

# KNOW YOUR RIGHTS



Published by:  
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## The Right to Protest

### Useful Contacts

In the event of an emergency, it might be useful to have some phone numbers to hand.

These might be legal contacts, such as solicitors, or personal numbers.

### Irish Council for Civil Liberties: (01) 912 1640

The Irish Council for Civil Liberties is Ireland's oldest independent human rights body.

We monitor, educate and campaign to secure all human rights for everyone.

### Sheehan and Partners Solicitors: (01) 453 3477

Michael Finucane  
Solicitors:  
(01) 809 0007

Michael J Staines  
Solicitors:  
Emergency Contact:  
086 254 0442

### Your emergency numbers:

The information in this leaflet should not be taken as a substitute for legal advice. Statement of the law referenced overleaf as of December 2019.

## The State is obliged to protect your right to protest

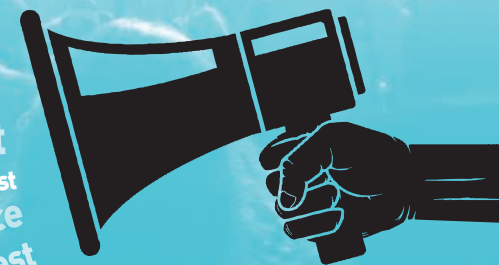
You don't have to give your name to a Garda unless they tell you the offence they suspect you of committing

You don't have to tell Gardaí about your protest

If you are arrested, you must be told you are under arrest and the reason for that arrest

You can generally protest in any public space

You can record your protest



## 1. The State is obliged to protect your right to protest, no matter what you protest about

However, calling for violence or deliberately stirring up hatred against certain groups is illegal.

## 2. You don't have to tell Gardaí about your protest

...but it can be helpful, particularly if you plan to disrupt traffic.

## 3. You can generally protest in any public space



## 4. Your right to protest is protected only when you are peaceful

If you remain peaceful when others around you do not, you still have a right to protest.

## 5. Gardaí can move you on if they suspect you are in breach of the Public Order Act

This could include causing a danger to yourself or others in a public place through intoxication; using threatening, abusive or insulting language to cause fear or a breach of the peace, blocking traffic for too long, or gathering in a menacing manner.

If you refuse to move on when a Garda has told you to, this can be considered an offence in itself.

However, the Gardaí must always balance the disruption caused by your protest against your fundamental right to protest.

It is always better to comply with a direction from a Garda and inform a solicitor later if you think it was wrong.

## 6. Trespass on private property is criminal if you cause fear or damage or intend to commit a crime

If a garda reasonably suspects you of causing or of being likely to cause fear or damage, they can ask you to leave immediately.

## 7. You can record your protest. The Gardaí are more restricted

Protesters are entitled to take recordings in public spaces, and of gardaí.

If a garda suspects you of planning to commit or having committed a crime, they may record you specifically.

However, gardaí should not film everyone participating in a peaceful protest as this may infringe your right to privacy.

Under no circumstances can gardaí use recording as an intimidatory tactic.

## 8. You don't have to give your name to a Garda unless they tell you the offence they suspect you of committing

(This includes while you are driving)

However, if a garda tells you that you are suspected of anything under the Offences Against the State Act you must give your name, even if they don't specify the offence.

## 9. A Garda can only arrest you if they have a reasonable suspicion that you have committed an offence

This includes if there is a warrant against you, or if you fail to produce ID as a foreign national, or that you have acted against the law in any way. You may also be arrested for planning a riot.



## 10. If you are arrested, you must be told you are under arrest and the reason for that arrest

It is extremely unwise to resist arrest. You should contact a solicitor as soon as possible

A Garda may physically restrain you if you are under arrest but must use the least amount of force possible to make the arrest.

You are entitled to information about your rights after arrest, and you are entitled to consult a solicitor before questioning.

You should carry the number of a trusted solicitor. Fill in the box overleaf.

## 11. You are only obliged to give a DNA sample if you are arrested for a serious crime

The crime must have a five-year sentence or more. It must be authorised by a Garda of the rank of Sergeant or above, and you must be told that it has been authorised. Intimate DNA samples can only be taken with your consent.



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