

## Pandemic protests: Creatively using the freedom of assembly during COVID-19

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### Abstract

It is a new truism that the COVID-19 pandemic has exacerbated an already dire human rights situation across the globe. The waves of protest that swept across the world in the year before the pandemic seemed to have been brought to a sudden halt due to lockdowns and restrictive laws. But at the same time, people everywhere have availed themselves of the wide protective scope of the freedom of assembly, newly re-emphasized in the Human Rights Committee's General Comment of 2020, to come together, protest, and make their voices heard in numerous creative ways. Amid the restrictions, there has been resilience.

### Keywords

Freedom of assembly, online rights, creative protests, COVID-19

The COVID-19 pandemic has made voicing one's views and protesting together in public impossible at times.<sup>1</sup> Beyond medical dangers and concerns, government-regulated lockdowns have been one of the main causes for this. While empty squares in cities normally buzzing with commuters or tourists are powerful images, they do not tell the whole story. Indeed, restrictions on a wide range of human rights, including the freedom of assembly, have not led to total silence. Even if expressing dissent has become much more difficult, people across the globe have managed to make their voices heard, alone or together, offline and online, in many new and creative ways. In doing so, in an echo of human

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1. This is a slightly reworked version of a blog post that was published earlier as: Antoine Buyse, 'Could We Meet Online? Creative Protests During COVID-19' (*GC Human Rights Preparedness*, 1 April 2021). <https://gchumanrights.org/preparedness/article-on/could-we-meet-online-creative-protests-during-covid-19.html> accessed 19 September 2021, and has been republished with permission of that blog's editors.

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rights treaties as living instruments, individuals and groups have turned freedom of expression and freedom of assembly into living rights in the daunting times of this enduring pandemic.

2019 was known as a year of protests, from Hong Kong to Sudan,<sup>2</sup> and from Santiago de Chile to Portland. But the years 2020 and 2021 have made the crowds dissolve in the name of combating a pandemic. Empty squares and streets have in the past two years become some of the most visible tokens of the measures many governments took to battle the spread of COVID-19. Partial or full lockdowns, evening curfews, passes to be allowed outside, and physical distancing: all of these have made the bread and butter of daily life increasingly difficult to enjoy. Obviously, the measures do not only affect people's everyday routines. They have also affected core civil and political rights: the freedoms of expression, assembly and association. All of these have been restricted to larger or smaller degrees.

Almost two years into the pandemic, it has become a truism in the human rights community that the pandemic has exacerbated existing human rights problems. From socio-economic inequality to lack of political freedom, many societal problems seem to have increased – not for biomedical reasons, but because of the ways in which States have reacted to the outbreak of the disease.

Several existing global trends seem to have sped up. And existing human rights problems seem to have worsened. One of these is the so-called 'shrinking of civic space': increasing restrictions on the possibility for people to express themselves critically, to organise and to demonstrate in public. Human rights defenders and activists face increasing threats and prosecutions for what they do and say. Civil society organisations have to cope with laws 'designed to silence', as Amnesty International has labelled them.<sup>3</sup> This trend, justified by governments to combat (alleged) foreign interference and terrorism amongst others, has deeply affected respect for free expression, assembly and association rights. Starting halfway through the 2000s, it has spread like a legislative and policy oil spill, contaminating the civic space for people in an increasing number of countries. CIVICUS, a global umbrella organisation for civil society, has warned that many States have used the pandemic of the last year as a pretext for further repression. The majority of people worldwide now live in States in which civic space is absent, repressed or restricted and less than 13% in countries in which space is still relatively open or only slightly narrowed.<sup>4</sup> States of emergency and excessive restrictions of human rights have been used to quash the freedom of assembly among others.<sup>5</sup>

Why is this so problematic? From the perspective of both human rights and democracy, it presents grave dangers. If people are silenced, they cannot contribute to making sound policy choices. They cannot critique the legislative and policy choices made by governments. They cannot propose alternatives or offer ways out of tough dilemmas in which health, economy and well-being have to be weighed. Thus, democracy is being eroded in its essence: in being more than just about 'vote' but also about 'voice', as Indian political scientist Neera Chandhoke has aptly put it.<sup>6</sup> In a pandemic

2. Antoine Buyse, 'In Sudan and Hong Kong, protest is changing – and hope is rising' *The Guardian* (London, 18 June 2019). <https://www.theguardian.com/commentisfree/2019/jun/18/sudan-hong-kong-protest-changing-hope-rising> accessed 19 September 2021.

3. Amnesty International, *Laws Designed to Silence: the Global Crackdown on Civil Society Organizations* (2019). [https://www.amnesty.org.au/wp-content/uploads/2019/02/Laws-designed-to-silence\\_final\\_web-version.pdf](https://www.amnesty.org.au/wp-content/uploads/2019/02/Laws-designed-to-silence_final_web-version.pdf) accessed 19 September 2021.

4. CIVICUS, 'Civic Space on a Downward Spiral – Findings of the 2020 Monitor'. <https://findings2020.monitor.civicus.org/downward-spiral.html#covid-19> accessed 19 September 2021.

5. Agata Hauser, 'Freedom of Assembly in the Time of COVID' (*GC Human Rights Preparedness*, 25 February 2021). <https://gchumanrights.org/preparedness/article-on/freedom-of-assembly-in-the-time-of-covid.html> accessed 19 September 2021.

6. Neera Chandhoke, 'The Big Squeeze on Civil Society' *The Hindu* (Madras, 20 July 2017). <https://www.thehindu.com/opinion/lead/the-big-squeeze-on-civil-society/article19309649.ece> accessed 19 September 2021.

especially, the free flow of information is essential. 'Fake news' laws should not unnecessarily hamper this. Otherwise, 'censorship can kill, by design or otherwise', as the UN Special Rapporteur on Freedom of Opinion and Expression stated.<sup>7</sup>

Yet, people have not remained silent. On the contrary, they have found new and creative ways to make use of the internationally recognised rights of freedom of expression, association and assembly. In doing so, they have protected existing civic space and also created new spaces. Sometimes, they have done so by taking to the streets in the traditional way while maintaining compliance with essential health and safety measures. Physically distanced yet large demonstrations have taken place from Amsterdam to Tel Aviv. And from Spain to Poland, people protested while remaining in their cars, making traffic jams a means of protest, whether concerning pandemic policies or other contested societal issues. In Russia, cardboard effigies of a protesting human rights activist were put up in public places after the activist himself had been taken into detention: a true multiplication of protesters without having living human beings in the streets. Reportedly and ironically, one of those cardboard figures was 'arrested'. And in the Northern city of Arkhangelsk, a mother built four snowmen and donned them with protest signs. Finally, 'pots and pans' demonstrations from the safety of one's own balcony have also become famous ways of voicing dissent in the past two years, from Brazil to Italy.

In situations in which physical protest was too difficult, dangerous or fully forbidden, people shifted from offline, physical spaces to online ones. And there, even more creativity surfaced. At times, various forms of protest worked in combination: for example, the Russian mother from Arkhangelsk posted photos of the protesting snowmen as a 'mass picket' online and these were widely shared and liked. In another example, in the Spring of 2020, demonstrators against lockdown measures in Rostov-on-Don, also in the Russian Federation, started to use a phone application for a new purpose. The app *Yandex Navigator*, made for drivers who can report traffic jams on it, became the stage for an online protest.<sup>8</sup> People tagged themselves on the app's virtual map around local government buildings, adding slogans of protest rather than traffic information in the comments.

A different tactic is the use of hashtags on social media to express solidarity with and among protesters. The advantage is that this can quickly spread across national borders and that it enables international solidarity. The #BlueforSudan hashtag in Africa and the 'Milk Tea' movement's memes connecting people from Thailand to Hong Kong and from Taiwan to Myanmar by imagery of a well-known drink are successful examples of this. They represent the positive connotation of the now contaminated metaphor of 'going viral'.

Such online protests squarely fall within the protective scope of the right to free assembly, as the UN's Human Rights Committee has recognised in its 2020 General Comment on the issue.<sup>9</sup> While the pandemic is far from being fully tamed, and while civic space still faces severe pressures, the many new ways in which people across the globe creatively make use of their existing human rights bode well for the future.

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7. United Nations Special Rapporteur on the promotion and protection of the right to opinion and expression, *Disease pandemics and the freedom of opinion and expression*, 23 April 2020, A/63/332, para 60, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/097/82/PDF/G2009782.pdf?OpenElement> accessed 19 September 2021.

8. Maxim Edwards, 'Russians launch mass virtual protests using satnav application' (*Global Voices*, 20 April 2020). <https://globalvoices.org/2020/04/20/russians-launch-mass-protests-using-satnav-application/> accessed 19 September 2021.

9. United Nations Human Rights Committee, 'General Comment No. 37 (2020) on the right of peaceful assembly (Article 21)', UN Doc CCPR/C/GC/37, para 6.