

POLICE PUBLIC EDUCATION ON THE HOLDING OF SPECIAL EVENTS INCLUDING DEMONSTRATIONS



BACKGROUND

Following the violence that characterised the Arise Ghana Demonstration in Accra on Tuesday, 28th June, 2022, the police wish to take the opportunity to educate the general public on the law that guides the holding of special events including demonstrations.

PURPOSE OF THE EDUCATION

- This exercise is aimed at informing everyone on the rights and responsibilities assigned by the law to organisers and demonstrators as well as guide their conduct during such events.
- The mandate of the police will be clearly spelt out to help the public better appreciate actions taken by the police during such events to ensure compliance with the law and maintain law and order.
- It will also help the public to understand the actions being taken by the police to bring all who were in breach of the law during the demonstration held on 28th June, 2022 in Accra to face justice.

SCOPE OF THE EDUCATION

The education will highlight

- The general rules governing the holding of special events
- The responsibilities of organisers and persons participating in special events as well as the consequences of failing to comply with these responsibilities.
- The mandate of the police regarding such events will also be explained.

GENERAL RULES ON SPECIAL EVENTS INCLUDING DEMONSTRATIONS

Guarantee of Fundamental Rights and Freedoms

Under Chapter 5 of the 1992 Constitution of Ghana, all persons are guaranteed fundamental rights and freedoms.

These rights include:

- The right to freedom of assembly and
- Freedom to take part in special events such as processions and demonstrations.

However, the exercise of such freedoms, according to the same Constitution, is subject to the respect for the rights and freedoms of others and for the public interest.

To regulate the way and manner citizens may enjoy the freedom associated with such special events, the Public Order Act, 1994 [Act 491] was enacted.

GENERAL RULES ON SPECIAL EVENTS INCLUDING DEMONSTRATIONS

Definition of Special Events and Public Place

A social event has been defined by the Act to include a procession, parade, carnival, street dance, celebration of traditional custom, an outdooing of a traditional ruler, a demonstration, public meeting, or similar event. It however does not include:

- A religious meeting,
- A charitable, social or sporting gathering
- A lawful public entertainment or meeting.

A special event must take place in a public place. A public place is defined as a place to which, at the material time, the public have or are permitted to have access whether on payment or otherwise.

Requirement of Notification and Engagement with the Police

Under the law, any person who intends to hold any of the above-mentioned special events is required to notify the police at the police station nearest to the location of the proposed special event, of that intention not less than five days before the date of the special event.

The notification shall be in writing and signed by or on behalf of the organizer of the event and shall specify

- The nature of the special event,
- The time of commencement,
- The proposed route and destination.

Requirement of Notification and Engagement with the Police

- Where the Police, notified of a special event, have reasonable grounds to believe that the special event if held may lead to violence, endanger public defence, public order, public safety, public health or the running of essential services or violate the rights and freedom of any other persons shall request the organizers to postpone the special event to any other date or to relocate the special event.
- The law places a responsibility on the organizers who have been requested by the Police to either postpone or relocate the holding of a special event, to within forty-eight [48] hours of the request, notify the Police in writing of the willingness to comply.

Involvement of the Court where there is a Disagreement

- Where there is a disagreement between the organisers and the police, the police would have no option but to apply to the court for an order to prohibit the holding of the special event on the proposed date or at the proposed location or
- Make orders which may regulate the holding of a special event depending on the circumstance.

RESPONSIBILITIES OF ORGANISERS AND PARTICIPANTS DURING SPECIAL EVENTS AND CONSEQUENCES THEREOF

Responsibilities of Organisers and Participants

- Organisers and any person taking part in a special event shall obey the directions of the Police officers safeguarding the proper movement of any other persons and vehicles and generally maintaining order.
- The organisers and any person taking part in special event is required to avoid causing obstruction of traffic, confusion or disorder.
- The organisers and any person taking part in a special event shall ensure that no damage is caused to public property .

Punishment for Breaching the Law

- The punishment for a contravention of any of the above-mentioned responsibilities by the organisers and persons taking part in such events, is a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding one year or to both the fine and the imprisonment.
- The organizers shall also be liable to pay for the cost of any damage that may be caused to a public property.

Other Offences Under the Public Order Act

- Failing to notify the Police of a special event,
- Failing to inform the Police of the willingness to comply with a request to postpone or relocate a special event,
- Taking part in a special event knowing that a notification has not been given to the Police.

RESPONSIBILITIES OF THE POLICE

- It is the responsibility of the police during special events to control routes and crowds by directing the routes of the event to prevent obstruction of pedestrians or vehicular traffic.
- The Police are also mandated to disperse crowds at a special event where the Police have reasonable grounds to believe that a breach of the peace is likely to occur or if a breach of the peace has occurred or is occurring in order to prevent violence, restore order and preserve the peace.

RESPONSIBILITIES OF THE POLICE

- The Police have the power to cause the streets or parts of the streets of the area where the special event is being held to be closed to pedestrian or vehicular traffic or both.
- It is also the responsibility of the Police to arrest all who break the law during special events and bring them to face justice.

CONCLUSION

We would like to urge the public to take note of the law and work together with the Police to ensure the safety and security of all persons as we work to maintain law and order.

Such a partnership with the police will strengthen our democratic credentials as a country and we owe this to our forebarers, ourselves and future generations.