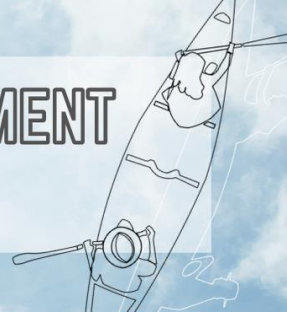


NAVIGATING THE LAW TO PROTECT THE ENVIRONMENT

FEET ON THE GROUND: YOUR RIGHTS WHEN YOU PROTEST DISCUSSION QUESTIONS

February 2021



Disclaimer: This document is for information purposes only and does not constitute legal advice.

Introduction: The following questions and sample answers have been provided to help facilitate discussions about direct action and environmental protests in Canada and the need for environmental justice advocacy promoting the development of more sustainable laws and policies.

1) Why do people participate in environmental protests?

- In many cases, protests are held because those involved feel that the government has not properly addressed environmental concerns, such as climate change, through existing laws and policies.
- Environmental protests increase awareness of environmental issues and can attract media attention that helps spread the message protestors are communicating through their actions.
- Indigenous advocates protest to assert sovereignty and defend their territory from environmental destruction caused by Western-based resource activities like logging, mining, and the construction of hydroelectric dams.

2) Can I be arrested for participating in an environmental protest?

- If you are protesting peacefully and not breaking any laws you ideally should not be arrested.
- The Canadian Charter of Rights and Freedoms protects some activities that are part of direct action like protesting. Section 2 of the Charter (ss. 2(b) and 2(c)) protects freedom of expression and freedom of peaceful assembly.
- Common protest activities that are protected by the Charter include the right to rally, picket, march, hand out leaflets, and carry signs or banners. However, there may also be local laws and regulations that say where, when and how you can protest to make sure other citizens are not disturbed in a harmful or unfair way.
- The police are allowed to detain, search, use force, or arrest you if you commit a crime while you are protesting. This includes possession of a dangerous weapon, causing a disturbance, destruction of property, assault, and rioting.

3) Can the government or a private company stop an environmental protest?

- The government or a private property owner can apply for a legal order, called an injunction, that can be used to remove protestors and stop protest activities if they take place on private property or involve actions that break the law.
- The owner of private property can initiate a civil lawsuit against protestors for trespass or property damage that can result in significant fines and possible jail time.
- The Government of Manitoba and other provincial governments (ex. Alberta) have attempted to restrict public protest rights by passing new laws. In Manitoba, Bill 57, *The Protection of Critical Infrastructure Act*, if enacted by the Manitoba Legislative Assembly, will significantly limit the ability of environmental and Indigenous advocates to take direct action in Manitoba.



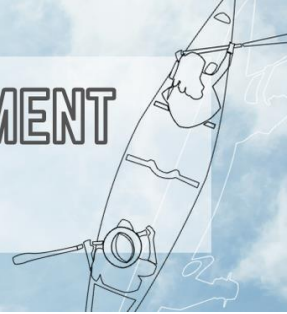
Funded by the Manitoba Law Foundation

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4) Are there environmental protests in Manitoba I should know about?

- There are environmental protests regularly held in Manitoba by concerned citizens and environmental and Indigenous organizations. Some examples include:
- Climate Strikes: Since 2018, youth organizers in Manitoba have taken direct action to bring attention to the issue of climate change and advocate for legal and policy improvements. One such event, held in September 2019, was attended by over 10,000 Manitobans who joined together at the Manitoba Legislature and marched through downtown Winnipeg.
- Wet'suwet'en Protests: Advocates from all across Canada, including Manitobans, took direct action to support Wet'suwet'en protestors in British Columbia seeking to stop the construction of a pipeline on their traditional territory. In February 2020, a blockade was set up on a CN railway near Winnipeg by advocates calling for the RCMP to leave Wet'suwet'en lands. Manitoba protestors also held a sit-in at the Winnipeg office of the Federal Minister of Northern Affairs for eleven days.
- Opposition to Silica Sand Extraction: In 2019, Indigenous advocates from Hollow Water First Nation held public protests in opposition of a silica sand mine to be built on their traditional lands. Protestors held public rallies and established Camp Morning Star near the proposed mine which continues to provide cultural and ecological education and support the efforts of Indigenous and environmental advocates in Manitoba.

5) What should I do to prepare for an environmental protest?

- Know your legal rights: Research your legal rights and local laws that may restrict your protest activities before you go.
- Apply for a permit: Depending on where you plan to protest, you may be required to notify the local government about your planned protest activities and/or apply for a permit.
- Connect with others: Find other people and organizations that plan to participate so you can watch out for and support each other during the protest.
- Share your plans: Let friends and/or family know where and when you protest and share any important contact information they may need if the protest does not go as planned.
- Bring appropriate clothes and supplies: For example, a hat, sunscreen, water, snacks, a raincoat, comfortable shoes, protest sign.
- Make a plan for the worst-case scenario: For example, identify a meeting place for your group members if you get split up or identify a lawyer or legal organization you can contact for legal assistance if you are arrested.

For more information see:

- [Feet on the Ground: Your rights when you protest](#) (webinar)
- [Feet on the Ground: Additional Resources](#)
- [Feet on the Ground: Additional Questions](#)
- [Environmental Racism and the Law](#) (webinar)
- [Environmental Racism and the Law: Background Information](#)
- [Environmental Racism and the Law: Additional Resources](#)



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