

DEFENDING THE RIGHT TO PROTEST:

Resisting government crackdowns on nonviolent demonstrators

Over the past decade, people around the world have come together in unprecedented numbers to peacefully seek social change through demonstrations. They have sought action from their governments to tackle corruption, economic hardship, police violence, climate change, and other pressing issues. But instead of addressing the grievances that prompt mass protests, many governments have targeted the protests and protesters themselves, using repressive laws, harassment, and violence.

Civil society is responding to these attacks and developing more effective tactics to protect protest rights. This briefer provides an overview of key threats to peaceful protesters around the world, before exploring important tools that civil society can use to defend and advance the right to protest.

Key Threats to Protest Rights

As citizens have mobilized to exercise their right to peaceful protest, governments have deployed a set of repressive tactics to stifle collective action.

1. GOVERNMENTS ARE VIOLENTLY DISPERSING PROTESTS.

Around the world, authorities use deliberate, indiscriminate, and disproportionate force to disperse protesters. After the 2021 military coup in **Myanmar**, security forces repeatedly used live ammunition against largely peaceful pro-democracy protesters, killing dozens. In **Chile**, at least 230 people lost their eyesight during five weeks of protests against inequality in 2019, when police fired shotgun pellets and tear gas canisters at protesters, hitting their eyes. Military forces have contributed to the violence. Soldiers responding to protests in 2019 against rising prices in **Zimbabwe** committed “systematic torture” of those they suspected to be protesters, according to an investigation by the government-appointed Human Rights Commission.

Security forces who violate protesters’ rights often go unpunished, perpetuating abuse. Three years after **Sudanese** forces gunned down hundreds of peaceful protesters, no one has been held responsible and the commission of inquiry into the massacre has been suspended.

2. GOVERNMENTS ARE AGGRESSIVELY TARGETING NONVIOLENT PROTESTERS, PROTEST LEADERS, AND ALLIES.

Many governments use laws with serious penalties to target and silence peaceful protest organizers and participants. In 2021, **Thai** authorities used the country's *lèse-majesté* law—which prohibits insulting the royal family—to imprison four prominent protest leaders who now face up to 15 years in prison under the law. The following year, the junta in **Myanmar** threatened pro-democracy protesters—including those who demonstrated merely by banging pots, honking horns, or clapping—with high treason charges under the country's anti-terrorism law.

Compounding the threat of extreme charges, governments are going after protesters' access to legal aid. Following widespread anti-government protests in **Egypt** in 2019, authorities arrested at least seven lawyers who were defending detained protesters. The lawyers were later charged with "spreading false information aiming at disturbing the public and peaceful order" and "joining a terrorist organization."

Governments are also arresting journalists who report on protests, and might amplify protesters' message or document protesters' rights being violated. In 2022, authorities arrested a reporter in **Kashmir** who had posted footage of an anti-India protest online, and charged him with inciting public fear or alarm—crimes for which he could face life in prison or the death penalty. In **Morocco**, authorities arrested numerous journalists who were reporting on the Hirak anti-government protest movement in 2017, detaining eight of them for months on charges that included "shouting."

Governments are also seeking to silence protesters by going after their funding—often in the absence of a conviction for any crime. In 2020, authorities in **Nigeria** froze the bank accounts of 20 prominent members of an anti-police brutality protest movement, including a freelance journalist, a medical practitioner and several CSOs. In 2022, **Canadian** authorities froze more than 200 accounts of people and businesses that were associated with a protest against COVID measures that blocked streets in Ottawa.



Five Key Threats to Protest Rights

ONE

Governments are violently dispersing protests.

TWO

Governments are aggressively targeting nonviolent protesters, protest leaders, and allies.

THREE

Governments are significantly limiting protests or banning them altogether.

FOUR

Governments are weaponizing technology to stifle protests.

FIVE

Governments are stigmatizing protests as disruptive and threatening.



3. GOVERNMENTS ARE SIGNIFICANTLY LIMITING PROTESTS OR BANNING THEM ALTOGETHER.

In countries around the world, governments continue to adopt laws that make it harder to protest. Demonstrating within the bounds of the law is all but impossible in some places: In **China**, for instance, protesters must notify the government well in advance of gathering, and authorities have broad discretion to say whether and how protests may proceed—provisions that allow the government to suppress disfavored demonstrations. In **Egypt**, protesters face prison time and steep fines for committing vaguely-defined offenses such as “violating public order” or “impeding public interests.”


But the right is under threat even in countries where individuals enjoy relatively greater civic freedom. Some recently enacted laws expand authorities’ discretion to limit or disperse protests, like the **UK’s** 2022 Police, Crime, Sentencing and Courts Bill. Others make protest organizers responsible for damage or injury caused by the protest, like the law **Greece** adopted in 2020. Other laws limit protesters’ ability to gather in the public places where they are most likely to get attention: Under a 2022 law adopted in **New South Wales**, street protesters who disrupt vehicle or pedestrian traffic can face up to two years in prison. In the past five years, states in the **US** have enacted nearly 40 new laws that restrict individuals’ right to protest.

Governments are also banning protests altogether, often under the guise of crisis response. In 2022, **Sri Lanka**, the president declared a state of emergency followed by a curfew to suppress massive anti-government protests against the country’s economic crisis. In the context of the COVID pandemic, many states have misused public health measures to ban disfavored protests. Authorities in **Uganda** forcefully dispersed opposition protests for violating COVID guidelines in 2020 during election campaigns, while allowing rallies by supporters of the ruling party.

4. GOVERNMENTS ARE WEAPONIZING TECHNOLOGY TO STIFLE PROTESTS.

As protest organizing has moved online, governments have increasingly resorted to internet shutdowns and network disruptions to quash protests. They may employ a complete internet blackout, using a “kill switch” as **Kazakhstan** did in early 2022, blocking 95% of internet users from accessing the internet during widespread protests against rising fuel prices. They may target mobile networks in specific areas where protests are taking place, as **India** did ahead of a planned hunger strike by protesting farmers in 2021—claiming that suspension of mobile internet access precisely at scheduled protest locations was necessary “to protect public safety.” Governments may ban specific communications platforms to undermine organizing efforts: **Sudan** blocked Facebook, Twitter, and WhatsApp as mass protests called for the ouster of Omar al-Bashir in 2019. In 2021 alone, at least 16 countries restricted internet access in response to mass protests.

Governments are deploying increasingly sophisticated surveillance technologies to track, identify, and harass nonviolent protesters, as well. Police in **Israel** planted controversial NSO spyware in the phones of anti-government protesters, providing them access to the protesters’ calls, texts, emails and other data without a court order or judicial supervision. In **Myanmar**, the military junta ordered the country’s telecom and internet service providers to install similar intercept spyware ahead of the 2021 coup, in order to squash anti-coup protests and political opponents. Protesters also face the growing likelihood that their government can identify them and track their location. Police in **Uganda** used facial recognition technology to arrest individuals who took part in anti-government protests. Authorities in Moscow used the city’s system of 105,000 cameras armed with facial recognition technology to identify and arrest protesters who attended recent opposition rallies in **Russia**.



Civil society is taking action to defend the right to protest. While in much of the world such efforts are nascent or incomplete, they demonstrate how reform might be achieved.

5. GOVERNMENTS ARE STIGMATIZING PROTESTS AS DISRUPTIVE AND THREATENING.

Officials feed popular opposition to protests by actively portraying protesters as extremists, thugs, or foreign agents. In response to widespread anti-government protests in 2019, officials and pro-government media in **Egypt** portrayed the protest movement as a conspiracy by foreign intelligence agencies and terrorist groups. The President of **Kazakhstan** labelled protesters “bandits and terrorists.” The Home Secretary of the **UK** characterized overwhelmingly peaceful racial justice protesters as “thugs and criminals.” Such rhetoric weakens popular sympathy for protesters and support for their goals, making it easier for states to use aggressive tactics to suppress them. Protest movements face the threat of state-sponsored propaganda and false information in more sophisticated forms, as well: **China** manipulated the context of photos and videos of protests in Hong Kong, portraying them as widely violent and funded by foreign agents.

Governments also fail to protect protesters from violent attacks by third parties, and in many cases actively encourage such violence. In **Iraq**, state security forces withdrew as militias opened fire into crowds of protesters, killing dozens. When armed counterprotesters arrived at protests in **Nigeria**, security forces did not protect protesters from violent attacks. In **India**, a politician aligned with the ruling BJP party led a rally in chants of “shoot the traitors,” referring to people peacefully protesting a discriminatory new citizenship law, and police stood by as pro-government groups violently attacked the protesters. States can enable violence against protesters in other ways; in the **US**, several states have recently passed new laws to limit the liability of people who injure or even kill protesters, including by hitting them with their cars.

Effective Civil Society Action to Protect Protest Rights

In the face of this onslaught, civil society is taking action to defend the right to protest. While in much of the world such efforts are nascent or incomplete, they demonstrate how reform might be achieved, and point the way towards broader and more robust initiatives.



Five Civil Society Actions to Protect Protest Rights

ONE

Work to reform or repeal restrictive laws governing protests.

TWO

Seek enactment of affirmative protections for protesters.

THREE

Provide protesters with legal aid and other legal resources.

FOUR

Promote accountability for law enforcement violence against protesters.

FIVE

Build public support for protest rights.



WORK TO REFORM OR REPEAL RESTRICTIVE LAWS GOVERNING PROTESTS.

1

ACTION

Civil society can also use advocacy and litigation to push for repealing or amending laws that unduly restrict protest rights. In 2018, civil society activists in **South Africa** successfully sued to invalidate a law that penalized protesters for failing to notify authorities of a planned protest. In its decision striking down the law, the Constitutional Court described protest rights as “simply too important” to permit the restriction introduced by criminalizing a failure to notify. In **India**, following challenges brought by journalists and politicians, the Supreme Court in 2022 directed officials to suspend all proceedings under a sedition law that had been increasingly used to quash protests. CSOs successfully petitioned **Israel**’s Supreme Court in 2021 to strike down a COVID-inspired prohibition on individuals protests more than 1,000 meters from their homes. As governments continue to use the law to limit and chill protest rights, such victories demonstrate the potential for rights defenders to leverage the courts to push back. Civil society should in particular seek repeal or reform of provisions that create penalties for peaceful protest activity, give authorities expansive discretion to limit protests, or impose collective liability for misconduct during protests.

SEEK ENACTMENT OF AFFIRMATIVE PROTECTIONS FOR PROTESTERS.

2

ACTION

Activists have also successfully worked with policymakers, especially at the local level, to enact new safeguards for protest rights. Following a municipal campaign by CSOs in **Colombia**, in 2019 the cities of Barranquilla and Cali established new protection protocols and guarantees for protests, though local authorities have not fully implemented these instruments since their adoption. In the aftermath of 2020

racial justice protests in the **United States**, civil society helped push policymakers at local, state, and national levels to introduce an array of reforms to better protect protest rights. Reforms included new limits on the use of tear gas and other less lethal weapons against protesters, bans on the deployment of facial recognition technology to surveille protesters, and requirements that officers display identifying information when they police protests, to enhance their accountability.

PROVIDE PROTESTERS WITH LEGAL AID AND OTHER LEGAL RESOURCES.



Civil society should directly support those seeking to exercise their rights freely and safely. Lawyers and legal associations can provide pro bono legal aid to protesters who have been arrested or detained, for instance, or who have been victims of state violence. In **Lebanon**, the Lawyers Committee for the Defense of Protesters has provided volunteer legal support to hundreds of protesters. The Committee is also credited with successfully pushing for lawyers to have access—previously denied—to arrested protesters inside police stations. Civil society can also help protesters navigate the law and better understand their legal rights and obligations. The Irish Council for Civil Liberties produces a plain language card with key parameters of protesters’ rights in **Ireland**, as well as lawyers’ numbers to call in case a protester encounters trouble.

PROMOTE ACCOUNTABILITY FOR LAW ENFORCEMENT VIOLENCE AGAINST PROTESTERS.



Civil society can help deter rights abuses by law enforcement by seeking accountability when violence against protesters does occur. These efforts often require the documentation of abuses, policy advocacy, and litigation. In **Chile**, rights groups including the non-governmental National Institute for Human Rights documented the police’s brutal response to widespread protests in 2019. Armed with their data, local and international rights groups’ pressed for accountability, prompting Chilean authorities to open more than a thousand investigations into police abuses against protesters, discipline hundreds of officers, and fire at least 14. In the **United States**, in the aftermath of 2020 racial justice protests in which law enforcement regularly resorted to excessive use of tear gas and other weapons, rights defenders brought dozens of lawsuits seeking accountability for the violence. The flurry of litigation in many cases resulted in protesters receiving monetary compensation and law enforcement agreeing to changes in policing practices.

BUILD PUBLIC SUPPORT FOR PROTEST RIGHTS.



Civil society should work to counteract governments' toxic narratives around protest movements by fostering more positive attitudes towards protests. A diverse alliance of civil society groups in **Colombia**, for instance, launched the public campaign *se vale protestar* ("it is worth protesting"), to encourage greater public support for protest rights. Civil society can build on public awareness campaigns by working with members of the media to help journalists understand the importance of protest rights and advance more positive reporting on protests. Protest movements that mobilize diverse constituencies may also command greater public support: In **Sri Lanka**, the peaceful GotaGoGama protest movement that led to the resignation of President Gotabaya Rajapaksa in 2022 united protesters across age, ethnicity, religion, class, gender, sexual orientation, and profession. Broad-based, peaceful protests are more resistant to governments' toxic narratives and make it harder for authorities to crack down on protests with impunity.

Conclusion

As governments worldwide attack the right to protest, civil society has proven that there are effective ways to push back. Local and international civil society, social movements, donors, and allied governments all have a role to play in efforts to protect protest rights through litigation, policy advocacy, collective defense mechanisms, and public messaging campaigns. Civil society, in particular, must work across borders to identify new strategies, share information, and learn from each other—both about emerging threats to protest rights and effective tactics for pushing back. Working together, we can protect our right to gather and express ourselves, and ensure a future of responsive and rights-respecting governance for everyone.

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