

**Protests under threat**



# **Time to defend protest for all**

Executive summary

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ARTICLE19



## ARTICLE 19

72–82 Rosebery Avenue  
London  
EC1R 4RW  
United Kingdom

**T:** +44 20 7324 2500

**F:** +44 20 7490 0566

**E:** [info@article19.org](mailto:info@article19.org)

**W:** [www.article19.org](http://www.article19.org)

**Tw:** [@article19org](https://twitter.com/article19org)

**Fb:** [facebook.com/article19org](https://facebook.com/article19org)

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Cover image: Anti-government protesters at the Democracy Monument, Bangkok, 16 August 2020. (Photo: Goldenhearty/Shutterstock.com)

# Executive summary

Throughout history, protests have inspired positive social change, toppled dictators, and led to significant developments in human rights protections. The right to protest is a formidable tool for achieving change, especially for groups who have had their rights systematically ignored or violated.

In the context of growing inequality and deepening discrimination against marginalised groups and against the backdrop of the Covid-19 pandemic, people across the world have been mobilising on the streets and online to air grievances and demand accountability and reform. In response, states, whether democratic or authoritarian, have grown more repressive.

In this report, ARTICLE 19 examines violations of the right to protest across **Brazil, Kenya, Poland, Thailand, Tunisia**, and **Mexico**, during 2020–21. The research is based on interviews with victims of these violations, eyewitnesses, lawyers, journalists, police officers, and civil society representatives. It also analyses the spread of legislative efforts to suppress protests in the **US**.

ARTICLE 19 documents the key trends that authorities in these countries have used to repress peaceful protest, namely:

- stigmatisation of protest and protesters by both authorities and the media;
- discrimination against racial, ethnic, gender, and religious minorities;
- harassment, intimidation, detention, arrest, and prosecution of protesters;
- excessive responses to protest by security forces, including police brutality;
- misuse of legislation to quell protest; and
- the chilling effect of such restrictions.

These trends negatively affect all those who protest but especially groups who already face discrimination, for whom mobilising collectively is often one of the only mechanisms they have left to be heard. This includes women; indigenous people; racial, ethnic, or religious minorities; and those who are lesbian, gay, bisexual, transgender, questioning, and intersex (LGBTQI+).

ARTICLE 19 notes that each of these countries are failing to meet their commitments under international human rights law.

## Summary of recommendations

ARTICLE 19 makes the following headline recommendations to ensure that protesters are kept safe and the right to peaceful protest is guaranteed for all. A full set of detailed recommendations is available within the report.

### To governments:

- Protect and promote the right to protest for all people and condemn rights violations against protesters.
- Ensure laws and policies related to the right to peaceful assembly are not unjustifiably restrictive, are compatible with international human rights standards, and are applied equally and consistently to all; ensure any restrictions related to Covid-19 or other states of emergency are also necessary, proportionate, and consistent with international standards.
- Recognise that failure to notify the authorities of an intention to assemble does not make a protest unlawful.
- Avoid stigmatising protest and protesters and act to prevent others from doing so, including when specific minoritised or marginalised groups are targeted.

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### To law enforcement agencies:

- Train law enforcement officers in human rights, crowd facilitation, de-escalation of violence, the right to protest, implicit bias, and acceptable use of force.
- Use force to police or disperse protests only when strictly necessary and in line with international standards; apply this to planned and spontaneous protests.
- Ensure those policing protests are in uniform and clearly identifiable; investigate allegations of excessive use of force by law enforcement officers and hold them to account where such force has been used.
- End unlawful surveillance, intimidation, and harassment of protesters and their families; detain protesters only on lawful grounds; promptly inform anyone detained of the reason for it and any charges against them; and ensure they have access to legal and medical help as needed.

### **To the judiciary:**

- Immediately end criminal proceedings against anyone charged solely for exercising their right to peaceful protest.
  - Ensure that victims of police abuse have access to mechanisms of justice.
  - Ensure sanctions are proportionate and any restrictions are necessary in relation to protest; recognise that mere embarrassment, disruption, or discomfort caused by protest do not constitute harms.
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### **To the media:**

- Do not disseminate content that stigmatises and criminalises protesters and protests or that discriminates against specific groups, including marginalised groups; condemn such language if used by public officials.
- Ensure that media staff at all levels reflect the full diversity of the population.
- Advocate for a legal and regulatory framework that enables a free, pluralistic, and independent media.
- Adopt and promote high standards of media ethics and guidelines on coverage of protests based on international standards; train all media workers on these guidelines.
- Implement safety protocols for journalists covering protests.



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