

Protest Under Pressure Report

The right to protest and assemble peacefully is a cornerstone of democratic societies, representing one of the fundamental freedoms essential to the expression of public opinion and the pursuit of social change. Enshrined in international human rights conventions such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, as well as within national constitutions, this right underscores the critical role that civic engagement plays in shaping inclusive and accountable governance structures.

In recent years, however, there has been a growing troubling pattern of increased repression targeting protesters and assemblies. This repression takes various forms, including excessive use of force by law enforcement agencies, arbitrary arrests and detentions, censorship of dissenting voices, and legislative measures aimed at curtailing peaceful demonstrations. Such actions not only infringe upon individuals' rights but also undermine the very foundations of democracy and civil liberties.¹

On January 25th, 2024, at Tilburg University, a group of 70 activists, legal professionals, academics, NGO representatives and social movements met for the Protest Under Pressure conference held by members of the Legal Mobilization Platform. The conference's innovative multi-disciplined format facilitated workshops following this theme of repressive tactics against protestors by retrieving examples from Egypt, Germany, Indonesia, Israel, Palestine, Poland, Russia, South Africa, The Netherlands, The Philippines and beyond. Eight workshops were held on the topics of climate and environmental justice, justice for Palestine, racial and migration justice, gender and queer justice, transnational activist networks, strategic lawsuits against public participation (SLAPPs), securitization, and surveillance technologies. Through these spaces, participants shared lived experiences centred around critical dialogue and collaboration, emphasizing the ongoing struggle for justice, democracy, and human rights in the face of the increase of repression and challenges to freedom of expression, assembly, speech, press, and protest.

Several primary challenges were identified during the conference, with references to disproportionate use of force by authorities during demonstrations and abuse and misuse of the rule of law by way of instilling archaic laws to arrest protestors. Peaceful gatherings are increasingly shifting towards violent confrontations due to the heavy-handed tactics employed by law enforcement, resulting in injuries, trauma, and sometimes fatalities. These incidents not only violate human rights but also create a climate of fear and intensified intimidation, deterring individuals from exercising their right to assemble and express their voices. Furthermore, governments and authorities in many countries have resorted to legal and administrative measures to suppress dissenting voices and limit the space for peaceful protests.² Laws restricting the rights to assembly, such as requiring prior authorization or imposing overly broad restrictions on protest locations and times, hinder the ability of individuals and groups to organize and mobilize effectively. Moreover, the misuse of counter-terrorism and public order laws to target protestors has become a growing concern, leading to arbitrary arrests, prolonged pretrial detentions, and unfair trials.³

¹ Amnesty International, *Protect the Protest: Why We Must Save Our Right to Protest*, (London, Amnesty International Ltd, 2022), pp. 19.

² Ibid, 27.

³ Ibid, 19.

Based upon the discussions held at the Protest Under Pressure conference, this report aims to delve deeper into these pressing issues, examining specific cases of repression faced by protesters. By documenting and analyzing these challenges, we seek to raise awareness about the importance of safeguarding the right to protest and assembly as fundamental human rights. Upholding these rights not only fosters democratic participation and civic engagement but also contributes to building more just, inclusive, and accountable societies globally.

In subsequent sections, we will draw on reports and pieces published by Amnesty International, the Civil Liberties Union for Europe, Forum Asia, Human Rights Watch, the Inter-American Court of Human Rights, and the Public Interest Litigation Project. Additionally, in close collaboration with human rights practitioners, this report will explore key thematic areas related to the repression of protests, including the role of technology and social media, international human rights frameworks, strategies for defending protesters' rights, and recommendations for policymakers and civil society actors. With this comprehensive analysis, we aim to contribute to ongoing efforts to protect and promote the right of protest as a fundamental pillar of democratic coexistence.

1. Legal Developments and Restrictions on Activists' Rights:

A significant theme of the conference revolved around legal developments that serve as restrictions on activists' ability to address critical issues such as climate change, gender and queer justice, and racism and migration. These developments range from immigration laws, border controls, criminalization of protests, civil liabilities for peaceful demonstrations, administrative handling of permits, and constitutional protections for political speech. Identifying these legal challenges provided insights across the various attendees of barriers activists confront and the strategies that are needed to navigate complex legal landscapes whilst advocating for change.

The Civil Liberties Union for Europe (Liberties) conducted a comprehensive report on the rule of law within the EU, revealing concerning trends where national governments are seeking to weaken the rule of law standards. These standards are meant to ensure that governments serve the interests of their people, including human dignity, freedom, democracy, equality, and respect for human rights. However, their findings indicate that governments are actively undermining legal and democratic control over political power holders, particularly in areas such as the justice system, media freedom, civic space, and human rights.⁴

One notable example of these trends was identified in the securitization and gender and queer justice panel when discussing the ongoing repression faced by human rights activists, lawyers, and citizens in Russia in the post-Ukraine climate. This is best represented through the state's criminalization of LGBTQIA+ rights within the country.⁵ The criminalization began in 2006, with Putin enacting various laws restricting the distribution of materials promoting LGBT relations to minors, which cumulated in a federal law criminalizing the distribution of materials among minors in support of non-traditional sexual relations (the 'gay propaganda' law) as an amendment to an existing child protection law.⁶ Since the invasion of

⁴ Civil Liberties Union for Europe, *Liberties Rule of Law Report*, (2024), pp. 4-14.

⁵ Amnesty International, *Report 2022/2023: The State of the World's Human Rights*, (London, Amnesty International Ltd, 2023), pp.311

⁶ Human Rights Watch, *Russia: Supreme Court Bans 'LGBT Movement' as Extremist*, November 30, 2023, <https://www.hrw.org/news/2023/11/30/russia-supreme-court-bans-lgbt-movement-extremist>

Ukraine, authorities have increased their reactionary measures with a focus on trans people, passing a law banning gender-affirming care nationwide. This was followed in November 2023, with the Supreme Court ruling that the international LGBT movement was extremist, outlawing it within the country.⁷ Such developments within the law taken by the state have led to a surge in anti-gay protests, violence and hate crimes. Following November 2023, ruling Russian security forces raided bars, saunas and nightclubs. Since the conference, a new ruling has declared the international movement to be a terrorist organization. The Human Rights Watch identified this move as holding a dual purpose: "It is meant to increase the scapegoat of LGBT people to appeal to the Kremlin's conservative supporters before the March 2024 presidential vote and to paralyze the work of [human] rights groups countering discrimination and supporting LGBT people".⁸ Since this "International LGBT movement" the state sought to outlaw does not exist, human rights defenders fear that such a ruling will allow authorities to prosecute anyone for any activities related to LGBT rights arbitrarily. In the 2023 Universal Periodic Review of Russia's human rights record, Russia's deputy justice minister claimed that there is no discrimination based on gender identity or sexual orientation due to the prohibition of discrimination being enshrined in the constitution. However, he furthered this by describing "gay propaganda" as "alien to spiritual and moral values of our multi-ethnic and the polyconfessional Russian society."⁹

Beyond the case of LGBT rights in Russia, looking to Germany, we can see evidence of governments hampering the ability of citizens and civil society to enjoy freedom of association and assembly through the criminalization of activities, including humanitarian or human rights work. Climate activists within Germany have been increasingly utilizing methods of peaceful disobedience to express criticism of the state's failure to reduce carbon emissions. Last Generation, a climate and environmental activist group, relies on tactics such as sit-ins to block road traffic within cities, acts which are now punishable as coercion. Last Generation faced mass confiscation of bank accounts and websites following the December 2022 and May 2024 raids on the grounds that the activist group is a criminal organization according to Sec. 129 of Strafgesetzbuch (the German Criminal Code).¹⁰ Applying this to a peaceful climate protest has far-reaching consequences for the entire climate movement that is yet to be fully understood. Climate activists are placed in a state of limbo regarding the understanding of their rights. This code is typically applied to actors of organized crime, not political movements which are involved in petty crimes such as roadblocks. This legal tactic implemented by the state profoundly interferes with the fundamental rights of activists in the country and Europe as a whole.¹¹

Looking further afield to India, freedoms have come under attack due to laws and policies being passed without adequate public and legislative consultation, which has directly impacted human rights defenders and religious minorities through arbitrary arrests, extended detention, unlawful killings, and punitive demolition of family homes. The state has utilized repressive laws such as counter-terrorism legislation to silence dissent, whilst authorities have additionally intimidated human rights defenders with unlawful surveillance. This can be seen through mass raids which were carried out against the NGO Popular Front India (PFI) in which 300 leaders and members were arrested with the NGO was declared an "unlawful

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

¹⁰ Civil Liberties Union for Europe, *Liberties Rule of Law Report*, pp. 262-263.

¹¹ Ibid.

association" under the Unlawful Activities Prevention Act for its involvement in "funding terrorism and terrorist activities".¹² In Spring 2022, violence broke out in several states across the nation during the Ram Navami and Ramzan festivals. Following the violence, political leaders and officials made statements threatening the demolition of protestors' priorities.¹³ Unlawful demolition of private property was carried out against those suspected of rioting without motive or due process requirements. Many of these demolitions targeted economically disadvantaged Muslims. At the same protests, the media reported incidents of extreme force used by police using batons, throwing stones, and shooting bystanders at protestors in Jharkhand state. Two protestors, including a 15-year-old boy, were fatally shot in the head by police.¹⁴

The discourse surrounding legal developments and repression tactics at the conference shed light on the intricate challenges faced by activists globally. From climate change and environmental justice to gender and queer rights, racism, and migration, activists encounter a myriad of legal barriers that impede their ability to address critical issues and advocate for change effectively.

The insights shared during the conference underscored the importance of understanding the evolving legal landscapes that activists operate within. The Liberties and Amnesty International report highlighted concerning trends where governments are undermining the rule of law standards, affecting various aspects of justice systems, media freedoms, civic space, and human rights; this erosion of legal safeguards poses significant challenges for activists seeking to uphold powerhouses accountable and protect fundamental rights.

Whilst there were many cases brought forward in the discussion which were not addressed in this section of the report, from the repression of sex workers in the Netherlands to the use of SLAAPs within Egypt to sexual rights in Malawi, among many others. Examining the cases above provides a nuanced understanding of how legal mechanisms can be weaponized to suppress dissent. The criminalization of peaceful protest, arbitrary arrests, surveillance, and intimidation tactics all contribute to the growing climate of fear and hinder activists' ability to exercise their rights. Navigating legal repression requires a multifaceted approach that includes strategic litigation, digital security measures, international advocacy, and community empowerment. Activists must remain vigilant and resilient in the face of legal challenges, forging alliances and leveraging legal frameworks to protect civic space, uphold human rights, and advance social justice causes globally. The conference discussions provided valuable insights and strategies that will continue to inform and guide activism in confronting legal repression and advocating for a more just and equitable world.

2. Repression of Activists' Rights:

Building on the experiences shared during the Protest Under Pressure conference and on a review of continental bodies working in defence of human rights, we have been able to witness the way in which the rule of law, and more particularly, the right to protest, is dealt by the various incumbents that play a role in the democratic theatre. Throughout this piece, we purport that national governments are increasingly seeking to weaken the rule of law standards – which are designed to ensure that governments serve the interests of their

¹² Amnesty International, *Report 2022/2023: The State of the World's Human Rights*, pp. 189.

¹³ *Ibid*, 190.

¹⁴ *Ibid*.

citizens. This includes violating requirements of the rule of law to reduce legal and democratic control over political power holders.

Examples of this weakening of norms sprout up in all continents. In Italy, there has been further regression of the rule of law in the justice system, media freedom and pluralism, civic space, and human rights. The use of SLAPPs continues to be a problem in numerous countries, including Belgium, Croatia, France, Germany, Greece, Hungary, Italy, the Netherlands, and Slovenia. These lawsuits are often used to silence rights defenders, climate activists, journalists, and others. In France, Ireland, Romania, and Sweden, government actions or legislative proposals make the threat of dissolution very real for civil society organizations (CSOs). In Germany, tax laws have already been used to revoke the charitable status of two CSOs, significantly straining their finances. Smear campaigns against CSOs and rights defenders, intimidation, verbal abuse, and physical violence have been reported by that activist group and other CSOs.

In the Americas, the human rights protection system has recently emphasized that the right to peaceful assembly is a fundamental right in a democratic society and should not be interpreted restrictively. We draw attention to the fact that the violation of the rights of participants by state operatives, by preventing meetings or assembly, has a serious chilling effect on future attempts to arrange gatherings by activists and civil society organizations, as it has been said by the Inter-American Court of Human Rights¹⁵. Furthermore, as individuals are confronted with the option of abstaining from participating – in order to protect themselves from such abuses – states deviate from their constitutional obligations to facilitate and create favourable environments for people to effectively enjoy their right to assembly.

Different intensities and modes shape the experience of African human rights defenders. Burundian journalist Floriane Irangabiye is serving a 10-year sentence in prison on the counts of undermining the integrity of the national territory by comments that were made during a radio show for Radio Igicaniro, an online platform in exile, in which she and other guests were critical of the Burundian government¹⁶. Last August, law enforcement officers thwarted a public health fair arranged by the Mozambican Medical Association in Maputo¹⁷, which was part of their countrywide strike. Police officials intervened, asserting that the medical professionals lacked the necessary permission to conduct the event, leading to the dispersal of both the doctors and their patients. It turned out that the association did count with the corresponding clearances.

Current developments of tremendous magnitude, like the Israel-Hamas conflict and the climate crisis, provoke strong public feelings that often appear in the form of protests. Climate activists have faced harassment, arrest, and the threat of abusive lawsuits. LGBTQi+ advocates ... We see how governments are often reacting to these events by restricting rights rather than facilitating these protests as part of public debate. And what is more problematic even, governments and media content platforms, selectively restrict the right to protest in support of some ideas while continuing to allow for others' a right to demonstrate¹⁸. With it, the ability of citizens and civil society to enjoy freedom of association and freedom of

¹⁵ Inter-American Court of Human Rights, 2018 *Women Victims of Sexual Torture in Atenco v. Mexico*

¹⁶ Human Rights Watch, *Burundi: Journalist's Conviction Violates Free Speech Rights (February 2, 2023)* <https://www.hrw.org/news/2023/02/02/burundi-journalists-conviction-violates-free-speech-rights>.

¹⁷ Human Rights Watch, *World Report 2024, Mozambique*.

¹⁸ Human Rights Watch, 2023 *Meta's Broken Promises Systemic Censorship of Palestine Content on Instagram and Facebook*. pp. 29-39.

assembly is severely and unequally hampered. The case raised by Human Rights Watch in this regard indicate that Meta – the parent company of Facebook and Instagram in alignment with internet referral units from various countries delete, shadow-ban (reduce the reach of information circulating on these platforms) and in sum curtail the possibility of an equal ground for individuals to express themselves. Without a free and open public debate, citizens cannot speak up and shape the society we live in. The increased use of simplified and accelerated court proceedings is also a worrying trend seen in all regions.

3. Upholding Liberties in the Face of Repression (Netherlands)

Amidst the Netherlands' engagement with multifaceted socio-political challenges at the vocal advocacy of its citizenry for transformative measures, the right to protest—a foundational tenet of democracy—is under threat. The heavy-handed response from authorities has cast a shadow over the nation's commitment to free expression and assembly. However, amidst this repression, organizations like Amnesty International and PILP (Public Interest Litigation Project) have stepped forward to champion the rights of protestors and strive to hold authorities accountable for their actions.

In recent years, the Dutch landscape has witnessed a surge in protests, with citizens voicing concerns on a range of issues, as noted at the conference, from securitization, climate and environmental justice, Palestine, migration and more. However, instead of embracing this expression of democracy, authorities have responded with a crackdown that threatens the very essence of civil liberties. Instances of excessive force, arbitrary arrests, and intimidation tactics have become alarmingly common during protests.¹⁹ Peaceful demonstrators find themselves facing batons and water cannons, while others are detained without due process. Such actions not only undermine the right to protest but also erode public trust in the rule of law, law enforcement and the justice system.²⁰

Amnesty International has been at the forefront of the battle against protest repression in the Netherlands. Through rigorous documentation, advocacy campaigns, and legal interventions, Amnesty has shed light on the human rights violations perpetrated against protestors. By meticulously gathering evidence, Amnesty aims to hold authorities accountable for their actions and push for reforms to ensure the protection of the right to protest. This is taking place both within the Dutch context and on the world stage, leveraging international pressure to urge the Dutch government to uphold its human rights obligations.

A member of Amnesty Netherlands who attended the conference was part of the Unchecked Power report. Such a campaign focuses on ID checks and data collection from peaceful protestors in the Netherlands. It serves as a critical endeavour in exposing and rectifying potential violations of civil liberties.²¹ By shedding light on instances where authorities wield disproportionate authority, conduct indiscriminate identity checks, and gather personal information from individuals engaged in peaceful demonstrations, Amnesty International underscores the risks posed to fundamental rights in the context of protest repression. Through advocacy, documentation, and public awareness initiatives, this campaign aims to hold accountable those responsible for overreaching actions, while also

¹⁹ Civil Liberties Union for Europe, *Liberties Rule of Law Report*, pp. 479.

²⁰ Amnesty International, *Demonstratierecht Onder Druk: Regels en Praktijk in Nederland Moeten Beter*, (Amsterdam, Amnesty International Netherlands, 2022)

²¹ Amnesty International, *Unchecked Power: ID Checks and Collection of Data from Peaceful Protestors in the Netherlands*, (London, Amnesty International Ltd, 2023), pp. 4-6.

advocating for reforms that uphold the right to protest and safeguard individuals' privacy and freedom of expression.²²

In parallel, PILP, also an attendee of the conference, has emerged as a formidable ally in the fight against protest repression. As a legal advocacy organization specializing in public interest litigation, PILP utilizes the power of law to challenge unjust policies and practices. PILP's approach encompasses strategic litigation that aims at securing legal victories that set precedents and safeguard civil liberties—seeking to challenge the legality of repressive measures and secure rulings that reaffirm the right to protest as a fundamental pillar of democracy.²³ Moreover, PILP and Amnesty both engage in legal advocacy and outreach, empowering protestors with knowledge of their rights and equipping them with the tools to navigate the current legal system. Through workshops, training, reports, and legal clinics, they aim to foster a culture of legal empowerment and ensure that protestors are equipped to defend their rights.

4. Conclusion: Towards a Future of Freedom and Justice

The Protest Under Pressure conference stands as a monumental milestone in the ongoing battle to preserve democratic values and civil liberties in the face of escalating repression against peaceful protestors. This gathering, held at Tilburg University, convened a diverse array of stakeholders—activists, legal experts, academics, NGO representatives, and social movements—underlying the gravity of the challenges confronting the right to protest, not only in the Netherlands but globally.

Throughout the conference, participants engaged in rigorous dialogue, dissecting the intricate dynamics of protest repression, and sharing invaluable insights from lived experiences. The innovative multi-disciplinary format of the conference facilitated workshops that delved deep into the myriad forms of repression faced by protestors, drawing examples from various regions worldwide. Each of the eight workshops focused on critical themes, providing fertile ground for collaborative exploration and strategizing. Participants engaged in nuanced discussions, identifying primary challenges and emerging trends in protest repression while also charting pathways for collective actions and resistance.

A central highlight of the conference was the recognition of the insidious tactics employed by authorities to stifle dissent and curtail the right to protest. From the disproportionate use of force by law enforcement agencies to the abuse and misuse of legal frameworks, participants discussed the harsh realities of the current system. Instances of arbitrary arrests, censorship of dissenting voices, and legislative manoeuvres aimed at silencing opposition underscored the urgent need for concerted efforts to safeguard fundamental freedoms and uphold democratic principles. Against this backdrop, organizations within the Netherlands, such as Amnesty and PILP, emerged as beacons of hope, championing the rights of protestors, and advocating for systemic reforms.

As this report delves deep into the themes and cases discussed at the conference, it underscores the imperative of sustained activism, legal empowerment, and international solidarity in the fight against protest repression. By amplifying the voices of protestors, documenting human rights violations, and holding authorities accountable, we reaffirm our commitment to building a future rooted in freedom, justice, and dignity for all. The Protest

²² Ibid.

²³ PILP, *Right to Protest Dossier*, (February 8, 2024) <https://pilp.nu/en/dossier/right-to-protest/>.

Under Pressure conference catalyzed change, igniting a collective resolve to confront oppression and pave the way for a more just and equitable world.

Madeleine Walker, Joaquín Fuentealba, March 2024