| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-0578  Responded to: xx March 2024 |
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Your recent request for information is replicated below, together with our response.

## What is your force's policy with regards to the phrase "From the river to the sea"?

I can advise you that no policy exists regarding the specific phrase quoted. On that basis section 17 of the Act applies and I can confirm that the information sought is not held by Police Scotland.

In more general terms, Police Scotland recognises that the conflict will be a source of concern and anxiety for all affected communities, as well as the wider public, and sensitivity should be used when dealing with associated incidents or complaints.

Each scenario requires to be dealt with on its own merits.

ECHR Article 10 (1) protects in substance and in form a right to freedom of expression which others may find insulting or offensive.

Individuals taking part in a peaceful protest will only come within the terms of the Public Order Act 1986 where their conduct moves into the realms of threatening, abusive or insulting behaviour which is calculated to insult and is unreasonable.

When assessing whether words or behaviour amount to offences, the following factors should be considered:

* The content of the words or behaviour
* The context/communications of the words or behaviour;
* The intention of the person speaking or acting;
* The possible impact

## Where your force's policy is that this statement is not always unlawful, under which circumstances could it be unlawful?

## Where your force's policy is that this statement is not always unlawful, under which circumstances could it be lawful?

For ease Q3 and Q4 have been answered together.

To underline the approach described at Q1 above, any phrase or chant at a protest must be assessed in context; no definitive stance can be taken. If a phrase is deemed illegal, criminal or hateful in nature, or context makes it as such, appropriate and necessary action will be taken by police. Context is crucial for a justifiable and fair assessment.

## 4) If there is no formal policy: please instead share any instructions, emails, or other documentation that may have been shared with officers with regards to what action should be taken when this statement is used by members of the public.

To expand on the response at Q1 above, whilst all officers are reminded of their obligations in terms of the prevention and detection of crime and maintaining order, the overriding principle is the *facilitation of peaceful protest*, in accordance with Articles 10,11 and 14 of ECHR.

The responsibilities of the police in such circumstances extend not only to taking positive action to protect these rights and freedoms, but also includes a failure to act or to take steps to protect them.

In general terms, such rights can only be interfered with where action is prescribed by law, and is necessary in a democratic society for one of the following reasons;

* National Security
* Territorial integrity
* Public Safety
* Preventing disorder/crime
* Protecting health
* Protecting morals
* Protecting the rights of others

If you require any further assistance please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.