

“THEY WON’T SILENCE THE PEOPLE”

The right to peaceful protest in Africa in 2025

With substantive case studies on Mozambique,
Senegal, Tunisia, and Uganda



DEFENDDEFENDERS

East and Horn of Africa Human Rights Defenders Project

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DefendDefenders (East and Horn of Africa Human Rights Defenders Project)
Arie Towers | Plot 16, Mackinnon Road
Nakasero | P.O. Box 70356 | Kampala | Uganda

Phone: +256 200 760 700

Email: program@defenddefenders.org | hassans@defenddefenders.org

Web: www.defenddefenders.org

Social media:

- X (formerly Twitter): @DefendDefenders | @AfricaDefenders
- Facebook: @defenddefenders | @africandefenders

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Report by Nicolas Agostini, with contributions from Memory Bandera, Joseph Bikanda, Estella Kansime, Tabitha Netuwa, Rosabella Ntanzu, and Hassan Shire. Interviews conducted by Nicolas Agostini and Joseph Bikanda. Editorial team: see Methodology section.

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“They won’t silence the people.”

– Quote by a Tunisian human rights defender interviewed for this report.

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ACRONYMS

ACHPR	African Commission on Human and Peoples' Rights
ACHR	American Convention on Human Rights
AK-47	Avtomat Kalashnikova (Kalashnikov automatic rifle)
AU	African Union
Banjul Charter	African Charter on Human and Peoples' Rights
CAR	Central African Republic
CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CAT Committee	United Nations Committee Against Torture
CCPR Committee	United Nations Human Rights Committee
CDD	Centro para Democracia e Direitos Humanos (Centre for Democracy and Human Rights) (Mozambique)
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEDAW Committee	United Nations Committee on the Elimination of Discrimination Against Women
CESCR Committee	United Nations Committee on Economic, Social and Cultural Rights
CIHRS	Cairo Institute for Human Rights Studies
CNDH	Comissão Nacional de Direitos Humanos (National Human Rights Commission) (Mozambique)
CRC	Convention on the Rights of the Child
CSO	Civil Society Organisation
DRC	Democratic Republic of the Congo
EACJ	East African Court of Justice
EACOP	East African Crude Oil Pipeline
ECHR	European Convention on Human Rights
ECOWAS	Economic Community of West African States
EHAHRD-Net	East and Horn of Africa Human Rights Defenders Network
EU	European Union
FoAA	Freedom of peaceful Assembly and of Association
FRELIMO	Frente de Libertação de Moçambique (Front for the Liberation of Mozambique)
GANHRI	Global Alliance of National Human Rights Institutions
GBV	Gender-Based Violence
GC	General Comment (Treaty Bodies)
HRC	United Nations Human Rights Council
HRD	Human Rights Defender
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
IGP	Inspector General of Police (Uganda)



IGSN	Inspection Générale de la Sûreté Nationale (General Inspectorate of National Security) (Tunisia)
IHL	International Humanitarian Law
INPT	Instance Nationale pour la Prévention de la Torture (National Entity for the Prevention of Torture) (Tunisia)
ILO	International Labour Organization
JATT	Joint Anti-Terrorist Task Force (Uganda)
NGO	Non-Governmental Organisation
NHRI	National Human Rights Institution
NRA	National Resistance Army (Uganda)
NRM	National Resistance Movement (Uganda)
NUP	National Unity Platform (Uganda)
OHCHR	Office of the United Nations High Commissioner for Human Rights
PASTEF	Patriotes Africains du Sénégal pour le Travail, l'Éthique et la Fraternité (African Patriots of Senegal for Work, Ethics and Fraternity) (Senegal)
PLU	Patriotic League of Uganda
PODEMOS	Partido Optimista pelo Desenvolvimento de Moçambique (Optimist Party for the Development of Mozambique)
POMA	Public Order Management Act (Uganda)
PSU	Professional Standards Unit (Uganda)
RMDDH	Rede Moçambicana de Defensores dos Direitos Humanos (Mozambique Network of Human Rights Defenders)
SERNIC	Serviço Nacional de Investigação Criminal (National Criminal Investigation Service) (Mozambique)
SFC	Special Forces Command (Uganda)
SGBV	Sexual and Gender-Based Violence
SOGI	Sexual Orientation and Gender Identity
SR	Special Rapporteur
UDHR	Universal Declaration of Human Rights
UHRC	Uganda Human Rights Commission
UIR	Unidade de Intervenção Rápida (Rapid Intervention Unit) (Mozambique)
ULRC	Uganda Law Reform Commission
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
UPF	Uganda Police Force
UPDF	Uganda Peoples' Defence Force
VDPA	Vienna Declaration and Programme of Action
VPN	Virtual Private Network
WHRD	Woman Human Rights Defender

FOREWORD



Protesting is part and parcel of the human experience. Across the world, people protest against injustice, discrimination, and power abuse. They protest for justice, human rights, and accountability. Thinkers such as Henry David Thoreau and Martin Luther King Jr. stressed that everyone carries a moral duty to resist unjust systems and unfair laws. This remains true.

In Africa, as elsewhere, people demonstrate to defend their rights and the rights of others, or to push for change. Since progress can only be achieved if ideas circulate freely, people should be able to express even controversial, non-conformist views. Those holding positions of power should not silence critical voices or prevent them from peacefully assembling and organising themselves. This is particularly important as historically marginalised groups, who have often been excluded from political decision, seek to express grievances and set issues on the political agenda by protesting.

The Universal Declaration of Human Rights (UDHR) affirms everyone’s “freedom to hold opinions without interference and to seek, receive and impart information and ideas.” It also outlines freedoms of association and assembly. In this report, we clarify the scope of the right to protest, its many dimensions, and how people exercise it in Africa.

(Section I, on standards, can be read independently of sections II and III. Readers interested mainly in the analysis of protests in national contexts may skip it and jump directly to Sections II and III.)

At the outset, allow me to highlight the importance DefendDefenders attaches to the peaceful character of protests. This emphasis on non-violence aligns with the United Nations (UN) Declaration on Human Rights Defenders (HRDs)¹ and other human rights

¹ “Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,” 9 December 1998, UN Doc. A/53/144. See Articles 5, 12(1), 12(3), and 13.



instruments, including Bills of Rights enshrined in national constitutions. Nothing in this report should be interpreted as condoning any form of violence. We stress, however, that even though protesters who resort to violence forfeit their rights in relation to peaceful assembly, they do not lose other human rights, such as the right to life or to be free from torture. As HRDs, we have a duty to denounce violations such as police brutality against protesters, and to hold governments accountable.

This report originates in our desire to feed the debate on rights and their enjoyment in Africa. Peaceful protests are key to shaping public opinion. As outlined below, we sought both to identify broad trends and patterns across the continent and to “zoom in” from the big picture to produce a more detailed analysis of country contexts, bridging macro-level trends and micro-level details. Doing so, we sought to deepen the understanding of the right to peaceful protest as a tool for democratic participation and public expression.

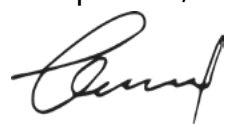
Doing so, we also took our work on peaceful protests further. In 2014, DefendDefenders actively contributed to the African Commission on Human and Peoples’ Rights’ (ACHPR) study on Freedom of Association and Assembly in Africa. This initiative involved comprehensive consultations across the continent, ultimately resulting in the establishment of a framework for the ACHPR Guidelines on these fundamental freedoms.² Since then, we have been working closely with experts, including ACHPR experts and the successive UN Special Rapporteurs on the rights to freedom of peaceful assembly and of association (FoAA), both in Geneva and on the African continent.

For the present report, in addition to identifying broad trends and patterns across the continent, we selected four countries, from four African sub-regions, as substantive case studies. They represent a diverse sample of national histories, languages, legal traditions, and political and institutional systems: Mozambique, Senegal, Tunisia, and Uganda. The report includes comparative analyses, highlighting both patterns of violations and good practices.

We hope that this report, published ahead of celebrations for DefendDefenders’ 20th anniversary, will contribute to a better understanding of peaceful protests and the right to protest in Africa, including in our host country, Uganda, which continues to be a hub for civil society organisations.

We sincerely thank all those who participated in this research effort, including partner organisations and the close to 150 sources who shared their analyses, insights, and testimonies.

Hassan Shire,
Executive Director, DefendDefenders.
Chairperson, AfricanDefenders.



² Available at ACHPR, “Report of the Study Group on Freedom of Association & Assembly in Africa,” 7 April 2014, <https://achpr.au.int/en/special-mechanisms-reports/report-study-group-freedom-association-assembly-africa> (accessed on 22 September 2025). Additionally, we mobilised resources to facilitate the collection of input from a diverse range of African citizenry for the report, as well as to support the effective dissemination of the resulting Guidelines.



(English translation)

“Eu não posso mais filmar, pessoal!”
(Tiros)
“Me balearam!
Socorro! Socorro!
Pessoal, levei tiro!
Levei tiro, pessoal!
Levei tiro, e eles continuam a disparar!
Fui alvejado, pessoal!
Fui alvejado!
Fui alvejado! Fod*#!
Estou a morrer!
Estou a morrer!
Estou a morrer!
Estou a morrer, pessoal!”

“I can’t film anymore, everyone!”
(Gunshots)
“They shot me!
Help! Help!
Everyone, I’ve been shot!
I’ve been shot, everyone!
I’ve been shot, and they keep shooting!
I’ve been hit, everyone!
I’ve been hit!
I’ve been hit! F*#!
I’m dying!
I’m dying!
I’m dying!
I’m dying, everyone!”

[Poem by Prof. Adriano Nuvunga, written in memory of Albino Sibiac, known artistically as “Mano Shottas,” a 30-year-old blogger, digital activist and human rights defender who was fatally shot on 12 December 2024 while livestreaming protests in Ressano Garcia, Mozambique.

(see Rede Moçambicana de Defensores dos Direitos Humanos (RMDDH), Sunday, June 29, 2025, Ano VI, n.º 85, available at: <https://redemoz-defensoresdireitoshumanos.org/wp-content/uploads/2025/07/In-memory-of-Albino-Sibiac-Mano-Shottas-.pdf> (accessed on 7 August 2025)

The poem, based on the final words of the victim, was published by RMDDH (“O Clamor Final de Mano Shottas: Voz Silenciada a bala,” Sábado – feira, 14 de Dezembro de 2024, Ano VI, n.º 72).]



ABOUT DEFENDDEFENDERS AND AFRICAN DEFENDERS

Established in 2005, DefendDefenders (East and Horn of Africa Human Rights Defenders Project) seeks to strengthen the work of HRDs throughout the sub-region by reducing their vulnerability to the risk of persecution and enhancing their capacity to effectively defend human rights. DefendDefenders focuses its work on Burundi, the Democratic Republic of the Congo (DRC), Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia/Somaliland, South Sudan, Sudan, Tanzania, and Uganda.

DefendDefenders acts as the secretariat of the East and Horn of Africa Human Rights Defenders Network (EHAHRD-Net), representing thousands of members, including individual HRDs, human rights organisations, and national coalitions. Together, they envision a sub-region in which the human rights of every individual, as stipulated in the International Bill of Rights, are respected and upheld.

DefendDefenders also serves as the secretariat of AfricanDefenders (the Pan-African Human Rights Defenders Network). AfricanDefenders is an umbrella network that aims to share best practices, cross-pollinate protection expertise, establish rigorous reporting, track continental trends, and address transregional protection issues, emergency relocations, and resource shortfalls. AfricanDefenders coordinates activities in the areas of protection, strengthening capacities of sub-regional networks and HRDs, and advocacy at continental and international levels. It is made of the North Africa Human Rights Defenders Network (based in Tunis, Tunisia), the West African Human Rights Defenders Network (in Lomé, Togo), the Southern Africa Human Rights Defenders Network (in Johannesburg, South Africa), the Central Africa Human Rights Defenders Network (in Douala, Cameroon), and the East and Horn of Africa Human Rights Defenders Network (EHAHRD-Net) in Kampala, Uganda.

AfricanDefenders leads the continental “Ubuntu Hub Cities” initiative, a holistic emergency protection and temporary relocation programme for HRDs at risk across Africa, through its motto: “Safe but not Silent.” Temporary relocation ensures the physical and mental well-being of HRDs while enabling them to continue their work.

This report covers both DefendDefenders’ (the East and Horn of Africa) and AfricanDefenders’ (the whole continent) geographic mandates.



EXECUTIVE SUMMARY

Across the world and on the African continent, people protest against injustice and to defend human rights or set issues on the political agenda. The right to peaceful protest is a vital tool for democratic participation and, indeed, protests have played a historic role in driving progress. Although many governments are closing the civic and democratic space, people continue to protest as they believe in the power of collective action and want to make their voices heard.

This report, published for DefendDefenders' 20th anniversary, originates in the organisation's desire to contribute to a better understanding of how, and to what extent, Africans exercise their right to protest. In it, DefendDefenders identifies broad trends and patterns before "zooming in" from the big picture to produce a more detailed analysis of country contexts.

The report is based on both desk research and data collected from primary sources, including human rights defenders, protest organisers, protest monitors, victims of police brutality in relation to protests, journalists, lawyers, and academics. Background research paved the way for data collection, which was done through: (1) an online survey with questions on various dimensions of the right to protest and its enjoyment in Africa; and (2) interviews and a group discussion conducted in four countries ("substantive case studies"), namely Mozambique, Senegal, Tunisia, and Uganda.

In total, 58 respondents from 24 African countries took the survey, and DefendDefenders met with, and collected information from, 87 sources in the four focus countries (29 in Mozambique, 19 in Senegal, 17 in Tunisia, and 22 in Uganda). Therefore, a total of 145 sources contributed to this report, which includes comparative analyses and highlights both patterns of violations and good practices.

Section I: The right to protest – concepts and scope

The first section, which can be read independently of the other two (or skipped by those who are mainly interested in the analysis of protests in national contexts), examines the right to protest as a concept. It also outlines the scope of the right to protest, namely, what protections people enjoy as rights-holders, as well as state obligations.

In Section I, DefendDefenders shows:

- That the right to protest is a cornerstone of democracy, and that the exercise of freedoms of peaceful assembly and association is intertwined with human dignity;
- That the "right to protest," however, does not exist as such in human rights instruments (rather, it is located at the intersection of a number of recognised rights and freedoms and is implicit in guarantees provided by these);

- That the right to peaceful protest is protected under numerous human rights instruments – not directly as such but through protections afforded to the freedoms of expression, peaceful assembly and association, as well as non-discrimination guarantees; and
- That peaceful protests are much broader than demonstrations and take many forms.

DefendDefenders then presents standards on the right to peaceful protest following an original structure, with due reference to applicable international and African law, academic sources, and interpretations by human rights experts. Sub-sections 3 and 4 present:

- Basic protections and states' negative obligations (including, first and foremost, the obligation not to interfere with or unduly restrict peaceful protests), as well as the "three-part test" (which refers to the conditions of legality, necessity and proportionality for any restrictions to be valid); and
- States' positive obligations (obligations to take proactive measures – including a general obligation to facilitate peaceful protests).

Section II: Protesting in Africa in 2025 – survey findings

The second section is based on responses to a survey. Altogether, they provide a "big picture" for the right to protest in Africa. The data collected enabled DefendDefenders to identify major trends and patterns across the continent (issues and practices that are widespread or systematic) and paved the way for a more detailed analysis of national contexts (Section III).

Among the patterns identified are the following:

- Protesting in Africa is more and more difficult as it involves risks, including of physical harm and repression, and the environment for the right to protest is less and less conducive;
- Legal regimes governing the organisation of protests often deter the exercise of rights (contrary to international and African standards, prior authorisation is common practice and, in many places, authorities have turned "notification" regimes into "prior authorisation" regimes);
- Protesters are increasingly turning to online spaces and using digital tools, including social media, to hold protest actions;
- The topics or issues addressed by protests revolve around injustice, human rights violations and impunity; political reforms, elections and democracy; corruption, poverty and public services; and, increasingly, environmental issues;
- State authorities and officials hold unfavourable views of protests and often use stigmatising and aggressive rhetoric to refer to protesters ("hooligans "rioters,"



“criminals,” “rebels,” “enemies of the country,” promoters of “foreign agendas,” etc.);

- The most significant factors triggering a negative response by state authorities are the theme or issue in focus and the identity of the organisers (this points to a lack of neutrality, as authorities are more “triggered” by the content, or messages, of protests more by than objective public order or security risks – for instance the number of participants);
- Denials (of requests for permission) and bans (of notified protests) are frequent, and authorities rarely propose alternatives to protest organisers;
- Spontaneous protests are not tolerated – but, by contrast to what they observe for protests centred around critical, anti-government messages, pro-government assemblies are allowed to proceed without hindrance, even when they are spontaneous;
- In many African countries, authorities do not facilitate, but rather hinder and deter, protests. This is evidenced by the inadequate training and equipment of forces managing public assemblies (with firearms posing a specific problem), frequent dispersal of protests, or the fact that protest monitors, including human rights defenders and journalists, face risks in relation to their work;
- In breach of international and regional standards on states’ facilitation of protests, the use of force is the rule rather than the exception: the use of force is often unwarranted, and very often excessive; state authorities do not approach the use of force as a measure of last resort and in strict compliance with principles of precaution, necessity, and proportionality;
- Law enforcement and security forces usually fail to distinguish between protest participants based on their individual behaviour, but rather use force as a collective punishment;
- The weapons and methods used by law enforcement and security forces (including lethal weapons and “less-lethal” weapons) are often inadequate; they reflect a militarisation of law enforcement and authorities’ view of protesters as enemies or threats to their hold on power;
- Impunity for violations committed against protesters is widespread, as evidenced by the quasi-absence of investigations and the near-total absence of sanctions against perpetrators; and
- A number of positive aspects and trends, which include: the fact that many human rights defenders and organisations monitor and report on peaceful protests and are equipped with the conceptual and operational tools to do so in an effective manner; the fact that themes that are central to recent protests have a universal appeal; the fact that women and youth movements are more and more involved in protests; and the fact that despite restrictions, disruptions and risks of surveillance, in most countries, online spaces now play an indispensable role in relation to protests.

Section III: The right to protest in national contexts – Mozambique, Senegal, Tunisia, and Uganda.

The largest section, section III, is based on information collected from 87 sources in four countries. It starts by presenting an overview of national frameworks in Mozambique, Senegal, Tunisia, and Uganda – including constitutional and legal frameworks as well as operating environments (civic space). It then presents findings for the four countries, from a comparative perspective, around seven major themes that capture key dimensions of the right to protest and its exercise.

Notification vs. prior authorisation

DefendDefenders found that prior authorisation is the rule to organise protests. In the four countries, interviewees described an environment in which notification requirements are interpreted as establishing authorisation regimes, granting state authorities the power to give (or deny) permission to organisers. Interviewees pointed to authorities’ failure to abide by their content neutrality obligation – when and where protesters are seen as being “anti-government,” notifications are much more likely to be rejected.

Interviewees described different levels of bureaucracy to hold a protest in the four focus countries. Most preparatory and other activities associated with protests seem to be allowed to take place in Mozambique, Senegal, and Tunisia (interviewees did not report specific threats or risks at that level), but not in Uganda. In all four countries, however, state authorities have little to no tolerance for spontaneous assemblies: dispersal (with or without violence and with or without arrests) is the standard response.

State authorities’ approach to, and facilitation of, protests

Authorities generally hold a negative view of protests. In Mozambique, Tunisia and Uganda, authorities use a stigmatising and sometimes aggressive rhetoric to refer to protesters, with a view to delegitimising them or their causes. Senegal is a more complex case, as the new authorities came to power following mass popular protests. In all four countries, however, topics centred around criticism of the authorities are the most likely to trigger a negative response. Everywhere, environment-related protests are increasingly sensitive, and authorities are increasingly nervous about youth- and student-led protests.

When authorities reject a notification for (or deny permission to) a protest, they usually do not propose meaningful alternatives to the organisers. In terms of access to places where meaningful protest can occur, protesters in the four focus countries face different situations, with various “emblematic” as well as “off-limit” places. Restrictions observed in Uganda are particularly concerning. By contrast, pro-government/pro-ruling party demonstrations are held without restrictions – which shows differential treatment.

Protests are generally facilitated by regular law enforcement forces, such as the police. Military forces are usually absent and do not deal with protests in Mozambique, Senegal and Tunisia. In Uganda, on the contrary, public spaces are increasingly militarised, with a chilling effect on protesters.



In all four countries, significant flaws affect the training and equipment of forces facilitating protests. Law enforcement and security forces are heavily equipped, in a way that is often incompatible with the facilitation of protests. With regard to training, sources provided less consistent answers across the four focus countries, but all pointed to political will – more than the number or quality of trainings law enforcement officers receive – as the key factor for the creation of a human rights-compliant mindset.

The use of force in relation to protests

In the four focus countries, DefendDefenders found that before protests, authorities resort to dialogue with protesters, to some extent. During protests, dialogue is much less evident. As a result, the use of force is not exceptional but rather frequent.

Law enforcement and security forces tend to use force quickly, without adequate warnings, and sources in all four countries described patterns of unwarranted, excessive and disproportionate force against protesters. When resorting to force, authorities fail to distinguish between peaceful and non-peaceful protesters – and use violence as a collective punishment or to create a chilling effect that deters people from exercising their right to protest. Additional problems lie with the methods and weapons used, which do not allow for distinction (this particularly the case for tear gas and other toxic substances).

Overall levels of violence reported are mild in Senegal (except during the 2021-2024 period); mild to moderate (but increasing) in Tunisia; moderate in normal times, but severe in the recent period in Mozambique; and severe in Uganda. Regarding the main risks faced by protesters, sources mentioned arrests, violence (police brutality), arbitrary detentions, prosecution without due process, reprisals in the private sphere, and even enforced disappearances and killings. In all four countries, sources reported that injured protesters usually do not have access to medical care immediately.

Online spaces and the use of digital tools

Social media has become an indispensable tool, serving not only to monitor protests but also to organise and mobilise for them, report on them, expose violations, and push for accountability. Some protests do not take place in the physical world but exclusively online, and online protests are increasingly frequent – this reflects the obstacles and risks faced in holding in-person protests. People increasingly go online to express their grievances.

There are risks and drawbacks to the use of online spaces, however. Everywhere, sources flagged digital divides, as well as a temptation to “stay online” and not join physical protests. They also flagged the fact that state authorities have enhanced their surveillance and profiling capacity. Although they are not systematic, Internet shutdowns appear to be on the rise. It is a recent practice, used mainly in relation to elections and during crisis situations.

Gender dimensions: women’s and girls’ enjoyment of their right to protest

Sources did not identify a gender gap in relation to notifying authorities of or requesting permission for a protest. Only in Uganda did interviewees report that women are often

mocked, demeaned or insulted, and face backlash from their communities, for holding protests.

However, gender stereotypes, patriarchal attitudes, and conservative approaches to gender roles were mentioned as factors explaining the widespread verbal abuse women protesters face. In all four countries, insults and derogatory remarks are frequently hurled at protesters by police and other law enforcement and security forces, some of which are gendered. These insults revolve around sexuality, traditional gender roles, and body shaming, and some categories of women and girls are specifically targeted. Patterns of verbal and symbolic violence are often intersectional.

Physical violence against women protesters is also widespread. Women and girls in protests face specific forms of abuse, including sexual violence.

Human rights defenders’ and other independent actors’ role in monitoring and reporting on protests

In the four countries, monitoring and reporting on protests come with different levels of risk. Depending on the national context, journalists, human rights defenders and protest monitors may face targeting by law enforcement and security forces. Wearing a “Press” vest may or may not be protective.

Depending on the national context, authorities’ responses to reports of violations committed in relation to protests (media coverage, reports) revolve around three strategies: (1) Ignore; (2) Deny or downplay violations (or blame protesters); and (3) Engage.

Accountability for violations

To assess whether authorities ensure accountability for violations committed in relation to protests, DefendDefenders enquired about transparency in law enforcement (practices in relation to wearing uniforms, displaying identity numbers, and revealing agents’ face) and investigations and sanctions.

While in all four countries, regular police forces wear uniforms, everywhere, sources flagged the use of undercover agents to infiltrate protests. They also flagged that ID numbers are rarely displayed or visible and that identifying clear chains of command may not always be easy.

Investigations into violations are ineffective and rarely lead to accountability. Sources in all four focus countries pointed to the predominance of “internal” investigations over judicial processes, and all stressed the non-public character of these investigations, be they fully internal (by an in-house inquiry body) or by a statutory independent oversight body. All were clear that these investigations are not transparent and do not lead to meaningful accountability. Disciplinary action, therefore, is elusive. Judicial (criminal) investigations are rare – DefendDefenders was struck to hear sources from all four countries use the same words, almost verbatim, to describe what happens to criminal complaints filed against police officers: they “never go anywhere.”



Therefore, redress is elusive for protesters whose rights have been violated. State institutions, including the judicial system, were widely described as ineffective in upholding protesters' rights and securing redress. Very few cases in which reparations were awarded were mentioned. The avenues sources mentioned the most in relation to obtaining a form of justice were the media and non-profit actors (civil society organisations, pro bono lawyers).

The report concludes that there is still a long way to go to reach a situation in which the right to assemble peacefully to express their grievances is a reality for all Africans. In many countries, people face significant obstacles to the enjoyment of their right to protest. This challenge does not stem mostly from gaps in capacity or financial resources, but rather from deliberate actions by states: Many state authorities deliberately discriminate against protesters based on their identity or the grievances they wish to express. They impose various undue restrictions, ahead of and during protests. Repression often continues after protests.

The interviews and group discussion DefendDefenders conducted allowed it to identify predominantly downward trends – across the continent, the picture is grim. DefendDefenders is particularly concerned about: (1) the hostile and often aggressive rhetoric state authorities and government officials use to refer to protesters; (2) the risks and threats women and girls face in relation to protests; and (3) the widespread impunity surrounding violations committed against protesters.

Not everything, however, is negative. Among the four substantive case studies, Senegal stood out as a positive example – a country that, after a major crisis (2021-2024), is experiencing a positive trajectory. But the real test will be how the new authorities' respond to large-scale popular protests, which may happen in the future in a way that presents a political challenge.

Several encouraging dynamics should also be highlighted. They include: (1) the rise of youth-led movements and the growing involvement of youths (including "Gen Z") in protests; (2) the vital role of solidarity and networks; and (3) civil society's resilience. In the face of heavy and often violent state repression, those who exercise their right to protest and constantly devise strategies and tools to make their voices heard – including human rights defenders, activists, trade unionists, and members of social, youth-led and women-led movements – remain unbowed. This report is dedicated to them.

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INTRODUCTION



In November 2024, in Kampala's Nsambya neighbourhood, a boda-boda (moto-taxi) driver could be seen wearing a t-shirt with the message: "Say No to Sexual Immorality." This was an unusual form of protest. Although the driver's message could be interpreted in different ways by different people, his action was entirely legal. The state had no legitimate grounds to restrict his expression and prevent him from holding his lone protest.

Not all protest actions trigger a smile on the face of law enforcement officials and bystanders, however. Protests are usually collective, and they are designed to express grievances, demand change, or hold authorities to account. They may include messages that are contentious, unpopular or offensive. The test of whether state authorities uphold people's rights and fulfil their legal obligations is content neutrality: states must demonstrate that they have objective reasons, grounded in human rights law, to restrict specific expressions. Authorities cannot ban a protest simply because it makes them feel uncomfortable or they see it as a challenge.



This report comes from two observations. On the one hand, many governments, including in Africa, are closing the civic and democratic space, often under the guise of countering threats to “national security.” On the other hand, people organise themselves. Despite the risks, they continue to protest – and protests often make the news. This can only mean one thing: people believe in the power of collective action and want to make their voices heard.

This report also comes from a sense of urgency. In many places, both protests and state repression of protests increase during election periods and in relation to social, economic or political crises. The last few years provided examples across the continent, from Senegal to Madagascar, from Algeria to Gabon, and from Angola to Sudan.

Many of DefendDefenders' and AfricanDefenders' partners, including national coalitions and networks of HRDs, have been involved in monitoring protests, reporting on violations, and advocating for justice. More broadly, they have advocated for open and conducive environments, where people can exercise their right to protest without fear of violence or reprisals. They have also called for the establishment of accountability mechanisms to support victims of repression by law enforcement. Recognising that citizen activism is changing, they – and we, as DefendDefenders and AfricanDefenders – have been working with youth-led and women-led organisations and social movements that focus on issues that go beyond the “traditional” human rights issues and include governance, livelihoods, public and social services, protection of the environment, or climate change.

This is an ambitious report. Keeping in mind the methodological caveats and limitations (it was impossible to analyse *all* trends relating to protests in *all* African countries), in this report, we assess the situation for the right to protest in Africa in 2025, addressing both trends across the continent and national contexts.

In it, the reader will find a comprehensive summary of international and African human rights standards in relation to peaceful protests (section I), the results of a survey taken by dozens of HRDs across the continent (section II), and in-depth analysis of people's enjoyment of their right to protest in four national contexts, with findings presented from a comparative perspective (section III).

METHODOLOGY



This report is based on both desk research and data collected from close to 150 primary sources, which include: (1) A survey taken by HRDs across the African continent; and (2) Interviews conducted with, and a focus group discussion gathering, key sources. These sources are experts of the right to protest, namely HRDs, protest organisers (including trade unionists, environmental activists, and student leaders), protest monitors, protesters who have been victims of police brutality, journalists, lawyers, and academics, in four focus countries: Mozambique, Senegal, Tunisia, and Uganda.

Secondary sources

We conducted desk research on the concept of protest and on the right to peaceful protest, reviewing legal documents and secondary sources, including reports and commentaries by human rights experts. These documents include: (a) International and regional human rights instruments (conventions and soft law instruments, such as guidelines), as well as domestic instruments (constitutions, laws); (b) Government reports (including submissions to the Universal Periodic Review (UPR) process and to the ACHPR; (c) Academic texts; (d) Reports by independent UN experts, including thematic and country reports by successive Special Rapporteurs (SRs) on FoAA, as well as other SRs; (e) Concluding Observations and General Comments (GCs) issued by UN treaty monitoring bodies such as the Human Rights Committee (CCPR Committee); (f)



Resolutions adopted by the UN Human Rights Council; (g) UPR documents (outcomes of reviews and compilations prepared by the Office of the UN High Commissioner for Human Rights (OHCHR)) for the four focus countries; (h) Resolutions and concluding observations issued by the ACHPR; (i) Statements and press releases by the OHCHR and UN experts; and (j) Reports and statements by non-governmental organisations (NGOs).

Background research, conducted between January and April 2025, allowed us to shed light on all dimensions of the right to protest, its scope, the applicable law, and the environment for protests in our focus countries. It was a prerequisite for the collection of information from primary sources.

Data collected from primary sources

We then proceeded to data collection (between April and July 2025). We used a twofold approach:

(1) Survey:

We designed an online survey with questions on various dimensions of the right to protest and its enjoyment in Africa, including patterns and evolutions, and shared it with DefendDefenders' and AfricanDefenders' networks of partners. The survey was available in three languages: English, French, and Portuguese. Respondents are HRDs who are part of DefendDefenders' and AfricanDefenders' networks across the continent – all with expertise in and experience working on peaceful protests. The survey was designed to provide us with insights into the “big picture,” that is, to help us understand what the environment for protests in Africa is in 2025.

While some questions were open-ended (with replies requiring qualitative analysis), others were closed: they came with a limited set of possible answers, which were coded to facilitate processing and enable quantitative analysis. For instance, Question 1.3 (“How would you describe the environment for the right to protest in your country today?”) called for a reply in the form of a rating (from 1 to 5 (“1=closed (many restrictions); 5=open (few restrictions)”)) (see Annex).

In total, 58 HRDs from 24 countries (Algeria, Burundi, Benin, Cameroon, the Central African Republic (CAR), Chad, the DRC, Côte d'Ivoire, Ethiopia, Gabon, Ghana, Guinea-Bissau, Kenya, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, South Sudan, Sudan, Tanzania, Togo, Tunisia, and Uganda) took the survey.

The data collected allowed us to identify major trends and patterns across the continent. While it is impossible to make claims on each dimension of the right to protest and to reflect the situation in each and every African country, the survey allowed us to gain key insights from human rights defenders and organisations on the environment for the right to protest on the African continent. It paved the way for a more detailed analysis of national contexts. The findings (Section II) highlight patterns identified through the survey, focusing on replies for which there was unanimity or quasi-unanimity.

(2) Interviews and focus group discussion:

To produce detailed analyses of the right to protest in national contexts, we focused on four countries, which we selected as substantive case studies. Our objective was to “zoom in” from the big picture and analyse country contexts across four African sub-regions (Southern Africa, West Africa, North Africa, and East Africa) to understand the legal, policy and practical frameworks within which people protest, recent trends regarding protests, and to what extent states fulfil their obligations.

The four focus countries, namely Mozambique, Senegal, Tunisia, and Uganda, were selected based on DefendDefenders' and AfricanDefenders' networks and ability to collect data from key sources. While we do not claim that this report is an exact representation of trends pertaining to the right to protest in Africa, the four countries in focus form a sample where four sub-regions, as well as four languages (Portuguese, French, Arabic, and English), are represented. They are spread across the continent and bring into the analysis different national histories (including decolonisation processes and liberation struggles), legal traditions, political systems, and levels of institutional development.

For these four countries (of which we visited three, namely Mozambique, Senegal, and Uganda), we conducted one-on-one interviews, in a semi-structured style. Considering human resource constraints and the need to keep the report within a reasonable page limit, we designed interview questions that fell within seven major themes, which capture key dimensions of the right to protest. They are indicators of the extent to which national authorities comply with their obligations and tests of whether people effectively enjoy their right to protest. The seven themes are: (1) Notification vs. prior authorisation (to hold a protest); (2) State authorities' approach to, and facilitation of, protests; (3) The use of force in relation to protests; (4) Online spaces and the use of digital tools; (5) Gender dimensions (women's and girls' enjoyment of their right to protest); (6) HRDs' and other actors' role in monitoring protests; and (7) Accountability for violations committed against protesters and in relation to protests. We did not visit Tunisia but conducted interviews with Tunisian sources both in-person and online.

We met with, and collected information from, a total of 87 sources. Between April and July 2025, 66 interviews were conducted in Banjul, The Gambia (on the occasion of the 83rd ordinary session of the ACHPR and NGO Forum held ahead of the session), Dakar, Senegal, Kampala, Uganda, Maputo, Mozambique, Geneva, Switzerland, as well as online. In addition, in June 2025, one focus group discussion (consultation) was organised in Maputo, gathering 21 sources (HRDs, activists, protest organisers and monitors, journalists, and lawyers). Interviews were conducted in English and French (depending on the participants' linguistic abilities and preferences), and the focus group discussion was held in Portuguese and English (with simultaneous interpretation). Some interviewees provided additional information to DefendDefenders in writing.

In the report, the names and identifying markers of sources were deliberately omitted to ensure protection from reprisals. All interviewees and focus group discussion participants were fully informed about the objectives of the research and format of the present report, and expressed informed consent to DefendDefenders, regarding the use of the information they provided, including reports of specific incidents.



None received any form of financial compensation for their testimonies. In Senegal, transportation- and logistics-related expenses incurred by a partner, who facilitated interviews by acting as a coordinator/fixer, were refunded. For the focus group discussion held in Mozambique, a partner facilitated logistics. We remunerated the interpreters (Portuguese/English) and offered refreshments, snacks and a modest transport refund to participants to allow them to reach the venue.

Some of the quotes by interviewees were slightly edited for length and clarity. Where relevant, they were translated into English.

Four weeks ahead of publication, we shared our main findings with authorities in the four focus countries (namely, Mozambique's Ministry of Interior, Senegal's Ministry of Interior, Tunisia's Ministry of Interior, and Uganda's Ministry of Internal Affairs). We requested observations on these findings, indicating that any observations received would be reflected in the report; however, as of one week before publication, we had received no reply.

Hypotheses

Based on our intuition and broader monitoring of civic space trends in Africa,³ we formulated a number of hypotheses. The first is that in many African countries, the civic and democratic space is shrinking, with citizens facing an increasingly restrictive environment to exercise their rights, as a result of state strategies and use of overly broad definitions of threats to "national security." The second is that protests tend to be met with excessive force. Third, we assumed that those documenting and reporting on protests face growing obstacles in doing their work. Our last hypothesis is that there is a widespread lack of accountability for police brutality and other violations committed by members of law enforcement and security forces against peaceful protesters.

We also kept in mind recent trends, such as the growing visibility and involvement in civic and social movements of youths ("Gen Z"), as well as of women and girls.

Limitations

While we made every effort to be as comprehensive, objective, transparent, and accurate as possible, the report has several limitations that should be clarified. First, to reiterate the above caveat, while the report seeks to identify trends and patterns and make claims about the right to peaceful protest in Africa and in the four focus countries, it is not a comprehensive analysis of protests in Africa. It focuses on protest as one form of peaceful assembly, in line with international and African human rights standards.

Second, while our sample of focus countries makes sense from a research and operational perspective, other countries could have been chosen. Inclusion of extreme cases or outliers (either positive (open countries, where the right to protest is broadly

enjoyed) or negative (closed countries), however, would have made little sense to draw conclusions about the reality of protests on the continent. We do not claim that our focus countries are accurate representations of the situation in their respective sub-regions (Mozambique for Southern Africa, Senegal for West Africa, Tunisia for North Africa, and Uganda for East Africa); however, we believe that they, and the survey, present a snapshot of the situation faced by the broad majority of protesters, citizens, HRDs and civil society organisations in these sub-regions.

We selected these four focus countries because of recent political developments that involved protests (Mozambique, Senegal) or had an influence on people's enjoyment of their right to protest (Tunisia). We selected Uganda because it is our host country.

To reflect violations of the right to protest in large, politically influential countries (especially as they "export" their repressive tactics and tools to other countries, as in the case of Egypt), we included additional case studies, written by partner organisations, in section II. These are highlighted to recognise that the repression of civic space reaches "extinction levels" in some national contexts, such as Egypt (protests critical of government authorities are impossible or nearly impossible). Other case studies (Kenya) were included because of the wide impact of recent protests (against the Finance Bill 2024, as well as in June 2025).

Third, the choice of physical research locations was based on the presence of many HRDs in urban centres, weighed against budgetary and security constraints. This comes with biases. A form of bias also came with the online survey, which was circulated via Google Forms, as it favoured HRDs with better and more stable Internet access, who are often based in urban centres and are more often male than female. As a result, gender, economic, and urban/rural imbalances, as well as imbalances in terms of computer literacy, are not completely absent from this report.

Fourth, the analysis of national legal contexts could not be as comprehensive and lengthy as it would have been had the report focused on a single country. Because of the need to keep the report focused on cross-cutting themes, analysis of domestic legal frameworks had to be kept reasonably short for each country. The relevant sub-section (section III, sub-section 1) focuses on analyses of constitutional guarantees and laws and regulations governing expression and public assemblies. It does not offer a thorough analysis of domestic jurisprudence or regulations (governing the use of force by law enforcement officials, for example). Thus, rather than a "comprehensive analysis of the right to protest in four countries," the present report is an "assessment of the right to protest in Africa, with substantive case studies from four countries."

Finally, while we aimed for a large number of interviews in each focus country, due to operational constraints, differences between them exist. We conducted a higher number of interviews in our host country, Uganda (22). We conducted fewer interviews with Mozambican, Senegalese and Tunisian sources (8, 19 and 17, respectively), although we made every effort to reach prominent actors in their field. For Mozambique, to make up for the relatively low number of one-on-one interviews, we conducted a focus group discussion (consultation) with 21 sources, addressing all dimensions of protests and state practices in light of recent developments (2024-2025 post-election protests).

³ See CIVICUS, Civic Space Monitor, <https://monitor.civicus.org/>



We are confident that the number of interviews conducted and testimonies gathered allows us to make substantiated claims about the environment for and practice of peaceful protests in each focus country. Overall, in each country, we observed a high level of similarity in replies and consistency in insights and analyses provided by sources.

In total, for this report, we conducted 66 interviews and one focus group discussion with 21 sources, collecting data from a total of 87 sources (29 in Mozambique, 19 in Senegal, 17 in Tunisia, and 22 in Uganda). In addition, 58 HRDs took the online survey. Therefore, a total of 145 sources contributed to this report.

The report was drafted between July and August 2025, and finalised in October 2025. An editorial team consisting of seven human rights experts and academics acting as external reviewers (namely, Gina Romero (UN Special Rapporteur on FoAA), Sonya Merkova (team of the UN Special Rapporteur on FoAA), Sithuthukile Mkhize and Omhle Ntshingila (University of the Witwatersrand, Johannesburg), Dr. Zahara Nampewo (Makerere University School of Law, Kampala), Prof. Adriano Nuvunga (Centre for Democracy and Human Rights, Mozambique), and Clément Nyaletsossi Voule (former UN Special Rapporteur on FoAA)) provided observations on a near-final version of this report. They are listed with permission. They are not responsible for the report's findings and conclusions, which are DefendDefenders' own.

We thank partner organisations, namely the Cairo Institute for Human Rights Studies (CIHRS) and the Defenders Coalition Kenya, who contributed "mini-case studies" on Egypt and Kenya. We express our heartfelt appreciation and gratitude to all those who shared their testimonies, experiences and insights.

We pledge to continue enhancing the safety and capacities of human rights defenders and organisations across the continent, including those who directly work on expression, assembly, and association rights, for greater resilience and effective fulfilment of their mandates.

SECTION I

THE RIGHT TO PROTEST: CONCEPTS AND SCOPE



There are many forms of protests. Protests can be individual or collective, take place indoors or outdoors, be stationary or mobile. They can take place online or in person, be spontaneous or organised, and last from a few seconds to months or even years. Protests can be more or less peaceful.⁴

In section I, we examine the right to protest as a concept, based on applicable law (sub-section 1). We also present the many forms of protests (2) and thoroughly examine the scope of the right to protest, namely, what protections people enjoy when they protest. To do this, we discuss states' negative obligations (3), as well as their positive obligations in facilitating peaceful protests (4).

⁴ DefendDefenders and AfricanDefenders categorically reject the use of violence to advance human rights. The UN Declaration on HRDs (UN Doc. A/53/144, op. cit.) makes clear that only peaceful means are acceptable in the defence of human rights (see Articles 5, 12(1), 12(3), and 13). Under the Declaration, HRDs have an obligation to conduct peaceful (non-violent) activities.

International and African legal protections for the right to protest only apply to protests that are peaceful. These protections cannot be invoked by violent protesters or rioters. What international and African human rights law protects is the peaceful expression, and peaceful forms, of protest. This means that protesters who resort to violent methods or commit acts of violence forfeit their rights in relation to peaceful assembly. They do not, however, lose all of their human rights and fundamental freedoms. Additionally, state authorities must at all times distinguish between protesters based on their individual behaviour and protect peaceful protesters (see below, section I, sub-sections 3 and 4).

NB: Section I can be read independently of sections II and III, or skipped by those who are familiar with international and African standards. Those mainly interested in the analysis of protests in national context can jump directly to Sections II and III.

It should be noted, however, that part of the analysis contained in sections II and III can only be fully understood with reference to the standards (both rights enjoyed by rights-holders and obligations of duty-bearers (states)) outlined in section I.

1. THE RIGHT TO PROTEST: DEFINITION AND APPLICABLE LAW

One element common to all protests is disagreement. According to the Cambridge Dictionary, a protest is “a strong complaint expressing disagreement, disapproval, or opposition.” The Collins English Dictionary defines protest as “the act of saying or showing publicly that you object to something.” For Merriam-Webster, a protest is “a solemn declaration of opinion and usually of dissent,” “the act of objecting or a gesture of disapproval,” or “a complaint, objection, or display of unwillingness usually to an idea or a course of action.”

To protest is to object, complain, or express dissent; in short, to show that you disagree with someone or something. This definition is useful to keep in mind when studying the right to protest. As the Executive Director of DefendDefenders and Chairperson of AfricanDefenders outlined in his Foreword, protesting is part of what it means to be human. It is a human right – a right that all individuals enjoy simply by virtue of being human.

From a philosophical perspective, however, it is a *freedom* more than a *right*, or “a right and not a privilege.”⁵ Protesting belongs to the same category as thinking or believing: it is inherent and inalienable. Its exercise is not subject to prior authorisation by state authorities: it exists irrespective of the state machinery or enforcement mechanisms. This is why international law refers to both words (*right* and *freedom*) by enshrining the *right to freedom* [of peaceful assembly or expression]. This means that peaceful assembly is a fundamental freedom that finds its articulation and practical guarantees as a right through state laws and institutions (which also provide for restrictions, under specific and cumulative conditions). In her 2025 report to the UN General Assembly, the SR on FoAA, Gina Romero, stressed that “[t]he exercise of freedom of peaceful assembly and of association is deeply intertwined with human dignity and deeply rooted in our shared humanity and human nature.”⁶

⁵ See “Factsheet: Recommendations on managing assemblies; Joint report of Special Rapporteurs Maina Kiai and Christof Heyns to the Human Rights Council, March 2016 (A/HRC/31/66).”

⁶ “Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Gina Romero: Freedom of assembly and association rights, collective action and human solidarity facing an existential threat,” UN Doc. A/80/219, 22 July 2025, para. 5.



A. What is the right to protest?

The “right to protest” is a cornerstone of democracy. Yet, it does not exist as such in international human rights instruments. Rather, it is located at the intersection of a number of recognised rights and freedoms and is implicit in guarantees provided by these.⁷ The right to protest is crucial to people’s enjoyment of their right to take part in the conduct of public affairs. It plays a key role in holding decision-makers to account, expressing people’s grievances, and pushing for social change.⁸ More generally, the rights to freedom of peaceful assembly and association “serve as a vehicle for the exercise of many other civil, cultural, economic, political and social rights.”⁹

⁷ In his “Model Protocol for Law Enforcement Officials,” the former SR on FoAA highlighted that: “Peaceful protest is an important form of the exercise of the rights to freedom of peaceful assembly, of expression, of association and of participation in the conduct of public affairs, and it is protected under these rights, which are enshrined in the International Covenant on Civil and Political Rights and in the Universal Declaration of Human Rights” (“Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests,” UN Doc. A/HRC/55/60, 31 January 2024, para. 11).

⁸ See for instance “General comment adopted by the Human Rights Committee under Article 40, paragraph 4, of the International Covenant on Civil and Political Rights: Addendum: General comment No. 25 (57),” UN Doc. CCPR/C/21/Rev.1/Add.7, 27 August 1996, para. 8; as well as “Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association,” UN Doc. A/68/299, 7 August 2013, paras. 5-6.

⁹ “Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai,” UN Doc. A/HRC/20/27, 21 May 2012, para. 12.





“Protest” and “peaceful assembly” are sometimes considered synonyms; however, the right to protest involves more than public assemblies. It involves, among others, the rights to freedom of opinion, expression, and association, the right to freedom of thought, conscience, religion or belief, as well as the rights to non-discrimination, free movement, liberty and security of person, and life.¹⁰

From the perspective of rights-holders, protests should not be construed as being “superior” to other assemblies. The right to protest is fully protected by the right to freedom of peaceful assembly under the International Covenant on Civil and Political Rights (ICCPR). For the purposes of this report, considering the uncommon character of individual protests (and the fact that, in any case, a lone protester enjoys the same protections as protesters in a group), we focus on the collective enjoyment of the right to protest – i.e., the peaceful, expressive, and associative elements identified by the CCPR Committee in its General Comment no. 37 on peaceful assembly. The Committee, which monitors states’ compliance with the ICCPR, emphasised that “[t]he right of peaceful assembly protects the non-violent gathering by persons for specific purposes, principally expressive ones. It constitutes an individual right that is exercised collectively.”¹¹

¹⁰ The right to protest both goes beyond and is a subset of the right to peaceful assembly. Insofar as some assemblies do not involve protest (think of a choir, a family reunion, or a football team’s training session) and can even be unintentional (a traffic jam), protests are a subset of assemblies. But protests can also take place in the absence of physical gatherings, and are as much about freedom of expression as they are about peaceful assembly and association (think, for instance, of lone protesters, e-petitions, or election boycotts).

¹¹ “General comment No. 37 (2020) on the right of peaceful assembly (article 21),” UN Doc. CCPR/C/GC/37, 17 September 2020, para. 4. The Committee explicitly mentioned “protests” as forms of peaceful assembly protected by the ICCPR (para. 6). In para. 13, the Committee added: “While the notion of an assembly implies that there will be more than one participant in the gathering, a single protester enjoys comparable protections under the Covenant ...

The UN’s top human rights body, the Human Rights Council, adopted several resolutions on peaceful protests, elaborating on the scope of the right to protest and its relationship with other rights.¹² The Council also recognised that “peaceful protests can make a positive contribution to the development, strengthening and effectiveness of democratic systems and to democratic processes [...]” and that “peaceful protests have historically played a constructive social and political role in the development of more just, equal and accountable societies, and that such protests can continue to make a positive contribution to [...] the full enjoyment of civil, political, economic, social and cultural rights.”¹³



“How can people express their anger if avenues for protest are closed?”

— Ugandan protest organiser.

As a former SR on FoAA outlined: “It is important to recall the historic role protests have had in driving change in relation to advancing human rights and social justice; ending slavery, colonial rule, authoritarian regimes and apartheid; supporting transitional justice processes; advancing women’s rights; preventing destructive conflict and bridging differences; and advancing the global fight for climate justice. Protests have led to innumerable [...] changes, including constitutional reforms, changes in government structure and other institutional arrangements, the reform of abusive laws and practices, increased social protection and greater inclusion of vulnerable groups.”¹⁴

The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association

The SR on FoAA,¹⁵ who is part of the “special procedures” appointed by the Human Rights Council, is the UN’s top expert on peaceful assembly and association. SRs are independent, unremunerated experts tasked to report and advise on human rights from a thematic (or country-specific) perspective. Successive SRs on FoAA have elaborated on the scope of the rights covered by the mandate and published reports on specific issues and countries (following country visits). The current mandate-holder is Gina Romero (Colombia). She succeeded Clément Nyaletsossi Voule (Togo).

... for example under article 19. Although the exercise of the right of peaceful assembly is normally understood to pertain to the physical gathering of persons, article 21 protection also extends to remote participation in, and organization of, assemblies, for example online.”

¹² See HRC resolutions 19/35 (UN Doc. A/HRC/RES/19/35, 18 April 2012), 22/10 (UN Doc. A/HRC/RES/22/10, 9 April 2013), 25/38 (UN Doc. A/HRC/RES/25/38, 11 April 2014), 31/37 (UN Doc. A/HRC/RES/31/37, 12 April 2016), 38/11 (UN Doc. A/HRC/RES/38/11, 16 July 2018), 44/20 (UN Doc. A/HRC/RES/44/20, 23 July 2020), 50/21 (UN Doc. A/HRC/RES/50/21, 14 July 2022), and 56/10 (UN Doc. A/HRC/RES/56/10, 16 July 2024), as well as the initial Council decision on peaceful protests, HRC decision 17/120 (UN Doc. A/HRC/DEC/17/120, 6 July 2011). See also “Protection of human rights in the context of peaceful protests during crisis situations: Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule,” UN Doc. A/HRC/50/42, 16 May 2022, para. 5

¹³ HRC resolution 50/21 (UN Doc. A/HRC/RES/50/21, 14 July 2022), preambular paras. 15-16.

¹⁴ “Protection of human rights in the context of peaceful protests during crisis situations,” op. cit., para. 14.

¹⁵ See <https://www.ohchr.org/en/special-procedures/sr-freedom-of-assembly-and-association>



The right to protest is fascinating insofar as while belonging to the traditional category of “civil and political” rights, it is exercised to defend a broad range of rights, including civil, political, economic, social and cultural rights. The 1993 Vienna Declaration and Programme of Action (VDPA) outlined that all human rights are “universal, indivisible and interdependent and interrelated,” and nowhere is the intertwining of human rights as obvious as in the realm of peaceful protest. People protest for workers’ rights, reproductive health services, or robust environmental policies; and governments that crack down on these protests by that very fact also crack down on economic, social and cultural rights.¹⁶

B. Applicable international and regional law

The right to protest is protected under numerous human rights instruments – not directly as such but through protections afforded to the freedoms of expression, peaceful assembly and association, as well as non-discrimination guarantees (ICCPR, Article 2 and 26).

The right to freedom of opinion and expression is protected by the ICCPR, which under Article 19 imposes obligations on states to protect both opinion (including access to information) and expression. The right includes the “freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media [...]” Article 19(3) permits states to impose certain restrictions on free expression if they are “provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.” In addition, Article 20 requires states to prohibit “propaganda for war” and “advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.” Experts outlined comprehensive interpretations of these provisions; any restrictions under Article 20 must be justified and comply with international standards.¹⁷

Freedom of expression is also protected under the African Charter on Human and Peoples’ Rights (the Banjul Charter, Article 9) and other regional instruments (European Convention on Human Rights (ECHR), Article 10, American Convention on Human Rights (ACHR), Article 13).

The rights to freedom of peaceful assembly and of association are protected under Articles 21 and 22 of the ICCPR. Regarding assembly, Article 21 provides that restrictions

¹⁶ For examples in country contexts, see reports on China’s repression of workers’ rights by China Labour Bulletin (<https://clb.org.hk/en/content/research-reports>), or a complaint lodged by the Vietnam Committee on Human Rights and other NGOs against Vietnam’s crackdown on HRDs working on sustainable development (<https://www.fidh.org/en/issues/business-human-rights-environment/trade-and-investment-agreements/eu-vietnam-free-trade-agreement-complaint-civil-society-crackdown>) (accessed on 11 April 2025).

¹⁷ The CCPR Committee provided a comprehensive interpretation of Article 19 in its GC no. 34 (“General comment No. 34 (2020): Article 19: Freedoms of opinion and expression,” UN Doc. CCPR/C/GC/34, 12 September 2011).

In the Rabat Plan of Action, experts analysed the relationship between Articles 19 and 20 and defined a high threshold for restrictions to free expression (See “OHCHR and freedom of expression vs incitement to hatred: the Rabat Plan of Action,” available at: <https://www.ohchr.org/en/freedom-of-expression>).



may be placed on the exercise of the right only if “imposed in conformity with the law” and “necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.” Regarding freedom of association, Article 22(2) provides for similar grounds for restrictions.

Freedoms of peaceful assembly and association are also protected under regional instruments, namely the ECHR (Article 11), the ACHR (Articles 15 and 16) and, as far as African states are concerned, the Banjul Charter (Articles 10 and 11). In 2017, the ACHPR published soft law instruments, namely Guidelines on Freedom of Association and Assembly in Africa, which interpret the rights guaranteed under the Banjul Charter, and Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa.

The International Covenant on Economic, Social and Cultural Rights (ICESCR), in its Article 8(1), provides for the right to form and join trade unions and protects a specific form of protest, the right to strike, whose exercise is aimed at improving work conditions and respect for workers’ rights. The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), in its Article 5(d), requires states to “prohibit and to eliminate racial discrimination, notably in the enjoyment of: [...] (viii) The right to freedom of opinion and expression and (ix) The right to freedom of peaceful assembly and association.” The Convention on the Rights of the Child (CRC) protects freedoms of expression, association, and peaceful assembly of children (Articles 13 and 15), and



the African Charter on the Rights and Welfare of the Child guarantees the same rights for children on the African continent (Articles 7 & 8).

The right to protest is equally protected during election periods,¹⁸ in crisis situations,¹⁹ and online.²⁰

The right to protest is also implicitly protected by other instruments, which are binding for states parties (for instance the International Labour Organization's (ILO) Freedom of Association and Protection of the Right to Organise Convention (No. 87), which protects workers' and employers' right to establish and join organisations of their choice), and by non-binding instruments that are widely or universally accepted by states and reflect positive legal obligations and international standards. Among them, the 1948 Universal Declaration of Human Rights (UDHR), in Articles 19 and 20, and the abovementioned Declaration on HRDs. Article 5 of the latter guarantees everyone's right to meet or assemble peacefully and to form, join and participate in NGOs, associations or groups.

Finally, international and regional instruments also protect rights that protesters enjoy before, during, and after protests, in addition to expressive and assembly rights per se. These rights include, among others, protection from non-discrimination, equality before the law and equal protection of the law, the right to liberty and security of person, the right to liberty of movement, freedom from torture, the right to life, due process rights (such as the right to a fair trial), the right to an effective remedy, and privacy rights (protection from arbitrary or unlawful interference with a person's privacy, family, home or correspondence). Many of these are discussed below.

2. ENDLESS CREATIVITY: THE MANY FORMS OF PROTESTS

What usually comes to mind when the word “protest” appears in public debate is demonstrations – large gatherings of people marching, chanting slogans, and demanding that governments take specific measures.

Peaceful protests, however, are much broader. They include, among others:

- Mobile protests, such as demonstrations, marches, processions, and parades;
- Stationary protests (sit-ins, sit-down strikes, lock-ons, flashmobs, die-ins, and silent gatherings (which include vigils and commemorative events);
- Strikes, picketing, and actions led by trade unions or trade unionists, as well as boycotts, including consumer and economic boycotts (including withholding the payment of services provided by the state or corporate actors to express dissatisfaction or opposition to their behaviour);
- Traffic disruptions or obstructions, such as road blocking;

¹⁸ “Report of the Special Rapporteur,” UN Doc. A/68/299, op. cit.

¹⁹ “Protection of human rights in the context of peaceful protests during crisis situations,” op. cit.

²⁰ “Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association,” UN Doc. A/HRC/41/41, 17 May 2019.



- Civil disobedience actions (human chains, peaceful occupations, sick-ins (workers calling in sick at the same time), and other non-violent civil disobedience or nonobedience actions);
- Religious gatherings, masses, and collective prayers (provided they have a protest dimension);
- Demonstrative funerals, mock funerals, and homages at burial places;
- Political and social rallies;
- Election and other political boycotts;
- Mock awards and mock elections;
- Walkouts, moments of silence, crowd actions (such as members of an audience turning their back on a speaker), and displays of portraits, signs or symbols;
- Humorous skits, pranks, protest concerts, singing, and play or music performances;
- Streaking and nude or topless protests;
- Submissions of petitions, statements, or complaints to authorities or institutions, offline or online;
- Collective books, pamphlets, or opinion pieces (such as op-eds);
- Digital actions, including online protests, e-petitions, crowdfunding initiatives, and social media actions (for instance, social media users using a specific hashtag simultaneously);



- Collective actions on the Internet that are designed to cause disruptions (flooding a website server with multiple connection requests or overloading administrative systems);
- Individual protests through clothing, wearing of symbols, “happenings,” artistic performances, or other forms of protest;²¹
- Collective protests that are conducted individually, either in the private sphere (sexual abstinence (Lysistratic nonaction, also known as “sex boycott”), stay-at-home protests, mass withdrawal of bank deposits, hunger strikes, etc.) or in public (shutdown of workplaces, offices, and shops (“hartals”), self-immolation, destruction of own property); and
- Celebrations (of the repeal of a law, for instance, or of the release of a political prisoner), which can be a form of protest.

Across the African continent, the most common forms of protests include demonstrations, marches, sit-ins, strikes, religious gatherings, political rallies, election boycotts, petitions and social media actions. More and more often, and in virtually all African countries where protests take place, online tools are used to organise, raise awareness about, document, and report on protests. In some African countries, where in-person protests or assemblies are rare occurrences due to sweeping restrictions (Djibouti, Eritrea), social media is virtually the only space available to express grievances. In other countries, where protests are frequent (South Africa), digital spaces are used to spread their messages and amplify their impact.

Around the world, in recent years, protests have multiplied. They have included demonstrations against election results in Georgia, marches for reproductive rights in the USA, mourners laying flowers after the death of Russia’s opposition leader, Alexey Navalny, outside Russian embassies, citizens holding blank sheets of paper to protest Covid-19 lockdowns in China, operations designed to slow down traffic (known as “opérations escargot”) in France, environmental activists attaching themselves to road signs in Germany, protests against corruption in Indonesia, Nepal and the Philippines, and, in many countries, marches against wars in Ukraine or Gaza/the Middle East. Many of these protests caught public attention, and almost all started or were amplified online. Few came close to reaching the visibility of movements such as Occupy Wall Street or, more recently, Me Too, Black Lives Matter or protests in relation to the war in Gaza.

In Africa, recent high-profile protests include “End Bad Governance” and “#EndSars” protests against police brutality in Nigeria, sit-ins against the expulsion of asylum seekers in Tunisia, protests against a finance bill in Kenya, “Hirak” protests for democracy in Algeria, protests against the East African Crude Oil Pipeline (EACOP) in Uganda, strikes and demonstrations over rising diesel prices in Angola, online “exhibitions” to protest against corruption or the state of public services across East African countries, protests for free and fair elections in Senegal, youth-led protests in Morocco, demonstrations for a return to constitutional order in Mali, “Gen Z” protests against corruption, unemployment and high costs of living in Madagascar,

²¹ Examples include a protester sewing his/her lips shut, standing with his/her mouth gagged, or even a lone protester holding a blank sign or walking in circles in front of a government building.

demonstrations against constitutional changes in Togo, trade union-led protests in several countries, or X (formerly Twitter) users changing their profile picture to plain blue in support of the Sudanese Revolution.

To attempt a typology of protests, one can make a distinction between uncontroversial gatherings that cause little or no disruption to public life and assemblies that pursue contentious ideas or goals.²² “Protests” often refer to the second category. While many enjoy popular support, are led by charismatic figures and express mainstream grievances, some protests can be unpopular, include rude or otherwise inconvenient slogans, and make the general public uncomfortable. This – or open criticism of the government – does not render these protests illegitimate or illegal (provided they are peaceful), deprive participants of their rights, or relieve state authorities of their obligations regarding the facilitation of protests. As the CCPR Committee highlighted, “[p]eaceful assemblies can in some cases be inherently or deliberately disruptive and require a significant degree of toleration.”²³

3. BASIC PROTECTIONS AND STATES’ NEGATIVE OBLIGATIONS

As outlined above, legal protections only apply to protests that are peaceful. International and African human rights law protects the peaceful expression, and peaceful forms, of protest. In this sub-section, we discuss basic protections rights-holders (people) enjoy in relation to protests (para. A) and the corresponding negative obligations of states as duty-bearers (para. B).

A. Basic protections for the right to protest

Peaceful protests include all forms of protests that are listed in the previous sub-section, meaning protests that are individual, collective, offline, online, spontaneous, organised (by registered as well as by non-registered organisations or entities), stationary, or mobile. Protections also apply to protests that contain unpopular or offensive messages, provided no violence²⁴ is exercised.

²² See “General comment No. 37 (2020) on the right of peaceful assembly (article 21),” op. cit., para. 7.

²³ “General comment No. 37 (2020) on the right of peaceful assembly (article 21),” op. cit., para. 44.

²⁴ According to the CCPR Committee, a “peaceful” assembly “stands in contradistinction to one characterized by widespread and serious violence. The terms ‘peaceful’ and ‘non-violent’ are thus used interchangeably in this context. The right of peaceful assembly may, by definition, not be exercised using violence. ‘Violence’ in the context of article 21 typically entails the use by participants of physical force against others that is likely to result in injury or death, or serious damage to property. Mere pushing and shoving or disruption of vehicular or pedestrian movement or daily activities do not amount to ‘violence’” (ibid., para. 15). The Committee also highlighted that “[t]he question of whether or not an assembly is peaceful must be answered with reference to violence that originates from the participants. Violence against participants in a peaceful assembly by the authorities, or by agents provocateurs acting on their behalf, does not render the assembly non-peaceful. The same applies to violence by members of the public aimed at the assembly, or by participants in counterdemonstrations” (para. 18) and that “[i]solated instances of [violent conduct] will not suffice to taint an entire assembly as non-peaceful, but where it is manifestly widespread within the assembly, participation in the gathering as such is no longer protected under article 21” (para. 19). In its Guidelines on Freedom of Association and Assembly in Africa, the ACHPR indicated that: “An assembly should be deemed peaceful if its organizers have expressed peaceful intentions, and if the conduct of the assembly participants is generally peaceful. a. ‘Peaceful’ shall be interpreted to include conduct that annoys or gives offence as well as conduct that temporarily hinders, impedes or obstructs the activities of third parties. b. Isolated acts of violence do not render an assembly as a whole non-peaceful” (para. 70; on offensive speech, see also para. 78).





Peaceful protests can be organised by citizens as well as by non-nationals (including refugees, asylum-seekers and stateless persons), by unregistered associations,²⁵ and by anyone irrespective of their ethnic or racial background, sex, gender, language, religion, belief, origin, age, abilities, political opinion, or other status or individual characteristics. In this respect, non-discrimination guarantees apply. The same way as no one may be compelled to belong to an association, participation in a peaceful protest is free and voluntary. No one may be compelled to participate in a protest (see ACHPR Guidelines on Freedom of Association and Assembly in Africa, paras. 8 and 68, UDHR, Article 20(2)).

Protesters enjoy the ability to choose and determine the “time, place and manner” of their protest. They should be able to hold a peaceful protest at a time, in a place, and in the form they view as most impactful to reach their audience or intended targets. In some cases, an “effective” protest may be a march; in other cases, it may be a sit-in. Often, online actions will be effective. As the CCPR Committee highlighted, “States must leave it to the participants to determine freely the purpose of any expressive content of an assembly.” This is a “content neutrality” obligation. States must also ensure that participants are able, “as far as possible [...] to conduct assemblies *within sight and sound* of their target audience.”²⁶ “Time, place and manner’ restrictions [...]

²⁵ The ACHPR Guidelines on Freedom of Association and Assembly in Africa make it clear (para. 67). It also mentions “children” and “temporary visitors” as being entitled to right to freedom of assembly.

²⁶ Emphasis added. “General comment No. 37 (2020) on the right of peaceful assembly (article 21),” op. cit., para. 22: “The approach of the authorities to peaceful assemblies and any restrictions imposed must thus in principle be content neutral, and must not be based on the identity of the participants or their relationship with the authorities.

should never be used to undermine the message or expressive value of an assembly or to dissuade the exercise of the right to freedom of assembly.”²⁷

The fact that protections only apply to peaceful protests means that protesters who turn violent forfeit their rights in relation to peaceful assembly. Nevertheless, state authorities must at all times distinguish between protesters based on their individual behaviour and avoid collective punishment. Peaceful protesters do not lose their rights as a result of the behaviour of other participants in the protest and cannot be punished for the behaviour of others.

Protesters who resort to violent methods or commit acts of violence do not, however, lose all of their human rights and fundamental freedoms. They may be arrested, prosecuted, and held accountable for their acts, but they do not lose protections with regard to, among others, the right to life, the right to a fair trial, or freedom from torture and other cruel, inhuman or degrading treatment or punishment. In other words, the fact that people commit acts of violence during a protest does not grant the state the right to kill or brutalise them. *Jus cogens* (peremptory or non-derogable norms of international law) and due process guarantees apply. In this sense, no assembly is unprotected. Even participants in non-peaceful assemblies, and even violent protesters, enjoy a number of human rights that the state cannot deprive them of.

Ahead of protests, or when spontaneous protests erupt, state authorities should be guided by a presumption in favour of the peaceful character of the event. An assessment that a protest will not be peaceful should be the result of a thorough and objective risk assessment (see below).

B. States’ negative obligations and the three-part test for restrictions

(a) The meaning and scope of negative obligations

States have an obligation not to interfere with or unduly restrict peaceful protests. This is the first and foremost negative obligation (i.e., an obligation “not to”). It is derived from states’ obligation not to interfere with the rights to freedom of expression, peaceful assembly, and association. This means that states have a duty not to prohibit, restrict, block, disperse or disrupt assemblies without compelling justification.

States have an obligation not to make protest an offence or sanction participants without legitimate cause. In itself, the peaceful expression of protest, and peaceful conduct, can never be criminalised.²⁸

Moreover, while the time, place and manner of assemblies may under some circumstances be the subject of legitimate restrictions [...], given the typically expressive nature of assemblies, participants must as far as possible be enabled to conduct assemblies within sight and sound of their target audience” (see also paras. 48 and 53). See sub-section 4 for the corresponding positive obligations of states.

The ACHPR, in its Guidelines on Freedom of Association and Assembly in Africa, posited a similar rule (para. 77): “States shall not discriminate among assemblies based on the expression involved.”

²⁷ “Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies,” UN Doc. A/HRC/31/66, 4 February 2016, para. 34. See also ACHPR Guidelines, op. cit., paras. 90-91.

²⁸ See “General comment No. 37 (2020) on the right of peaceful assembly (article 21),” op. cit., para. 23.



The obligation not to interfere with or unduly restrict the right to peaceful protest has several important implications.

(i) Notification vs. prior authorisation regimes

The right to hold and participate in peaceful protests includes unannounced assemblies and spontaneous protests. Participating in and organising assemblies is a right, therefore protesters do not need to obtain a permit to exercise their right to hold and participate in an assembly. They have a right not to request authorisation for a protest, and states have an obligation not to demand prior authorisation as a condition to hold a protest. Rather, the rule should be mere notification. As the ACHPR noted, “[a] notification regime requires that the presumption is always in favor of holding assemblies” (ACHPR Guidelines, para. 71(a)).

Indeed, “[h]aving to apply for permission from the authorities undercuts the idea that peaceful assembly is a basic right. Notification systems requiring that [assembly organisers] inform the authorities in advance and provide certain salient details are permissible to the extent necessary to assist the authorities in facilitating the smooth conduct of peaceful assemblies [...]. [T]his requirement must not be misused to stifle peaceful assemblies [...]”²⁹ In practice, “[w]here authorization regimes persist [...], they must [...] function as a system of notification, with authorization being granted as a matter of course, in the absence of compelling reasons to do otherwise. Notification regimes, for their part, must not in practice function as authorization systems” and they must be “nonburdensome.”³⁰ As UN experts highlighted, “[a]ny notification procedure should not function as a de facto request for authorization or a basis for content-based regulation.”³¹

When it comes to spontaneous (non-organised, unplanned) protests, by definition, they cannot be notified to the authorities in advance. They often occur in response to news reports or a government decision and go ahead without clear leadership or coordination. As a former SR stressed, legislation allowing for the holding of spontaneous assemblies is among states’ best practices and, in any case, spontaneous assemblies should be exempted from prior notification.³²

With regard to the consequences of failure to notify (for planned as for spontaneous protests), “[s]hould the organizers fail to notify the authorities, [assemblies] should not be dissolved automatically [...] and the organizers should not be subject to criminal sanctions, or administrative sanctions resulting in fines or imprisonment.”³³

²⁹ Ibid., para. 70.

³⁰ Ibid., para. 73, and ACHPR Guidelines on Freedom of Association and Assembly in Africa, para. 72.

³¹ “Joint report of the Special Rapporteurs [...]” UN Doc. A/HRC/31/66, para. 21.

³² “Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association,” UN Doc. A/HRC/20/27, op. cit., para. 29. The CCPR Committee also stressed that “[n]otification must not be required for spontaneous assemblies for which there is not enough time to provide notice” (“General comment No. 37 (2020),” op. cit., para. 72). During election times, “greater tolerance is needed” so “diverse views and opinions [can be] expressed” (“Report of the Special Rapporteur [...]” UN Doc. A/HRC/20/27, op. cit., para. 22).

Similarly, the ACHPR Guidelines on Freedom of Association and Assembly in Africa indicate (para. 75) that: “No notification need be submitted for small assemblies unlikely to generate disturbance or spontaneous assemblies.”

³³ “Report of the Special Rapporteur [...]” UN Doc. A/HRC/20/27, op. cit., para. 29.

(ii) Obligation not to restrict “associated activities” and information about protests

Organising a protest often involves a range of preparatory, follow-up, and other activities, which are associated with the protest in itself. These “associated activities,” conducted “outside the immediate context of the gathering but which are integral to making the exercise [of the right] meaningful,”³⁴ are covered by international protections of the right to peaceful assembly. Indeed, “[a]ny restrictions on such activities should be considered as a prior restriction on the exercise of the right.”³⁵

“Associated activities,” many of which are conducted online, include planning, mobilising resources, disseminating information about the planned protest, awareness-raising, travelling to the location/venue of the protest, communicating with organisers and participants, broadcasting the protest, monitoring and reporting on the protest, and leaving the location/venue afterwards. These activities are all protected by international law, provided they are peaceful. Additionally, information about protests enjoys the same protections as any other expression under Article 19 of the ICCPR. It must be able to circulate freely, as everyone enjoys the freedom to “seek, receive and impart information” about protests.

In practice, however, restrictions on rights such as freedom of association and of expression “may also effectively serve as a restriction on freedom of peaceful assembly,”³⁶ i.e., be designed to deprive potential protesters of their ability to participate in a protest (by depriving them of access to information about protest logistics or objectives) or punish organisations that have had leading roles in mobilising protesters. Human rights experts have repeatedly condemned the use of Internet shutdowns and other communication blackouts or restrictions as being disproportionate and, as such, incompatible with international human rights law.³⁷

Authorities must not place special limits on assembly rights, and on information about protests, during election periods. All peaceful assemblies held during electoral processes, “whether or not in support of the ruling party or the incumbent Government,” should be entitled to “equal treatment.”³⁸ This applies to protests and all associated activities.

(iii) Obligation not to interfere with the right to privacy

States have an obligation not to interfere with people’s right to privacy. In essence, it means that everyone is entitled to protection from arbitrary or unlawful interference

³⁴ See “General comment No. 37 (2020),” op. cit., para. 33.

³⁵ “Joint report of the Special Rapporteur [...]” op. cit., para. 19.

³⁶ Ibid.

³⁷ See for instance “Disinformation and freedom of opinion and expression: Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan,” UN Doc. A/HRC/47/25, 13 April 2021; “Ending Internet shutdowns: a path forward; Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association,” UN Doc. A/HRC/47/24/Add.2, 15 June 2021; as well as Human Rights Council resolution 44/12 (“Freedom of opinion and expression,” A/HRC/RES/44/12).

³⁸ “Factsheet: Recommendations on managing assemblies,” op. cit.; “Report of the Special Rapporteur,” UN Doc. A/68/299, op. cit., para. 21.



with their “privacy, family, home or correspondence” and from unlawful attacks on their “honour and reputation” (UDHR, Article 12 and ICCPR, Article 17).

The right to privacy has several implications for the right to protest. For protest participants, it means anonymity: they have the right (subject to limitations on specific grounds) to conceal their identity, including to protect themselves from reprisals.³⁹ For states, it means that surveillance, interception of communications, profiling (collecting, using, transferring, and retaining personal data) and other forms of interference with the right to privacy are strictly limited so as not to result in “suppressing rights or creating a chilling effect.” The way in which data are collected, shared, retained and accessed, in particular, “must strictly conform to applicable international standards [...] and may never be aimed at intimidating or harassing participants or would-be participants in assemblies.”⁴⁰

More generally, states have an obligation to provide for safeguards and protections against arbitrary or unlawful interference with privacy. They have an obligation not to intimidate or harass protesters, including through the use of undercover agents or private security agents for surveillance purposes.⁴¹

(iv) Obligation not to make protest organisers unduly liable for the conduct of others

States have an obligation to relieve protest organisers from liability in relation to acts (including violent or criminal acts) committed by participants in the protest, provided organisers have not incited the commission of these acts.⁴² Protest organisers are not responsible for the provision of protection and medical or other public services, which is to be ensured by state authorities. This includes protection of participants from counter-demonstrators or *agents provocateurs* (undercover agents or proxy groups used by the state to disrupt assemblies, profile or harass participants, or cause violence).⁴³ Finally, protest organisers cannot be held responsible for the maintenance of public order,⁴⁴ which is a state duty.

³⁹ “General comment No. 37 (2020),” op. cit., paras. 60, 62. “The wearing of face coverings or other disguises [...] may form part of the expressive element” of a protest and “[t]he anonymity of participants should be allowed unless their conduct presents reasonable grounds for arrest” and “the mere fact that a particular assembly takes place in public does not mean that participants’ privacy cannot be violated.”

⁴⁰ The use of facial recognition technology, for instance, to identify individual participants in a crowd, may infringe on the right to privacy. In any case, independent oversight must be exercised over the decision to collect personal information and data. On surveillance and digital tools, see “Report of the Special Rapporteur [...]” UN Doc. A/HRC/41/41, op. cit., paras. 56, 61, 62. On proportionality, see below.

⁴¹ “Joint report of the Special Rapporteurs [...]” UN Doc. A/HRC/31/66, paras. 73-77.

⁴² See “General comment No. 37 (2020),” op. cit., para. 65: “If, in exceptional circumstances, organizers are held accountable for damage or injuries for which they were not directly responsible, it must be confined to cases in which evidence shows that the organizers could reasonably have foreseen and prevented the damage or injuries. It is good practice for organizers to appoint stewards or marshals where necessary, but this should not be a legal requirement.”

⁴³ See “General comment No. 37 (2020),” op. cit., paras. 24 and 26. See also “Report of the Special Rapporteur [...]” UN Doc. A/HRC/20/27, op. cit., para. 31.

⁴⁴ See “The right to freedom of peaceful assembly: Best practices fact sheet” (Maina Kiai, November 2014).

(b) The three-part test for restrictions to the right to protest

The right to protest is not absolute. As expression, assembly and association rights, it is subject to limitations, which are cumulative and must be based on specific, legitimate grounds to be permissible. The “three-part test” enshrined in international human rights law refers the conditions of legality, necessity and proportionality for any restrictions to be valid.

The ICCPR, in its Articles 19(3) and 21, respectively, provides that: (1) the exercise of the right to freedom of expression may be “subject to certain restrictions, but [that] these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (*ordre public*), or of public health or morals”; and (2) restrictions on the exercise of the right to freedom of peaceful assembly may only be “imposed in conformity with the law and [provided they] are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.” The common elements are the need for any restriction to have a legal basis (be prescribed by law) and be justified with regard to specific, legitimate aims, to be necessary, and to be proportional.

The onus is on state authorities to justify restrictions. Authorities must be able to show that restrictions meet the legality requirement and are necessary for and proportionate to at least one of the permissible grounds for restrictions enumerated in article 21 [...] The imposition of any restrictions should be guided by the objective of facilitating the right, rather than seeking unnecessary and disproportionate limitations on it.”⁴⁵ The CCPR Committee also stressed that: “Where [...] restrictions are made, States must demonstrate their necessity and only take such measures as are proportionate to the pursuance of legitimate aims [...].” Restrictions may not put the rights themselves in jeopardy.⁴⁶ In addition, “the relation between right and restriction and between norm and exception must not be reversed”: freedom is the rule and restrictions must be exceptional.⁴⁷ Any restriction should be able to be challenged in a court of law.

Assessing whether restrictions to the right to protest are permissible means assessing the following criteria with due reference to standards on freedoms of expression and peaceful assembly:

(a) Legal basis

Restrictions must have a legal basis. As the CCPR Committee stressed: “Restrictions must [...] be imposed through law or administrative decisions based on law. The laws in question must be sufficiently precise to allow members of society to decide how to

⁴⁵ “General comment No. 37 (2020),” op. cit., para. 36.

⁴⁶ “In no case may the restrictions be applied or invoked in a manner that would impair the essence of a Covenant right.” See “General Comment No. 31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant,” UN Doc. CCPR/C/21/Rev.1/Add. 13, 26 May 2004, para. 6.

⁴⁷ “General comment No. 34 (2020): Article 19: Freedoms of opinion and expression,” op. cit., para. 21. This is notwithstanding ICCPR, Article 20, which requires states to actively prohibit “propaganda for war” and “advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.”



regulate their conduct and may not confer unfettered or sweeping discretion on those charged with their enforcement.”⁴⁸

Therefore, it is incompatible with the ICCPR for a restriction to be enshrined in traditional, religious or customary law. Additionally, restrictions are not allowed on grounds not specified in the ICCPR.⁴⁹ A government cannot come up with new grounds for restrictions (for instance, that a protest merely makes officials “uncomfortable” or undermines “traditional values”) as a justification for prohibition.

(b) Necessity

Restrictions must be necessary to achieve a specific purpose and with regard to a specific, legitimate aim. For instance, the penalization of a media outlet solely for being critical of the government can never be considered to be a necessary restriction of freedom of expression.⁵⁰

In a report to the HRC, former SR Maina Kiai indicated: “As outlined by the [OSCE], ‘the word ‘necessity’ does not mean ‘absolutely necessary’ or ‘indispensable’, but neither does it have the flexibility of terms such as ‘useful’ or ‘convenient’: instead, [it] means that there must be a ‘pressing social need’ for the interference’. When such a pressing social need arises, States have then to ensure that any restrictive measures fall within the limit of what is acceptable in a ‘democratic society’ [which exists only] where ‘pluralism, tolerance and broadmindedness’ are in place.”⁵¹

(c) Proportionality

The last criterion means that restrictions must not be overly broad. They must be “proportionate in the context of a society based on democracy, the rule of law, political pluralism and human rights, as opposed to being merely reasonable or expedient.” “Such restrictions must be appropriate responses to a pressing social need, relating to one of the permissible grounds listed in article 21. They must also be the least intrusive among the measures that might serve the relevant protective function. [They] must be proportionate, which requires a value assessment, weighing the nature and detrimental impact of the interference on the exercise of the right against the resultant benefit to one of the grounds for interfering. If the detriment outweighs the benefit, the restriction is disproportionate and thus not permissible.”⁵²

With regard to assemblies, prohibition “can be considered only as a measure of last resort. Where the imposition of restrictions [...] is deemed necessary, the authorities should first seek to apply the least intrusive measures.”⁵³ Restrictions must be the least invasive options to achieve objectives with regard to legitimate aims, and they must be of last resort. In this regard, the ACHPR made clear that restrictions should be “strictly

⁴⁸ “General comment No. 37 (2020),” op. cit., para. 39.

⁴⁹ “General comment No. 34 (2020),” op. cit., para. 24; “General comment No. 37 (2020),” op. cit., paras. 41-47.

⁵⁰ “General comment No. 34 (2020),” op. cit., para. 42.

⁵¹ “Report of the Special Rapporteur [...]” UN Doc. A/HRC/20/27, op. cit., para. 17.

⁵² “General comment No. 37 (2020),” op. cit., para. 40.

⁵³ Ibid., para. 37. See also “General comment No. 34 (2020),” op. cit., para. 34-35.

proportionate to the gravity of the harm in question and applied only as a matter of last resort and to the least extent necessary” (Guidelines, Fundamental Principles (viii)) and that “[p]rohibition shall only be used as a measure of last resort” (ibid., para. 92). Blanket bans are intrinsically disproportionate, and thus impermissible.



“It’s the government that disrupts public order by denying citizens their right to peacefully demonstrate and express their opinions.”
— Senegalese lawyer.

(c) State of emergencies and situations of armed conflict

The right to protest should not be automatically derogated from or prohibited during state of emergency or armed conflict situations.⁵⁴ Derogations must be strictly required by the necessity of the situation, and of an exceptional and temporary nature, proportionate in light of the situation and maintained only for as long as the emergency exists; they must comply with the parameters set out by international human rights law. On the contrary, during a state of emergency, states should exercise higher level of tolerance and seek to enable the exercise of freedoms of peaceful assembly and association.⁵⁵

In situations of armed conflict, human rights law continues to apply. It constitutes the *lex generalis* (general law) while international humanitarian law (IHL), whose application depends on the occurrence of armed conflict, constitutes the *lex specialis* (special law). Whenever human rights law and IHL are in conflict, the latter prevails; however, there are many cases relevant to peaceful protests in which there is no conflict (therefore, the former continues to apply). Regarding the use of force during assemblies, it “remains regulated by the rules governing law enforcement, and the [ICCPR] continues to apply.”⁵⁶

⁵⁴ “General comment No. 37 (2020),” op. cit., paras. 96-97. On public emergency, temporary derogations and safeguards, see CCPR Committee, “General comment No. 29: States of emergency,” UN Doc. CCPR/C/21/Rev.1/Add.11, 31 August 2001.

⁵⁵ “Report of the Special Rapporteur,” UN Doc. A/68/299, op. cit., para. 26. See also joint statement by the SR on FoAA and regional human rights bodies, cited at “Importance of the rights to freedom of peaceful assembly and of association in advancing sustainable peace and democratic transitions: Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule,” UN Doc. A/78/246, 27 July 2023, para. 54.

In his report on crisis situations, the former SR recommended that “States must not declare a state of emergency in relation to protests, unless they meet the strict threshold of emergency under article 4 of the Covenant” (“Protection of human rights in the context of peaceful protests during crisis situations,” op. cit., para. 79).

In addition, “[s]tates are obliged to provide careful justification for the proclamation of a state of emergency, and to provide clear evidence, including scientific evidence where appropriate (as in the case of health crises), that the situation meets the threshold of an emergency. [All] derogating measures must be strictly required by the exigencies of the situation. [...] Furthermore, States should provide evidence that the emergency is actual, grave and imminent. A state of emergency may not be used to stifle dissent, as expressed through protest. (ibid.; with reference to the Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights (Siracusa Principles)).

⁵⁶ “General comment No. 37 (2020),” op. cit., para. 97.



In the last five years, many African countries have declared states of emergency or other public emergency measures, in particular during the Covid-19 pandemic, and have heavily restricted public gatherings. In many cases, the conditions in which these measures were imposed violated the conditions outlined by the CCPR Committee in its GC no. 29 on states of emergency. Some African countries have also heavily restricted rights to free expression and peaceful assembly as they went through armed conflict, as recently in Ethiopia or Sudan.

Business enterprises' responsibility to respect the right to protest

While states hold the primary obligation to uphold, protect and realise human rights, non-state actors, including business enterprises, have a responsibility to respect human rights. For instance, business actors have a responsibility to respect the rights, including to protest, of communities affected by their activities and of their employees.

⁵⁷

As highlighted by a former SR, "[p]eaceful protests have been severely repressed in areas where armed non-State actors have assumed control. (...) [There is] a growing recognition that armed groups are bound by the obligation to respect and protect human rights, including in the context of peaceful protest, when they exercise either government-like functions or de facto control over territory and populations."⁵⁸

Even though private landowners generally have a right to determine who may access their property (including "privately owned public spaces" like shopping malls), rights related to assembly may require measures of protection.⁵⁹

Last, business entities involved in the policing of assemblies or in relationships with state authorities, with potential impacts on protests, must carry out due diligence and mitigate risks of human rights violations, including risks that are related to the use of force or of specific weapons. States and private companies should ensure accountability and due diligence regarding the design, production, transfer, procurement and use of any weapons, equipment and technology used by law enforcement officials in the context of peaceful protests.⁶⁰

The UN Guiding Principles on Business and Human Rights provide guidance on the business responsibility to respect human rights.

⁵⁷ Ibid., para. 31. The Committee even added: "Private entities and broader society may be expected to accept some level of disruption as a result of the exercise of the right."

⁵⁸ See "Protection of human rights in the context of peaceful protests during crisis situations," op. cit., para. 70.

⁵⁹ See "Joint report of the Special Rapporteurs [...]," UN Doc. A/HRC/31/66, op. cit., paras. 83-84.

⁶⁰ "Model Protocol," op. cit., para. 31.



4. STATES' POSITIVE OBLIGATIONS

States do not simply have obligations "not to do." They also have obligations "to do," i.e., to take active measures to protect rights. The first among these is a general obligation to facilitate peaceful protests. States have an obligation to ensure that rights-holders are able to exercise their right to peaceful protest. This also involves an obligation to protect protesters, including from third parties, as well as an obligation to ensure that protesters' rights are protected throughout the protest, including with regard to law enforcement decisions and conduct.

In this sub-section, we examine basic rules (what should guide state authorities, para. (A) before presenting positive measures states must take to facilitate peaceful protests (B) and state obligations regarding the use of force (C) and accountability and redress (D).

A. Presumption in favour and content neutrality

The consequence of states' general obligation to allow peaceful protests is that they should presume that any protest will be peaceful and that protesters have peaceful intentions, unless there are compelling objective reasons to impose restrictions.⁶¹

⁶¹ "Report of the Special Rapporteur [...]," UN Doc. A/HRC/20/27, op. cit., paras. 25-27; "Joint report of the Special Rapporteurs [...]," UN Doc. A/HRC/31/66, para. 18.



This means that “[...] there is a presumption in favour of considering assemblies to be peaceful.”⁶² Authorities should not presume that the protest will be violent and that restrictive measures or the use of force will automatically be needed.

This starting point is a precondition for the state’s obligation to facilitate peaceful protests. This does not mean that state authorities should be naive or fail to take precautionary measures. On the contrary, they should always be ready to manage public assemblies in a human rights-compliant manner – i.e., with a view to facilitating the exercise of people’s right to protest. Authorities should carefully assess risks related to each protest, on a case-by-case basis. Any assessment that a protest involves a risk of violence should be the result of a thorough and objective risk assessment, whose aim should be to assess the likelihood and seriousness of risks related to a protest and develop adequate measures for the prevention and mitigation of those risks, in order to facilitate the right to peaceful protest.⁶³

The CCPR Committee also provided guidance. It stressed that “isolated acts of violence by some participants should not be attributed to others, to the organizers or to the assembly as such. [...] The conduct of specific participants in an assembly may be deemed violent if authorities can present credible evidence that, before or during the event, those participants are inciting others to use violence, and such actions are likely to cause violence; that the participants have violent intentions and plan to act on them; or that violence on their part is imminent.”⁶⁴

“Content neutrality” means that any restrictions must not be imposed based on the identity of the protest organisers or participants, or merely on their messages and grievances, but rather based on objective risks of violence as a result of a thorough assessment, in line with the three-part test. This risk assessment may form the basis for restrictions (last resort, limited, proportionate, and necessary in a democratic society). States must not discriminate on prohibited grounds, for instance, to unduly restrict protests by opposition members. Authorities should not institute legal action that anticipates violent protest, as such pre-emptive legal proceedings have a chilling effect on the right to protest.

In practice, in many African countries, state authorities view protests unfavourably, presuming that they will be violent and that heavy restrictions are warranted. This approach is often based on a violation of states’ content neutrality obligation, as restrictions and bans disproportionately affect protests held by opposition parties or critics, who often have messages the government dislikes (which is a subjective assessment, as opposed to being an objective assessment based on legal criteria).

⁶² “General comment No. 37 (2020),” op. cit., para. 17.

⁶³ See “Model Protocol,” UN Doc. A/HRC/55/60, op. cit.

⁶⁴ Moreover, “[i]solated instances of such conduct will not suffice to taint an entire assembly as non-peaceful, but where it is manifestly widespread within the assembly, participation in the gathering as such is no longer protected under article 21” (“General comment No. 37 (2020),” op. cit., paras. 17 and 19). On violence, see also supra, sub-section 3, para. A.



“They make it so difficult to exercise this right.”

— Ugandan protest organiser.

B. Obligation to take measures to facilitate the exercise of the right to protest

States must facilitate people’s exercise of their right to protest. This obligation means that, in addition to respecting (refraining from interfering with or unduly restricting the exercise of rights), states must ensure the rights of all persons participating or willing to participate in protests. In essence, ensuring means both protecting (taking measures to prevent actions by non-state actors that could interfere with people’s exercise of their rights) and fulfilling rights (creating, facilitating or providing the necessary conditions for the enjoyment of rights).⁶⁵



“Authorities aren’t there to protect but to deter demonstrations.”

— Mozambican HRD.

In practice, fulfilling the right to protest requires states to, among others, properly plan for protests, ensure transparent decision-making and access to information about protests, provide basic services, ensure effective communication with protesters, protect those involved in protests, and ensure proper training of law enforcement.⁶⁶

States must promote an enabling environment for the exercise of rights. In this regard, the SR’s “Model Protocol for Law Enforcement Officials” outlines a number of “prerequisites for the effective facilitation of peaceful protests.”⁶⁷

(i) Proper planning

States must properly plan for the management of peaceful assemblies, with a view to facilitating, rather than hindering, them. This requires the collection and analysis of information (with adequate safeguards against infringements on the right to privacy), anticipation of different scenarios, and risk assessments. State authorities must conduct a proper risk assessment for each protest and design contingency plans and precautionary measures.⁶⁸

⁶⁵ See “Joint report of the Special Rapporteurs [...],” UN Doc. A/HRC/31/66, para. 14.

⁶⁶ See “Factsheet: Recommendations on managing assemblies,” op. cit. and “Joint report of the Special Rapporteurs [...],” UN Doc. A/HRC/31/66, paras. 37-48.

⁶⁷ “Model Protocol,” UN Doc. A/HRC/55/60, op. cit., paras. 34-38.

⁶⁸ “Joint report of the Special Rapporteurs [...],” UN Doc. A/HRC/31/66, paras. 37, 53.



States' obligation to facilitate protests includes planning for simultaneous protests and counter-protests, in which one or more assemblies aim to express discontent with the message of other assemblies. The mere existence of a risk of violence is insufficient for prohibiting a protest. States must take specific measures to facilitate assemblies, including blocking off streets, redirecting traffic, and providing security.⁶⁹

As the European Court of Human Rights outlined (*Austin v United Kingdom*, [2012] ECHR 459), "measures of crowd control should not be used by the national authorities directly or indirectly to stifle or discourage protest, given the fundamental importance of freedom of expression and assembly in all democratic societies."

(ii) Provision of access to places where meaningful protest can occur

Protesters must be able to hold their action, as far as possible, "within sight and sound" of their target audiences. In line with their content neutrality obligation, states must leave it to protest participants to "determine freely the purpose of any expressive content of an assembly." As a rule, protesters should be free to determine the "time, place and manner" of their action, and authorities should take the least intrusive measures to regulate assemblies.⁷⁰

In this regard, the use of public space often requires some measure of coordination to protect different interests. Protests are an equally legitimate use of public space as commercial activity or movements of vehicles and pedestrian traffic. The latter should not automatically take precedence over protests, even when protests involve disruptions to ordinary life.⁷¹ To the greatest extent possible, these disruptions must be tolerated so as not to deprive the right to peaceful protest of its value.

(iii) Provision of basic services in relation to protests

States' obligation to facilitate peaceful protests includes the responsibility to provide basic services, namely traffic management, maintenance of public order and security, and medical assistance.⁷² These are not the responsibility of protest organisers. Stewards appointed by protest organisers may help, but are ultimately not responsible for ensuring these services.

(iv) Communication, dialogue and de-escalation

The facilitation of protests benefits from "effective communication and collaboration among all relevant parties." Dialogue must be open between, in particular, law enforcement and protest organisers. Law enforcement agencies should take "all reasonable steps to communicate with [...] organisers and/or participants." De-escalation of tensions must always be prioritised over the use of force.⁷³

⁶⁹ See "General comment No. 37 (2020)," op. cit., para. 24.

⁷⁰ Restrictions should never be used to undermine the expressive value of an assembly. Ibid., paras. 22, 53-59; "Joint report of the Special Rapporteurs [...]" UN Doc. A/HRC/31/66, paras. 34, 52. See also "Joint report of the Special Rapporteurs [...]" UN Doc. A/HRC/31/66, paras. 24-25.

⁷¹ "Joint report of the Special Rapporteurs [...]" UN Doc. A/HRC/31/66, para. 32; "Report of the Special Rapporteur [...]" UN Doc. A/HRC/20/27, op. cit., para. 41.

⁷² "Joint report of the Special Rapporteurs [...]" UN Doc. A/HRC/31/66, para. 40.

(v) Protection of those involved in protests

State authorities must actively protect those involved in protests from violence or interference.⁷⁴ This includes violence or threats from counter-demonstrators, third parties and other non-state actors, *agents provocateurs*, as well as states' own law enforcement and security forces (see below). Those protected also include bystanders and protest monitors. States have an obligation to protect the rights of those who monitor and report on protests. HRDs, monitors and journalists should be protected from reprisals, harassment or intimidation.⁷⁵

Particular efforts should be made to ensure equal and effective protection of the rights of members of groups that have historically experienced discrimination. These include women, girls and minorities.⁷⁶ All should be protected from vilification by state or non-state actors, insofar as it involves advocacy of hatred that constitutes incitement to discrimination, hostility or violence.

(vi) Adequate training and equipment of law enforcement officials

Law enforcement officials and others who participate in the policing of assemblies must be adequately trained. Training must include "soft" skills, such as communication and mediation, and human rights standards. As a rule, regular law enforcement agencies, such as police, must be in charge of policing assemblies. The military should not be used. In exceptional circumstances where this becomes necessary, the military must be subordinate to civilian authorities, fully trained to manage civilian events, and adequately equipped. Law enforcement must be suitably equipped, including with fit-for-purpose less-lethal weapons and protective equipment.⁷⁷

As the CCPR Committee put it, "[c]lear command structures must exist to underpin accountability, as must protocols for recording and documenting events, ensuring the identification of officers and reporting any use of force."⁷⁸ This is a key requirement with regard to transparency, accountability and redress, in particular in relation to the use of force.

C. State obligations regarding the use of force

The use of force by law enforcement officials should be exceptional. Assemblies should be managed and facilitated, as much as possible, without resort to force. This, however, is not always possible. The framework governing the use of force includes

⁷³ Ibid., paras. 38, 42, 53. See also "Model Protocol," UN Doc. A/HRC/55/60, op. cit.

⁷⁴ "Joint report of the Special Rapporteurs [...]" UN Doc. A/HRC/31/66, paras. 25, 41; "Report of the Special Rapporteur [...]" UN Doc. A/HRC/20/27, op. cit., para. 33.

⁷⁵ See "General comment No. 37 (2020)," op. cit., para. 30; "Joint report of the Special Rapporteurs [...]" UN Doc. A/HRC/31/66, paras. 68-71.

⁷⁶ "Joint report of the Special Rapporteurs [...]" UN Doc. A/HRC/31/66, para. 16.

⁷⁷ Ibid., paras. 42, 66; "General comment No. 37 (2020)," op. cit., para. 80.

⁷⁸ "General comment No. 37 (2020)," op. cit., para. 77.



the principles of “legality, precaution, necessity, proportionality and accountability.”⁷⁹ Legality means that a legal framework must be in place for the use of force. Precaution involves a number of steps to be taken to minimize harmful consequences of the use of force. Necessity and proportionality are about conditions in which, and to what extent, force can be used.⁸⁰

States should not attribute the responsibility of violence to participants in a protest based merely on their presence at the protest. States should always distinguish between protesters based on their individual behaviour. Acts of violence by some should not be attributed to others whose intentions and behaviour remain peaceful,⁸¹ or to organisers to hold them liable.

Specific rules govern arrests made during protests, dispersal of assemblies, and the use of weapons. Authorities can arrest and remove from a protest individuals who act violently. Arrest, however, must not be arbitrary or constitute punishment for taking part in the event. Preventive detention (for instance, of people intending to join a protest) may constitute arbitrary deprivation of liberty, which does not exclude the exceptional, non-discriminatory use (based on reasonable suspicion) of “stop and search” or “stop and frisk” methods.⁸² In this regard, “kettling,” a method known in French as *nassage* (containment), whereby law enforcement officials encircle and close in a section of a protest, poses significant human rights issues, as protesters are prevented from peacefully leaving the event.⁸³

Only in exceptional circumstances (involving violence or an imminent risk of violence) may an assembly be dispersed, when there is clear evidence that the risk cannot be contained by more appropriate measures such as targeted arrests.⁸⁴ Dispersal should, as much as possible, be done without the use of force. The use of force must come only as a last resort, when it is absolutely necessary and after de-escalation measures have been taken, non-violent means have been exhausted, and prior warning has been given. Even then, only the minimum force necessary must be used.⁸⁵

Lethal force must only be used when it is strictly necessary to protect life or prevent serious injury from an imminent threat. It must not be used indiscriminately. Firearms must never be used simply to disperse an assembly, and they must never be used indiscriminately or in automatic mode.⁸⁶

⁷⁹ “Joint report of the Special Rapporteurs [...]” UN Doc. A/HRC/31/66, paras. 50, 57.

⁸⁰ See *ibid.*, paras. 51-52, 58-59.

⁸¹ *Ibid.*, para. 20.

⁸² *Ibid.*, paras. 43-45; “General comment No. 37 (2020),” *op. cit.*, paras. 82-83.

⁸³ “General comment No. 37 (2020),” *op. cit.*, para. 84. See also “Model Protocol,” UN Doc. A/HRC/55/60, *op. cit.*, para. 75.

⁸⁴ “Joint report of the Special Rapporteurs [...]” UN Doc. A/HRC/31/66, paras. 61-63; “General comment No. 37 (2020),” *op. cit.*, paras. 85-86.

⁸⁵ See “General comment No. 37 (2020),” *op. cit.*, paras. 78-79.

⁸⁶ See Human Rights Committee, “General comment No. 36: Article 6: right to life,” UN Doc. CCPR/C/GC/36, 3 September 2019, paras. 12-14; “Joint report of the Special Rapporteurs [...]” UN Doc. A/HRC/31/66, paras. 55-57, 60; “Model Protocol,” UN Doc. A/HRC/55/60, *op. cit.*, paras. 25, 79.



“When officers are heavily armed, it’s no longer law enforcement; it’s intimidation.”

— Senegalese civil society member.

“Less-lethal” weapons (which include tear gas, tasers or rubber bullets) must be prioritised whenever possible to restrain the application of means capable of causing death or serious injury. They do pose serious human rights issues (including their inability to distinguish between protesters). These weapons must be used only after strict independent testing and evaluation, and by officials who have undergone appropriate training. They are subject to necessity and proportionality tests.⁸⁷

If arrests can be made during protests and individuals who commit violence can be prosecuted, detention conditions must meet minimum conditions, in line with international human rights standards and the “Nelson Mandela Rules” (UN Standard Minimum Rules for the Treatment of Prisoners). When a violent individual has been safely apprehended, no further resort to force (for instance as a punishment) is permissible.⁸⁸ States must not engage in torture or other unlawful acts, such as enforced disappearances and extrajudicial executions.

Although this report cannot discuss all state obligations regarding the use of force in detail, it is worth mentioning that specific instruments elaborate on the conditions under which states can use force, including during protests. They include the UN Code of Conduct for Law Enforcement Officials (1979), the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016), the UN Office on Drugs and Crime’s (UNODC) Resource book on the use of force and firearms in law enforcement (2017), the ACHPR’s Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa (2017), and the OHCHR’s Guidance on Less-Lethal Weapons in Law Enforcement (2020).

In 2024, the SR on FoAA also developed a Model Protocol for Law Enforcement Officials, with a toolkit and checklist for law enforcement agencies.

Nevertheless, the practice in many countries, in Africa and elsewhere, has been leaning towards using more, not less, force. In France, for instance, what is known as the *doctrine du maintien de l’ordre* (“law enforcement doctrine,” the administrative and judicial police operations implemented by security forces during public demonstrations) has evolved to include more proactive physical contact with demonstrators (at an earlier stage in protests), the use of kettling, and more generally, risk-aversion as a basis to justify more restrictions to protests. This has resulted in less dialogue, less emphasis on de-escalation, and more violence during protests, including by state agents.

⁸⁷ “General comment No. 36,” *op. cit.*, para. 14. See also “Joint report of the Special Rapporteurs [...]” UN Doc. A/HRC/31/66, para. 55.

⁸⁸ “General comment No. 37 (2020),” *op. cit.*, para. 79.



In many African countries, the use of excessive force, including to disperse peaceful protests and arrest participants, has been a standard operating procedure. Lethal weapons, including firearms, are routinely used and “less lethal” weapons are used without proper training and safeguards, posing threats to the bodily integrity of protesters – in conditions that may constitute torture (see sections II and III).

D. Accountability and redress for violations

The last category of positive obligations includes state obligations regarding accountability, justice, and redress for those affected by violations. The general rule is that the state is responsible for actions and omissions of its law enforcement agencies and other services and officials. Accountability is a cross-cutting principle and a core obligation for states.⁸⁹

Anyone denied enjoyment of their right to protest (for instance through arbitrary interference in the form of undue restrictions or a ban) must have the ability to seek a remedy. This includes judicial oversight, that is, the possibility to have any administrative decision reviewed by an independent court or tribunal. Recourse to courts must be “readily available.”⁹⁰

Administrative oversight systems must also be in place. This includes clear, transparent command structures, effective reporting procedures, easily recognisable uniforms, and visible identification numbers for agents. States must investigate allegations of violations, hold accountable individual agents who are responsible, and provide victims with effective remedies. Prosecutors should give due attention to prosecuting crimes committed by public officials – and include and prioritise command responsibility.⁹¹

As outlined in the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (Article 26), “[o]bedience to superior orders shall be no defence if law enforcement officials knew that an order to use force and firearms resulting in the death or serious injury of a person was manifestly unlawful and had a reasonable opportunity to refuse to follow it. In any case, responsibility also rests on the superiors who gave the unlawful orders.”

Accountability of the state involves the provision of fair and adequate reparations, including financial compensation and other appropriate avenues (apology, rehabilitation, coverage of medical care, etc.), as well as guarantees of non-repetition. (The latter might involve changes in laws, institutions, policies and practices.) Individual accountability of agents who are responsible for violations involves disciplinary sanctions in addition to civil and/or criminal sanctions.

In practice, however, accountability and redress for violations committed in relation to the right to protest or the use of force by law enforcement officials are often elusive, as evidenced in sections II and III. These address the right to protest in national contexts, across the African continent (section II) and, in detail, in our four focus countries (section III).

⁹⁰ Ibid., para. 69.

⁹¹ See “General comment No. 37 (2020),” op. cit., paras. 89-93.

SECTION II

PROTESTING IN AFRICA IN 2025: SURVEY FINDINGS



This section is based on a survey DefendDefenders and AfricanDefenders disseminated in April 2025. As outlined in the Methodology section, we asked a number of questions (some closed, some open-ended) to HRDs and activists across the continent to collect their insights on key dimensions of the right to protest and its enjoyment in Africa.

Questions were about national contexts for peaceful protests and addressed: (1) Protests in general (main issues, frequency, environment for protests); (2) Preparation of protests (notification vs. prior authorisation regimes, planning); (3) State authorities’ approach to protests (view of protests and protesters, occurrence of denials, factors considered, gender dimensions, etc.); (4) State authorities’ facilitation of protests (spontaneous vs. organised protests, dispersal of protests, management of public assemblies, training and equipment of law enforcement, etc.); (5) The use of force (ways in which force is used, gender dimensions of the use of force, etc.); (6) Online protests and digital tools; and (7) Monitoring of protests, accountability and remedies for violations.

We received responses from 58 respondents coming from 24 African countries, who took the survey online. The respondents' countries are Algeria, Burundi, Benin, Cameroon, the CAR, Chad, the DRC, Côte d'Ivoire, Ethiopia, Gabon, Ghana, Guinea-Bissau, Kenya, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, South Sudan, Sudan, Tanzania, Togo, Tunisia, and Uganda.

Altogether, these responses provide a “big picture” for the right to protest in Africa in 2025. While we do not claim that the survey is a comprehensive analysis of the right to protest on the continent, the data collected enabled us to identify major trends and patterns across the continent, and to confirm some of our hypotheses. Most responses, which came from prominent HRDs who are members of our networks, were thorough and detailed. For the analysis, and in order to present reliable findings, we selected themes in relation to which responses showed clear patterns across the continent (unanimous or quasi-unanimous replies).

Thus, section II focuses on what stood out – what the survey made clear.⁹² The analysis is not based on a “lowest common denominator” approach, but rather is an attempt at identifying patterns and trends across the continent, based on issues and practices identified as widespread or systematic. Questions for which replies were more diverse were left out of the analysis under this section as no easy conclusion could be drawn (the absence of a basis for substantiated claims was indicated).

The findings also paved the way for a more detailed analysis of national contexts (Section III). The following sub-sections are structured around major findings. They show that state practices are far away from the theory – i.e., what they should be as per standards outlined in Section I. That said, we highlighted positive trends that were made clear by respondents – despite the continent's diversity, a number of positive aspects could be identified.

1. A SHRINKING SPACE FOR PEACEFUL PROTESTS IN AFRICA

A trend is clear: protesting in Africa is more and more difficult. It involves risks, including of physical harm and repression.

According to respondents, the environment surrounding the right to protest is less and less conducive. An overwhelming majority of respondents indicated that, compared to ten years ago, the environment in their country is “less conducive” (49 out of 58, or 84.5%). A meagre 5.2% (three respondents out of 58) indicated that the environment for the right to protest in their country is “more conducive” (six out of 58 (or 10.3%) did not reply/did not know).

Asked to rate the environment for the right to protest in their country (“1” meaning a closed environment (many restrictions), 5 meaning an open environment (few restrictions)), 51 out of 58 respondents ticked “1” (29 respondents (50%)) or “2” (22 respondents (37.9%)). Only two respondents (3.4%) ticked “5.” This points to a consensus, among respondents, about the **closing space for protests in Africa**.

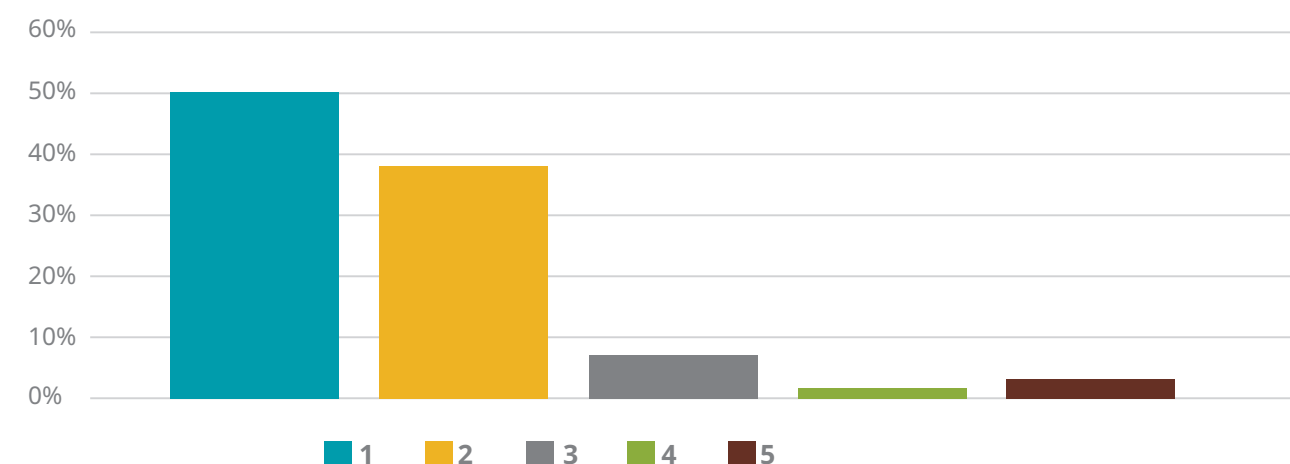
⁹² The findings can also be used as baselines for further research on specific dimensions of the right to protest in Africa or on specific countries.



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How would you describe the environment for the right to protest in your country today?

(1 = closed (many restrictions); 5 = open (few restrictions))



Respondents were less clear regarding the **frequency** of protests. A majority (34 out of 58, or 58.6%) indicated that they thought fewer protests take place today than ten years ago. 18 (31%) indicated that that they thought more protests actually take place. While this may not be the case in every country (the general public often perceives protests as more and more frequent), this is certainly the perception of HRDs and activists who took our survey, who highlighted the difficulties protesters face as a result of civic space restrictions.



Legal regimes governing the organisation of protests play a significant role in this regard, often deterring the exercise of the right to peaceful protest. Asked about the regime in place in their country, 28 out of 58 respondents (48.3%) indicated that as per the law, prior authorisation (permission) is required to hold a protest. An additional 20 (34.5%) indicated that a prior authorisation regime is in place as per the practice (interpretation of legal provisions by law enforcement or other authorities). Only ten respondents (17.2%) answered that a notification regime is in place ("simple notification to the authorities is sufficient to hold a public assembly"). This means that, contrary to international and African human rights standards, prior authorisation is common practice, as a result of either the law or the authorities' interpretation. In many places, authorities turn what should be a notification regime into a prior authorisation (permission) regime.

In any case, whether the rule is notification or prior authorisation, the process for holding a protest is described as **bureaucratic** by most respondents. Information to submit and forms to fill in (to notify the authorities of a protest or request a permit) are often significant and time-consuming. Asked to rate this process ("1" meaning bureaucratic, "5" meaning easy/user-friendly), 43 out of 58 respondents ticked "1" (30 respondents (51.7%)) or "2" (13 respondents (22.4%)). Only five respondents (8.6%) ticked "5."

This might be one of the reasons why protesters are increasingly turning to **online spaces**. Digital tools, including, first and foremost, social media, are relatively freer, safer, and more flexible avenues to hold a protest action. Asked about the role of social media in the organisation, planning, monitoring and reporting on protests (rating from "1" (insignificant role) to "5" (very significant role)), over two-thirds of respondents ticked "4" or "5" (nine (15.5%) and 31 (53.4%), respectively). Protesters increasingly use online platforms and tools to organise and hold protests, as well as to inform, monitor, and report on protests. Many respondents, however, pointed to risks and threats associated with online spaces. Among them are intimidation, stigmatisation or smear campaigns, online/technology-facilitated gender-based violence (GBV), and surveillance/profiling, as well as Internet shutdowns and other communications disruptions, which are increasingly common on the continent.

Among the topics or **issues addressed by protests** (what do people protest about or against?), respondents mentioned four major themes: (1) Injustice, human rights violations, and impunity (need for accountability); (2) Political reforms, electoral processes/ free and fair elections, and respect for democracy, the rule of law and constitutional provisions; (3) Corruption, inflation/cost of living, poverty, and public services/basic service provision by the state; and, increasingly, (4) Environmental issues.

Many of these are intertwined with, or dependent on, the way power is exercised. This explains why governments are often nervous about protests: the latter can be ways of holding them to account and can constitute direct challenges to their power and popularity.



A demonstration to protest the detention of Ahmed Souab in Tunis, Tunisia, April 25, 2025.

Case study: Egypt

Since the Rabaa and Nahda Massacres of August 2013, where close to 1,000 mostly peaceful protesters were killed by security forces with complete impunity, protesters understood that the price of exercising that right could be their lives. The Egyptian authorities moved forward immediately, in November 2013, by issuing the Protest law, which essentially criminalised public assemblies and protests and provided security forces with more impunity to use violence against protesters. The law has been used to detain thousands of peaceful activists.

Egyptian authorities similarly utilise the colonial-era assembly law to jail thousands of protesters and peaceful dissidents. The law had been repealed by the Egyptian Parliament in 1928, but the repeal was never published in the official gazette, and the law continues to be enforced by authorities.

Other legislation, including counter-terrorism legislation, is also used to target peaceful protesters. The Anti-Terrorism law (No. 94 of the year 2015) and the terrorism special courts which were created in 2013, are primary instruments to crush the right to peaceful protest. In 2019, after corruption allegations concerning President Abdelfattah al-Sisi came to surface, protests broke out across Egypt. Over 4,300 protesters and even passers-by were arrested and forcibly disappeared. Thousands were later formally detained on terrorism charges. On the first anniversary of the protests, in 2020, Egyptian security arrested close to 1,000 individuals on terrorism charges or for protesting without authorisation. Dozens were disappeared by security forces.



These laws are also used to crush labour protests and strikes. For instance, in 2024, when workers at the Samanoud Textile Factory went on a strike to demand receiving the minimum wage stipulated by law, around a dozen of the strike organisers, including four women, were arrested and forcibly disappeared, before facing charges that included illegal protesting and assembly.

Egyptian authorities also apply a zero-tolerance policy to protests to issues concerning international politics. When 17 activists, including prominent women rights defenders, protested in front of the UN Women office in Cairo in solidarity with women in Gaza and Sudan, security forces immediately arrested them. Since the start of the war in Gaza in October 2023, over 120 Egyptians, including two children, were arrested by the Egyptian security forces and face terrorism charges on account of protesting in solidarity with Palestinians.

Since 2013, protesting in Egypt has become an endeavour with a heavy price tag. From killing protesters with total impunity, to using trumped up charges of terrorism, illegal protesting, or assembly, the Egyptian authorities have sent a message to the public: protesting, be it for political or economic reasons, and even concerning international events, is completely off limits.

Cairo Institute for Human Rights Studies (CIHRS) – September 2025

2. STATE AUTHORITIES' GROWING INTOLERANCE TO PROTESTS

The shrinking space for peaceful protests in Africa is a direct consequence of state authorities' and officials' negative view of protests and protesters, and of their growing intolerance to protests.

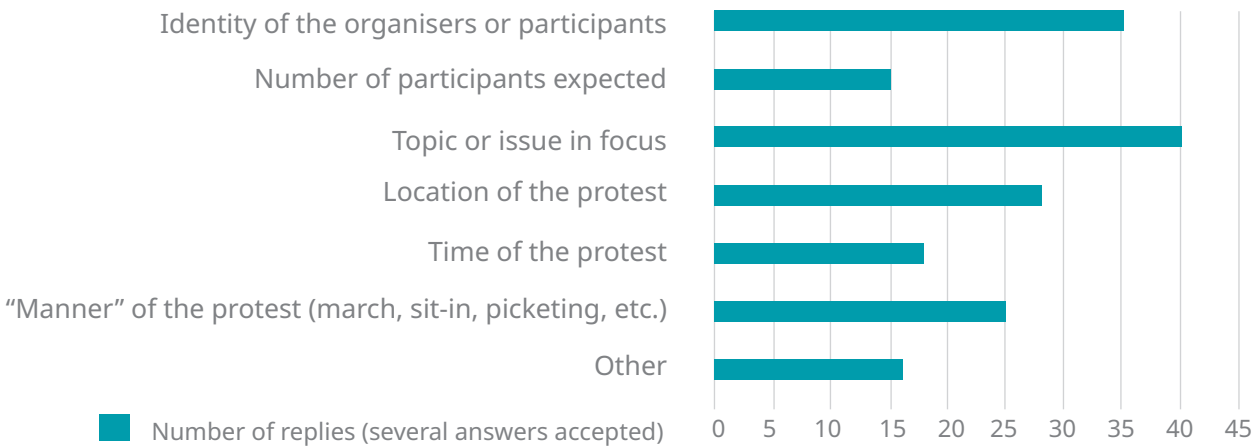
Responses to our survey made it clear: virtually everywhere, state authorities and officials hold **unfavourable views of protests**. They refer to protesters as violent individuals or individuals who incite violence and use narratives that reverse the presumption in favour of peaceful protests: instead of holding a presumption in favour of the peaceful character of protests, they presume that any protest will pose a threat to public order – and therefore that it should not be allowed to take place.

Respondents indicated that government officials refer to protesters who are critical of (or not aligned with) the government or ruling party using a vilifying, **stigmatising rhetoric**. Officials refer to protesters as: (1) "Hooligans," "vandals," "rioters," "criminals," or "terrorists"; and/or (2) "Rebels," individuals seeking to "destabilise the country" or to cause "disorder," "opposition members [or supporters]," or "enemies of the country [or of the government]"; and/or (3) Promoters of "foreign agendas" (or of "Western agendas"). In some contexts, depending on the cause they defend, protesters are also called "anti-development" agitators (environmental activists) or "mercenaries" who are "paid" by foreign actors (activists working on sexual and reproductive rights, gender equality, or non-discrimination).

In many places, independent civil society actors, HRDs, and defenders of the right to protest are equated with protesters, assimilated to opposition actors, and targeted for harassment, intimidation, vilification or even physical assault.

The most significant **factors triggering or explaining a negative approach** to protests by state authorities are: (1) The theme or issue in focus (40 out of 58 respondents (69%) mentioned this factor); and (2) The identity of the organiser(s) (35 out of 58 respondents (60.3%) mentioned this factor). The factors that were mentioned the least by respondents are: (1) The number of participants in the protest (15 out of 58, or 25.9%); and (2) The time of the protest (18 out of 58, or 31%) (several answers were possible for this question). These results point to a lack of neutrality by state authorities and government officials. They are "triggered" by the content, or messages, of protests more by than objective public order or security risks – for instance the number of participants. The theme, the slogans, and the organisers matter more than the place, time, or number of participants.

Whenever protests are banned/denied permission, what factors do authorities consider or use to justify their decision?



Denials (of requests for permission, where a prior authorisation regime is in place) and bans (of notified protests, where a notification regime is in place) are frequent, according to respondents. 96.6% of them (56 out of 58) indicated that either "some" or "many" protests were banned.

In this regard, responses to questions on gender aspects do not point to strong gender gaps. For most respondents, when it comes to protest denials and bans, there is no significant difference of treatment between men and women and girls. 44 out of 58 (over 75%) responded that "gender is irrelevant to the authorities' response" to requests for protests/notifications. This does not mean that discrimination does not exist at the stage of filing a notification/request for protest but rather indicates that respondents to our survey do not perceive discrimination based on gender at this stage. (This would be consistent with our previous finding that the topic of the protest and the way authorities perceive protest organisers (as being critical voices or opponents) are more significant factors in explaining denials.) This, however, stands in contrast to our



findings on the gender dimensions of protests in national contexts, in particular verbal and physical violence perpetrated against women and girls (see Section III).

As to the question of whether authorities propose alternatives to protest organisers after rejecting a request or notification, there is consensus on the fact that **no meaningful alternatives are put forward**. 53 out of 58 respondents (91.3%) indicated that when authorities deny a request, they propose no alternatives (such as holding the protest at a different time or at a different location, reducing the number of participants, or modifying the “manner” of the protest) (43 out of 58, or 74.1%) or no meaningful alternatives (ten out of 58, or 17.2%). Only three respondents indicated that authorities propose meaningful alternatives (i.e., alternatives that allow the protest to go ahead in conditions as close as possible to the organisers’ initial intent, with a view to facilitating the exercise of their right). This situation leaves protesters with no options to make their grievances heard and to reach their target audiences. This is in violation of state authorities’ obligation to facilitate peaceful protests.

Finally, we asked those who took the survey to give their views on spontaneous protests (which by definition are unplanned and unnotified, and for which no permission can be requested in advance). Respondents were quasi-unanimous in indicating that **spontaneous protests are not tolerated** in their country. The results were striking, with a significant majority indicating a strong intolerance to such protests. Specifically, 36 out of 58 (or 62.1%) indicated that such protests are not tolerated at all (“authorities systematically disperse spontaneous gatherings, even those that are peaceful and do not cause major disruptions (to traffic, for instance), and arrest organisers/ participants”). Another 13 respondents (or 22.4%) indicated that while these protests are not tolerated, “authorities disperse spontaneous gatherings but do not systematically arrest organisers/ participants.” Only nine respondents (or 15.5%) either did not know/ did not reply or indicated that “spontaneous protests are tolerated provided they are peaceful.”

As highlighted in Section I, the right to peaceful protest encompasses unannounced assemblies and spontaneous protests. Experts repeatedly stressed that spontaneous gatherings should be exempted from prior notification and that the mere fact that a protest takes place spontaneously does not in itself constitute grounds for dispersion or participants’ arrest.

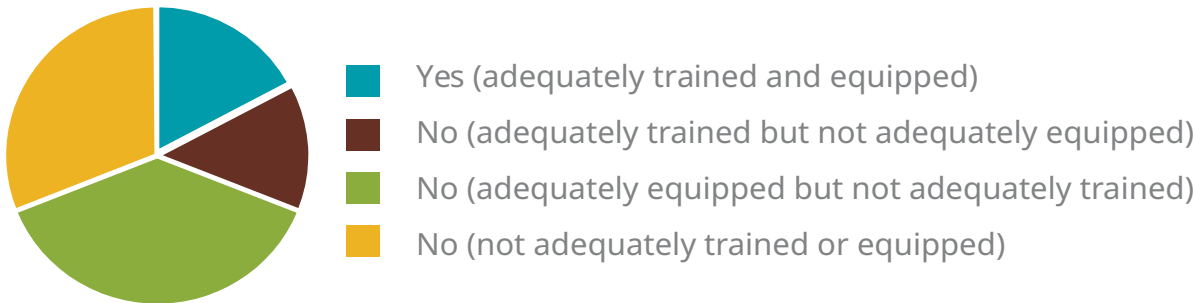
It is also noteworthy that several respondents indicated that by contrast to what they observe for anti-government protests or assemblies centred around critical messages or slogans, pro-government assemblies are able to proceed without hindrance, even when they are spontaneous. This, again, is in violation of states’ content neutrality obligation and indicated discrimination based not on objective criteria (public order risks) but on content.

3. INADEQUATE POLICIES AND PRACTICES: NOT FACILITATING BUT HINDERING PROTESTS

In many African countries, authorities’ approach to protests breaches international and regional human rights standards. Authorities do not facilitate, but rather hinder and deter, protests.

First, the **training and equipment of forces** managing public assemblies is largely inadequate, according to respondents. A minority of them indicated that law enforcement and security forces are “adequately trained and equipped to manage protests” (10 out of 58 respondents (17.2%)). Most respondents answered that these forces are “not adequately trained or equipped” (18 out of 58 (31%)), “adequately trained but not adequately equipped” (eight out of 58 (13.8%)), or “adequately equipped but not adequately trained” (22 out of 58 (37.9%)). Thus, an overwhelming majority of respondents highlighted flaws, either with regard to training or equipment or with regard to both. In open answers, many respondents mentioned that law enforcement and security forces are often “heavily deployed” ahead of and during protests, which has a chilling effect on protesters.

Do you think law enforcement/security forces are adequately trained and equipped to manage protests?



This is consistent with findings in national contexts (Section III), where many interviewees pointed to flaws in the training law enforcement and security forces receive or in how they implement trainings received, as well as to equipment (in particular weapons) that is inadequate to facilitate public assemblies. Firearms pose a specific problem insofar as they are inadequate to manage most assemblies (and security forces must never fire at crowds or without distinction) and, from the outset, deter protesters’ participation by intimidating them (see next sub-section).

Forces and agencies responsible for the maintenance of order and the management of assemblies are, in the vast majority of cases, regular police and law enforcement forces (police, police units, and in some cases gendarmerie). 55 out of 58 respondents mentioned “Police or regular law enforcement forces” as managing public assemblies. “Other security forces” were mentioned by 15 respondents, and “Military forces/ army” were mentioned by 16 (for this question, several answers were accepted). In



some cases, however, it is not clear who is under the command of which units or commanders. In some contexts, military units may not be under the command of, and accountable to, civilian officials (as should be the case for any military units deployed for the management of civilian crowds). In other contexts, police officers may actually be under the de facto command of military commanders.

Dispersals of protests, with or without violence, are frequent. They may happen at various stages of protests. A majority of respondents indicated, however, that dispersal often takes place at the very beginning (especially if the protest is spontaneous or seen as politically sensitive). Over 70% of respondents (41 out of 58) cited the “topic or issue in focus or title of the protest” as the most significant factor triggering the breaking-up of a protest by authorities, as opposed to other factors (number of participants, location, time, “manner” of the protest). This, again, points to state authorities breaching their content neutrality obligation.

Another issue negatively impacting the environment for protests, and indicating an inadequate management of protests by authorities, is the fact that **protest monitors, including HRDs and journalists**, face risks. They face threats and intimidation, which has a chilling effect on the overall transparency around protests, on open public debate, and on prospects for accountability in case violations are committed. 45 out of 57 respondents (one did not answer), or 78.9%, indicated that they thought journalists, HRDs, and protest monitors face threats from authorities/political figures. 38 out of 57 (66.7%) also indicated that they thought journalists, HRDs, and protest monitors face threats from law enforcement/security forces. (In addition, 25 out of 57 (43.9%) mentioned threats from third parties.

To this deterring environment, we have to add that protesters face violations of their **right to privacy**, which appear to be frequent. Many respondents indicated that they thought authorities specifically monitor or profile protest organisers or participants. Most (45 out of 57 (78.9%)) indicated photos and video recording as the main tools used in this regard. Facial recognition was less cited – by only 23 respondents (40.3%). Many of these tools, used without the adequate safeguards, are infringements on privacy (see section I).

4. The use of force in relation to protests: the rule rather than the exception

Our survey included specific questions on one category of violations of the right to protest, namely the use of excessive or otherwise unwarranted or disproportionate force against protesters. It is clear from the responses collected that, in breach of international and regional standards on states’ facilitation of protests, the use of force is the rule rather than the exception.

The use of force is **often unwarranted, and very often excessive**. State authorities do not approach the use of force as they should approach it: as a measure of last resort and in strict compliance with the principles of precaution, necessity, and proportionality. They do not prioritise the physical safety of protesters but rather regard the use of

force as legitimate in many circumstances, including to suppress protests that are entirely peaceful but simply inconvenient for government or other public authorities or figures.

A number of questions shed light on dimensions of the use of force. They include: when (is force used?), whether warnings are issued (before force is used), distinction (between peaceful and non-peaceful protesters), the weapons and methods used, access to medical care, and gender dimensions of the use of force. As to when (force is used in relation to protests), responses to our survey are inconclusive. While a number of respondents indicated that force is often used at the beginning of protests, some mentioned that it depends on whether tensions are high from the start or slowly grow.

A majority of respondents (39 out of 58, or 68.4%) indicated that law enforcement and security forces do not issue **warnings** before resorting to force against protesters. This means either that no warning is given or that warnings are inadequate (very shortly before using force).

Most respondents also made clear that law enforcement and security forces usually do not distinguish between participants based on their individual behaviour (47 out of 55, i.e., 85.4%) (three persons did not answer this question). Only four respondents (7.3%) mentioned that force is used “only against non-peaceful protesters.” In many countries, force appears to be used in a systematic and indiscriminate manner, against everyone who is present at a protest that is broken up or dispersed. This means that force is used as a **collective punishment** against protesters. Often, this is in the form of tear gassing or beatings. Respondents also mentioned the use of batons, sticks and water cannons, violent arrests, and the use of lethal force (firearms).

Nearly all respondents mentioned being arrested and being subjected to violence or ill-treatment (during dispersion, during arrest or in police custody) as the main risks protesters face.

The **weapons and methods used** by police and security forces are often inadequate. They reflect a militarisation of law enforcement, as well as authorities’ view of protesters as enemies or as threats to their hold on power. Inadequate weapons include lethal weapons (firearms, with live ammunition), which in most cases are wholly inadequate to manage protests (even protests that are not peaceful) and should never be used against a crowd. They also include “less-lethal” weapons, which might nonetheless be harmful and lead to serious injury or death without adequate testing and training, or if used indiscriminately against a crowd. These include toxic substances (tear gas, pepper sprays) and powerful water cannons, which usually do not allow for distinction.





Case study: Kenya

On 18th June 2024, Kenyans took to the streets to protest the proposed Finance Bill, 2024, which was denounced as a repressive bill seeking to increase taxes. Protests commenced in a peaceful manner. However, by 25 June 2024, police officers used excessive force beyond what is provided under the law, to manage the protests. There was use of live ammunition, tear gas canisters and water cannons laced with harmful chemicals. In addition, the officers used brutal force against protesters, using batons and other weapons, causing serious bodily harm and leading to severe injuries.

The Kenya National Commission on Human Rights (KNCHR) reported that between June and July 2024, during the protests, 60 persons were killed in different parts of the country. It was also reported that at least 32 persons had been victims of enforced disappearances, including three HRDs who are well known to Defenders Coalition Kenya.

Further, there were over 627 cases of arbitrary arrests, as reported by the KNCHR. What was really troubling was that the Kenya Defence Forces were deployed in the country through a hastily done Gazette Notice by the Cabinet Secretary for Defence. One large telecommunications provider was accused and came under heavy criticism for aiding the abductions of Kenyans following the protests. It can be stated that the true and exact number of those who were killed, abducted, disappeared and seriously injured may not truly be known. Up to date, those police officers involved have not been held accountable for these atrocities and violations.

In 2025, Kenya witnessed several protests that resulted in deaths, injuries, abductions, disappearances, and serious injuries. On 17 June, 2025, following the death of a local high school teacher and blogger, Kenyans took to the streets to protest. As a result, KNCHR reported one fatality, at least 22 injuries and several persons being arbitrary arrested. On 25 June 2025, on the day commemorating the anti-Finance Bill, 2024 victims, 19 deaths were reported, 531 injuries, 15 cases of enforced disappearances, 179 persons arrests and five cases of rape. During the 25 June 2025 protests, hundreds of goons armed with crude weapons were deployed into the city, to cause mayhem and attack innocent Kenyans.

On 7 July 2025, during the Saba Saba peaceful protests, 38 deaths and 130 injuries were reported by KNCHR. During the Saba Saba protests, the police had barricaded major road entry points into the city, thus denying persons access to their work places, given most offices are within the central business district.

Following the Saba Saba protests, in July 2025, we witnessed persons being arrested and charged with terrorism-related offences under the Prevention of Terrorism Act, 2012. Some of those arrested were held for prolonged periods of time beyond the constitutionally allowed period, and those who were released had to pay very high and cash bails and fines.

In both 2024 and 2025, we witnessed a repression of the right to peaceful assembly and protest in Kenya. This repression has had a great impact on other rights, including freedom of expression (offline and online), media freedoms, and the due process rights. Institutions, including the Office of the Director of Public Prosecutions (ODPP) and the Judiciary, were seen as a machinery to suppress, harass and intimidate protesters. The directive issued by the Communications Authority of Kenya for the media to stop airing live protests was a clear violation of media freedom. The abuse of laws, including the Prevention of Terrorism Act, 2012, the Computer Misuse and Cybercrimes Act, 2018 and the Penal Code Cap 63, continues to be clear. The Kenya Defence Forces remain deployed in the country, given the Gazette Notice is still in force. Criminalisation of protests remains greatly concerning.

Defenders Coalition Kenya – September 2025

As to the **gender dimensions** of the use of force in relation to protests, responses are inconclusive. Over half of the respondents indicated that they thought all protesters are exposed to violence (and in this sense are subjected to a similar treatment by law enforcement and security forces), and the rest indicated that women and girls were either more exposed (one quarter) or less exposed (one eighth). This somewhat surprising result calls for more research into this issue, which we endeavoured to do in national contexts (Section III).



5. WIDESPREAD IMPUNITY FOR VIOLATIONS

Responses to questions relevant for this sub-section were almost unanimous. They show a clear pattern of impunity for violations committed against protesters, including brutality and ill-treatment.

82.8% of respondents (48 out of 58) indicated that **no investigations** (judicial or administrative) are usually conducted into violations committed by law enforcement officials or security forces. This points to HRDs’ perception that impunity for violations of the right to protest is widespread.

If, on the one hand, respondents pointed to a near-total absence of investigations into violations, on the other hand, they pointed to a near-total absence of sanctions against perpetrators. 42 out of 58 (72.4%) indicated that **no sanctions** (criminal or administrative) are taken against those who commit violations. The same remark as above applies: While this figure reflects the perception of HRDs who took the survey, it shows a widely-shared impression of impunity, which translates into an absence of criminal accountability, an absence of reparations for the victims and survivors, and an absence of guarantees of non-repetition.

With this in mind, during the research process that led to section III, we systematically asked sources about accountability for violations – including investigations, prosecutions, sanctions, and access to remedies. Indeed, accountability is a sine qua non to create an environment that is conducive to protests, i.e., a space in which protesters feel safe and are confident that they can freely exercise their rights.

6. POSITIVE TRENDS

This bleak picture should not lead us to pessimism. Open-ended responses provided by those who took the survey allowed us to identify a number of positive aspects and trends in relation to protests in Africa.

First, many defenders and organisations monitor and report on peaceful protests. They are equipped with the conceptual and operational tools to do so in an effective manner – exposing what is wrong, holding perpetrators to account, and defending the right to protest. They know human rights standards and state obligations. They are also aware of the tactics used by governments, including rhetorical tactics to delegitimise those who exercise their right to protest. They are not fooled by “foreign agent” or “enemy of the country” narratives. Furthermore, they are fully aware of the power of protests: it is precisely because governments in place fear people’s power through collective action that they crack down on protests. Many of our interviewees (see section III) also insisted on the fact that protests would continue, despite the repression, because people know their collective power.

Second, the themes respondents highlighted as being central to recent protests have a universal appeal. They are relevant to most people, even those who are not active politically or in social movements, NGOs, or trade unions. The fight against injustice, impunity, corruption or rising costs of living, the need for free and fair elections,

demands for quality public services, as well as environmental and climate-related issues are likely to continue to speak to most people – they can relate to these themes because they are about their everyday lives.

Third, women and youth movements are more and more involved in protests. They take the lead in organising protests, as in Kenya in 2024 and 2025, and participate in both in-person and online protests. Many of our sources highlighted the role of “Gen Z” and of women- and girl-led movements in recent demonstrations, which addressed issues that are much broader than issues seen as traditionally “youth” or “women’s” issues. As this trend is fed by digitalisation and social media, it is there to stay.

Last, despite restrictions and disruptions, and despite risks such as surveillance, in most countries, social media and online spaces now play an indispensable role in relation to protests. People use digital tools and go to online platforms, including Facebook, X (formerly Twitter), TikTok, YouTube, and WhatsApp or Signal groups, to organise and plan for protests, mobilise, raise awareness, but also monitor, livestream and report on protests, including to expose perpetrators and hold authorities to account. Social media has increased participation in protests, both physical and online. (In some cases, there is, however, a risk of “staying online” – as a result of people being tempted not to organise or join in-person protests).

We do not claim that these positive trends and aspects are exhaustive. But they were evidenced by our survey and many of the interviews we conducted. It is important to keep in mind, especially as HRDs and citizen/social movements devise new strategies to influence public opinion and secure human rights and democratic progress.

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SECTION III

THE RIGHT TO PROTEST IN NATIONAL CONTEXTS: MOZAMBIQUE, SENEGAL, TUNISIA, AND UGANDA



After analysing trends for the right to protest in Africa, we now “zoom in” to national contexts to get into more detail and gain a deeper understanding. To do this, we focus on the situation in four focus countries, namely Mozambique, Senegal, Tunisia, and Uganda.

This section is based on information collected from 87 sources in these four countries, including 66 interviewees and 21 focus group discussion (consultation) participants. These sources are HRDs, protest organisers (including trade unionists, environmental activists, and student leaders), protest monitors, victims of police brutality, journalists, lawyers, and academics.

Before examining findings under seven headings that cover cross-cutting issues (sub-sections 2 to 8), we present an overview of national frameworks in Mozambique, Senegal, Tunisia, and Uganda (sub-section 1).

1. NATIONAL FRAMEWORKS FOR PROTESTS

All obligations pertaining to the right to protest outlined in section I apply to African states, including our four focus countries.⁹³



Photo by: Siphwe Sibeko (REUTERS)

In this sub-section, we succinctly review national frameworks for the right to protest. “Frameworks” are understood as including both: (i) legal frameworks (relevant constitutional, legal, and regulatory provisions) and (ii) operating environments (we identified the most pressing issues based on a review of secondary sources and initial exchanges with HRDs, paving the way for interviews).

A. Mozambique

Following a war of independence against Portugal (1964-1975), Mozambique went through a bloody civil war (1976-1977 to 1992), often referred to as the “16-year war,” which ended with the signing of a General Peace Agreement. The conflict was decisive for the advent of a democratic era as it led to the adoption of the 1990 Constitution, which liberalised the political system by introducing multiparty politics

⁹³ Mozambique, Senegal, Tunisia, and Uganda are all bound by the provisions of international and African human rights law. All have ratified the ICCPR, the ICERD and the CRC, as well as the Banjul Charter and ILO Convention No. 87. All except Mozambique have ratified the ICESCR. All except Tunisia (which has only signed it) have ratified the African Charter on the Rights and Welfare of the Child.



and fundamental rights. However, FRELIMO (Frente de Libertação de Moçambique, Front for the Liberation of Mozambique) has been ruling uninterruptedly since 1975. The 2004 Mozambican Constitution,⁹⁴ under Title III, enshrines a number of rights and freedoms. These include the freedoms of expression (including freedom of the press and the right to information) (Article 48), assembly and demonstration (Article 51), and association (Article 52).

Laws and practices undermine the enjoyment of these constitutional guarantees. For example, Law 9/91 of 18 July 1991 (amended by Law 7/2001 of 7 July 2001) requires a written notification to civil authorities and the police at least four days prior to any planned assembly, with at least ten organisers identified by name, profession and address. It also outlines that the exercise of the right to peaceful assembly cannot “offend” the Constitution, law, morals, good behaviour and individual and collective rights, and that no demonstration can take place within 100 metres of the headquarters of sovereign bodies, military installations, prisons, or political parties, among others. These provisions establish broad grounds for restrictions, some of which are vague, and designate forbidden places for protests, especially in the capital, Maputo. In the context of assemblies, offences such as “disturbance of public order” or “illegal assembly,” which are broadly defined and give discretion to the authorities to interpret them in ways that restrict people’s rights, give rise to criminal liability.

Law 8/91 of 18 July 1991, which establishes a legal framework for associations, undermines constitutional and international guarantees for the freedom to associate. For instance, requirements regarding founding members (who must be at least ten) and documentation to form an association (including certified copies of identity documents and criminal records) represent excessive burdens for most Mozambican citizens.

In its last concluding observations on Mozambique, the ACHPR noted that the legal regimes concerning the formation of associations and public demonstrations amount to “prior registration” and “prior authorization,” respectively. The Commission recommended that authorities ensure the incorporation of the Guidelines on Freedom of Association and Assembly in Africa.⁹⁵

Several laws also undermine the enjoyment of freedom of opinion and expression. The 1991 Press Law (Law 18/91 of 10 August 1991), the Penal Code (2014, revised in 2019) and the Law on Crimes against the Security of the State (State Security Law (Law 19/91 of 18 August 1991)) all contain provisions that run counter to Mozambique’s human rights obligations. Several articles of the amended Penal Code (now Articles 233, 234, and 237), as well as of the Press Law (46, 47), criminalise and impose prison sentences for defamation, libel and slander, including against the President, government members and other public figures.⁹⁶

⁹⁴ All Constitutions are available on Constitute Project, <https://www.constituteproject.org/>

⁹⁵ “Concluding observations on the Periodic Report of the Republic of Mozambique on the implementation of the provisions of the African Charter on Human and Peoples’ Rights (2015-2021),” August 2024, para. 51 and recommendations, p. 16.

⁹⁶ Law 24/2019 repealed some Penal Code provisions relating to sedition.



Acts of defamation, libel and slander against high-ranking officials are also considered crimes under the State Security Law. Finally, when it comes to access to information, the practical implementation of the Right to Information Law (Law 34/2014) is hindered by numerous provisions on classified information, as well as public administrations’ failure to respond to information requests in a timely manner.

Sensitive topics, which expose those addressing them to risks of reprisals, include corruption, embezzlement and diversion of state resources, criticism of public figures, FRELIMO officials or the party itself, or issues relating to elections and political transition.

Reports of serious violations in relation to protests are numerous. They include undue restrictions on freedoms of expression, peaceful assembly and association, use of excessive force by law enforcement officials, impunity for violations, arbitrary detentions, torture and ill-treatment, enforced disappearances, and extrajudicial and other unlawful killings. The situation in Cabo Delgado province has also been particularly worrying, with reports of grave violations committed by Mozambican security forces in relation to counter-terrorism operations. (One of our interviewees referred to Cabo Delgado as being characterised by a “climate of armed peace.”)

From 2023 to 2025, large-scale demonstrations related to municipal and general elections were suppressed through excessive force. In a context where the October 2024 general elections were marred by political killings, allegations of widespread irregularities and restrictions on fundamental freedoms, many violations of the rights of protesters and citizens, including members and supporters of the opposition PODEMOS (Partido Optimista pelo Desenvolvimento de Moçambique, or Optimist



Party for the Development of Mozambique) party, were reported. Violations include arbitrary detentions, disappearances, torture and ill-treatment in custody, and extrajudicial killings of protesters who contested election results, especially the election of FRELIMO's Daniel Chapo as the country's President. Police forces reportedly killed 300 to 400 people during the 2024 post-election crackdown. In the following months, peaceful opposition assemblies were targeted, including a March 2025 parade led by former presidential candidate Venâncio Mondlane.⁹⁷ (While PODEMOS supported Mondlane in the 2024 presidential election, it later formed a coalition with FRELIMO, leaving Mondlane isolated. The new alliance between PODEMOS and FRELIMO helped legitimise Chapo's inauguration.)

On 25 December 2024, over 1,500 inmates escaped from Maputo's Central Prison. Protesters also stormed other prisons in the country, with dozens more inmates escaping. The authorities' response, and attempts to recapture prisoners, resulted in over 100 killings in conditions that might meet the definition of extrajudicial executions. There has been no accountability in relation to these incidents.

In its initial review of Mozambique, the CCPR Committee expressed concern that "the freedom of assembly and association is not always effectively guaranteed" and recommended to "investigate and prosecute persons allegedly responsible for arbitrary arrests and detention and bodily injuries inflicted in connection with participation in a peaceful demonstration and punish those who are found guilty."⁹⁸ In a 2024 resolution, the ACHPR expressed concern about the "disproportionate use of force by the security forces to stifle peaceful demonstrations," in relation to the 2024 elections, and condemned "[...] deaths, injuries and intimidation of demonstrators, journalists and opposition activists during the post-election periods of 2023 and 2024."⁹⁹ Other human rights experts have repeatedly drawn attention to, and condemned, violations committed in relation to protests in Mozambique.¹⁰⁰

⁹⁷ Amnesty International, "Mozambique: Authorities must investigate reports of more than 300 unlawful killings during post-election protest crackdown," 27 February 2025, <https://www.amnesty.org/en/latest/news/2025/02/mozambique-authorities-must-investigate-reports-of-more-than-300-unlawful-killings-during-post-election-protest-crackdown/>; Human Rights Watch, "Mozambique: Post-Election Protests Violently Repressed," 29 October 2024, <https://www.hrw.org/news/2024/10/29/mozambique-post-election-protests-violently-repressed>; Human Rights Watch, "Mozambique: Police Fire on Opposition Parade," 12 March 2025, <https://www.hrw.org/news/2025/03/12/mozambique-police-fire-opposition-parade> (accessed on 9 April 2025).

⁹⁸ "Concluding observations on the initial report of Mozambique," UN Doc. CCPR/C/MOZ/CO/1, 19 November 2013, para. 22.

⁹⁹ "Resolution on the pre- and post-electoral instability in Mozambique – ACHPR/Res.612 (LXXXI) 2024," 6 November 2024.

¹⁰⁰ The UN High Commissioner for Human Rights and special procedure mandate-holders have called for de-escalation and denounced, among others, "unnecessary and disproportionate" use of force by the police and "violence and repressive measures against protesters in peaceful demonstrations" (see statements of 6 November 2024 ("Mozambique: UN Human Rights Chief urges de-escalation of post-election tensions"), 15 November 2024 ("Mozambique: Post-election violence and repression must stop, say UN Experts") and 14 January 2025 ("Comment by UN Human Rights spokesperson Seif Magango on tensions in Mozambique")).



B. Senegal

Senegal boasts a solid record of peaceful, constitutional changes of government and has maintained one of the most open civic spaces in West Africa since its independence from France, in 1960. The Senegalese Constitution includes guarantees for human rights and fundamental freedoms. Under Title II are protected, among others, freedoms of opinion, expression, the press, association, and assembly (Article 8). Article 10 outlines specific guarantees for free expression and free dissemination of opinions "by word, pen, image, and peaceful march," provided that the exercise of these rights "does not infringe on the honor and consideration of others, or on public order." Article 12 provides for citizens' "right to freely form associations, economic, cultural, and social groups, as well as companies," but adds that "[g]roups whose purpose or activity is contrary to criminal laws or directed against public order are prohibited."

Public assemblies are governed by a notification regime.¹⁰¹ Notification (declaration) must be given 72 hours ahead of planned assemblies to allow authorities to manage them. In practice, however, a number of laws and decrees undermine the full enjoyment of protest-related rights, and judicial oversight is not always timely or effective. First, notifications for demonstrations can be rejected for reasons related to "disturbance of public order" or in order to "preserve public order." This provides authorities with discretionary powers to restrict assemblies. Those organising, or even simply participating in, unnotified (including spontaneous) or prohibited assemblies face prison sentences and fines.

¹⁰¹ Law No. 78-02 of 29 January 1978 relating to meetings.



Second, the 2017 Press Code retains press offences, and several provisions of the Penal Code (as amended by the 2021 anti-terrorism laws) undermine the enjoyment of the freedoms of expression and peaceful assembly. Among them, Article 279-1, which outlines a broad definition of “acts of terrorism” (including “criminal association”), Article 80 (offences against public security, including “propaganda likely to compromise public safety or cause serious political unrest”), as well as Articles 254 (insult to the President), 255 (publication, spreading or reproduction of false news) and 258 to 262 (defamation and insult), contain vague terms that can be used to prosecute peaceful critics, journalists, citizen bloggers, and HRDs.

As per Ministerial Decree no. 7580 of 2011, all demonstrations “of a political nature” are prohibited in the centre of the capital, Dakar (Plateau area). The ban has remained in place despite a 2022 ruling by the Court of Justice of the Economic Community of West African States (ECOWAS), which declared the decree to be in violation of freedoms of expression and peaceful assembly and called on Senegal to repeal it. The decree, often referred to as “Arrêté Ousmane Ngom,” has been used to ban a range of protests and deprive protesters from access to places where they could make their messages heard by the general public.

During the Covid-19 pandemic, from March 2020, authorities issued orders and decrees prohibiting all demonstrations and gatherings and imposing restrictions on freedom of movement. The ban was extended multiple times, invoking the public health context and the need to prevent the spread of the coronavirus. These restrictions paved the way for serious violations that impacted the space for protests in the country. From 2021, Senegal, which for decades had been perceived as a model for democratic transition and civic space,¹⁰² went through one of its most turbulent periods. Numerous public assemblies were banned, law enforcement used excessive force to suppress protests, and protesters, including opposition leaders and members, were arrested and detained. These developments increased political tensions and led observers to raise the alarm over prospects for a peaceful change of power as the 2024 presidential election was approaching.¹⁰³

In March 2021, demonstrations broke out in support of opposition leader Ousmane Sonko of PASTEF (Patriotes Africains du Sénégal pour le Travail, l'Éthique et la Fraternité, or African Patriots of Senegal for Work, Ethics and Fraternity), who was facing accusations of rape, and over concerns about whether President Macky Sall would run for a third term. The authorities' disproportionate response led to the deaths of 14 protesters. 600 others were wounded. In June 2022, opposition politicians Déthié Fall, Mame Diarra Fam and Ahmed Aïdara were arrested during an unauthorised demonstration

¹⁰² In its 2022 report to the ACHPR, submitted ahead of its periodic review, the Senegalese government indicated that “for the year 2021, out of 6256 declarations received by the Ministry of the Interior, only 119 were banned, i.e. a rejection rate of 1.95 [percent] across the entire nation” (p. 41). Several interviewees referred to this report and highlighted that the figures presented include religious and cultural events, as well as other events for which authorisation to occupy the public domain has to be requested (some wedding ceremonies, for instance).

¹⁰³ The election was originally scheduled for 25 February 2024 but postponed indefinitely by a decree signed by then-President Macky Sall, and then delayed to 15 December by the National Assembly. These decisions were challenged, and on 15 February the Constitutional Council overturned the postponement and ordered the election to proceed as soon as possible. The election eventually took place on 24 March, with Bassirou Diomaye Faye of PASTEF declared the winner.



of the Yewwi Askan Wi (“Liberate the People”) platform. In June 2023, following Sonko's conviction on grounds of “corrupting youth” (he was acquitted of the accusation of rape), protests erupted across Senegal. Some of them turned violent, and the use of excessive force by law enforcement authorities, including firearms, resulted in 16 deaths. In total, between March 2021 and June 2023, several dozen people were killed during protests and at least 1,000 were wounded. Finally, in February 2024, following the announcement of the presidential election's postponement, three protesters were killed in Saint Louis, Dakar and Ziguinchor. Throughout the pre-election period, numerous arrests of journalists were reported. Senegalese citizens were also arrested for taking part in demonstrations against economic hardship and inflation.¹⁰⁴ Despite a change of government following the election of President Diomaye Faye, there has been no accountability for violence committed during the policing of protests.

Additionally, Internet restrictions, in particular affecting WhatsApp, YouTube, social media (X (formerly Twitter) and Facebook) and mobile services, were reported in relation to protests. Authorities claimed that these aimed to prevent the spread of hate speech and calls for insurrection. Between 2021 and 2023, several media outlets

¹⁰⁴ See Human Rights Watch, “Senegal: Violent Crackdown On Opposition, Dissent,” 5 June 2023, <https://www.hrw.org/news/2023/06/05/senegal-violent-crackdown-opposition-dissent>; Amnesty International, “Senegal: Human Rights between Regression and Repression; Amnesty International Submission to the 45th session of the UPR Working Group, January-February 2024,” 2023; CIVICUS, COSEDDH and ROADDDH, “Republic of Senegal: Joint Submission to the UN Universal Periodic Review 45th Session of the UPR Working Group,” 2023; Human Rights Watch, “Senegal: Pre-Election Crackdown,” 22 January 2024, <https://www.hrw.org/news/2024/01/22/senegal-pre-election-crackdown>; Amnesty International, “Senegal: Authorities must investigate killings and police brutality against protesters,” 13 February 2024, <https://www.amnesty.org/en/latest/news/2024/02/senegal-investigate-killings-and-police-brutality-against-protesters/> (accessed on 10 April 2025).



were also arbitrarily suspended or got their signal blocked in relation to coverage of protests, including Walf (Walfadjiri) TV and SEN TV.¹⁰⁵

Several UN and African bodies and mechanisms condemned violations committed in Senegal. In a 2023 resolution, the ACHPR “strongly condemned” violations which “tarnish[ed] Senegal’s reputation for democratic stability,” called on the authorities to guarantee freedoms of expression, assembly and peaceful demonstration,” and urged the government to “[...] release immediately and unconditionally the demonstrators arbitrarily arrested.”¹⁰⁶ This followed concluding observations, released in 2022, in which the Commission called on Senegal to fully guarantee fundamental freedoms ahead of elections and noted that Senegal’s record of “zero deaths” during demonstrations was no longer valid.¹⁰⁷

In 2019, the CCPR Committee already alerted about restrictive conditions imposed on demonstrations and excessive use of force at political rallies, and called for prompt, impartial and effective investigations to bring those responsible for violations to justice. The same year, the Committee Against Torture (CAT Committee) noted with concern the “reports of the use of excessive and disproportionate force by the security forces [...] to repress political rallies and demonstrations” and called on Senegal to “systematically provide training to all law enforcement officials on the use of force, especially in the context of controlling demonstrations, taking due account of the Basic Principles on the Use of Firearms by Law Enforcement Officials.”¹⁰⁸ Recently, the UN High Commissioner and human rights experts publicly raised concerns over bans on protests, Internet shutdowns, unnecessary and disproportionate use of force, and killings.¹⁰⁹

Concerns over undue restrictions on freedoms of assembly and of expression have not disappeared with the 2024 elections and change of power. For example, authorities continue to ban protests and courts to convict journalists and government critics for spreading “false news” or insulting the Head of State.¹¹⁰

¹⁰⁵ ARTICLE 19, “Contribution of ARTICLE 19 Senegal and West Africa Office to the fourth cycle of the Universal Periodic Review (UPR) of Senegal,” July 2023; Small Media Foundation, Jonction, Digital Rights in Senegal, “UPR Submission, Session 45,” all available at: <https://www.ohchr.org/en/hr-bodies/upr/sn-stakeholders-info-s45> (accessed on 11 April 2024).

In 2025, the ECOWAS Court of Justice ruled that Senegal violated the rights to freedom of expression, access to information, and work through the shutdown of Internet services and social media platforms in June-July 2023 (see Internet Society, “ECOWAS Court Finds Senegal in Violation of Freedom of Expression and Right to Work Over Internet Shutdowns,” 14 May 2025, <https://pulse.internetsociety.org/blog/ccj-official-website-ecowas-court-finds-senegal-in-violation-of-freedom-of-expression-and-right-to-work-over-internet-shutdowns> (accessed on 24 July 2025)).

¹⁰⁶ “Resolution on the Human Rights Situation in Senegal - ACHPR/Res.567 (LXXVI) 2023,” 2 August 2023.

¹⁰⁷ See ACHPR, “Observations finales relatives aux 12, 13e, 14e et 15e Rapports périodiques de la République du Sénégal sur la mise en œuvre des dispositions de la Charte Africaine des Droits de l’Homme et des Peuples (2015-2022),” July 2023.

¹⁰⁸ CCPR Committee, “Concluding observations on the fifth periodic report of Senegal,” UN Doc. CCPR/C/SEN/CO/5, 11 December 2019, paras. 24-25, 44; CAT Committee, “Concluding observations on the fourth periodic report of Senegal,” UN Doc. CAT/C/SEN/CO/4, 30 January 2019, paras. 29-30.

¹⁰⁹ See statements of 13 June 2023 (“Senegal - protests and communications clampdown”), 13 February 2024 (“Senegal: Concern around suspended election”), and 19 March 2024 (“Senegal: UN experts urge respect of fundamental freedoms ahead of elections”).



Creator: ZOUBEIR SOUISSI Credit: REUTERS

C. Tunisia

After a long period of authoritarian rule, Tunisia kicked off a wave of “Arab Spring” revolutions when a civil resistance movement peacefully ousted the late President Zine El Abidine Ben Ali in what came to be known as the “Jasmine Revolution.” From January 2011, the country democratised. It adopted a new Constitution and progressive legislation and fostered greater media and civic space. However, since 2021, steps taken by Tunisia’s current President, Kais Saied, have taken the country back to a repressive era. As a result of this backsliding on human rights, observers are now challenging the idea that Tunisia was the only “successful” Arab Spring movement. In the last four years, the civic and democratic space has shrunk and the repression of critical and opposition voices has increased.

In 2022, a new Constitution replaced the Constitution adopted in 2014 after the Jasmine Revolution. Taking up several existing provisions on fundamental rights and freedoms, the 2022 Tunisian Constitution outlines guarantees for “freedom of assembly and peaceful demonstration” (Article 42), freedom of association (Article 40), and freedoms of opinion, thought, expression, information and publication” (Article 37).¹¹¹ Article 55 provides for grounds for restrictions and safeguards in this regard, including judicial oversight.

¹¹⁰ RFI, “Sénégal: la justice condamne le journaliste Bachir Fofana et l’opposant Moustapha Diakhaté,” 31 July 2025, <https://www.rfi.fr/fr/afrique/20250731-s%C3%A9n%C3%A9gal-la-justice-condamne-le-journaliste-bachir-fofana-et-l-opposant-moustapha-diakhat%C3%A9> (accessed on 6 August 2025).

¹¹¹ Respectively Articles 37, 35, and 31 of the 2014 Constitution.





Photo Credit: Yassine Gaidi - Anadolu Agency

Tunisians gather for a demonstration with the call of the National Liberation Front, consisting of opposition politicians to protest against the administration of President Kais Saied at the Habib Bourguiba Street in Tunis, Tunisia on October 15, 2022.

Progressive legislation was adopted after 2011, including on freedom of the press (Decree-law no. 115 of 2011, which makes direct reference to the ICCPR and its permissible grounds for restrictions) and access to information (Organic Law no. 22 of 2016). Regarding associations, Decree-Law no. 88 of 2011 provides for a simple declaration (notification) regime, allowing Tunisians and resident foreigners to freely establish civil society organisations and carry out a broad range of activities, including advocacy and fundraising. An association is considered to exist as a legal entity as soon as authorities have received constitutive documents; its creation does not have to be approved.

Regarding the facilitation of public demonstrations, the SR on FoAA wrote in a 2018 report that followed his official visit to Tunisia that there had been “tangible improvements” since 2011. He mentioned law enforcement facilitation of protests in 2015 as an example.¹¹² A code of conduct was also introduced for law enforcement personnel.

Multiple obstacles to the enjoyment of fundamental freedoms exist, however, due to both Ben Ali era draconian laws (which are still in force) and recent developments. Among the former are: (i) Law no. 69-4 of 1969 on public meetings, processions, parades, demonstrations and gatherings (which remains the main regulatory framework for peaceful assemblies, despite many provisions being in breach of the Constitution and international human rights standards as they considerably limit enjoyment the right to

¹¹² “Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association,” UN Doc. A/HRC/41/41/Add.3, 25 June 2019, para. 26.

assembly¹¹³); (ii) Decree no. 78-50 of 1978, relating to the state of emergency (which grants governors powers to restrict the free movement of persons and prohibit strikes and any meetings “likely to cause or maintain disorder,” and grants far-reaching powers to law enforcement officials¹¹⁴); and (iii) the Penal Code (which contains provisions undermining free speech and assembly as they enable authorities to prosecute HRDs, journalists, bloggers and others on the basis of loosely defined offences¹¹⁵).

In addition to these provisions, which are used to prosecute opponents, critics and civil society actors, since 2021, President Saied has been leading a full-fledged crackdown on Tunisia’s civic and democratic space. On 25th July 2021, the President abusively invoked Article 80 of the 2014 Constitution, which provided him with the authority to “take any measures necessitated by the exceptional circumstances” [posed by an “imminent danger threatening the nation’s institutions or the security or independence of the country, and hampering the normal functioning of the state”]. He suspended the Parliament and dismissed the Head of Government. Thousands of Tunisians took to the streets to protest what many called a constitutional “coup,” which added a state of exception to the already in place state of emergency. European partners, including the former colonial power, France, have offered a weak response to President Saied’s *coup de force*, as the latter has been able to use migration flows to engage in a form of blackmail.

On 22 September, he issued Decree no. 2021-117 on exceptional measures, which allowed him to group together and take full control of both executive and legislative powers.¹¹⁶ He suspended most of the Constitution, granted himself nearly unlimited power to rule by decree, and announced legal, institutional and constitutional reforms (including a referendum on a new Constitution, to be held on 25 July 2022, and legislative elections, to be held in December 2022). In February 2022, he issued a second decree (no. 11 of 2022) by which he dissolved the Supreme Judicial Council and replaced it with an entity under his control. The next month, he officially dissolved

¹¹³ Law no. 69-4 provides absolute discretionary powers to the authorities to prohibit assemblies on the basis of an overly broad definition of “public security [and order].” It also restricts the holding of spontaneous assemblies and provides for heavy penalties (of up to ten years in prison) for those who organise or participate in an unauthorised or prohibited demonstration (see Collective, “Tunisia: Joint Submission to the UN Universal Periodic Review 41st Session of the UPR Working Group; Submitted 31 March 2022 by Association for the Promotion of the right to difference-ADD,” 2022, available at <https://www.ohchr.org/en/hr-bodies/upr/tu-stakeholders-info-s41> (accessed on 10 April 2025) and “Report of the Special Rapporteur,” UN Doc. A/HRC/41/41/Add.3, op. cit., para. 20).

¹¹⁴ See CCPR Committee, “Concluding observations on the sixth periodic report of Tunisia,” UN Doc. CCPR/C/TUN/CO/6, 24 April 2020, paras. 29-30; Collective, “Tunisia: Joint Submission to the UN Universal Periodic Review,” op. cit.

¹¹⁵ Including Articles 79 (taking part in a gathering likely to disturb the public peace), 116 and 117 (rebellion), 125 (insult against a public official), and 316 (offences relating to public safety and tranquillity).

In addition, a number of laws and decrees adopted since 2011 pose human rights issues. They include laws on terrorism and money-laundering, which rely on an overly broad definition of acts of terrorism and can be used to criminalise non-violent conduct (Organic Law no. 26 of 2015 and Organic Law no. 9 of 2019; see CCPR Committee, “Concluding observations,” UN Doc. CCPR/C/TUN/CO/6, op. cit., paras. 31-32) and on combatting offences related to information and communications (Decree-Law no. 54 of 2022).

¹¹⁶ For details, see Alliance Sécurité et Libertés, “Rapport conjoint pour l’Examen périodique universel de la Tunisie; 41ème session du groupe de travail de l’EPU, Novembre 2022,” 2022, available at <https://www.ohchr.org/en/hr-bodies/upr/tu-stakeholders-info-s41> (JS6) (accessed on 14 April 2025).



the Parliament. These developments, and the crackdown on demonstrators protesting President Saied's power grab, were widely condemned by UN human rights experts.¹¹⁷

Against this backdrop, and in the context of routine extensions of the state of emergency¹¹⁸ and a crackdown on migrants and refugees and their defenders,¹¹⁹ expressive, association and assembly rights have been under heavy pressure. First, arbitrary arrests of citizens and abusive prosecutions of journalists, HRDs and citizens peacefully exercising their rights are regularly reported, including in relation to participation in peaceful protests.¹²⁰ Serious concern remains over a proposed reform of Decree-Law 2011-88 on associations, which would among other things replace the notification regime with a prior authorisation regime.¹²¹ Trade unions have also been under attack.¹²²

Second, police violence, which had already increased in the context of restrictions related to the Covid-19 pandemic, has been increasing. Unwarranted and excessive force used during the policing of public assemblies includes the dispersal of assemblies, the indiscriminate firing of tear gas and water cannons to disperse crowds, and beatings and other forms of ill-treatment of protesters. In January 2021, during social movement protests, one protester died after being hit by a gas canister. Observers have also reported the deliberate targeting of journalists and protest monitors by law enforcement officials and profiling of protesters, including through the use of drones during public assemblies.¹²³ This reflects a "lack of clarity regarding acceptable standards governing the use of force," which a UN expert had already pointed out in 2019,¹²⁴ as well as deliberate acts.

¹¹⁷ See among others, OHCHR, "Press briefing notes on Tunisia," 11 January 2022; "Tunisia: Judges' right to association and protest must be respected, say UN experts," 14 September 2022; "Tunisia: Crackdown on media freedoms," 23 June 2023; "Tunisia: Interference with the judiciary and harassment of lawyers must end, say UN experts," 31 May 2024; "Türk calls on Tunisia to uphold rule of law and democratic freedoms," 15 October 2024; "Tunisia: End all forms of persecution of opponents and activists," 18 February 2025.

¹¹⁸ The state of emergency, defined by Decree no. 78-50, has been in place continuously since 2015, when it was declared by former President Beji Caïd Essebsi following terrorist attacks. Multiple extensions have followed, including, at the time of writing this report, from January until 31 December 2025.

¹¹⁹ OHCHR, "Tunisia must immediately stop hate speech and violence against migrants from south of Sahara, UN Committee issues early warning," 4 April 2023; "Tunisia: UN expert alarmed by arrests and smear campaigns against migrant rights defenders," 1 October 2024; "Tunisia: UN experts concerned over safety of migrants, refugees and victims of trafficking," 14 October 2024.

¹²⁰ For cases, see Collective, "Tunisia: Joint Submission to the UN Universal Periodic Review," op. cit. See also Amnesty International, "Tunisia: Mass convictions of opposition activists after sham trial marks a dangerous moment," 19 April 2025, <https://www.amnesty.org/en/latest/news/2025/04/tunisia-mass-convictions/> (accessed on 24 July 2025).

¹²¹ See OMCT Tunisie, "Commentaire sur la proposition de loi portant réforme du décret 2011-88 régissant les associations," October 2023, <https://omct-tunisie.org/2023/10/25/commentaire-sur-la-proposition-de-loi-portant-reforme-du-decret-2011-88-regissant-les-associations/>; Alliance Sécurité et Libertés, "Rapport conjoint," op. cit. (accessed on 14 April 2025).

¹²² RFI, "Tunisie: levée de boucliers au sein de la société civile après l'attaque du siège de la centrale syndicale UGTT," 9 August 2025, <https://www.rfi.fr/fr/afrique/20250809-tunisie-lev%C3%A9e-de-boucliers-au-sein-de-la-soci%C3%A9t%C3%A9-civile-apr%C3%A8s-l-attaque-du-si%C3%A8ge-de-la-centrale-syndicale-ugtt> (accessed on 11 August 2025).

¹²³ See *ibid.*; Alkarama, "Examen périodique universel: Tunisie," 2022; Human Rights Watch, "Submission to the Universal Periodic Review of Tunisia," Alliance Sécurité et Libertés, "Rapport conjoint," op. cit., available at <https://www.ohchr.org/en/hr-bodies/upr/tu-stakeholders-info-s41> (accessed on 14 April 2025).

¹²⁴ "Report of the Special Rapporteur," UN Doc. A/HRC/41/41/Add.3, op. cit., para. 86. See also CCPR Committee, "Concluding observations," UN Doc. CCPR/C/TUN/CO/6, op. cit., paras. 47-48.



D. Uganda

Since it gained independence from the United Kingdom, in 1962, Uganda experienced several periods of authoritarian rule characterised by widespread human rights violations, under Milton Obote and Idi Amin, lasting until the 1980s. President Yoweri Museveni acceded to power in 1986 after a civil war known as the "Bush War" led by the National Resistance Army (NRA), the military wing of the National Resistance Movement (NRM), which still rules the country today. With Uganda at peace, the NRA became the Uganda Peoples' Defence Force (UPDF).

For several decades, Uganda has been a hub for civil society organisations and home to one of the largest refugee populations in the world, with over 1.7 million refugees from Burundi, the DRC, Eritrea, Ethiopia, South Sudan, Somalia, Sudan, and other countries. Among these refugees, many HRDs from the East and Horn of Africa and Great Lakes sub-regions.¹²⁵

Uganda's 1995 Constitution (as amended) enshrines fundamental rights and freedoms under its Chapter IV. It posits that "[f]undamental rights and freedoms of the individual are inherent and not granted by the State" (Article 20(1)) and outlines a number of non-derogable rights (including freedom from torture (Article 44)). It also contains provisions on states of emergency and emergency laws (Articles 46-47) and on the Uganda

¹²⁵ See DefendDefenders, "Open the Doors! Towards Complete Freedom of Movement for Human Rights Defenders in Exile in Uganda," 7 December 2020, <https://defenddefenders.org/open-the-doors-towards-complete-freedom-of-movement-for-human-rights-defenders-in-exile-in-uganda/> (accessed on 14 April 2025).



Human Rights Commission (UHRC) (Articles 51-58). Article 29(1) of the Constitution affirms several rights enjoyed by every person under the jurisdiction of Uganda. These include freedoms of expression (including freedom of the press), thought, conscience and belief (including academic freedom), religion, assembly (including the “freedom to assemble and to demonstrate together with others peacefully and unarmed and to petition”), and association (including the “freedom to form and join associations or unions, including trade unions and political and other civic organisations”). Article 27 protects the right to privacy, and Article 41 the right of access to information (an Access to Information Act was adopted in 2005). Article 38(2) provides that “[e]very Ugandan has a right to participate in peaceful activities to influence the policies of government through civic organisations.” Article 43 specifies that limitations on human rights shall not go “beyond what is acceptable and demonstrably justifiable in a free and democratic society [...]”¹²⁶ The Human Rights (Enforcement) Act, 2019, was passed to give effect to Article 50 (4) of the Constitution by providing for procedures to enforce human rights (for instance by holding public officials accountable for violations and compelling them to compensate victims).¹²⁷

Obstacles to the enjoyment of human rights are numerous, however, as laws, policies and practices restrict or deter the exercise of expressive rights such as the right to protest. The legal framework governing public assemblies grants discretionary powers to authorities, including to use force under conditions that violate international and African standards. The main instrument in this regard is the Public Order Management Act (POMA), 2013, which grants the Inspector General of Police (IGP) wide-ranging powers to prohibit, restrict and disperse public assemblies and to use firearms when policing these events. Public assemblies are subject to a notification regime (with burdensome requirements), which the authorities have interpreted as being a prior authorisation regime. The Act also shifts the burden of maintaining security and order from state authorities to assembly organisers. Despite a 2020 Constitutional Court ruling in favour of a civil society petition challenging key sections of the POMA (Constitutional Petition no. 56 of 2013), declaring these sections unconstitutional and therefore null and void, the Act continues to be enforced in relation to protests, including to ban and disperse peaceful demonstrations, often with excessive force.¹²⁸ Authorities claim that the Uganda Law Reform Commission (ULRC) is “in the process of reviewing [the Act] to give effect to [the Constitutional Court’s] decision.”¹²⁹

¹²⁶ In a 2004 ruling (*Charles Onyango Obbo & Andrew Mujuni Mwenda v Attorney General*, Constitutional Appeal no. 2 of 2002), Uganda’s Supreme Court reasoned that limiting enjoyment of freedoms is an exception to their protection, and, therefore, a secondary objective, and ruled that laws restricting freedom of expression should be demonstrably justifiable in a free and democratic society.

¹²⁷ See Jamil Ddamulira Mujuzi, “The Ugandan Human Rights (Enforcement) Act of 2019: Addressing Some of the Likely Challenges to its Implementation,” *Journal of Human Rights Practice*, Volume 13, Issue 3, November 2021, pp. 585-605, <https://doi.org/10.1093/jhuman/huab043> (accessed on 7 September 2025).

¹²⁸ See CCPR Committee, “Concluding observations on the second periodic report of Uganda,” UN Doc. CCPR/C/UGA/CO/2, 11 September 2023, paras. 44-45.

¹²⁹ See the Republic of Uganda’s periodic report to the ACHPR, “Combined Periodic Report of the Government of the Republic of Uganda to the African Commission on Human and Peoples’ Rights under Article 62 of the African Charter on Human and Peoples’ Rights for the Period 2013 – 2022,” October 2022 (p. 39).

Other laws restrict the enjoyment of rights, including by HRDs, journalists, and citizens peacefully protesting against government actions. Among them are: (i) Penal Code provisions on sedition (Articles 39-40), “sectarianism” (Article 41), “incitement to violence” (Articles 51 and 83), unlawful societies (Articles 56-63), unlawful assemblies (Articles 65-66), “common nuisance” (Article 160), and libel and defamation (Articles 179-180); (ii) the Anti-Terrorism Act, 2002 (amended in 2017 and 2022), which relies on a broad definition of terrorism that violates principles of legal certainty and predictability; (iii) the Police Act, CAP 303 (as amended), which allows the police to arrest persons preventively, including to prevent them from “committing an offence against public decency in a public place [or] from causing unlawful obstruction on a highway” and provides for areas (“gazetted areas”) where assemblies are unlawful¹³⁰; (iv) the UPDF Act, 2005, which has been used to try civilians under military courts for offences “subject to military law” (for instance, based on their clothing)¹³¹; (v) the Computer Misuse Act, 2011 (amended in 2022), which contains vague terminology and has been used against online protests; (vi) the Regulation of Interception of Communications Act, 2010; and (vii) the Communications Act, 2013 (“minimum broadcasting standards” under Schedule 4 include, among others, ensuring that any programme is “not contrary to public morality, [...] free from distortion of facts, [...] and is not likely to create public insecurity or violence”).¹³²

Additional laws restrict civil society activities. They include the Non-Governmental Organisations Act, 2016 (NGO Act, operationalised through the NGO Regulations, 2017). In recent years, numerous NGOs have been suspended or had their licence revoked by the NGO Bureau (which is under the Ministry of Internal Affairs) on the basis of vague NGO Act provisions.¹³³

¹³⁰ Article 24 of the Act has been used to prevent protest participants from joining a protest or place leaders of opposition parties under de facto house arrest for days, or even weeks, to prevent them from joining public events. See Human Rights Watch, “Uganda: Events of 2016,” <https://www.hrw.org/world-report/2017/country-chapters/uganda>; Amnesty International, “Uganda: End politically motivated detention of Robert Kyagulanyi and his wife,” 20 January 2021, <https://www.amnesty.org/en/latest/press-release/2021/01/uganda-end-politically-motivated-detention-of-robert-kyagulanyi-and-his-wife/> (accessed on 14 April 2025).

Article 35 of the Act governs “gazetted areas,” and the following articles govern dispersal and penalties for unauthorised processions and assemblies.

¹³¹ In 2025, Uganda’s Supreme Court declared military trials of civilians unconstitutional (see Human Rights Watch, “Uganda: Supreme Court Bans Military Trials of Civilians,” 31 January 2025, <https://www.hrw.org/news/2025/01/31/uganda-supreme-court-bans-military-trials-civilians> (accessed on 14 April 2025)). President Museveni publicly criticised the ruling as undermining national security. In May 2025, the Ugandan Parliament passed the UPDF (Amendment) Bill, 2025, which provides for the trial of civilians by military court-martials for criminal offences. Chapter Four Uganda deemed the new Act unconstitutional as it circumvents the previous ruling of the Supreme Court and expands the legal framework for the trial of civilians in military courts (see Parliament of the Republic of Uganda, “House passes Bill on military-related offences,” 20 May 2025, <https://www.parliament.go.ug/news/3717/house-passes-bill-military-related-offences> (accessed on 24 July 2025); Chapter Four, “A Call for Parliament to Reject Unconstitutional Clauses in the UPDF Bill, 2025”).

¹³² See CCPR Committee, “Concluding observations,” UN Doc. CCPR/C/UGA/CO/2, op. cit., paras. 16-17, 42-43; Human Rights Watch, “‘Keep the People Uninformed’: Pre-election Threats to Free Expression and Association in Uganda,” 10 January 2016, <https://www.hrw.org/report/2016/01/11/keep-people-uninformed/pre-election-threats-free-expression-and-association> (accessed on 14 April 2025).

¹³³ World Organisation Against Torture, “Uganda: Suspension of 54 civil society organisations,” 1 September 2021, <https://www.omct.org/en/resources/urgent-interventions/uganda-suspension-of-54-organisations> (accessed on 14 April 2025).





Photo Creator: Siphwe Sibeko (REUTERS)

Rights groups accuse the Mozambican police of using excessive force on protesters

Multiple human rights actors have condemned the use of excessive, including lethal, force in relation to public assemblies (through a discriminatory application of regulations and standard operating procedures) during the Covid-19 pandemic and, in general, in relation to protests. Law enforcement officials routinely disperse gatherings, be they spontaneous or planned, with unwarranted or excessive force, sometimes with the involvement of the military and using firearms.

In recent years, protests have addressed a range of issues, including demands for better roads and public services (in Gulu), dysfunctional water projects (in Kabale), insecurity (in Napak District), opposition to the “over the top” social media tax and its avatars,¹³⁴ but also corruption and embezzlement of public funds (the “Black Monday” campaign, with protesters wearing black clothes every Monday,¹³⁵ and the “Real anti-corruption walk,” in relation to which protesters were arrested despite President Museveni’s participation in a march¹³⁶). Facebook remains blocked in the country. Internet shutdowns have also been reported.¹³⁷

¹³⁴ See CIPESA; “Uganda Abandons Social Media Tax But Slaps New Levy on Internet Data,” 1 July 2021, <https://cipesa.org/2021/07/uganda-abandons-social-media-tax-but-slaps-new-levy-on-internet-data/>; Levi Boxell and Zachary Steinert-Threlkeld, “Taxing dissent: The impact of a social media tax in Uganda,” in World Development, 158, October 2022, 105950, <https://www.sciencedirect.com/science/article/abs/pii/S0305750X22001401> (accessed on 6 August 2025).

¹³⁵ IFEX, “Ugandan anti-corruption activists arrested, charged with inciting violence,” 26 June 2013, <https://ifex.org/ugandan-anti-corruption-activists-arrested-charged-with-inciting-violence/>; ActionAid, “Citizens’ Protest against corruption relaunched,” 15 January 2020, <https://uganda.actionaid.org/news/2020/black-monday-movement-back> (accessed on 14 April 2025).

¹³⁶ VOA News, “Uganda’s Museveni Criticized for Leading March Against Corruption,” 5 December 2019, <https://www.voanews.com/a/africa-ugandas-museveni-criticized-leading-march-against-corruption/6180557.html> (accessed on 14 April 2025).

¹³⁷ Association for Progressive Communications, “Journalism Blocked, Information Seized: A tale of how internet shutdown crippled media work in Uganda,” 11 May 2021, <https://www.apc.org/en/pubs/journalism-blocked-information-seized-tale-how-internet-shutdown-crippled-media-work-uganda> (accessed on 14 April 2025).

The most violent instances of repression occurred in relation to “Walk to Work” protests, leading to a dozen deaths and hundreds of injuries,¹³⁸ protests (by community members and HRDs) against the East African Crude Oil Pipeline (EACOP) and its environmental and social impact,¹³⁹ and electoral events, especially in November 2020, when at least 54 persons protesting against the arrest of presidential candidate Robert Kyagulanyi Ssentamu, also known as “Bobi Wine,” of the National Unity Platform (NUP), were killed.¹⁴⁰

In addition to arbitrary detentions, police brutality, and prosecution on spurious charges, violations committed include enforced disappearances and incommunicado detentions in ungazetted or unauthorised places of detention (so-called “safe houses”), where persons have been subjected to torture by military personnel,¹⁴¹ and gendered abuse against women journalists and WHRDs, including physical and sexual, assault, threats, intimidation and harassment.¹⁴² Journalists and observers covering protests and political events have also been directly targeted.¹⁴³ These trends raise serious concerns about the civic and democratic space in which the next general elections, scheduled for early 2026, will be held.

In recent years, protesters have shifted to online spaces to air their grievances or demand reforms. Online protests have attracted the attention of and put pressure on public officials, ministries and departments, and have forced them to respond to the governance issues at hand. For instance, President Museveni instructed the

¹³⁸ See OHCHR, “Authorities’ excessive use of force is fuelling crisis in Uganda – Pillay,” 1 May 2011; Human Rights Watch, “Uganda: Launch Independent Inquiry Into Killings,” 8 May 2011, <https://www.hrw.org/news/2011/05/08/uganda-launch-independent-inquiry-killings> (accessed on 11 April 2025).

¹³⁹ See Human Rights Watch, “‘Working On Oil is Forbidden’: Crackdown against Environmental Defenders in Uganda,” 2 November 2023, <https://www.hrw.org/report/2023/11/02/working-oil-forbidden/crackdown-against-environmental-defenders-uganda>; “Ugandan Authorities Should Drop Charges Against Environmental Activists,” 11 March 2024, <https://www.hrw.org/news/2024/03/11/ugandan-authorities-should-drop-charges-against-environmental-activists>; “Uganda: Environmental Defender Detained,” 7 June 2024, <https://www.hrw.org/news/2024/06/07/uganda-environmental-defender-detained> (accessed on 14 April 2025).

The ACHPR denounced attacks against environmental HRDs, mentioning EACOP protests and reprisals, arrests and the use of “questionable and vague criminal charges” against them, in a resolution (“Resolution on the Situation of Human Rights Defenders Working on Environmental Issues in Uganda - ACHPR/Res.613 (LXXXI) 2024,” 6 November 2024).

¹⁴⁰ See OHCHR, “Uganda: UN experts gravely concerned by election clampdown,” 29 December 2020; Human Rights Watch, “‘I Only Need Justice’: Unlawful Detention and Abuse in Unauthorized Places of Detention in Uganda,” 22 March 2022, <https://www.hrw.org/report/2022/03/22/i-only-need-justice/unlawful-detention-and-abuse-unauthorized-places-detention> (accessed on 14 April 2025); CCPR Committee, “Concluding observations,” UN Doc. CCPR/C/UGA/CO/2, op. cit., para. 22.

¹⁴¹ Ibid., paras. 28-29; CAT Committee, “Concluding observations on the second periodic report of Uganda,” UN Doc. CAT/C/UGA/CO/2, 6 December 2022, paras. 8, 21-22; “Consideration of Reports Submitted by States Parties under Article 19 of the Convention: Conclusions and recommendations of the Committee against Torture; Uganda,” UN Doc. CAT/C/CR/34/UGA, 21 June 2005, paras. 6-7, 10(i).

¹⁴² Committee on the Elimination of Discrimination Against Women (CEDAW Committee), “Concluding observations on the combined eighth and ninth periodic reports of Uganda,” UN Doc. CEDAW/C/UGA/CO/8-9, 1 March 2022, para. 33.

¹⁴³ Committee to Protect Journalists, “Ugandan soldiers assault journalists at Bobi Wine event, face opaque military trial,” 25 February 2021, <https://cpj.org/2021/02/ugandan-soldiers-assault-journalists-at-bobi-wine-event-face-opaque-military-trial/> (accessed on 14 April 2025).



Finance Ministry to release funds for the Kampala City Council Authority to facilitate the rehabilitation of infrastructure. These dynamics are analysed below in relation to digital tools and online spaces.

Table: Freedom and democracy indices (comparative ratings and rankings)

WORLD PRESS FREEDOM INDEX (Reporters Without Borders) (last three years)		CIVIC SPACE MONITOR (CIVICUS) (as of August 2025)	DEMOCRACY INDEX (Economist Intelligence Unit) (2024 ranking and evolution from 2023)
Mozambique	2025: 101 st /180 2024: 105 th /180 2023: 102 nd /180	39/100 (Repressed)	113 rd (=)
Senegal	2025: 74 th /180 2024: 94 th /180 2023: 104 th /180	40/100 (Repressed)	74 th (+9)
Tunisia	2025: 129 th /180 2024: 118 th /180 2023: 121 st /180	37/100 (Repressed)	93 rd (-11)
Uganda	2025: 143 rd /180 2024: 128 st /180 2023: 133 rd /180	30/100 (Repressed)	98 th (+1)

(For a general overview, also see Human Rights Watch’s “World Report,” 2025 (available at: <https://www.hrw.org/world-report/2025>) and Amnesty International’s “State of the World’s Human Rights” report (available at: <https://www.amnesty.org/en/documents/pol10/8515/2025/en/>), both accessed on 8 October 2025.)

The following sub-sections (sub-sections 2 to 8) are based on data collected from primary sources in the four countries in focus. They reflect the seven major themes we focused on in our interviews to capture key dimensions of the right to protest.



2. NOTIFICATION VS. PRIOR AUTHORISATION

We logically started each interview, as well as the focus group discussion, with questions on how people organise and plan for protests in their national context. Of interest are both legal regimes that are in place and practices, i.e., how authorities interpret the law.

A. In practice, prior authorisation is the rule

In our four focus countries, interviewees described an environment in which, irrespective of the legal regime for protests that is officially in place, prior authorisation is the rule. This results from the way authorities interpret legal provisions on notifying protests. Indeed, in the four countries, notification requirements are largely interpreted as establishing authorisation regimes, granting the authorities the power to give (or deny) permission to organisers of public assemblies to go ahead. This means that notification regimes have been turned into prior authorisation regimes.

In Mozambique, burdensome notification requirements (including a four-day notice ahead of any assembly, the agreement of at least ten organisers, and numerous forbidden locations) mean that the regime governing the holding of protests is de facto a prior authorisation regime. Many sources highlighted that policies and practices in place further complicate the organisation of any protest. While Law 9/91 establishes a process by which protest organisers must communicate details of their action to allow authorities to plan for safety and redirect traffic, in practice, the latter openly tell



protesters that they need “permission” and make the whole process look like people must apply for authorisation and patiently wait to receive it. Yet, as a Mozambican journalist told us, “[y]ou [shouldn’t] have to ask for permission, it’s not a favour you’re asking.”

“They want you to know that they have the power to decide if you can protest.”
— Mozambican HRD.

In Uganda, the POMA continues to be enforced despite key sections having been ruled unconstitutional, and the IGP continues to enjoy wide-ranging powers to prohibit public assemblies. If, on the one hand, legal provisions are used to ban protests, on the other hand, negative (and often hostile) rhetoric against protesters is used to create a chilling environment for those who consider organising a protest (see below). Many interviewees expressed their frustration at the gap between what is supposed to be in place (police facilitating protests) and what is actually in place (police intentionally acting as being empowered to grant or deny permission). Outside Kampala, an environmental HRD highlighted that to organise a public assembly, “[y]ou have to make sure you engage with the police and authorities. [...] You have to be very nice, appear very humble when you engage. It’s like you’re asking for a favour (yet, it’s a right).”

“The practice is different from the spirit and letter of the law. The police interpret [the latter] as meaning that: (1) You have to attend to their offices; (2) They have to agree on how the protest will play out (mode, traffic plan, venue); (3) They can control the content of the protest; and (4) They have to give ‘permission’ to the protest.”
— Ugandan lawyer.

In fact, through the practice of “police clearance,” Ugandan authorities have granted themselves veto powers over public assemblies. Sources reported either being given flat denials for their intended protests or facing the authorities’ silence – which deprives them of the opportunity to plan for their protest and exposes them to risks of dispersal if they go ahead.

In Tunisia, the law governing the holding of protests was adopted over 50 years ago. It provides authorities with discretionary powers to prohibit assemblies on the basis of a broad definition of “public security [and order],” meaning that what is supposed to be a notification regime is actually a prior authorisation regime. The situation, which all interviewees described as challenging (with the exception of a “golden period” that followed the Jasmine Revolution (2011-2015)), is compounded by the state of emergency, in place continuously since 2015, which allows governors to prohibit public meetings on vague grounds. Many sources stressed that legal provisions are applied in a discretionary manner, which sometimes depends on personal relationships. When protest organisers notify authorities but receive no response, they can go ahead with their action but are uncertain whether the latter will be able to take place. Others

stressed the gap between constitutional guarantees and the practice, particularly when protests are planned in central areas of Tunis.

“If they don’t want to see your protest happening, it won’t be happening.”
— Tunisian protest organiser.

This is why several Tunisian interviewees told us that they now prefer to hold demonstrations without notifying the authorities, despite the potential legal consequences.

“As activists, we made the decision of no longer requesting authorisation. We know that these requests will almost always be denied – not for security reasons, but for political ones. This is why we now demonstrate without authorisation or prior notification.”
— Tunisian protest organiser.

In Senegal, while public assemblies are officially subject to mere notification (to inform authorities and allow them to make plans for security and redirect traffic), notifications can be rejected on grounds of “disturbance of public order,” especially in downtown Dakar, where all demonstrations “of a political nature” are prohibited. Moreover, authorities often reply late (the day before the planned event), which creates logistical difficulties for organisers. Overall, however, interviewees highlighted that the situation between 2021 and 2024, with a more restrictive environment for citizens’ expression, was exceptional, and that in normal times peaceful demonstrations can take place in the country.

“Over the past three years [2021-2024], nothing was done according to the rules.”
— Senegalese protest organiser.

The change of government, in 2024, has not led to legal reforms regarding the holding of protests. Interviewees highlighted that while protests have been rare since early 2024 (a civil society member said that there have been few demonstrations as “we’re still in a period of truce”) and the environment is more conducive than during the previous period, the new authorities banned several protests (by rejecting notifications submitted by organisers) and have failed to repeal the Ousmane Ngom Decree, which imposes a blanket ban on protests in central Dakar.¹⁴⁴ Senegalese sources seemed to be acutely aware of the logic behind the presumption in favour of allowing protests.

¹⁴⁴ In addition, the Senegalese government and several trade unions signed a three-year “social truce” without strikes (see Senenews, “Sénégal: un accord de ‘trêve sociale’ de trois ans sans grève signé entre le gouvernement et des syndicats,” 3 May 2025, https://www.senenews.com/actualites/economie/senegal-un-accord-de-treve-sociale-de-trois-ans-sans-greve-signe-entre-le-gouvernement-et-des-syndicats_539470.html (access on 4 August 2025)).





“It is better to allow and regulate demonstrations than to prohibit them. Prohibition creates violence.”
— Senegalese journalist.

In all four countries, interviewees pointed to the authorities’ failure to abide by their content neutrality obligation. Protests’ topics, messages and slogans, as well as the organisers’ identity, are the main factors influencing authorities’ decision to accept or reject protest notifications. When and where protesters are seen as being “anti-government,” notifications are much more likely to be rejected. In short: laws governing the organisation of protests are applied in a discriminatory manner, resulting in differential treatment based on who plans to demonstrate. This is true even in Senegal, to some extent, following the recent change of government.

B. Organising a protest involves a more or less bureaucratic process

Regarding whether or not organising a protest involves a bureaucratic process, interviewees described different situations in our four focus countries. In Mozambique, the process is bureaucratic as a direct result of Law 9/91, which requires organisers (who must be at least ten) to submit a written notification to civil authorities and the police at least four days prior to any planned assembly. Mozambican sources reported that in addition to details about the organisers (name, address, profession), information to be provided includes date/time, place of start and itinerary, and purpose of the assembly, and frequently includes “additional information” requested by the police (including the criminal record of all organisers), going beyond what is officially required. This additional layer of bureaucracy was described to us as playing the role of a deterrent.



“What the law says and what we see on the streets are two completely different things.”
— Mozambican journalist.

In Tunisia and Uganda, while the notification regime is straightforward as per the law, the process has been made bureaucratic in practice. The implementation of the law, and sometimes unclear rules, leaves the police with discretion to turn the notification process into a maze, often deterring protest organisers from going ahead. In Tunisia, the information demanded from organisers includes organisers’ names and identity cards, date/time, place/itinerary and, often, the slogans, of the assembly (organisers have to go to the relevant police station or governorate in person). Interviewees reported having been asked, on multiple occasions, “additional” documents and to make sure the legal representative of the organising NGO is present. These practices create administrative obstacles that are so significant that several interviewees indicated being forced to reach out to “big” NGOs to get assistance to organise protests. This does not prevent authorities from “playing ping pong” with organisers, as one protest monitor said, meaning that the latter can be sent to different authorities to file or obtain different documents.



“Public space has become a field of restrictions.”
— Tunisian WHRD.

In Uganda, the information demanded from protest organisers includes details about the organisers (including criminal records), date/time, place/itinerary of the assembly, as well as the expected number of participants and slogans/placards.¹⁴⁵ This is excessive, and the protest organisers we interviewed reported constantly being asked for additional information (purpose of the meeting, authorisation from the owner of the venue (and proof of payment), if the protest is planned to take place on private premises) and being sent to different offices, as well as being intimidated and threatened. This is the case when local police escalate the process to the regional level (Regional Police Commander), if the protest is deemed sensitive. And, as an HRD highlighted, “[t]he police has unfettered discretion to determine what is sensitive and what is not.” The deterring effect is clear.



“Sometimes we don’t even bother submitting a notification because we know it’s going to be denied.”
— Ugandan WHRD.

¹⁴⁵ Letters of notification also typically include a request for police protection “as per the law.”



By contrast, in Senegal, the process is relatively straightforward. It involves a declaration (submitted through a letter), with minimal information to submit (three organisers, their identity card, the date/time of the protest, and its itinerary).

We also asked sources about whether unregistered entities (such as a group of citizens or an informal coalition) can organise a protest. In all four countries, it is indeed possible for such groups (or for any citizen) to do so. It is not necessary to be part of a registered organisation, such as an association or trade union, to hold a public assembly. In Senegal, this was confirmed by all sources. In Tunisia, although the law allows anyone to notify authorities of an assembly (actually, names of individuals, not organisations, must be provided), in practice, many interviewees highlighted that the assistance of a lawyer or specialised organisation (such as a human rights NGO) is necessary. In Mozambique, anyone can organise a public assembly, but, as indicated above, the law requires ten people to provide their personal details and sign the notification, which is burdensome. Last, in Uganda, sources made it clear that it is actually “safer” for individuals (in their own name) than for registered organisations to organise a protest, as the latter would face the risk of reprisals (in the form of de-registration by the NGO Bureau).

C. Most “associated activities” are allowed to go ahead

Preparatory and other activities associated with a protest, which are protected by human rights law, mostly seem to be allowed to take place in Mozambique, Senegal, and Tunisia.¹⁴⁶ Interviewees did not report specific threats at that level. They did not report arrests or severe threats against protest organisers when planning, disseminating information about, or raising awareness of, protests. Some did, however, report surveillance and profiling. In Tunisia, interviewees described difficulties in accessing protest locations as a result of roads being blocked and nearby streets being sealed off by police, and many also reported retaliatory acts by police after protests (once they have officially ended), with protest organisers being followed and arrested in nearby streets, in cafés, or near their homes (see sub-section 4 below).

On the contrary, in Uganda, associated activities involve risks. From the moment they make their intention known, protest organisers face multiple risks, which include questioning, intimidation, threats to family members, associates and employers, and even arrest – several interviewees mentioned the latter as a risk when going to a police station to notify authorities of an intended protest.



“You’re not only putting yourself at risk, but also those involved in the planned protest.”
— Ugandan WHRD.

¹⁴⁶ Other activities that may be considered to be “associated” activities, such as monitoring and reporting on a protest, do come with risks (see below, sub-section 5).



In this regard, an HRD claimed that “[g]iving notice for a demonstration is giving yourself away for surveillance purposes,” while a protest organiser said: “Notifying them is allowing them to prepare better, giving them information they need to crack down on your protest.” Hence, some protesters choose not to notify authorities of their actions or to hold spontaneous protests.

D. State authorities rarely tolerate spontaneous protests

We specifically asked sources if spontaneous protests occurred in their national context, and what the authorities’ response to this form of protest (by definition, unannounced and unnotified) was like. Given the fact that notification regimes are often turned into de facto prior authorisation regimes, it came as no surprise that state authorities have little tolerance for spontaneous assemblies, even when they are entirely peaceful.

Answers by our sources differed in several ways, however. In Mozambique and Senegal, they pointed to a tradition of legalism: people usually seek to follow the law and secure official recognition for their assemblies. In both countries, the situation changed recently. In Senegal, the unprecedented repression of critical voices (2021-2024) led to resentment and anger, prompting people to take to the streets or hold spontaneous protests – a somewhat new practice that emerged in exceptional circumstances.

In Mozambique, all sources insisted on the turning point that the 2024 post-election protests constituted: for the first time, people held spontaneous protests, a new practice in a country where people see themselves as law-abiding. In both countries,



however, authorities usually do not tolerate spontaneous protests but disperse them. The fact that spontaneous protests occurred in Mozambique is a consequence of the police's inability to disperse all protests – they were just too numerous following the 2024 elections. When police responded to spontaneous protests, they did so with excessive force, based on the identity of protesters (who were voicing opposition to official election results). In the post-election context, and as spontaneous protests continue (including against inflation or electricity blackouts), an academic indicated that “police are nervous” and “stand ready to stop [any] protest.” This is in response to new strategies by protesters – as a WHRD indicated to us, they hold “short protests and then disappear.”



*“The only criterion that matters is: Are you pro- or anti-government?”
— Mozambican HRD.*

In Senegal, as outlined, protests have been rare since the 2024 change of government. Recently, however, spontaneous protests by former civil servants were dispersed.¹⁴⁷ Our research team directly witnessed the permanent presence of police vans outside Dakar’s Cheikh Anta Diop University – an indication that authorities remain nervous about potential protests by students and youths. Several interviewees interpreted this continuous intolerance to spontaneous protests as authorities being cautious not to “create precedents.” This may appear as a turnaround as PASTEF itself called for “pot-banging” concerts to protest restrictions it was facing when in the opposition, in 2023.

In Uganda, interviewees were unanimous in describing spontaneous protests as being off-limits. As an HRD simply put it, “[t]here is no space for spontaneous protests.” These are systematically dispersed even when they involve two or three protesters, and participants are systematically arrested (and often brutalised). (The exception is gatherings led by pro-government groups such as the Patriotic League of Uganda (PLU).) Several interviewees reported, however, that holding a spontaneous protest is less dangerous than going ahead with a protest for which permission has been denied (thus defying the authorities). This is consistent with the culture of obedience to authority that several interviewees highlighted, which they claimed remains widespread among Ugandans.¹⁴⁸ However, interviewees stressed the impact spontaneous protests can have.



*“Spontaneous protests have an impact when they are held.
They catch public attention.”
— Ugandan lawyer.*

¹⁴⁷ Following the change of government, thousands of public agents hired under the previous administration were laid off or sacked by the PASTEF-led administration, leading to discontent and accusations of “purges” (see Le Monde, “Au Sénégal, les autorités accusées de ‘purger’ l’administration,” 19 March 2025, https://www.lemonde.fr/afrique/article/2025/03/19/au-senegal-les-autorites-accusees-de-purger-l-administration_6583606_3212.html (accessed on 4 August 2025)).

¹⁴⁸ They flagged that this is less true for younger Ugandans, in particular those who have no memory of the civil war period. Older Ugandans tend to place great importance on peace and stability, partly because of the chaos and insecurity that prevailed in the late 1970s and 1980s.

In Tunisia, some spontaneous protests are tolerated, depending on their focus. In this regard, interviewees described 2021 as a turning point. Post-25 July 2021, spontaneous protests are usually suppressed (quickly dispersed). This is the case for assemblies that are critical of the authorities or the President. Prior to that date (2011-2021), many spontaneous protests were able to go ahead without significant hindrance – or, at least, they were usually not dispersed immediately. As one interviewee said: “There is a ‘before’ and an ‘after’ 2021, it’s very clear.”

2025 saw waves of spontaneous protests, including in Sidi Bouzid (following the accidental death of three high school students, after a wall collapsed) and Tunis (in solidarity with Sidi Bouzid students), as well as in solidarity with Palestinians. The former were met with repression, with authorities often telling protesters that they did not “ask for authorisation.” The latter were tolerated to the extent that slogans did not target the Tunisian state or Arab countries. According to several Tunisian sources, the media plays a protective role: when journalists are present, authorities might leave spontaneous protesters alone; when media are not, protesters face immediate dispersal. As one WHRD said, if you hold a spontaneous protest, “you have to be prepared for a violent reaction by the authorities.”

Spontaneous protests clearly make authorities nervous. This is likely due to political insecurity, institutional weaknesses in managing assemblies, the perception that spontaneous gatherings inherently threaten public order, or a combination of these factors. But overall, how do they view protests? How do they approach protests?

3. STATE AUTHORITIES’ APPROACH TO, AND FACILITATION OF, PROTESTS

To assess the extent to which state authorities facilitate peaceful protests, we asked sources a series of questions about how authorities approach and manage protests, including in terms of rhetoric about protesters and actual facilitation of public assemblies – keeping in mind the obligations outlined in Section I, sub-section 4, B. above.

A. Authorities generally hold a negative view of protests and protesters

In Mozambique, Tunisia and Uganda, authorities view protests unfavourably and use a negative rhetoric to refer to protesters. Replies by interviewees were unanimous in this regard. In Tunisia, 2021 was cited as a turning point: before that date (between 2011 and 2021), state authorities’ and public figures’ discourse about protesters was much less negative, or at least more neutral, especially in the early years of the post-Ben Ali era (2011-2015).





Photo Creator: Abubaker Lubowa (Daily Monitor)

In all three countries, authorities use a negative, stigmatising, and sometimes aggressive, rhetoric to refer to protesters, with a view to delegitimising them or their causes. Protesters are often referred to as “vandals” or “thieves” (Mozambique), “criminals” (Mozambique), “rioters” (“saccageurs”) (Tunisia), “violent” individuals (Tunisia, Uganda), “traitors” (Tunisia), “(state) enemies” (Tunisia, Uganda), “foreign agents” (Tunisia, Uganda), “profiteers” or people seeking to make profit (including because they are alleged to be “foreign-funded”) (Uganda), “opposition” members or “opponents,” people seeking to “destabilise (or destroy) the country” (Mozambique, Tunisia, Uganda), “pro-LGBT people” (Tunisia, Uganda), “saboteurs” or even “terrorists” (Uganda). As a Ugandan HRD put it, “[p]rotests are seen as treason, protesters as enemies.”



“They use the worst words to deter demonstrators. [...] They look at us as if we’re destroying the country.”
— Mozambican HRD.



“Protesting is seen as a direct affront, as treason. ‘Protesters are the new rebels; the streets are the new bush’ is how the regime thinks.”
— Ugandan lawyer.



“Kais Saied’s discourse is an emblematic example of the strategy of criminalising the opposition. The President and government officials routinely use terms such as ‘traitors’ [...] and ‘foreign agents’ to refer to protesters and activists. [...] This demonising narrative aims to discredit any form of protest by associating it with forces supposedly hostile to the state, or even with plots aimed at destabilising the country.”
— Tunisian protest organiser.

Senegal is a more complex case. Interviewees highlighted that because the new authorities came to power following popular protests (2021-2024), they view citizen mobilisation more favourably than in other African countries. Many interviewees highlighted, however, that this is a two-sided coin: the new authorities led by PASTEF know the value of protests, therefore they might also fear people power (as what happened to the previous government could also happen to PASTEF in the future). For the time being, interviewees described a rather favourable environment, despite the low number of protests since early 2024. By contrast, they described 2021-2024 as a hostile period for protests, as protesters were routinely called “enemies,” “rioters” or “terrorists.”

B. Protests that involve criticism of the authorities are the most sensitive

We asked sources about the most sensitive topics in protests, that is, the topics that are most likely to trigger a negative response by state authorities and lead to restrictions. In all four countries, it is clear that topics centred around criticism of the authorities or the way power is exercised are the most sensitive. These topics include: (1) Direct criticism of the authorities, the ruling party, or institutions; (2) Human rights violations, impunity and injustice; and (3) Corruption and bad governance, as well as inflation, rising costs of living and lack of public services.

In Tunisia, direct criticism of the President has become extremely sensitive. Interviewees also stressed that the defence of political prisoners and of migrants’ rights are increasingly sensitive topics. In Senegal, while the situation improved following the 2024 elections, interviewees flagged that open criticism of the government remains sensitive, as the new PASTEF-led authorities are reluctant to listen to critics.





*“Doing the same thing as the previous regime
and prosecuting opponents would be a grave mistake.”*
— Senegalese WHRD.

In Mozambique, sources particularly insisted that criticism of FRELIMO and the government was the main factor influencing authorities’ response to an announced protest. Finally, in Uganda, allegations of bad governance, if linked to high-level authorities, and criticism of institutions such as the UPDF, were flagged as off-limits.



*“There is no space for citizens to show dissatisfaction with the government,
to express their grievances about livelihoods or conditions of living.
They [the government] don’t want to hear any complaint or criticism.”*
— Mozambican HRD.

Everywhere, environment- and climate-related protests are increasingly sensitive, and authorities are increasingly nervous about youth- and student-led protests. Recent years have witnessed the criminalisation of anti-pollution protesters in Tunisia ¹⁴⁹ and of anti-EACOP protesters, including university students and members of affected communities, in Uganda. ¹⁵⁰



*“The state views anybody challenging the [EACOP] project
as an enemy of the state.”*
— Ugandan HRD.

Asked about the factors influencing state authorities’ response, sources cited the topic/ focus of the protest (and the slogans) and the identity of organisers more than any other factors. In Senegal, for the 2021-2024 period, interviewees stressed that youth activists and members of PASTEF were particularly targeted: protests they organised were met with violent repression. Post-2024, with PASTEF now in power, these patterns have not completely disappeared, as the permanent presence of police in front of universities shows. In Mozambique (as well as in Uganda, especially if they openly oppose the government or support the opposition (NUP)), young, anti-government protesters face high risks of violent repression. In Tunisia, interviewees flagged that youth from disadvantaged neighbourhoods made authorities particularly nervous – and likely to hinder and deter their protests, including through heavy deployment of police forces.

¹⁴⁹ ICJ, “Tunisia must quash guilty verdicts against anti-pollution protesters and investigate alleged torture of human rights activist,” 8 June 2025, <https://www.icj.org/tunisia-must-quash-guilty-verdicts-against-anti-pollution-protesters-and-investigate-alleged-torture-of-human-rights-activist/> (accessed on 30 July 2025).

¹⁵⁰ Human Rights Watch, “‘Working On Oil is Forbidden,’” op. cit.; Daily Monitor, “15 Kyambogo University students remanded for protesting against EACOP,” 11 November 2024, <https://www.monitor.co.ug/uganda/news/national/15-kyambogo-university-students-remanded-for-protesting-against-eacop-4820216> (accessed on 4 August 2025).



C. When they ban protests, authorities rarely propose meaningful alternatives

In all four countries, interviewees were unanimous in denouncing the fact that when authorities reject a notification for (or deny permission to) a protest, they usually do not propose alternatives to the organisers (for instance: holding the protest at a different time or at a different location, reducing the number of participants, or modifying the “manner” of the protest (holding a sit-in instead of a march)). This practice contravenes international and African standards on peaceful assembly, which outline that in order to facilitate protests, state authorities must impose the least restrictive measures (bans being last resort decisions).

In Tunisia, interviewees said that authorities never propose alternatives to banned protests. Everyone we interviewed said this was unheard of – decisions to deny authorisation to a protest are not justified or explained.

In Uganda and Mozambique, this is a rare occurrence. When alternatives are proposed (changing the date or time, or the itinerary, allegedly to avoid disrupting traffic), it is rather done with the intent of rendering the protest less impactful. For instance, Ugandan interviewees indicated that on a few occasions, places in the outskirts of town (faraway from the central business district), alternative dates (on public holidays or Sundays) or alternatives in the form of a individual delivering a petition (instead of a march) had been suggested. These are not meaningful alternatives, and as one protest organiser put it, “[i]t’s rather to intimidate or discourage protesters.” Mozambican



sources indicated that a different place/itinerary is sometimes proposed – with the objective of rendering the protest meaningless.

In Senegal, authorities sometimes suggest alternatives (change of itinerary, change of time) but these usually result in protests being slightly more challenging to hold. For instance, several interviewees said authorities had suggested that they hold their march at midday (when the temperature is higher), which resulted in fewer participants being present. Safeguards against arbitrariness do exist: authorities' decisions to ban protests must be duly justified, and all administrative decisions can be challenged before administrative tribunals. The emergency procedure (*"référé"*), however, does not always constitute an effective remedy as tribunals may render a ruling after the date/time of the originally intended protest.

D. Protesters' unequal access to places where meaningful protest can occur

In terms of access to places, protesters in our four focus countries face different situations. In Senegal, with the exception of downtown Dakar, where all "political" demonstrations are banned, people are generally able to demonstrate where they can reach public opinion. Emblematic places include the Axe Liberté 6 (and Rond-Point Liberté 6) and Nation Square (Place de la Nation, also known as Place de l'Obélisque). People also demonstrate outside Dakar, in regional capitals. Off-limit places include foreign embassies (to avoid diplomatic incidents); however, delivering petitions is possible. Nevertheless, several interviewees expressed frustration at protesters' inability to hold assemblies on Independence Square (Place de l'Indépendance), which is in the heart of the capital (Plateau).



"There is a problem: it's a symbolic place, we should be able to demonstrate there."
— Senegalese civil society member.

In Tunisia, interviewees painted a picture in which public participation in demonstrations is decreasing, as many Tunisians are either deterred from participating or disillusioned. Protesters, however, generally have access to emblematic places in Tunis (Avenue Bourguiba, Place du Théâtre, or even Human Rights Square/Garden). Restrictions are often practical: authorities may officially allow a protest but restrict people's participation, in practice, by preventing them from accessing the venue (nearby streets are shut down and roads are blocked, sometimes several hours ahead of the planned protest, with access filtered). Off-limits are the Ministry of Interior and foreign embassies; it is increasingly difficult to get close to ministries and the Parliament. Demonstrations also take place in the provinces.

The situation is similar in Mozambique, where people have been able to march on main avenues but face significant limitations due to numerous restrictions of access: within 100 metres of public institutions, as well as nearby foreign embassies. In practice, authorities tend to try to push demonstrations to peripheral areas, where they are

less likely to be "within sight and sound" of their intended audiences. Sources also flagged that even when authorities grant permission to an assembly, they can stop participants on the day of the protest – uncertainty surrounds the holding of protests. In Cabo Delgado province, authorities clearly announced they would not tolerate any demonstration. The space is closed.



"If you go in front of public institutions, it's like a war declaration."
— Mozambican civil society member.

In Uganda, sources were clear about protesters' inability to use public spaces, including roads, in a meaningful way. Places that were designed (gazetted) to host those willing to express grievances, such as Constitutional Square/City Square and Freedom Square (at Makerere University) are now closed off by police and military forces. The central business district has become a "no-go area." Other places that were supposed to be available for public gatherings and citizens' expression, such as the Kololo Independence Ground, are closed or inaccessible, due either to blanket bans being in place or excuses (avoiding disruptions to business activities or traffic) being reiterated over and over again. (Yet, the ruling NRM and pro-government demonstrators can access some of these places.) Sources also reported instances in which authorities told organisers to use a hotel room (to hold a press conference) instead of holding a street action (e.g., for protests against constitutional changes), openly telling them: "You cannot go to the street." Special forces or police cordoning off opposition party headquarters ahead of planned gatherings, or surrounding and blocking protesters at their starting point, is an emerging practice.¹⁵¹ Places of power, such as ministries or other public institutions, were described as "impossible to access."

Even if they do not involve a protest element, gatherings taking place in election contexts (for instance, gatherings to kick-off campaigns or celebrate a candidate's registration) risk being suppressed, with participants arrested (often, for disrupting traffic) if they are affiliated with opposition groups.¹⁵²



"The whole idea is to depoliticise society so that the focus is on business, development, education; not democratic rights. They discourage political activism."
— Ugandan HRD and academic.

¹⁵¹ Daily Express, "SFC seal off NUP's headquarters to block planned protest over Eddie Mutwe's detention," 2 May 2025, <https://dailyexpress.co.ug/2025/05/02/sfc-seal-off-nups-headquarters-to-block-planned-protest-over-eddie-mutwe-detention/>; Nile Post, "Uganda: Police Foil Anti-Eacop Protests in Hoima," 27 August 2024, <https://allafrica.com/stories/202408270108.html>; Monitor, "What we know about March to Parliament so far," 25 July 2024, <https://www.monitor.co.ug/uganda/news/national/what-we-know-about-march-to-parliament-so-far-4701864> (accessed on 5 August 2025).

¹⁵² See for instance Monitor, "29 NUP supporters arrested on first day of Bobi Wine's Buganda campaign trail," 6 October 2025, <https://www.monitor.co.ug/uganda/news/national/29-nup-supporters-arrested-on-first-day-of-bobi-wine-s-buganda-campaign-trail-5218766> (accessed on 9 October 2025).



As a result, Ugandan protesters are forced to resort to other methods, such as delivering petitions to relevant institutions, or to turn to social media.

This means that, when it comes to reaching public opinion or protesting “within sight and sound” of intended audiences, the picture is contrasted. In terms of access to places where meaningful protest can take place, in some countries, traditional squares or roads (Avenue Bourguiba in Tunis, Place de la Nation and Axe Liberté 6 in Dakar) exist or are designated, and are recognised as places where citizen protests can take place. In other countries, it is either difficult for protesters to access central areas, where they know their action will be seen by the public and covered by the media (Mozambique), or nearly impossible (Uganda).

E. Pro-government assemblies are held without restrictions

Everywhere, the situation is aggravated by the authorities’ failure to abide by their content neutrality obligation. We asked sources about public assemblies that go ahead without hindrance; all described a situation in which pro-government/pro-ruling party marches and demonstrations are held without restrictions. This is the case even for spontaneous gatherings and, in some cases, even in places that are off-limits for other assemblies. This shows differential treatment by the authorities, based on the content of protests.

For example, in Uganda, protests against foreign actors/development partners organised by the PLU routinely take place in central areas and in front of foreign embassies (including the US embassy, the German embassy, and the EU delegation). This is problematic with regard to the Vienna Convention on Diplomatic Relations, which outlines a duty, for receiving states, to take steps to protect the premises of foreign missions against any intrusion or damage and to prevent any disturbance of the peace of the mission. And while assemblies that are critical of the government’s policies or development projects (such as anti-EACOP protests) are banned and dispersed, assemblies that take the opposite side (anti-anti-EACOP protests, i.e., protests in favour of EACOP) can take place. This reflects discrimination based solely on the message of the protests.

“The only protests that are permitted to go ahead are those organised or sponsored by the state.”
— Ugandan HRD.

In Mozambique and Tunisia, pro-government/pro-President assemblies go ahead and benefit from protection by law enforcement and security forces. In Mozambique, sources emphasised that a specific category of gatherings, with participants praising the President, go ahead unrestricted. In Tunisia, in addition to the above, pro-Palestine protests are usually allowed to go ahead, except if participants chant slogans or display messages that are critical of Tunisia’s or Arab regimes’ positions.

In Senegal, many protests are usually able to go ahead, except during the exceptional 2021-2024 period, as indicated.

“When it’s allowed, people march peacefully, no problem.
People march in a civilised manner and disperse at the appointed time.”
— Senegalese HRD.

In all four countries, religious, cultural or folkloric assemblies (provided they are entirely apolitical) are able to take place.

Covid-19 restrictions and their impact

Overall, sources did not spend a lot of time discussing Covid-19-related laws and regulations and their impact on freedom of peaceful assembly. This might reflect an impression that the Covid-19 chapter is now closed. This might also reflect the fact that in several countries, many restrictions on assemblies were already in place before the outbreak of the coronavirus pandemic, in 2020, or that other events can be identified as being more significant than Covid-19 restrictions.

Covid-19-related laws and regulations, initially designed to prevent the spread of the deadly SARS-CoV-2 virus, imposed physical distancing measures such as restrictions on public gatherings. In several of our focus countries, these measures were applied in an abusive and discriminatory manner, beyond the pandemic period.

Sources did not, however, identify Covid-19 restrictions as having significantly impacted the environment around the right to protest. In Mozambique, they did not identify differences between the pre- and post-Covid period that would be attributable to Covid-19 restrictions. They highlighted that restrictions were already in place before 2020. In Senegal, interviewees attributed the 2021-2024 developments to the authoritarian turn of the former government (under Macky Sall). Several did stress that Covid restrictions created frustrations (related, in particular, to curfews and police brutality) that later contributed to a strong support for PASTEF. In Tunisia, interviewees flagged that Covid-19 regulations were abused but identified the 2021 constitutional “coup” as the real turning point, in a context in which the state of emergency was already in place. Last, in Uganda, sources said Covid restrictions were applied in a discriminatory manner (to target opposition assemblies, while pro-government assemblies were allowed to take place) but that this made no significant difference: restrictions were in place before the Covid period. One legacy of Covid, however, is the fact that some security operatives have kept wearing face masks to conceal their identity.





F. Protests are usually facilitated by regular police forces

To further elucidate how state authorities approach protests, we asked sources questions about who manages public assemblies, as well as about the training law enforcement and security forces receive and the equipment they use. The objective was to assess the extent to which authorities are able to facilitate peaceful protests, fulfilling the state's positive obligation.

It appears that regular law enforcement forces, such as the police, are usually in charge of policing public assemblies, including protests. Military forces are usually absent and do not deal with protests. In Mozambique, Senegal and Tunisia, sources made clear that as an institution, the army enjoys more trust and respect than the police. In Mozambique, in 2024, military forces did not engage in violence against protesters: the violence was committed by the police and special units such as SERNIC (Serviço Nacional de Investigação Criminal (National Criminal Investigation Service)) and UIR (Unidade de Intervenção Rápida (Rapid Intervention Unit)). Military forces were exceptionally present to block some roads.

In Senegal, the army ¹⁵³ is respected and can act as a mediator. It did not participate in the repression of protesters during the 2021-2024 period.

In Tunisia, the army is absent (in exceptional cases, it can be deployed to protect public buildings) and has a better reputation than the police, as it is seen as more disciplined. It also enjoys the legacy of the Jasmine Revolution insofar as it is seen as siding with

¹⁵³ As in France, the gendarmerie is a national law enforcement force (together with the police) that is officially a military unit and serves as a branch of the Armed Forces of Senegal. The training gendarmes receive is longer than that of police.

the Tunisian people – conversely, the police is seen as siding with regimes in place (whichever regime is in place).

On the contrary, in Uganda, public spaces are increasingly militarised. This is obvious when it comes to protests. The state's strategy includes intimidation, of which the militarisation of the maintenance of public order is part. While the Uganda Police Force (UPF) remains responsible for managing public assemblies, UPDF and special forces such as JATT (Joint Anti-Terrorist Task Force) and SFC (Special Forces Command), as well as elements of the military police (which is supposed to deal only with military matters, as opposed to civilian matters such as demonstrations), are increasingly present at events that are regarded as politically sensitive. These include gatherings by opposition members and supporters or on governance-related issues. Interviewees described a de facto "merger" between UPF and UPDF, with UPDF actually absorbing UPF: soldiers are seen in police stations and using police vans, and are more and more present in the public space, creating a chilling environment for gatherings and rendering spontaneous protests nearly impossible.



"Law enforcement is expected to facilitate peaceful assemblies, but what we see in Uganda is pre-emptive repression, heavy deployment of forces to deter protests."

— Ugandan HRD.

In all four countries, even where regular law enforcement forces are in charge of policing public assemblies, issues arise with the equipment used, including weapons, as well as the training received.

G. Significant flaws affect the training and equipment of forces facilitating protests

We spent time discussing training and equipment with our sources. Our aim was to assess whether law enforcement and security forces are adequately trained and equipped to deal with protests (with the primary objective of facilitating protests).

With regard to equipment, insights and information shared by sources point to two elements. First, law enforcement and security forces are equipped, sometimes heavily, to deal with protests. They usually wear effective protective gear and are equipped with a range of tools and weapons, which include batons, pepper spray, tear gas, and firearms. Some interviewees in Tunisia and Mozambique mentioned a lack of gas masks among some police units (leading to a risk of "backfire," with police officers being affected by the tear gas they use against protesters). Second, many sources stressed that the way law enforcement and security forces are equipped is incompatible with the facilitation of protests. Indeed, toxic substances (such as powerful tear gas) and firearms loaded with live ammunition, including Kalashnikov automatic rifles (known as AK-47s), constitute threats to the life of protesters and therefore create a chilling atmosphere for the exercise of the right to protest.



This puts state authorities far away from their obligation to facilitate peaceful protests. In many cases, the situation appears to be the exact opposite.

“*I don't know why they have AK-47s. It's a war weapon.*”
— Mozambican journalist.

“*They have a military capability, not a public order management capability. [...] They are armed to the teeth. It's like they are going to a war zone.*”
— Ugandan lawyer.

Therefore, as to the question of whether law enforcement and security forces are “adequately equipped” to deal with protests, in the course of the discussion, many interviewees ended up replying that these forces are not. By that, they meant that law enforcement and security forces are inadequately equipped to deal with and manage (facilitate) protests. Indeed, in most protest situations, adequate equipment includes non-lethal and “less lethal” weapons. The presence of firearms, in particular automatic rifles such as AK-47s (which can shoot up to 600 rounds per minute), should be prohibited – or, at the very least, should be hidden and reserved for exceptional situations, where some protesters have turned violent and the use of firearms is absolutely necessary to protect life or prevent serious injury from imminent threats (at any rate, lethal force should never be used indiscriminately or against a crowd).

With regard to training, sources provided less consistent answers across the four focus countries. All indicated that law enforcement and security officials are provided with trainings, including on human rights compliance, but that the main problem lies with implementation. Flaws are of various natures and reach various degrees. First, gaps in training are obvious. Mozambican sources highlighted that in tense situations, police forces are nervous and unprepared – leading them to use firearms not as a last resort but immediately after, or at the same time as, using non-lethal weapons. This indicates an absence of de-escalation as well as an absence of graduated response. Sources, however, also pointed to a lack of political will and a negative mindset within the police, who tend to assume that protesters are violent individuals.

“*When you say ‘protest’, it means ‘violence’ in the minds of the government and police. But people don't go to the streets to create chaos; they just want to be heard.*”
— Mozambican civil society member.

All Tunisian sources highlighted the absence of political will and a confrontational mindset towards (and negative stereotyping of) protesters within the ranks of police. This seems to be left untouched by the trainings received. Similarly, Ugandan sources stressed that the trainings received are not used as superior orders take precedence – they identified political will (to abide by the law, implement trainings, and ensure human rights compliance) as the main issue.



In this regard, the September 2025 announcement that the UPF is planning to recruit 100,000 temporary officers to help polling stations during the 2026 general election¹⁵⁴ is a cause for concern, in particular regarding the training these officers will receive, including in the area of crowd management.

“*When it comes to the police, the problem is not the trainings received; it's the mindset.*”
— Tunisian HRD.

“*Training is enough. The problem is implementation: superior orders take precedence over ethics and human rights obligations.*”
— Mozambican academic.

“*For many law enforcement officers, it's about keeping their job, not respecting the law. They follow orders irrespective of whether they're legal.*”
— Ugandan WHRD.

¹⁵⁴ See Monitor, “Police to recruit 100,000 officers for 2026 elections,” 26 September 2025, <https://www.monitor.co.ug/uganda/news/national/police-to-recruit-100-000-officers-for-2026-elections-5206968> (accessed on 9 October 2025).



Last, Senegal should be mentioned separately as many sources, while mentioning flaws in crowd management skills (especially during the 2021-2024 period, when many agents were recruited and not adequately trained before being sent to manage protests, and/or were overworked and exhausted), did highlight the relatively positive record of law enforcement regarding facilitation of public assemblies. Many told us that authorised protests do not give rise to incidents.

“*“Since 2013, I have never attended an authorised demonstration where there was unrest or violence. Therefore, the problem is with bans, not with supervision of protests.”*
— Senegalese activist, victim of the repression.

Law enforcement forces usually allow protesters to conduct their protest, and protesters behave properly and even clean up the streets at the end of their event. Several interviewees also mentioned an improvement in the mindset of police officers, with seemingly more respect for peaceful protesters after the 2024 political transition. Again, 2021-2024 appears as an exceptional period during which Senegal’s democratic tradition was tested.

“*“People say we have the ‘best law enforcement in Africa’. They are supposed to be well trained, but I’d like to ask: What do they do with the trainings they received?”*
— Senegalese protest organiser.

Everywhere, more than the number or quality of the trainings law enforcement officers receive, the existence of a human rights-compliant mindset – whose creation and maintenance depends on political will (with clear superior orders to respect peaceful protesters) – is the key factor.

4. THE USE OF FORCE IN RELATION TO PROTESTS

Closely related to the trainings law enforcement and security forces receive is the question of how these forces interact with protesters. We began exploring the use of force by asking sources about dialogue and de-escalation: Do forces that manage protests use dialogue and de-escalation methods, with a view to facilitating peaceful protests?

This question served as an introduction to discussing the use of force. Often, the failure of, or refusal to engage in, dialogue increases the risk of violence, with a tremendously negative effect on peaceful protesters’ enjoyment of their rights. Conversely, where dialogue is prioritised and de-escalation methods are used effectively, the use of force is made unnecessary or irrelevant.

A. Dialogue and de-escalation are used but not always prioritised

In our four focus countries, we found that law enforcement officers to some extent resort to dialogue with protesters. This can be seen ahead of protests, with “associated activities” being able to go ahead without hindrance. Even where intimidation is reported, some degree of dialogue exists between authorities and protesters. To be sure, in many cases, authorities attempt to use opportunities such as meetings with protest organisers to deter the latter from going ahead. In particular, Ugandan sources reported patterns of intimidation, with police using meetings with protest organisers as opportunities to push back against the planned actions and warning organisers of “consequences” if they go ahead. In these cases, “dialogue” is not meaningful. Similarly, in Mozambique, sources reported attempts by police to stop planned protests, for instance by warning organisers that they will be responsible for any disorder or illegal acts committed in relation to protests.

In other cases, dialogue is more genuine. In Senegal, interviewees described a more favourable atmosphere (except in the 2021-2024 period). According to Senegalese interviewees, problems occur when protests are banned. Similarly, Tunisian sources described attempts at dialogue between police and protest organisers, which seem to have significantly decreased since 2021.

During protests, dialogue is much less evident. This situation often leads to the use of force (see paragraph B. below). In Uganda, interviewees described such dialogue as non-existent – no negotiations take place; violence is immediate. In Mozambique, once protests have started, dialogue rather takes the form of warnings to protesters: protesters are warned, often through megaphones, to stop the action, disperse, and go home.

“*“They never ask: ‘What are your concerns?’ and engage. They never give us that kind of space.”*
— Ugandan protest organiser.

“*“They use force to deal with people’s grievances, even against entirely peaceful protests.”*
— Mozambican HRD.

In Tunisia, the use of megaphones by police is frequent, especially in larger demonstrations taking place in the capital, Tunis. Several interviewees mentioned that prior to 2021, police often made efforts to dispatch women police officers to manage women-led protests, and more generally to communicate with protesters both by using megaphones and by nominating liaison officers. Post-25 July 2021, this seems to be less frequent. Many Tunisian interviewees also stressed that communication (including before 2021) tends to be directive (one-way), with police giving orders and issuing threats to disperse the assembly, loudly through megaphones.





Again, Senegal stands in contrast. Most interviewees mentioned at least a degree of communication between protest organisers, protesters and police. This includes direct verbal communication in addition to megaphones; however, this also depends on the commanders who are present. (And again, the 2021-2024 period was an exception, as orders were clear not to make “compromises” with youths protesting Macky Sall’s rule.)

B. During protests, the use of force is not exceptional but rather frequent

In our four focus countries, sources described the use of force in relation to protests as being the rule, not the exception.

Warnings prior to, and timing for, the use of force

In Mozambique and Uganda, law enforcement and security forces tend to use force quickly, at the beginning of protests. In both countries, sources described an absence or quasi-absence of warnings, with force being used shortly after protests have started (or even immediately). Mozambican sources described warnings as inadequate insofar as they are usually issued a few seconds before force is used. This was especially the case during the 2024-2025 post-election protests, marked by high levels of nervousness in the police ranks. (Several sources mentioned that this was a special situation and that police usually show more restraint and do not immediately resort to force.) Ugandan sources described an even more inadequate use of warnings (which are tantamount to threats) or an absence of warnings: force is often used very quickly, as the forces that are present claim the assembly is unlawful and crack down on participants. Several

interviewees said violence is usually the first and only contact between these forces and protesters.

“They are trained to deal with rebels, enemies, not fellow citizens.”
— Ugandan lawyer.

“They respond to people’s grievances with tear gas and bullets.”
— Mozambican HRD.

In Tunisia, a number of protests take place without significant violence. When force is used, it may not be immediately but rather in the middle of the protest: interviewees stressed that it depends on the slogans uttered and whether protesters try to reach places that are designated as off-limits (embassies). Warnings were described as not always adequate. The time between the issuance of warnings and the use of force against protesters ranges from a few seconds to 15 minutes. The latter case can be considered to be adequate, provided protesters have the ability to disperse and leave the place without hindrance or reprisals. In this regard, the practice of kettling was not widely reported by interviewees; however, many reported a pattern of arrests occurring not at protest venues but later, in nearby streets, cafés or residential areas.¹⁵⁵

Senegalese interviewees stressed that protests that are authorised take place without any incidents, and that violence is only observed in relation to unauthorised protests. In these cases, the use of force may occur at any stage (at the beginning of protests, or later). Warnings (“*sommations*”) are used to a large extent. Interviewees described unusual practices during the 2021-2024 period, such as the immediate dispersal of political opposition assemblies.

The use of unwarranted, excessive and disproportionate force

Sources in all four countries described patterns of unwarranted, excessive and disproportionate force against protesters, which take on many forms.

Often, force is completely unwarranted as it does not come in response to acts of violence by protesters but is rather used against protesters who are entirely peaceful and pose no threat to public order. In Uganda, sources reported slaps, punches, kicks and beatings by police and security forces, as well as protesters being grabbed by the neck and dragged on the ground, and women protesters being publicly undressed and having their breasts and private parts squeezed (see sub-section 6 below). In most cases, people who are arrested do not resist and do not engage in any form of violence. The methods and weapons include tear gas and other toxic substances, high-pressure water cannons, rubber bullets, and live ammunition.

¹⁵⁵ Some Tunisian interviewees claimed that in a few cases, protesters were given no safe conduct to quietly leave protest venues and were prevented from moving freely.

Kettling was not raised by Mozambican and Ugandan sources. In Senegal, several sources indicated that there are usually no attempts to prevent peaceful protesters from leaving protest venues.



“Excessive force is part of the tools of management of protests by the state.”
— Ugandan HRD.

“They deal with you as if you’re a terrorist.”
— Ugandan environmental HRD.

In Mozambique, many peaceful protesters were targeted during the 2024 post-election protests. Sources described slaps, punches, kicks and beatings by police, the use of dogs against protesters, as well as the use of lethal force (live ammunition). The use of tear gas was, and remains, systematic.

“They had armoured vehicles, heavy weapons, live ammunition.
We felt as if we were at war.”
— Mozambican WHRD.

In Tunisia, lethal force is not used but police engage in patterns of unwarranted force against peaceful protesters through slaps, beatings and the use of tear gas. Humiliating practices, such as pulling the hair of women protesters (see sub-section 6 below), were also widely reported. Beatings, especially of protest organisers and those seen as leaders, occur in the aftermath of protests, once people have left and go home.

“People will think twice before protesting again – that’s the goal.”
— Tunisian journalist and protest monitor.

Last, notwithstanding the caveats about authorised protests usually taking place without violence and the exceptional character of the 2021-2024 period, Senegalese sources reported the use of unnecessary force by police, including slaps, pulling of hair, and brutality when protesters are arrested and pushed into police vans. The 2021-2024 period saw dozens of casualties among protesters, some hit by live bullets, as well as reports of torture and ill-treatment in police custody. This is universally seen as disgraceful by the sources we talked to.

“How could law enforcement officials sink so low?”
— Senegalese journalist.



Force has also been used in an excessive or disproportionate manner against protesters who behaved in a non-peaceful manner. In all four countries, sources reported patterns of police violence in this regard, which include punches, kicks, beatings, torture and other forms of ill-treatment during arrest or in detention, and, in Mozambique and Uganda (as well as in Senegal between 2021 and 2024), the use of firearms, resulting in killings. In Mozambique, live ammunition was used systematically in response to mass post-election protests, in 2024, as police did not show any restraint.

“During demonstrations it seems police have authority to kill.”
— Mozambican HRD.

In Uganda, over the past few years, several incidents involved the use of live bullets and led to the deaths of protesters. Multiple cases of torture of opposition members and supporters were also reported.

“If you resist, you’re subjected to all kinds of humiliations.”
— Ugandan HRD.





“There is a huge breakdown in lawful conduct by police. It seems to be deliberate. Security forces are unapologetic about it; they say they will crush anyone who is against the NRM.”
— Ugandan HRD.

In Senegal, the “dark” 2021-2024 period witnessed abuses against protesters, some of whom engaged in violence (which does not justify torture and inhumane treatment in police custody, denial of access to medical care, or extrajudicial executions). In Tunisia, it is often in response to incidents involving mild violence (protesters throwing bottles or stones) that police use excessive force, beatings protesters during or after arrest.

Indiscriminate force: lack of distinction between protesters

When resorting to force, authorities may be unwilling to distinguish between peaceful and non-peaceful protesters. Indeed, law enforcement and security forces have used violence as a collective punishment against everyone present at a protest for the mere fact of participating in the protest. This pattern was reported by sources in all four countries, as every protester runs the risk of being tear-gassed (Mozambique, Senegal (2021-2024), Tunisia, Uganda), arrested (Mozambique, Senegal (2021-2024), Uganda), or slapped (Tunisia), beaten (Mozambique, Uganda), or killed (Mozambique, Uganda).

Sources indicated that this deliberate lack of distinction is used as a deterrent, that is, to create a chilling effect and sense of fear among people wishing to exercise their right to peaceful protest. By unleashing indiscriminate violence on protest participants, authorities send the message that people cannot expect to be safe when they protest, and that they should not protest again in the future. As a Ugandan lawyer told us, “nobody is safe during protests.”



“They are trained to unleash terror on people. They do not spare anyone.”
— Ugandan protest organiser.



“If you’re lucky, you’ll be arrested. If you’re not, you’ll be killed.”
— Mozambican academic.

Regarding arrests, there seems to be no distinction (everyone present at a protest, irrespective of whether or not they have committed illegal acts, runs the risk of being arrested) in Mozambique (especially in the recent period) and Uganda (especially in spontaneous protests, during which everyone is arrested – often brutally). In Senegal, the 2021-2024 period saw patterns of arrests that had not been seen before. In Tunisia, arrests seem to be rather targeted, as already outlined.



“We always prepare ourselves for the worst-case scenario.”
— Ugandan protest organiser.



“This is what we face for having a different opinion.”
— Mozambican HRD.

In several countries, sources reported that even non-participants are routinely victims of the repression of protests. In Mozambique, on the margins of 2024 post-election protests, street vendors and biscuit sellers were hit and arrested. In Uganda, especially in central Kampala, bystanders, shop owners and street vendors have been beaten and arrested, and businesses and other buildings (including schools) have been tear-gassed. In Senegal, bystanders were arrested on the margins of 2021-2024 protests.

More generally, beyond a deliberate lack of distinction between peaceful and non-peaceful protesters, the problem may lie with the methods and weapons used by law enforcement and security forces. These, indeed, may not allow for distinction. This is particularly the case for tear gas and other toxic substances. Their use is – almost by definition – indiscriminate, as everyone present (including peaceful protesters and bystanders) can be affected. Mozambican, Tunisian, and Ugandan sources described the use of tear gas as systematic. Ugandan sources also reported the use of high-pressure water cannons, which can be dangerous for the physical integrity of those targeted.



“We are tired of tear gas.”
— Mozambican WHRD and protest organiser.

Overall levels of violence

Overall, the violence described to us is:

- Mild in Senegal (except during the 2021-2024 period). Violence is not used during authorised protests, which usually take place without incidents. When reported, violence is mostly in the form of insults, slaps and beatings. Killings are rare (except from 2021-2024).
- Mild to moderate (but increasing) in Tunisia. Police violence involves slaps, pulling of hair, beatings and humiliating practices and insults.
- Moderate in normal times, but severe in the recent period in Mozambique. Very high levels of violence were witnessed in relation to the 2024 post-election protests, with a systematic use of lethal force, including firearms and live ammunition, fired both at crowds (indiscriminately) and in a targeted manner against protesters and those livestreaming protests (Albino Sibiac, known as Mano Shottas).



- Severe in Uganda, where multiple forms of unrestrained violence (verbal, physical, and sexual) are reported against protesters. Firearms are usually on display and are often used. Routine violence against protesters includes slaps, punches, kicks, beatings, brutal arrests, torture and ill-treatment, and sexual violence against women protesters (see below, sub-section 6).



C. Main risks faced by protesters

As a summary, we asked sources to describe the main risks people face when protesting in their country. Sources in all four countries mentioned arrest and violence (Senegalese sources did so specifically in relation to the 2021-2024 period; Tunisian sources stressed the turning point of 25 July 2021).

In addition, Mozambican sources mentioned prosecution without due process and being killed (as live bullets have been used in the most recent period) as major risks. They also reported mass arrests in relation to the 2024-2025 protests.

Ugandan sources mentioned prosecution (without due process), arbitrary detention, enforced disappearance, being killed, and reprisals in the private sphere as major risks. They mentioned reprisals in the areas of housing (as landlords may be pressured to evict tenants who participate in protests), employment (as employers may be pressured to fire protesters), and studies (as universities may exercise reprisals by dismissing student protesters).

Tunisian sources indicated that while mild violence (slaps) is a risk for all protesters, violence is mostly directed at protest leaders and organisers (people are followed and arrested minutes to hours after protests). Most protesters are released after a few hours, but prosecutions are more and more frequent. Last, men who are suspected of being gay face the risk of being subjected to forced anal examinations, performed to humiliate them and/or with a view to charging them with sexuality-related offences.

In Senegal, if we exclude the 2021-2024 period, when many protesters were prosecuted and arbitrarily detained, including under lengthy pre-trial detention periods, prosecution is rare. Protesters who are arrested are usually released by the evening (10:00 or 11:00pm) without charge. The likely resumption of protests, once the “truce” period is over for the new authorities, will be a test of whether this tradition of relative tolerance continues.

In all four countries, sources reported that injured protesters generally do not have access to medical care immediately. It is increasingly difficult for medics to intervene on protest sites. They usually have access to injured protesters after protests, in police stations or hospitals. In some cases, sources reported that authorities deliberately denied protesters access to medical care. In Mozambique, during the repression of post-election protests, people who were left untreated for hours ended up bleeding to death or permanently disabled (amputated). Sources also reported that protesters were taken to hospitals handcuffed and remained handcuffed while medical acts were being performed on them. In Senegal, during the 2021-2024 period, people with injuries resulting from severe beatings (including compound fractures) were left untreated in police custody. In Uganda, due to the chilling effect violent repression has had on the medical profession, medics are now absent from protest sites – except, sometimes, for the Ugandan Red Cross. They do have access to injured protesters after protests, including for first aid, but the treatment provided was described as inadequate (usually based on painkillers). In Tunisia, medics also tend to refrain from attending protests or are deterred from accessing injured protesters.

No sources mentioned transnational repression as a major risk. Although a number of activists (in particular, Tunisian activists) live in exile, repression conducted abroad and directed at persons expressing themselves outside their repressing state’s territory¹⁵⁶ was not raised during the course of our research. This does not mean that transnational repression does not exist in Africa. However, it is not primarily directed at activists in relation specifically to protests. It is rather directed at political opponents or government critics.

¹⁵⁶ According to OHCHR, “[w]hile there is no official definition, the term transnational repression denotes acts conducted or directed by a State, or its proxy, to deter, silence or punish dissent, criticism or human rights advocacy towards it, expressed from outside its territory. These acts often target civil society actors abroad, such as [HRDs], journalists, and whistle-blowers as well as their families or associates who remain in the repressing country.” (See “Civic Space Brief: Transnational Repression,” June 2025, available at: <https://www.ohchr.org/en/documents/tools-and-resources/transnational-repression> (accessed on 7 August 2025)).



D. Protection of protesters from counter-demonstrators

To explore all dimensions of state obligations in relation to protection from violence, we also asked sources about counter-demonstrators: Are protesters protected from violence from counter-protesters or other third parties? In all four countries, it appears that this question is either irrelevant or no longer relevant. Indeed, simultaneous demonstrations do not really happen anymore. In Tunisia, sources indicated that authorities now deny permission to simultaneous protests or marches (when such protests did happen, police kept them separated to avoid incidents).

In Mozambique and Uganda, simultaneous demonstrations are not allowed to occur, but sources described a situation in which authorities allege “risks of violence” to deny permission to protesters or deter them from going ahead or even allege “threats of violence” by counter-protesters to intimidate protesters (in Uganda). Ugandan sources also reported patterns of discrimination, based on content: while pro-government demonstrators are allowed to march, provided with security and escorted by police, demonstrators who are not government-aligned face bans and multiple risks (including the risk of police brutality) if they go ahead and try to hold their event.

Finally, in Senegal, sources said that protests that are authorised take place without incidents and that police usually do their job facilitating protests.

Overall, however, our findings about the use of force are concerning. They show that force is not used in exceptional circumstances, in line with objective criteria and in a targeted manner, but rather frequently and excessively. Except in Senegal, the trend in our focus countries is downward. These findings are consistent with the results of our survey (section II): in Africa, the use of force in relation to protests appears to be the rule rather than the exception.

To document and report on instances and patterns of violence against protesters, monitoring is vital. In the next sub-section, we present our findings with regard to the use of online spaces and digital tools in relation to protests.

5. ONLINE SPACES AND THE USE OF DIGITAL TOOLS

In the course of our research, it appeared that social media has become an indispensable tool everywhere, serving not only to monitor protests but also to organise and mobilise for them, report on them, expose violations, and push for accountability.

A. Social media is an indispensable tool for protests

Asked to rate the role of social media from “insignificant” to “very significant,” virtually all sources in our four focus countries chose the latter. This confirms the results of our survey.



Some protests take place entirely online

Some protests do not take place in the physical world but exclusively online. This is the case for many protest actions, including e-petitions, boycott calls, articles/op-eds, crowdfunding initiatives, and other social media actions (such as the mass use of a hashtag). In Uganda, Internet “exhibitions” have been held to shed light on corruption and lack of basic public services. These exhibitions are creative ways of protesting against diversion of public funds or the bad state of roads, schools or hospitals, often using humour (cartoons by Jimmy Spire Ssentongo). In Senegal, a new generation joined protests and citizen movements during the 2021-2024 period, as anger mounted against the authoritarian turn of the Sall rule. As one Senegalese HRD said, “people came together and were informed through social media.”

Online protests are increasingly frequent. This reflects the obstacles and risks faced in holding in-person protests. In Uganda, for instance, the move to online platforms is partly due to the quasi-disappearance of physical spaces to protest – and risks facing in-person protesters.



“Online spaces are less easy to contain, so people are moving there.”

— Ugandan WHRD and protest organiser.



Digital tools are used for a broad range of objectives

Digital tools such as social media platforms are widely and increasingly used to organise, plan for, raise awareness of, mobilise for and invite to, protests. Facebook is the most popular platform to share information ahead of protests, except in Uganda (where it is blocked). Sources also mentioned the use of X (formerly Twitter) (in Mozambique and Uganda), TikTok (in Senegal and Uganda), YouTube (Uganda), and WhatsApp or Signal groups (Mozambique, Senegal, Tunisia).

“

*“Activism has become the most open profession today.
You only need perhaps 1 gigabyte of internet [to become an activist].”*

— Senegalese WHRD.

Online spaces and digital tools are also widely used during protests (to report on and livestream protests and to expose violations, as well as to warn protesters of unsafe areas), as well as after protests (to push for accountability for violations). Regarding the former, sources highlighted the indispensable role of digital tools to report live (Mozambique, Senegal, Tunisia). This is also important for those abroad, especially the Senegalese diaspora. Regarding the latter, sources mentioned the use of social media to share evidence of violations (videos, photos) and expose perpetrators. This is particularly true in Mozambique, in relation to the repression of the 2024-2025 post-election protests, and Uganda, where “doxing” is used to expose perpetrators as it is seen as the only way of getting a form of justice (see sub-section 8 below).

“

*“Traditional media does not livestream protests.
Social media fills that gap.”*

— Ugandan WHRD.

“

*“Beyond citizen mobilization, what saved Senegal is social media,
particularly the hashtag #FreeSenegal.”*

— Senegalese WHRD.

Risks and drawbacks

Everywhere, however, sources flagged a risk associated with the increasing use of online spaces – the digital divide between urban and rural areas, between educated and less educated citizens, and between men and women (gender digital divide) – as well as a drawback: people who protest online might be tempted to stay online and not join physical protests.

Our interviewees were fully aware of that risk. As one Tunisian HRD said, while “some protests have moved to online spaces” and in-person protests are generally smaller in size than in the pre-2021 period (information about upcoming protests tends to be shared in small WhatsApp groups to avoid widely sharing logistical details), “the streets are still accessible, so we try to hold on to them and organise in-person protests.” In Senegal, the “Y en a Marre” movement, which was a leading force behind popular protests that led to a change of government, in 2024, recently criticised the new authorities’ use of an online platform (Jubbanti) to consult citizens ahead of a national dialogue. Y en a Marre flagged risks of exclusion faced by Senegalese citizens who lack digital literacy.¹⁵⁷ And, as Ugandan sources stressed, in-person protests are riskier but also more impactful.

“

“Ten people on the street is more effective than 10,000 people online.”

— Ugandan protest organiser.

On the other hand, younger citizens and youth movements are more tech-savvy than older generations. Virtually all young people who have access to a smartphone use social media and messenger apps such as WhatsApp or Facebook Messenger. This means that new forms of activism have a greater ability to mobilise their followers/ members at short notice, due to their massive use of digital tools and online presence.

Overall, people increasingly go online to express their grievances. This is related to the relatively safer way in which online protests take place, and to their flexibility, but it is also a consequence of traditional media (such as television channels) being less and less trusted, especially in contexts where there are official/national media outlets owned and/or controlled by the state, as they are often seen as being the mouthpieces of governments. To protect themselves and bypass site blockages, more and more people use virtual private networks (VPNs).

“

*“Social media has ousted those journalists
who chose not to do their job. They will be pushed out. [...] We could
have avoided 80 deaths if the [traditional] media had played its role.”*

— Senegalese journalist.

“

People don’t believe in television anymore.”

— Mozambican journalist.

¹⁵⁷ RFI, “Sénégal: la plateforme Jubbanti doit donner la parole à tous les Sénégalais concernant leur système politique,” 12 May 2025, <https://www.rfi.fr/fr/afrique/20250512-s%C3%A9n%C3%A9gal-la-plateforme-jubbanti-doit-donner-la-parole-%C3%A0-tous-les-s%C3%A9n%C3%A9galais-concernant-leur-syst%C3%A8me-politique> (accessed on 29 July 2025).





B. Surveillance and profiling are widespread

Another risk is associated with the increased use of technology. As people go online and become proficient in the use of digital tools, so do governments. In other words: the fact that protests are more and more organised, advertised, or held online has not gone unnoticed by state authorities, who have enhanced their surveillance and profiling capacity.

“It’s a safer space, but it’s not ‘safe’.”
— Mozambican HRD.

“There is an atmosphere of constant surveillance that also prevails online.”
— Tunisian WHRD.

“So many efforts are being deployed to restrict and control online spaces.”
— Ugandan journalist.

Sources in the four countries reported various levels of surveillance and profiling of protest organisers and protesters. In Tunisia, they indicated that the state is “very organised”: surveillance of protest organisers and influential public figures involves not only interception of communications without judicial oversight (ahead of protests),

photos and videos, but also the use of facial recognition and drones (during protests). The risks associated with technology have increased with the passing of Decree-Law no. 54 of 2022.

“They filmed us so much that they can 3D print us!”
— Tunisian protest monitor.

In Mozambique, Senegal and Uganda, sources described a more and more systematic use of surveillance and profiling, targeting protest organisers and leaders. They reported patterns of online monitoring (Mozambique, Senegal, Tunisia, Uganda), receiving multiple “strange” or intimidating phone calls ahead of protests (Mozambique, Uganda), being followed in the public space (Mozambique), and being told “We know who is who” [or “who does what”] (Mozambique).

“Authorities in Tunisia increasingly monitor protesters, and this surveillance is not limited to simply discreet observations. It has become systematic, using a range of modern techniques to locate, identify, and sometimes intimidate those participating in demonstrations.”
— Tunisian protest organiser.

In Senegal, however, the 2021-2024 crisis seems to have given way to a more open environment, in which HRDs and other social actors are relatively safe. Interviewees indicated that they suspect that the profiling of high-profile activists, public figures and influencers continues, but that this might not be systematic. Several regarded the idea that the state could voluntarily downgrade its surveillance capacity, or get rid of people’s records (“fiches”), with scepticism.

C. Internet shutdowns and disruptions to communications are on the rise

Last, to get a sense of the environment for protests in relation to online spaces, we asked sources about an emerging worldwide trend,¹⁵⁸ namely Internet shutdowns and other disruptions or restrictions to electronic communications.

Internet shutdowns appear to be on the rise, although they are not systematic. What appears from the information collected is that: (i) It is a recent practice; and (ii) It is used mainly in relation to elections and during crisis situations. Sources reported Internet shutdowns during election periods in Mozambique and Uganda, where mobile services were targeted, and during the 2021-2024 crisis in Senegal (shutdowns, reduction of the bandwidth). On a few occasions, shutdowns were total, with mobile

¹⁵⁸ See “Ending Internet shutdowns: a path forward; Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association,” UN Doc. A/HRC/47/24/Add.2, op. cit.



data (not just social media) cut (Mozambique 2024, Senegal 2023, Uganda 2021). These measures are intrinsically disproportionate, and therefore unlawful. In other cases, the bandwidth was reduced.

Sources indicated that this was done to prevent the livestreaming of protests or other events (opposition rallies, counting of votes, parallel (non-official) announcement of results). All expressed concern over the multiplication of disruptions and the prospects of future Internet shutdowns, ahead of or during elections, including in places that have not yet experienced such shutdowns. In Mozambique, sources expressed acute concern over people who have been prosecuted for their use of the Internet (live coverage of protests). They also mentioned other tactics by the state. For instance, as a first step to restrict electronic communications, the price of internet data was raised ahead of elections (April 2024), before a second step, when internet was cut, in November 2024. Similar controversies surrounded social media taxes in Uganda.

Tunisia is the only focus country where sources did not report Internet shutdowns. (They did report patterns of online surveillance and repression, as well as the occasional slowing down of Internet mobile services.) In 2025, the ECOWAS Court of Justice condemned the state of Senegal for violating the rights of its citizens by suspending access to the Internet and social media in June and July 2023.¹⁵⁹

6. GENDER DIMENSIONS: WOMEN'S AND GIRLS' ENJOYMENT OF THEIR RIGHT TO PROTEST

While sources highlighted a gender digital divide, we sought to assess how women and girls are involved in protests and what obstacles they face, beyond the realm of technology. Therefore, another major theme of our interviews and focus group discussion concerned the gender dimensions of the right to protest. We assessed whether women and girls are treated differently, and face specific risks and threats, in relation to protests.

To do this, we examined three levels, namely: (i) Organising protests and obstacles faced in this regard; (ii) Risks related to verbal violence, vilification and stigmatisation; and (iii) Risks in the form of physical and sexual violence.

A. No gender gap can be identified when it comes to organising protests

When it comes to organising protests, sources in our focus countries did not point to gender-differential treatments. They identified no gender gap in relation to notifying authorities of or requesting permission for a protest. Rather, sources insisted, the key factors explaining a differential treatment between groups of protest organisers are:

(i) The topic or issue addressed by the protest, and (ii) The political identity (political views or affiliation) of the organisers.

¹⁵⁹ AITN, "La CEDEAO condamne le Sénégal pour les coupures d'Internet de 2023," 16 May 2025, <https://afriqueitnews.com/tech-media/cedeo-condamne-senegal-coupures-internet-2023/> (accessed on 29 July 2025).



To be sure, despite an increase in political and civic participation in recent years, overall, women and girls remain less active in protests than men and boys.¹⁶⁰ This was flagged by sources in all four focus countries.¹⁶¹ This partly explains why fewer protests (in absolute numbers) are organised by women.

However, when asked specifically about obstacles facing protest organisers when notifying authorities of a protest, sources did not point to a differential treatment between men and women.¹⁶² Only in Uganda did interviewees report that women: (i) Are often mocked, demeaned or insulted when going to police stations to submit notification letters for public assemblies (which explains why some women have turned to spontaneous (unannounced) protests, including "nude protests"); and (ii) Face backlash from their communities (and sometimes families), based on gender stereotypes and patriarchal attitudes.

¹⁶⁰ Protests can usually be organised by persons over 18, which excludes "children" (as per the international law definition).

¹⁶¹ In Tunisia, many young women lead civic and social movements. Senegalese and Mozambican sources also mentioned that women increasingly reject traditional gender roles and are in leadership positions (challenging the traditional view that they cannot lead). For instance, in Maputo, several demonstrations were led by women movements. In Senegal, women are active in social and youth-led movements such as Y en a Marre or Africivistes. However, following the 2024 elections, feminists have complained that only four women are part of the new PASTEF-led government.

¹⁶² Two caveats were raised. First, a Mozambican interviewee claimed that instructions had been given to police to deny permission to women-led protests, but this could not be corroborated. In Tunisia, several interviewees reported that queer people were systematically prevented from holding protests – and do not even try to do so anymore.





“They say: ‘You are a woman; you are not supposed to do these things.’”

— Ugandan protest organiser.

B. Women and girls face higher levels of vilification and verbal abuse than men

Gender stereotypes, patriarchal attitudes, and conservative approaches to gender roles were mentioned as factors explaining the widespread verbal abuse women protesters face.

In all four countries, insults and derogatory remarks are frequently hurled at protesters by police and other law enforcement and security forces. While many of these are non-gendered (see sub-section 3 above) and stem from the negative view of protests which authorities hold, some are gendered and find their roots in sexism, patriarchy and unequal power relations between women and men. Women protesters tend to be specifically targeted with these gendered insults – which, by definition, are not directed at men.



“The stereotype ‘It’s not a woman’s place to demonstrate’ is still very much present in people’s minds.”

— Senegalese civil society member.

These insults revolve around:

- 1. Sexuality:** Insults of a sexual nature include “sluts” or “whores” (Tunisia, Uganda), “lesbians” (Senegal, Tunisia), “depraved” women (Senegal), “prostitutes” (Uganda), “overused” women (Mozambique), or reference is made to their honour and (absence of) virginity (Tunisia);
- 2. Traditional gender roles:** Women protesters are considered housewives or caretakers. They are often told to “go home” or to “go back to [their] kitchen” (Mozambique), that it is “not [their] place” to be in protests (Mozambique, Uganda), that they are women “without a husband [or children]” (Mozambique, Senegal, Uganda), that they are “failures” (for refusing to abide by traditional gender roles) (Uganda), that they go “against the values” of the country (Senegal, Uganda), or that they “want to be a man” (Mozambique, Uganda).
- 3. Body shaming:** Women protesters are told that they are “ugly” (Uganda), or derogatory remarks are directed at their clothing (Uganda, Mozambique).

Some categories are specifically targeted. In Senegal, while the overall level of verbal abuse against women is relatively low (and insults are milder) than in the other three countries, women who directly challenge patriarchal norms, work on sexual orientation and gender identity (SOGI) issues, or advocate for sexual and reproductive rights, including abortion, are subjected to more insults. These insults often come from religious leaders or influencers. In Tunisia, queer people ¹⁶³ and those who dress in non-traditional ways are particularly targeted through insults relating to their honour, sexuality and education. In some cases, insults are directed at their parents in order to shame them.

Tunisian sources also described technology-facilitated GBV as severe, as photos and videos of women protesters are circulated on social media platforms. This often goes hand in hand with the propagation of rumours about their sexuality, with the apparent objective of triggering online harassment or lynching. Sources attributed the responsibility of these practices to members of police unions – which we were unable to verify. In Uganda, similar instances of online GBV were reported, in the form of doxing (photos and videos of women protesters being circulated with their personal details). It is noteworthy that, in all four countries, non-state actors, including communities and families, were mentioned as perpetuating abuses against women protesters.



“They call you a whore, propagate rumours about your sexuality.”

— Tunisian WHRD.

Patterns of verbal and symbolic violence are often intersectional: women and girls coming from ethnic minority groups, from lower social classes, from the peripheries or rural areas (as opposed to urban centres), who are younger, or who identify as members of sexual minorities, are particularly targeted. These forms of violence are directly linked to attempts to humiliate women protesters and to physical and sexualised violence. For instance, sources in Senegal, Tunisia and Uganda reported patterns (as evidenced by multiple similar incidents, occurring without accountability) of police officers pulling the hair or wigs of women and dragging them to the ground. A Mozambican WHRD reported being called “stubborn girl” while being thrown to the ground by a police officer.

Verbal violence often paves the way for, and legitimises, physical violence. As a Ugandan WHRD said: “They make it look like it’s not the right thing to do for women to protest. Their mindset is ‘If something happens to you [during the protest], then it’s your fault.’”

¹⁶³ An HRD and protest organiser told us that gender non-conforming and queer people get treated differently in terms of organising a protest (submitting a notification) and that, as a result, “we self-censor from the beginning.”





Photo Creator: Abubaker Lubowa (Daily Monitor)

C. Women and girls often face physical and sexual violence in relation to protests

Physical violence against protesters is widespread. But while sources identified police violence as one of the main risks all protesters face, irrespective of their gender, women and girls in protests face specific forms of abuse.

It is obvious in Tunisia and Uganda. In these two countries, virtually all sources reported patterns of violence directed specifically at women protesters. In Tunisia, while women face as much violence as men in protests, violence against women protesters is sexualised: women protesters are systematically hit in their breasts and private parts, get their hair pulled (while being called “sluts” or “whores”), and are often molested during arrest or in custody. Rape threats were reported to DefendDefenders. Tunisian interviewees described these practices as being part of a strategy to terrorise women, especially students and young feminists, to tarnish their reputation and deter them from being active in social or political movements.

Uganda records the highest level of violence against women protesters of all four countries. Women who protest are routinely kicked, slapped, punched, tear-gassed, and subjected to humiliating practices such as squeezing of breasts and pulling of hair or wigs. They are often dragged on the ground during their arrest and, on multiple documented occasions, police officers brutally and publicly undressed women protesters – a practice unanimously condemned as degrading and unacceptable.

¹⁶⁴ In custody, women protesters face the risk of sexual violence. Rape threats and

¹⁶⁴ Ironically, it has led groups of women activists to hold “nude protests” to challenge authorities and catch public opinion.

actual instances of rape were reported to DefendDefenders during the course of this research. Interviewees identified humiliation and dehumanisation as the authorities’ objective, in particular whenever women participate in “political” protests (against the government or about issues such as democratic governance).



“The violence against women is sexualised. Nobody undresses men.”

— Ugandan lawyer.

Being well-known constitutes a form of protection – albeit an ineffective one. A prominent WHRD and protest organiser reported to us that a police officer said “Stop doing this” as his colleagues were tear-gassing and spraying her. She was nonetheless dragged and kicked while heavily pregnant, and heard a female officer reply to her colleague: “We have a right to see that baby delivered” before kicking her in the belly.



“Women are expected to be humble, decent, not to ask questions.

So, for women who protest, the aim is to dehumanize them, make them unfit for marriage or render them single mothers.”

— Ugandan HRD.

Another Ugandan WHRD told us: “They seek to inflict pain: they grope you, squeeze your breasts; kick, slap, beat, strangle you; try to break your legs, saying: ‘How dare you?’ It’s a pattern; it keeps happening to women.”

In Mozambique and Senegal, the situation is less severe. Mozambican sources indicated that women face milder forms of violence than men during protests: as one HRD said, “[t]ypically, a man will be punched, a woman will be slapped.” Threats of rape were reported to DefendDefenders, but no cases of rape or other forms of sexual and gender-based violence (SGBV). One recent incident caused an outcry: during President Chapo’s inauguration, early 2025, a police officer slapped a woman protester. This incident, which several sources raised, seems to have shocked public opinion – which indicates that violence against women protesters is not normalised. During the 2024 post-election protests, however, police committed grave violations against women protesters. Sources mentioned “strong men” grabbing women, brutally arresting them, and putting them in the same police vans as men – exposing them to risks of assault. During the protests, a woman was run over by an armoured police vehicle. No one has been held accountable for her death.

Last, Senegalese sources were consistent in describing violence against women protesters as a red line – something most people find unacceptable. Instances of police officers slapping women or pulling their hair (especially during the 2021-2024 period), as well as of violence against a woman journalist, Absa Hane,¹⁶⁵ were reported, but overall, violence against women protesters was described as not systematic and, at

¹⁶⁵ See Amnesty International, “Sénégal: Il faut enquêter sur les homicides et les violences policières à l’encontre des manifestant·e·s,” 13 February 2024, <https://www.amnesty.org/fr/latest/news/2024/02/senegal-investigate-killings-and-police-brutality-against-protesters/> (accessed on 5 August 2025).



any rate, as less severe than in other countries. During the 2021-2024 period, violence against men was much more severe, with reports of beatings, people with serious injuries left untreated in police custody, and torture. Asked whether GBV or assault against women protesters were documented, interviewees answered that people would not accept it and would react strongly against it.¹⁶⁶

That said, a lower frequency of sexualised violence incidents during protests may not always indicate a lower prevalence but may reflect under-reporting, particularly in rural or semi-urban areas where protests often unfold without formal observation by human rights monitors or the media.

Where such violence is frequent, a number of coping or resistance strategies may be used, including physical protection measures, membership in solidarity (HRD or women-led) networks, using the media (especially social media) to expose abuses, and using the legal system against perpetrators. This is important – and some of these were mentioned during interviews – as it shows women’s and girls’ agency, alongside the risks they face.

7. HUMAN RIGHTS DEFENDERS’ AND OTHER INDEPENDENT ACTORS’ ROLE IN MONITORING AND REPORTING ON PROTESTS

Patterns of violence presented in the previous sub-sections make monitoring of and reporting on protests even more important. This is why we chose to make monitoring and reporting another central theme of our research. To assess the situation in this regard, we asked sources questions about HRDs, journalists and others who monitor protests and document violations, and how authorities respond to reports of violations.

A. Protest monitors face risks and are not systematically protected

In the four focus countries, monitoring and reporting on protests come with different levels of risk. In Senegal, journalists and HRDs are usually able to do their work and are not targeted by law enforcement and security forces. The 2021-2024 period was an exception in this regard, as some journalists were arrested or beaten, or had their equipment destroyed (in this regard, one interviewee said the power “had gone mad”¹⁶⁷). Usually, wearing a “Press” vest is protective: journalists and media workers who signal themselves can reasonably expect not to be targeted. (This was also the case, to some extent, during the 2021-2024 crisis.) By wearing a vest, they signal their presence and affiliation and expect protection. During elections, journalists are traditionally

¹⁶⁶ This does not mean that GBV does not exist in Senegal. High levels of domestic violence are still reported in the country. Questions asked in the framework of this research were about acts of violence against women protesters, in the public sphere. In relation to protests, SGBV was reported, but by non-state actors (people who took advantage of crowds and the repressive context to target women).

¹⁶⁷ For instance, the former Prefect of Dakar, Alioune Badara Samb, had asked the police to “tear gas everyone, including the press” (see Tract, “Après avoir sommé la police de gazer les journalistes: Le préfet Alioune Badara Samb bombardé gouverneur de St-Louis,” 24 June 2021, <https://tract.sn/2021/06/24/apres-avoir-somme-la-police-de-gazer-les-journalistes-le-prefet-alioune-badara-samb-bombarde-gouverneur-st-louis/> (accessed on 5th August 2025)).



present in polling stations and observe the counting of votes. This played an important role in the 2012 presidential election, which saw the defeat of incumbent President Abdoulaye Wade (to Macky Sall). The outcome could not be questioned precisely because of the massive presence of journalists and observers in polling stations, which made the computation of results at the national level indisputable.

When it comes to HRDs and protest monitors, Senegalese sources indicated that the question is slightly irrelevant in their national context, as usually, HRDs who participate in protests do so as protesters, not monitors. They do not wear a vest to signal themselves. Even during the crisis, they were largely able to do their job, report on human rights developments, and talk to the media.

In Mozambique, sources also indicated that the 2024-2025 period saw an increase in tensions. Reporting on protests has become more difficult as the FRELIMO-led authorities feel “insecure.” During recent protests, violations against monitors were recorded, including at least one extrajudicial killing (of a blogger) and arbitrary arrests.¹⁶⁸ Several journalists were also tear-gassed. Usually, journalists and HRDs are able to do their work during protests. Wearing a “Press” vest or a t-shirt with the logo of a human rights NGO usually plays a protective role. Sources indicated that doing this leads to more restraint by police, who fear being exposed – especially by international

¹⁶⁸ On the arrest of journalist Sheila Wilson during the pre-election period, see Amnesty International, “Mozambique: Authorities must promptly investigate arrest of journalist while covering demonstration,” 7 June 2024, <https://www.amnesty.org/en/latest/news/2024/06/mozambique-authorities-must-promptly-investigate-arrest-of-journalist-while-covering-demonstration/> (accessed on 5 August 2025).



media. Some reported that they actually signal themselves to the police by shouting “We are here.” They formulated one caveat: civilians caught recording videos without wearing a “Press” jacket are at risk of being targeted.

In Tunisia and Uganda, many interviewees mentioned risks and threats facing HRDs, protest monitors, journalists and media professionals who cover protests. In Tunisia, threats have been increasing since 2021. Journalists are targeted despite wearing a “Press” vest. They face the risk of being assaulted and having their cameras confiscated or photos deleted. Several interviewees asserted that it has become dangerous to signal yourself as a journalist or monitor by wearing specific clothes. Some presented targeting as systematic and mentioned that journalists are routinely photographed and that their photos are shared among police agents and trade unions, with a view to facilitating their targeting. HRDs are increasingly threatened with arrest and physical assault for filming protests. As a result, self-censorship is increasing.



“They know who to target and go to those people.”

— Tunisian protest organiser.

In Uganda, those covering protests are not protected but targeted. Sources clearly said that wearing a “Press” vest is not a protection – on the contrary, it allows security operatives to identify you and therefore exposes you to violence. Journalists face multiple risks, including being beaten and arrested and seeing their equipment confiscated or destroyed.¹⁶⁹ As the space for independent monitoring of protests is disappearing, some sources told us that journalists wonder if they should continue covering protests.



*“Wearing a jacket used to be a guarantee for your safety.
Now wearing a jacket is a guarantee for your destruction.”*

— Ugandan protest organiser.

HRDs face the same hostile environment during protests. They are intimidated and face risks of violence and arrest. Those who continue to monitor and report on protests try to do so in a discreet manner. They face a Catch 22 situation, as both signalling yourself and not signalling yourself come with risks.



*“Wearing a jacket is actually more risky because you become a target.
But if you don’t wear a jacket and carry a camera, then you can be beaten.
So, whether you wear a jacket or not, it’s dangerous.”*

— Ugandan journalist

¹⁶⁹ During the 2025 Kawempe North by-elections, journalists were brutalised and beaten by security forces. See International Federation of Journalists and Uganda Journalists Union, “Uganda: Journalists reporting on elections brutalised by security forces,” 17 March 2025, <https://www.ifj.org/media-centre/news/detail/category/africa/article/uganda-journalists-reporting-on-elections-brutalised-by-security-forces> (accessed on 6 August 2025).

B. Authorities’ response to reports of violations is often negative

Depending on the national context, authorities’ responses to reports of violations committed in relation to protests (media coverage, NGO reports) revolve around three strategies: (1) Ignore; (2) Deny or downplay violations (or blame protesters); and (3) Engage.

Ignoring reports (failing or refusing to reply) is common in Mozambique and Uganda. As several sources indicated, this is a standard operating procedure by which authorities refuse to recognise that violations took place, and therefore that a state response (such as investigating and holding perpetrators to account) is required. Sources indicated that this strategy is used when no evidence (such as photos or live videos) is publicly available. This points to the vital importance of documentation.



“It’s very dangerous to stage a protest without the media being present.”

— Ugandan lawyer.

Denying or downplaying violations is also common. Mozambican and, to a larger extent, Tunisian and Ugandan authorities, routinely dismiss reports by protest monitors, including NGOs and the media. In Tunisia, authorities refer to these reports as “propaganda” and/or attribute responsibility for the violence to protesters themselves, claiming they had been violent before police retaliated. In addition, authorities downplay figures (claiming, for each demonstration, that the number of participants is lower than figures announced by organisers and independent monitors). When authorities cannot deny that police officers have used excessive force, then their strategy is to reject the responsibility on individual officers (thus denying that systemic dimensions exist).



“The official discourse is: It’s isolated cases (individual cases).”

— Tunisian journalist and protest monitor.

In Uganda, authorities used to respond to reports of violations, promising to investigate cases, but now tend to deny that any violations took place and accuse those reporting on protests of spreading “fake news” (or protesters of having “provoked” security forces and incited violence). In Mozambique, authorities sometimes blame the violence on protesters (calling them “vandals” or “criminals”).

Engaging with the findings presented by the media or NGOs is less common. In Uganda, authorities used to do it, to some extent, to promise investigations. This does not seem to be the case anymore, unless the evidence is clear: then, especially if diplomatic and development partners raise concerns, authorities might respond (not directly to NGOs or the media but by making their points through press conferences).

In Mozambique, authorities may reply, depending on whether or not the case is high-profile, promising to investigate or saying that “investigations are ongoing.” Sources noted the difference between these investigations and investigations into protesters.





“Investigations against protesters move very fast; investigations against police officers take forever.”

— Mozambican lawyer.

In Senegal, if downplaying figures about attendance in demonstrations is common practice, when it comes to violations that are documented (such as ill-treatment or killings), authorities usually respond to reports. This is in line with the country’s tradition of a vibrant civil society and strong media pluralism. Several interviewees mentioned the existence of long-standing relationships between civil society (HRDs, human rights NGOs, and social/citizen movements) and state representatives, including at a high level. Some even talked of “healthy” relations. The 2021-2024 period appears to be a chapter closed with the change of government. But many interviewees insisted on the importance of documentation – hence the role of the media and human rights NGOs – and accountability to ensure non-recurrence.



“We want to both bring justice to the victims and teach the politicians a lesson. You can’t do everything you want to stay in power. [...] We didn’t deserve what was done to us. They will have to be held accountable.”

— Senegalese civil society member.

8. ACCOUNTABILITY FOR VIOLATIONS

Documentation and reporting are key to fighting impunity and ensuring accountability for violations. This is the object of our last major theme, through which we sought to assess whether authorities ensure accountability for violations in relation to protests. To do this, we interrogated sources to assess the situation in their country with regard to transparency in law enforcement, investigations into violations, the existence of sanctions against those responsible, and avenues for redress for the victims and survivors.

A. Transparency in law enforcement: significant gaps exist

Identification of individual officers

First, we tried to determine whether individual agents of law enforcement and security bodies can be identified for the purposes of accountability. To do this, we enquired about practices in relation to wearing uniforms, displaying identity numbers, and revealing agents’ face.

In all four countries, regular police forces wear uniforms. This is the case for regular police and UIR in Mozambique, police and gendarmerie officers in Senegal, Tunisian police, and UPF officers in Uganda.

Everywhere, however, sources flagged the use of undercover agents to infiltrate protests. By definition, to pass as protesters or bystanders, these officers do not wear uniforms but civilian clothes. The use of plain-clothed officers, which is not in itself illegal or illegitimate,¹⁷⁰ is widespread. But this practice is problematic with regard to privacy, all the more since information about protesters may be collected and stored in conditions that do not include adequate safeguards against undue infringements on the right to privacy. It may also deter the exercise of the right to freedom of peaceful assembly by creating a chilling effect. In Mozambique, sources indicated that SERNIC officers do not necessarily wear a uniform and may intervene wearing plainclothes. In Uganda, sources pointed to a “merger” or “mix,” with UPDF elements using police vans and performing what are essentially police functions, and special units engaging in violence against protesters. A protest organiser said: “Those who torture us wear civilian clothes.”

ID numbers are rarely displayed or visible. Mozambican and Tunisian sources indicated that police officers do not wear professional ID numbers when they intervene in protests. Ugandan sources claimed that police, security and military officers deliberately conceal their ID number.

Last, Mozambican and Ugandan sources raised what they presented as an increasingly common practice: officers (UIR in Mozambique, UPDF and special units (JATT, SFC) in

¹⁷⁰ These officers can carry out intelligence missions, and the information they collect can be used to identify risks, including of illegal acts.



Uganda) covering their face with professional masks (tactical helmets, balaclavas, or ski masks) or face masks. In Uganda, the latter is also a legacy of Covid-19: the pandemic provided state agents with an excuse to hide their face – and therefore make their identification more difficult when investigations are necessary.

Chains of command

Second, we enquired about chains of command. The key question is whether it is easy to determine who gives orders. Are there clear command structures, and is there a transparent chain of command?

This seems to be the case in Senegal and, to some extent, in Mozambique and Tunisia. In these three countries, the army does not manage protests and there is a clear distinction between military and police officers. Chains of command appear to be clear, with orders being given by police commanders under the superior authority of the Minister of Interior.¹⁷¹

In Uganda, however, as a result of the increasing influence of the UPDF and militarisation of public spaces, it is more challenging to identify clear chains of command. Military elements use police stations and equipment, and occasionally wear police uniforms. Interviewees unequivocally said that a power grab had been ongoing, with the police now under de facto authority of the armed forces – whenever policing of opposition rallies/protests is involved, police is “not in charge” (the army is). This situation poses significant transparency and accountability issues, rendering identification of officers involved in human rights violations even more challenging.

B. Investigations into violations are ineffective and rarely lead to accountability

When violations such as unlawful violence are alleged to have been committed against protesters, do investigations take place? This was our next question, and sources in all four focus countries pointed to the predominance of “internal” investigations over judicial investigations. All stressed the non-public character of these investigations, be they fully internal (by an in-house inquiry body, such as inspection services) or by a statutory independent oversight body. The latter is found in Tunisia in the form of the National Entity for the Prevention of Torture (Instance Nationale pour la Prévention de la Torture (INPT)). In other countries, investigations into potential misconduct by police officers are led by inspection services (inspection of police under the General Police Commander in Mozambique, the state’s inspection service in Senegal, the General Inspectorate of National Security (Inspection Générale de la Sûreté Nationale (IGSN)) in Tunisia, and the UPF’s Professional Standards Unit (PSU) in Uganda).

Sources in all four countries were clear that these investigations are not transparent and usually do not lead to meaningful accountability. Many claimed that these are actually designed to (or at least, are led in a way that produces this outcome) shield

¹⁷¹ In Senegal, the gendarmerie is officially a military unit that performs law enforcement functions. It does not deal with protests.

officers from liability for any acts performed in the line of duty. Sources stressed, in particular, that it is difficult for victims to obtain updates on proceedings. Disciplinary action, therefore, is elusive.



“High-ranking officers will say ‘We’re investigating,’ but it never goes anywhere. We don’t know what happens to these so-called investigations.”

— Mozambican lawyer.



“They say they are investigating, but it ends at them saying that.”

— Ugandan WHRD.



“They did whatever they wanted [from 2021-2024] because they thought they were covered by the authorities, and the instructions they had were to scare people off to deter them from protesting.”

— Senegalese activist, victim of the repression.



“I want to believe that there are people within these institutions who believe in justice. But they are alone; they’re also suffering. It’s hard to serve the people and work for the good of the country.”

— Tunisian WHRD.

Judicial (criminal) investigations are rare. In Senegal, sources indicated that, except in cases for which compelling evidence has been made public, accountability is elusive. There are very few cases in which police officers were held criminally accountable for acts perpetrated against Senegalese citizens.

In Mozambique, Tunisia and Uganda, we were struck to hear sources use the same words, almost verbatim, to describe what happens to criminal complaints filed against police officers for violence committed during protests. Almost all said that “complaints never go anywhere” or “go nowhere.” By this, they meant that victims filing complaints do not receive updates on their case and that police and prosecutorial services ensure no follow-up. Between the lines, they suggested that police officers are protected and shielded from liability.





“This institutional impunity creates an environment where violence is commonplace and legitimised by the state.”

— Tunisian WHRD.



“They know that if one falls, everyone will fall. That’s why they do nothing [to advance accountability].”

— Mozambican HRD.

In July 2025, however, the Attorney-General’s Office questioned the former Commander-General of the Mozambican Police, Bernardino Rafael, and the former Interior Minister, Pascoal Ronda, over killings during post-election demonstrations. The hearings followed criminal complaints submitted by civil society organisations, including the Centre for Democracy and Human Rights (Centro para Democracia e Direitos Humanos, CDD) and the DECIDE platform, which included documentary evidence linking police to a disproportionate response to protests. CDD deemed the evidence “sufficient for [the] complaint to advance to an indictment and proceed to trial and accountability,” pointing, among other elements, to “the use of live ammunition, tear gas, and armoured vehicles to disperse protesters.” CDD considered Mr. Rafael’s hearing “an important step toward accountability for the massive and historic human rights violations committed during the post-election protests.” At the time of finalising this report, however, no formal indictments or no coercive measures have been announced against former officials.¹⁷²

C. Sanctions against those responsible are uncommon

As a consequence of weak or non-existent investigations into violations against protesters, sanctions, be they in the form of disciplinary sanctions or criminal punishment, are rare.

In Senegal, sources stressed that both disciplinary and criminal sanctions are uncommon; they may happen if the evidence is undeniable. Following the new authorities assuming power, in 2024, some pointed to a possible change of culture within the police. They discussed prospects for a decreasing culture of impunity – which will have to be tested against the facts, especially when complaints target state agents under the new PASTEF-led government. They stressed the vital role of accountability.

¹⁷² The Mozambique Times, “Former Police Commander Appears Before Prosecutors Over Post-Election Killings,” 8 July 2025, <https://moztimes.com/en/former-police-commander-appears-before-prosecutors-over-post-election-killings/>; CDD, “Boletim Sobre Direitos Humanos: ‘Audição de Bernardino Rafael é um passo importante rumo à justiça por violações de direitos humanos nos protestos pós-eleitorais’; Terça – feira, 08 de Julho de 2025, Ano V, no. 453,” 8 July 2025; RFI, “Moçambique: Pascoal Ronda na PGR devido ao caso das mortes nas manifestações,” 10 July 2025, <https://www.rfi.fr/pt/áfrica-lusófona/20250710-moçambique-pascoal-ronda-na-pgr-devido-ao-caso-das-mortes-nas-manifestações> (accessed on 14 October 2025).



“We cannot heal our wounds without working on truth and justice.

These are necessary for reconciliation.”

— Senegalese civil society member.

Sanctions against individual police officers are also uncommon in Tunisia. Several sources mentioned the Omar Laabidi case, which led to some accountability, even though sentences rendered against convicted police officers were lenient. In this case, following scuffles, police officers pushed a 19-year-old football supporter, Omar Laabidi, into a river, where he drowned (the officers allegedly shouted at him that he should “learn to swim”). Many Tunisian sources mentioned the role of police unions, who systematically push back against accountability for police officers – and allegedly engage in doxing and online GBV against women protesters (see above). In terms of disciplinary sanctions, they are almost non-existent and can be considered not to constitute sanctions insofar as they may simply involve transfer to a new duty station (as opposed to suspension, demotion, or dismissal).

In Uganda, sanctions are extremely rare in light of the widespread violence meted out to protesters. They hardly ever involve suspension, demotion or dismissal. Some cases of transfers to another duty station were reported, although sources indicated that the officers concerned were usually back at their original duty station after some time. Several sources also claimed that officers had even been promoted, not demoted, for brutalising protesters. Many pointed to the ineffectiveness of the



UPF's internal mechanism, the PSU. This has led some victims to resort to doxing as a way of securing some degree of accountability (see next paragraph). Only one case of financial compensation was mentioned to us, in which a protester was awarded damages amounting to 35 million Ugandan shillings (approx. 10,000 US dollars) for severe injuries sustained. No officer was held criminally responsible, however. It was the result of a civil suit (and enforcing the court order to receive the funds was a difficult process that took years).

Last, in Mozambique, some cases of officers being transferred to a new duty station were reported, but sources indicated that no instances of demotions or dismissals could be reported. They added that officers transferred to another duty station usually "end up coming back."

D. For victims and survivors of violations, redress is elusive

In light of the above, it comes as no surprise that redress is elusive for protesters whose rights have been violated. To the key question of whether victims and survivors have access to effective remedies, sources answered with an emphatic no. In all four countries, they made clear that redress for violations is close to non-existent.

State institutions, including the judicial system, were widely described as ineffective in upholding protesters' rights and securing redress. Sources in Mozambique and Uganda all indicated that they had no hope of obtaining redress through these institutions. In Mozambique, Tunisia and Uganda, they also indicated that the state does not apologise and does not even recognise that victims are victims.



"No one ever apologised for the hundreds of deaths."

— Mozambican journalist.

In Senegal, sources said that the prospects for victims securing reparations were real under the new authorities – but that in all likelihood, this would be limited to financial compensation. At least, Senegalese sources said, this would mean that victims and survivors are recognised as such. This discursive change followed the change of government. Sources analysed it as follows: since the new authorities and many PASTEF members were victimised during the 2021-2024 period, including as a result of police brutality and arbitrary detention, they are more open to the recognition that the state may commit violations against protesters. A caveat should be added, however, as Senegal's post-2024 public debate has been polarised over amnesty for crimes and offences committed in the previous period. After an amnesty law was passed at the end of the Sall administration, which PASTEF had pledged to repeal, the new Parliament adopted an "interpretation" law (interpreting the amnesty law), which was largely seen as an attempt to retain amnesty for crimes committed by PASTEF members and supporters, while targeting others. This interpretation law was nullified by the Constitutional Council, which ruled that no amnesty could be granted

for grave crimes – and between the lines, rejected a form of selective accountability.¹⁷³ This decision, which commentators interpreted as a humiliation for PASTEF, opened avenues for victims and survivors of violence committed during the 2021-2024 period, irrespective of their affiliation or of who victimised them. As a protest organiser said: "Justice must not have blinkers."

In Tunisia, beyond the Omar Laabidi case, sources did not refer to specific cases in which victims and survivors secured redress through the judiciary. In Uganda, sources mentioned "very rare" cases in which damages were awarded to victims but stressed that it was difficult to enforce court orders against the state. In Mozambique, sources mentioned no cases in which victims received compensation or reparations. Yet, without these, and truth-telling, reconciliation is impossible.

Sources mentioned national human rights institutions (NHRIs) in Mozambique (they said that the National Human Rights Commission (Comissão Nacional de Direitos Humanos, CNDH) was ineffective and unwilling to defend protesters' rights) and Uganda. In the latter, sources said that the UHRC, which is "A" status-accredited with the Global Alliance of National Human Rights Institutions (GANHRI),¹⁷⁴ was to some extent able to carry out its work, including by advocating with the authorities, but that it had been deliberately weakened through under-funding. Sources in Senegal and Tunisia did not mention the countries' NHRIs (which are both "B" status-accredited with GANHRI) as being avenues for redress for protesters.

Sources did not mention the East African Court of Justice (EACJ) as an avenue for redress. While HRDs and human rights lawyers have used the Court for strategic litigation, for instance in relation to Tanzania's legal framework, when it comes to protesters' rights, its limitations were made clear by a ruling¹⁷⁵ in relation to "Walk to work" protests in Uganda – the Court dismissed a claim of human rights violations by Ugandan police and army due to insufficient admissible evidence.



"We find refuge in NGOs. We are more comfortable talking to people who understand our problems than to government institutions."

— Ugandan journalist.

The avenues most mentioned by sources were the media, in particular international media, and non-profit actors (NGOs, pro bono lawyers). In addition, Ugandan sources mentioned: (i) Targeted sanctions imposed by foreign countries against human rights abusers; and (ii) Doxing of perpetrators.

¹⁷³ Jeune Afrique, "Au Sénégal, le Conseil constitutionnel rejette la loi interprétative de l'amnistie," 23 April 2025, <https://www.jeuneafrique.com/1682173/politique/au-senegal-le-conseil-constitutionnel-rejette-la-loi-interpretative-de-lamnistie/> (accessed on 4 August 2025).

¹⁷⁴ See membership at <https://ganhri.org/membership/> (accessed on 6 August 2025).

"A" status means that the NHRI is fully compliant with the Paris Principles ("Principles Relating to the Status of National Human Rights Institutions"), which set out the minimum standards that NHRIs must meet in order to be considered credible and to operate effectively. "B" status means that the NHRI is only partially compliant with the Paris Principles.

¹⁷⁵ East African Law Society v Attorney General of Uganda and Another (Reference 2 of 2011) [2018] EACJ 81.



While DefendDefenders cannot endorse this method (as it involves significant issues including with regard to privacy and safety), arguments advanced by interviewees make sense in a context where redress cannot be reasonably expected through state institutions. These arguments revolve around the “social accountability” aspect of doxing: exposing perpetrators through photos/videos, finding their identity, and publishing their personal details (in some cases, social media users have found perpetrators’ family members and friends and sent them photos of the violence their relative/friend has committed) is a way of shaming them. Several sources mentioned this as being “the only way” for victims to get some form of redress, as state agents who are doxxed systematically behave less violently the next time they encounter protesters. Some, indeed, have told victims that they had felt the “shame” or the “pain” of having behaved in this way (or, at least, of having been exposed as acting in this way) the previous time.

This is far from ideal, but in contexts where redress is elusive, people find creative ways of bridging the accountability gap. For state authorities, the best way of addressing this (and eliminating practices such as doxing) is to ensure genuine accountability through official avenues, including disciplinary processes within police/security forces and the judicial system.

Solidarity visit to Senegal

In February 2024, at the peak of Senegal’s political crisis, DefendDefenders visited Dakar to meet with prominent actors, with a view to contributing to defusing the situation and expressing our solidarity. We met with civil society leaders, activists and journalists who were at the forefront of resisting attempts to reverse the country’s democratic gains, including by mobilising for peaceful actions and covering protests. We discussed the importance of a vibrant civil society and human rights, including the right to peacefully protest, and provided protection to those in need. After meeting with civil society leaders, we met with Hon. Sidiki Kaba, Senegal’s Minister of Internal Affairs. We acknowledged the important role that HRDs play in defending civic space and nurturing free and open societies and brought to his attention the numerous threats they face and called upon him and the government to do more to ensure their safety.



Awards posthumously awarded to blogger Albino Sibiac (known as Mano Shottas) and lawyer Elvino Bernardo Ant3nio Dias (12 June 2025, Maputo, Mozambique)



A DefendDefenders/AfricanDefenders delegation meeting with prominent civil society leaders (February 2024, Dakar, Senegal)





A DefendDefenders delegation led by Hassan Shire meeting with Hon. Sidiki Kaba, then Interior Minister of Senegal (February 2024, Dakar, Senegal)



“Public opinion refused humiliation. [...] It’s a matter of dignity: we couldn’t let the President do this.”
— Senegalese civil society member.



“You cannot suppress people for too long.”
— Ugandan HRD.



“Young people are more and more active; they want change. They will do whatever they can to make their voices heard.”
— Mozambican WHRD and protest organiser.



“They won’t silence the people.”
— Tunisian HRD.

CONCLUSION

There is still a long way to go to reach a situation in which the right to assemble peacefully to express their grievances is a reality for all Africans. In many countries, people face significant obstacles to the enjoyment of their right to protest. This challenge does not stem from gaps in capacity or financial resources, but rather from deliberate violations of their obligations by states.

Many state authorities deliberately discriminate against protesters based on their identity or the issues they wish to express themselves on. They claim a veto over protests, or a right to control protests – in violation of their human rights obligations, they assert a right to restrict, stop and ban protests that are often entirely peaceful. They do so through various means, ahead of protests (by turning notification regimes into permission regimes, intimidating protesters, or banning assemblies without proposing alternatives) and during protests (by dispersing protests, using force in unwarranted, excessive and disproportionate ways, and imposing undue restrictions on social media). Repression often continues after protests.

We are particularly concerned about:

1. The hostile and often aggressive rhetoric state authorities and government officials use to refer to protesters, despite the historic role protests have played in driving societal change, advancing rights and equality, and fighting injustice;
2. The risks and threats women and girls face in relation to protests, which include verbal abuse, stigmatisation, vilification, and physical and sexual violence. Women are often punished simply for being women in protests; and
3. The widespread impunity surrounding violations committed against protesters, including violence and ill-treatment by law enforcement and security forces.

It is wholly unacceptable for people who peacefully exercise their right to protest to face risks of arrest, violence, or reprisals. Across Africa, this must end.

Our survey, interviews and focus group discussion allowed us to identify predominantly downward trends. Across the continent, the picture is grim. One can debate findings and analyses, not rights-holders’ perceptions. Overwhelmingly, protesters and those who observe protests describe not just frustrating restrictions but a situation in which patterns of repression make holding peaceful protests difficult and risky.

Not everything, however, is negative. Among our substantive case studies, Senegal stood out as a positive example – a country that, after a major crisis, is experiencing a positive trajectory. But the real test will be how the new authorities’ respond to large-scale popular protests, which may happen in the future in a way that presents a political challenge. For now, many African countries should draw lessons from the good practices Senegalese sources highlighted, including in building a healthy relationship between state authorities and those who exercise their rights or defend the rights of others.



Several encouraging dynamics should also be emphasised. First, the rise of youth-led movements and the growing involvement of youths in protests. Across Africa, youths are organising and expressing themselves. They are more and more involved in civic life, including young women, and more tech-savvy. They want democracy, justice, equality, freedom, and peace. “Gen Z,” who are often criticised or dismissed by older generations, proved their political maturity by taking the lead in protests against climate change, corruption, or inequality, for instance mass anti-Finance Bill protests in Kenya in 2024.

Second, the vital role of solidarity. While change cannot be imposed from outside, and must be spearheaded by local actors, it is important for protest movements to be embedded in broader networks, including HRD and civil society networks, and to be supported both morally and operationally. Senegalese sources are acutely aware of this: they are grateful for the support received from abroad during the 2021-2024 crisis and now want to help those who are fighting for progress.

“

*“The same thing must happen:
Ugandans must be able to benefit from Senegal’s strength.”
— Senegalese protest organiser.*

Finally, one common thread, and a reason for hope: civil society is resilient. Those who, alone or in association with others, exercise their right to protest – including HRDs, activists, trade unionists, and members of social, youth-led and women-led movements – constantly devise strategies and tools to make their voices heard. In the face of heavy and often violent state repression, they remain unbowed. This report is dedicated to them.

“

*“People have understood how powerful they can be if they stand together.
They will keep going to the streets. [...] Violence won’t work. You can’t oppose 30 million people forever.”
— Mozambican journalist.*

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RECOMMENDATIONS

Recommendations to bring national laws, policies and practices into line with international and African human rights standards, as outlined in section I, are too numerous to include in this report. We encourage states to heed the calls issued, and implement recommendations offered, by international and African human rights bodies and mechanisms.

Considering our findings and analysis, we formulate the following priority recommendations, which, if implemented, would have an immediate positive effect on people’s enjoyment of their right to protest.

1. TO NATIONAL AUTHORITIES IN ALL AFRICAN COUNTRIES:

- Clearly and publicly signal, at the highest political level, that peacefully protesting is a fundamental freedom, that peaceful protests are healthy and legitimate, that peaceful protesters must be protected, not insulted, attacked or criminalised, and that the state has an obligation to facilitate peaceful protests;
- Strictly abide by the state’s content neutrality obligation: ensure equal protection and facilitation of peaceful protests, without discrimination, favour or bias, refrain from discriminating between different protests based solely on their focus or the identity of organisers; instead, any restrictions should be imposed based on objective, evidence-based risk assessments;
- Institute and maintain notification regimes for the holding of protests. Where the law outlines a prior authorisation regime, amend it to establish a notification regime; where the law provides for a notification, ensure that it is not turned into a prior authorisation regime in practice;
- Allow spontaneous protests to take place, either through specific legislation or in practice, by exempting peaceful spontaneous assemblies from prior notification;
- Justify any restrictive measures or bans on protests in accordance with the three-part test outlined in international and African human rights law. Any measures imposed should be the least restrictive possible, and bans should only be imposed as last resort; all should be subject to judicial oversight;
- Whenever protests are restricted or banned, propose meaningful alternatives to organisers, with a view to respecting, as much as possible, their originally intended “time, place, and manner,” in particular to allow them to protest within sight and sound of their target audiences;
- Ensure that protocols and procedures for law enforcement for the facilitation of protests are in line with international human rights standards and publicly available. These should also include detailed lists of law enforcement units, weapons and equipment used for the facilitation of protests;
- Ensure that law enforcement and security forces involved in the management and policing of protests are adequately trained to facilitate peaceful protests. Training



should include human rights standards, gender aspects, dialogue and de-escalation methods, and principles of precaution, necessity and proportionality regarding the use of force;

- Ensure that law enforcement and security forces involved in the management and policing of protests are adequately equipped to facilitate peaceful protests. Equipment should include, among others, protective equipment (such as helmets and shields) and fit-for-purpose, independently tested and evaluated less-lethal weapons;
- Systematically prioritise dialogue and de-escalation over the use of force. Force may only be used as last resort, after adequate warnings have been issued, distinguishing between protesters based on their individual behaviour; the use of force must be proportionate to the threat and designed to achieve legitimate objectives; law enforcement officials should take all feasible measures to minimise damage and injury, and preserve human life;
- Refrain, at all times, from using force indiscriminately or as collective punishment against participants in a protest. When absolutely necessary, use force in ways that are not excessive or disproportionate;
- Lethal force may only be used in exceptional circumstances, when it is strictly necessary to protect life or prevent serious injury from an imminent threat; authorities must never use firearms simply to disperse an assembly, indiscriminately, or in automatic mode;
- Give clear instructions and directives on the use of force, and make clear to all officers involved in the facilitation of protests that they have a right (and a duty) to refuse to implement manifestly illegal orders such as firing at a crowd;
- Make clear that perpetrators of human rights violations will be held to account, including through internal /disciplinary processes and judicial processes;
- Where relevant, establish a statutory independent oversight body for the police and/or other law enforcement agencies and ensure that body is independent and properly resourced to conduct investigations;
- Protect women and girls in protests. Desist from any form of violence against women and girls; institute a zero-tolerance policy for violence against women and girls by law enforcement and security forces; and systematically prosecute perpetrators;
- Protect human rights defenders, journalists and protest monitors and desist from any attacks against those observing, monitoring and documenting protests;
- Refrain from disrupting electronic communications, in particular through Internet shutdowns or measures aimed at reducing the bandwidth, including during elections;
- Desist from all undue infringements on people's right to privacy; any infringements on privacy should come with adequate safeguards and be subject to judicial oversight;
- Conduct independent, impartial, swift, transparent, thorough and effective investigations into all allegations of human rights violations in relation to protests; hold those responsible to account, including at the command responsibility level,

and keep victims, survivors and families regularly informed;

- Acknowledge victims and survivors of human rights violations committed in relation to protests and ensure they have access to effective remedies to secure redress (which may include financial compensation and other forms of reparations, including establishing the truth and issuing apologies);
- Implement recommendations on peaceful protests and their facilitation issued by international and African human rights bodies and mechanisms, including the United Nations Human Rights Council, treaty monitoring bodies, and the African Commission on Human and Peoples' Rights;
- Where relevant, ratify international and African human rights instruments to which they are not yet a party and accept individual communication procedures as well as inquiry procedures; and
- Where relevant, make the declaration under Article 34(6) of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, accepting the competence of the Court to receive cases submitted by non-governmental organisations and individuals.

2. TO AUTHORITIES IN MOZAMBIQUE, SENEGAL, TUNISIA, AND UGANDA:

To the Mozambican authorities:



- All relevant recommendations made in paragraph 1. above;
- Clearly and publicly signal, at the highest political level, that peacefully protesting is a fundamental freedom and desist from stigmatising and criminalising practices, such as referring to peaceful protesters as "vandals" or "criminals," or using any other insults;
- Amend Law no. 9/91 to bring it into line with international and African human rights standards, including by dropping the requirement that notifications for protests be submitted at least four days in advance by at least ten organisers, and by removing vague grounds for restrictions;
- Amend all laws unduly restricting freedom of opinion and expression, including the



1991 Press Law (Law 18/91), the Penal Code, and the State Security Law (Law 19/91), to bring them into line with international and African human rights standards;

- Justify all measures to restrict or ban protests and propose meaningful alternatives to organisers;
- Allow human rights defenders and journalists to do their work free from fear of violence or reprisals, including by allowing them to access areas where protests take place;
- Lethal force may only be used in exceptional circumstances, when it is strictly necessary to protect life or prevent serious injury from an imminent threat; never use firearms simply to disperse an assembly, indiscriminately, or in automatic mode; and remove automatic weapons such as AK-47s from public sight as they create a chilling effect for protesters;
- Ensure accountability for the 2024-2025 post-election repression of protests, including deaths and injuries of protesters and observers, by conducting independent, impartial, swift, transparent, thorough and effective investigations into all those suspected of having perpetrated violations, irrespective of their rank, affiliation or status; and
- Ensure redress for the victims and survivors and their families, including by ensuring truth and reparations and issuing public apologies for the harm suffered.

To the Senegalese authorities:



- All relevant recommendations made in paragraph 1. above;
- Clearly and publicly signal, at the highest political level, that peacefully protesting is a fundamental freedom and will remain so, in line with Senegal's constitutional framework and democratic tradition;
- Clarify the conditions in which authorities can invoke "disturbance of public order" to restrict the exercise of the rights outlined in Law No. 78-02 relating to meetings, to avoid discretionary application, and ensure that the emergency judicial oversight procedure ("référé") constitutes an effective remedy, with administrative tribunals rendering rulings in due time;

- Repeal Ministerial Decree no. 7580 of 2011, which imposes a blanket ban on demonstrations "of a political nature" in downtown Dakar (*"Arrêté Ousmane Ngom"*);
- Amend all laws unduly restricting freedom of opinion and expression, including the 2017 Press Code and the Penal Code (as amended by the 2021 anti-terrorism laws), to bring them into line with international and African human rights standards;
- Ensure accountability for the violations committed during the 2021-2024 period, including deaths and injuries of protesters, by conducting independent, impartial, swift, transparent, thorough and effective investigations into all those suspected of having perpetrated violations or crimes, irrespective of their rank, affiliation or status; and
- Ensure redress for the victims and survivors and their families, including by ensuring truth and reparations and issuing public apologies for the harm suffered.

To the Tunisian authorities:



- All relevant recommendations made in paragraph 1. above;
- Clearly and publicly signal, at the highest political level, that peacefully protesting is a fundamental freedom and desist from stigmatising and criminalising practices, such as referring to peaceful protesters as "rioters," "state enemies" or "traitors," or using any other insults;
- Amend Law no. 69-4 of 1969, Decree no. 78-50 of 1978, and the Penal Code to bring them into line with international and African human rights standards, including by limiting the powers authorities are granted to prohibit assemblies on the basis of a broad definition of "public security [and order];"
- Amend Organic Law no. 26 of 2015, Organic Law no. 9 of 2019, and Decree-Law no. 54 of 2022 to bring them into line with international and African human rights standards;
- Uphold Decree-law no. 115 of 2011 and Decree-Law no. 88 of 2011;
- Justify all measures to restrict or ban protests and propose meaningful alternatives to organisers;



- Desist from any form of violence against women and girls; institute a zero-tolerance policy for violence against women and girls by law enforcement forces and systematically prosecute perpetrators;
- Allow human rights defenders and journalists to do their work free from fear of violence or reprisals;
- Ensure accountability for violations committed against protesters by conducting independent, impartial, swift, transparent, thorough and effective investigations into all those suspected of having perpetrated violations, irrespective of their rank, affiliation or status; and
- Ensure redress for the victims and survivors and their families, including by ensuring truth and reparations and issuing public apologies for the harm suffered.

To the Ugandan authorities:



- All relevant recommendations made in paragraph 1. above;
- In particular, ensure that any officers involved in the management of protests, including those temporarily recruited for the 2026 general election, as announced by the Uganda Police Force in September 2025, are adequately trained to facilitate peaceful protests;
- Clearly and publicly signal, at the highest political level, that peacefully protesting is a fundamental freedom and desist from stigmatising and criminalising practices, such as referring to peaceful protesters as “foreign agents,” “state enemies” or “terrorists,” or using any other insults;
- In accordance with the ruling rendered in relation to Constitutional Petition no. 56 of 2013, repeal sections of the Public Order Management Act, 2013 that are unconstitutional and amend the Act to bring it into line with international human rights law;
- Develop a new framework for the organisation and management of protests, in consultation with civil society; in the meantime, establish a de facto notification regime for the holding of protests by giving clear instructions to the Inspector General of Police to accept notifications submitted by protest organisers and subject any restrictions to objective risk assessments;

- Amend all laws unduly restricting human rights and fundamental freedoms, including the Penal Code, the Anti-Terrorism Act, 2002, the Police Act, CAP 303, the UPDF Act, 2005, the Computer Misuse Act, 2011 (as amended), the Regulation of Interception of Communications Act, 2010, and the Communications Act, 2013, including by repealing vague provisions, to bring them into line with international and African human rights standards;
- Repeal the UPDF (Amendment) Bill, 2025, which circumvents the previous ruling of the Supreme Court, and desist from the practice of trying civilians under military courts for criminal offences;
- Justify all measures to restrict or ban protests and propose meaningful alternatives to organisers;
- Reopen Constitutional Square/City Square and Freedom Square at Makerere campus to allow these places to fulfil their function, and allow citizens, irrespective of their identity or political affiliation, to hold peaceful assemblies in Kampala’s central business district and other places such as the Kololo Independence Ground;
- Desist from any form of violence against women and girls; institute a zero-tolerance policy for violence against women and girls by law enforcement forces and systematically prosecute perpetrators; publicly denounce, at the highest political level, humiliating practices such as the undressing of women protesters;
- Allow human rights defenders and journalists to do their work free from fear of violence or reprisals, including by allowing them to access areas where protests take place;
- Lift the ban on Facebook;
- Lethal force may only be used in exceptional circumstances, when it is strictly necessary to protect life or prevent serious injury from an imminent threat; never use firearms simply to disperse an assembly, indiscriminately, or in automatic mode; and remove automatic weapons such as AK-47s from public sight as they create a chilling effect for protesters;
- Immediately remove military elements, including Uganda Peoples’ Defence Force officers and special units such as the Joint Anti-Terrorist Task Force and the Special Forces Command, from the policing of civilian assemblies;
- Ensure accountability for violations committed against protesters, including killings in relation to the 2021 elections, by conducting independent, impartial, swift, transparent, thorough and effective investigations into all those suspected of having perpetrated violations, irrespective of their rank, affiliation or status; and
- Ensure redress for the victims and survivors and their families, including by ensuring truth and reparations and issuing public apologies for the harm suffered.



3. TO THE AFRICAN COMMISSION ON HUMAN AND PEOPLES’ RIGHTS AND THE UNITED NATIONS HUMAN RIGHTS COUNCIL:

- The African Commission on Human and Peoples’ Rights should establish a Special Rapporteur on the rights to freedom of peaceful assembly and of association;
- The African Commission on Human and Peoples’ Rights should consider establishing a Commission of Inquiry into the violent repression of protests in the 2024-2025 post-election period in Mozambique; increase its attention to civic space restrictions in Tunisia; and prioritise issues relating to the management and facilitation of peaceful assemblies in the follow-up to the review of Uganda’s 6th-8th periodic report;
- The United Nations Human Rights Council should extend mandates of the Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression and on the rights to freedom of peaceful assembly and of association, ensure that these mandates are adequately funded and resourced, and remain actively seized of the question of peaceful protests; and
- The African Commission on Human and Peoples’ Rights and the United Nations Human Rights Council should ensure the safe participation of human rights defenders, civil society and protest movements; they should adequately respond, including through public advocacy, to acts of intimidation and reprisals committed by states.

4. TO DIPLOMATIC AND DEVELOPMENT PARTNERS:

- Consider increasing support to human rights defenders and organisations monitoring and reporting on protests;
- Increase funding available for pro bono legal services for victims and survivors of violations committed during protests, such as police brutality;
- Increase funding available for mental health services and psychosocial support for victims and survivors of violations and human rights defenders involved in monitoring protests and defending peaceful protesters’ rights;
- Extend diplomatic support to peaceful protesters, human rights defenders and others involved in facilitating, monitoring, documenting, and reporting on protests; and publicly condemn stigmatising and vilifying rhetoric against peaceful protests and protesters; and
- Ensure that any equipment or weapons, including surveillance or other technology, provided to partner countries’ law enforcement or security forces are not used unlawfully against peaceful protesters, and more generally ensure that any cooperation programme is not misused to empower law enforcement and security forces to crack down on peaceful protests.

5. TO CIVIL SOCIETY ORGANISATIONS:

- Strengthen networks of human rights defenders, including regional and national coalitions and networks, as well as networks of social, youth-led and women-led movements;
- Strengthen solidarity networks relevant to peaceful protests, including to exchange best practices and protection measures;
- Develop and build staff and partners’ capacity to document and report on protests, including through social media; and
- Continue to advocate for human rights, including people’s right to take part in the conduct of public affairs, express themselves, associate and peacefully assemble to protest government decisions or actions.

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ANNEX

SURVEY QUESTIONS:

1. General questions regarding protests in the country of work

1.1. What are the main issues addressed by protests in your country? (What do people protest about or against?)

[Open question]

1.2. Do protests take place often? (Do they take place more or less often than, say, ten years ago?)

[More often / Less often / No difference (same frequency/number of protests)]

1.3. How would you describe the environment for the right to protest in your country today?

[Rating from 1 to 5 (1 = closed (many restrictions); 5 = open (few restrictions))]

1.4. How has the environment in your country evolved? (Is it more or less conducive (is there more or less space to protest) than, say, ten years ago?)

[More conducive/more space / Less conducive/less space / No difference (stable)]

2. Questions regarding preparation of protests

2.1. Are organisers required to obtain permission to hold a protest?

[No (simple notification to the authorities is sufficient to hold a public assembly) / Yes (the law requires obtaining prior authorisation to hold a public assembly) / Yes (the law in itself does not require obtaining prior authorisation to hold a public assembly, but in practice law enforcement or other authorities require protest organisers to get permission)]

2.2. Is the process of notification or permission user-friendly or bureaucratic? (Does it involve a lot in terms of forms to fill and information to provide?)

[Rating from 1 to 5 (1 = bureaucratic; 5 = easy/user-friendly)]

2.3. Can an unregistered organisation or informal group (such as a group of citizens) organise a protest?

[Yes (the process is the same as for protests organised by a registered entity; anyone can submit a request) / Yes (officially it is not possible, but in practice such protests are tolerated) / No (authorities flatly deny authorisation) / No (authorities do not oppose a flat denial, but in practice it is almost impossible for an unregistered entity or informal group to organise a protest)]

3. Questions regarding state authorities' approach to protests

3.1. Do you think that state authorities and law enforcement officials view protests favourably or unfavourably? What rhetoric/what words (positive or negative) do they use to refer to protesters?

[Open question]

3.2. Do authorities deny permission to or ban some protests?

[No (all or most protests are authorised to go ahead) / Yes (some protests are banned/denied permission) / Yes (many or most protests are banned/denied permission)]

3.3. Whenever protests are banned/denied permission, what specific factors do authorities consider or use to justify their decision?

[Identity of the organisers or participants / Number of participants expected / Topic or issue in focus / Location of the protest / Time of the protest / "Manner" of the protest (march, sit-in, picketing, etc.) / other] (several answers accepted)

3.4. Do you think authorities deny permission to or ban protests organised by women and girls more or less often than for protests organised by men?

[No (equal treatment: gender is irrelevant to the authorities' response) / Yes (women and girls are treated better (their requests to hold a protest are treated more favourably) / Yes (women and girls are treated worse (their requests to hold a protest are treated less favourably)]

3.5. When authorities deny a request, do they propose alternatives to organisers? (Examples: holding the protest at a different time; holding the protest at a different location; reducing the number of participants; modifying the "manner" of the protest (holding a sit-in instead of a march, for instance); or changing the topic/official title of the protest)

[Yes (authorities propose meaningful alternatives to facilitate the work of organisers) / Yes (but the alternatives proposed are not meaningful (inconvenient time/location, low number of participants authorised, different manner (marches are banned, for instance), topic change that nullifies the initial protest idea) / No (no alternative proposed)]

4. Questions regarding state authorities' management of protests

4.1. Are spontaneous protests tolerated? (spontaneous protests are non-organised, unplanned, unnotified protests)

[Yes (spontaneous protests are tolerated provided they are peaceful) / No (authorities disperse spontaneous gatherings but do not systematically arrest organisers/participants) / No (not at all: authorities systematically disperse spontaneous gatherings, even those that are peaceful and do not cause major disruptions (to traffic, for instance), and arrest organisers/participants)]

4.2. Regarding organised (planned) protests – What do you think is the most significant factor triggering the breaking-up of a protest by authorities?

[Number of participants / Location / Time / Topic or issue in focus or title of the protest / "Manner" of the protest (march vs. sit-in) / other]



4.3. Who usually manages public assemblies/protests?

[Police or regular law enforcement forces / Other security forces / Military forces/army] (several answers accepted)

4.4. Do you think law enforcement/security forces are adequately trained and equipped to manage protests?

[Yes (adequately trained and equipped) / No (adequately trained but not adequately equipped) / No (adequately equipped but not adequately trained) / No (not adequately trained or equipped)]

4.5. Regarding dispersal / breaking-up of protests:

- When does it usually happen (at what moment of the protest? (at the beginning or later?))

- Are warnings given to protesters before dispersal?
- How does it happen? Is force used? Is excessive force used?
- Are organisers or participants usually arrested and taken into custody?

[Open questions]

5. Questions regarding the use of force

5.1. What are the main risks protest organisers and participants face during and after protests?

[Dispersal (without violence) / Dispersal (with violence) / Arrest / Prosecution/criminalisation / Stigmatization/vilification/smear campaign / Arbitrary detention / Brutality/ill-treatment during or after arrest / Disappearance / Use of lethal force (killing)] (several answers accepted)

5.2. Regarding the use of force by law enforcement officials / security forces:

- When does it usually happen (at what moment of the protest?)
- Does it happen only in response to acts of violence by protesters, or is force used against peaceful protesters?
- Is excessive or disproportionate force used against protesters?
- Are warnings given to protesters before the use of force?
- Do law enforcement/security forces distinguish between peaceful and non-peaceful participants?
- What kind of weapons are used? Are lethal weapons such as firearms used against protesters?
- Are these weapons used indiscriminately?
- If protesters are injured, do they have access to medical care?

[Open questions]

5.3. Do you think women and girls are more or less exposed to violence and repression more than men?

[More (women and girls are more exposed to violence and repression by the authorities) / Less (women and girls are less exposed to violence and repression by the authorities) / Equal treatment (gender is irrelevant to the authorities' response to protesters)]

6. Questions regarding online spaces and digital tools

6.1. What role does the media, including social media, play before and during protests?

[Organising / Advertising / Monitoring / Reporting / other] (several answers accepted)

6.2. Does social media play a significant role in the organisation/planning/monitoring/reporting on protests?

[Rating from 1 to 5 (1 = insignificant role; 5 = very significant role)]

6.3. Do authorities specifically monitor or profile protest organisers or participants?

[No / Yes - If Yes: Photos or video-recording / Facial recognition / Infiltration (several answers accepted)]

6.4. Are Internet shutdowns or disruptions to communications or social media experienced in relation to protests in your country?

[Yes / No]

6.5. Do some protests take place online? If so, on what platforms? Have intimidation, threats or other forms of repression been reported in this regard?

[Open questions]

7. Questions regarding monitoring of protests, accountability and remedies

7.1. Do journalists, human rights defenders, and protest monitors face intimidation and threats in relation to their work?

[Yes (by authorities/political figures) / Yes (by law enforcement/security forces) / Yes (by third parties) / No] (several answers accepted)

7.2. Are there judicial or administrative investigations into violations committed by law enforcement officials or security forces?

[Yes (judicial investigations) / Yes (administrative investigations or investigations by an independent oversight body) / No (in general, no investigations)] (several answers accepted)

7.3. Are sanctions (criminal or administrative) taken against those who commit violations?

[Yes (criminal punishment) / Yes (administrative sanctions) / No] (several answers accepted)

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DefendDefenders (the East and Horn of Africa Human Rights Defenders Project) seeks to strengthen the work of HRDs throughout the subregion by reducing their vulnerability to risks of persecution and by enhancing their capacity to effectively defend human rights.

DefendDefenders is the secretariat of the East and Horn of African Human Rights Defenders Network, which represents thousands of members consisting of individual HRDs human rights organisations, and national coalitions that envision a sub-region in which the human rights of every individual as stipulated in the Universal Declaration of Human Rights are respected and upheld.



AfricanDefenders (Pan African Human Rights Defenders Network) is a network of five sub-regional organizations dedicated to the promotion and protection of human rights defenders across Africa. Established in 2009, AfricanDefenders serves as the central coordinating body enhancing the advocacy and protection efforts of these sub-regional networks. The network's secretariat is hosted by DefendDefenders in Kampala, Uganda. AfricanDefenders plays a pivotal role in strengthening collaboration among human rights (HRDs) at regional and international levels, enabling them to effectively engage with global human rights mechanisms.



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**DEFENDING THE
HUMAN RIGHTS DEFENDERS
OF THE EAST & HORN
OF AFRICA**

SINCE 2005