

# Organizing a Peaceful March

Your Rights, Responsibilities, and Liabilities



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# DISCLAIMER

This guide and any materials subsequently distributed are fact-based, general information, and should not, under any circumstances, be considered legal advice regarding any particular matter or subject. It will not answer every question you have and may not apply in every case, nor is it a replacement for proper legal counsel.

## Even Peaceful Marches Can be Risky

Most protest marches in Canada are peaceful and safe events; nevertheless, anything can happen anywhere, anytime. If anyone marching becomes aggressive, even peaceful participants could be arrested if they break a law.

Attendees could be arrested for:

- Causing a disturbance
- Common nuisance
- Mischief
- Unlawful assembly
- Rioting
- Conspiracy to commit one of the above

- Having a basic understanding of your rights, responsibilities, and liabilities can help to reduce risks and make your march a safe and productive event.



# Understand your Rights



# The Criminal Code, The Police & Peaceful Protests

## The Criminal Code

The Criminal Code provides a variety of limitations on political protest, all with potentially broad implications. The Code prohibits unlawful assembly, obstructing highways, riots, and causing a disturbance. There are also increased penalties for participating in a riot while disguised, such as when wearing a mask.



## The Police

While the police have broad powers to control protests, they must exercise them in accordance with the Charter of Rights and Freedoms. The Charter of Rights and Freedoms sets the boundaries for the law of political protest and police action in Canada. Municipalities have laws that may also restrict political protests, such as the disruption of traffic or noise bylaws.



## Section 2 of the Charter of Rights and Freedoms

Section 2 of the Charter explicitly provides for rights that contemplate political protest:

Everyone has the following fundamental freedoms:

- a) Freedom of conscience and religion;
  - b) Freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
  - c) Freedom of peaceful assembly; and
  - d) Freedom of association.
- Section 2 of the Charter supports your right to organize a march/protest.
  - In some cities and towns, you may be required to have a permit to do so.



# Frequently Asked Questions

## Question

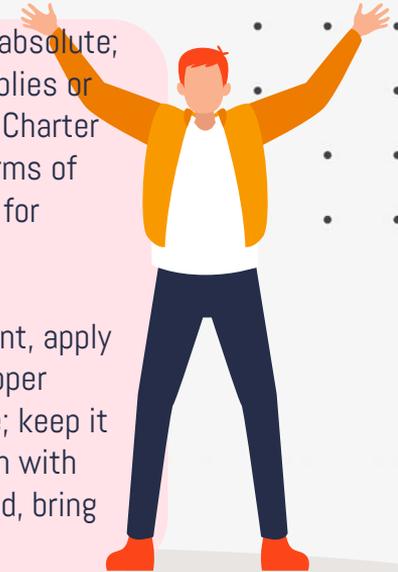
Are there actions the Charter does not protect?



## Answer

Yes, Charter rights are not absolute; not all expressions, assemblies or associations are legal. The Charter does not protect violent forms of expression or hate speech, for example.

To ensure a successful event, apply for permits or notify the proper authority weeks in advance; keep it peaceful; be polite and calm with police; know your rights; and, bring your cell phone.



# Frequently Asked Questions

## Question

Where am I allowed to peacefully march, demonstrate, protest, hold a rally?



## Answer

You can protest on public property as long as it is peaceful. Public property is any facility or space owned by the government.

You can protest on private property, but you could be asked to leave. Private property is owned by one or more individuals.

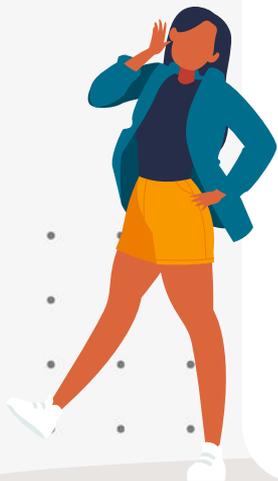
Prior to the event, it is proper planning to research who owns the place(s) where you want to gather.



# Frequently Asked Questions

## Question

Am I allowed to peacefully march/protest on or block a transportation route?



## Answer

You can march on or block a transportation route but not a highway. Some routes may not seem like highways but are. It is good planning to research your route before your march.

On non-highway roads, you can only be held liable for endangering other people if that was your intention. Ask yourself during your planning; could someone reasonably argue that you meant to hurt others?



# Frequently Asked Questions

## Question



How should I manage an encounter with law enforcement?

## Answer



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. If you're detained while driving, you must provide proper documentation. Do NOT lie or provide false documents to police. During a church-led march/protest, it is advised you comply with any requests made by police.

# Frequently Asked Questions

## Question

Are there any exceptions during a state of emergency?



## Answer

Yes, during a state of emergency such as COVID-19, if asked by a police officer, you may be required by law to provide your name, birthday, address, or identification depending on the emergency orders in place. Before your event, it is proper planning to understand the legal aspects of any emergency order in place.



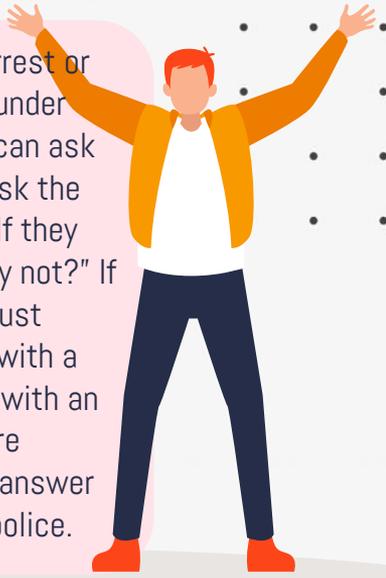
# Frequently Asked Questions

## Question



What if I am not sure if I am being detained or under arrest?

## Answer



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 the police detain you, 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.

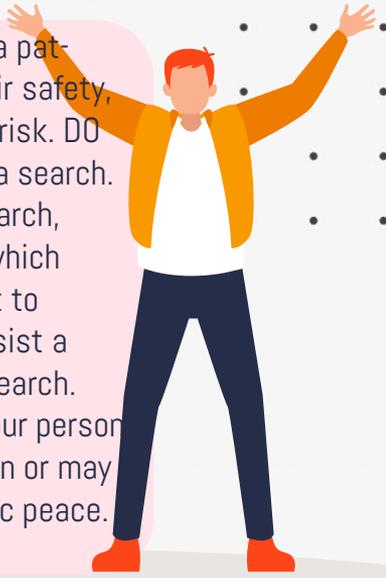
# Frequently Asked Questions

## Question



Can I be pat-down or searched?

## Answer



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. Make sure that nothing on your person can be classified as a weapon or may present a danger to the public peace.

# Frequently Asked Questions

## Question

What if I am arrested?

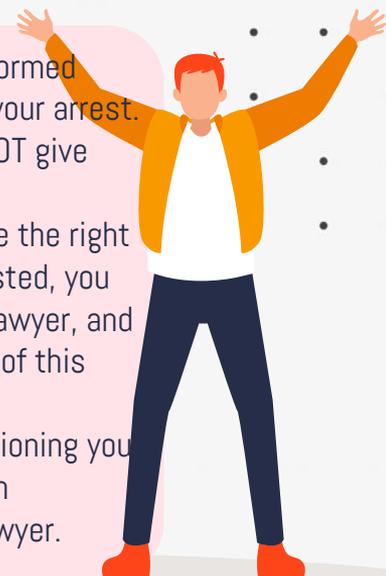


## Answer

You have the right to be informed promptly of the reason for your arrest. DO NOT resist arrest. DO NOT give explanations 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.

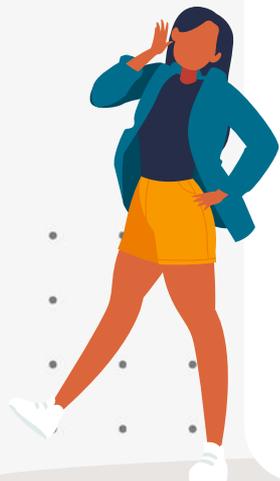
The police must stop questioning you until you have been given an opportunity to contact a lawyer.



# Frequently Asked Questions

## Question

If I am arrested, do I have to provide any information?



## Answer

Yes, if asked, you must provide your name and address; failure to provide it can result in an obstruction charge. You don't have to give any additional information.



# Frequently Asked Questions

## Question



Can I make a phone call if I am arrested?

## Answer

Yes, 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 talked to your lawyer, the police may continue to ask you questions. You do NOT have to answer these questions.



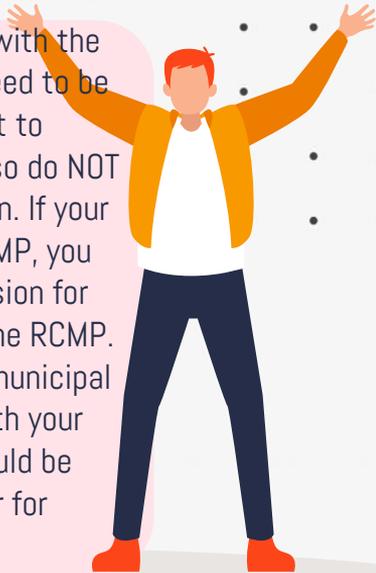
# Frequently Asked Questions

## Question



If I feel my rights were violated, should I file an official complaint?

## Answer



YES! 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. It would be best if you spoke to a lawyer for additional help.

# Frequently Asked Questions

## Question

What does the term agents provocateurs mean?



## Answer

Agents provocateurs may be either police officers in disguise or paid agents hired to infiltrate legitimate peaceful demonstrations. They attempt to provoke violence in order to justify arrests and discredit the protest. Always be alert.



# Frequently Asked Questions

## Question



Are there things I should do before going on a march?

## Answer



YES! Memorize the phone numbers of your family and a lawyer whom 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.

# Frequently Asked Questions

## Question



How should I leave the march?

## Answer

So that you have some witnesses and support, always leave in groups following an event, this is the most vulnerable time for arrest. People are most often improperly targeted for arrests at the end of the demonstration.



# Understand your Responsibilities



# What are my Responsibilities as the Organizer?

- Will the peaceful march take place at the church or on church property? A property owner tends to be held more responsible for the health and safety of those on their property.
- What role will the church take in coordinating the peaceful march? Is this a church event, or is this an event that church members are only participating in? Is the church coordinating, or is a church member a coordinator? The difference is in the role of the organization, the more involved, and the more responsibility taken, the higher the liability for the organization.



# What are my Responsibilities as the Organizer?

- Does the church have any needed permits? Do they have the cooperation of the province, police, and the neighbors in their immediate community if relevant?
- What measures, if any, should be considered to ensure the health and safety of the participants?
- Will there be accommodations for restrooms, water, medical emergencies? Has there been any consideration given to security? How many people are expected to attend, will they be known or is this a broad invitation to whoever can or wants to come? Is there a contingency plan if bad actors try to take over the peaceful march and instigate violence?





# What are my Responsibilities as the Organizer?

- If a church entity is coordinating, is there orientation or guidelines provided for volunteers? Do they know what the contingency plans are regarding a medical or security emergency? Is there orientation or guidelines offered to participants? The basic steps for planning a protest are:
  - Follow all guidelines given by the Ontario Conference
  - Set a goal
  - Choose a location & Pick a time
  - Get permits (if needed)
  - Plan the sequence of events
  - Promote the event
  - Hold volunteer and participant orientations
  - After the event gauge the effectiveness of your protest



# Frequently Asked Questions

## Question

What should we consider when thinking about partnering with another group?



## Answer

Areas to consider include:

- What is the potential for impact?
- Are they compatible with the Seventh-day Adventist Church?
- Are their goals and strategies consistent with the church's?
- Is it a good environment for partnering with this group?
- What are the risks of this partnership?
- What access can they provide to other potential partners?





# What are my Responsibilities as the Organizer?

- Those coordinating church-led peaceful protests must be mindful that they represent a large organization and the measure of responsibility, and what is considered reasonable is, therefore, a higher standard of duty and care.



# What are my Responsibilities with Media?

- Do not speak off the record with a reporter or anyone else. Assume that everything you say will be reported, whether it's before, during, or after the interview. In addition, always assume the microphone or the camera is on.
- Be careful not to repeat the interviewer's words, unless they reinforce what you wish to say or support facts you know to be true.
- Don't try to answer hypothetical questions; they tend to obscure your true position; instead, clearly state your general position and then offer your own example.



# What are my Responsibilities with Media?

- When answering a question, start with a general statement that sums up your position succinctly and accurately. In the second part of your answer, you should narrow down your response by giving the specifics of why you feel the way you do. This approach serves well if a producer decides to cut your five minute taped interview down to one minute for the evening news, chances are he/she will use your general statement.



# What are my Responsibilities with Media?

- More is not better; answer questions briefly. When you give long answers, you give the journalist the power to choose which parts of your answer to use and omit; they can do some clever editing.
- Have a game plan before going on the march. Think about what you would like to see in the resulting media coverage. What two or three key messages do you want to relay? Be prepared and know in advance what your goals are for any interview and don't get dragged into side issues.
- **It is a good idea to appoint a group spokesperson.**



# What are my Responsibilities with Media?

- Participants involved in the protest must speak for themselves, not for their church or denomination. It must always be their personal beliefs and conviction that led them to protest, not as a member of a church.
- Participants should be coached on speaking for themselves, including, avoiding using references to their church or terms such as 'As a Seventh-day Adventist'





# Understand your Liability



# Liability Concerns

OUR PROPERTY INSURANCE POLICY DOES NOT COVER:

- LOSS or DAMAGE caused by or resulting from strikes, lockouts, labor disturbances, riots, civil commotion, or the acts of any person or persons taking part in any such OCCURRENCE or disorder.



# Liability Concerns

- Our General Liability Insurance is designed to provide comprehensive protection for **church-sponsored operations**. Coverage may be provided against claims arising from negligence involving bodily injury, property damage, personal injury, advertising injury, and products liability.



# Liability Concerns

- There is no exclusion for conducting a peaceful march in our General Liability Policy. While there is not a lot of case history in this area to see how the language of our policy would actually respond, it is **anticipated** that if a lawsuit were brought against the church because the church was negligent, causing bodily injury or property damage the insurance policy would at least provide a defense. It should be noted that breaking the law and any fines or penalties resulting would not be covered by insurance as those are specifically excluded.



# Liability Concerns & the Approval Process

- If the event is being organized by a local church or school, the respective local board must vote the detailed plans, which are to form a part of the board minutes. The plans are to be submitted to the Risk Management Department, and Conference Administration must be informed of the event. If partnering with an outside entity or inviting media attention, you must receive approval from the Conference Administration for your event.
- If the event is being organized by a ministerium or Conference department or sub-committee, a voted action from Conference Administration is required.
- **As much as possible inform/present your requests to Risk Management and Conference Administration no less than two weeks before your event.**



# A Word from the Risk Management Director

The Risk Management Department of the Ontario Conference supports the right of all Canadians to protest peacefully through legal marches, demonstrations, and rallies. My responsibility is to ensure as an organization; we exercise our rights safely and with as little liability to the Conference as possible. I have heard it said that our church is immobilized from addressing social justice issues because of liability and risk management, I hope that this brief statement and the guide to organizing a peaceful march will begin to change that perception.

Protests that embrace what I see as the four P's that must be sustained for an active, peaceful social justice campaign can be successful. A march ought to be just one aspect of an overall strategy. The four P's are sustained:

1. Presence (the involvement should outlast the march);
2. Pressure (the peaceful pressure should be continued through other legal methods);
3. Perseverance (change will not come from one march, there must be peaceful perseverance);
4. Passion (the passion must be for the cause, not just the protest event).

May God inspire, empower, and mobilize us.

Kevin Benta- Director of Property and Risk Management Ontario Conference



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