

## Comments to the United States Government in Advance of its Upcoming Presentation to the Committee on the International Covenant on Civil and Political Rights and Optional Protocols

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My name is Nick Robinson, and I am a Senior Legal Advisor at the [International Center for Not-for-Profit Law \(ICNL\)](#). At ICNL we work in the United States around the world to create a protective legal environment for activists, social movements, and nonprofits, including on the [right to protest](#).

Over the last several years, the United States has witnessed [widespread violations](#) of Americans right to peaceful assembly, including extensive police violence against nonviolent protesters and unjustified arrests. The country's federal counter-terrorism infrastructure has been used [to surveil and spread misinformation](#) about nonviolent protesters. Earlier this year in Georgia, activists, including [nonviolent protesters](#), were charged under the state's domestic terrorism law, which carries a sentence of up to 35 years in jail. Since 2017, 21 states have [enacted at least 40 anti-protest bills](#) that apply draconian penalties for common nonviolent protest activity. Authorities have also repeatedly failed to protect protesters from growing [intimidation and violence from armed counter-protesters and vigilantes](#), particularly at LGBTQ, reproductive rights, and racial justice protests.

While not going far enough, we welcome recent initiatives of the federal government to better secure protest rights. These include [new guidelines](#) from COPS on the policing of protests; Justice Department [pattern and practice investigations](#) that examine First Amendment violations of protesters; and the Justice Department filing a [statement of interest](#) in a constitutional challenge to HB 1 in Florida.

Given the scale of past violations and current threats to protest rights in the U.S., what steps are the Biden administration currently undertaking to proactively protect the freedom of assembly as protected by both the US Constitution and Article 21 of the ICCPR? Specifically, what are the short and long-term strategies it is developing for protecting protest rights in the country? We look forward to continuing to engage with the administration on these issues.