



Legal Information for DEMONSTRATORS

What duties do police have during demonstrations?

Police officers have a sworn duty to preserve the peace, prevent offences, enforce the law, protect property, preserve life and protect against serious injury, among other duties.

These duties have their basis in common law and statutes, including the Nova Scotia Police Act and the *Criminal Code of Canada*.

Halifax Regional Police is committed to ensuring that Charter guaranteed rights and freedoms are upheld, while ensuring that police officers carry out their sworn duties.

Halifax Regional Police advises demonstrators to familiarize themselves with their legal rights and responsibilities to ensure their actions are within the boundaries of the law.

What are my rights in a protest situation?

The *Canadian Charter of Rights and Freedoms* guarantees certain rights and fundamental freedoms, including the freedoms of opinion, expression and peaceful assembly.

Section 2 of the Charter states:

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
- d) freedom of association

Halifax Regional Police recognizes the importance of these freedoms and of all other protections in the Charter.



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Are there any limits on these rights?

The rights and freedoms contained in the Charter are not limitless. The Supreme Court has recognized that “freedom of expression does not extend to protect threats of violence or acts of violence. It would not protect the destruction of property, assaults or other clearly unlawful conduct.”

In addition, in some cases, the reasonable limits prescribed by law will also apply.

Section 1 of the Charter, which provides for limitations on rights and freedoms, states:

The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it, subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

The **Criminal Code of Canada** contains various provisions that limit individuals’ rights. The following is a list of some of the relevant Criminal Code sections that limit certain activities:

- blocking or obstructing a highway (Sec. 423(1)(g))
- causing a disturbance (Sec. 175)
- common nuisance (Sec. 180)
- interfering with transportation facilities (Sec. 248)
- mischief (Sec. 430)
- offensive volatile substance (Sec. 178)
- riots (Sec. 32, 33, 64, 65, 67, 68, 69)
- unlawful assembly (Sec. 63)
- breach of the peace (Sec. 31)

Breach of peace: An arrest for breach of the peace, whether under the Criminal Code or the common law, does not result in a charge. The purpose of an arrest for breach of peace is to end the breach and restore order.

There are numerous other Criminal Code sections that may also apply to protest situations. In addition to the Criminal Code, limitations on activities that may be contemplated in protest situations are also contained in provincial statutes and in municipal by-laws.

Under the **Motor Vehicle Act of Nova Scotia Sections 90 (7) and (9)**, no person shall participate in a parade, procession or walkathon upon any highway within HRM without a permit being granted by the HRM Traffic Authority prescribing the route to be followed and the time when the parade, procession or walkathon may take place.