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Promoting the freedom of protesting

SPC2

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## Introduction

The right to protest is a fundamental element of democratic societies. It acts as a powerful means for individuals and groups to express their views and to demand accountability from governments and/or institutions. Historically, protests have often played a major role in being a driving force for social change, regardless of whether it was for civil rights, the development of labor protections, or environmental concerns. This fundamental right to protest is protected in major international documents, such as Articles 19 and 20 of the Universal Declaration of Human Rights (UDHR) and Article 21 of the International Covenant on Civil and Political Rights (ICCPR). The fact that such key documents adjudicate such a right is important enough to be mentioned in them. It is evident that it is important to respect such a right. Despite this, the ability to protest freely faces increasing restrictions worldwide.

The erosion of the right to protest reflects a global trend towards suppressing **dissent**. Countries across the world have implemented policies that are stricter on the gathering of assemblies and apply stricter penalties to those involved in demonstrations, regardless of whether there was any violence involved or not. While governments use public safety and security to justify such measures, the increasingly stern measures reveal a potentially disturbing shift, risking undermining democratic values and human rights, which previously were taken for granted by some.

Throughout history, peaceful protests have served major roles in societal progress. Such demonstrations can range from the Indian independence struggle led by Mahatma Gandhi to Martin Luther King Jr.'s campaigns for civil rights in the United States. The action of many people united as one proved to be crucial in challenging injustice and shaping both national and international policies. Suppressing the right to protest not only stifles this critical mode of expression but also denies future generations the opportunity to voice their own concerns and demands for accountability.

An important challenge in this topic comes from finding a balance between enabling protests and maintaining public safety. **Overregulation**, harsh punishments, and unnecessary surveillance can deter people from exercising their right to protest. Instead, what governments could consider doing is developing constructive and healthy relationships with protest organizers to focus on how to de-escalate the situation while also ensuring that law enforcement agencies respect human rights while

managing assemblies. Protecting the right to protest is not just about safeguarding this individual freedom, but it also is about the strength of democracy itself, ensuring that societies remain open, equitable, and inclusive.

## Definition of Key Terms

### Authoritarian

A government which favours strict obedience by its population as opposed to personal freedom

### Democracy

A system of government where the whole population has a say by voting for the party/person/policy that they support

### Discrimination

Unjust treatment of another person/group of people due to differences such as ethnicity and sex

### Dissent

Holding a view that is different from the common belief

### Overregulation

An excessive amount of regulation, which often hinders innovation or sustainable development

## General Overview

### Historical context

The history of protesting is closely tied to the evolution of democratic ideas. From early resistance against feudal systems to the mass mobilization of the modern era, protest movements have played important roles in bringing about change in societies. One of the earliest examples of protest can be found in the birthplace of democracy itself, ancient Greece. There, citizens practiced forms of public dissent, often involving assemblies in large places. These ancient protests set the groundwork for the development of civil disobedience and public participation in governance.

In more recent history, the 19<sup>th</sup> and 20<sup>th</sup> centuries saw the rise of large-scale protest movements, particularly tied to human rights and justice. In the United States, the abolitionist movement in the 19<sup>th</sup> century demanded the end of slavery and paved the way for other protests in the future. One such protest came from the women's suffrage movement the century after, which fought for voting rights for women. Throughout this period, protests served as a valuable method to advocate for the rights of minority groups and acted as a counterbalance to the already established authorities.

Civil rights in the 1950s and 1960s mark one of the most iconic examples of protests leading to changes in the system. Activists like Martin Luther King Jr. organized peaceful marches to highlight racial inequality and to finally demand an end to segregation. Despite strong opposition from both the public and politicians, these protests led to major advances in civil rights in the United States. The protests led to the Civil Rights Act of 1964, which prohibited discrimination of any form in public places and made employment discrimination illegal, too, and to the Voting Rights Act of 1965, which outlawed the use of discriminatory practices that were adopted by several states, particularly in the south. This period marked a turning point in how protests were perceived, prioritizing peaceful demonstrations as a form of social activism.

Following the Second World War, there also was a rise in social movements in Europe. Protests targeted issues such as war, nuclear arms, and a desire for more civil rights. One of the most notable examples of protests in Europe was the 1968 student protests in France. These protests were sparked by dissatisfaction with government policies, particularly regarding economic inequality and France's support for the war in Vietnam. These demonstrations are relevant because they show that protests were no longer about problems of just one group or community, but they could also address a yearning for an entire social reform.

As these political movements spread, so did the tension between protestors and governments. These ruling bodies, particularly those who were in power for a particularly long time or were oppressive, saw protests as a challenge to authority and responded with violence, strict laws, and mass arrests. The 1980s saw yet another rise in global activism, this time, it was particularly relevant to the fall of colonialism, women's rights, and apartheid in South Africa, which was finally coming to an end.

### **Government use of force**

Some countries, particularly those with democratic systems, allow protests in a peaceful context. Other countries, often ones with authoritarian regimes such as Belarus or Russia, view protests as a threat to their legitimacy. In these nations, protestors are met with violence, mass

arrests, and state-sponsored repression. However, even democratic countries such as the United States have faced criticism for their excessive use of force against protestors, such as in the 2020 Black Lives Matter protests. These tactics create a dangerous precedent where possible participants feel deterred from joining, and democratic values are undermined.

### **The role of technology and social media**

Advancements in social media have altered how protests are organized, allowing for the mobilization of support at unprecedented speeds. Movements like the Arab Spring and Fridays for Future used social media platforms to rally global support and amplify the voices of those who previously could not be heard. However, the rise of surveillance technology, which has developed in parallel, has seen governments tracking activists and social movements through the use of online tools. While surveillance can serve security interests, it often suppresses dissent and invades privacy as a byproduct, too.

### **Economic and social drivers of protests**

Many protests are sparked by deep-rooted social and economic issues. Inequality, corruption, poor public services, and unjust economic policies are just a few of these possible social and economic problems that can plague a country. The protests in Chile in 2019, the largest ever in its history, were also, at least in part, driven by rising costs of living and inequality. These protests are not always just a desire for even better conditions but often are simply a cry for justice and aid. Protests may also demand systematic reform and expose faults in political structures, hence the fact that they are often unpopular among politicians. In conclusion, the economic and social context of a nation can drive a large number of people to the street to protest and advocate for better living conditions and that their government responds to their needs.

### **The balance between peaceful protests and security balance**

Maintaining a balance between ensuring peaceful protests and safeguarding public security remains a challenge. While demonstrations are a fundamental right, they can often act as catalysts to chaos, particularly so if protestors provoke violence or if law enforcement handles the protest with excessive force. There must be clear protocols in place that outline how authorities should interact with demonstrations to ensure a peaceful resolution. Further, it would be ideal if governments made an attempt to interact with protest organizers, hopefully reaching a compromise while also developing trust and a possible de-escalation and ensuring that law enforcement can guarantee public safety.

## Timeline of Key Events

<b>Date</b>	<b>Event</b>
<b>Circa 5<sup>th</sup> century B.C.</b>	First instances of public dissent and assemblies
<b>19<sup>th</sup> Century</b>	Abolitionist movement in the United States campaigns for the end of slavery
<b>1920</b>	Women gain the right to vote in the United States, after protests by the Women's Suffrage Movement
<b>1950s-1960s</b>	Civil rights movement is in its prime in the United States, Martin Luther King Jr.'s "I have a dream" speech was made in this time period
<b>1964</b>	U.S. Civil Rights Act is enacted
<b>1965</b>	U.S. Voting Rights Act is passed
<b>May 1968</b>	French Student Protests are happening
<b>2010-2012</b>	Arab Spring uprising, a series of pro-democracy protests across the Middle-East and North Africa
<b>2019</b>	Protests in Chile

## Major Parties Involved

### **Amnesty International**

Amnesty International is a global human rights organization that works to protect the rights of protestors around the world (among other rights). It regularly conducts campaigns, writes reports, advocates for peaceful protest, and is against the suppression of protestors around the world. Amnesty International calls out those who act in disregard for human rights. This includes those who use violence against peaceful protestors, detain individuals without trial, or pass laws that limit free assembly to protest. Through its advocacy and research, Amnesty works with governments to ensure that they follow international commitments to human rights, urging respect for the fundamental right to protest.

## European Union (EU)

The European Union is committed to democracy, human rights, and freedom of speech, so there is no doubt that it is one of the safest regions of the world to hold protests. There are several documents that explicitly discuss and protect the right to protest, notable ones being Article 2 of the Treaty on European Union or Article 11 of the ECHR.

The European Union regularly monitors its member states to ensure that they adhere to these principles, and the European Court of Human Rights is used to provide a judgment in case these rights are suspected to have been violated. Although the right to protest is widely respected, there remains a concern about the disproportionate deployment of policing during demonstrations. To address these issues, the EU continues to advocate for balanced legal frameworks that protect both protestors and the safety of the general public.

## Iran

Iran has a complex relationship with the right to protest. Despite Article 27 of its constitution clearly stating that as long as the protest is peaceful and not detrimental to the fundamental principles of Islam, it is legally protected, the Iranian government often suppresses protests, particularly those that question its authority. Not only does the government suppress protests, but it also does so with disproportionate force, including the use of tear gas, live ammunition, and the arrest of protestors.

In recent years, large-scale protests over economic hardship, political repression, and calls for greater liberty have often resulted in violent clashes with security forces. International organizations, such as the Human Rights Watch, have condemned Iran's response and called for attention from other parties. Despite the government's efforts, protests in Iran continue to occur, reflecting the frustration of the Iranian people against the restrictive policies placed upon them.

## United States of America (USA)

The USA has a strong historical foundation supporting the right to protest. Arguably, the most important occasion in which U.S. law outlines and protects the freedom to hold demonstrations is in the very first amendment of the constitution, which guarantees freedom of speech, assembly, and the right to petition the government. Throughout history, protests have been a powerful tool for societal change in the US, making changes ranging from the Civil Rights Movement in the 1960s to the more recent Black Lives Matter movement.

In recent times, the right to protest has been increasingly challenged by government responses that may infringe on this freedom. Police have been criticized for using excessive force



during protests such as the aforementioned Black Lives Matter demonstrations in 2020. In fact, Amnesty International claims that there are 125 separate examples of police violence against protestors across 40 states and the District of Columbia. Further, there have been legislations made to limit the freedom of protesting, such as curfews and restrictions on public spaces made available.

Despite these challenges, American judicial bodies such as the Supreme Court have played critical roles in defending the right to protest. There have been major rulings where the court has ruled in favor of the rights of protests, even in cases where their views were considered to be controversial by the general public. Unfortunately, though, tensions between maintaining public order and upholding freedom of speech remain, leading the right to protest to be a highly consistent issue in the United States.

### **United Nations (UN)**

The United Nations plays a significant role in promoting and protecting the right to protest globally. Through its branches, such as the Human Rights Council (HRC) and the Office of the High Commissioner for Human Rights (OHCHR), the UN works to promote fundamental human rights, which include the right to peacefully assemble. As a global body, it encourages all of its member states to ratify important documents, such as the UDHR and ICCRP, which emphasize the importance of the right to protest. Through systems like the Special Rapporteur on the Right to Freedom of peaceful assembly and Association, which provides annual reports on the status of holding peaceful assemblies, the UN can monitor and report any violations of this right. The UN is also able to advocate for governments to respect protestors' rights and to refrain from using excessive force. Finally, the UN is able to call for peaceful resolutions between protestors and authorities and will make sure to hold nations accountable for any breaches of international law.

## **Possible Solutions**

### **Strengthening legal protections**

Strengthening legal protections is a key step to ensure that people feel safe practicing this fundamental human right. At an international level, documents like the UDHR and ICCPR clearly address the right to peacefully protest. However, these rights are applied inconsistently in countries across the world. A way to face this issue could be by encouraging countries that have not yet done so to ratify these treaties and find ways to integrate their content into national constitutions and domestic laws. The Human Rights Council (HRC) should be more present in monitoring compliance with these treaties and include consequences such as a fine for perpetrators of these laws. Further,



the HRC could support domestic civil liberty organizations, which likely hold more influence locally and are more tailored to the needs of the local people.

### Education programs

Another possible solution would involve using education and other public awareness campaigns to promote the significance of peaceful protests and their roles in democratic societies. These initiatives should also aim to inform citizens about their rights to peacefully assemble and exercise them responsibly. Further, governments can support public forums that discuss change that can be beneficial to the community, strengthening the relationship between a government and its people and possibly even reducing the need for protests.

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