTEST



Does my protest have to be peaceful?

Yes. Protesters are not protected under the NI Act 1998 or the Human Rights Act 1998 if they threaten or use violence. But the question of what peaceful protest is may be open to interpretation.

The European Court of Human Rights (ECHR) has held that if protestors remain peaceful while surrounded by others who are protesting unlawfully or violently, they may continue a protest with the protection of the ECHR. Violence or disorder that coincides with the protest but is not part of the protest will not remove the protection of the law from the protest. This means that even if some people engage in violence, the peaceful protesters still have a right to continue their protest.

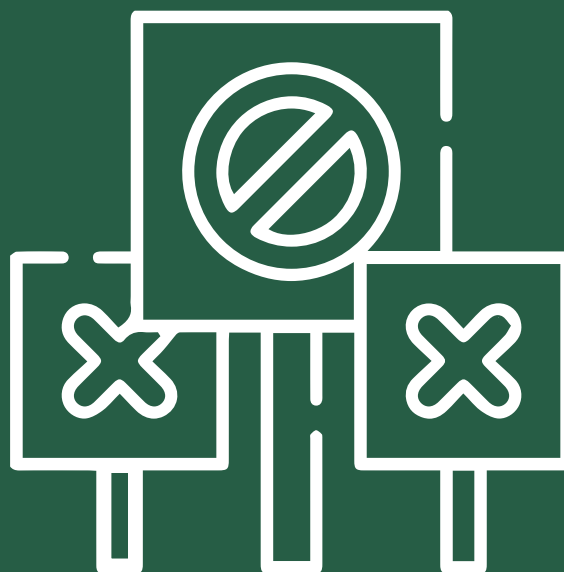
If the PSNI consider that the protest is a danger to others or that public order offences have occurred, they may get involved to restrict the protest but should do so only so much as necessary to address the breach of the peace or other public order offence.



Are there rules about slogans or signs?

Yes, there are rules and regulations about slogans or signs used during protests in NI. These rules are primarily aimed at ensuring public safety, preventing hate speech, and maintaining public order.

- Hate Speech and Offensive Content:** Slogans or signs that incite hatred, violence, or discrimination against individuals or groups based on race, religion, ethnicity, sexual orientation, or other protected characteristics may constitute an offense or may not be protected under freedom of expression. Specific offences may be found under laws like the Public Order (Northern Ireland) Order 1987.
- Defamation and Libel:** Signs or slogans that make false statements about individuals or organisations, which could damage their reputation, may be subject to defamation or libel laws. Organisers and participants should avoid making unsubstantiated or false claims. (See section on Defamation for more information).





- **Obscenity and Indecency:** Slogans or signs containing obscene, indecent, or offensive language or imagery may be restricted. Public decency laws⁸ apply to materials displayed in public spaces, and the police may intervene if content is considered inappropriate for public display.
- **Incitement to Violence or Disorder:** Any slogans or signs that may incite violence, public disorder, or illegal activities may constitute an offence.⁹ For instance, signs that directly call for property damage, physical attacks, or other unlawful actions could lead to charges for incitement under public order or criminal damage laws. However, peaceful expressions, even if disruptive, may still be protected under freedom of expression unless they cross into advocating illegal or violent behaviour.
- **Compliance with Event Conditions:** If conditions have been imposed on the protest by the authorities, such as restrictions on certain types of content or themes, these must be adhered to. Violating these conditions can lead to legal action or the dispersal of the protest.



What rights apply to audio and visual recording?

In NI, as in the rest of the UK, the rights regarding audio and visual recording, especially during protests, involve a balance between the right to privacy and the right to freedom of expression.

The Right to Record

- The right to freedom of expression under Article 10 of the European Convention on Human Rights (ECHR) generally includes protests. In public spaces, there is generally no expectation of privacy. This means that recording video and audio is usually permissible as long as it does not violate other laws.

Limitations and Conditions

- **Privacy Concerns:** While recording in public spaces is generally allowed, it is important to be mindful of privacy. Recording individuals in a way that could be deemed invasive, or harassing may violate privacy rights.
- **Data Protection Laws:** Under the UK Data Protection Act 2018 and the General Data Protection Regulation (GDPR), there are specific obligations if recordings capture personal data (e.g., identifiable faces or voices). This is more relevant for organisations or media outlets rather than individual protestors but is worth considering for broad public dissemination of recordings.
- **Obstruction and Disruption:** Recording should not obstruct or disrupt the activities of others, including law enforcement officials performing their duties. Interfering with police operations or blocking pathways can lead to legal consequences.

8 Public Order (Northern Ireland) Order 1987, Protection from Harassment (Northern Ireland) Order 1997

9 See above.

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Recording the Police

Recording police officers in the execution of their duties is generally allowed and is considered a vital tool for public accountability. However, this should be done in a manner that does not obstruct their work.

- **Police Powers:** The police do not have the right to confiscate recording devices or delete recordings without a court order. However, you should be aware that they can ask individuals to stop recording if they believe it is interfering with their duties or if it poses a safety risk.
- **Terrorism:** If the police reasonably suspects that the person recording is eliciting or attempting to elicit information about an officer which is likely to be useful to a person committing or preparing an act of terrorism, or publishes or communicates this information, Section 58A of the Terrorism Act 2000 applies, and that person will be committing an offence. It is a defence for this person to prove that they had a reasonable excuse for their actions.



Practical Tips for Recording During a Protest

- **Clearly Visible:** Make it clear that you are recording. This transparency can help avoid misunderstandings or confrontations.
- **Non-Interfering:** Ensure your recording does not interfere with the protest or with law enforcement duties.
- **Respect Privacy:** Avoid recording individuals in distress or capturing private conversations without consent.

What are my data protection rights if the PSNI have been recording me?

If the PSNI have recorded you at a protest, either through body-worn cameras, CCTV, or other surveillance methods, you have specific data protection rights under the UK Data Protection Act 2018 and the General Data Protection Regulation (GDPR), these rights are:

Right to be informed

You have the right to be informed about the collection and use of your personal data. This includes information about:

- The purpose of the recording.
- How long the data will be stored.
- Who will have access to the data.
- Your rights regarding the data.

Right of Access

You have the right to access your personal data held by the PSNI. This is known as a Subject Access Request (SAR). You can request:

- A copy of the recordings in which you appear.
- Information on how your data is being processed.
- The purpose of the data processing.



To make a Subject Access Request:

- Write to the PSNI's Data Protection Officer.
- Include specific details about the recordings you are requesting to help identify them.

Right of Rectification

If the data held about you is inaccurate or incomplete, you have the right to request that it be corrected. This applies to any personal data, including video or audio recordings.

Right of Erasure, better known as a Right to be Forgotten

You have the right to request the deletion of your personal data in certain circumstances, such as:

- The data is no longer necessary for the purpose for which it was collected.¹⁰
- You withdraw consent (if consent was the basis for processing).
- The data has been unlawfully processed.

However, this right is not absolute and may not apply if the data is being processed for law enforcement purposes, where its retention is necessary for public safety, or for the exercise or defence of legal claims.

Right to Restrict Processing

You can request the restriction of processing your data in certain circumstances, such as:

- You contest the accuracy of the data.
- The processing is unlawful, but you oppose erasure.
- The data is no longer needed, but you require it for legal claims.
- You have objected to the processing, and verification of legitimate grounds is pending.

Right to Complain

If you believe your data protection rights have been violated, you can:

- File a complaint with the PSNI's Data Protection Officer.
- Complain to the Information Commissioner's Office (ICO), which is the independent authority in the UK for upholding information rights.

Practical Steps

Submit a Subject Access Request (SAR):

If you want to see what data the PSNI holds about you, you can submit a SAR.

Detail Your Request: Provide as much detail as possible to help identify the specific recordings.

Contact ICO: If unsatisfied with the PSNI's response or believe your rights are being infringed, you can escalate the issue to the ICO.

Can the PSNI block my path?

Yes, but only under certain circumstances. While the PSNI has the authority to block your path,¹¹ their actions must adhere to certain conditions and limitations:

Proportionality: The action must be proportionate to the situation. Blocking paths should be necessary and reasonable to achieve the intended goal of maintaining order and safety.

Necessity: The police should only block paths when it is necessary to prevent imminent danger or to achieve a legitimate aim, such as preventing a crime or ensuring public safety.

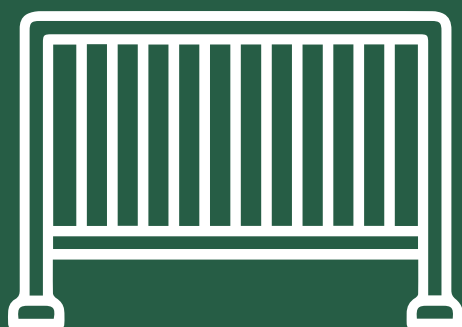
¹⁰ *Catt v. the United Kingdom (2019)*: The court ruled that retaining data on a peaceful protester for an extended period was a violation of Article 8, as the data collection was not necessary or proportionate once the immediate need had passed.

¹¹ The PSNI's authority to block your path is grounded in several pieces of legislation, including Public Order (Northern Ireland) Order 1987, Police and Criminal Evidence (Northern Ireland) Order 1989, and Common Law.



Non-Discrimination: The actions of the police should be non-discriminatory and should not target individuals or groups based on race, religion, ethnicity, or other protected characteristics.

Communication: The police should communicate clearly with the public, explaining the reasons for blocking paths and providing instructions on alternative routes or actions to take.



Can the PSNI put up barriers to restrict free movement?

Only under certain circumstances, and this depends on the reason for the barrier.

Reason for Barriers

- **Public Safety:** To protect individuals and the public from potential harm, especially during events like protests, marches, or large gatherings.
- **Crowd Control:** To manage and direct crowds, ensuring that the event remains peaceful and orderly.
- **Crime Prevention:** To prevent criminal activities, such as vandalism or looting, during public events.
- **Protection of Property:** To protect private and public property from damage during demonstrations or other public events.
- **Facilitate Emergency Services:** To ensure that emergency services have clear and unhindered access to and from the event area.

Can the PSNI require me to remove a face covering at a protest?

Face coverings are generally allowed at protests, and there are many legitimate reasons for covering your face, for example protection from tear gas or other irritants, anonymity to avoid identification or harassment after the protest, religious, cultural or health reasons (such as COVID-19 precautions).

The police may request you to remove your face covering in certain circumstances if they have reasonable suspicion that it is being used to conceal identity for unlawful purposes, such as engaging in or inciting violence or committing a crime¹². If you refuse to comply with a lawful police request to remove a face covering, you could be arrested or face charges of obstructing a police officer. If you are covering your face for lawful reasons, such as for religious, cultural, or health purposes, you can explain this to the police.

Can the PSNI remove me if I attach myself to a building/structure?

If you lock onto public property, the police may remove you using powers related to obstruction of the highway or public order laws. They may use force or specialist equipment to safely detach you if necessary. On private property, police can intervene if your actions constitute trespass or aggravated trespass, especially if you're disrupting lawful activities. The property owner typically needs to request police assistance unless there's a threat to public safety. In both cases, you could face arrest and charges such as criminal damage, aggravated trespass, or obstruction.

12 Police powers to enforce this are governed by the Public Order (Northern Ireland) Order 1987.



Can the PSNI arrest me without a warrant during a protest?

Yes. The majority of arrests carried out by police officers do not require a warrant. In most circumstances, their power of arrest without warrant comes from article 26 of the Police and Criminal Evidence (Northern Ireland) Order 1989.

What if I am offered a Caution?

As an alternative to prosecution, police may offer you a caution if they feel they have enough evidence to convict you, and you admit to the crime. This is not a conviction but still has serious repercussions. By accepting a caution you are agreeing that you are guilty. If you are an adult, a caution will be recorded on your criminal record for six years and will be disclosed in a criminal record check. If you are under the age of 18 you will be offered a restorative caution, which is recorded on your criminal record for two years, and disclosed in a criminal record check. You may be offered what is called a 'conditional caution' which has specific conditions attached to it.

If you are offered a caution by the police, you should get legal advice from a solicitor who will be able to advise you whether to accept it or not.

What is an arrest?

An arrest is the act of taking a person who has committed a criminal offence, or who is suspected of having done so, into lawful custody. If you have been arrested you should understand that you have been deprived of your liberty. If you are unclear whether you are being arrested, you should ask the police "*am I under arrest?*"

How do I know if I am under arrest?

You must be told that you are under arrest as soon as is practicable after being arrested. You are entitled to know the reason you are under arrest and must be told this at the time of, or as soon as practicable after, your arrest.

What happens if I am arrested?

If you are arrested you should understand that you are no longer free to leave or move about as you wish. A police officer may physically hold or restrain you, including putting you in handcuffs, depending on **their** assessment of the risk of you escaping or resisting them.

You should expect to be placed in a police vehicle and taken to a police station custody suite, where you will come under the control of a custody officer (normally a police sergeant). It is the custody officer who decides whether to authorise your continued detention at the police station so that you can either be interviewed about the offence you are alleged to have committed, or to allow the police to secure and preserve evidence (e.g. by conducting searches, speaking to witnesses or gathering other evidence, such as CCTV footage), or to allow you to be charged with an offence.



In certain circumstances, for certain offences, the police officer who arrests you may, instead of taking you to a police station, decide to use one of the 'alternative disposal' options available to them by, for example, issuing you with a Fixed Penalty Notice (FPN) or by releasing you on 'street bail' to appear at a police station at a later time and date. Once this is completed, you will be free to go.

A FPN is not the same as a caution. An FPN is a financial penalty for minor offences, while a caution involves admitting guilt for a more serious offence and stays on your record. You do have a choice whether to accept an FPN. If you accept it, you pay the fine and avoid court; if you refuse, you can challenge it, but you may end up in court facing higher penalties. Accepting an FPN generally means you won't have a criminal record, but once you accept and pay, you usually cannot challenge it afterward. In this way, a FPN is similar to a speeding fine ticket.

Why would the PSNI arrest me?

In order for a police officer to arrest you they must know or have **reasonable grounds for suspecting** that you;

- have committed a criminal offence, or
- are in the act of committing a criminal offence, or
- are about to commit a criminal offence.

In addition to the above, a police officer must also have **reasonable grounds for believing** that the arrest is **necessary** for one of the following reasons (known as the necessity criteria):

- To ascertain your name and address where this is not readily known, or where the arresting officer has reasonable grounds for suspecting the name or address you have given is false.
- To prevent you from causing physical harm to yourself or any other person.
- To prevent you from causing loss or damage to property or from committing an offence against public decency (where visible by members of the public).
- To prevent you from causing an unlawful obstruction on a road (as a person in charge of a motor vehicle or trailer) under the Road Traffic (NI) Order 1995.¹³
- To protect a child or other vulnerable person from you.
- To allow the prompt and effective investigation of the offence or your conduct.
- To prevent you hindering your prosecution for the offence by disappearing.

Can I be arrested in my home?

Yes, a police officer can exercise their power of arrest anywhere. However, if you are in your own home, a police officer who is not already lawfully on the premises (for example because you invited them in) will need to have a power of entry to come into your home to arrest you. Generally, the police have a power to enter any premises to arrest someone for any serious offence¹⁴ and for some other specific offences, including common assault, riotous behaviour, or to find a person who has escaped from lawful custody.

¹³ This does not refer to the different offence of 'obstructive sitting, etc., in a public place' under article 20 of the Public Order (Northern Ireland) Order 1987, which is a separate criminal offence for which any of the other necessity criteria may still apply when being arrested.

¹⁴ Any indictable offence



Can I be arrested if I have not committed an offence?

Generally speaking, no.

However, a police officer has the common law power to arrest someone who hasn't committed any offence if they believe it is necessary to do so to prevent a breach of the peace. For this type of arrest, you must be released as soon as the threat of a breach of the peace no longer exists.

A breach of the peace occurs when someone's conduct either has caused, or is likely to cause, harm to a person or their property, or is likely to provoke violence. It can also include behaviour that creates fear of imminent violence, even if no violence has yet occurred.

Importantly, a breach of the peace doesn't necessarily require public disorder, such as large-scale protests turning violent, it can apply to a range of situations where individual or group behaviour threatens peace, safety, or public order.

Examples of a breach of the peace

Example 1: Street Altercation: Two people start loudly arguing in the street, and one begins to shove the other aggressively. Even if this hasn't escalated to a full fight, the conduct is threatening enough to potentially provoke violence, justifying police intervention.

Example 2: Vandalism as a Trigger: A person is deliberately vandalising property (e.g., smashing car windows) in a public place, which causes a crowd to gather, and tensions rise. The destructive act, and the likelihood that the situation could escalate to violence, constitutes a breach of the peace.

Examples where there is no breach of the peace

Example 1: Disagreement Without Threats: Two people are arguing loudly in public over a personal issue, but neither person threatens the other, and the argument doesn't appear likely to

lead to violence. Though their behaviour might be disruptive, it isn't sufficient for a breach of the peace unless it escalates into a physical altercation or real fear of violence.

Example 2: Passive Non-Compliance: During a peaceful protest, you sit down in the street to block traffic in a non-violent way. Although this might be disruptive, unless there's an actual threat of violence or disorder, this doesn't amount to a breach of the peace.

What should I do if I am arrested?

You should not obstruct or resist your arrest, even if you disagree with it. If you do so, you may face additional charges of assaulting, resisting, obstructing or impeding a constable in the due execution of their duty, even if the original offence for which you were arrested is not pursued. You should listen very carefully to the reason for your arrest and to any other information you are being given, for example, whether you are to be searched after arrest or if anything is being seized from you and why.

If the reasons given for your arrest can be addressed there and then, for example by proving your identity, then the arresting officer may decide to 'de-arrest' you and use an alternative way of dealing with you, for example by fixed penalty notice.

Otherwise, you should expect to be taken into custody, and you can explain any concerns you have about your arrest to the custody officer once you get to see them in the police station.

Do I have a right to remain silent?

Yes, everyone has the right to remain silent and you do not have to answer questions from a police officer about the offence for which you have been arrested. However,



inferences may be drawn from your failure to answer questions put to you. These rights and consequences should be explained to you as soon as is practicable after your arrest by way of giving the following 'caution',

"You do not have to say anything, but I must caution you that if you do not mention when questioned something which you later rely on in Court, it may harm your defence. If you do say anything it may be given in evidence."

The caution can be broken down into three basic parts, which should be explained to you in plain language by the police:

- You don't have to say anything and you will not be breaking any law by not saying anything – your right to silence.
- However, if you are asked a question after being cautioned and you choose not to answer it, and then you later try to give an explanation to the Court that you could have given to the police, the Court may draw an adverse inference from this – in other words, the Court may refuse to believe the later explanation.
- Anything you do say after being cautioned can be repeated in evidence to the Court

Can the PSNI arrest me if I am under 18?

Yes. The age of criminal responsibility in NI is 10 years old and anyone this age or over may be arrested. If you are under 18 years old at the time of your arrest you will be treated as a juvenile while in custody. This means that some special arrangements will be in place for you, including having an 'appropriate adult' present during any questioning and being kept in a juvenile detention room rather than a normal police cell (where possible).

If you are a child under the age of 14 years old when you are arrested then you should either be immediately brought before the Magistrates' Court or be released pending

your attendance before the Magistrates' Court if your parent or guardian enters into a recognizance (a bond between them and the court to pay money if they break their promise) to bring you to court for the charge to be heard.

The special provisions for a child under 14 years old will not apply if you were arrested for some more serious types of offences, or the custody officer considers that you should not be released for the protection of the public. In such a case, you may be transferred from the police custody suite to Woodlands Juvenile Justice Centre (JJC), Rathgael Road, Bangor after you have been charged and until you appear before the court, unless it is impracticable to do so or it is inadvisable (by reason of your character or state of health) to do so.

What if I don't think I should be arrested?

It is the belief of reasonable grounds by the arresting police officer that you have committed an offence and that arrest is necessary that determine whether your arrest is lawful, not your belief (however strongly felt). As discussed previously in the guide, you should not actively resist arrest – now is not the time to argue with the arresting officer and you are very unlikely to persuade them not to arrest you once they have already done so.

If you think a genuine mistake has been made then you should try to explain this as calmly as possible to the arresting officer and to the custody officer when you arrive at the police station. You will be entitled to speak to a solicitor (free of charge) once your detention has been authorised by the custody officer and they will be able to advise you on the lawfulness of your arrest.

If you believe that you were wrongly arrested, or that there has been any other wrongdoing or misconduct by a police officer, you will be advised about how to make a complaint to the Police Ombudsman for Northern Ireland when



you are being released.

Can the PSNI use force in arresting me?

Yes, a police officer is lawfully entitled to use reasonable force, if necessary, in the exercise of their power of arrest. What is reasonable will depend on the circumstances and whether the level of force used is proportionate to those circumstances.

The police should follow a graduated response in their use of force, and any use of force should be the minimum appropriate in the circumstances. At the most basic level, use of verbal commands and physically guiding you by putting their hands on you are at the lower end of the spectrum of force. If you are resisting and/or acting in a way that threatens the safety of the police officer(s) arresting you, then the level of reasonable force they will regard as necessary is likely to increase. This may include the use of handcuffs or physical restraint by police officers. As the level of resistance/risk to officers increases then the use of force by the police may be likely to increase further to include the use of baton strikes, PAVA (Pepper Spray) and in more extreme circumstances, the use of AEP (baton rounds) or TASER by specially trained officers.

If you feel that the use of force was not lawful, proportionate or reasonable under the circumstances, please see the section 'My Rights after a Protest'.

Can I be re-arrested for the same offence after they have let me go?

If you have been arrested and detained at the police station then you may subsequently

- be released on police bail to attend court following charge,
- released on police bail to return to the police station where further time is required to complete the investigation,
- released pending a report to the Public Prosecution Service (for them to decide if you should be prosecuted), or
- released unconditionally (meaning no further action is being taken at this stage – although the investigation may continue).

If you are released after charge, either on police bail to attend court or on subsequent court bail, then you cannot be arrested again for the same offence. If the police wish to speak to you about the same offence again, they will have to apply to the court to have you remanded back into police custody.

If you are released on police bail before charge to return to the police station at a later date (including street bail), released for report to the PPS or released unconditionally, then the police can re-arrest you for the same offence only where there is new evidence available justifying your arrest that was not available during your original period of detention.

If you are arrested and released (or de-arrested) before being brought to the police station (e.g., where you were given street bail or a fixed penalty notice) and you go on to commit further occurrences of the same offence, (for example, if you continue to use disorderly behaviour), then you may be arrested for the further instances of the offence. This is not a re-arrest for the same offence; it is treated as a new arrest.



SECTION 3



**MY RIGHTS
AFTER THE
PROTEST**

I believe a PSNI officer has acted unlawfully. What can I do?

There are a number of different ways that a PSNI officer can act unlawfully. Examples include wrongful arrest, misuse of police powers or discrimination. You should seek legal advice as to which avenue is the most suitable.

You should do these things as soon as possible:

- Write down everything you remember.
- Get contact details from witnesses, such as names and phone numbers.
- Take photos of any injuries you have.
- Talk to a solicitor.

If you wish to make a complaint against the PSNI, this is done through the Police Ombudsman for Northern Ireland. You can do this without consulting a solicitor. This can be done in the following ways:

Online at

<https://www.policeombudsman.org>

Telephone: 0300 123 2989

Email: complaints@policeombudsman.org

By post or in person at:

*Police Ombudsman of Northern Ireland
New Cathedral Buildings
Writers' Square
11 Church Street
Belfast
BT1 1PG*

After an arrest: Where will I be brought after I have been arrested?

Under the PACE (NI) Order 1989, you must be brought to a police station as soon as practicable after the arrest. You should be brought before the custody officer. The custody officer must explain your rights to you. This includes:

- The right to free legal advice
- The right to have someone informed of your arrest
- The right to consult the Codes of Practice
- If applicable, the right to interpretation and translation and right to communicate with your High Commission, Embassy or Consulate.
- The right to be informed about the offence, any further offences whilst in custody and why you have been arrested and detained.

You should also be given a written notice which sets out your rights and what you are entitled to. These rights are continuing and therefore can be exercised at any time during your time in custody.

If you are under the age of 18 or are otherwise considered vulnerable, the police must try to contact your parent, guardian or carer. You must have an 'appropriate adult' present during questioning and searching.

What should I do when I am brought to a prison or police station?

In these circumstances, it is highly recommended to seek legal advice. Under the PACE (NI) Order 1989, you are entitled to speak with a solicitor privately at any time. There are exceptions to this where delay is granted, but this is rare. A number of solicitor firms have a form of 24-hour emergency calls for those who have been



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arrested outside of normal working hours. This information should be provided to you.

If you are being held in police custody, you must be brought to the first available court for the court to decide if you should remain in custody.

What happens if I am not a British or Irish citizen and I am arrested?

You are entitled to the right to communicate with your High Commission, Embassy or Consulate who will be able to provide you with further assistance. You also have the right, upon request, for your relevant High Commission, Embassy or Consulate to be told of your whereabouts and grounds for detention. Depending on your home country, notification may be sent as soon as practicable whether or not you request this. If you agree, a consular officer may visit you to speak with you and if needed, arrange legal advice. These visits are to take place out of the hearing of a police officer.

You are also entitled to the right to interpretation and translation if required.



What can I do if a friend or family member is arrested?

If a friend or family member is arrested, you will not be able to contact them while they are in custody. Generally, the police are only able to hold a suspect for 24 hours following arrest until they either charge or release them. A suspect may be released without charge, released on bail or detained with a criminal charge. If they are detained, they will have to wait for their court hearing to determine if and when they will be released. Further bail applications can be made if there is a change in circumstances.

If your family member is under 18 or otherwise vulnerable, they should not be questioned or searched without an appropriate adult present unless delay would result in immediate risk of harm or serious loss to property. In these circumstances, you must be told as soon as possible if your family member is arrested.

What information must the police give me when I am arrested?

You must be told that you are under arrest and why you have been arrested as soon as is practical after being arrested. You must be told about your rights and how to exercise them.¹⁵

15 The PACE (NI) Order 1989 Article 30.



What happens if I am charged with an offence?

If you are charged with an offence, this means you are being formally accused of a crime. The police will forward a file to the Public Prosecution Service Northern Ireland (PPS). Further evidence may need to be collected and the PPS will decide if they will proceed to prosecution.

If the PPS feels there is enough evidence and that the prosecution is in the public interest, they will direct prosecution. This will then be prepared for Court proceedings. There are alternatives to Court that the PPS may consider.

If the decision to prosecute is taken, there are a number of ways the court process begins. If you are held in police custody, you must be brought to the first available court and bail is to be considered. As mentioned above, if bail is refused further applications can be considered if there is a change in circumstances. You can also be released on police bail, and you will have to appear in Court on a date you are given. This date must be within 28 days of being charged. The PPS may also issue a summons and you must go to Court on the date noted in the summons.

What are the penalties for a public order offence?

NI uses Sentencing Guidelines for Public Order offences which are available online. They cover the following:

- Breach of the Peace
- Criminal damage
- Disorderly behaviour
- Obstructing police
- Possession of an Offensive Weapon
- Resisting Police
- Riotous Behaviour
- Threats to Damage Property

In determining your sentence, the judge will take both aggravating and mitigating factors into consideration. Aggravating factors are circumstances which will increase the penalty and mitigating factors are ones that will lessen the penalty. The judge will take into consideration any previous criminal offences. If you plead guilty or are found guilty, you are given opportunity to explain to the judge why you should receive a lighter sentence.

These are guidelines only and are not a guarantee. Sentences range from fines to time in prison.

You have the opportunity to appeal your sentence. You should seek legal advice if you are going to appeal.



KNOW YOUR RIGHTS

Offence	Penalty	Relevant Act and section
Intoxicated (drunk) in a public place	<i>Fine of up to £500</i>	<i>The Criminal Justice (Northern Ireland) Order 2008</i> S68
Disorderly conduct	<ul style="list-style-type: none"> ■ <i>Fine of up to £5000 or</i> ■ <i>Up to 6 months in prison</i> ■ <i>or Both</i> 	<i>Public Order (Northern Ireland) Order 1987</i> S18
Threatening, abusive or insulting behaviour in a public place	<p>Minor Offence</p> <ul style="list-style-type: none"> ■ <i>A fine of up to £5000 or</i> ■ <i>Prison for up to 6 months</i> ■ <i>or Both</i> <p>Serious Offence</p> <ul style="list-style-type: none"> ■ <i>A fine (unspecified amount) or</i> ■ <i>Prison for up to 7 years</i> ■ <i>or Both</i> 	<i>Public Order (Northern Ireland) Order 1987</i> S16
Distribution or display in a public place of material which is threatening, abusive, insulting or obscene	<p>Minor Offence</p> <ul style="list-style-type: none"> ■ <i>A fine of up to £5000 or</i> ■ <i>Prison for up to 6 months or</i> ■ <i>Both</i> <p>Serious Offence</p> <ul style="list-style-type: none"> ■ <i>A fine (unspecified amount) or</i> ■ <i>Prison for up to 7 years</i> ■ <i>or Both</i> 	<i>Public Order (Northern Ireland) Order 1987</i> S16
Assaulting, resisting, obstructing or impeding a police officer	<p>Minor Offence</p> <ul style="list-style-type: none"> ■ <i>A fine of up to £5000 or</i> ■ <i>Prison for up to 6 months or</i> ■ <i>Both</i> <p>Serious Offence</p> <ul style="list-style-type: none"> ■ <i>A fine (unspecified amount) or</i> ■ <i>Prison for up to 2 years</i> ■ <i>or Both</i> 	<i>Police (Northern Ireland) Act 1998</i> 66 (1)
Blocking traffic or lawful activity	<ul style="list-style-type: none"> ■ <i>Fine of up to £1000 or</i> ■ <i>Prison for up to 1 month</i> ■ <i>or Both</i> 	<i>Public Order (Northern Ireland) Order 1987</i> 20 (2)

Note: this guide is for your information only. It is not intended to be a substitute for legal advice.



Offence	Penalty	Relevant Act and section
<p>Carrying an offensive weapon in a public place</p>	<p>Minor Offence</p> <ul style="list-style-type: none"> ■ A fine of up to £5000 or ■ Prison for up to 12 months ■ or Both <p>Serious Offence</p> <ul style="list-style-type: none"> ■ A fine (unspecified amount) or ■ Prison for up to 4 years ■ or Both 	<p>Public Order (Northern Ireland) Order 1987</p> <p>22</p>
<p>Trespassing in a public building</p>	<p>Minor Offence</p> <ul style="list-style-type: none"> ■ A fine of up to £5000 or ■ Prison for up to 6 months ■ or Both <p>Serious Offence</p> <ul style="list-style-type: none"> ■ A fine (unspecified amount) or ■ Prison for up to 2 years ■ or Both 	<p>Public Order (Northern Ireland) Order 1987</p> <p>S23(2)</p>
<p>Riotous behaviour</p>	<ul style="list-style-type: none"> ■ A fine of up to £5000 or ■ Prison for up to 12 months ■ or Both 	<p>Public Order (Northern Ireland) Order 1987</p> <p>S18</p>
<p>Affray (fighting)</p> <p>Affray is a common law offence which is punishable by a maximum of life imprisonment. It is an offence against public order and consists of participating in a fight with one or more persons in a public place when the conduct was such as would cause a person of reasonable firmness present at the scene to fear for his personal safety.</p>	<p>Maximum is life in prison</p>	<p>Common law (based on court decisions rather than codes or statutes)</p> <p>The Criminal Justice (Northern Ireland) Order 2008</p> <p>SCHEDULE 1 SERIOUS OFFENCES</p>



Offence	Penalty	Relevant Act and section
<p>Blackmail, extortion (getting something like money through force or threats) and demanding money with menaces (threats).</p>	<p><i>A maximum penalty of 14 years' imprisonment.</i></p>	<p><i>The Theft Act (Northern Ireland) 1969</i> <i>S20.</i></p>
<p>Common Assault (Threatening or minor physical contact such as a slap or shove that doesn't cause serious injury)</p>	<ul style="list-style-type: none"> ■ <i>Fine of up to £1000 or</i> ■ <i>Prison for up to 6 months or</i> ■ <i>Both</i> 	<p><i>Offences Against the Person Act 1861</i> <i>S42.</i></p>
<p>Actual Bodily Harm (Physical attack causing more than minor injury, like cuts, bruises, or a broken nose) or</p> <p>Grievous Bodily Harm (A severe attack causing very serious injuries, like deep wounds, broken bones, or life-changing injuries.)</p>	<p>Minor Offence</p> <ul style="list-style-type: none"> ■ <i>A fine of up to £5000 or</i> ■ <i>Prison for up to 12 months or</i> ■ <i>Both</i> <p>Serious Offence</p> <ul style="list-style-type: none"> ■ <i>Unlimited fine or</i> ■ <i>Prison for up to 7 years or</i> ■ <i>Both</i> 	<p><i>Offences Against the Person Act 1861</i> <i>S20, S47</i></p>
<p>Assaulting, resisting, obstructing or impeding a fire and rescue officer</p> <p>Assault of an ambulance worker</p>	<p>Minor Offence</p> <ul style="list-style-type: none"> ■ <i>Fine of up to £5000 or</i> ■ <i>Prison for up to 6 months or</i> ■ <i>Both</i> <p>Serious Offence</p> <ul style="list-style-type: none"> ■ <i>A fine (unspecified) or</i> ■ <i>Prison for up to 2 years or</i> ■ <i>Both</i> 	<p><i>The Fire and Rescue Services (Northern Ireland) Order 2006 S57</i></p> <p><i>Justice Act (Northern Ireland) 2016 S54</i></p>

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DEFAMATION

What does 'defamation' mean?

A statement is defamatory when it harms or tends to cause harm to a person's reputation. There is no helpful definition in statute¹⁶ or common law¹⁷ as to what exactly 'defamatory' means, but in NI, the Courts have frequently stated that a defamatory statement is one which tends to lower a person's standing and reputation in the estimation of right-thinking members of society generally.

Can defamatory statements be made in any format?

Defamatory statements can be made in different formats. For example, a defamatory statement can be made orally (known as slander), or in written form (known as libel). Libel and slander are two types of defamation.

Does it matter if a statement was not recorded?

No. Generally, recorded words will be known as libel which is a form of defamation. However, defamatory statements can still

be made orally, known as slander, which are not recorded and non-permanent, yet still could be defamatory. For a slander to take place, it must be heard by another.

Does it make a difference if the statement was only published for a limited time, for example on a social media story?

A statement published only for a limited amount of time, or only to a smaller audience may still be defamatory. The length of time the statement is available to see, or the larger readership or viewership simply has greater potential for damage.¹⁸

Can signs carried at a protest be defamatory or does there need to be some additional publication, for example photographs in press reporting or posted online?

Slander can also include non-verbal forms of communication, such as gestures, signs or photographs. So long as any sign can be seen, for example at a protest, this can be defamatory.

Can a claim for defamation be made by a company or entity, or only by a person?

Generally, any living person can sue for defamation. A company can also sue for defamation as they have a business reputation to protect. However, the law makes it harder for a company to sue for defamation than a person. For a company to be successful, they must prove that it has caused or is likely to cause the company serious financial loss.

¹⁶ Law established by an act of the legislature that is signed by the executive – i.e. it is defined in legislation.

¹⁷ This is judge-made law, derived from case decisions.

¹⁸ Damages being the monetary compensation awarded by law to a person for the legal wrong done to him.



If my statement is made against a public authority, can the Government sue me for defamation?

A public authority¹⁹ may not sue for defamation, because governments should be open to public criticism and accountable for their actions. However, individuals connected to public bodies may sue in their personal entity if the defamation extends directly to them.

If a statement is made on behalf of a group or organisation, who is responsible? Are the members of the groups jointly responsible or can any one individual be pursued?

If a statement is made on behalf of an unincorporated association,²⁰ it will be each member who authorised or participated in the defamatory statement who is personally liable. Therefore, a single individual or multiple individuals can be pursued. Where the statement is made on behalf of a company or charity, the organisation may also be liable to be sued by the party alleging defamation.



If a statement is made on a podcast, is the person who made the statement responsible, or can someone also sue the producer and/or broadcaster?

In theory, both the maker of the statement could be sued for defamation and anyone who participates in or authorises the publication of the podcast. For example the host or the producer. However, this is somewhat of a legal 'grey' area. In a recent Court of Appeal case,²¹ it was found that a host may only be liable if they were aware of the defamatory material, or ought to have been aware. At that stage, they only become responsible if they refrain from removing it

If an organisation hosts an event and one of the guest speakers makes a defamatory statement, can the event organiser be sued?

Generally speaking, the event organiser could not be sued unless they were aware, or ought to have been aware of the defamatory statements that the speaker would make and authorised or participated in same. However, care must be taken because if the impression is given that the hosts support or endorse the views expressed, they may also be sued by the affected party.

19 meaning a formally established organisation that is publicly funded to deliver a public or government service

20 An organisation set up through an agreement between a group of people who come together for a reason other than to make a profit. This includes an informal campaign group not registered as a company.

21 Tamiz v Google Inc [2013] EWCA Civ 68.



Can protest organisers be held responsible for defamatory speeches by protestors?

Where a protest is open to the public, the organisers would not generally be held responsible for any defamatory statements made by attendees, whether made verbally or through placards and signs.

Is there a time limit for bringing a defamation case?

In NI, the period of time that someone has to bring a claim of defamation is 12 months from the date of first publication.

Is legal aid available for defending defamatory claims?

No, legal aid is not available for defamation claims in NI.



What practical steps can activists and campaigners take to protect themselves from claims of defamation?

The following steps can assist activists to protecting themselves against claims of defamation:

- Being truthful;
- Being clear and unambiguous;
- Thorough research and fact checking to ensure accuracy. This includes gathering evidence from sources including newspapers, online, books etc.
- Critically and objectively compare your statement to the facts.
- Seek corroboration from other sources.
- Hang on to your evidence to provide it if possible down the line.
- Seek legal advice if necessary prior to making the statement!



CONTACTS

Complaints

Police Ombudsman for Northern Ireland

The Police Ombudsman's for Northern Ireland (OPONI) provides a free, independent and impartial service for dealing with complaints about the conduct of police officers in Northern Ireland.

You can make a complaint to the Police Ombudsman for Northern Ireland (OPONI) if

- you were personally involved in the incident
- it has affected you directly, or
- on behalf of someone else if you have their permission.

You must complain within 1 year of the incident taking place but generally, the sooner you make your complaint the better as some evidence may be lost as time passes. If you are under 18, your parent/guardian can also make a complaint on your behalf.

OPONI will look at the details of your complaint and decide how best to deal with it. They may begin a formal investigation of your complaint. Possible outcomes are that OPONI may: recommend that the police officer, police employee or enforcement officer you complained about is prosecuted; recommend that they are disciplined; recommend that they receive further training; recommend that the police or other enforcement agency improves some of their working practices; or decide that the evidence does not support your complaint.

*Police Ombudsman's Office,
New Cathedral Buildings,
Writers' Square,
11 Church Street,
Belfast BT1 1PC*

Telephone: 028 9082 8600

Email: info@policeombudsman.org

Website: <https://www.policeombudsman.org/>

Northern Ireland Public Services Ombudsman

The Northern Ireland Public Services Ombudsman (NIPSO) investigates unresolved complaints about public bodies in Northern Ireland without involving the courts. They check to see if a public body acted properly or whether someone was treated unfairly. Before you make a complaint about a public body to NIPSO, you should have already complained directly to the public body, gone through its complaints process and received a final response to your complaint.

*Progressive House,
33 Wellington Place,
Belfast BT1 6HN*

Telephone: 0800 34 34 24

Email: nipso@nipso.org.uk

Website: <https://www.nipso.org.uk/>

Information Commissioner

The ICO enforces data protection laws and ensures individuals' information rights are upheld, including issues related to surveillance and privacy. If you have applied for any of your records from a public body under Freedom of Information legislation and have been refused then you may appeal this decision to the Information Commissioner. You must have asked the public body to carry out a review of its original decision before you can ask for a review by the Information Commissioner. There is no fee for a review if it relates to personal records.

*The Information Commissioner's Office,
Northern Ireland,
10th Floor,
Causeway Tower,
9 James Street South,
Belfast, BT2 8DN*

Telephone: 0303 123 1114

Email: ni@ico.org.uk

Website: <https://ico.org.uk/>



Northern Ireland Human Rights Commission

The Northern Ireland Human Rights Commission (NIHRC) works to protect and promote human rights. NIHRC can provide advice to those who may have issues or queries related to human rights in Northern Ireland. NIHRC has the power to assist individuals when they are bringing court proceedings, to intervene in proceedings and to bring court proceedings itself.

*4th Floor Alfred House,
19-21 Alfred Street,
Belfast,
BT2 8ED*

Telephone: 028 9024 3987

Email: info@nihrc.org

Website: <https://nihrc.org/>

Equality Commission NI

The Equality Commission Northern Ireland (ECNI) works to provide protection against discrimination on the grounds of age, disability, race, religion and political opinion, sex and sexual orientation. You can complain to ECNI if you feel that you have been discriminated against. ECNI gives free and confidential advice and information to everyone who asks for it. Assistance by the Commission can range from simply giving advice, conducting an inquiry, to arranging legal representation. ECNI can also take legal action against individuals and organisations in some circumstances.

*Equality Commission for Northern Ireland,
Equality House,
7-9 Shaftesbury Square,
Belfast BT2 7DP*

Telephone: 028 90 500 600

Email: information@equalityni.org

Website: <https://www.equalityni.org/Home>

Legal Advice

You can seek legal advice from a solicitor if you have a legal query or require legal guidance or representation in legal proceedings or need assistance with legal documentation. You may be entitled to legal aid, depending on your circumstances. Legal aid helps people who can't afford to pay for legal advice or representation in court by a solicitor or barrister. Your lawyer will be able to tell you whether you qualify for legal aid. Below are some useful contact details.

Law Society Northern Ireland

This is the representative and regulatory body for solicitors. If you are looking for a solicitor or have a complaint about your solicitor, you can contact the Law Society. The Law Society has a list of criminal law firms²² that can be filtered further based on geographical location.

*The Law Society of Northern Ireland,
96 Victoria St,
Belfast,
County Antrim,
BT1 3GN*

Telephone: 028 9023 1614

Website: <https://www.lawsoc-ni.org/>

Law Centre NI

Law Centre NI offers free and independent legal advice and assistance in the areas of employment, social security and asylum & immigration. The Immigration Team prioritises people who have experienced forced migration – including asylum seekers, refugees who arrive through resettlement programmes and survivors of human trafficking – as well as migrants who have precarious immigration status such as survivors of domestic abuse. The Migration Justice Project brings together legal, policy and community engagement expertise to push for progressive changes to law, policy and practice relating to migration and



seeks to build capacity within the sector by working in partnership and sharing quality information materials.

2-4 Queen St,
Belfast BT1 6ED

Telephone: (028) 9024 4401

Website: <https://www.lawcentreni.org/contact>

Children's Law Centre

The Children's Law Centre uses the law to access critical services for children and young people and to challenge the discrimination and disadvantage suffered by vulnerable children. They provide a free legal advice service and legal representation for children and young people. They also have a Children's Rights chatbot REE - Rights Responder, which also offers a connection to an online legal advisor through REE live Chat for those young people who may need additional information and advice on their rights

2nd Floor,
127-131 Ormeau Rd,
Belfast BT7 1SH

Email: info@childrenslawcentre.org

Telephone: 02890245704

Website: <http://www.childrenslawcentre.org>

Government Agencies

Department of Justice

The Department has a range of powers relating to devolved policing and justice functions. It is responsible for the resourcing, legislative and policy framework of the justice system.

Department of Justice,
Block B, Castle Buildings,
Stormont Estate,
Belfast,
Northern Ireland
BT4 3SG

Telephone (028) 9076 3000

Northern Ireland Commissioner for Children and Young People (NICCY)

The Northern Ireland Commissioner for Children (NICCY) has an advice service for children and young people and their families²³ if they feel they are not being treated fairly, or have a complaint about the services they receive, or are meant to receive. They provide assistance, advice, support, or signposting whichever is most suitable depending on the individual circumstances of the enquiry. The Commissioner's Legal and Investigations staff can also go to court for children and young people²⁴ in certain circumstances. NICCY can also intervene in or assist in legal proceedings. NICCY cannot get involved if you have a problem with the police.

7-9 Shaftesbury Square,
Belfast

BT2 7DP

Telephone: 028 9031 1616

Email: info@niccy.org

Website: <https://www.niccy.org/>

NIdirect

NIdirect is the official government website for Northern Ireland citizens. NIdirect brings together lots of information from government departments and agencies, written in language that is easy to understand

Telephone House,
45-75 May Street,
Belfast BT1 4NB

Telephone: 0300 200 7898

Website: <https://www.nidirect.gov.uk/>

²³ <https://www.niccy.org/niccy-formal-investigations/legal-and-investigations/niccys-casework/>

²⁴ <https://www.niccy.org/niccy-formal-investigations/legal-and-investigations/niccys-legal-work/>



Environment

Northern Ireland Environment Agency

The Northern Ireland Environment Agency (NIEA) is an Executive Agency within the Department of Agriculture, Environment and Rural Affairs (DAERA). The Agency's primary purpose is to protect and enhance Northern Ireland's environment. You can report illegal waste activities to DAERA's Northern Ireland Environment Agency (NIEA) - Enforcement Branch.²⁵ You can contact them anonymously or leave your details.

*Northern Ireland Environment Agency,
Planning Response Team,
17 Antrim Road,
Tonagh,
Lisburn,
BT28 3AL,
United Kingdom*

Telephone: 0845 302 0008

Land contamination: 028 9056 9353

Email: nieainfo@daera-ni.gov.uk

Website: <https://www.daera-ni.gov.uk/northern-ireland-environment-agency>

Office for Environmental Protection

The Office for Environmental Protection's role is to protect and improve the environment by holding government and other public authorities to account. Their work covers England, Northern Ireland and reserved matters across the UK (a matter on which only the UK Parliament in Westminster can make legislation). They scrutinise environmental improvement plans and targets, scrutinise and advise government on environmental law and enforce against failures to comply with environmental law.

*Office for Environmental Protection
Wildwood
Wildwood Drive
Worcester WR5 2QT*

Telephone: 03300 416 581

Email: enquiries@theOEP.org.uk

Website: <https://www.theoep.org.uk/>

Aarhus Convention Compliance Committee

The UK Government has signed up to the Aarhus Convention²⁶, which protects every person's right to live in an environment adequate to their health and well-being. It links environmental rights and human rights, acknowledges that we owe an obligation to future generations, establishes that sustainable development can be achieved only through the involvement of all stakeholders, links government accountability and environmental protection and focuses on interactions between the public and public authorities in a democratic context. The Compliance Committee, among other things, reviews complaints made by members of the public that the government hasn't complied with the Convention.

*Secretariat to the Aarhus Convention
and its Protocol on Pollutant Release and
Transfer Registers Secretariat,
Environment Division,
United Nations Economic Commission for
Europe Palais des Nations,
Av. de la Paix 10,
1211 Geneva 10,
Switzerland*

Email: aarhus.compliance@un.org

Website: <https://unece.org/environmental-policy/public-participation/secretariat-aarhus-convention-and-its-protocol-prtrs>

²⁵ <https://www.nidirect.gov.uk/articles/report-waste-crime#:~:text=You%20can%20report%20illegal%20waste%20activities%20to%20DAERA's%20Northern%20Ireland,a%20video%20on%20your%20phone>

²⁶ <https://unece.org/environment-policy/public-participation/aarhus-convention/introduction>



Youth Participation

Youth Action NI

Youth Action NI is a charity focused on empowering young people, particularly those from disadvantaged backgrounds, in Northern Ireland. Its work is centred around promoting social inclusion, personal development, and active citizenship among young people aged 10 to 25. The organisation advocates for youth rights and works to influence policy related to youth issues. It engages with government bodies, policymakers, and other stakeholders to ensure that young people's voices are heard and considered in decision-making processes.

14 College Square North,
Belfast, BT1 6AS

Telephone: 028 90240551

Website: <https://www.youthaction.org/>

Northern Ireland Youth Forum

The Northern Ireland Youth Forum (NIYF) is a youth-led organisation that represents the voices and interests of young people across Northern Ireland. NIYF advocates for the rights and needs of young people, empowering them to influence policy and decision-making processes that affect their lives.

68 Berry St,
Belfast
BT1 1FJ

Telephone: 028 9033 1990

Email: info@niyf.org

Website: <https://niyf.org/>

Disability Rights

Disability Action

Disability Action provides expert advice on disability rights, policy, practice and access to services.

Telephone: 028 9029 7880

Email: hq@disabilityaction.org

Website: <http://www.disabilityaction.org/>

Surveillance

National Union of Journalists (NUJ)

The National Union of Journalists (NUJ) provides support to journalists, including those covering protests, and advocates for press freedom.

National Union of Journalists,
Spencer House,
2nd Floor,
Spencer Row,
Dublin 1,
D01 R9 T8

Legal emergency helpline: <https://www.thompsonstradeunion.law/trade-unions/nuj>

Legal assistance: <https://www.nuj.org.uk/advice/legal-assistance.html>

Email: info@nuj.ie

Website: www.nuj.org.uk/join

Biometrics and Surveillance Camera Commissioner

The Biometrics and Surveillance Camera Commissioner is an independent advisor to the UK government created under the Protection of Freedoms Act 2012. Their role is to review the use and retention of biometrics by police, and to encourage compliance with the surveillance camera code of practice. Their role extends to Northern Ireland for biometrics issues relating to national security matters.

2 Marsham Street,
London,
SW1P 4DF

Telephone: 020 7035 1254

Email: scc@homeoffice.gov.uk

Website: www.gov.uk/government/organisations/surveillance-camera-commissioner



Media Complaints

Advertising Standards Authority

The Advertising Standards Authority (ASA) is the UK's independent regulator for advertising across all media, ensuring that ads are legal, decent, honest, and truthful. The ASA responds to complaints and monitors advertising to ensure compliance with the UK Advertising Codes, protecting consumers from misleading or harmful content.

*Advertising Standards Authority,
Mid City Place,
71 High Holborn,
London, WC1V 6QT*

Telephone: 020 7492 2222

Email: enquiries@asa.org.uk

Website: www.asa.org.uk

Ofcom

Ofcom is the UK regulator for television, radio, telecommunications and wireless communications. It deals with complaints about all broadcasters, including the BBC.

*Ofcom,
Riverside House,
2a Southwark Bridge Road,
London SE1 9HA*

Telephone: 0300 123 3333

Website: <https://www.ofcom.org.uk/tv-radio-and-on-demand>

The Independent Press Standards Organisation (IPSO)

The Independent Press Standards Organisation (IPSO) is the independent regulator for the newspaper and magazine industry in the UK. It considers complaints about newspapers or magazines (and their websites) which are members of IPSO.

*Independent Press Standards
Organisation,
Gate House,
1 Farringdon Street,
London,
EC4M, 7LG*

Email: inquiries@ipso.co.uk

Website: <https://www.ipso.co.uk/>

Prison

Northern Ireland Prison Service

The Northern Ireland Prison Service (NIPS) is an agency within the Department of Justice (NI). It is responsible for the operation and delivery of services within the Northern Ireland prison system.

*Knockview Buildings,
Upper Newtownards Road,
Belfast,
BT4 3SG*

Telephone: 028 9052 2922

Email: niprisonservice@nics.gov.uk

Website: www.justice-ni.gov.uk/topics/prisons

Prisoner Ombudsman for Northern Ireland

The Prisoner Ombudsman for Northern Ireland investigates complaints from prisoners and their families regarding treatment and conditions in Northern Ireland's prisons.

*Prisoner Ombudsman NI,
100 Belfast Road,
Holywood,
Co Down,
BT18 9QY*

Email: PA/prisoner.ombudsman@prisonerombudsmanni.org.uk

Telephone: 0800 7836317

Website: www.niprisonerombudsman.gov.uk

Prison Reform Trust

The Prison Reform Trust is an independent UK charity which aims to reduce unnecessary imprisonment and promote community solutions, improve treatment and conditions for prisoners and their families and promote equality and human rights in the justice system.

*15 Northburgh Street,
London,
EC1V 0JR (UK-Wide Service)*

Telephone: 020 7251 5070

Email: prt@prisonreformtrust.org.uk

Website: www.prisonreformtrust.org.uk



Immigration and Asylum

Migrant Centre NI

Migrant Centre NI offers advocacy, advice and support to migrants, including refugees, on issues like welfare rights, financial well-being, EUSS application, Hate Crime, and Peacebuilding.

*Ballynafeigh Community
Development Association,
283 Ormeau Road,
Belfast,
BT7 3GG*

Telephone: 0330 088 0464

Email: admin@migrantcentreni.org

Website: www.migrantcentreni.org

The Justice System

Police Service of Northern Ireland (PSNI)

The police service for Northern Ireland, responsible for law enforcement and public safety.

*PSNI Headquarters,
65 Knock Road,
Belfast,
BT5 6LE*

Telephone: 101 (Non-emergency)

Emergencies: 999

Website: www.psnipolice.uk

The Criminal Justice Inspectorate

The Criminal Justice Inspectorate Northern Ireland (CJINI) independently inspects criminal justice agencies, promoting effectiveness, efficiency, and accountability. It publishes reports with recommendations, conducts thematic reviews, and engages with stakeholders to enhance the justice system's performance.

*Block 1,
Knockview Buildings,
Stormont Estate,
Belfast,
BT4 3SJ*

Telephone: 028 9076 5764

Email: info@cjini.org

Website: <https://www.cjini.org/AboutUs>

Northern Ireland Policing Board

The Northern Ireland Policing Board (NIPB) oversees the performance of the Police Service of Northern Ireland (PSNI) and ensures accountability, including in the use of surveillance. It has several key responsibilities, including setting the strategic priorities for the PSNI, monitoring police performance, and ensuring that the PSNI adheres to human rights standards. The NIPB regularly publishes reports on police performance, budget allocations, and other key areas, making these accessible to the public to ensure informed oversight of policing in Northern Ireland.

*2, The Gasworks,
James House,
2-4 Cromac Ave,
Belfast BT7 2JA*

Telephone: 028 9040 8500

Email: information@nipolicingboard.org.uk

Website: www.nipolicingboard.org.uk

The Public Prosecution Service

The Public Prosecution Service (PPS) is the principal prosecuting authority in Northern Ireland, with responsibility for taking decisions as to prosecution in all cases investigated by the police.

*Public Prosecution Service,
Belfast Chambers,
93 Chichester Street,
Belfast, BT1 3JR*

Telephone: 028 9089 7100

Email: info@ppsni.gov.uk

Website: <https://www.ppsni.gov.uk/>

Northern Ireland Courts and Tribunals Service (NICTS)

The Northern Ireland Courts and Tribunals Service (NICTS) is an Agency within the Department of Justice (DOJ). NICTS manages the courts and tribunals in



Northern Ireland, providing administrative support for the judiciary. They also manage money held in court for patients and children and young people aged under 18.

*Laganside House,
23-27 Oxford Street,
Belfast, BT1 3LA*

Telephone: 0300 200 7812

Email: info@courtsni.gov.uk

Website: www.justice-ni.gov.uk/topics/courts-and-tribunals

The Forensic Science Agency (FSNI)

The Forensic Science Agency (FSNI) is an executive agency of the Department of Justice responsible for the provision of effective scientific advice and support to enhance the delivery of justice.

*151 Belfast Road,
Carrickfergus,
Northern Ireland,
United Kingdom,
BT38 8PL*

Telephone: 028 9036 1888

Email: General.Enquiries@fsni.gov.uk

Website: <https://www.justice-ni.gov.uk/articles/about-forensic-science-northern-ireland>

Victim Support Northern Ireland

Victim Support NI offers emotional support and practical help following crime. They also provide assistance and support at court, help with criminal injury compensation claims, referrals to specialist support services, advocacy services in incidents of hate crime and child sexual violence, victim led restorative justice practice and after court support.

*2, Albany House,
73-75 Great Victoria St,
Belfast BT2 7AF*

Telephone: 028 9024 3133

Email: info@victimsupportni.org.uk

Website: www.victimsupportni.com

Youth Justice Agency Northern Ireland

The Youth Justice Agency Northern Ireland is a Department of Justice agency responsible for the administration of youth justice in Northern Ireland. It works with young offenders supports their rehabilitation. The agency aims to reduce reoffending by providing effective and targeted interventions, ensuring that young people who come into contact with the justice system are supported in addressing their offending behaviour.

*The Youth Justice Agency Headquarters,
Charles House,
103 – 111 Donegall Street,
Belfast, BT1 2JF*

Telephone: 028 9620 2123

Email: info@yjani.gov.uk

Website: <https://www.justice-ni.gov.uk/articles/about-youth-justice-agency>

Protest and Activism Support

Amnesty International UK (Northern Ireland)

Amnesty International in Northern Ireland works on regional, national & international human rights issues, and works to educate and mobilise the public and secure government action, to help create a more just Northern Ireland and world.

397 Ormeau Road, Belfast, BT7 3GP

Email: nireland@amnesty.org.uk

Website: www.amnesty.org.uk/ni



Green and Black Cross

Green and Black Cross is an independent grassroots project that assists people with issues related to protest and political action and has useful information for protestors around planning an action, knowing your rights, what to do if arrested, and holding police to account. Please note that some of their information is specific to the law in England.

Telephone: 07946 541 511

Website: <https://greenandblackcross.org/>

Front Line Defenders

Front Line Defenders (FLD) is an organisation based in Dublin, with the specific aim of protecting human rights defenders and organisations who are at risk for their peaceful and legitimate human rights work. FLD provides support through grants, capacity building, visibility, networking and advocacy.

First Floor, Avoca Court, Temple Road, Blackrock, Co. Dublin, A94 R7W3, Ireland

Email: info@frontlinedefenders.org

Website: <https://www.frontlinedefenders.org/en>

Friends of the Earth

Friends of the Earth work with national and local campaign groups to protect the natural world and engage their communities on issues like recycling, conservation, and pushing for urgent government action on the climate crisis. Friends of the Earth has useful guidance for protestors on campaigning and activism, and rights around protest. Please note that some of their information is specific to the law in England and Wales. Friends of the Earth has a local office in Northern Ireland (contacts included below).

Friends of the Earth Northern Ireland, Gordon House, 22-24 Lombard Street, Belfast BT1 1RD

Website: <https://groups.friendsoftheearth.uk>

Website for Friends of the Earth Northern Ireland: <https://friendsoftheearth.uk/northern-ireland>

Email: foe-ni@foe.co.uk

Know your rights guides to protest in other jurisdictions can be found here:

Scotland:

Just Rights Scotland:

<https://jrsknowhow.org/your-right-to-protest/>

England:

Liberty:

https://www.libertyhumanrights.org.uk/advice_information/right-to-protest/

Wales:

<https://groups.friendsoftheearth.uk/resources/understanding-key-laws-related-protest>

Ireland:

<https://www.iccl.ie/wp-content/uploads/2020/01/Know-Your-Rights-Protest.pdf>

This guide is a collaboration between The Committee on the Administration of Justice, The Environmental Justice Network Ireland, Friends of the Earth Northern Ireland and Public Interest Litigation Support Northern Ireland.

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This guide was edited by Dara Keeve and Eliza Browning from CAJ.

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