



CELS Case Study

The Right to Protest: Acting Early and Taking it Global

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Argentina's social protests against joblessness and poverty in the 1990s were a precursor to the massive street demonstrations that have swept the world since 2011, from Chile, Egypt and the United States to Brazil and Turkey. CELS began advocating for the right to protest in Argentina some 20 years ago and – based on that work – has helped to introduce this pressing issue on the global human rights agenda.

Why is this important? Because social protests are the megaphone of democracy. Their significance goes beyond freedom of speech; public mobilizations are a fundamental tool for people to defend their rights. Many liberties that we enjoy today were won on the streets by past generations, including the ban on child labor, advances toward racial equality, and women's suffrage. However, since exclusion has persisted under both democratic and entrenched authoritarian regimes, protests have become one of the primary instruments for enforcing human rights. And many states react by repressing them and persecuting activists.

Our work in Argentina

CELS became active in denouncing violent state responses to social protest and litigating to hold officials to account in the late 1990s, when jobless workers blocked Argentina's roadways to decry the impact of neoliberal economic reforms. As part of this work, we forged new alliances with proliferating social movements, groups of unemployed workers and trade unions.

In December 2001, at the height of the crisis, 34 people were murdered nationwide during a police crackdown on street mobilizations. Fifteen years later, in 2016, victims and their families in Buenos Aires won a historic court victory establishing that [political officials are criminally responsible](#) for the consequences of ordering that demonstrations be repressed. In this case, the former national secretary of domestic security was convicted. CELS represented some of the victims during the trial, which

set a hugely important precedent in terms of fighting impunity over police violence in protests.

The bloodshed in 2001, and during protests in mid-2002, marked a turning point in the Argentine state response to public demonstrations. CELS' research and advocacy contributed to a new national protocol regulating the use of force by security forces in protests, which included a ban on carrying firearms. Although this policy of not repressing demonstrations was implemented unevenly across the country, and ultimately suffered rollbacks, it marked a milestone in terms of guaranteeing the right to protest, preventing violence, and providing for political resolution of the underlying conflicts.

Over time CELS litigated other emblematic cases of violence during protests, including the murder of Mariano Ferreyra – a political activist who, while demonstrating alongside outsourced railway workers, was killed by a gang of union members with police connivance – and the lethal police eviction of people who had occupied the Indoamericano Park in Buenos Aires to demand access to housing.

Regional advocacy and alliances

Based on these experiences, CELS stepped up its regional and global work on security policies and institutional violence. At the regional level, CELS advocates at the Inter-American Commission on Human Rights (IACHR) for the exchange of best practices and standard-setting. We began working on the right to protest in alliance with 29 other organizations from the Americas, achieving the IACHR's [first regional hearing on social protest](#) in March 2015. There, organizations from Argentina, Brazil, Colombia – and the [United States and Venezuela](#) – exposed the troubling state responses to public demonstrations in their countries and the region as a whole. That debate contributed to the inclusion of a section on the use of force during protests in the Commission's [2015 Annual Report to the OAS](#). And, in the virtuous loop that characterizes our national, regional and international work, we have since cited the principles set forth in that section in Argentine legal cases involving protests and the criminalization of social leaders.

Another alliance grew out of this, joining Latin American organizations that addressed diverse issues (gender equality and indigenous peoples' rights, among others), in rural and urban settings, and that had enough weight in their own countries to bring this regional work back home via on-the-ground implementation. This coalition of ten organizations from eight countries recently published [Latin American State Responses to Social Protest](#), which analyzes restrictive state regulations, the use of force, criminalization of protest and accountability. It also homes in on key points, such as the importance of ensuring that prior notice requirements not be utilized to hinder protests and of eliminating the recurrent use of distinctions between pacific and non-pacific demonstrations to justify repression.

Meanwhile, the IACHR is drafting its own thematic report on this topic, which should provide more detail on state obligations to facilitate and protect the exercise of the right

to protest – and will likely include some of the core themes our organizations have put forth.

Going global

On the international front, CELS' advocacy to promote global standards on policing protests began around 2011, soon after the UN Human Rights Council (HRC) created the Special Rapporteurship on the rights to freedom of peaceful assembly and of association. In 2014, CELS and Conectas Derechos Humanos in Brazil (which share a joint representative in Geneva) actively participated in a successful campaign to beat back regressive amendments to an HRC resolution on social protest proposed by Turkey, Costa Rica, Switzerland and South Africa.

The following year, CELS collaborated closely with the UN Special Rapporteurs on the rights to freedom of peaceful assembly and of association, and on extrajudicial, summary or arbitrary executions, as they prepared a report with concrete recommendations for the [proper management of assemblies](#). Our executive director served as a member of the advisory panel to support this process and encouraged participation by the International Network of Civil Liberties Organizations ([INCLO](#)), which groups 12 national human rights groups from different countries in the Global North and South. INCLO later organized a meeting with UN Special Procedures to discuss how they could promote implementation of the Special Rapporteurs' recommendations – which is the fundamental next step.

INCLO's work on police brutality and social protest, led by CELS, gave rise to the 2013 report [Take Back the Streets: Repression and Criminalization of Protest around the World](#). As a follow-up, INCLO forged a novel alliance with Physicians for Human Rights (PHR) to publish [Lethal in Disguise: The Health Consequences of Crowd-Control Weapons](#). This collaboration with medical professionals was crucial to analyzing the under-researched health impact of "less lethal" weapons, which states are using more often in protests – in a regulatory vacuum and with sometimes lethal consequences.

Another example of innovative partnerships bore fruit last March when several [trade-union representatives traveled to Washington](#) for an IACHR hearing to discuss the criminalization of protest in Argentina's Jujuy province, where the local government is wielding sanctions to silence dissent. CELS facilitated these actors' access to the inter-American system after participating in Jujuy in a national, cross-sector gathering of social organizations focused on protest. Ultimately the questions that the Commissioners posed to the Argentine state reflected the lines of thinking that we have been advancing for the last several years.

CELS has used a variety of strategies – alliance-building, research, public policy advocacy and strategic litigation, along with campaigns to expose police abuse – to bolster the right to protest in Argentina, Latin America and worldwide. Our work demonstrates how national organizations, with years of on-the-ground experience rooted in their reality, can diversify the substantive human rights issues being debated internationally and go beyond the traditional focus on gross violations in specific

countries that leaves many other problems unaddressed. In addition, it shows how new actors – such as grassroots social movements and trade unions from the Global South – can be brought to the table to broaden these discussions.

In the 20 years since we began advocating for the right to protest, thanks to the efforts of many groups, this issue is now on the agenda of the universal human rights protection system as well as regional mechanisms in the Americas and Africa. National organizations are influencing new international standards on social protest from a local perspective, while also working to leverage and apply them domestically. This “[multiple boomerang](#)” effect is helping protect this crucial tool for defending rights – in real and grounded ways.