

Know your Rights Guide to Protesting

You have a constitutional right to protest

- ◆ The right to protest is constitutionally protected in Canada under ss. 2(b) and 2(c) of the Canadian Charter of Rights and Freedoms which guarantee freedom of expression and freedom of peaceful assembly.
- ◆ These rights may be limited in some narrow circumstances (for example, if a demonstration is inciting hatred against a marginalized group), but they are enshrined in the Charter, but you can rely on them.
- ◆ The police have a duty to facilitate peaceful protest.
- ◆ Dissent is a hallmark of a democratic society.
- ◆ We have had many examples of Canadian police protecting assembly rights, but also some examples of rights violations. You shouldn't have to worry about police encounters while exercising your democratic right to protest. But it's always best to be prepared and your rights are set out here.

Encounters with Law Enforcement

- ◆ Along with municipal police, there may be provincial police, and/or RCMP at the demonstration. You can look up the badges of those police forces online in advance.
- ◆ The police are allowed to approach you and ask you questions. You do not have to answer questions if you don't want to. However, always be polite.
- ◆ In most cases, you are not required to provide your name, address, or identification. However, if you're detained for a bicycle offence, you must provide your name and address. If you're detained while driving, you must provide proper documentation.
- ◆ Do NOT lie or provide false documents to police.
- ◆ Be aware that police can sometimes mislead you, such as by offering false promises.
- ◆ To find out if you are under arrest or detention, simply ask "Am I under arrest"? If they say yes, you can ask why. Alternatively, you may ask the officer "Am I free to leave?" If they answer no, you may ask "why not?"
- ◆ If you are detained by the police, they must inform you that you can talk with a lawyer and must provide you with an opportunity to do so.
- ◆ If you are detained, you do not have to answer any questions posed by the police. A police officer can conduct a pat down if they believe that their safety, or the safety of others, is at risk.
- ◆ DO say if you do not consent to a search.
- ◆ If you do not consent to a search, there are circumstances in which police might still have a right to conduct a search.
- ◆ Do NOT resist a search or struggle during a search.

If You are Arrested

- ◆ You have the right to be informed promptly of the reason for your arrest. If you are unsure of the reason for arrest, politely ask the officer why you are being arrested.
- ◆ **DO NOT** resist arrest. **DO NOT** give explanation or excuses.
- ◆ If you are arrested, you have the right to remain silent.
- ◆ Once arrested, you have a right to speak to a lawyer, and the police must advise you of this right as soon as possible.
- ◆ The police must stop questioning you until you have been given an opportunity to contact a lawyer.
- ◆ You have a right to a telephone and the right to make more than one call, if necessary, in order to reach a lawyer.
- ◆ You have a right to speak to your lawyer in private.
- ◆ Once you have spoken to your lawyer, the police may continue to ask you questions. You do NOT have to answer these questions.

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Before You Go

- ◆ Use a password, not a fingerprint, on your phone to protect against searches.
- ◆ **If you will be engaging in activities that you believe will risk arrest:** Memorize the phone numbers of your family and a lawyer who you can call (or, write those numbers on your arm). Take three days' worth of essential medication with you in its original bottle. If you have children, make emergency childcare plans.
- ◆ **If you have a disability, special medical needs, or limited English or French:** Wear a bracelet or carry a card explaining your circumstances.

Photographs/Video

- ◆ There are no laws in the rest of Canada against taking pictures in public places, except in Quebec, which has some restrictions.
- ◆ **That said, media and the public must be aware they are** subject to police action if they obstruct or hinder officers in performing their duties.
- ◆ Be careful when taking photographs of people who you do not know and then posting them in public fora such as social media.

If You Believe Your Rights Have Been Violated

- ◆ If you believe your rights are being violated, record/document anything you can. For instance, try to record the incident on your phone or write down relevant information, such as badge and patrol car numbers, as soon after the incident as possible.
- ◆ When speaking to an officer, you may request and record their badge number. Record which force they are from (RCMP, provincial, or city) Try to get contact information for witnesses.
- ◆ If you are injured, seek medical attention. Once you have, take careful photos of any injuries as soon as possible. Keep all official paperwork and receipts for medical treatment.
- ◆ File a complaint! Many provinces and the RCMP have independent agencies to investigate complaints regarding police policies, services, or the conduct of police officers. In most provinces and with the RCMP, a person does NOT need to be the victim of the misconduct to submit a complaint. They also do NOT need to be a Canadian citizen.
- ◆ If your complaint is against the RCMP, you should contact the [Commission for Public Complaints Against the RCMP](#). If it is against provincial or municipal police, make a complaint with your local complaints body.
- ◆ You should speak to a lawyer for additional help. You may have a legal case for your suspected rights violation.