



**National Police Chiefs' Council (NPCC)  
Protest Operational Advice Document  
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# Introduction



## Introduction

It is widely recognised that our society cherishes the individual's right to protest in a peaceful way. The right to protest extends to expression of views that may be considered by some to be unpopular or controversial. At times, protests can result in disruption and even conflict. Police must remain cognisant of the importance of protest within a democratic society. However, in order for the right balance to be struck between competing Human Rights, they must be prepared to respond in a proportionate manner when the impact of the protest on the rights of others, or on wider society, means intervention is necessary.

The British Police Service has a long history of working with stakeholders in protest. In determining its policing response to protest over nearly two hundred years, it has gained much experience. This was acknowledged in [Adapting to Protest \(HMIC 2009\)](#), [Nurturing the British Policing Model \(HMIC 2009\)](#) and [Getting the balance right \(HMICFRS 2021\)](#). As a result of these reports' recommendations, the National Police Public Order Public Safety Training Curriculum (NPPOPSTC) was updated to include a greater focus on the freedoms enshrined in the European Convention on Human Rights (ECHR). This means that police trained under the curriculum are now better able to make informed decisions when dealing with protest.

The proliferation of social media and the ability for people to move easily across the country has changed the nature of protest and resulted in protestors travelling to multiple force areas. This document supports a consistent approach at a national level enabling individual Police Forces to develop proportionate policing operations when dealing with those engaged in and affected by protest.

In recent years, many forces have had experience in dealing with significant, often protracted incidents of disruptive protest. Achieving a balance between the rights of protestors and those of the wider public (including businesses and other stakeholders) to go about their lawful, daily business without disproportionate disruption is recognised to be a challenging task. The approach advocated throughout this document is based on key operational learning and the case law, both in the UK and the European Court of Human Rights (ECtHR) relating to previous protests.

The nature of modern protest has evolved, and the police response to it must adapt if a fair, proportionate approach is to be achieved. In determining a fair approach, police commanders need to assess each protest's unique nature, its potential impact on others and upon wider society. It must be recognised that an individual's right to protest cannot be at the expense of all others' rights, and the law accounts for this. This document will explore Striking the Balance in terms of Human Rights.

While there is huge variance in the scale and nature of protests, this document seeks to further professionalise the police response and in doing so, improve public perceptions of legitimacy. This national approach to policing protest supports services in upholding the principle of [policing by consent](#).

The NPCC requires that all Public Order Public Safety Commanders (POPS Commanders) and Public Order Public Safety Advisors (POPSAs) have a working knowledge of this document's contents.

Advance notification or intelligence indicating a protest will take place allows fuller consideration of the document during the planning stages of such operations. There is no automatic requirement in domestic law to notify the police of a planned assembly, as opposed to a procession. In some cases, such as where the procession is spontaneous reaction to events, there will have been no opportunity to give advance notice. In any event, the lack of advance notice cannot, in itself, be a reason for the police to take a more restrictive approach to the policing of a protest. Nevertheless, a protestor's legitimate expectation as to the extent to which the police will be able to facilitate an assembly (or the extent of any necessary restrictions on it) may well be reduced if there was an opportunity to open dialogue with the police well in advance of a protest event which was not taken. This is particularly relevant where the failure to take advantage of such an opportunity makes it more difficult for the police to uphold both the rights of the protestor and those of others in the community.

## **This document's scope**

This document has been written in response to feedback and organisational learning from recent protests. These have presented challenges in terms of the welfare of those engaged in the protest, to the subjects of the protest, the police and the wider community. These operations have placed significant demand on those police forces involved over sustained periods, and consequently have highlighted the need to improve existing working practices during the planning, operational, and post-event phase.

This document is relevant in all instances of public protest. These may include (by no means an exhaustive or hierarchical list) protests in the following areas:

- Political
- Religious / moral
- Environmental
- Animal Rights
- Single issue

In most cases, neither legislation nor case law specifically distinguishes between protests covering these widely differing causes. In all cases, a fundamental duty of the police under section 6 of the Human Rights Act 1988 (HRA) is to act in a way that is compatible with the human rights of each person involved, even if it is not possible in the circumstances to uphold those rights to the fullest extent.

Domestic legislation does include specific protection for industrial action and trade unions, under the Trade Union and Labour Relations (Consolidation) Act 1992. When dealing with incidents relating to industrial relations, police should familiarise themselves with the relevant requirements placed on both employers and employees under the Act. As with all primary and subordinate legislation, these measures should be read and given effect in a way which

is compatible with the ECHR 'so far as it is possible to do so' (held to mean 'unless it is plainly impossible' under s.3 (1) of the HRA).

The advice and guidance detailed in this document provides a point of reference to POPS Commanders and Advisors involved in the policing of protest generally, from which they can quickly identify those principles that are most relevant.

It should be emphasised at the outset that the same underlying principles apply to 'long-term' or static protests and to spontaneous, mobile protests. Although the ultimate policing response may be different, this will be a product of the individual circumstances, rather than an inherently more tolerant approach to either form of protest.

This document has been developed with the College of Policing and signposts relevant Authorised Professional Practice (APP), NPCC advice and other source documents. It makes use of hyperlinks to direct readers to current versions of guidance and avoids, where possible, duplicating content.

As significant changes occur (for example in legislation, caselaw etc) the intention is that it will be updated at appropriate junctures. This is an advisory document and those responsible for policing protest should seek out expert advice relevant to the bespoke context, when appropriate.

## The “Right to Protest”

Article 10 of the Convention protects freedom of expression. It states,

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Article 11 of the Convention protects freedom of assembly and association. It states,

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.
2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the state.

A protest can be conducted by a single person, whose right to do so is protected by their right to freedom of expression under Article 10. While it may be the combination of the right to associate freely with others in public, together with the right to express views, that results in what is often understood as a “right to public protest”, the right to freedom of expression is enjoyed on an individual basis by each person who joins such a protest.

Public protest, whether by an individual or in a group, is rightly regarded as a fundamental feature, essential in a democratic society. While the exercise of these rights is qualified by the potential restrictions contained in Articles 10.2 and 11.2, those paragraphs set out the only circumstances in which such restrictions may be imposed. While any significant interference must be capable of being justified by reference to Articles 10.2 and 11.2, the greater the degree of interference with these rights, the higher the level of justification that will be

required, and the closer will be the degree of scrutiny that can be expected by the public, the media and the Courts. This is particularly the case where the activity subject to interference is a public protest.

Subject to a few, limited exceptions (such as incitement to hatred or violence) the nature of the message is not a relevant matter for the police; as Sedley LJ's famous words in [Redmond-Bate v DPP](#) succinctly put it, "*Freedom only to speak inoffensively is not worth having.*" Neither is the degree of public support or condemnation of the views expressed. As John Stuart Mill stated in 'On Liberty', "*If all mankind minus one, were of one opinion, and only one person were of contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind.*"

## Aim

This document has been written for use by operationally competent POPS Commanders and POPSAs and aims to:

- Support consistency of decision-making and engagement with stakeholders.
- Sign-post guidance, legislation, key legal decisions, policies and practice which may assist in the policing of protest, thereby promoting public safety, preventing or reducing crime, disorder and/or terrorism to support overall public safety.
- Assist decision makers in achieving outcomes which both support the exercise by peaceful protestors of their Article 8, 9, 10 and 11 rights, while striking the appropriate balance between those rights and the rights of others affected by protest.

# Role of the police



## Role of the police

Policing protests can be very challenging and requires a balanced and impartial approach towards all those involved in or affected by protest that is consistent with [The Code of Ethics](#), Human Rights law and other domestic legislation.

APP identifies [two duties](#) associated with the policing of protest. Broadly these require that the police must:

- not prevent, hinder or restrict peaceful assembly;
- in certain circumstances, take reasonable steps to protect those who want to exercise their rights peacefully.

Taken together, these duties (the first a negative duty, the second a positive one) are often described as an obligation to facilitate the exercise of the freedoms of assembly and expression. This concept of 'facilitation' does not extend to a duty on the police to encourage or promote protest, either generally or in any specific circumstances. Inevitably there will be situations where the need to uphold the rights of others will lead to a protestor's ambitions about the nature or scope of their own protest being unfulfilled. Nevertheless, these duties do reaffirm an important 'starting point' for policing public protest: the state's obligation to uphold and protect the right of peaceful assembly enshrined in Article 11 of the ECHR, and to confine any interference in the exercise of such a right to where it is necessary for one of the limited reasons set out in Article 11(2).

Specific scenarios where the duty to take active steps to uphold and protect an individual's rights arise will include:

- taking reasonable steps and appropriate steps to open up and maintain channels of communication with protest organisers prior to a protest;
- taking steps to minimise the disruption to others (such as via traffic measures), in order that restrictions on the event can be kept to a minimum;
- ensuring that a peaceful, but controversial assembly can go ahead without undue and serious interference from others. This may be particularly difficult, and important, for groups individuals that have historically faced discrimination, or are otherwise marginalised or at risk;
- ensuring that counter-protests, or simultaneous protests can both take place.

The challenge for the police usually arises where it is necessary to strike a balance between the interests, or rights, or different groups in what are often incredibly complex situations. The overall approach is illustrated in a [flow chart](#) published by HMICFRS.

A key feature of effective protest is that it takes place within sight and sound of the people or organisation to whom the protestor wishes to deliver their message. There is a duty on the police not to prevent a protest taking place in such a location, unless there are compelling reasons - conforming with **Article 11(2)** - that justify a change in venue. In these situations, the police should identify an alternative venue that is as close as reasonably possible to the

intended protest location. The principles of facilitation are emphasised in “Guidelines on Freedom of Peaceful Assembly”, published by OSCE/ ODIHR in 2019 and the European Court of Human Rights document, ‘[Guide on the case-law of the European Convention on Human Rights – Mass Protests](#)’ (31 December 2020).

The scope of the role and responsibilities of the police will vary between protests. This will be influenced by an information and intelligence picture, which informs a detailed threat assessment. Any requirement for police to be deployed in relation to protests is likely to vary over the course of the policing operation.

In view of these variations, it is essential that the decision-making process is consistent, auditable and transparent if it is to withstand scrutiny. Police should use the [National Decision Model](#) (NDM) to support them in this. This will be further supported by an appropriately trained and experienced [command structure](#). The NPCC consider this document should assist in informing any decision by individual chief officers as to whether, and if so how, police are deployed in relation to protests.

# Striking the balance



## Striking the balance

### A focus on Human Rights

A key element of the police's response to the recommendations in [Adapting to Protest - Nurturing the British Model of Policing](#) was a review of the National Police Public Order Public Safety Training Curriculum (NPPOPSTC). One element of that review centred on an increased focus on the importance of [Articles 10 and 11](#) when policing protests. In the years since the report's publication, the revised training has supported the police in considering their duties under the ECHR in relation to protest in a more careful and structured way.

Following the publication of 'Adapting to Protest' the police approach to any limitation or restriction on protest has been based on public safety and the prevention of crime and disorder. Key learning from that document has since been incorporated into [APP](#). The emphasis has been that, provided the intentions of the organisers of a protest are peaceful, the police should fulfil both their positive obligations to protect the protesters' rights under Article 11 and their negative obligation not to interfere, other than where it is necessary to do so (see above).

Recognising that protest inherently involves multiple stakeholders, frequently with competing and conflicting Human Rights, the police must seek to strike a balance. This balance will need to take account of all stakeholders' rights, the importance of those rights in the particular circumstances, and the degree of interference in them. Different stakeholders may be treated differently. The difference in treatment must be identified, and the basis for it recorded. Properly understood, Human Rights law will often assist the police in reaching a proportionate and evidenced rationale for taking (or equally, not taking) action in any given circumstance. Any intervention, which includes that achieved consensually and/or following negotiation, should be supported by a rationale detailing the need for police interference.

### Peaceful Protest

The rights protected by Articles 10 and 11 apply only in the context of the peaceful protestor. A protestor whose actions or intentions extend to violence, or the incitement or encouragement of violence by others, cannot rely on the rights set out in those articles.

The interpretation of 'peaceful' has traditionally been non-violent, and historically police training has supported this. The concept of peaceful protest encompasses activities that cause disruption or inconvenience to others who may be going about their own lawful activity. Such disruption may on occasion be significant, deliberate, and may not even be directed at parties who are the focus of the underlying process. While these are all factors that will be significant in deciding how best to balance competing rights, such disruptive protest does still fall within the scope of rights protected by Articles 10 and 11 ([Kudrevicius v Lithuania](#)).

The concepts of 'peaceful' and 'lawful' protest action are not the same. While a protest has to be peaceful to attract the protection of Articles 10 and 11, it does not have to be lawful. It is well-recognised that the importance of public

protest means that there will be occasions where a peaceful protest should be allowed to continue despite either (1) a failure to comply with legal requirements as to notification, (2) there being the prospect of minor offences being committed (including offences not directly associated with the protest), or even (3) in some cases, a minority of those attending committing more serious offences. In principle, it is the actions and intentions of the individual seeking to protest that are relevant.

A peaceful protestor does not cease to enjoy the right to freedom of peaceful assembly as a result of sporadic violence by others in the course of the demonstration, see [Ziliberg v Moldova](#). For practical purposes, it may not be realistic for the police to give separate consideration to each protestor. However, it must be borne in mind that the rights under Articles 10 and 11 are enjoyed by each protestor as an individual. There will be cases where it is not necessary, and may not be appropriate, to treat all those who have attended at an event as a single group, all with the same intentions or ambitions.

The use of the [Risk Principles, NDM](#) and a sound understanding of where and how Human Rights should be considered within the model will support police decision making. A confident understanding of the relevant articles of the ECHR is essential to ensure that decision making around powers and policies is both lawful and ethical. While domestic legislation informs and provides the police with the powers available to them, [Section 3 of the HRA](#) requires police officers to read and give effect to primary and subordinate legislation in a way which is compatible with Convention rights 'so far as it is possible to do so' (held to mean 'unless it is plainly impossible'). Thus, even before a statutory power is exercised, the nature and scope of that power must be interpreted in a way which gives full effect to Articles 10 and 11.

[Section 6 of the HRA](#) requires that both statutory and common law powers are only exercised in a manner and to an extent that is compatible with human rights, including the rights of those seeking to protest. Section 6 states that it is 'unlawful for a public authority to act in a way which is incompatible with a Convention right'. For the purposes of the ECHR, the word 'act' also includes inaction. A decision not to intervene can be as significant as the exercise of a coercive police power.

It follows that, in order to apply domestic legislation and common law powers in a way that is compatible with Convention rights, police decision makers need to have a good knowledge of the Articles of the ECHR, and how they may apply in various scenarios.

This section details some of the key domestic and [European Court of Human Rights](#) (ECtHR) cases in relation to policing protest, which are also listed in the Appendix B.

### **When can public authorities interfere with rights?**

The starting point is always to consider whether there is a basis for the police to take any action at all in response to a public protest. Where an individual's conduct falls within the scope of a Convention right, any limitation/interference by the police must meet the threefold test, in that it must be:

1. prescribed by law
2. in pursuit of a legitimate aim
3. necessary in a democratic society

The first of these requirements dictates that any actual restriction must be supported by powers found in domestic legislation or common law. The specific power to take action will be found either in legislation (such as sections 11-14 of the Public Order Act 1986 and s.137 of the Highways Act 1980) or in common law (such as breach of the peace / public nuisance). The threshold for exercising a coercive power will be different from that which might provide lawful justification for interference with the exercise of an ECHR right. The police must therefore be satisfied that the threshold for taking action in domestic law has been reached and that the proposed exercise of power is in accordance with Articles 8(2), 9(2), 10(2) or 11(2).

The second requirement is that police action that interferes with the exercise of the Convention right must be in pursuit of a legitimate aim. For Articles 8-11, these legitimate aims are identified as:

1. national security or public safety (and, in the case of Article 10 only, territorial integrity);
2. prevention of disorder or crime;
3. protection of health or morals; or
4. protection of the reputation or rights of others.

It is the last of these where the decision whether to intervene, and in what way, is often most difficult. The impact of protest action upon the rights of others will require careful consideration in order to identify what is likely to constitute a proportionate response that balances the rights of the protestors against the rights of those affected by their actions.

This is where the third test, that of necessity in a democratic society, comes into focus. As a public authority, whenever the police seek to justify interference with a fundamental right, they must be able to show that

- domestic law provides a clear and identifiable legal power to intervene;
- the purpose of the intervention must be to pursue one of the legitimate aims set out in the Convention as a reason for restricting a right (see above);
- the objective is important enough to justify limiting the fundamental right in question (sometimes described as a “pressing social need”);
- the means chosen are rationally connected to the legitimate aim; and
- the means chosen are proportionate, i.e. less intrusive means are not available.

This approach follows that endorsed by the Supreme [Court in Bank Mellat v HM Treasury \(No 2\)](#). Applying this approach, there will be occasions where public authorities should, and in some cases must, take action that engages, limits or interferes with an individual’s rights under Articles 8-11.

### **Balancing Rights of Equal Value**

Where competing, conflicting rights are to be balanced, the police must start from the position that the rights enshrined in Articles 8, 9, 10 and 11 are of equal importance. None necessarily takes precedence over the other. Indeed, where the rights under Articles 1 and 2 of Protocol 1 to the ECHR are engaged (the right to peaceful enjoyment of possessions and a child's right to an education), the starting point is likely to be also to allow those equal consideration.

Having recognised the rights that are of equal importance, the police will need to demonstrate they have focussed on the comparative importance of the rights being claimed in the individual circumstances of each event. This comparative importance may itself change as the protest continues or evolves.

### **The Significance of Protest in a Democratic Society**

Although the underlying rights are of equal importance, it is important for the police to recognise that significant weight is attached to an individual's right to protest in a democratic society. Upholding the freedom to protest against the 'state', or branches of the state, is of even greater importance, as this is a fundamental feature, essential in a democratic society. This is exemplified in [Kuznetsov v Russia](#), where the ECtHR observed that, "*the purpose of the picket was to attract public attention to the alleged dysfunction of the judicial system ... This serious matter was undeniably part of a political debate on a matter of general and public concern. The Court reiterates in this connection that it has been its constant approach to require very strong reasons for justifying restrictions on political speech or serious matters of public interest ...*".

UK Courts have endorsed a similar approach, see [DPP v Ziegler](#):

Because of its importance in a democratic society, both the domestic courts and the ECtHR have repeatedly emphasised that a degree of temporary interference in the rights of others will often be a price to pay in order to uphold these freedoms. This point is clearly made in the *Kuznetsov* decision:

*"...any demonstration in a public place inevitably causes a certain level of disruption to ordinary life, including disruption of traffic, and that it is important for the public authorities to show a certain degree of tolerance towards peaceful gatherings if the freedom of assembly guaranteed by Article 11 of the Convention is not to be deprived of all substance."*

However, this does not mean that the wishes of the protestor will always take priority. There is not an unfettered right to protest. The exercise of Article 10 or 11 rights in the context of protest remains subject to the same potential restrictions that may lawfully be imposed in accordance with Articles 10(2) and 11(2) in any other situation.

## **Deliberate Disruption**

In some situations, the disruption of the exercise by others of their own fundamental rights is not merely an incidental consequence, or side-effect, of protest, it may be the protestor's aim. Actions, while peaceful, may be both calculated and intended to cause disruption to the lawful activity of others. The 'lock-on' is a familiar example. Protests may even be planned so as to cause maximum disruption, in order to have the most impact. The target of the disruption may be an activity which is the focus of the protest, such as the obstruction of hunting in [Drieman and Others v Norway](#), but may equally be unrelated activities, organised in order to raise the profile of the event, or to bring pressure to bear on decision makers.

In the case of [Kudrevious v Lithuania](#), the protestors were farmers who were in dispute with the government and, as part of a protest, put in roadblocks on major highways. The ECtHR found that, *"the disruption of traffic cannot be described as a side-effect of a meeting held in a public place, but rather as the result of intentional action by the farmers, who wished to attract attention to the problems in the agricultural sector and to push the government to accept their demands"*.

The Court went on to consider the relevance of this intention to disrupt for the protestor's rights under Article 11, stating, *"In the Court's view, although not an uncommon occurrence in the context of the exercise of freedom of assembly in modern societies, physical conduct purposely obstructing traffic and the ordinary course of life in order to seriously disrupt the activities carried out by others is not at the core of that freedom as protected by Article 11 of the Convention."*

Although protest taking this form is not at the core of the freedom of assembly, the Court went on to observe that it, *"does not consider that the impugned conduct of the demonstrations for which the applicants were held responsible was of such a nature and degree as to remove their participation in the demonstration from the scope of protection of the right to freedom of peaceful assembly under Article 11 of the Convention."*

Thus, where a peaceful protestor takes action which is designed and intended to disrupt the rights of others to go about their own lawful activity, this does not mean that the protestor is no longer able to rely on their Article 10 and 11 rights. The police must still take these rights into account when striking a balance. In the course of striking such a balance, while the aims of the protestor may be of some relevance, it will usually be important for the police to focus on the degree of disruption to lawful activity of others that a protest might cause, rather than the intention of the protestor.

Obstruction of the highway during protests is a very common situation, but one which can become difficult to resolve. The use of the highway for the purposes of protest has been confirmed as potentially reasonable and lawful domestically (see [DPP v Jones](#)) and falling within the scope of Articles 10 and 11 (see above). A degree of obstruction for this purpose is tolerated on a daily basis. However, to allow a complete obstruction of the highway

for a significant period of time is unlikely to represent a fair balance between the rights of the protestor and other members of the community.

The specific scenario of a deliberate highway obstruction by protestors in the immediate vicinity of an arms fair was considered in [DPP v Ziegler](#). The initial findings found that the deliberate obstruction of the highway in furtherance of protest was an exercise of Article 10 and 11 rights and was capable of giving rise to a lawful excuse for the purposes of a defence against a charge of obstruction of the highway, contrary to section 137 of the Highways Act 1980. Further clarity was provided by the Supreme Court on appeal that the crucial question was whether any interference with those rights would satisfy the principle of proportionality. It concluded that the decision of the lower court that the exercise of article 10 and 11 rights did provide a defence of lawful excuse.

More generally, in many cases where a protestor seeks deliberately to cause significant disruption to lawful activity being carried out by others, the outcome of the balancing act should be considered against the use of alternative routes if available before seeking to remove protestors

If intervention is the outcome, in order for the policing to remain proportionate, consideration must be given to whether a protestor's right to continue their protest in a different way which is less disruptive can be accommodated. It is particularly important in these situations that the rights of all protestors are considered. For practical policing reasons, it may in some cases be physically necessary to deal with a crowd as a single entity. However, in terms of planning, decision making and communication, the rights of each individual protestor matter. Even where the conclusion is that one form of protest must be stopped completely, the police will need to consider whether police action can be taken in a way which will preserve the rights of other protestors to continue their protest (see [Ezelin v France](#)). If no consideration is given to this, there is a risk that the degree of police interference will be disproportionate.

### **Counter Protest**

Often, a protest will attract the attention of individuals with opposing views who will wish to stage a 'counter-protest'. Assuming that both groups act peacefully, and not with the aim of inhibiting the rights of the opposing group, police must recognise that both are exercising their [Article 9](#) rights through actions drawing upon [Articles 10 and 11](#). The first protest to be organised does not have priority, or any favoured status, merely through being the first. Simply prohibiting a second assembly in the same place and at the same time as an already notified or planned public assembly in cases where both can reasonably and safely be accommodated is likely to amount to a disproportionate, and possibly discriminatory, response.

A distinction must be drawn between the general right to stage a counter protest, which attracts an equal degree of protection under the ECHR to the first protest, and a specific counter protest where the intention is (at least in part) to prevent or substantially curtail the exercise of Article 9, 10 or 11 rights by the other group. In the second scenario, conduct the deliberate purpose of which is to frustrate the exercise of Article 9, 10 and 11 rights by others

would itself not be protected by those same articles. In [Plattform 'Ärzte für das Leben' v Austria](#), it was confirmed that *"the right to counter-demonstrate cannot extend to inhibiting the exercise of the right to demonstrate"*.

Thus, the counter-protestors have an equal right to stage their own protest, but have no right to seek to inhibit the other group's protest (see above in 'Striking the Balance'). The point at which one person's actions become sufficiently interfering in the rights of another to necessitate restriction by police will need to be considered, and the rationale recorded. In seeking to balance competing interests, and uphold, so far as is practicable, both sides' right to protest, it is important that the police avoid decisions that give, or are perceived to give, a preference to one group over another. Where such an outcome appears likely, any decision that may result in a difference in treatment between the two groups must be scrupulously documented, including the basis for the difference in treatment.

### **Harm to Others**

The potential for actual harm – as opposed to inconvenience, annoyance or offence - to be caused to others may be a very important factor in determining what restrictions will be necessary and proportionate. This arises most commonly in the mundane but critical consideration of public safety, particularly when assemblies or processions take place on or near roads. The case of [Dulgheriu v LB Ealing](#) concerned a challenge to the imposition of a Public Spaces Protection Order that severely restricted the rights of anti-abortion protestors maintaining a vigil outside a clinic offering termination services. The Court of Appeal reiterated that Article 8, 9 10 and 11 rights are of equal importance. In relation to the impact of the protests, it found that there was evidence of *'lasting psychological and emotional harm'* to service users. Having done so, it concluded that the rights of the service users visiting the centre outweighed the Article 9, 10 and 11 rights of the claimants, and other pro-life protestors.

Given that the conclusion that a protest is causing real physical or psychological harm to a person (as opposed to annoyance, embarrassment, irritation or nuisance) may lead to significantly greater restriction on the exercise of Article 10 and 11 rights, it is particularly important that police officers obtain cogent evidence establishing such harm, rather than assuming that this is the case.

### **Acts Aimed at the Destruction of Rights and Freedoms Set Out in the Convention**

[Article 17](#) of the ECHR states *'Nothing in the convention may be interpreted as implying for any state, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set out in the convention.'*

The significance of Article 17 to public protest is that a person whose behaviour infringes Article 17 cannot rely on the rights contained in Articles 10 and 11 in relation to the state's response to such actions. Violence, or the incitement or encouragement of violence falls outside the scope of Articles 10 and 11 and does not need to be considered in relation to Article 17.

The context in which Article 17 will most frequently need to be considered is where the protest seeks to undermine the rights and freedoms of another group in society, such as by the use of hate speech. While different countries may have different concepts as to what might constitute hate speech, the expression of racist ideology and religious hatred has consistently been held by the ECtHR not to attract any protection under the Convention, see for example in relation to Islamophobia in [Norwood v UK](#).

In the context of political protest, it is important to bear in mind that there is a difference between an expression of “radical dissatisfaction” and speech intended or likely to provoke hatred. In [Stern Taulats and Roura Capellera v Spain](#) the appellants publicly burned a large, upside-down picture of the Spanish King and Queen. These actions had not led to violence or disorder. The ECtHR determined that this was an exercise of the freedom of expression that retained the protection of Article 10. No matter how widespread or serious the offence that is caused to others, and however deeply and sincerely held are the beliefs or values of others that are offended, actions such as these retain the protection of Articles 9 and 10, unless the activity is plainly aimed at the destruction of the rights and freedoms of others enshrined in the ECHR. If the symbolic act had been aimed at inciting hatred towards a particular racial group in society (such as the monarchy or monarchists), the outcome would have been likely to have been similar to that in *Norwood v UK*.

Even where the speech is undoubtedly encouraging hatred based on race, religion or ethnicity, the threshold for invoking Article 17 is very high. In [Féret v Belgium](#) the applicant distributed election leaflets carrying slogans such as, “Stand up against the Islamification of Belgium”, and “Send non-European job-seekers home”. The ECtHR found that the contents of the leaflets did not justify the application of Article 17, although it had no hesitation in rejecting the Applicant’s case that his conviction for distributing such material was a breach of Article 10.

### **Impact of long-term protest**

Disruption can be caused by protests in a number of ways. Some protest action may be extremely disruptive in the short term e.g., a protest group accessing an airport’s runway is likely to have a significant, immediate impact on flights. Other protest action may have limited impact in the short term but, over an extended period, could cause significant impact e.g., sustained traffic disruption affecting local businesses, employees, deliveries and customers. The peaceful nature of a protest does not mean that restrictions cannot be imposed, provided such restrictions are no more than are necessary to uphold the rights of others.

The right to freedoms of expression and assembly do not become exhausted through use, nor are the inherent importance of those rights reduced. However, when balancing rights, there are two considerations that may become relevant. Firstly, the impact of the protest on the rights of others may increase (qualitatively or quantitatively) as the protest continues. Secondly, where a person has been able substantially to exercise their Article 10 and 11 rights, the fact that they have already been able to do so is a legitimate factor to balance against the competing rights of others.

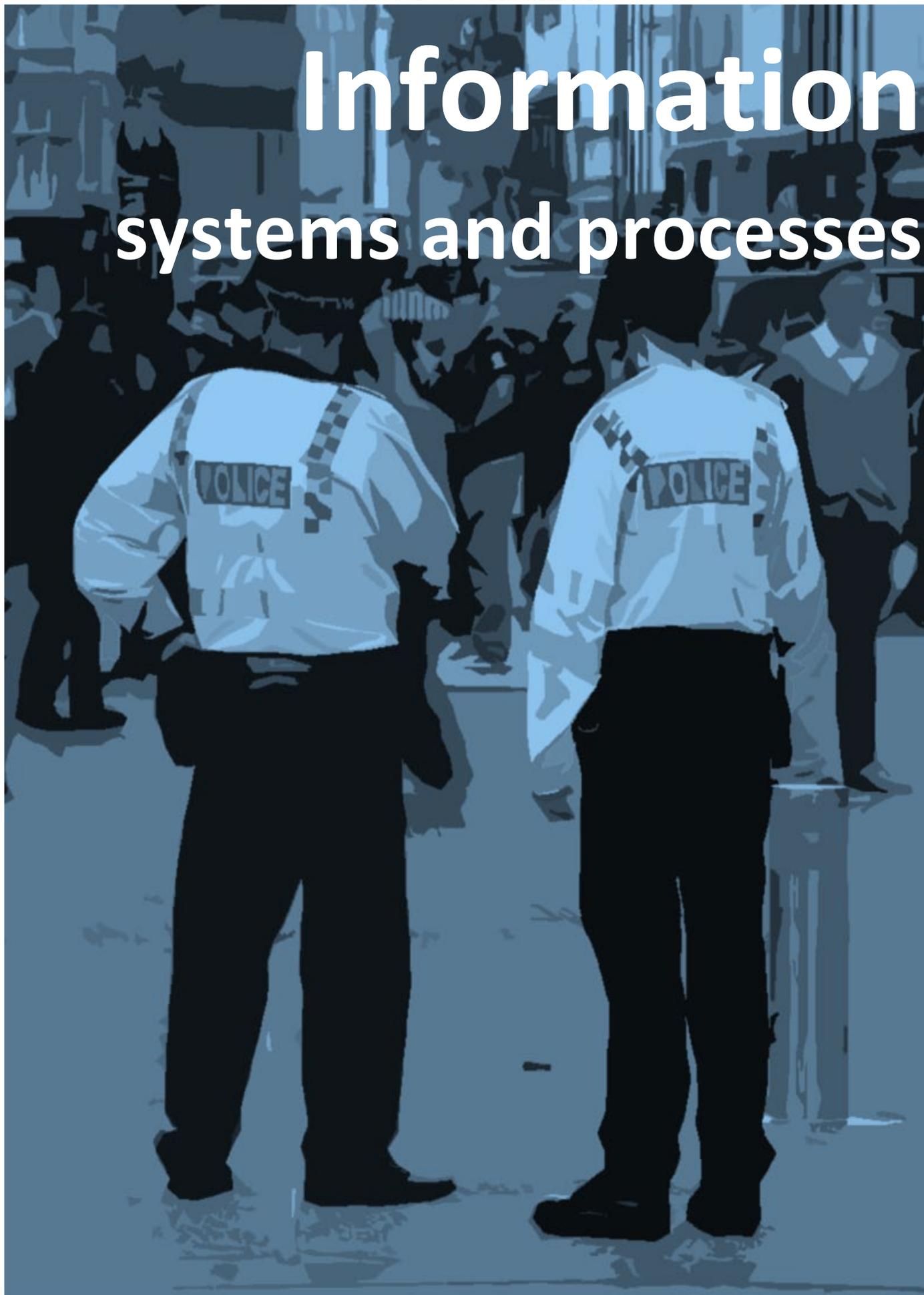
In cases where the protest causes a significant impact on the rights or freedoms of others, both the domestic court and the European court have confirmed that there is no legal right to protest for an indefinite duration. For example:

- In [Molnar v Hungary](#) the European Court concluded that where a mobile protest had taken place in a city centre, significantly disrupting traffic, it was a proportionate interference in the protestors' rights to bring the event to an end after 8 hours.
- In [The Mayor Commonalty and Citizens of London v Samede](#) the Court of Appeal confirmed that, notwithstanding the provisions of Articles 10 and 11, there was no right to establish a protest camp of indefinite duration on public land.

In longer-term protests, the full scale of impact may not be immediately apparent. Where protest impacts upon others over a protracted period it is important that, from the start, the police build a portfolio of evidence of the effect on local communities, businesses and transport networks.

Where it is believed that an action may represent the start of protracted protest, the Silver Commander will need to ensure there is a plan governing the collection and collation of this information. Recognised practice supports a nominated individual being identified to perform this function, and to be ready to present it to a court if needed. This evidence will support decisions in respect of police intervention and enforcement, including any subsequent prosecutions. It is important that this is communicated to the protestors, so they are aware of the impact of their actions and how this may necessitate a change in the police's response. In turn, this will give the protestors an opportunity to modify their actions in order to avoid a more intrusive policing response.

# Information systems and processes



## Information systems and processes

### Information management

Determining a proportionate policing response requires many different forms of information. The management of these will be performed by a number of elements of the [command structure](#) which may include:

- [Bronze Community](#)
- [Bronze Liaison](#)
- [Bronze Intelligence](#)
- Legal Adviser.

Information requirements will differ based on threat and risk, and individual [command structures](#) should reflect this. While different information will be gathered and passed through the separate Bronzes, it is important that all pertinent information and intelligence is brought to the attention of the Silver Commander.

The Silver Commander should put protocols in place at the earliest opportunity to ensure effective information and intelligence management, and to avoid any potential damage to public confidence should information be handled inappropriately.

On larger operations, the Silver Commander may require intelligence that is managed by an identified [Bronze Intelligence](#). Bronze Intelligence needs to support the Silver Commander to develop an intelligence collection plan.

### Local context

Protests will impact on communities to varying degrees. This can be through their support for and involvement in action, or disruption caused to their daily lives. It is therefore important that command decision making is informed by this valuable information. A [Community Impact Assessment](#) should be considered to identify how a protest impacts on a community or group within a community. Successful policing depends on engaging and communicating effectively with the communities each force serves. Developing and maintaining positive relationships is an essential part of this and should form part of everyday policing. It is not a passive process but a proactive collaboration between all the parties involved. Further guidance on [Engagement and communication](#) is available in APP.

This information will inform [strategic and tactical planning](#) and decision making. Care must be taken in the use of such information and any subsequent tasking to develop intelligence if the trust and confidence of communities is to be preserved. This will be further supported by the Silver Commander establishing [protocols](#) between the identified Bronze and those gathering community based information.

## **National context**

Protest activity is not always limited to one location, and some protests can have national and international implications and/or media attention. Many protestors move nationally and, in some cases, internationally, in support of their cause. This may necessitate a collection plan that links into national resources (a list is provided in Appendix A).

The National Police Coordination Centre ([NPOCC](#)) provide support to both the Operational and Intelligence aspects of protest policing. NPOCC also provides a national coordination function for policing responses to spontaneous incidents and supports the planning for major national events.

The NPOCC SIB (Strategic Intelligence Briefings) team coordinate the national picture around strategic intelligence, developing both an annual Strategic Threat Assessment of protest for policing, as well as preparing intelligence briefings on patterns of protest activity and individual protest themes, groups, or events. The SIB work with Intelligence Departments across every Force and can proactively develop intelligence using a wide range of methods.

The NPOCC Ops team monitor the capacity and capability of policing and test, exercise and deliver the mobilisation of mutual aid across the country. Via the Mercury system and working with Regional Information Coordination Centres (RICCS), NPOCC Ops have access to data on over 200 different specialist roles should Forces need to draw on mutual aid to support either officer numbers, or access particular skills. The mobilisation of protest resources can take place at Force (tier 1), Regional (tier 2 managed by the RICCs), or National level (tier 3 managed by NPOCC). Each year, for major pre-planned events, thousands of officers are deployed on mutual aid via the RICCS and NPOCC.

Where a force is dealing with a protest or learns that a protest is going to take place in their area, they should make early contact with other forces who have had experience of similar protests. This is to identify lessons learnt and build on best practice and can be achieved through the Regional POPS networks and/or via contacting NPOCC.

Where a Force is managing a protest that might span multiple Force areas, then alongside any resource mobilisation, NPOCC provide a national coordination role. This enables individual Gold Commanders to link together and develop more consistent strategies, share intelligence, prioritise resources, and ensure consistent media management and external briefings. This might also extend to national coordination of subsequent investigation and prosecution.

## **Wider context**

In determining the threat and risk around a specific protest, it is important for the Silver Commander to be aware of any wider context to the action, e.g., does the action fall on the day of a religious festival or anniversary of significant interest to that cause? Similarly, the date of action may correspond to critical activities at the protest, e.g., key deliveries or visitors to the location. Any such context is likely to have an impact on threat and risk and therefore may influence the scale of any potential police response.

### **Social media/online content**

Protest groups often utilise social media through all phases of their activity. Initially, this is often intended to galvanize support for a protest. During protest, groups may 'stream' live footage and provide updates online. Selective posting of incidents after the event is almost inevitable. Subsequently it may be used as a forum for complaint, comment and further publicity. It is therefore important that the police consider the opportunities and risks social media presents in order to help determine the policing response. Whilst social media is widely and easily accessible, any such access must be considered in conjunction with the provisions contained in RIPA, and forces may wish to consider expert advice. Even when it is considered to be appropriate to monitor and gather this material, such information is not always accurate, reliable or valid. It may not be representative of the views or intentions of many of those seeking to protest, and may only reflect the views of a small minority. For these reasons, it is important that Bronze Intelligence should consult a Digital Media Investigator (DMI) who can provide a digital intelligence and investigation strategy. This will support the gathering of online content ensuring it is done in a proportionate manner in accordance with [Information Management](#) and [Intelligence Management](#).

Public Order Public Safety policing often necessitates that decisions made are based on limited information. Where this is necessary, the decision must be taken in accordance with the [Risk Principles](#) and identified gaps in the intelligence picture recorded along with a rationale.

# Working with stakeholders



## Working with stakeholders

Protests invariably involve a number of stakeholders, often with separate and conflicting aims and priorities. In maintaining a position of impartiality, the police must seek to understand these aims so that areas of potential conflict can be minimised. A better understanding of stakeholders' aims will support the police in balancing their duties in relation to peaceful protest and the other [Roles of the Police](#).

In achieving a better understanding and balance of duties, a communications strategy will need to be developed to use a variety of options most suited to engagement with each stakeholder group. Understanding the aims and influence an individual is likely to have within a stakeholder group prior to engagement may help the Silver in developing an effective communication strategy.

The use of a communications matrix similar to the generic example below may help in the planning and operational phase. Colour can be used to identify where police consider good or adequate measures are in place to support communication but also where there are areas considered inadequate. Direct contact between all stakeholders may not be necessary or desirable in every instance. In such a case, providing this lack of direct contact does not present an identified risk, the cell may be shown as green, e.g., communications between stakeholder 1 and 2.

		Communication to			
		Police	Stakeholder 1	Stakeholder 2	Stakeholder 3
Communication from	Police	Command structure supported by radios, telephony and IT.	Co-location of tactical and operation command.	Police Liaison Teams Weekly update meeting by Silver Key updates by social media.	Community Bronze and neighbourhood officers Key updates by social media.
	Stakeholder 1	Co-location of tactical and operation command.	Command structure, internal comms systems including telephone, IT.	No direct communication Comms through police.	Weekly meetings with local councillors.
	Stakeholder 2	PLT and 101 / 999 services.	No direct communication Comms through police Letters.	Interpersonal and social media.	Direct interaction at protest location social media.
	Stakeholder 3	Community bronze and neighbourhood officers 101 / 999 service Letters.	Weekly meetings with local councillors Letters, telephone services.	Direct interaction at protest location.	Interpersonal and social media.

(Above: illustration of a typical communications matrix, further details included in the NPPOTC Events Module)

Good comms provision



Adequate comms provision

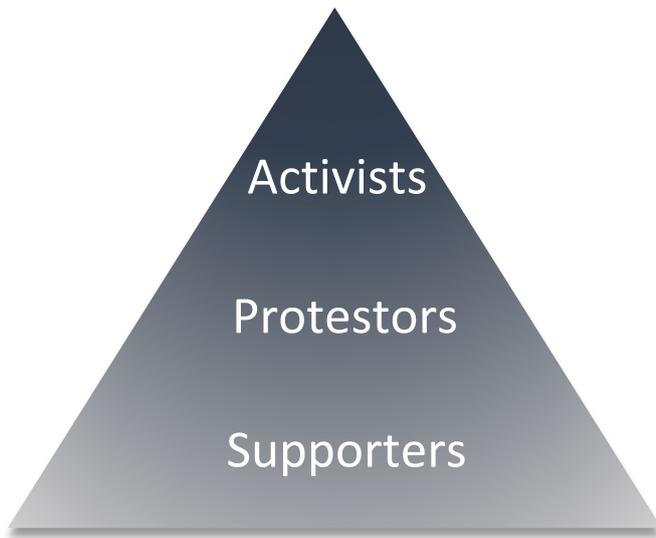


Poor comms provision



## Protestors

The people attending protests are likely to have different backgrounds and a range of different social identities (further information on the psychology of crowds is available on all core POPS Command Modules within the NPOPSTC). Their motivations, needs, capabilities and tactics will vary, as will their willingness to go beyond peaceful protest and engage in criminal activity. Some may not identify themselves as 'protestors' and use of this blanket term may lead to incorrect assumptions. The police therefore need to be informed about the intentions of those attending protests in order to differentiate between groups and individuals.



The above diagram is a simplified representation that may in some situations help the police to understand where individuals sit on a spectrum of protest activity. The diagram highlights that the majority of individuals associated with most causes may be considered 'supporters'. This includes individuals who feel an affiliation to a cause but are relatively unlikely to protest actively or frequently. Supporters may be present in the vicinity of protest, and external influences could cause them to become more directly involved.

'Protestors' will also feel an affiliation with a cause but will also typically seek to express their beliefs by attending and actively taking part in protests.

Where protestors move beyond simply expressing their beliefs at protests into taking other action to further their cause, they may be considered 'activists'. A type of action, which is only one part of activist behaviour, and will not be undertaken at all by some activists, is sometimes described as 'direct action'. This can refer to conduct (often, but not necessarily unlawful) aimed at preventing or disrupting the activities of the subject of the protest.

Sometimes its aim is to intimidate or demoralise those who undertake that activity. Examples of direct action include deliberate obstruction and criminal damage. Often, it is the activities of those activists attempting such 'direct action' that result in arrests at a protest.

Modern crowd theory (see NPOPSTC) suggests that an individual's identity and behaviour during a protest may change dependent upon a number of external influences, including police action. This supports the view that some individuals will move up or down the spectrum, and acts as a further warning that blanket terms to describe participants may lead to incorrect assumptions.

Police should educate themselves regarding the individuals, groups, and groups within groups attending a protest in order to help identify a proportionate policing response. Where possible, this should include communication before, during and after an event, as well as other information collected in the run up to a protest.

The diverse nature of those attending protest may require a similarly broad spectrum of communication options. Historically, some protest groups have been mistrustful of the police and this has made communication between police and these protestors challenging. The introduction of [Police Liaison Teams](#) (PLTs) and adherence to a 'no surprises approach' has gone some way to address this. Attempts should be made to counter any perception that the police are seeking information in advance in order to undermine protest.

Where the protest is community-based, the option of [Community Mediators](#) will often prove useful. Together with the use of neighbourhood policing resources, community mediators may provide a more effective communication channel with community-based groups than PLTs.

While it is recognised that a 'no surprises approach' is desirable when communicating with protestors because it can build trust and confidence, consideration must be given to sensitive information being divulged (including both deliberate and inadvertent disclosure) which could result in escalation of protest or criminal activity, or compromise the effectiveness of the policing response.

Efforts to establish and maintain lines of communication should be ongoing. This reflects both best practice and an underlying, continuing legal obligation to ensure the peaceful conduct of an assembly, prevent disorder and security the safety of all involved (see [Frumkin v Russia](#)). The necessity and/or proportionality of subsequent intrusive policing tactics may be affected by whether or not sufficient steps were taken by the police prior to or during an event to establish communication with an individual or group.

### **Interaction During the Protest**

Two specific aspects of the interaction between police officers and protestors have been identified as of particular concern to some contributors to the consultation process:

- the use of disproportionate and/or excessive force towards protestors; and
- aggressive, intimidating or degrading behaviour and responses towards protestors.

The operational details surrounding the use of force in the public order public safety context are outside the scope of this document. However, it is appropriate to emphasise the great importance of ensuring that unnecessary or disproportionate force is avoided when dealing with public protest.

A pre-requisite for the use of force in restricting a person's Article 10 or 11 rights (such as the forcible dispersal of a gathering) is that it is in accordance with the law. It follows that there must have been a lawful basis for use of force against the individual protestor, and the degree of force used must have been reasonable in the circumstances (or, where an officer is mistaken as to the basis of the use of force, in the circumstances as the officer reasonably believed them to be at the time, as per [Ashley v Chief Constable of Sussex](#)). The responsibility for these matters rests with the individual officer and also potentially with the senior officer briefing and giving instructions to officers on the front line, particularly in circumstances where resort has to be made to coercive police tactics.

If it reaches a minimum level of severity, the use of unnecessary and excessive force may lead to a finding that the protestor has been subjected to inhuman and degrading treatment, and that accordingly there has been a breach of Article 3 of the Convention, in addition to any breach of Articles 10 and 11.

Moreover, the use of excessive force when dealing with a protest may have the effect of discouraging those, or other potential protestors, from participating in similar protests in future. It has the potential to damage trust and confidence in the police more widely, and for a significant period of time after the event.

For the above reasons, as well as for those reasons which apply in any other scenario where force may be used, officers must be reminded and encouraged, whenever it is practicable to do so, to ask themselves whether the use of force, and the degree of force, is lawful on an individual, protestor-by-protestor basis.

As part of the tolerance that the police are required to show to peaceful protest, there is an expectation that police officers will not act towards protestors in a way that is unnecessarily aggressive, intimidating, or degrading. It must be emphasised that such behaviour is not acceptable. Where police officers are interfering with the rights of protestors, the proportionality of such interference may be affected by the behaviour of officers involved. Just as with the use of force, unnecessarily confrontational behaviour may have a chilling effect on those who experience, are witness to or learn of such behaviour.

It is recognised that police officers may find the policing of even a peaceful protest to be challenging, tiring, confusing and stressful. In more confrontational situations, they may be in fear for their own safety, or for the safety of their colleagues. Nevertheless, it must be emphasised to all officers who are involved in policing protest of the importance of remaining professional, and courteous - and, where practicable, helpful - in their dealings with peaceful protestors.

Where it is possible with the available resources at the time, public order public safety commanders will be expected to support the front-line officers in these endeavours, by ensuring that they are sufficiently rested, refreshed and briefed for front line duties.

## Public authorities

Public authorities have legal responsibilities under Section 6 of the HRA, and it is unlawful for them to act in a way that is incompatible with a Convention right. In some instances, it may prove necessary for the police to highlight this, encouraging them to develop an understanding of their obligations.

The Equality and Human Rights Commission has produced a [guide for public authorities](#) outlining their obligations under the HRA and how human rights are relevant to various roles. This may be particularly relevant in instances where local or national politics play a part in either supporting or opposing the protest.

If, despite police engagement, impasse is reached between public authorities and police regarding their legal responsibilities, the Gold Commander should address this at a strategic level.

Public authorities can provide invaluable expert advice informing police decision making, e.g., planning legislation, building control and identifying land ownership. They have access to equipment and resources that may directly affect the scale of police response, e.g., barriers, lighting and stewards.

Public authorities also have powers that may be more appropriate than police powers in certain circumstances. The use by local authorities of powers under the Anti-Social Behaviour, Crime and Policing Act 2014 are applicable to protests that cause harassment, alarm or distress. Where possible, powers available to the local authority should be identified in advance of any protest and [multi-agency protocols](#) agreed upon.

It may be the case that a public authority is the subject of the protest. In such cases, the impartiality of the police is likely to be questioned. Commanders must consider the [Code of Ethics](#) in managing this issue and be scrupulous in recording their rationale to ensure openness and transparency. This may necessitate an atypical arrangement regarding communications between authorities, e.g., avoiding co-location of tactical command.

It is likely that those responsible for managing normal day-to-day policing will have established long-term collaborative relationships with their counterparts in local public authorities. It may be wholly appropriate to utilise such contacts, but equally, if not effectively managed, this may result in damage to trust and confidence with other stakeholders.

In developing the communication strategy, the Gold Commander should consider the option of joint key messages between the police and public authorities and whether it is appropriate in each circumstance.

For the purposes of the HRA, the Crown Prosecution Service (CPS) is to be regarded as a public authority. The specialist nature of protest means that, where it is foreseeable that prosecutions may follow, the CPS should be consulted well in advance of protests. It may be necessary to ensure that the CPS have been briefed in advance about any specific legal issues a protest may generate that they may not routinely encounter. This will support the development of plans regarding police intervention as well as providing valuable detail which may feed into the communications strategy. This will support open and transparent communications with other stakeholders. For

longer-term or recurring protests, it is very likely to be beneficial to identify a single point of contact within the CPS who will support an informed, consistent approach to prosecutions, should they become necessary.

### **Journalists and Legal Observers**

The media has a crucial role in providing information on the authorities' handling of public protest and the containment of disorder. The police should ensure that they do not interfere unnecessarily with journalists doing their work, even if inadvertently.

In [Pentikäinen v Finland](#) a journalist was arrested following his refusal to comply with lawful and reasonable orders given by police during a protest. The ECtHR found that the importance of the "watchdog" role of the media meant that any attempt to remove journalists from the scene of a public protest must be subject to strict scrutiny. However, on the facts, his arrest did amount to a breach of his Article 10 rights. The police had not sought to prevent him from reporting from the scene of the protest, and he was arrested only because he had failed to comply with police orders, rather than because of his status as a journalist. His status as a journalist did not exempt him from his obligation to comply with the order.

Although journalists attending at the scene of a protest do not have any specific legal status or immunity, once a person has been identified as a journalist, in many cases it will be unnecessary to impose the same conditions / restrictions on them as on protestors, such as allowing movement through cordons where it is safe to do so. Any unnecessary restrictions placed on a person who is identifiable as a journalist will interfere in their Article 10 rights.

'Legal observers' are a modern feature of public protest, often clearly visible due to wearing a tabard that identifies them as an observer. Legal observers are usually encouraged by protest groups not to participate actively in the protest, and not to obstruct police officers in any way. Legal observers have no formal legal status and are not automatically entitled to be treated differently to any other person attending. They are not usually in a position to negotiate, mediate or be a channel of communication with protestors. Where it is necessary to give directions to all of those participating in procession or assembly, these will normally also apply to the legal observers.

### **The Subject of Protest**

There is often a specific subject of protest whether that is an individual, business, location or community. It is important to recognise the impact that targeted protest can have and consider this in determining a proportionate policing response.

### **Individual Subjects**

Because article 11 is a 'qualified right'; it can be lawfully interfered with if it is in the interest of public safety, the prevention of crime or disorder, or the protection of the rights and freedoms of others. Wherever possible, the wish that a protest should take place within the 'sight and sound' of its target audience must be upheld, and any limitation/restrictions must, as ever, be in line with the threefold test outlined earlier in this document. However,

there will be situations where the impact on the rights of other stakeholders will require the imposition of geographical restrictions and the identification of an alternative venue.

Where individuals are the subject of protest activity, the police must consider any additional impact on their Human Rights and those of their family and associates. Specifically, the police may need to consider Protocol 1, Article 1: Peaceful Enjoyment of Property of the HRA, Article 8: Right to Private and Family Life of the ECHR, and the Protection from Harassment Act 1997 – see Appendix B for Human Rights case law. The freedom to choose where to assemble is protected by Article 11(1), but can be lawfully restricted under Article 11(2), where it is necessary to protect the rights of others particularly where a protest is centred on an individual's home or near their property or place of work.

In a similar way, the nature, timing, frequency, duration, and size of the protest may all be aspects that need to be considered when striking a balance in these cases.

Where an individual or organisation is subject to prolonged protest action, police and statutory agencies should conduct a joint risk assessment of the impact of the protest on the relevant individual's wellbeing, and that of any family and associates subject to the same.

If there is evidence that real harm is being caused, this is likely to justify specific restrictions. Restrictions to uphold the Article 8 rights of the subject, family members or members of the local community may be necessary, notwithstanding the impact this may have on the protestor's freedoms under Articles 9, 10 and 11. This was the case in [Dulgheriu v LB Ealing](#). The case was unusual in that there was cogent evidence before the court of the long-term psychological impact of a protest on women visiting an abortion clinic. The impact went well beyond causing irritation, annoyance, offence, shock or disturbance.

Where a working arrangement or compromise cannot be reached with those seeking to protest, it may be that the local authority will seek to impose long-term restrictions on a protest. It can be anticipated that the police will be asked to provide objective, balanced evidence to assist in this process.

### **Businesses and Organisations**

Businesses can be subject to protest. The effects of prolonged or direct action can have significant financial implications if proportionate mitigation is not put in place.

Commercial businesses are required under [health and safety law](#) to provide their employees with a safe working environment. A business being the subject of a protest does not absolve it of this legal requirement but may necessitate the business putting in place additional mitigation for safeguarding purposes. Where threats arising from protest fall beyond the capability of the private sector, the police and other public authorities may need to consider applying resources.

There is no right to assemble on private land in order to carry out a protest – see [Appleby v UK](#). Trespass on private land with a view to disrupting lawful activity is likely to be an offence of aggravated trespass, and there will be a legitimate expectation that action will be taken by the police to prevent or respond to such direct action. This might include giving a direction under [section 69 of the Criminal Justice and Public Order Act 1994](#) to the trespassers to leave. In certain situations, consideration may also be given to seeking an order under [s.14A of the Public Order Act 1986](#) to prohibit all trespassory assemblies in the area for a specific time.

While the police are not legally obliged to ensure that companies are able to undertake lawful activity entirely unimpeded, they must consider their [duties in relation to policing protest](#) and the [Role of the Police](#). This will require a proportionate policing response based on threat and risk assessment. While in some instances commercial businesses may not consider the policing response sufficient, the decision to deploy police resources and the scale of any deployment remains that of individual chief officers.

Where there are likely to be financial implications for businesses, it is essential that any decision relating to policing be documented in an auditable way. Forces may wish to seek legal advice to further inform their decision-making process.

In appropriately mitigating identified threats, the police and other public authorities will at times need to have regular contact / communication with commercial businesses. This is necessary to ensure a common understanding of each other's perspective, roles, responsibilities and a sufficient knowledge of working practices to support a safe and effective policing response if required. Forces may wish to commit their understanding of these arrangements in a [Memorandum of Understanding](#) (MOU). It is likely that agreement will also need to be reached on [information handling](#) between the business and the police. In developing any such agreement careful consideration must be exercised to ensure police compliance with RIPA.

In having regular contact/communications with commercial businesses, it is important that the police do not compromise their position of impartiality. Forces should ensure communications between the police and all stakeholders are open, transparent and auditable wherever possible.

Commercial businesses may seek civil injunctions to resolve issues associated with prolonged or reoccurring protest. While it is appropriate for the police to consider providing objective evidence, whether to a commercial business or a protestor, it is important that the police remain impartial in any application for injunctions. If an injunction is ordered, it is essential that the police are fully sighted on its content and the businesses' expectations are managed with regard to its implementation. The injunction will very rarely impose specific duties on the police regarding enforcement, and an assertion that it does so will have to be considered critically. If this were indeed the case, the police would normally have a right to go back to the judge who granted the injunction to seek clarification / modification of any terms imposed specific duties or obligations on them.

The terms and scope of the injunction, and any implications for the policing operation, must be contained within the Tactical Plan, which will need to be communicated clearly to officers deployed onto the operation. For example, it may be a relevant factor for an officer to consider when deciding if an arrest is necessary. Where the subject of a protest has obtained a civil injunction, it is essential that the police are provided with:

- A full copy of the order made, including any appendices, maps etc.
- A copy of the judgment when the injunction was granted, and any subsequent judgments extending / varying the injunction.
- The information presented to the court by each side at the hearing of the application.

### **Public Authorities/ The State**

Public authorities may become subject to protest for a number of reasons. This may be associated with local issues such as planning new development or reductions in local services. Equally for many, they represent the wider 'state' and provide a local focal point for protest relating to national issues.

With any such protest, it becomes ever more important that police maintain a position of impartiality. This may be difficult when considering the likelihood of longstanding working relations between the police and other public authorities. Impartiality is likely to be supported when the police and stakeholders commit from the beginning to their communications being transparent and auditable.

### **Community**

The Oxford English Dictionary defines 'community' as 'all the people who live in a particular area or place or having a particular characteristic in common'. This broad definition may have value when considering the stakeholders whose rights may be affected during protest.

While some protests will be directed against a particular community, other protests will aim to raise awareness of a cause in a community by intentionally or unintentionally causing disruption. The impact of disruptive protest on a community will vary and is not always foreseeable or initially apparent. Therefore it is important that the [Communications Plan](#) has provision for ongoing liaison with all elements of the community, and where appropriate, evidence of disruption and the impact of protest is captured in impact statements. Capturing the impact of protest on communities can inform future communications with protestors. Protestors may decide to alter their approach to reduce its impact. Alternatively, in those cases where the impact and disruption caused may be what some protestors intend, the process of capturing and communicating impact is likely to inform police decision making and support any subsequent police intervention.

# Command, planning and tactics



## Command, planning and tactics

### Command

Forces may decide, having conducted an appropriate threat and risk assessment, that a protest does not require the deployment of dedicated police resources or a command structure. In all instances this initial assessment must be made by a trained and competent POPS Commander. Equally, some protests can, owing to their scale and nature, present a risk of public disorder or to public safety. In these instances, as with other POPS events, this requires that any police [command structure](#) put in place should be appropriately trained under the NPPOPSTC.

The NPCC considers that the use of occupationally and operationally competent POPS Commanders and POPSAs is a key element in effectively policing protest. Their use supports the need for those in command to have a good understanding of Human Rights legislation and its application in complex circumstances. Experienced POPS commanders and POPSAs have knowledge, understanding and skills which allow them to plan to reduce risk in such situations but are also well-placed to respond appropriately if instances of disruption or disorder do develop. This flexibility to respond appropriately may be lost where forces consider using commanders who are not trained under the NPPOPSTC for 'lower risk' protests.

Protests may require command structures which include specialist non-accredited command roles such as Community Bronze or Roads Policing Bronze. In the absence of formal training, the Silver Commander is likely to need to identify [command protocols](#) to achieve an effective command structure which is commensurate to identified threat and risk.

In relation to long-term protest, forces may wish to consider identifying POPS commanders and POPSAs who can be deployed on the operation for a significant period. An important benefit of this is that it helps achieve a consistent approach that is understood by all stakeholders and police. Where it becomes necessary to replace members of the command structure, cognisance should be given to command continuity elsewhere in the command structure. Commanders and POPSAs joining a long-term operation should receive a detailed briefing/handover regarding the operation.

### Planning

The planning processes taught on the NPPOPSTC support forces in adhering to the [Use of Force Principles](#) and promote that command decisions are documented in an auditable way. The production of a [Strategy, Tactical Plan, Operational Plans and Command Decision Logs](#) will provide those working protest operations with clear direction and promote both consistency and transparency. Freedom of Information requests are regularly made in relation to the policing of protest and these documents will support forces in accounting for their actions.

Further to this, there may be potential for prosecutions and enquiries, meaning commanders will need to ensure that plans, decision logs and associated communications are clearly recorded and securely retained.

For long-term protests, forces should establish a planning group to identify staff, resources and finance, thereby supporting the command structure. If this approach is adopted, forces should also consider the wellbeing of staff deployed on long-term protest and this may necessitate the appointment of a welfare officer.

Welfare may also extend to providing dedicated representation from the following:

- Police Federation / staff associations
- Force Welfare Departments / provisions
- Human resources
- Professional Standards Department

## **Tactics**

As protests present huge variance in terms of the level and nature of threat, commanders must consider a broad spectrum of [Tactical Options](#) to mitigate these. While consideration should be given to all available tactical options based on their proportionality and availability, particular reference to the following sections of APP is advised:

### [Police Liaison Team](#) (PLT)

Police Liaison Teams were introduced to provide a communications conduit between police command and ‘hard to reach’ groups. Operational learning at recent protests has shown that it is important that national guidance on their use is adhered to if trust and confidence is to be maintained. Forces must consider the welfare of those liaison officers deployed at long-term protests with regard to both emotional and physical wellbeing. In all cases where a risk assessment informs a decision not to deploy PLT the rationale should be recorded.

### [Forward Intelligence Teams](#) (FIT) and [Deployment of Forward Intelligence Teams](#)

FIT may be effective in identification and engagement with individuals who may become involved in, or encourage, disorder or violence, or may increase levels of tension. Commanders should consider the tasking of FIT and potential impact on the [policing style and tone](#). In all cases where a risk assessment informs a decision not to deploy FIT the rationale should be recorded.

## **Evidence Gathering, and Image Retention**

### [Evidence Gathering Teams](#) (EGT) and [taking and retaining photographic images](#)

The gathering and storage by the police of data about people attending at protests will interfere with their Article 8 rights. Such interference must be “prescribed by law”, must pursue one of the legitimate aims set out in Article 8.2, and must only involve measures that are proportionate to achieve the relevant aim.

A number of decisions, of both the domestic courts and the ECtHR have been critical of the processes that the police have had in place in the past for the retention and deletion of information gathered overtly during public protest.

The ECtHR has confirmed in [Catt v United Kingdom](#) that the overt gathering of personal data in the course of a protest may potentially be for the legitimate aim of the prevention of disorder or crime and safeguarding the rights and freedoms of others. It agreed that in the context of a protest involving individuals or groups concerned with potentially violent or criminal behaviour, there was a pressing social need to collect personal data about those attending. The ECtHR also agreed that it is in the nature of intelligence-gathering that the police will first need to collect the data, before evaluating its value.

It was in the processes for the retention, processing and deletion of such overtly gathered data that the ECtHR concluded there were defects in the safeguards then in operation, and that there had been a violation of the applicant's Article 8 rights. The Court was particularly concerned that the retention of sensitive personal data for which there was no policing purpose, such as information about a person's political opinions or membership of non-proscribed movements or organisations, would have a chilling effect on a peaceful protestor.

This judgment of the ECtHR is consistent with the earlier decision of the Court of Appeal in *Wood v Commissioner of Police*, which held that the initial taking of photographs of a protestor's attendance at a protest was lawful at common law and any interference in accordance with Article 8.2. However, once it became apparent that he had not been involved in any offence at the protest, the retention of the photographs for more than a few days after the event became disproportionate.

These cases emphasise the different criteria that apply to the initial evidence gathering process at a protest, as compared to how that evidence / data is subsequently retained or processed. The introduction of the Law Enforcement Data Service (LEDS) and the revision of Management of Police Information (MoPI) guidelines will have a major impact on the treatment of information gathered. The nature of the data to be retained, the reason for its retention, how it is stored, how decisions are made as to its deletion and the length of retention will be central to those initiatives, which are subject to ongoing consultation and fall outside the scope of this advice.

At the planning stage, the extent of any overt evidence gathering (via whatever method) must be tailored to the risk assessment for that event. It should not be assumed that any pro-active gathering of information, which will include the collection personal data relating to those attending, will always be regarded as necessary to meet the pressing social need to protect public safety, prevent disorder or crime, or safeguard the rights and freedoms of others. A disproportionate evidence gathering exercise, for which the risk assessment provides insufficient justification, could result in breaches of the Article 8 rights of those attending, and have a wider adverse effect.

During the event, operational learning has identified that in addition to recording the issuing of formal warnings, consideration should be given to recording appeals processes. The use of EGT to record a state of normality in advance of, during and after protest will offer context regarding any potential impact of protestor action in addition to obtaining evidence of any offences. EGT will also provide useful evidence in relation to the conduct of both stakeholders and the police during the protest.

The use of body worn video cameras can supplement the use of Evidence Gathering Teams but should not replace them. In the absence of a specific briefing, force policy regarding the activation of body-worn video should be applied. This would not normally result in the activation of BWV to record the mere presence of people at an entirely peaceful protest.

Post-event, the approach taken to the retention of material gathered during the event will be influenced by what occurred. For example, the retention of data that is relevant to demonstrating the events that occurred at a particular protest and the policing decisions taken will be relevant to both to potential criminal proceedings and potential legal challenges that it can be anticipated may following the policing of a protest, such as false imprisonment or malicious prosecution. The limitation period for these claims is six years. Where there is the prospect of such a challenge, there would be legitimate criticism of the police if they were to delete potentially relevant material before the expiry of this six-year period. However, in other situations (such as in Wood), following an entirely peaceful and uneventful protest, the Court of Appeal was unable to identify sufficient justification for the retention of images for more than a few days. Operational learning has identified that, in addition to recording the issuing of formal warnings, consideration should be given to recording appeals processes. The use of EGT to record a state of normality in advance of, during and after protest will offer context regarding any potential impact of protestor action in addition to obtaining evidence of any offences. EGT will also provide useful evidence in relation to the conduct of stakeholders and the police during the protest. The retention of images and records of protestors' attendance at protests has the potential to infringe their rights, particularly in circumstances of entirely peaceful, lawful protest (see [Catt v UK](#) and [Wood v Commissioner of Police](#)).

The use of automatic facial recognition (AFR) at public events, including protests, is still at a pilot stage and falls outside the scope of this document. However, the decision of the Court of Appeal in [R \(Bridges\) v Chief Constable of South Wales Police](#) emphasises the need for the police to have specific lawful basis for the gathering of personal data relating to participants at public events. The Court of Appeal found in Bridges that the pilot scheme for the use of automatic facial recognition could not be justified under Article 8.2. Its use was not in accordance with the law, as the legal framework supporting its use was insufficient and, in some areas, too vague. It left two impermissibly wide areas of discretion when using AFR, firstly as to who should be included on the 'watch list', and secondly regarding where/when it might be appropriate to locate AFR.

[Protestor Removal Teams](#) (PRT)

Some activists employ 'lock-on' tactics which may require the deployment of specialist trained officers and equipment in accordance with the training provided under the NPPOTC. Operational learning from recent protests suggests that police should consider capacity and capability both at force level and as a region to deploy such teams. It may be necessary, based on threat and risk, to have teams of these officers on standby with equipment already prepared.

[Public Order Medics](#)

In recognising that some protests present a risk of public disorder or to public safety, the provision of public order medics should be considered.

[Community Mediators](#)

It is likely that communities will be key stakeholders in any protest. The identification and cooperation of individuals within a community, who have influence or authority, has the potential to support the communication strategy and is likely to be a consideration on protest operations. The Silver (Tactical) Commander needs to consider the benefit versus the risk of utilising community mediators as highlighted in APP.

# Vulnerability

at protests



## Vulnerability at protests

The College of Policing’s definition of vulnerability states that: “A person is vulnerable if, as a result of their situation or circumstances, they’re unable to take care of or protect themselves or others from harm or exploitation.”

It is important that police and other statutory agencies seek to make themselves aware of people who may become vulnerable at protests. As previously highlighted, the right to Freedom of Expression can include conduct, ideas and opinions that can shock, offend, disturb and irritate. In extreme cases, protests can escalate into violence or direct action which could endanger the protesters themselves or others. For these reasons, where concerns are identified, action may fall to the police or other stakeholders such as Children’s Services. In either case, the presence of vulnerable persons at a protest must inform police decision making. An awareness of the make-up of a crowd will support a wider consideration of the application of appropriate [Tactical Options](#) and contingencies.

### Safeguarding children and young people

There is a legal obligation on police commanders to carry out their functions in a way that takes account of the need to safeguard and promote the welfare of children (see [Castle v Commissioner of Police](#)). Police commanders should promote safeguarding as a priority to protest organisers, and where appropriate, signpost additional support from other agencies. A general guide to inter-agency working to protect children is found in “[Working together to safeguard children 2015.](#)” Where safeguarding is not being prioritised, the police service must ensure everything that is legally possible is done to redress the situation.

Where the police are aware of the prospect of children attending a particular protest, there will be a specific duty on them to consider this when planning the operation. The [NSPCC](#), offers guidance and advice for organisations needing any assistance in writing and implementing a safeguarding policy.

### Working with other vulnerable groups

Where appropriate, planners and commanders should refer to specific police guidance within APP on [mental health](#) and [learning disabilities](#).

Further practical information relating to individuals with disabilities is available from the disability equality charity [Scope](#).

# Protective security



## Protective security

Protests often draw large numbers of individuals into one location. This, combined with the presence of police officers, may represent a potential target for a terrorist attack. Police should assess the need to mitigate any such threat which is considered reasonably foreseeable from international or domestic terrorism and/or violent extremism.

In relation to protective security, police commanders and planners should consider the following actions/factors at an early stage:

[Joint Terrorism Analysis Centre \(JTAC\)](#) threat assessment should be obtained via local Special Branch (SB or equivalent) to inform present and future strategic decision making and tactical planning. Account must also be taken of the prevailing national threat assessment, with the event-specific and national threat levels informing decision making.

Consider early appointment of a CT Security Coordinator (CT SecCo). The Gold / Strategic Commander MUST consider appointment of a CT SecCo in a number of circumstances, one of which is crowded places. Further guidance on the appointment of a CT SecCo is available via the secure APP website.

The role of a CT SecCo includes:

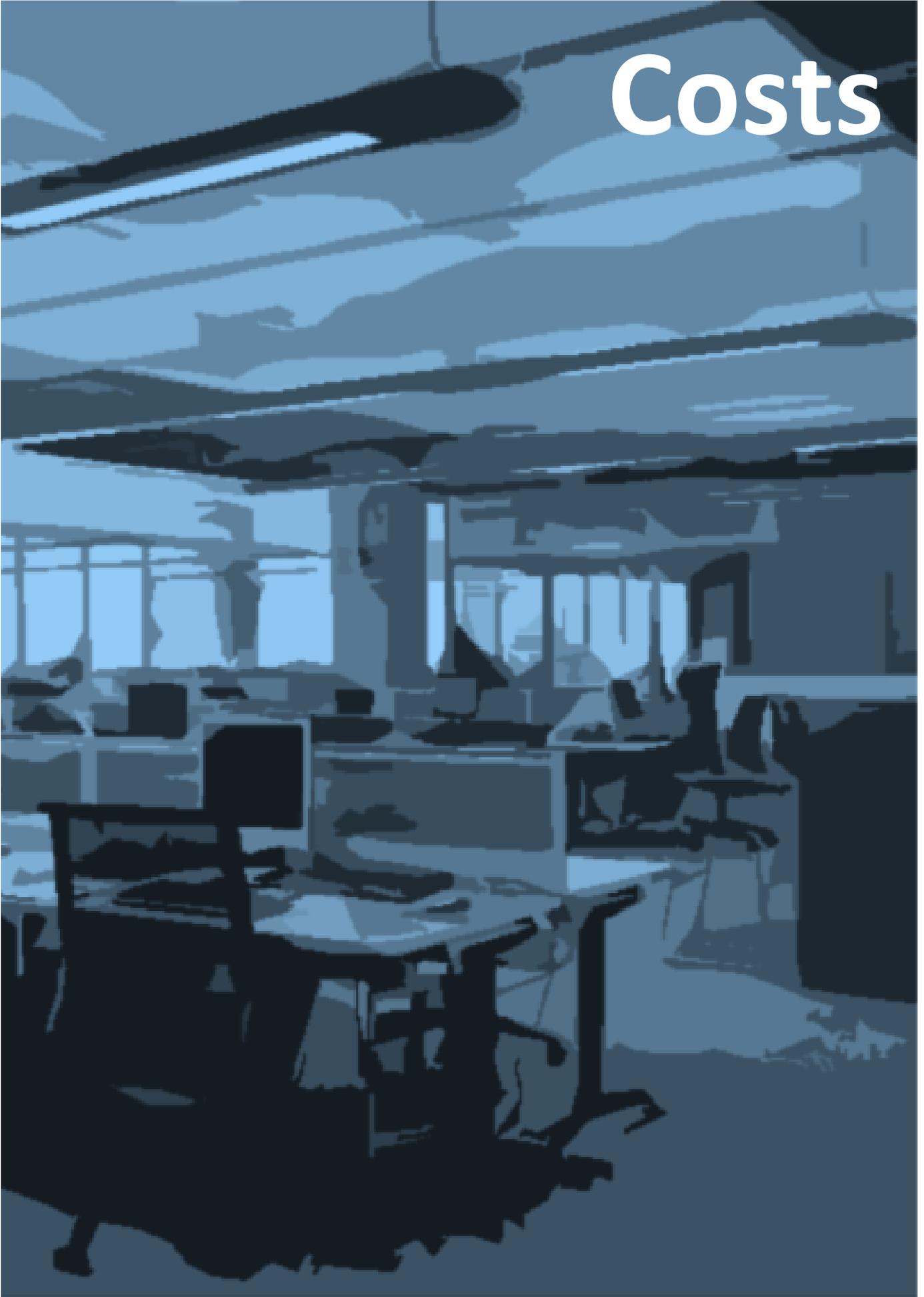
- Developing a security plan with a view to minimising threat, managing vulnerability and, therefore, mitigating risk.
- In respect of policing protests - supporting Gold's strategy.
- Coordinating all aspects of protective security by looking at a protest holistically from a CT perspective.
- Using an in-depth knowledge and awareness of a range of security assets and their operational deployment to:
  - target harden
  - reduce vulnerability
  - lessen risk.
- Implementing multi-agency protective security measures with the organisers and other partner agencies via the multi-agency planning process and/or Safety Advisory Group.
- Explore opportunities for organisers to help and support protective security, for example, through promotion of the [Action Counters Terrorism campaign](#).
- Ensuring staff involved in policing the event are briefed on any threat and have relevant information available to them, for example,
  - NPCC/College of Policing 'Terrorism Response: Aide Memoir' (restricted access, available from secure APP web site).
  - STA (See, Tell, Act) safe principles for officers should be applied.

- See: what is happening and where
  - Tell: communicate, describe incident/type of weapon
  - Act: stay safe, update, observe/contain
- Ensuring police commanders and planners are aware of relevant counter terrorism command and control functions/structures contained within 'NPCC (2015) Command, Control and Coordination of Major CT Operations' (restricted access via secure APP web-site).
  - Work together with the organiser and other partners to implement [National Counter Terrorism Security Office \(NaCTSO\)](#) guidance in relation to [crowded places](#). This work should also include consideration regarding the development of protocols relevant to the environment and the role of the protest organiser and that of the police.
    - The implementation of NaCTSO [Run, Hide, Tell](#) guidance is relevant to public places and large open spaces.
    - Consultation with regional protect/prepare leads/teams and Counter Terrorism Security Advisors (CTSA's) will support the development of these protocols.

The appointment of a CT SecCo will potentially lead to a requirement for further specialist resources to be deployed including: Police Search Coordinator (PoISC), Police Search Adviser (PoSA) and other layers of search resources including specialists Licensed Search Officers (LSO). This can represent deployment of significant resources to complete, pre-event search & seal operations, event search regimes on entry and enduring search throughout the event. The impact of this in terms of operational demand and costs therefore require consideration.

Other invaluable guidance can be found through the [NaCTSO web-site](#) (which is primarily aimed at the public, businesses and event organisers), [NPCC – National, Counter Terrorism Policing HQ](#) and [National CT Policing web site \(only available from a PNN enabled account\)](#) (which are aimed at the police service) and should be seen as the gateway to a range of tactics, advice and products available to businesses, event organisers and the police.

# Costs



## Costs

Unlike the issue of policing costs at events which are explored in the [NPCC Event Policing Operational Advice Document](#), it is widely recognised that the policing of protests will typically fall within the core role of the police. Therefore, costs attributable to core police duties should not be sought from those organising or taking part in protests.

However, it is important that the cost of policing protest is accurately recorded in order to provide transparency if freedom of information requests (FOI) are made and in support of any potential claim for a special grant made by a force to the Home Office.

Large-scale protests may additionally require the provision of stewarding, barriers, additional signage and other provision consistent with any large-scale event. As with other public events these costs should sit with the organiser or other stakeholders. Should a disagreement around costs arise, forces should refer to the [National Policing Guidelines on Charging for Police Services](#) published by NPCC and may wish to seek legal advice.

### **Financial control and governance**

An early awareness and recognition that an event may become protracted will allow commanders to plan accordingly. Regular resourcing meetings can be held to review demand and resourcing levels. Similarly, regular reviews of information and intelligence, supported by frequent contact between commanders, should ensure the appropriateness of resourcing levels. A regular finance report will promote compliance with any agreed costings.

Where an operation will become protracted, identifying a dedicated planning team could ensure consistency and may make it easier to vary resources at short notice.

### **External liaison**

Maintaining relationships and regular contact with stakeholders is essential in identifying likely milestones and events that will attract increased activity and attention.

Where significant additional costs are expected to be incurred, there may be the potential to seek special grant funding from the Home Office, providing specific criteria can be met. The bid must be made by the Police and Crime Commissioner. Forces are expected to meet the additional cost of any event up to one per cent of the force's budget.

[Special grant guidance](#) can be found on the Home Office website and sets out the information that a PCC should include in their application.

Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services conducts an independent review of the application to assess whether costs are reasonable and proportionate, and forces should be in a position to evidence that these costs represent value for money.

Notwithstanding any potential bid, there is a requirement to manage costs for all events and the following are examples of interventions/controls that could be considered:

#### Overtime management

- Schedule teams so that they do not attract enhanced rest day payments (as a result of being on rest day the previous day).
- Stagger deployments according to the pattern of demand throughout the day.
- Release officers as appropriate/necessary.
- Where appropriate, agree a protocol with stakeholders to avoid weekend and bank holiday deployments.

#### Use of partner agencies

Consider the use of partner agencies (via SCG) to provide services and facilities at a zero-cost option rather than pay such as:

- Accommodation
- Traffic management
- Training

As well as following, the normal procurement rules consider low-cost options such as:

- Other forces.
- Other emergency services (often at zero cost).

#### Equipment

As well as following, the normal procurement rules consider low-cost options such as:

- Other forces.
- Pre-owned equipment.
- Other emergency services (often at zero cost).

## **Appendix A: National Contacts**

National points of contact

National Police Chiefs' Council (NPCC)

National Police Coordination Centre (NPoCC)

College of Policing – Public Order Public Safety Unit

CTP-NOC

NPoCC-SIB

## Appendix B: Human Rights Articles and Case Law

For a detailed summary of applicable case law, see the European Court on Human Rights document, '[Guide on the case-law of the European Convention on Human Rights – Mass Protests](#)' (31 December 2020).

Absolute	Commonly applies to	Key case law
<b>Article 2</b>	<b>Right to life:</b> Safety, use of force, protection of people/communities, use of PPE	<a href="#">McCann v UK 27 September 1995</a> , Series A no. 324 <a href="#">Güleç v Turkey (1999)</a> 28 E.H.R.R. 121
<b>Article 3</b>	<b>Prohibition of torture / inhumane degrading treatment:</b> Containment, use of force, protection from actions of third party linked to the Human Rights Act section 6	<a href="#">Gafgen v Germany (2011)</a> 52 E.H.R.R. 1 <a href="#">Bouyid v Belgium (2016)</a> 62 E.H.R.R. 32
Limited	Commonly applies to	
<b>Article 5</b>	<b>Right to liberty and security:</b> Arrest strategy, linked with containment	<a href="#">Austin v UK (2012)</a> 55 E.H.R.R. 14 <a href="#">S., V. and A. v. Denmark (2018)</a> <a href="#">Application no. 35553/12</a> <a href="#">Eiseman-Renyard v United Kingdom (2019)</a> Application No. 57884/17
Qualified	Commonly applies to	
<b>Article 6</b>	<b>Right to a fair trial:</b> Investigation, disclosure, file preparation, court proceedings, a challenge to the imposition of restrictions on assemblies without prior court order	<a href="#">O'Neill and Lauchlan v UK (2016)</a> ECHR 583 <a href="#">Gallastegui v Westminster City Council (2013)</a> EWCA Civ 28
<b>Article 8</b>	<b>Right to private and family life: Balancing the protestor's rights with those of the subject of protest,</b> Searching, Overt Photography, community issues, home	<a href="#">Catt v United Kingdom (43514/15)</a> <a href="#">R (DB) v PSNI (2017)</a> UKSC 7 <a href="#">Wood v Commissioner of Police (2009)</a> EWCA Civ 414 <a href="#">Dulgheriu v LB Ealing [2019]</a> EWCA Civ 1490 <a href="#">Bank Mellat v HM Treasury (No 2) [2013]</a> UKSC 39

		<a href="#">R (Bridges) v Chief Constable of South Wales Police</a> [2020] EWCA Civ 1058
<b>Article 9</b>	<b>Freedom of thought, consciousness and religion:</b> Individuals' <u>beliefs</u> (which may include religion, politics, sexuality, veganism etc.) cannot be interfered with by Public Authorities. Restrictions may only apply to the manifestation of such beliefs.	<a href="#">Arrowsmith v UK (1981)</a> 3 E.H.R.R. 218 <a href="#">Othman v The English National Resistance (2013)</a> EWHC 1421 (QB) <a href="#">Birmingham City Council v Asfar</a> [2019] EWHC 3217 (QB)
<b>Article 10</b>	<b>Freedom of expression:</b> Protection extends to actions or representations which may include examples which Shock, Offend, Disturb, Irritate, provided that in doing so the rights of others are not infringed	<a href="#">Redmond-Bate v DPP (2000)</a> H.R.L.R. 249 <a href="#">Handyside v UK (1979-80)</a> 1 E.H.R.R. 737 <a href="#">Laporte v CC Gloucestershire (2007)</a> 2 A.C. 105 Ezelin v <a href="#">France</a> (Application no. 11800/85)
<b>Article 11</b>	<b>Peaceful association and assembly in a public place:</b> Static protests, marches or more general gatherings including sporting events	<a href="#">Laporte v CC Gloucestershire (2007)</a> 2 A.C. 105 <a href="#">DPP v Ziegler</a> [2021] <a href="#">Molnar v Hungary (Application no. 10346/05)</a> <a href="#">Balçık and Others v. Turkey Application no. 25/02</a> <a href="#">Kuznetsov v Russia (Application No. 10877/04)</a> <a href="#">Ziliberg v Moldova, Application No 61821/00, 4 May 2004 (admissibility)</a> <a href="#">Kudrevicius v Lithuania (2016) 62 EHRR 34</a> <a href="#">Frumkin v Russia</a> Application no 74568/12
<b>Other</b>	<b>Commonly applies to</b>	
<b>Article 14</b>	<b>Prohibition of discrimination:</b> Any instance where a human right is breached on the basis of discrimination. This is not a “freestanding” right, but one which is always taken together with another right under the Convention, i.e., the right not to be discriminated against on various grounds in enjoying	See also <a href="#">section 29 of the Equality Act 2010</a>

	<p>one’s right to freedom of peaceful assembly (Article 14 and Article 11).</p>	
<p><b>Article 17</b></p>	<p><b>Prohibition of abuse of rights:</b> Nothing in the convention may be interpreted as implying for any state, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set out in the convention</p>	<p><a href="#">Norwood v UK (2005)</a> 40 E.H.R.R. SE11</p> <p><a href="#">Glimmerveen v The Netherlands (1982)</a> 4 E.H.R.R. 260</p> <p><a href="#">Féret v Belgium</a> App 15615/07 (French only)</p> <p><a href="#">Roj TV A/S v. Denmark (2018)</a> 67 E.H.R.R. SE8</p> <p><a href="#">Pavel Ivanov v. Russia 35222/04</a></p> <p><a href="#">Guide on Article 17 of the European Convention on Human Rights</a> (31 August 2020)</p>

## **Acknowledgement.**

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## Glossary

APP – Authorised Professional Practice

CPS – Crown Prosecution Service

ECHR – European Convention on Human Rights

EGT – Evidence Gathering Teams

FIT – Forward Intelligence Teams

FOI – Freedom of Information

HMICFRS – Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services

JTAC – Joint Terrorism Analysis Centre

MOU – Memorandum of Understanding

NDM – National Decision Model

NPCC – National Police Chiefs' Council

NPPOPSTC - National Police Public Order Public Safety Training Curriculum

PLTs – Police Liaison Teams

POPS Commanders - Public Order Public Safety Commanders

POPAs - Public Order Public Safety Advisors

PRT – Protest Removal Teams

SAG – Safety Advisory Group