



for more info

DISABLED PEOPLE'S PROTEST RIGHTS:

# What you need to know.

## OUR RIGHT TO PROTEST

Everyone has the right to protest. Articles 10 and 11 of the Human Rights Act 1998 (freedom of expression and freedom of assembly) protect this right.

The police can place restrictions on protests in certain cases. This has been expanded to noisy protests. However, there are strict rules for doing this. The police should always consider the importance of your human right to protest.

## OUR RIGHTS DURING A PROTEST

The police should take your needs as a Disabled person into account.

### OUR RIGHT TO NOT BE DISCRIMINATED AGAINST

- The police should not discriminate against us.

Article 14 of the Human Rights Act 1998 and the Equality Act 2010 make discrimination illegal.

This means that you shouldn't be treated worse than a non-disabled person just because you're Disabled. This is called **direct discrimination** and it is **unlawful**.

The Equality Act gives you additional rights. This includes the right to not be harassed because you're Disabled.

- **The police must follow the Public Sector Equality Duty.**

This means the police should:

- Not do anything that breaks the Equality Act 2010.
- Take your needs into account as a Disabled person.
- Take account of the fact that you're Disabled.

**It's important to remember, the police's legal duties don't change whether you've broken the law or not.**

You should always be treated with dignity and respect. You can complain any time the police treat you badly. More information on all of this, and more, can be found on the QR codes above and below.

### **CAN THE POLICE TAKE AWAY ASSISTIVE EQUIPMENT AT A PROTEST?**

In limited circumstances, the law lets police seize items that they reasonably believe would be used to cause **harassment, alarm or distress**. They should not be using this law to take away your independent living equipment - but there is a possibility that they could.

If they take your equipment **they must communicate this clearly**. If after 28 days you haven't come to get your equipment, the police may destroy the item.

**Also, equality laws still apply.**

### **WHAT IF THE POLICE KETTLE A PROTEST?**

'Kettling' is when the police contain protesters in one place for a long time. It's a tactic to control and manage protests.

The police should:

- **Anticipate (and plan for) the needs of Disabled people**. No crowd control tactics should have a worse impact on you because you're Disabled.
- Ensure those being kettled have **essential utilities** (like drinking water and toilet facilities).
- Have a **release plan** that allows vulnerable or distressed people to leave.

# OUR RIGHTS WITH THE POLICE

## YOU HAVE THE RIGHT TO A LAWYER IF YOU'RE DETAINED

You have the right to communicate with them privately. If you can't communicate with your lawyer due to language, hearing or speech difficulties, you have the right to have an interpreter.

## DO WE NEED TO ANSWER POLICE QUESTIONS?

Normally you don't have to talk to the police. However, **you must give your name and address if you're engaging in anti-social behaviour.**

Section 50 of the Police Reform Act means the police can ask for your name and address if they believe you are (or have been) behaving anti-socially. Anti-social behaviour is behaviour that causes "harassment, alarm or distress". If this is the case, then it is a criminal offence not to give your accurate name and address.

The police can arrest you to find out your name and address if they suspect you've broken the law. If you are arrested and interviewed at a police station, you still don't have to answer questions. During formal questioning, called an interview, you always have the right to legal advice. In certain circumstances, you will have the right to an interpreter.

**Remember: when it comes to answering (or not answering) questions, equality laws still stand and you always have the right to reasonable adjustments.**

## WHAT IF THE POLICE BELIEVE I'M "VULNERABLE"?

Being "vulnerable" means you need help understanding or communicating. These rules apply when the police are detaining you, taking you into custody, or arresting you. If the police believe you are "vulnerable", you have extra rights. This includes the right to an "appropriate adult", who looks out for you and makes sure the police are respecting your rights.

## **WHAT ASSISTANCE, IN ADDITION TO REASONABLE ADJUSTMENTS, SHOULD BE DELIVERED AT THE POLICE STATION?**

As well as reasonable adjustments, the Police and Criminal Evidence Act (PACE) Code C entitles you to the following:

- **Support for blind people and people with low vision**

You should get someone to help you read documents, explain them and sign them (if you want them to).

- **Interpreters**

If you are deaf, you find it hard to speak, or you don't know English, you have the right to an interpreter - unless the interview is urgent.

- **Assistance dogs**

There are strict rules about how the police should look after your assistance dog.

## **CAN THE POLICE USE FORCE AGAINST US?**

- **Yes, but within limits.**

The law allows police to use force in limited circumstances. The police should only use force if it's **necessary** and **proportionate**. It should always be the **last resort**.

- **Human rights and equality law matter.**

Police should be asking what force is necessary, proportionate, and doesn't harm Disabled people more than non-disabled people.

## **CAN THE POLICE SHARE MY INFORMATION WITH THE GOVERNMENT?**

Everyone has the right to privacy, which is protected by Article 8 of the Human Rights Act. It can only be interfered with under strict rules.

**The police can share your data for law enforcement purposes, or when an additional law allows them to share your data.**

**If they share your data - they must follow data protection law, and you have the right to request information about your data. If you request more information, the police must show what law allowed them to share your data.**

If you feel that your data was shared unlawfully, you can complain to the police and the Information Commissioner's Office.

# USEFUL TIPS FOR A PROTEST

## MANAGING MEDICATION (AND AVOIDING CONFISCATION)

Take extra medication if you take it regularly - you might be out for longer than you expect. Carry your prescription with you - this can be evidence that you're allowed to keep your meds if the police stop and search you.

## VOICE YOUR ACCESS NEEDS

It can be helpful to tell protest organisers and other protestors of any access needs you have. This may help them better support you, and might also protect you if facing discrimination.

## COME PREPARED WITH ESSENTIALS

Remember the essentials like extra chargers or batteries - either for your phone or other equipment. Bring extra food and water in case you get stuck somewhere.

**For more  
info:**

**LIBERTY**



legal details



need to know

