

## **Forum: Social, Humanitarian and Cultural Committee**

### **Issue: The question of Civil Disobedience**

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## **INTRODUCTION**

Civil disobedience, meaning the breaching of a law due to moral or political repercussions, is not a modern intervention; it is a rather classical idea whose roots can be traced even in Ancient Greece, with Antigone bravely breaking the law in order to give her brother the burial she deemed he deserved. In fact, Socrates an ancient Greek philosopher is thought to be the first to thoroughly examine the issue of whether one shall obey unjust laws and, in this way, indirectly, civil disobedience. In Crito, he essentially explains the reasoning behind obeying the law and presents his case on how disobedience of the law is seldom justified. In this dialogue, it is clarified that, for Socrates, one ought to obey the laws of the city as one obeys his father and his mother.

Since Socrates' time, there have been many philosophers to express their views on civil disobedience, whose opinions on the issue can be mainly divided into two schools. The first school adopts an affirmative attitude towards the question of civil disobedience through the recognition of its justifiability in certain circumstances. Members of the first school include Henry David Thoreau, Martin Luther King Jr., Mahatma Gandhi and Ronald Dworkin. The second school assumes a negative stance against the question of civil disobedience and totally denies its justification or propriety into society. Members of the second school include Morris I. Leibman and Lewis H. Van Drusen Jr. It can generally be said that the former school is more popular than the latter, mainly due to the fact that the second school's views further encompass the views of the State and its government and so, scholars in the second group feel like they do not have any burden of proof, in juxtaposition to scholars in the first school that have to strive for recognition of their opinions.

Notwithstanding it having a heavy theoretical background, the question of civil disobedience further entails a practical side of debate. Many people, from ancient times to the modern era, have used their bodies and even their lives to partake in these "debates". Just from the members of the first school mentioned above, both Thoreau, King and Gandhi constitute good examples, while there are many more civil disobedients that are less known or even unknown to history. These people were arrested, jailed and even sentenced to capital punishment in some extreme cases. If punishment is to illustrate the disapproval of the citizen by the State, then all aforementioned civil disobedients would be regarded as unwelcomed persons by any

State authority. Nevertheless, history has shown that they were different from other criminals that merely sought their own personal interests. Acts of civil disobedients are usually intended to benefit the society as a whole; even in modern times, people are benefited everyday by the acts of King and Gandhi, that acted decades ago. It is an established fact, that without them and their noble actions of civil disobedience, the world we know today would be much darker.

On the other hand, it is understandable why a conservative or perhaps an authoritarian regime would punish civil disobedience, as the goal of such regimes, as generally believed, is to protect the privileges of the few. To this effect, anyone that dares to challenge the interests of the dominant class is punished without any consideration of the reasonableness of the challenge. In regimes like that, punishment has no necessary relation to justice. The situation in a democracy though, is -or rather should be- vastly different. In a democracy punishment ought to be used to enhance justice and so, any punishment meted out in a democracy ought to be justified. In view of the relationship of justice and punishment in a democracy several questions arise, like whether a democracy justifies civil disobedience due to it promoting justice, whether the punishment of civil disobedients should be equalized in a democratic and a conservative regime, and what is the best way to moderate or eliminate the penalty for civil disobedients, among others.

To conclude, there is a dipole created in the question of civil disobedience. On the one hand, the law denies the claim that civil disobedience is right but, on the other hand, civil disobedience is an important part of the political landscape, a common and almost familiar event. This reality requires that one has a better understanding of civil disobedience and democracy. In this context one ought to consider the justification of civil disobedience and attempt to reconcile it with democracy through softening the predicament on civil disobedience.

## DEFINITION OF KEY-TERMS

### Peaceful protest

A peaceful protest, also known as nonviolent resistance or nonviolent action, is the act of expressing disapproval through a statement or action without the use of violence. This type of protest has been used to advocate for a number of different causes, including human rights issues, anti-war campaigns, and expressing disapproval of various political/governmental policy issues. Some general methods include

boycotting certain products, participating in a march or a sit-in, displaying a particular symbol, and handing out flyers.<sup>1</sup>

### Civil Disobedience

Civil disobedience, also called passive resistance, refusal to obey the demands or commands of a government or occupying power, without resorting to violence or active measures of opposition; its usual purpose is to force concessions from the government or occupying power.<sup>2</sup>

### International Law

International law, also called public international law or law of nations, the body of legal rules, norms, and standards that apply between sovereign states and other entities that are legally recognized as international actors.<sup>3</sup>

### Satyagraha

Satyagraha, meaning holding onto truth when translated from Hindi, is a concept introduced in the early 20th century by Mahatma Gandhi to designate a determined but nonviolent resistance to evil. Gandhi's satyagraha became a major tool in the Indian struggle against British imperialism and has since been adopted by protest groups in other countries.<sup>4</sup>

### Pacifism

Pacifism, the opposition to war and violence as a means of settling disputes. Pacifism may entail the belief that the waging of war by a state and the participation in war by an individual are absolutely wrong, under any circumstances.<sup>5</sup>

## **BACKGROUND INFORMATION**

### Problems in defining Civil Disobedience

An approach when examining the issue of civil disobedience, is to evaluate definitions found in literature and analyze their provisions. Civil disobedience has variously been defined as:

<sup>1</sup> "Peaceful Protest: Definition & Examples." Study.com, Study.com, <https://study.com/academy/lesson/peaceful-protest-definition-examples.html>.

<sup>2</sup> Britannica, The Editors of Encyclopaedia. "Civil Disobedience." Encyclopædia Britannica, Encyclopædia Britannica, Inc., <https://www.britannica.com/topic/civil-disobedience>.

<sup>3</sup> Shaw, Malcolm. "International Law." Encyclopædia Britannica, Encyclopædia Britannica, Inc., <https://www.britannica.com/topic/international-law>.

<sup>4</sup> Britannica, The Editors of Encyclopaedia. "Satyagraha." Encyclopædia Britannica, Encyclopædia Britannica, Inc., <https://www.britannica.com/topic/satyagraha-philosophy>.

<sup>5</sup> Britannica, The Editors of Encyclopaedia. "Pacifism." Encyclopædia Britannica, Encyclopædia Britannica, Inc., <https://www.britannica.com/topic/pacifism>.

1. A form of lawbreaking employed to demonstrate the injustice of unfairness of a particular law and indulged in deliberately to focus attention on the allegedly undesirable law
2. The refusal to obey certain government laws or demands for the purpose of influencing legislation or government policy, characterized by the employment of such non-violent techniques as boycotting, picketing and non-payment of taxes, non-cooperation, passive resistance
3. A public, non-violent, conscientious yet political act contrary to law usually done with the aim of bringing about a change in the law or policies of government
4. A course of legally unauthorized conduct engaged in by relatively homogeneous groups for the redress of grievances outside of the system provided by established society
5. A public, non-violent act which is either actually illegal or likely to be treated as illegal by the government authorities, performed for a moral purpose, with a willingness to accept the legal penalty attached to the breach of the law
6. A term to describe a situation where the actor wishes to remain a member of a given society, because he has concluded that the society is morally deserving of allegiance, but at the same time, for moral reasons, he refuses to obey a particular legal provision of that society and is prepared to accept the legal consequences of that refusal
7. The refusal to obey the demands or commands of the government especially as a non-violent collective means of forcing concessions from the government
8. The illegal activity undertaken to protest laws that are regarded as unjust

At the outset it is important to note that the word “civil”, in “civil disobedience” ought not to designate a contrast with “criminal” disobedience. It shall connote an action by citizens within a political society and in a civil, that is, non-violent way. Civil disobedience may include non-violent violations of criminal as well as of civil law.

Under this scope, Morris Liebman argues that “the criminal law experts consider whether, when there is a specific intent to disobey the law, such disobedience is ‘civil’”. This specific state of mind is ordinarily treated as the essence of criminality. There would appear to be an inherent contradiction in the concept of righteous civil

disobedience". In the same way, Robert Adler believes that the breaking of laws for the sake of making public demonstrations against general injustice in a society, is criminal, not civil disobedience. Mark MacGuigan has gone as far as to say that nobody "seriously contends that an act of civil disobedience may not be a criminal act; the point is that it may be criminal and still be an act of civil disobedience

### The Characteristics of Civil Disobedience

Civil disobedience is best understood as a set of diverse actions that tend to possess certain general attributes, whose comprehension is vital if one is to try and define civil disobedience.

#### Intentional Breach of Law

The first characteristic of civil disobedience is that it must involve an intentional breach of law. Even if there have been many serious disputes concerning the exact definition of "civil disobedience" this is a point over which scholars almost unanimously agree. It is, perhaps, reasonable to distinguish this characteristic as the most prominent characteristic of civil disobedience, as possibly all disputes on civil disobedience can be traced back to this characteristic. To quote Weber, "if there was no breach of law, there would be no need to justify it".

In order to understand this characteristic better, one may break it up into three sub-characteristics. Firstly, this means that there must be a breach of law. In other words, were there to be no laws broken during a protest, then said protest may not qualify as an act of civil disobedience. This requirement is necessary to differentiate between civil disobedience and legitimate protests in any public place, including organized marches, parades and demonstrations. An example of such case is the Montgomery bus boycott led by Martin Luther King Jr. in 1955-1956, during which he called on his followers to boycott the buses by walking and organizing carpools. Such an action, unless developed, does not breach any laws and thus, may not be considered civil disobedience. The same point further applies to Gandhi when he called on the Indian people to resist using any goods imported from England, as refusing to buy something is not against the law and ergo, this action should not be classified as civil disobedience either.

Secondly, the breach of law ought to be intentional; "one denature of the disobedient's violation of law is especially notable. He not only breaks the law but does so knowingly and deliberately."<sup>6</sup> This is of key importance, as it means that disobedience itself is an essential, not an accidental, element in the disobedient's act. In other words, accidental violations of law, even in the course of a protest, cannot be considered as acts of civil disobedience. To give an illustration, was a man in a legitimate demonstrating to break a window due to his negligence and then arrested by the police, his act could not be considered as an act of civil

<sup>6</sup> Sibley, Mulford Q., and Carl Cohen. "Civil Disobedience: Conscience, Tactics, and the Law." *Political Science Quarterly*, vol. 88, no. 1, 1973, p. 113., doi:10.2307/2148661.

disobedience, as even though his act is a breach of law and takes place during a protest, it is not intentional. It is, therefore, derived that civil disobedience is not just done, but deliberately and knowingly committed.

Thirdly, the breach of law is intended to be a protest. The purpose of civil disobedience is to call attention to an unjust law or policy and ultimately change it. Ergo, a civil disobedient may not commit civil disobedience merely for amusement of self-interest; one must seek to benefit society. That is to say, when an action of civil disobedience is staged its purpose must be to protest or persuade and in this way, keeping in mind the previous example, were the man to have broken the window to steal a necklace he wanted for his wife, this would again not constitute civil disobedience. Civil disobedience is a noble action.

Even if, as mentioned above, most scholars agree that intentional breach of law is an essential part of civil disobedience, minor disputes on said point persist; with two disputes prevailing. The first one revolves around the meaning of the word "law" and the second one around whether the breach of law can be indirect.

There have been scholars to support that the breaking of an unconstitutional law is not an act of civil disobedience. For example, Leslie J. Macfarlane proposes that actions taken in furtherance of the constitution against unconstitutional practices should not be validly constructed as acts of civil disobedience.<sup>7</sup> To add to that, Stuart M. Brown Jr. contends that "if the only statute that a freedom rider ever breaches are unconstitutional, then he commits no crime or act of civil disobedience. The notion of disobeying implies a legally valid rule or command."<sup>8</sup> This view has, however been criticized due to it excluding many typical cases of civil disobedience. To give an illustration, the segregation and discrimination laws opposed by King and his followers were practically unconstitutional, but this did not prevent them from being civil disobedients. To take a step back, were one to accept the opinion that breaking an unconstitutional law is not civil disobedience then the logical conclusion that would follow would be that only constitutional law itself and those laws which are in line with it are to qualify as targets of civil disobedience. To a large extent, this would mean that only the constitution itself would be the target of civil disobedience since all other laws are entailed in the constitution, a view that is highly unrealistic and that were it to be adopted, there would be hardly any cases of civil disobedience due to the majority of typical cases of civil disobedience being excluded as possible cases.

### Predominantly Nonviolent

The second characteristic of civil disobedience is non-violence. This means that the civil disobedient must be committed to a peaceful protest. He

<sup>7</sup> Macfarlane, Leslie J. "Justifying Political Disobedience." *Ethics*, vol. 79, no. 1, 1968, pp. 24–55., doi:10.1086/291702.

<sup>8</sup> Brown, Stuart M. "Civil Disobedience." *The Journal of Philosophy*, vol. 58, no. 22, 1961, p. 669., doi:10.2307/2023326.

does not try to achieve his aim by the use of violence or threatening use of violence.

Almost all academic commentators of today consider non-violence an essential characteristic of civil disobedience. But some scholars disagree. There are some commentators who claim that civil disobedience can be violent as well as non-violent. For example, Berel Lang in his "Civil Disobedience and Nonviolence: A Distinction with A Difference" claims that acts of civil disobedience need not be nonviolent. Any justification of civil disobedience also serves as justification for a subclass of actions involving John Morreall also contends that civil disobedience directed against certain immoral laws or policies can be violent and still be justifiable.

However, the argument that civil disobedience can be violent is either based on misunderstanding or is looking at completely different concepts. For example, what John Morreall tried to propose in his article is that violent disobedience is justifiable. It is true that violent disobedience, even violent revolution, may be justifiable under certain circumstances, but this does not mean that these violent disobediences qualify as civil disobedience. Civil disobedience does not include all kinds of justifiable disobedient actions, and there is no civil disobedient or theorist of civil disobedience who claims that only civil disobedience is justified and all other acts of disobedience are not. So whether an action is justifiable is one thing; whether it qualifies as civil disobedience is another.

Following most philosophers of civil disobedience and the original meaning of "civil" by defining civil disobedience as a non-violent action, this is more of a concept-mapping question than a contentious philosophical question because defining civil disobedience as non-violent does not imply that one denies the justifiability of other kinds of disobedience. But the resulting definition does have advantages by giving civil disobedience a distinguishable characteristic. It can help to distinguish civil disobedience from other kinds of protests, including revolution and overt terrorism, which, if ever justified, having defined civil disobedience as non-violent, the term nonviolent ought to be further clarified because even those scholars who agree that non-violence is an essential characteristic of civil disobedience are also divided on its meaning. The first group of scholars, whose most known representative is Rawls, adopts an almost zero-tolerance attitude towards would require a distinct justification. A second group is tolerant of some violence. They maintain that civil disobedience should be mainly nonviolent.

### Publicity

The third characteristic of civil disobedience is publicity which requires the action of civil disobedience to be carried out in the open, in a non-secretive or overt manner. There are two elements involved in this requirement.

In the first place, publicity means that people who violate law for reasons of civil disobedience must state or demonstrate the reason for their disobedience.

Civil disobedience is an action intentionally committed for protest; it is vital, therefore, for the disobedient to let both the government and the public know what they are protesting against. They cannot achieve their aim of redressing the law or policy if no one knows what they are complaining about. That is to say, the goal of civil disobedience can be achieved only if civil disobedients successfully convey their intentions to the authorities and the public.

In the second place, publicity requires that the civil disobedient's violation of a law must either be public or done in a manner in which the civil disobedient "leaves the signature" on the action. This requirement would exclude disobedience like the Underground Railroad which succeeded because of its covert operation, from the definition of civil disobedience.

Publicity is an important characteristic of civil disobedience, but it should not be defined too narrowly. For example, some writers go so far as insisting that publicity means the civil disobedient must give prior notice to the authorities before committing civil disobedience. Nevertheless, practically, it is unreasonable to construe publicity in such a strict meaning because it may put the civil disobedient into a fragile and powerless situation. The authorities, after being informed, may dispatch personnel to impede the performance of civil disobedience and prevent it from being made public, so advance notice should not be a requirement of all civil disobedience, though it is not rare for the authorities to be informed beforehand by the civil disobedient. I therefore suggest that it will suffice to meet the characteristic of publicity as long as the civil disobedient commits civil disobedience publicly or leaves his signature on the protest so that the authorities know who is disobeying the law and what he is protesting against.

It is also unnecessary that civil disobedience be carried out in the public square where the civil dialogue of any society takes place, as in a mass meeting or before the media, as some writers have suggested. The requirement of publicity emphasizes that the intention of the protest and the identity of the protestor be known to the public and the authorities; it does not require civil disobedience to be committed necessarily with the presence of many people or in view of the media. A public declaration of intention and identity immediately after the act should be enough to satisfy the requirement of publicity. For example, some civil disobedients may secretly, rather than publicly, trespass on the nuclear test site and paint some protesting slogans on the buildings, but their actions would be still sufficient to meet the requirement of publicity as long as they announce their intentions after the action.

#### Willingness to Accept Punishment



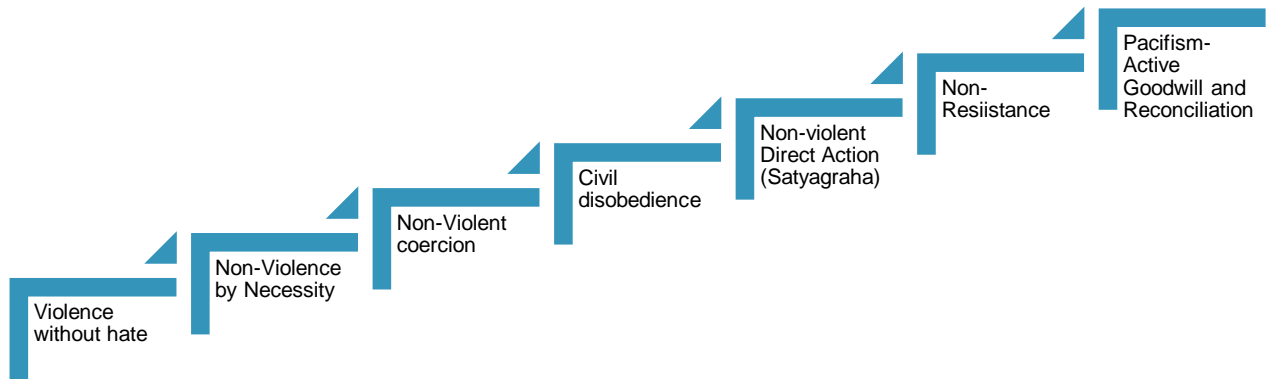
Another characteristic of civil disobedience is willingness to accept punishment, which requires that the protesters who engage in civil disobedience not only be peaceful and open, but also be willing to pay the penalty for their actions. That is to say, the civil disobedients should not seek to shirk accountability for their actions or hide what they have done. Rather, one should come forward and accept any punishment which the authorities impose on them

This characteristic, i.e., willingness to accept punishment, is closely related to the non-violence characteristic of civil disobedience. Non-violence characteristic requires all proper measures to be taken in the part of the civil disobedient to avoid the occurrence of violence. The civil disobedient should not incite violence himself, and he should also refrain from resorting to violence when provoked by others in order to avoid stirring more violence. In order to keep the protest nonviolent, it is necessary for the civil disobedient to willingly submit himself to the relevant authorities because if he resists or even only tries to escape, violence may ensue. Therefore, in some sense, willingness to submit to punishment is the inner requirement or natural extension of the meaning of nonviolence. Willingness to submit to punishment is also an expression of the civil disobedient that he is not putting his own interests over those of the others'. Civil disobedience, given its place at the boundary of fidelity to law, is said to fall between legal protest, on the one hand, and revolutionary action, militant protest and organized forcible resistance, on the other hand. It is not, and must not become, an open invitation to anarchy. The civil disobedient is different from anarchist because he still has faith in the rule of law. The civil disobedient is also different from violent revolutionists because he believes that the authorities may accept his plea finally and there is chance to change the injustice peacefully. He does not want, at least in the beginning, to break abruptly with the authorities in power. Very often, the target of civil disobedience is not the whole political system, but only one law or a small number of laws. Therefore, it is reasonable for the civil disobedient to show his allegiance to the political system by submitting himself to the authorities willingly after breaking the law, especially in those cases of indirect civil disobedience in which a just law has been broken merely serving the aim of showing the injustice of another law.

### Civil Disobedience in the Spectrum of Non-violence<sup>9</sup>

In order to understand the concept of Civil disobedience, one ought to grasp the essence of the non-violent pattern. Were there to be a spectrum, ranging from violence without hate at the bottom to pacifism at the top, civil disobedience would be somewhere close to the middle.

<sup>9</sup> Freeman, Harrop A. "The Right of Protest and Civil Disobedienc." Indiana Law Journal, <https://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=3628&context=ilj>.



First in the pattern, there is violence without hate. Abraham Lincoln is an example of this notion in the use of violence. This step is representative of a man that may in general abhor violence but once has to face an insufferable evil and believes that the only way to oppose that evil is through the use of violence.<sup>10</sup>

Second comes non-violence by necessity. There are multiple illustrations of this spirit of violence; non-violent resistance in occupied countries during World War II, African American activity in the South during the 20<sup>th</sup> century and the 6 major boycotts in China between 1906 and 1919, to name a few.<sup>11 12</sup> It reflects persons or groups that had they the opportunity, would use arms or violence against their opponents, but are forced to use non-violent means due to them having none other available. This is essentially the opposite of the first step, as it can be summarized in “hate without violence”. In this case, the non-violence is expediency, not principle; it is negative - meaning defensive- and not positive.

Right before civil disobedience, there is non-violent coercion; an excellent example of which is the Labor Strike in the 1930s as expressed by Eugene Debs, where African American and Civil Rights movements had “sit down strikes” in which the worker would refuse to leave his workbench. In this occasion, people have the ability to use violence, but maintain a stance of non-violence to alter the conduct of others while promoting their interests and ideals. A strike, a boycott or any other act of non-cooperation constitute a recognized weapon and albeit seeming to be non-coercive as they are mere abstentions, they are considered coercive. This is because taking into account modern conditions, any “power structure” against which the resistance is directed needs the cooperation of the said resisting group to guarantee its survival. Consequently, any lack of cooperation will compel power -that thus far believed it had

<sup>10</sup> Niebuhr, Reinhold. “Moral Man and Immoral Society: A Study in Ethics and Politics.” <http://media.sabda.org/alkitab-2/Religion-Online.org%20Books/Niebuhr,%20Reinhold%20-%20Moral%20Man%20and%20Immoral%20Society%20-%20Study%20in.pdf>

<sup>11</sup> Hasselriis, C.H.W. “Nothing Rotten in Denmark.” The Unz Review, <http://www.unz.com/print/NewRepublic-1943jun07-00760/Contents/>.

<sup>12</sup> “Non-Violent Coercion : a Study in Methods of Social Pressure. / New York, The Century Co., 1923. - Version Details.” Trove, <https://trove.nla.gov.au/work/15549496?selectedversion=NBD85345>.

absolute control and could prevent effective dissent- to make concessions, even against its will. Nonviolent coercion is constituted of a two-pronged attack; touching the conscience of the “power” and make it listen and to recruit the support of the disinterested onlookers for the “fighting”.

In the middle, there is civil disobedience. Civil disobedience has the same purpose as non-violent coercion and even relies on some of the same techniques; civil disobedience is grounded in much the same theory as non-violent coercion. It is, furthermore, allied to Satyagraha and pacifism from the other side of the non-violence spectrum. Civil disobedience though has one distinguishing characteristics, that is, it is against a specific law or act of the State having the effect of law, which is disobeyed, while the law has to be of the State having jurisdiction of the protestor. Some characteristics of civil disobedience include the following. Firstly, “civil” does not contradistinct from criminal, as many have supported that civil disobedience is a criminal offense but refers to an action that is against the Ste, the civil, the civitas. Secondly, civil disobedience has to be an act of intention, meaning a course that is chosen, and cannot be occasioned by accident. Thirdly, it must be of use for a purpose that is external, usually to illuminate injustice and aim for a change of the status quo. Then, it necessitates the lack of violence. In addition, it constitutes a form of communication and is often put to use by people that are barred from otherwise exerting power. Finally, it may be legal or illegal. Please note that civil disobedience may be related to a religious philosophy, in which case it borders with pacifism.

### The significance of Civil Disobedience as a form of peaceful protest

#### Political significance

Peaceful protests can create a difference; they lead to sustained debates to changes in governmental policies and laws and even to the demise of governments.<sup>13</sup> They allow people to come together and to discuss issues of political importance. As protests create awareness, they galvanize public conscience and establish a sense of continuity and currency for any human rights movement in general.<sup>14</sup>

<sup>13</sup> “Making It Safer to Express Dissenting Views through Peaceful Assembly and Association.” OHCHR, <https://www.ohchr.org/EN/NewsEvents/Pages/Makingitsafertoexpressdissentingpeacefulassemblyassociation.aspx>.

<sup>14</sup> ibid

### Social significance

Peaceful protests are a barometer to identify the commitment of a State to open and transparent society, allowing people to carry their grievances to the street. They reveal the readiness of a country to enter into dialogue with the people. Protests undertone the social importance of public debate in the press and in politics, as well as in discussion in the homes of people, reflecting a healthy society. For instance, protests by disabled persons in Germany in 1980 galvanized and inspired the State in the context of preparations for the UN International Year for the Disabled in 1981.<sup>15</sup>

### Economic significance

Today's protesters are asking for a chance to use their skills, a more just economy, fairer wages and to live a life in dignity. The austerity policies in European countries and elsewhere have brought many people, especially the young, to the streets to demand a society in which everyone has the chance to work. They call for social equity whereby they are not left as outcasts. Protests mainstream the economic concerns of the people and enhance the voice of shared grief. The May Day protests amplify the urge of protestors to address issues such as poor working conditions, low wages and lack of protective labor laws.<sup>16</sup> A recent report of the Working Group on the issue of human rights and transnational corporation and other business enterprises has drawn attention to the criminalization of indigenous protests against laws intended to weaken the claims of indigenous communities to land and natural resources.<sup>17</sup> The UN Guiding Principles on Business and Human Rights ("the Ruggie Principles") have served to draw attention to issues of peaceful protest in the private corporate context. Where governance haps arise, the private sector must acknowledge its role regarding workers' rights, such as concerning a living wage, a healthy and safe working environment and the right to participate in trade unions. Worldwide private sector-related protests by workers and environmental activists underscore the pressing need for business actors to uphold human rights.<sup>18</sup> Mary Robinson, former UN High Commissioner for Human Rights, stated "businesses should support and respect the protection of internationally proclaimed human rights

<sup>15</sup> Köbsell, Swantje. "The Disability Rights Movement in Germany: History, Development, Present State." Disability Studies Quarterly, <http://dsq-sds.org/article/view/692/869>.

<sup>16</sup> Seymour, Richard. "May Day Is Not about Maypoles: the History of International Workers' Day | Richard Seymour." The Guardian, Guardian News and Media, 1 May 2012, <http://www.theguardian.com/commentisfree/2012/may/01/may-day-history-international-workers-day>.

<sup>17</sup> Report of the Working Group on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises. Report of the Working Group on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, <https://www.ohchr.org/Documents/Issues/Business/A-68-279.pdf>.

<sup>18</sup> United Nations. "International Pen, Constitutional Rights Project, Interights on Behalf of Ken Saro-Wiwa Jr. and Civil Liberties Organisation v. Nigeria." Refworld, <https://www.refworld.org/cases,ACHPR,3ae6b6123.html>.

within their sphere of influence and make sure they are not complicit in human rights abuses”<sup>19</sup>

## Challenges, Controversies and Opportunities

### Use of force

The use of force as a means to uphold the public order has an inevitable impact for the exercise of peaceful protest. As law enforcement officials are often granted very wide powers and discretion in policing assemblies, their level of professionalism, knowledge and equipment form key elements of a practical response to protests, including in terms of possibilities for officers to resort to the proportionate use of force. Means of harassment, intimidation and arbitrary arrests may be employed to restrict peaceful protest- it will be officers on the ground who respond on an individual level by making arrests, issuing warnings and keeping rival protest groups separated or at bay.<sup>20</sup> Issues of concern include the widespread use of tear-gas, rubber bullets, taser-use and also poorly planned police strategies that unnecessarily provoke protesters, deteriorate the situation and trigger disproportionate responses by security forces. Using force to drive people off the streets can weaken governments and create a climate of fear, anger and continuum of violence. In many countries it remains unclear when the use of force may be employed and how such requirements as necessity and proportionality may be assessed regarding the use of weapons. Commentators observe that the response to violence must be targeted and never indiscriminate.<sup>21</sup> Training should be based on a strategy of defense and dispersal not confrontation- continuous communication and interaction can create a balance of trust.<sup>22</sup> Also, accountability mechanisms for all possible breaches of law and human rights must be provided and lead to civil and/or criminal liability as well as disciplinary action.

### Reprisals against civil society and human rights defenders

Human rights defenders, in every region of the world, are subject to violations of their human rights. They have been the target of executions, torture, beatings, arbitrary arrest and detention, death threats, harassment and defamation as well as restrictions on their freedoms of movement, expression, association and assembly.<sup>23</sup> Article 5 of the Declaration of Human Rights Defenders reiterates the need for protection of peaceful assembly in order to promote

<sup>19</sup> Robinson, Mary. Business and Human Rights: A Progress Report. Business and Human Rights: A Progress Report, <https://www.ohchr.org/Documents/Publications/BusinessHREn.pdf>.

<sup>20</sup> Mead, David. The New Law of Peaceful Protest: Rights and Regulation in the Human Rights Act Era. Hart Publishing, 2010.

<sup>21</sup> ibid

<sup>22</sup> ibid

<sup>23</sup> “Human Rights Violations Committed against Defenders, and Other Difficulties They Confront.” OHCHR, <https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Challenges.aspx>.

human rights and freedoms.<sup>24</sup> The Special Rapporteur on the situation of human rights defenders has repeatedly drawn attention to violence and reprisals against human rights defenders<sup>25</sup>. This disturbing global pattern concerns the actions of States as well as of the business sector.<sup>26</sup>

#### Extremist views, prohibited symbols and signs

A pluralistic society is inevitably confronted with political views, which are not in conformity with democratic principles. Society is charged with finding a delicate balance of divergent opinions, allowing those views to be presented in the public debate. Civil society, protestors and the State must be vigilant to ensure that extreme views are challenged and debated. Here again police forces play a vital role in ensuring adequate public space for the articulation of the divergent views, enabling protestors representing extremist views and counter-protestors to express their positions (always, of course, subject to the requirement in international law to prohibit certain extreme forms of expression), whilst recalling that restriction on peaceful protest must be the exception rather than the rule.<sup>27</sup> In this regard, controversially, the use of symbols and signs in protests is outlawed in various countries. For example, the use of Nazi-symbols is prohibited in many European States.<sup>28</sup> The laws aim to protect the democratic rule of law by preventing the revival of fascist associations and impeding the normalization of the use of the symbols.<sup>29</sup> In this regard some critics argue that prohibitions may obstruct public dialogue and that the display of provocative signs and symbols should be permitted, whereby society can reflect critically on and deal continuously with its past.<sup>30</sup>

#### Conflicting interests

Protests typically reflect the conflicting interests of the protestors, law enforcement personnel and other persons including bystanders. Some States have introduced laws which ban face-covering during protests since police forces cannot identify protestors, including in cases of the perpetration of violent acts. The ban on face-covering can create a chilling effect on free speech and

<sup>24</sup> "Declaration on the Right and Responsibility." OHCHR, <https://www.ohchr.org/en/ProfessionalInterest/Pages/RightAndResponsibility.aspx>.

<sup>25</sup> "Special Rapporteur on the Situation of Human Rights Defenders." OHCHR, <https://www.ohchr.org/en/issues/srhrdefenders/Pages/SRHRDefendersIndex.aspx>.

<sup>26</sup> "End Attacks on Human Rights Defenders Who Protest against Business Operations and Development Projects." ISHR, 4 Feb. 2014, <http://www.ishr.ch/news/end-attacks-human-rights-defenders-who-protest-against-business-operations-and-development#sthash.LhoRYZqH.dpuf>.

<sup>27</sup> "Peaceful Protest: a Cornerstone of Democracy - How to Address the Challenges? [WP1154]." Wilton Park, <https://www.wiltonpark.org.uk/event/wp1154/>.

<sup>28</sup> Lis, Jonathan, et al. "Israeli Government to Back Bill Banning Use of Nazi Symbols." Haaretz.com, 10 Jan. 2018, <https://www.haaretz.com/1.5162049>.

<sup>29</sup> Stegbauer, Andreas. "The Ban of Right-Wing Extremist Symbols According to Section 86a of the German Criminal Code." German Law Journal, vol. 8, no. 2, Jan. 2007, pp. 173–184., doi:10.1017/s2071832200005496.

<sup>30</sup> ibid



peaceful protesters may unintentionally find themselves involved in an unlawful assembly. Another issue is that of video surveillance by police forces whereby they can have a legitimate reason to intervene swiftly in case of a violent shift during a protest and for purposes of gathering sufficient evidence against violent protestors for criminal prosecution at a later stage. Video-surveillance by the police during protests may intimidate protestors, especially in cases where they wish to challenge State power. Yet another case of clashes of interest concerns the extent to which peaceful protest may have a negative impact for shop owners, residents and other uninvolved bystanders.<sup>31</sup>

### Elections

Elections are the unique opportunity for candidates and their supporters to voice their concerns, aspirations and views- either calling for maintenance of the status quo or for change. The free communication of information and ideas about public and political issues between voters, candidates and elected representatives is essential.<sup>32</sup> Protests are an integral part of the whole election process since they serve as a vehicle, helping to disseminate the various political standpoints, invigorating the political dialogue and building levels of awareness that then enrich the public debate.

Of particular significance are elections in new democratic societies. Widely divergent ideologies may be in conflict regarding the forms of structure of the new democratic institutions.<sup>33</sup> The diverse political groups produce various outputs which constitute alternative visions for a good society – in such a context various opinion holders, especially those holding minority views may feel the need to engage in protest behavior as they consider that so much is at stake.<sup>34</sup> It has been observed that the equal protection of the rights to peaceful assembly and association in the context of elections is of utmost importance, since the potential for the exacerbation of vulnerabilities during this period is very high.<sup>35</sup> However, if election outcomes are considered not to reflect the free will of the people, a sense of discontent and disenfranchisement may result and cause violence.<sup>36</sup> Free elections, held in the context of transitions or after revolutions in nascent democracies, exacerbate the unstable state of society as people are

<sup>31</sup> “Parades and Protests in Northern Ireland.” The Northern Ireland Human Rights Commission (NIHRC), <http://www.nihrc.org/Publication/detail/parades-and-protests-in-northern-ireland>.

<sup>32</sup> United Nations. “General Comment No. 34, Article 19, Freedoms of Opinion and Expression.” Refworld, <https://www.refworld.org/docid/4ed34b562.html>.

<sup>33</sup> Anderson, Christopher J., and Silvia M. Mendes. “Learning to Lose: Election Outcomes, Democratic Experience and Political Protest Potential.” British Journal of Political Science, vol. 36, no. 1, Aug. 2005, pp. 91–111., doi:10.1017/s0007123406000056.

<sup>34</sup> ibid

<sup>35</sup> “Freedoms of Peaceful Assembly and of Association.” OHCHR, <https://www.ohchr.org/en/issues/assemblyassociation/pages/srfreedomassemblyassociationindex.aspx>.

<sup>36</sup> ibid

unsure as to when or whether there will be another opportunity to determine who will be in power.<sup>37</sup>

Under these circumstances police and security forces must take all necessary measures to strike the balance between public order and the desire of people to emphasize their electoral opinions by means of peaceful protests. It is of concern that, in the electoral context, State authorities have frequently invoked states of emergency to ban peaceful protests, used excessive force to disperse protestors or obliged them to obtain prior authorization, making spontaneous gatherings impossible.

### Violent protests

Another contemporary concern regards the identification of those elements in a protest whereby it can be designated as non-peaceful - as violent. Defining a violent protest -given the different manifestation of protest- is challenging: Are sit-ins violent? Is the occupation and blockade of the railway by anti-nuclear protestors in the context of the transportation of nuclear material a peaceful or violent protest? Good practice suggests that an assembly should be deemed peaceful if its organizers and participants have peaceful intentions and do not use, advocate or incite violence.<sup>38</sup> Police forces must be encouraged to isolate violent individuals rather than collectively punishing protestors and dispersing the protest.

### Information technology and Social Media

The rhythm of protests has been accelerated by technology and has transformed the way protests are conducted.<sup>39</sup> Globalization and modern technology now enable social movements to transcend borders as rapidly as can ideas. Information technology and Social media in particular are particularly significant in the context of peaceful protests. Social media is an organizational tool and an alternative press that generates awareness.<sup>40</sup> Social media and smart phones did not replace face-to-face social bonds and confrontation but helped enable and fortify them, allowing protesters to mobilize more nimbly and communicate with one another and the wider world more effectively than ever before.<sup>41</sup> But these modern technologies have also changed traditional notions

<sup>37</sup> "Human Rights in Tunisia with Yadh Ben Achour: Columbia Global Centers." Human Rights in Tunisia with Yadh Ben Achour | Columbia Global Centers, <https://globalcenters.columbia.edu/events/human-rights-tunisia-yadh-ben-achour>.

<sup>38</sup> CASE OF THE UNITED MACEDONIAN ORGANISATION ILINDEN AND OTHERS v. BULGARIA. [http://www.pollitecon.com/html/treaties/Case\\_Of\\_United\\_Macedonian\\_Organization\\_Ilinden\\_And\\_Others\\_v.\\_Bulgaria.html](http://www.pollitecon.com/html/treaties/Case_Of_United_Macedonian_Organization_Ilinden_And_Others_v._Bulgaria.html).

<sup>39</sup> ibid

<sup>40</sup> ibid

<sup>41</sup> Strock, Madeline. "The Role of Social Media in Political Mobilisation: a Case Study of the January 2011 Egyptian Uprising." University of St.Andrews, 2011, [http://www.culturaldiplomacy.org/academy/content/pdf/participant-papers/2012-02-bifef/The\\_Role\\_of\\_Social\\_Media\\_in\\_Political\\_Mobilisation\\_-\\_Madeline\\_Storck.pdf](http://www.culturaldiplomacy.org/academy/content/pdf/participant-papers/2012-02-bifef/The_Role_of_Social_Media_in_Political_Mobilisation_-_Madeline_Storck.pdf).



of the “human rights space” – in this regard it has been suggested that the right to peaceful assembly also applies to online protests.<sup>42</sup>

#### Authorization vs. notification of organized and unorganized protests

A right based approach towards peaceful protests suggests that States should require that organizers merely provide a notification rather than seek formal authorization for peaceful protests.<sup>43</sup> The requirement for notification should also be understood as a way of ensuring that information regarding the time, place and manner of protests is appropriately conveyed. Prior administrative requirements and procedures such as notification should not be used as a hidden obstruction to the exercise of the right to peaceful protests. Furthermore, provision should be made for the holding of a process without prior notification in cases of spontaneous reaction to a rapidly changing situation.<sup>44</sup>

Requirement for prior notification of protests may be justified on such grounds as public order and safety and such measures may aid the peaceful nature of protests and ensure their smooth conduct.<sup>45</sup> However, many countries require forms of prior authorization, that, in effect, narrow the scope of peaceful protests, introducing grueling bureaucratic procedures to deter potential protestors. Guidelines of the Organization for Security and Cooperation in Europe and the Special Rapporteur on the rights to freedom of peaceful assembly and of association recall the need for States to be vigilant in these regards.<sup>46</sup>

Requirements for advance notification may also impede enjoyment of an essential character of the freedom of assembly whereby people may come together spontaneously and immediately following a triggering event.<sup>47</sup> It is of concern that, in many countries such unorganized and spontaneous protests are outlawed with authorities entitled to disperse the protestors by force.<sup>48</sup> Indications from different parts of the world confirm the contemporary scale of this form of de facto outlawing of protests.<sup>49</sup>

<sup>42</sup> ibid

<sup>43</sup> ibid

<sup>44</sup> Ciccarone, Agnes. “The Right to Peaceful Assembly in Turkey: the Oya Ataman Case.” European Implementation Network, European Implementation Network, 9 Apr. 2019, <http://www.einnetwork.org/blog-general/2019/4/9/violations-of-right-to-peaceful-assembly-in-turkey-the-oya-ataman-case>.

<sup>45</sup> “Academy Briefing No.5: Facilitating Peaceful Protest.” Police and Human Rights Resources, 1 Jan. 2014, <https://policehumanrightsresources.org/geneva-academy-of-international-humanitarian-law-and-human-rights-academy-briefing-no-5-facilitating-peaceful-protest>.

<sup>46</sup> “Elections Handbooks.” OSCE, <https://www.osce.org/odihr/elections/handbooks>.

<sup>47</sup> Ibid

<sup>48</sup> ibid

<sup>49</sup> “Statement of Human Rights Organizations on the Need to Investigate Activities of Incumbent Ukrainian Parliament Commissioner for Human Rights.” Ukrainian Helsinki Human Rights Union, <https://helsinki.org.ua/en/appeals/statement-of-human-rights-organizations-on-the-need-to-investigate-activities-of-incumbent-ukrainian-parliament-commissioner-for-human-rights/>.

### The quality of contemporary protests: The Occupy movement

Contemporary protracted protests like the Occupy Movement raise challenging issues, such as concerning the temporal scope of protests that can be considered to be protected under human rights law. Can it be, it is asked, that the freedoms of association and assembly can protect actions that may endure for months or even years? It may also be observed that, by means of the use of social media, such protests can have a significant virtual existence that is unconstrained by national frontiers. International human rights law has yet to engage in any direct fashion with such contemporary issues.

### Peaceful Protests in International Human Rights Law

#### Scope of the rights engaged by peaceful protest

As a matter of empirical observation a peaceful protest does not need definition: it can be recognized when you see it and as such it may take different forms.<sup>50</sup> It is thus neither surprising nor inappropriate that it is not protected by a single formulated right under the regime of international human rights law. Instead, as a matter of human rights law, the “human right of peaceful protest” is a construct, an amalgam of different rights, including, the right to freedom of peacefully assembly (Art. 21 ICCPR), the right to freedom of association (Art. 22 ICCPR), the right to freedom of expression (Art. 19 ICCPR) and the right to participate to the conduct of political affairs (Art. 25 ICCPR). The diverse rights interplay and are mutually reinforcing, as was observed by the European Court of Human Rights in *Stankov v. Bulgaria*.<sup>51</sup> The African Commission on Human and Peoples Rights has developed the jurisprudence on a right to peaceful protests in three cases, *Dawda K. Jawara v Gambia*, *Burkinabe Movement for Human and People’s Rights v Burkina Faso* and the *Ken Saro Wiwa case*.<sup>52,53,54</sup> It has observed intricate relationship between the right to peaceful protests, the right to freedom of association and freedom of expression.<sup>55</sup> It has held that the violation of the right to peaceful protest, in effect, constitutes violation of freedom of expression and freedom of association.<sup>56</sup>

<sup>50</sup>

<sup>51</sup> “*Stankov v. Bulgaria: Case Summary and Comment.*” MDAC, <https://www.mdac.info/en/news/stankov-v-bulgaria-case-summary-and-comment>

<sup>52</sup> “*Sir Dawda K Jawara v. The Gambia.*” Sir Dawda K Jawara v. The Gambia - Right2Info.Org, <https://www.right2info.org/cases/r2i-sir-dawda-k-jawara-v.-the-gambia>.

<sup>53</sup> “*Mouvement Burkinabe Des Droits Se Lhomme Et Des Peuples v Burkina Faso* (Communication No. 204/97) [2001] ACHPR 32; (7 May 2001).” *Mouvement Burkinabe Des Droits Se Lhomme Et Des Peuples v Burkina Faso* (Communication No. 204/97) [2001] ACHPR 32; (7 May 2001) | African Legal Information Institute, <https://africanlii.org/afu/judgment/african-commission-human-and-peoples-rights/2001/32>.

<sup>54</sup> *ibid*

<sup>55</sup> PLC, AM&BF Trading. “African Commission on Human and Peoples’ Rights.” African Commission on Human and Peoples’ Rights Mandate of the commission, <https://www.achpr.org/mandateofthecommission>.

<sup>56</sup> *ibid*

More broadly, and as the Special Rapporteur on the rights to freedom of peaceful assembly and of association has emphasized:

“The rights to freedom of peaceful assembly and of association serve as a vehicle for the exercise of many other civil, cultural, economic, political and social rights. The rights are essential components of democracy as they empower men and women to express their political opinions, engage in literary and artistic pursuits and other cultural, economic and social activities, engage in religious observances or other beliefs, form and join trade unions and cooperatives, and elect leaders to represent their interests and hold them accountable. Such interdependence and interrelatedness with other rights make them a valuable indicator of a State’s respect for the enjoyment of many other human rights.”<sup>57</sup>

Various international human rights instruments also have important elements that can be applied in the context of the right to peaceful protests. These include the Convention on the Rights of the Child (CRC), the Convention on the Elimination of Discrimination against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities.<sup>58</sup>

#### Limitations on the rights relevant to peaceful protest

None of the rights engaged by peaceful protest is of an absolute nature. With regard to each of them the State is permitted to restrict the right in strict compliance with the limitation provisions of the respective provisions as set out in the relevant treaties. The limitative scope of the right of freedom of expression, to be found in article 19 of the ICCPR, was recently the subject of a General Comment of the Human Rights Committee – General Comment 34. The General Comment presents a detailed extrapolation of each of the requirements of the restriction clause, whereby any restriction must be provided by law, be necessary and proportionate and only be for the specific purposes recognized in the clause (respect for the rights and reputation of others, protection of national security, public order, public health or morals ).<sup>59</sup> The text of the General Comment drew in part from the manner in which limitation clauses were addressed in General Comment Number 22 on freedom of movement, and it offered the opportunity to set out in the most elaborated fashion yet undertaken, of the Committee’s understanding of the operation of such provisions.<sup>60</sup> In so doing it provides some guidance with regard to the similarly worded provisions of such other articles of the Covenant as those regarding the freedoms of movement, assembly and association. Thus, when a State party invokes a legitimate ground for restriction

<sup>57</sup> “Freedoms of Peaceful Assembly and of Association.” OHCHR, <https://www.ohchr.org/en/issues/assemblyassociation/pages/srfreedomassemblyassociationindex.aspx>.

<sup>58</sup> “Convention on the Rights of the Child.” OHCHR, <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

<sup>59</sup> United Nations. “CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion).” Refworld, <https://www.refworld.org/docid/453883fb22.html>.

<sup>60</sup> *ibid*

of such a right, it must demonstrate in specific and individualized fashion the precise nature of the threat and the necessity and proportionality of the action taken, in particular by establishing a direct and immediate connection between the exercise of the right and the threat. That last element regarding the nexus between the rights and the threat sets a high bar for restrictions.<sup>61</sup>

Although protests should be peaceful, minor and sporadic incidents of violence do not make the overall protest violent.<sup>62</sup> Furthermore, peaceful protests may involve conduct that annoys or offends or temporarily hinders, impedes or obstructs the activities of third parties. In this regard General Comment 34 has observed that expression which may be considered as deeply offensive should be tolerated unless it is at a threshold whereby it must be restricted pursuant to articles 19(3) or article 20 ICCPR.<sup>63</sup>

With regard to the use of force in restricting protest, the Inter-American Commission has held that States should establish administrative controls to ensure that in public protests force is only used where necessary and that measures for planning, prevention and investigation of cases in which abuse of force may have occurred should be adopted.<sup>64</sup>

## MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

### South Africa

The famous movement started by Nelson Mandela with the help of Archbishop Desmond Tutu and Steve Biko, essentially advocated civil disobedience. The impact of civil disobedience on South Africa and the demolition of Apartheid can be seen in significant events like the 1989 Purple Rain Protest and the Cape Town Peace March.

### Sudan

Following the increase of oil prices by the President Omar al-Bashir as a measure to tackle inflation from November 2016 onwards people's discontent reached a peak. Tension had been building up due to the already rising medicine and electricity costs, but the oil prices finally caused the people to launch a civil disobedience campaign. In the past, the people of Sudan had taken the streets or marched towards a ministry or the presidential palace to express their concerns, but this time they are

<sup>61</sup> ibid

<sup>62</sup> Mead, David. The New Law of Peaceful Protest: Rights and Regulation in the Human Rights Act Era. Hart Publishing, 2010.

<sup>63</sup> ibid

<sup>64</sup> "Report on the Situation of Human Rights Defenders in the Americas." Inter-American Commission on Human Rights, <http://www.cidh.org/countryrep/Defenders/defenderschap1-4.htm>

following a simpler path.<sup>65</sup> There are activists that are standing in solidarity with the Sudanese people that demand political change in the country, in the form of the government stepping down and leaving parliament. As a respond, Sudanese authorities have repeatedly seized copies of independent newspapers that report on the disobedients' news, including a three-day strike that took place in November 27<sup>th</sup>, 2016.<sup>67</sup>

### Thailand

Sonhdi Limthongkul that is the leader of the People's Alliance for Democracy and other leaders belonging to said alliance have claimed to be using civil disobedience in the form of postponing tax payments and starting strikes.

### Ukraine

The most famous act of civil disobedience is the Orange Revolution, a series of protests and political events that took place in Ukraine from late November 2004 to January 2005 as a reaction to the run-off vote of the 2004 Ukrainian presidential election; the election was marred by massive corruption, voter intimidation and direct electoral fraud. Thousands of protestors gathered and protested at Kiev, the Ukrainian capital, every day, making it a focal point of the Revolution. On a national level, the democratic revolution was amplified by a series of acts of civil disobedience including sit-ins and general strikes organized by the pro-Western opposition movement.<sup>68</sup>

### United States of America (USA)

Civil disobedience has been embedded in US culture ever since its establishment. To give some illustrations, the Boston Tea Party still remains one of the most famous acts of civil disobedience, while Susan B. Anthony's illegal vote in the 1872 House of Representatives election as a form of protest about female disenfranchisement is thought to have played a big part in universal suffrage.<sup>69</sup> The Civil Disobedience movement, however, is defined later on, specifically during the abolitionist movement. An example is the denial of Thoreau to pay his federal taxes in protest of the Mexican War and the existence of slavery, actions that ultimately inspired him to write

<sup>65</sup> Copnall, James. "Sudan Civil Disobedience: Why Are People Staying at Home?" BBC News, BBC, 19 Dec. 2016, <https://www.bbc.com/news/world-africa-38364197>.

<sup>66</sup> Story, Inside. "Will Civil Disobedience Work in Sudan?" Sudan | Al Jazeera, Al Jazeera, 30 Nov. 2016, <https://www.aljazeera.com/programmes/insidestory/2016/11/civil-disobedience-work-sudan-161130180708687.html>.

<sup>67</sup> Iaccino, Ludovica. "Sudan Strike: Authorities 'Confiscate' Independent Newspapers as Civil Disobedience Continues." International Business Times UK, 29 Nov. 2016, <https://www.ibtimes.co.uk/sudan-strike-authorities-confiscate-independent-newspapers-civil-disobedience-continues-1594022>.

<sup>68</sup> Zarakhovich/Kiev, Paul Quinn-Judge/Moscow; Yuri. "The Orange Revolution." Time, Time Inc., 28 Nov. 2004, <http://content.time.com/time/magazine/article/0,9171,832225,00.html>.

<sup>69</sup> Linder, Doug. The Trial of Susan B. Anthony for Illegal Voting. <https://web.archive.org/web/20100625012315/http://www.law.umkc.edu/faculty/projects/ftrials/anthony/sbaaccount.html>.

his essay entitles “Civil Disobedience”.<sup>70</sup> In the 1950s and 1960s civil disobedience techniques were furthermore used by activists in the American Civil Rights Movement, including Martin Luther King Jr., James Bevel and Rosa Parks. Especially of note is the case when Rosa Parks refused to move on the bus when a white man tried to take her seat, as it led directly to the Montgomery Bus Boycott. To add to that, during the Civil Rights Movement civil disobedience had become part of African Americans’ everyday lives, mainly in the form of having an African American sit at a “white only” lunch counter. All of these actions enabled the eventual passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965 and the Open Housing Act of 1968.<sup>71</sup> One of the largest waves of civil disobedience in both US and world history was brought on by anti-Vietnam war activism, as more than 34,000 men burned their draft cards or turned them in to the government, while civil disobedience also spread to the armed forces leading to some military officials facing court for openly refusing to fight.<sup>72</sup> In light of the Vietnam War and Civil Rights struggles, civil disobedience became a major part of other social movements of the era including but not limited to the American Indian Movement and the LGBTQ+ movement. More recently, Americans are involved with climate change activism and in August and September 2011, 1253 disobedients organized by environmentalist Bill McKibben were arrested for sitting on the sidewalk of the White House over the course of two weeks in order to express opposition to the proposed Keystone Pipeline extension permit which would bring Oil Sands from Alberta, Canada to refineries along the Gulf of Mexico.<sup>73</sup><sup>74</sup>

<sup>70</sup> Thoreau, Henry David., et al. *The Higher Law: Thoreau on Civil Disobedience and Reform*. Princeton University Press, 2004.

<sup>71</sup> *ibid*

<sup>72</sup> Snodgrass, Mary Ellen. *Civil Disobedience: an Encyclopedic History of Dissidence in the United States*. Sharpe Reference, 2009.

<sup>73</sup> Henn, Jamie. “How the 99 Percent Beat Keystone XL.” *HuffPost*, *HuffPost*, 23 Jan. 2014, [https://www.huffpost.com/entry/how-the-99-beat-the-keyst\\_b\\_1087045?guccounter=2](https://www.huffpost.com/entry/how-the-99-beat-the-keyst_b_1087045?guccounter=2).

<sup>74</sup> Radford, Philip, and Daryl Hannah. “Shining Light on Obama's Tar Sands Pipeline Decision.” *HuffPost*, *HuffPost*, 7 Dec. 2017, [https://www.huffpost.com/entry/obama-tar-sands-keystone-pipeline\\_b\\_940617?guccounter=2](https://www.huffpost.com/entry/obama-tar-sands-keystone-pipeline_b_940617?guccounter=2).

## TIMELINE OF EVENTS

DATE	DESCRIPTION OF EVENT
1845-1849	Thoreau's Time at Waden
1846	Thoreau spends a night in jail
1847	Thoreau publishes Civil Disobedience
1849	Tolstoy starts "Sevastopol Tales"
1906	First Campaign of Satyagraha
1930	The Salt March
1963	The March on Washinton takes place
1967	Tolstoy's "Writings on Civil Disobedience" are published



## RELEVANT UN RESOLUTIONS, TREATIES AND EVENTS

### The UN Secretary General

The UN Secretary-General's good offices are on occasion employed to protect the space for civil society. For example, in 2007, with regard to the situation in Myanmar, the Secretary-General dispatched his Special Adviser, Ibrahim Gambari, to the region in anticipation of an invitation from the Government of Myanmar for him to visit the country.<sup>75</sup> The Special Adviser was tasked to assess the situation on the ground in the wake of recent demonstrations, to deliver clear messages from the Secretary-General to the Myanmar authorities at the highest level in response to the situation and to try to promote dialogue between the Government and the opposition.<sup>76</sup> Ultimately the Government of Myanmar agreed to ease a curfew, reduce military presence on the streets and to enter in dialogue with the opposition - the peaceful protests of which it had previously suppressed.<sup>77</sup> Another example of the application of good offices in the context of peaceful protests concerns Guinea where the Secretary-General reported that he was successful in promoting mutual dialogue and thus easing serious societal tensions, thus enhancing the environment for peaceful protest.<sup>78</sup> The Secretary-General frequently also raises issues of peaceful protest in his press statements, thus maintaining international attention to the issue.<sup>79</sup>

### The UN High Commissioner for Human Rights

The High Commissioner and her office, OHCHR, are increasingly engaged in the field supporting the protection of the human rights of those engaged in peaceful protest. For example, the operation of the OHCHR Rapid Response Unit in the case of Gabon is noteworthy. Here OHCHR offered legal expertise and advised the local authorities on how to deal with peaceful assemblies. By this means, the local authorities were sensitized to address future conflict situations in a human rights-compliant manner.<sup>80</sup> The High Commissioner herself frequently draws attention to issues of peaceful protests and of the applicable standards. For example, she has spoken with regard to Algeria commenting on the need to review the laws concerning peaceful assemblies. She has

<sup>75</sup> "Situation of Human Rights in Myanmar - Report of the Secretary-General (A/74/311) - Myanmar." ReliefWeb, <https://reliefweb.int/report/myanmar/situation-human-rights-myanmar-report-secretary-general-a74311>.

<sup>76</sup> *ibid*

<sup>77</sup> *ibid*

<sup>78</sup> "Activities of the United Nations Office for West Africa and the Sahel - Report of the Secretary-General (S/2019/549) [EN/AR] - Nigeria." ReliefWeb, <https://reliefweb.int/report/nigeria/activities-united-nations-office-west-africa-and-sahel-report-secretary-general>.

<sup>79</sup> "Statement Attributable to the Spokesman for the Secretary-General on Egypt Secretary-General." United Nations, United Nations, <https://www.un.org/sg/en/content/sg/statement/2019-08-05/statement-attributable-the-spokesman-for-the-secretary-general-egypt>.

<sup>80</sup> "Responding to Pressing Human Rights Issues." OHCHR, <https://www.ohchr.org/EN/NewsEvents/Pages/Respondingtopressinghrissues.aspx>.



also addressed issues of protection of the rights of peaceful protesters in such countries as Bahrain and Egypt.<sup>81</sup><sup>82</sup>

### Special Procedures of the Human Rights Council

Special Rapporteurs occupy a unique place within the United Nations mechanisms that promote and protect international human rights.<sup>83</sup> The establishment of the mandate of Special Rapporteur on the right to peaceful assembly and of association is highly significant in the move towards the effective protection of peaceful protest in the framework of international human rights law.<sup>84</sup> The periodic country visits and the information that the Special Rapporteur gathers from civil society and governments have been helpful in identifying good practices in the context of peaceful protests and in assessing trends and challenges.<sup>85</sup> In this regard the recent country visits of the Special Rapporteur to the UK and Northern Ireland and to Georgia are noteworthy. For example, following his UK visit, he referred favorably to the manner in which the State invites NGOs to monitor peaceful protests.<sup>86</sup> At the same time, he criticized the use of undercover policing and “kettling” and he raised concerns regarding the application of terrorism laws in the context of peaceful protest.<sup>87</sup>

With regard to Northern Ireland, the Special Rapporteur identified and examined the situation on the ground against the background of the specific history of that territory and again highlighted good initiatives and criticized aspects of practice, concluding with recommendations. By reporting in this manner, the Special Rapporteur is developing a global architecture of good practices.

Country mandates offer important opportunities to draw attention to the issues of the protection of the rights of those engaged in peaceful protest. For example, the current Special Rapporteur on Belarus has urged the Government of Belarus to enter into dialogue with civil society, a matter to which he has repeatedly returned in press

<sup>81</sup> “UN Human Rights Chief Calls on Algeria to Review Laws on Civil Society, Freedom of Assembly | UN News.” United Nations, United Nations, <https://news.un.org/en/story/2012/09/420072-un-human-rights-chief-calls-algeria-review-laws-civil-society-freedom-assembly>.

<sup>82</sup> “Opening Remarks by Ms. Navi Pillay United Nations High Commissioner for Human Rights to the Expert Seminar: The Right to Privacy in the Digital Age, 24 February 2014, Room XXI, Palais Des Nations, Geneva.” OHCHR, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14276&LangID=E>.

<sup>83</sup> “Secretary-General’s Message to the Third Session of the Human Rights Council [Delivered by Mrs. Louise Arbour, High Commissioner for Human Rights] Secretary-General.” United Nations, United Nations, <https://www.un.org/sg/en/content/sg/statement/2006-11-29/secretary-generals-message-third-session-human-rights-council>.

<sup>84</sup> “15th Session of the Human Rights Council (13 September-1 October 2010).” OHCHR, <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session15/Pages/ResDecStat.aspx>.

<sup>85</sup> “Freedoms of Peaceful Assembly and of Association.” OHCHR, <https://www.ohchr.org/en/issues/assemblyassociation/pages/srfreedomassemblyassociationindex.aspx>.

<sup>86</sup> *ibid*

<sup>87</sup> *ibid*

statements.<sup>8889</sup> The Special Rapporteur has also drawn attention to violations of human rights that specifically engage issues of peaceful protests and made associated recommendations such as for the establishment of an international fund to support democratic forces in Belarus.<sup>90</sup>

The Special Rapporteur on the situation of human rights defenders, in her report on the situation of human rights defenders in India, observed that phone tapping and physical violence were used as repressive tools against human rights defenders in relation of preparation of peaceful protests on issues such as rural poverty and exploitations of land.<sup>91</sup> The Special Rapporteur on violence against women has highlighted that forced virginity testing in Egypt aimed to humiliate women and deter them from participation in public protests.<sup>92</sup> The Special Rapporteur on extrajudicial, summary or arbitrary executions, together with other Special Rapporteurs, has expressed concern regarding the death of an environmental activist and protester.<sup>93</sup> In another case, a joint press release of the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on freedom of expression drew attention to the arrests of and use of force against peaceful protestors in Canada. The press release called on the authorities to respect protests.<sup>94</sup> The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has criticized the excessive use of force during protests and also the intimidation and punishment of protestors after an assembly had taken place.

#### Human Rights Council Universal Periodic Review and Special Sessions

The Universal Periodic Review mechanism provides the opportunity for States to make comment and offer recommendations with regard to issues of peaceful protests. For example, in the case of Hungary a number of States at the Human Rights Council have highlighted interference with the right to peaceful assembly. A recommendation by the United Kingdom referred to the tenuous situation of vulnerable groups such as the Roma Community and recommended protection of their assemblies, demonstrations or events – a recommendation, which enjoyed the support of the Hungarian

<sup>88</sup> Rfe/rl. “New UN Envoy Urges Belarus Dialogue.” RadioFreeEurope/RadioLiberty, Radio Free Europe / Radio Liberty, 1 Nov. 2012, <https://www.rferl.org/a/belarus-un-rapporteur-calls-for-dialogue/24757975.html>.

<sup>89</sup> “‘Deteriorating’ Human Rights in Belarus Amounts to ‘Wholesale Oppression’: UN Expert | UN News.” United Nations, United Nations, <https://news.un.org/en/story/2018/10/1024182>.

<sup>90</sup> Rfe/rl. “New UN Envoy Urges Belarus Dialogue.” RadioFreeEurope/RadioLiberty, Radio Free Europe / Radio Liberty, 1 Nov. 2012, <https://www.rferl.org/a/belarus-un-rapporteur-calls-for-dialogue/24757975.html>.

<sup>91</sup> “Special Rapporteur on the Situation of Human Rights Defenders.” OHCHR, <https://www.ohchr.org/en/issues/srhrdefenders/Pages/SRHRDefendersIndex.aspx>

<sup>92</sup> “Special Rapporteur on Violence against Women, Its Causes and Consequences.” OHCHR, <https://www.ohchr.org/en/issues/women/srwomen/pages/srwomenindex.aspx>.

<sup>93</sup> “Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions.” International Justice Resource Center, <https://ijrcenter.org/un-special-procedures/special-rapporteur-on-extrajudicial-summary-or-arbitrary-executions/>.

<sup>94</sup>

Government. In the case of Eritrea, countries such as Canada, Norway and Slovakia showed concern regarding the restriction of the right to peaceful assembly and Ghana and Slovakia, recommended the implementation of a legal framework to protect -inter alia- the right to peaceful assembly.

Special Sessions of the Human Rights Council have provided States with the opportunity to address issues of peaceful protest and to further clarify the parameters within which it is to be tolerated. For example, in the context of a Special Session on Myanmar in 2007, which dealt -inter-alia- with the suppression of peaceful protests, the Council adopted a Resolution strongly deploring the violent repression of peaceful demonstrations and urging the Government of Myanmar to investigate the violations. At its Special Session on Côte d'Ivoire, in 2010, the Council adopted a Resolution strongly condemning human rights violations, among them the denial of peaceful assembly. Both Resolutions seem to have had some impact on the behavior of the States in question with both of them indicating a willingness to cooperate with the international community and putting in place some arrangements for the investigation of allegations of human rights violations.

### Treaty Bodies

The treaty bodies contribute to the protection of the human rights of those engaged in peaceful protest in multiple ways. In terms of the clarification of applicable law, the role of General Comments has already been mentioned. The treaty bodies also raise related issues in the context of the review of periodic reports of States parties. The Human Rights Committee's concluding observations on a periodic report of Ukraine and on a periodic report of Indonesia (both in the 108th session, July 2013) are illustrative.

In the case of Ukraine, the Human Rights Committee identified the lack of a domestic system to regulate peaceful protests, showed concern regarding the outdated law applied by courts and the persistent practice of local authorities to refuse peaceful assembly. Regarding Indonesia, the Committee reviewed the legal framework and concluded that there was an uneven application of laws relating to protests in West Papua. It recommended that Indonesia reviews its legislation and secures compliance with international standards.

The Human Rights Committee has also engaged with issues of peaceful protests in the context of the individual communications procedure. In *Sekerko v. Belarus* the Committee found that the State party failed to demonstrate the necessity to deny authorization for a peaceful assembly. In *Alekseev v. Russia* the Committee addressed the scope of the right to peaceful assembly and its permissible limitations taking into account that the State party admitted that it was interfering with that right but claiming that it did so in order to maintain public order.

As already mentioned, women play a significant role in peaceful protest. The Committee on the Elimination of Discrimination against Women has engaged on the

issue. For example, during examination of a periodic report of Chile, it discussed the increasing sexual violence against female protestors intended to silence them and to intimidate other female protestors. In the related Concluding Observations, it expressed concern regarding disproportionate use of force against women (including sexual abuse) and the need for remedies. In similar vein, the Committee on Economic, Social and Cultural Rights addressing issues of gender-based violence in Egypt, issued recommendations on concrete legislative and enforcement measures, specifically demanding criminal sanctions against perpetrators and confidential reporting mechanisms for women. The Committee on the Elimination of Racial Discrimination has expressed concern regarding excessive use of force used against indigenous communities that protested against mining and construction of a hydroelectric dam in the west of Panama.

## POSSIBLE SOLUTIONS

### Establishing appropriate enabling legislative or other normative frameworks

The only way to establish an enabling environment is through the creation and implementation of an appropriate legislative framework that would ensure the recognition of an entitlement of peaceful protest and civil disobedience. In this regard there is the need for legislation that would highlight the positive and negative obligations of the State to ensure the exercise of peaceful protest. There are many countries in which an entitlement of peaceful protest is guaranteed, while in some of said countries there has been an adoption of further legislation to clarify the contents of this right. To add to that, there have been countries where the principle of a presumption in favor of peaceful protests has been established by law. Although a presumption in favor of peaceful protests is typically provided for in the constitutions of States, it would also be helpful to address it in specific legislation that deals with the conduct of peaceful protests.

### Establishing democratic and independent accountability mechanism

The role that strong democratic and accountability institutions play in the exercise of peaceful protests and human rights in a broader context is significant. The Special Rapporteur on freedom of peaceful assembly and of association has emphasized that there is a need to ensure clear accountability mechanisms for any violations of human rights that may occur in relation to peaceful protests. Law enforcement officials who have abused their powers and violated the human rights of individuals should face a civil and/or criminal liability as well as disciplinary action. Furthermore, it is necessary to hold law enforcement officials accountable in the case they fail to intervene at a case in which their intervention could have prevented other officers from abusing the human rights of civil disobedients. National human rights institutions can play a role in ensuring accountability for human rights violations and abuses committed in the context of peaceful protests. The experience of the Human Rights Commissions of India, South

Africa and Malawi has been significant in investigating and making findings and recommendations when protests resulted in serious violence including deaths.

The presence of independent media scrutiny is another useful tool to enhance oversight mechanisms and expose police abuse of power. As noted earlier the role of civil society in monitoring and facilitating peaceful protests has also been acknowledged.

### Dialogue and mediation

Such alternative dispute resolution tools as dialogue and mediation are recognized to have important roles to play with regard to settlement or containment of certain disputes associated with protest. In Northern Ireland, the use of negotiation and mediation by a “Parades Commission” to resolve disputes between protest organizers is a useful experience to highlight how contentions and different conflict of interests between protestors and the security forces, between diverse groups of protestors and between protestors and the general population (such as local residents) can be mitigated.

In the UK, protest liaison officers have been deployed to work with protestors to keep demonstrations within the law and this experience is seen to be of value in enhancing communication and trust between police and the organizers of protests. Interestingly the use of Social media to effectively communicate with organizers is of increasing significance.

### Training and education in human rights for law enforcement officials

The management of peaceful protests requires knowledge of crowd behavior, adequate equipment and appropriate training of law enforcement officials. Such preparedness ensures that responses to protests do not lead to escalated violence and human rights violations. Research indicates that a rights-based public order policing culture can have significant impact in the way that peaceful protests are handled.<sup>95</sup> In some countries, such as Azerbaijan, capacity-building initiatives have included training programs on the role of the police during demonstrations; demonstrations as manifestation of the principle of democracy; cooperation among organizers and police; chain police activity; strategies for decreasing tension; managing various gatherings; managing mass disorder; regulating roads and other places; and respect for and protection of human dignity. In Paraguay, the Manual on the Use of Force, issued by the National Police in 2011, has served to promote and protect the right of peaceful protest. Some other countries such as Slovenia have indicated that they provide training to law enforcement officials with the objective of giving them an advanced

<sup>95</sup> James Gravelle, and AbstractThis. “Policing Public Protests and Corporate Social Responsibility.” International Journal of Law, Crime and Justice, Elsevier, 25 May 2011, <https://www.sciencedirect.com/science/article/pii/S1756061611000486>.

knowledge of constitutional law and human rights, including human rights protection in the context of the application of police powers.<sup>96</sup>

#### Notification and authorization of peaceful protests

Some States have amended their laws to adjust to an individual's rights-based approach to prior regulation of peaceful protests together with creating acceptable legislative amendments. The experience of Moldova is notable in this regard. In Moldova, a peaceful protest that involves the gathering of less than 50 people does not require any notification. If the protests assemble more than 50 people, the organizers are required to notify the local authorities five working days in advance in order to ensure that no other similar protests have been organized in the same place at the same time. The experience of Moldova following the legislative amendment is that the frequency and number of peaceful protests and protesters has increased notably.<sup>97</sup>

A recent interesting initiative to balance considerations of advance notification and of preservation of the space for protest is found in proposals under consideration in Northern Ireland in 2013-2014. Arrangements are under consideration whereby a body would be established by statute that would be administrative, non-partisan, and non-judicial and be authorized to accept event notifications, facilitate community dialogue, and refer parties to outside mediators. It would have no authority to make adjudications. Any individual intending to hold a parade (including protests) would have to notify the body twenty-five working days before the event – with the notification process being as convenient as possible, providing organizers the opportunity to submit notifications online, by registered mail, or in person directly. No later than two working days after the receipt of a timely notification, the body would be required to publish, via its website, the name (though not the contact information) of the organization holding the event, as well as the date, time, location, purpose, and other basic information about the notified event. During the first five days of this period, anyone may notify a protest against the planned event, leaving the rest of the period for community dialogue, mediation as needed, and the notification of any protests against protests.

#### Nondiscrimination and equality of opportunity for all

The principle of non-discrimination is of importance for the regulation of peaceful protest. In this regard, the legal framework on peaceful protests in Northern Ireland imposes a number of duties on public authorities. Section 75(1) of the Northern Ireland Act (1998) necessitates a public authority to “have due relation to the requirement to promote equality of opportunity”; between persons of various spiritual beliefs, political opinion, racial cluster, age, legal status, sexual orientation; between men and women; between persons with a disability and those without; and between persons with dependents and persons without.”

<sup>96</sup> ibid

<sup>97</sup> ibid

Similarly, in India, the impartiality of the State has been identified by the National Human Rights Commission of India as being of central importance in the exercise of the right of peaceful protest. The Commission indicated how, in a variety of situations, a lack of impartiality could adversely affect the right of peaceful protest. For example, the government in power could encourage and even support pro-government demonstrations, but forbid, limit or disrupt peaceful protest by the political opposition and people or social groups discontented with government policies and practice.

## BIBLIOGRAPHY

“‘Deteriorating’ Human Rights in Belarus Amounts to ‘Wholesale Oppression’: UN Expert | UN News.” *United Nations*, United Nations,

<https://news.un.org/en/story/2018/10/1024182> .

“15th Session of the Human Rights Council (13 September-1 October 2010).” *OHCHR*,

<https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session15/Pages/ResDecStat.aspx>.

“Academy Briefing No.5: Facilitating Peaceful Protest.” *Police and Human Rights*

*Resources*, 1 Jan. 2014, <https://policehumanrightsresources.org/geneva-academy-of-international-humanitarian-law-and-human-rights-academy-briefing-no-5-facilitating-peaceful-protest>.

“Activities of the United Nations Office for West Africa and the Sahel - Report of the

Secretary-General (S/2019/549) [EN/AR] - Nigeria.” *ReliefWeb*,

<https://reliefweb.int/report/nigeria/activities-united-nations-office-west-africa-and-sahel-report-secretary-general>.

Anderson, Christopher J., and Silvia M. Mendes. “Learning to Lose: Election Outcomes,

Democratic Experience and Political Protest Potential.” *British Journal of Political*

*Science*, vol. 36, no. 1, Aug. 2005, pp. 91–111., doi:10.1017/s0007123406000056.



Anderson, Christopher J., and Silvia M. Mendes. "Learning to Lose: Election Outcomes, Democratic Experience and Political Protest Potential." *British Journal of Political Science*, vol. 36, no. 1, Aug. 2005, pp. 91–111., doi:10.1017/s0007123406000056.

Britannica, The Editors of Encyclopaedia. "Civil Disobedience." *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., <https://www.britannica.com/topic/civil-disobedience>.

Britannica, The Editors of Encyclopaedia. "Satyagraha." *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., <https://www.britannica.com/topic/satyagraha-philosophy>.

Britannica, The Editors of Encyclopaedia. "Pacifism." *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., <https://www.britannica.com/topic/pacifism>.

*CASE OF THE UNITED MACEDONIAN ORGANISATION ILINDEN AND OTHERS v. BULGARIA.*

[http://www.pollitecon.com/html/treaties/Case\\_Of\\_United\\_Macedonian\\_Organization\\_Illinden\\_And\\_Others\\_v\\_Bulgaria.html](http://www.pollitecon.com/html/treaties/Case_Of_United_Macedonian_Organization_Illinden_And_Others_v_Bulgaria.html).

Ciccarone, Agnes. "The Right to Peaceful Assembly in Turkey: the Oya Ataman Case." *European Implementation Network*, European Implementation Network, 9 Apr. 2019, <http://www.einnetwork.org/blog-general/2019/4/9/violations-of-right-to-peaceful-assembly-in-turkey-the-oya-ataman-case>.

"Convention on the Rights of the Child." *OHCHR*, <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

Copnall, James. "Sudan Civil Disobedience: Why Are People Staying at Home?" *BBC News*, BBC, 19 Dec. 2016, <https://www.bbc.com/news/world-africa-38364197>.



“Declaration on the Right and Responsibility.” *OHCHR*,

<https://www.ohchr.org/en/ProfessionalInterest/Pages/RightAndResponsibility.aspx>.

“Elections Handbooks.” OSCE, <https://www.osce.org/odihr/elections/handbooks>.

“End Attacks on Human Rights Defenders Who Protest against Business Operations and

Development Projects.” *ISHR*, 4 Feb. 2014, [http://www.ishr.ch/news/end-attacks-](http://www.ishr.ch/news/end-attacks-human-rights-defenders-who-protest-against-business-operations-and-development#sthash.LhoRYZqH.dpuf)

[human-rights-defenders-who-protest-against-business-operations-and-](http://www.ishr.ch/news/end-attacks-human-rights-defenders-who-protest-against-business-operations-and-development#sthash.LhoRYZqH.dpuf)

[development#sthash.LhoRYZqH.dpuf](http://www.ishr.ch/news/end-attacks-human-rights-defenders-who-protest-against-business-operations-and-development#sthash.LhoRYZqH.dpuf).

“Freedoms of Peaceful Assembly and of Association.” *OHCHR*,

[https://www.ohchr.org/en/issues/assemblyassociation/pages/srfreedomassemblyassoci-](https://www.ohchr.org/en/issues/assemblyassociation/pages/srfreedomassemblyassociationindex.aspx)

[ationindex.aspx](https://www.ohchr.org/en/issues/assemblyassociation/pages/srfreedomassemblyassociationindex.aspx).

Henn, Jamie. “How the 99 Percent Beat Keystone XL.” *HuffPost*, HuffPost, 23 Jan. 2014,

[https://www.huffpost.com/entry/how-the-99-beat-the-keyst\\_b\\_1087045?guccounter=2](https://www.huffpost.com/entry/how-the-99-beat-the-keyst_b_1087045?guccounter=2).

“Human Rights in Tunisia with Yadh Ben Achour: Columbia Global Centers.” *Human Rights*

*in Tunisia with Yadh Ben Achour | Columbia Global Centers*,

<https://globalcenters.columbia.edu/events/human-rights-tunisia-yadh-ben-achour>.

“Human Rights Violations Committed against Defenders, and Other Difficulties They

Confront.” *OHCHR*,

<https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Challenges.aspx>.

Iaccino, Ludovica. “Sudan Strike: Authorities 'Confiscate' Independent Newspapers as Civil

Disobedience Continues.” *International Business Times UK*, 29 Nov. 2016,

[https://www.ibtimes.co.uk/sudan-strike-authorities-confiscate-independent-newspapers-](https://www.ibtimes.co.uk/sudan-strike-authorities-confiscate-independent-newspapers-civil-disobedience-continues-1594022)

[civil-disobedience-continues-1594022](https://www.ibtimes.co.uk/sudan-strike-authorities-confiscate-independent-newspapers-civil-disobedience-continues-1594022).

James Gravelle, and AbstractThis. "Policing Public Protests and Corporate Social Responsibility." *International Journal of Law, Crime and Justice*, Elsevier, 25 May 2011, <https://www.sciencedirect.com/science/article/pii/S1756061611000486>.

Köbsell, Swantje. "The Disability Rights Movement in Germany: History, Development, Present State." *Disability Studies Quarterly*, <http://dsq-sds.org/article/view/692/869>.

Linder, Doug. *The Trial of Susan B. Anthony for Illegal Voting*.  
<https://web.archive.org/web/20100625012315/http://www.law.umkc.edu/faculty/projects/ftrials/anthony/sbaaccount.html>.

Lis, Jonathan, et al. "Israeli Government to Back Bill Banning Use of Nazi Symbols." *Haaretz.com*, 10 Jan. 2018, <https://www.haaretz.com/1.5162049>.

"Making It Safer to Express Dissenting Views through Peaceful Assembly and Association." *OHCHR*,  
<https://www.ohchr.org/EN/NewsEvents/Pages/Makingitsafertoexpressdissentingpeacefulassemblyassociation.aspx>.

Mead, David. *The New Law of Peaceful Protest: Rights and Regulation in the Human Rights Act Era*. Hart Publishing, 2010.

"Mouvement Burkinabe Des Droits Se Lhomme Et Des Peuples v Burkina Faso (Communication No. 204/97) [2001] ACHPR 32; (7 May 2001)." *Mouvement Burkinabe Des Droits Se Lhomme Et Des Peuples v Burkina Faso (Communication No. 204/97) [2001] ACHPR 32; (7 May 2001)* | African Legal Information Institute, <https://africanlii.org/afu/judgment/african-commission-human-and-peoples-rights/2001/32>.

“Opening Remarks by Ms. Navi Pillay United Nations High Commissioner for Human Rights to the Expert Seminar: The Right to Privacy in the Digital Age, 24 February 2014, Room XXI, Palais Des Nations, Geneva.” *OHCHR*, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14276&LangID=E>.

“Parades and Protests in Northern Ireland.” *The Northern Ireland Human Rights Commission (NIHRC)*, <http://www.nihrc.org/Publication/detail/parades-and-protests-in-northern-ireland>.

“Peaceful Protest: a Cornerstone of Democracy - How to Address the Challenges? [WP1154].” *Wilton Park*, <https://www.wiltonpark.org.uk/event/wp1154/>.

“Peaceful Protest: Definition & Examples.” *Study.com*, Study.com, <https://study.com/academy/lesson/peaceful-protest-definition-examples.html>.

PLC, AM&BF Trading. “African Commission on Human and Peoples' Rights.” *African Commission on Human and Peoples' Rights Mandateofthecommission*, <https://www.achpr.org/mandateofthecommission>.

Radford, Philip, and Daryl Hannah. “Shining Light on Obama's Tar Sands Pipeline Decision.” *HuffPost*, HuffPost, 7 Dec. 2017, [https://www.huffpost.com/entry/obama-tar-sands-keystone-pipeline\\_b\\_940617?guccounter=2](https://www.huffpost.com/entry/obama-tar-sands-keystone-pipeline_b_940617?guccounter=2).

*Report of the Working Group on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises. Report of the Working Group on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises*, <https://www.ohchr.org/Documents/Issues/Business/A-68-279.pdf>.

“Report on the Situation of Human Rights Defenders in the Americas.” *Inter-American Commission on Human Rights*,

<http://www.cidh.org/countryrep/Defenders/defenderschap1-4.htm>.

“Responding to Pressing Human Rights Issues.” *OHCHR*,

<https://www.ohchr.org/EN/NewsEvents/Pages/Respondingtopressinghrissues.aspx>.

Rfe/rl. “New UN Envoy Urges Belarus Dialogue.” *RadioFreeEurope/RadioLiberty*, Radio

Free Europe / Radio Liberty, 1 Nov. 2012, <https://www.rferl.org/a/belarus-un-rapporteur-calls-for-dialogue/24757975.html>.

Robinson, Mary. *Business and Human Rights: A Progress Report. Business and Human Rights: A Progress Report*,

<https://www.ohchr.org/Documents/Publications/BusinessHRen.pdf>.

“Secretary-General's Message to the Third Session of the Human Rights Council

[Delivered by Mrs. Louise Arbour, High Commissioner for Human Rights] Secretary-General.” *United Nations*, United Nations,

<https://www.un.org/sg/en/content/sg/statement/2006-11-29/secretary-generals-message-third-session-human-rights-council>.

Seymour, Richard. “May Day Is Not about Maypoles: the History of International Workers’

Day | Richard Seymour.” *The Guardian*, Guardian News and Media, 1 May 2012,

<http://www.theguardian.com/commentisfree/2012/may/01/may-day-history-international-workers-day>.

Shaw, Malcolm. “International Law.” *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., <https://www.britannica.com/topic/international-law>.

“Sir Dawda K Jawara v. The Gambia.” *Sir Dawda K Jawara v. The Gambia* -

*Right2Info.Org*, <https://www.right2info.org/cases/r2i-sir-dawda-k-jawara-v.-the-gambia>.

“Situation of Human Rights in Myanmar - Report of the Secretary-General (A/74/311) -

Myanmar.” *ReliefWeb*, <https://reliefweb.int/report/myanmar/situation-human-rights-myanmar-report-secretary-general-a74311>.

Snodgrass, Mary Ellen. *Civil Disobedience: an Encyclopedic History of Dissidence in the United States*. Sharpe Reference, 2009.

“Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions.” *International*

*Justice Resource Center*, <https://ijrcenter.org/un-special-procedures/special-rapporteur-on-extrajudicial-summary-or-arbitrary-executions/>.

“Special Rapporteur on the Situation of Human Rights Defenders.” *OHCHR*,

<https://www.ohchr.org/en/issues/srhrdefenders/Pages/SRHRDefendersIndex.aspx>.

“Special Rapporteur on Violence against Women, Its Causes and

Consequences.” *OHCHR*,

<https://www.ohchr.org/en/issues/women/srwomen/pages/srwomenindex.aspx>.

“Stankov v. Bulgaria: Case Summary and Comment.” *MDAC*,

<https://www.mdac.info/en/news/stankov-v-bulgaria-case-summary-and-comment>.

“Statement Attributable to the Spokesman for the Secretary-General on Egypt Secretary-General.” *United Nations*, United Nations,

<https://www.un.org/sg/en/content/sg/statement/2019-08-05/statement-attributable-the-spokesman-for-the-secretary-general-egypt>.

“Statement of Human Rights Organizations on the Need to Investigate Activities of Incumbent Ukrainian Parliament Commissioner for Human Rights.” *Ukrainian Helsinki Human Rights Union*, <https://helsinki.org.ua/en/appeals/statement-of-human-rights-organizations-on-the-need-to-investigate-activities-of-incumbent-ukrainian-parliament-commissioner-for-human-rights/>.

Stegbauer, Andreas. “The Ban of Right-Wing Extremist Symbols According to Section 86a of the German Criminal Code.” *German Law Journal*, vol. 8, no. 2, Jan. 2007, pp. 173–184., doi:10.1017/s2071832200005496.

Story, Inside. “Will Civil Disobedience Work in Sudan?” *Sudan | Al Jazeera*, Al Jazeera, 30 Nov. 2016, <https://www.aljazeera.com/programmes/insidestory/2016/11/civil-disobedience-work-sudan-161130180708687.html>.

Strock, Madeline. “The Role of Social Media in Political Mobilisation: a Case Study of the January 2011 Egyptian Uprising.” *University of St.Andrews*, 2011, [http://www.culturaldiplomacy.org/academy/content/pdf/participant-papers/2012-02-bifef/The\\_Role\\_of\\_Social\\_Media\\_in\\_Political\\_Mobilisation\\_-\\_Madeline\\_Storck.pdf](http://www.culturaldiplomacy.org/academy/content/pdf/participant-papers/2012-02-bifef/The_Role_of_Social_Media_in_Political_Mobilisation_-_Madeline_Storck.pdf).

Thoreau, Henry David., et al. *The Higher Law: Thoreau on Civil Disobedience and Reform*. Princeton University Press, 2004.

“UN Human Rights Chief Calls on Algeria to Review Laws on Civil Society, Freedom of Assembly | UN News.” *United Nations*, United Nations, <https://news.un.org/en/story/2012/09/420072-un-human-rights-chief-calls-algeria-review-laws-civil-society-freedom-assembly>.

United Nations. “International Pen, Constitutional Rights Project, Interights on Behalf of Ken Saro-Wiwa Jr. and Civil Liberties Organisation v. Nigeria.” *Refworld*,

<https://www.refworld.org/cases,ACHPR,3ae6b6123.html>.

United Nations. “General Comment No. 34, Article 19, Freedoms of Opinion and Expression.” *Refworld*, <https://www.refworld.org/docid/4ed34b562.html>.

United Nations. “CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion).” *Refworld*, <https://www.refworld.org/docid/453883fb22.html>.

Zarakhovich/Kiev, Paul Quinn-Judge/Moscow; Yuri. “The Orange Revolution.” *Time*, Time Inc., 28 Nov. 2004,

<http://content.time.com/time/magazine/article/0,9171,832225,00.html>.