

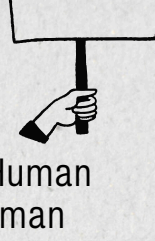
# PRACTICAL PROTEST GUIDE: STUDENT EDITION



## LIBERTY

### KNOW YOUR RIGHTS

#### YOUR RIGHT TO PROTEST ON CAMPUS



Everyone has the right to protest and organise protests.

Universities are considered public authorities for the purposes of the Human Rights Act – they are therefore required to act compatibly with your human rights under the European Convention on Human Rights (ECHR). This does not include private universities.

Section 43 of the Education Act (No 2) 1986 places a positive legal duty on universities to take 'reasonably practicable' steps to ensure freedom of speech (within the law) for their members, students, members of staff and visiting speakers. The Higher Education (Freedom of Speech) Act 2023 requires universities to also promote freedom of speech.

Universities are required by law to have an up-to-date code of practice about securing freedom of speech. You should be able to find your university's policy on freedom of political expression (and protest) on their website.

You should read these policies before organising a protest at your university. Breaching a policy may lead to disciplinary proceedings against you. The policy must have regard for your human right to protest.

#### UNIVERSITY LAW ENFORCEMENT POWERS

Every university will have a campus security and safety team. University security staff are not police – generally, they do not have the same level of law enforcement powers. They have some powers that can be exercised by accredited staff, like issuing fines. University disciplinary proceedings are more likely to be used to sanction student protestors.

There have been occasions where campus security staff have used force against student protestors; however, they, like any other private individual, can only use 'reasonable force' (justifiable in the circumstances, proportionate and not excessive) under Section 3 of the Criminal Law Act 1967, where it is "in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders or suspected offenders." This may apply, for example, if they are carrying out a 'citizen's arrest' under Section 24A of the Police & Criminal Evidence Act 1984 or if they are assisting a police officer during an arrest.

#### CHALLENGING YOUR UNIVERSITY

If you believe that your protest activity or human rights have been unfairly restricted or that you were discriminated against by your university, you should contact a solicitor specialising in public and human rights law to explore a potential legal challenge.

## ENCAMPMENTS AND OCCUPATIONS

#### THE LAW

You might hear the word **trespass** thrown around to try and scare students away from organising protests on university land. Trespass itself is not a criminal offence, but rather a civil 'wrong', which could result in legal action being brought by the university in a civil court.

The preferred action for universities to regain possession is usually by seeking a possession order. The other possible civil action is seeking an injunction, which is an order specifically instructing you to do or not do something e.g. to not protest on certain bit of land. It is a contempt of court to knowingly break an injunction, which has a max penalty of a prison sentence. Universities have been successful recently in removing encampments using this route.

If you are served with court papers, do not panic – this is not a criminal matter and there is not an immediate threat of eviction. The university still has to go to court before anything can happen. For a quicker turnaround, universities might seek interim possession order from a Court. This is temporary in nature, meant to grant them possession before the hearing for the full possession. If an interim possession order is granted it is a criminal offence to remain on the land it relates to.

NOTE: Although trespass isn't a criminal offence, Under Section 68 of the Criminal Justice and Public Order Act 1994, aggravated trespass is a criminal offence – trespass is aggravated if you trespass on land where people are engaging in, or be about to engage in, lawful activity (i.e. day-to-day activities); and do something with the intention of intimidating people to deter them from engaging in lawful activity; obstruct lawful activity; or disrupt lawful activity. The senior police officer on the ground can direct you to leave that particular land if they believe you have committed, are committing, or are about to commit aggravated trespass.

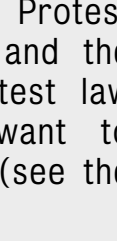
#### COURT PROCEEDINGS: WHAT TO DO



- 1) Speak to a solicitor specialising in protest law as soon as possible.
- 2) Develop a structure within the protest group for internal decision making and strategy, e.g. who will be liaising with legal representatives, or communicating with the university.
- 3) Avoid making organisers, leaders, and individuals identifiable.
- 4) Weigh up the benefits and risks of defending the proceedings, and consider whether there are alternative strategies, locations or actions that your encampment/occupation can pivot towards to maximise your impact and resources.

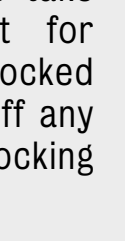
## WHAT SHOULD I BRING WITH ME?

#### EMERGENCY PHONE NUMBERS



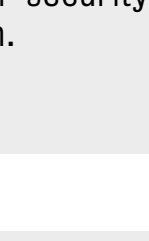
Write key numbers on your arm (preferably under a sleeve). Include an emergency contact, the number of the Green & Black Cross Protest Support line (07946541511), and the number of a specialist protest law solicitor who you might want to contact if you are arrested (see the end of this document).

#### A MOBILE PHONE AND CHARGER



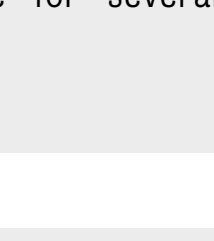
If possible, bring an old phone with essential numbers on it. If arrested, the police have the power to take your phone and search it for evidence. Make sure it is locked with a passcode and switch off any facial and fingerprint unlocking technology.

#### NOTEPAD AND PEN



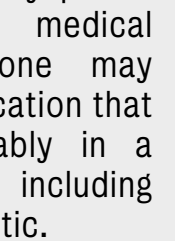
Bring a notepad and pen to keep notes of any issues and the shoulder number of police officers, or security staff names you interact with.

#### WATER AND SNACKS



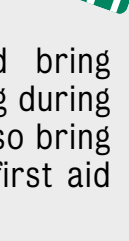
Bring water and snacks as you may be out for longer than you think (and may be caught in a kettle for several hours).

#### MEDICATION



Keep a copy of emergency phone numbers and any medical information that someone may need to know. Keep medication that you may need (preferably in a prescription bottle) including inhalers if you are asthmatic.

#### EXTRA CLOTHING & ESSENTIALS



Dress for the weather and bring warm, dry clothes if protesting during the winter months. You can also bring hand sanitiser, earplugs and first aid supplies.

#### PROTEST PLACARDS, SIGNS AND BANNERS!

Note that certain placard messaging, signs, banners, songs and chants could be a criminal offence if they're threatening or abusive, and likely to cause harassment, alarm or distress to someone within sight or hearing.



## AVOID BRINGING

#### VALUABLES



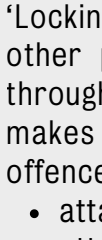
Do not bring anything valuable that could be lost or broken. It is best to leave jewellery – including necklaces earrings and bracelets – at home to make sure they aren't lost, damaged, or caught on anything.

#### CONTACT LENSES



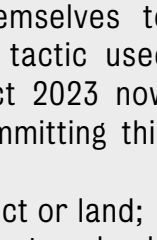
It is advisable to bring glasses with you instead of contact lenses, in case you are arrested. Tear gas is not often used in the UK, but contact lenses can make the effects of tear gas worse.

#### SHARP OBJECTS OR GLASS



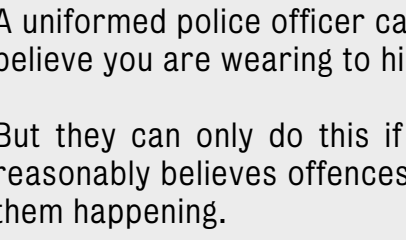
Avoid bringing items that could be seen as a weapon if you are arrested. This could be sharp objects, a pen knife or a glass bottle.

#### ILLEGAL SUBSTANCES



Avoid bringing any illegal substances as there is a chance that you may be arrested or searched when taking part in a protest.

#### “LOCKING ON” DEVICES



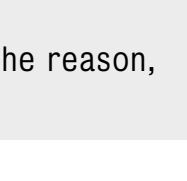
The Public Order Act 2023 makes it a crime to "lock on". 'Locking-on' is when protesters attach themselves to other people, objects, or buildings. It is a tactic used throughout history, but the Public Order Act 2023 now makes it a criminal offence. You will be committing this offence if you:

- attach yourself to another person, an object or land;
- attach a person to another person, an object, or land;
- attach an object to another object, to a land; and
- your activities cause or can cause 'serious disruption' to two or more people or to an organisation in a public place.

To commit this offence, you must have intended your acts to cause serious disruption, or you were reckless as to whether your acts would cause serious disruption.

## LAWS TO BE AWARE OF

#### FACE COVERINGS



A uniformed police officer can tell you to remove any item they reasonably believe you are wearing to hide your identity, and take the item away from you.

But they can only do this if authorised by a senior officer (inspector or higher) who reasonably believes offences will be committed in the area and this is necessary to stop them happening.

That authorisation must be in writing, signed by the senior officer, and say the reason, location and time period.

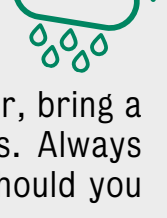


# HOW TO PREPARE

## PROTECTING YOUR IDENTITY

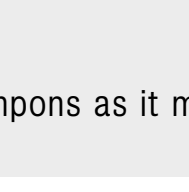
If you are concerned about being identified by your university during a protest, you may consider wearing a face mask and non-distinctive clothing to provide some protection, and connect to a personal hotspot rather than university wifi ('eduroam').

## WEATHER APPROPRIATE



Prepare for being outside for longer than expected. If it is warm weather, bring a hat and sunscreen. If it is cold weather, bring extra layers and gloves. Always bring a waterproof - this is the UK and it can be useful for sitting on should you need.

## SAFE AND PREPARED



Bring a face mask, especially if you are at a higher risk of catching infections. If you can, make sure the mask is non-distinctive.

If you are on your period, wear pads instead of tampons as it may be difficult to access a toilet, and keep a spare on you.

# INTERACTING WITH THE POLICE

## FILMING THE POLICE

You are allowed to film and take pictures of the police (e.g. when observing or intervening in a stop and search or arrest or interactions with the police generally).

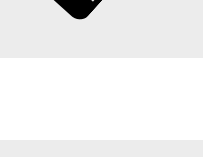
The police have no power to stop you (except in very specific circumstances), but they may try to prevent you through misinformation, abuse of power or intimidation.

The police can only lawfully stop you filming them if your footage/photos are "likely to be useful to a person committing or preparing an act of terrorism". [Section 58A of the Terrorism Act 2000]

### Filming someone else and the police:

The police may try to put you off filming by talking about the privacy/data protection rights of the person that is being stopped and searched or arrested.

This does not mean you can't film it. However, you should always ask the person being stopped and searched or arrested if they want you to film them, and then only film/take photographs with their consent.



## ANSWERING POLICE QUESTIONS

You do not have to respond to police if they speak to you. The police can't lawfully stop and search you simply for not answering their questions. For international students, you have no legal obligation to disclose your nationality/immigration status to the police, even if you are arrested. But if the police have reason to believe you have been or are taking part in "anti-social behaviour", they can require you to tell them your name and address. It is an offence to refuse or to give false information.

## OBSTRUCTING A POLICE OFFICER

It is a criminal offence to "willfully obstruct" a police officer.

This is when you deliberately make it more difficult for the police to carry out their lawful duties. Obstruction could therefore include:

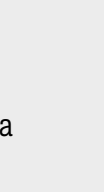
- preventing a police officer from making a lawful arrest/carrying out a lawful stop and search.

However, obstruction would not include:

- preventing/disrupting a police officer carrying out an unlawful stop and search/making an unlawful arrest
- advising someone not to answer police questions, where they have no legal obligation to.

# WHAT DO I DO IF I'M ARRESTED?

## CONTACT A SOLICITOR



You should talk to a solicitor before:

- being interviewed
- accepting a caution
- deciding how to plead to a charge.

Before you go on a protest, find a solicitor who is an expert on protest law and keep a note of their name and phone number.

See the end of this document for a list of solicitors who offer free help to protesters.

## ASK FOR ASSISTANCE

If you require medical assistance, the police must make arrangements for this. You should:

- tell the police as soon as you're arrested
- tell them if you are on medication that you need to take
- tell them if you have a history of mental health problems.

If you are regarded as 'vulnerable' or are under 18, ask for support from an 'appropriate adult'.

If English is not your first language, ask for an interpreter.

## DON'T ANSWER QUESTIONS

- Answer "No Comment" to the police at all times until you've had legal advice from a solicitor with special knowledge about protests.
- Don't chat with officers while in a police car or van – or when being 'booked in' at the police station.
- You can say "No Comment" at any time during your arrest and questioning. We advise you to do this until you've spoken to a solicitor.

## DON'T ACCEPT A CAUTION

If you are asked to accept a caution, seek advice from a solicitor with expertise in protest law.

A 'caution' is an admission of guilt and stays on your criminal record. There are rules that the police must follow when giving a caution, so you should speak to a solicitor about this as soon as you can.

# DISCIPLINARY PROCEEDINGS: WHAT TO DO

**This guidance was prepared in collaboration with the European Legal Support Centre.**

If you are subject to academic disciplinary proceedings as a result of protest activity, you should contact a solicitor specialising in education law as soon as possible.

Each university will also have their own student disciplinary policies and procedures in the event of allegations of misconduct by students, e.g. if there's been a breach of the university's code of conduct on freedom of expression. You should also:

- Download all correspondence that you receive from your university about the disciplinary proceedings and investigation onto a personal device outside of the university network.
- Not attend any meetings, phone calls or chats with the university alone. Have someone to accompany you, even if it's just to take note or for emotional support.
- Take a full note of everything that is said at a meeting. It is important to have your own version of what is said.
- Before attending any meeting, request the following information from the university:
  - Who will be present at the meeting?
  - The nature of the complaint, including the specific allegation(s) made against you and the relevant policies/laws which they say are engaged;
  - The specific procedure that the university intends to follow, with reference to relevant internal policies;
  - Any and all evidence that the university intends to rely on to prove the allegations;
  - Clarification as to the steps the university will be taking to ensure that all information remains confidential, including in the event of a request for comment from the media or the police;
  - A copy of any questions that will be asked in the meeting in advance so that you can better prepare.
- If you have a disability, you can request reasonable adjustments that would make it easier for you to engage with the meeting.
- If you need more time to prepare for the meeting, including finding someone to accompany you to the meeting, contact the university as soon as possible to request a postponement.
- Create bullet points in advance of meetings of what you want to say (after seeking legal advice). You should point out your human right to protest. If you don't have an answer to a question in a meeting or do not feel prepared to answer a particular question, you should ask to respond to that question in writing after the meeting.

# WHO SHOULD I CONTACT?

## SOLICITORS SPECIALISING IN PROTEST

If you are arrested at a protest, there are a number of solicitors offering specialist protest advice. The following solicitors firms offer free 24/7 help to protesters:

- **Commons: 02038655403**
- **ITN Solicitors: 02039098100**
- **Hodge Jones & Allen (HJA): 08448480222**
- **Kellys: 01273674898**
- **Bindmans: 02073055638**
- **MTC Solicitors: 07956308127**

## OTHER PROTEST SUPPORT

### GREEN AND BLACK CROSS

Green & Black Cross facilitates legal observes and arrestee support by sending volunteers to police stations to offer legal and practical support to those who are arrested at protests.

- 07946541511 (Protest Support Line)
- courtsupport@protonmail.com
- @GBCLegal

Green & Black Cross advises people to report any arrests they witness to the protest support line, and provide as much info as they can - this will help the arrested protester get legal and practical support.

### INTERNATIONAL STUDENTS

If you are facing difficulties with your student visa or immigration status following protest activity, you need to seek urgent legal advice from a solicitor specialising in immigration law. You can find out more here:

[www.libertyhumanrights.org.uk/advice\\_information/i-need-immigration-advice/](http://www.libertyhumanrights.org.uk/advice_information/i-need-immigration-advice/)

# FURTHER SUPPORT

### DISCIPLINARY PROCEEDINGS

If you have been subjected to disciplinary proceedings following protest activity, visit our webpage for more advice:

[www.libertyhumanrights.org.uk/advice\\_information/university-protests/#page-section-5](http://www.libertyhumanrights.org.uk/advice_information/university-protests/#page-section-5)

If the proceedings relate to protests in support of Palestine, you should contact the European Legal Support Centre (ELSC) who can provide you with support throughout the investigation and disciplinary process. ELSC provides free legal advice and assistance to individuals and organisations, including students, advocating for Palestinian rights in mainland Europe and the United Kingdom.

- Contact webform: <https://elsc.support/contact>

### FURTHER INFORMATION ON YOUR RIGHT TO PROTEST AT UNIVERSITY

For our full advice and information page on your right to protest at university, visit:

[www.libertyhumanrights.org.uk/advice\\_information/university-protests/](http://www.libertyhumanrights.org.uk/advice_information/university-protests/)