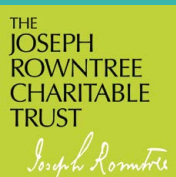


SEMINAR REPORT
DUBLIN 14 MARCH 2024

ICCL-CAJ Seminar Discussion Summary

THE POLICING OF PROTEST: A SHIFTING LANDSCAPE?





FUNDED BY

**Community
Foundation
Ireland**

ICCL's 'Policing for Peace' project is supported by the Joseph Rowntree Charitable Trust.
This seminar is supported by the Community Foundation Ireland and Community Foundation Northern Ireland programme.

Executive Summary

The Policing of Protest: A Shifting Landscape? brought together activists, civil society, academics and protest groups from across Ireland. Participants from North and South provided evidence of differential policing responses to protest. In the South, there was a particular focus on housing and environmental protest. In the North, participants noted significant peace process reforms with a lasting positive impact on the policing of protest and processions, but divergence from these was discussed in relation to the policing of Black Lives Matter and environmental protests. In addition, plastic bullets continue to be available and deployed in public order contexts. Participants observed how perceptions of uneven and biased police responses to some types of protest damage trust and confidence in police services North and South and undermine the right to peaceful protest.¹



POLICING FOR PEACE: PROJECT OVERVIEW

In recent years, the Committee on the Administration of Justice (CAJ) and the Irish Council for Civil Liberties (ICCL) have held a series of joint conferences on the topic of embedding human rights-compliant laws in the policies and practices of policing North and South.²

The Policing for Peace project was developed in 2023 to build on the learning from these conferences and to delve deeper into specific thematic areas identified as key priorities. The two-year project is being advanced through a series of North-South expert roundtables and events. The objective is to convene stakeholders to discuss identified areas for increased police oversight and reform, with a view to producing specific recommendations in each area, for both jurisdictions.

Three events have taken place to date:

- 1 Racial Profiling in Law Enforcement**, at the Guildhall, Derry, on Wednesday 7 June 2023.³
- 2 Police Surveillance North and South: Covert Intelligence, Facial Recognition Technology, Oversight and Human Rights**, at the Royal College of Physicians of Ireland, Dublin, on Tuesday 24 October 2023.⁴
- 3 The Policing of Protest: A Shifting Landscape?** at the New Theatre, Dublin, on Thursday 14 March 2024.

In addition, in May 2024, ICCL and CAJ held an annual conference in Maynooth University entitled **Police Reform in a Changing Ireland: Next Steps After the Commission on the Future of Policing in Ireland**. Following the passage of the Policing, Security and Community Safety Act 2024, the conference explored why Ireland needs human rights-based reforms in policing, progress made to date, and how to maintain momentum amid rapid social and demographic changes.⁵

¹ Please note that while this document refers to the right to protest, this refers to the right to peaceful protest as specifically protected in the Bunreacht na hÉireann, the European Convention on Human Rights and the International Covenant on Civil and Political Rights. Any actions such as violence or infringing the rights of others fall outside the scope of peaceful protest. For more information, please see UN Human Rights Committee, [General Comment No. 37 \(2020\) on the right of peaceful assembly \(article 21\)](#), (Geneva, CH: Human Rights Committee, 2020), paras.15-20.

² See, for example, Irish Council for Civil Liberties and the Committee on the Administration of Justice, [PSNI@20: Human Rights Reflections on Policing Reform North and South - Conference Report](#), March 2022.

³ Irish Council for Civil Liberties and the Committee on the Administration of Justice, [Racial Profiling in Law Enforcement](#), May 2024.

⁴ Irish Council for Civil Liberties and the Committee on the Administration of Justice, [Police Surveillance North and South: Covert Intelligence, Facial Recognition Technology, Oversight and Human Rights](#), May 2024.

⁵ ["Police reform recommendations remain unimplemented, ICCL finds"](#), Irish Council for Civil Liberties, accessed 7 June 2024.

Background: Public Order Policing Across the Island of Ireland

REPUBLIC OF IRELAND

Liam Herrick, Executive Director of ICCL, opened the event by discussing the approach to public order policing in Ireland by An Garda Síochána. Gardaí have traditionally facilitated the right to peaceful protest in line with Article 40.6.1.ii of Bunreacht na hÉireann (Constitution of Ireland) and Articles 10 and 11 of the European Convention on Human Rights (ECHR). They facilitated 604 protests in Dublin in 2023.⁶

However, he noted that questions remain about whether different types of protests are being policed equally and which types of non-peaceful demonstrations (i.e., organised violence and intimidation) are subject to criminal charges. There are also concerns regarding shrinking space for protest more generally, including physical barriers and street closures prohibiting protest outside Leinster House since 2023.⁷ Furthermore, following riots in November 2023 in Dublin, the Gardaí authorised the use of tasers by members of the Public Order Unit, acquired two water cannons from the Police Service of Northern Ireland (PSNI) and ordered double-strength pepper spray.⁸

NORTHERN IRELAND

Daniel Holder, Director of CAJ, spoke about the approach to public order policing in Northern Ireland over time. From the establishment of the Northern Ireland regulations under the Special Powers Acts which allowed ministers to ban gatherings, these powers were exercised in a discriminatory manner. Civil rights protests emerging in the 1960s were met with such bans and violent suppression, culminating in the Bloody Sunday massacre in 1972. Following new public order legislation in Britain, the Public Order (Northern Ireland) Act 1987 was introduced in Northern Ireland and this remains in place today as the basis for regulating static protests.

Since the peace process that culminated in the Good Friday Agreement in 1998, there have been improvements in the legislative framework to better protect, respect and fulfil the right to protest due to the advent of the Human Rights Act 1998, incorporating the ECHR and consequent changes in human rights tests for public order policing. CAJ had serious concerns regarding discriminatory public order policing and use of force in relation to the Drumcree parading disputes of the 1990s. The parading issues led to a review, new parading legislation and the establishment of the Parades Commission. This removed the role of decision-making on restrictions on parades from the police and introduced a fresh regulatory framework. This differs from the situation in the Irish State, where the right to protest is largely left unregulated by legislation.⁹

A key difference between the rules regulating protest in both jurisdictions is the notification requirement¹⁰ for parades in the North, whereby organisers are

⁶ Hugh O'Connell and Colin Murphy, "[More than a third of Dublin protests in 2023 were anti-migration](#)," Irish Independent, 31 December 2023.

⁷ For example, please see Sean Murray, "[Ring of steel around Leinster House as Budget Day protests fail to materialise](#)," 10 October 2023; Sorcha Pollak and Cormac McQuinn, "[Anti-immigration protest at Leinster House leads to temporary street closures](#)," 9 November 2023.

⁸ Paul Reynolds, "[Public Order Unit to be issued with tasers](#)," RTÉ, 29 November 2023.

⁹ The Criminal Justice (Public Order) Act 1994 does not regulate the right to protest, rather it provides a list of public order offences that are frequently used in the policing of protest such as threatening, abusive, or insulting behaviour in a public place (section 6) and failure to comply with a direction of a member of AGS (section 8).

¹⁰ Notification is distinct from authorisation. While notification is permitted by international human rights law, authorisation is not. UN Human Rights Committee, [General Comment No. 37 \(2020\) on the right of peaceful assembly \(article 21\)](#), (Geneva, CH: Human Rights Committee, 2020), paras. 70-73.



required to notify public authorities.¹¹ Previous legislation exempted parades held “traditionally” along certain routes – to the benefit of loyal order parades. This exemption has now been removed. The Parades Commission can impose restrictions on parades on the basis of criteria that are not restricted to public order considerations (which paradoxically can provide an incentive to “create” a threat). However, the criteria for parades restrictions are not entirely aligned to the ECHR grounds.¹² No such notification requirement exists in law in the Republic of Ireland. In Northern Ireland, static protests remain regulated under the Public Order (Northern Ireland) Order 1987 and are not subject to a notification requirement.¹³

More recently, issues have emerged including the differential treatment of Black Lives Matter protesters during the era of Covid restrictions¹⁴ and the over-policing of environmental protesters. There is also the ongoing use of plastic bullets in Northern Ireland public order contexts.¹⁵ Plastic bullets killed 16 people during the conflict, half of whom were children, none of whom were armed.¹⁶ While usage has reduced significantly, this weapon

– which to date has never been used elsewhere on the island – continues to be deployed despite recommendations that it be discontinued.

With the policing of protests (other than parades and counter-protests) being a transferred matter to the Northern Ireland Assembly, Northern Ireland has not been subjected to the recent highly restrictive changes to protest regulation introduced by the UK government in the Police, Crime, Sentencing and Courts Act 2022 and the Public Order Act 2023. The new legislation introduces offences intended to criminalise acts of protest and grants increased powers to police – including an expansion of the scope of stop and search powers. Civil society groups have voiced concerns that this will have a chilling effect on the right to peaceful protest, particularly for people from communities that are over-policed and under-protected.¹⁷ On 21 May 2024, the UK Supreme Court found the regulations defining serious disruption under the Public Order Act 2023, including the new offences of “locking on” and “tunnelling” unlawful,¹⁸ marking an important win for the right to protest in England and Wales.¹⁹

¹¹ Originally the Royal Ulster Constabulary and today the Parades Commission.

¹² See Article 11(2) which outlines the grounds on which freedom of assembly and association can be restricted, including in the interest of national security or public safety, prevention of disorder or crime, for the protection of health or morals or the protection of rights and freedoms of others.

¹³ The exception to this are counter-protests to parades which are subject to notification requirements and regulation by the Parades Commission.

¹⁴ Police Ombudsman of Northern Ireland, *Statutory Report: An Investigation Into Police Policy and Practice of Protests in Northern Ireland*, December 2020.

¹⁵ Plastic bullets were most recently used in the policing response to the racist riots in Belfast in August 2024, for more information please see Vincent Kearney, “*Loyalist paramilitary link to violence in Belfast, says PSNI*,” RTÉ, 6 August 2023.

¹⁶ Report of the International Expert Panel, *Bitter Legacy: State Impunity in the Northern Ireland Conflict*, April 2024, p. 78.

¹⁷ “*How Does the New Policing Act Affect My Protest Rights?*”, Liberty, accessed 4 June 2024; “*Protest Rights*”, Liberty, accessed 4 June 2024.

¹⁸ As defined in section 1 of the Public Order Act 2023, the offence of ‘locking on’ occurs if protesters attach themselves, to another person, to an object or to land, attach a person to another person to an object or to land or attach an object to another object or to land which causes, or is capable of causing, serious disruption to two or more individuals or an organisation in a place other than a dwelling and they intended that act to have a consequence mentioned in paragraph or are reckless as to whether it will have such a consequence. As defined in section 3, the offence of “tunnelling” occurs if protesters create, or participate in the creation of, a tunnel, the creation or existence of the tunnel causes, or is capable of causing, serious disruption to two or more individuals or an organisation in a place other than a dwelling and they intend the creation or existence of the tunnel to have a consequence mentioned in paragraph (b) or are reckless as to whether its creation or existence will have such a consequence.

¹⁹ “*Court finds Government Anti-Protest Legislation Unlawful After Liberty Legal Challenge*”, Liberty, accessed 4 June 2024; *National Council for Civil Liberties v Secretary of State for the Home Department* [2024] EWHC 1181.

Themes Identified During the Seminar

Eight trade union leaders, academics, youth climate activists, civil society representatives and protest leaders made presentations during the seminar and 28 people attended overall. There were two overriding and interlinked themes discussed:

- **Policing of protests related to housing;**
- **Differentiated treatment of protesters by police.**

Policing of Housing-Related Protests

The housing crisis in the South significantly impacts Irish society. Most people who are affected are under 49; 68% of 25–29-year-olds were living with parents/family in 2023.²⁰ Access to housing has become a significant political issue in the jurisdiction, with 52% of voters expressing concern about it in the context of local elections, European elections and a possible general election in 2024.²¹ The crisis has also been manipulated to fuel increasing anti-immigration sentiment.²²

Delivering the keynote address, **Dr Cian Ó Concubhair, Assistant Professor in Criminal Justice at Maynooth University**, presented the findings of his “Policing Human Rights Activism in Ireland”²³ research project. The research is based on long-form qualitative interviews with 24 housing activists, mostly in the South, and observations of protests in Dublin. Policing in this study includes both State policing services (i.e., An Garda Síochána and the PSNI) and private policing (i.e., private security).



²⁰ Nathan Johns, “Young Irish ‘failing to launch adult lives’: 68% of people in late 20s still living with parents,” Irish Times, 15 August 2023.

²¹ Conor Pope, “Housing crisis greatest concern in Ireland, EU research suggests”, Irish Times, 28 March 2023.

²² Joint Committee on Children, Equality, Disability, Integration and Youth, *Report on Refugees and Integration*, 33/CDEI/17, November 2023, p. 34

²³ Dr Ó Concubhair plans to publish his research from the “Policing Human Rights Activism in Ireland” study in a peer-reviewed academic law journal in 2025.



The project's key findings include the following:

- Securitised approach to housing activists:** There is often a securitised response to housing activists, even when they are not using violence. A small number of research participants in the project reported personal experience of Gardaí using violence or threats of arrest against housing protesters.
- One-sided police responses:** An Garda Síochána has a limited role in evicting people as its powers are limited to executing court orders. Yet during violent evictions, when people call Gardaí for help, research indicates that they often take the landlord's side and may even threaten housing activists supporting tenants with arrest. Research participants who have not directly experienced Garda violence reported a perception that Gardaí behave in an instinctively pro-landlord manner.
- Lack of knowledge of relevant laws:** Gardaí have varying knowledge of relevant laws on public order and housing. When asked about the legal basis for their actions, they may have to look up the legal frameworks on their phones or be unable to explain the reasoning.

- Questionable role of private security companies:** Violent evictions usually involve private security actors who frequently engage in violent and intimidatory behaviour, as compared with Gardaí. However, the Gardaí do little to stop private security actors from being violent and may even facilitate their actions. This has significant implications for democratic rights as private security actors are not subject to the same level of independent oversight and governance as the Gardaí, meaning complaints cannot be made against private security in the case of wrongdoing at violent evictions. The Private Security (Licensing and Standards) Regulations 2023 came into force in 2023 to clarify the scope of powers of private security providers but does not include provisions regarding complaints or accountability.²⁴

- Lack of trust:** Many research participants expressed a lack of trust in the Gardaí. Some said they felt the right to protest was tolerated and protected in Ireland, unless it was left-wing protest which they felt had a different policing response. Immigrants described being racially profiled by Gardaí at protests, which can have a significant chilling effect on engaging in future protest. Participants also spoke of a perception that community Gardaí are viewed as trying to de-escalate situations during housing protests, whereas members of the Public Order Unit are perceived as being more violent.

Access to housing has become a significant political issue in the jurisdiction, with 52% of voters expressing concern about it in the context of local elections, European elections and a possible general election in 2024.

²⁴ See the Private Security (Licensing and Standards) Regulations 2023, particularly section 3 for the definition of enforcement guard: means a person other than a sheriff, county registrar or court messenger who for remuneration, as part of his or her duties, is authorised to perform any of the following functions:

(a) removing one or more persons from any premises or any other place in order to take possession of the premises or place
 (b) controlling, supervising or restricting entry by one or more persons to any premises or any other place in order to take possession of the premises or place, or
 (c) seizing goods or other property in lieu of an outstanding debt, which said authorisation is conferred by or under an enactment, pursuant to a court order, in accordance with an agreement or a consent, pursuant to a contract, or otherwise in accordance with the law.

Differential Responses to Protest Based on Community Membership

Differential responses to protest based on community membership were discussed throughout the seminar by the following panellists:

- **Patricia McKeown**, Regional Secretary, Unison, discussed the role of trade unions in protest in Northern Ireland.
- **Áine Dempsey** and **Molly O'Shea** from Young Friends of the Earth spoke about children's right to protest in the context of environmental protest.
- **Úna Boyd**, Immigration Solicitor and Coordinator, CAJ, discussed the policing of the Black Lives Matter protests in June 2020 in Belfast and Derry.
- **Eliza Browning**, Policy Officer, CAJ, spoke about CAJ's work with Friends of the Earth Northern Ireland on environmental protest.
- **Aisling Hedderman**, Education and Training Officer, Community Action Tenants Union (CATU), discussed its experience engaging with members of An Garda Síochána, particularly in providing support during evictions.

Key points raised include the following:

- **Trade union protests generally facilitated:** Trade union representatives from Northern Ireland described how their protests have been policed differently to other types of protest. During the 1980s, they organised numerous sporadic protests in response to reduced budgets for public services, blocking motorways or arterial roads to protect the lowest paid jobs and services. In contrast to civic and community protesters, they noted that they were not arrested and fined according to relevant legislation and suggested that this may have been due to personal and familial relations with members of the then Royal Ulster Constabulary and public sector employees. However, trade union protests responding to the practice of "political vetting" (the withdrawal of government funding to community groups due to alleged links with paramilitary organisations) were heavily policed.²⁵ When organising "moving" protests today, trade unionists fall under the notification requirements under parades legislation and determinations by the Parades Commission. There is an exemption for notification requirements when it is not practicable (e.g., as part of a spontaneous protest, such as those recently held outside Belfast City Hall responding to the war in Gaza).
- **Obstacles to children's right to protest:** An Garda Síochána was requested and declined to facilitate climate strikes (e.g., with road closures, security) organised by school strike groups in February 2020, creating barriers for the organisers planning the protests. The organisers' perception that An Garda Síochána were not cooperative led to a deterioration in their relationship and a heightened lack of trust. They criticised Gardaí for making unsubstantiated claims about anti-social behaviour and extremist infiltration at some protests and threatening criminal proceedings.

²⁵ "[A Chronology of the Conflict](#)", CAIN Web Service, accessed 11 June 2024.

- **Changing relationship with Palestinian solidarity protests:** One group organising Palestinian solidarity protests reported generally amicable relations with An Garda Síochána. Following an increase in protests responding to the ongoing war in Gaza, however, some emerging obstacles are causing concern, such as Gardaí deciding who is allowed on stage during protests (e.g., allowing journalists but not organisers on stage in Merrion Square in 2023 and 2024). To date, there have been no arrests or violence during solidarity marches organised by this group.
- **Discriminatory policing of Black Lives Matter protests:** Following the murder of George Floyd in the United States in 2020, organisers of Black Lives Matter protests on 6 June 2020 in Belfast and Derry ensured the protest aligned with Covid-19 regulations through social distancing. The night before, relevant legislation was updated to give police greater enforcement powers over breaches which were then used as the basis for fines.²⁶ The PSNI went to the organisers' homes, intervened in people's travel to the protests, issued fixed penalty notices on the day, issued 60-70 fines (which were ultimately rescinded), and used organised crime legislation to threaten organisers with "inciting others to commit a criminal offence".²⁷ Those who challenged the fixed penalty notices were referred to the Public Prosecution Service which decided not to prosecute. The Police Ombudsman subsequently reported on the matter expressing concern about the PSNI's actions and noting a lack of compliance with the ECHR, including a failure to comply with the PSNI's positive obligation under Article 11 to facilitate the right to peaceful assembly. It also highlighted discriminatory and differential policing between the Black Lives Matter protests and a separate "Protect Our Monuments" counter-protest which was not met with a similar policing response.²⁸
- **Climate justice protesters being singled out:** Testimony gathered for CAJ research indicates that the PSNI do not take an impartial approach to policing environmental protesters. In particular, CAJ has heard claims the PSNI did not adequately investigate reports of criminal offences against protesters (including serious incidents and threats), whereas they reportedly vigorously investigated allegations of criminal behaviour on the part of protesters.²⁹ CAJ has also heard testimony that the PSNI has sought to unduly deter protesters from taking part in lawful protests, including attempts to criminalise them.
- **Housing protesters reporting Garda bias:** CATU was formed in 2018 to offer support to tenants following a securitised response to an eviction on Frederick Street in Dublin. Its members reported poor knowledge of housing law among Gardaí, who are perceived as often taking the side of landlords. In CATU's experience, Gardaí tend not to investigate crimes reported by tenants but do investigate crimes alleged by landlords. Housing protesters also noted the concerning trend of solicitors' letters being used as an intimidation tactic by landlords in defamation cases targeting housing protesters.
- **Surveillance having a chilling effect on protest:** The surveillance of protesters was raised as a barrier to exercising the right to peaceful protest. Participants discussed how police can infiltrate protest groups, including going as far as having relationships with key activists.³⁰ They also noted how surveillance and privacy issues can affect the overall efficacy of protest movements. The regulation of covert activities is a key issue. In the Republic of Ireland, there is no legislation regulating covert human intelligence sources ("CHIS"/informants) whereas in Northern Ireland, the Regulation of Investigatory Powers Act regulates the deployment of CHIS and the Covert Human Intelligence Sources (Criminal Conduct) Act 2021 permits informants to commit certain authorised crimes with immunity from criminal proceedings.³¹ Participants also discussed how the impact of surveillance is felt differently by non-white protesters and non-citizens, noting racial profiling by the Gardaí.

²⁶ See Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020 (as amended). The regulations were amended six times between commencement and 13th June 2020, in part to address outdoor gatherings of up to six people.

²⁷ See Serious Crime Act 2007, see section 44.

²⁸ For example, no fixed penalty notices were issued for the "Protect Our Monuments" protest. For more information see Police Ombudsman of Northern Ireland, [Statutory Report: An Investigation Into Police Policy and Practice of Protests in Northern Ireland](#), December 2020 and Northern Ireland Policing Board, [Report on the Thematic Review of the Policing Response to Covid-19](#), November 2020

²⁹ CAJ, *Policing the Protesters: A Narrative Report of PSNI Policing of Environmental Protest in the Sperrins (Working Title)*, forthcoming.

³⁰ For example, see Cianan Brennan, ["These men were trained liars"- women duped into relationships with undercover police call for Irish inquiry"](#) The Journal, 6 May 2017.

³¹ See section 5.

Following the panel discussions, participants were divided into small groups to discuss the future of protest on the island of Ireland and what steps can be taken to further the right to protest. A key recommendation from this discussion was that trained legal observers can help to advance the right to peaceful protest and are a strong

accountability measure. Evidence from other jurisdictions demonstrates that having legal observers present at protests can positively change the behaviour of police.³² Legal observers can also provide information on individual rights, including in cases of arrest.³³

The impact of the far right on the right to protest

State responses to protests by far-right groups emerged in all of the discussions at the seminar. It was noted that the “soft touch” approach by An Garda Síochána to policing far-right protests has the aim of not making martyrs out of the far right but also has the effect of making other types of protesters feel they are policed differently.³⁴

Representatives from LGBTI+ groups reported unique challenges when dealing with the Gardaí, as they feel unprotected when far-right actors engage in hateful protest or assault them. Participants in the “Policing Housing Rights Activism in Ireland” research study perceive Gardaí as treating left wing political activism differently to far-right violence. A number of participants in the study cited the policing of transphobic protests at libraries, particularly an incident where Gardaí appeared to chaperone protesters into a library to confront library staff.³⁵

Notably, since the seminar, An Garda Síochána has changed its policing response to far-right protests. In response to increasing aggression and actions that fall outside the purview of peaceful protest, as of 30 May 2024, it had arrested 31 people (27 at anti-immigration protests), compared to 20 in the same period in 2023.³⁶

In the context of Northern Ireland, the policing of far-right activity interfaces with approaches to policing of armed groups as members of loyalist paramilitary groups have been involved in far-right activity. This is evident in the policing response to far-right activity such as the picketing of hotels housing asylum applicants, violent racist evictions from housing and accompanying intimidation, including through paramilitary-linked messaging in public spaces (e.g. “locals only” posters targeting and threatening migrants and landlords). CAJ is critical of the “non-intervention” approach to such messaging taken by public authorities in Northern Ireland, including the PSNI.

³² Tamara Walsh, “Public Order Policing and the Value of Independent Legal Observers,” *Current Issues in Criminal Justice* 28, no. 1 (2016): 45-46; Jennifer L. Schulenberg, “Systematic Social Observation of Police Decision-making: The Process, Logistics and Challenges in a Canadian Context,” *Quality & Quantity*, 49, no. 1 (2014): 315.

³³ For example, see the following work from Green and Black Cross in the UK: [“What is a Legal Observer?”](#), Green & Black Cross, accessed 12 June 2024; [“Bustcard”](#), Green & Black Cross, accessed 12 June 2024.

³⁴ Conor Lally, [“Why are gardaí so passive when policing the far right?”](#) Irish Times, 21 May 2023; Paul Hosford, [“Paul Hosford: Is the Garda approach to migrant protests emboldening the protesters?”](#) 23 May 2023.

³⁵ See footnote 22.

³⁶ Cormac O’ Keffe, [“Female garda subjected to torrent of abuse by anti-migrant agitator ‘receiving support’”](#), Irish Examiner, 30 May 2024.

Conclusion

The seminar provided an opportunity for participants to discuss their experiences of public order policing across Ireland, North and South. Participants from both jurisdictions shared common experiences. An essential finding is that protest is policed differently across jurisdictions, depending on the historical context or political backdrop, the theme of the protest in question and which police service is present. The context in Northern Ireland has led to hard-won accountability measures whereas in the Republic, accountability and redress mechanisms are perceived as not being as strong.

Although An Garda Síochána has generally facilitated the right to protest, patterns have begun to emerge which demonstrate a shift away from this practice. For instance, individuals involved in housing activism reported a securitised and one-sided policing response, despite the repossession and evictions policy of An Garda Síochána stating that members are not to engage in tenancy disputes and that their role is to ensure peace and public order.³⁷ There are broader public concerns regarding barriers to protest close to Leinster House, the use of crowd control weapons

to control protests, and an evolving landscape in which some types of peaceful protest are not being facilitated and some protesters are being threatened and sometimes criminalised. In relation to Northern Ireland, there have been significant peace process reforms which have had a lasting impact on the framework for the policing of protest and processions. However, concerns of divergence from these frameworks are present in the differential policing of Black Lives Matter protests and the policing of environmental protests. Plastic bullets also continue to be available and deployed by the PSNI in public order contexts.³⁸

There is an obligation to facilitate peaceful protest North and South and preliminary evidence of differential approaches indicates that not all examples of peaceful protest are facilitated in practice. The discussions indicate that there is much work to be done to ensure An Garda Síochána and the PSNI fully protect, respect and fulfil the right to protest on an equal basis for all protesters. Perceptions of uneven and biased responses to protest are strong and undermine public trust and public confidence in both services.



³⁷ An Garda Síochána, *Repossessions and Evictions*, October 2020, p. 5.

³⁸ Amnesty International, *“Northern Ireland: Increase in use of force by PSNI ‘deeply disturbing’”*, accessed 27 June 2024.

Recommendations

ICCL to partner with academic experts to **develop and deliver legal observer training** in 2024 to empower individuals to provide legal observation at protest events, educate rights-holders on their right to protest, and record any evidence of police wrongdoing or misconduct. This will help increase accountability, in parallel with the new oversight bodies established under the Policing, Security and Community Safety Act 2024 to help guarantee accountable, human rights-compliant policing.


ICCL and CAJ to **develop a protest network** to provide a space for civil society and social movements to discuss protest-related issues and to continue to monitor policing approaches. This will include the identification of free public spaces for protesters to gather and collaborate.

ICCL to continue to **deliver training on the right to protest** based on its guide *Know Your Rights: The Right to Protest*.³⁹ This includes information on dos and don'ts during protests and relevant legislation, in addition to guidelines for non-violent direct action. CAJ to develop know your rights guides (modelled on ICCL's protest guide) aimed at environmental protestors.


ICCL recommends the adoption of **Irish legislation that regulates the use of CHIS/informants**. Neither the AGS nor PSNI should deploy informants or undercover officers against groups focusing on lawful expressive activities, such as peaceful protests.

CAJ recommends that **the use of plastic bullets, including in public order situations, be discontinued**.

³⁹ Irish Council for Civil Liberties, *Know Your Rights: The Right to Protest*, 2019.



**“THE DISCUSSIONS
INDICATE THAT
THERE IS MUCH
WORK TO BE DONE
TO ENSURE AN
GARDA SÍOCHÁNA
AND THE PSNI FULLY
PROTECT, RESPECT
AND FULFIL THE
RIGHT TO PROTEST
ON AN EQUAL
BASIS FOR ALL
PROTESTERS.”**





Irish Council for
Civil Liberties

FOR ALL OUR RIGHTS. NO EXCEPTIONS.

Irish Council for Civil Liberties (ICCL),

First Floor, Castleriver House,

14/15 Parliament Street,

Dublin 2, D02 FW60

Ireland

Tel: +353 1 912 1640

Email: info@iccl.ie

Website: www.iccl.ie



CAJ

Committee on the
Administration of Justice

Promoting Justice / Protecting Rights

Committee on the Administration of Justice (CAJ)

Community House,

Citylink Business Park,

6A Albert Street,

Belfast, BT12 4HQ

Northern Ireland

Tel: +44 (0)28 9031 6000

Email: info@caj.org.uk

Website: www.caj.org.uk