

Dissent and Repression under International Human Rights Law: A Comprehensive Guide

Dissent is an inherent right protected by international human rights law. However, in many countries, expressing dissenting opinions or engaging in protests can lead to severe repression from authorities. This article provides a comprehensive overview of the legal framework, case studies, and best practices for protecting freedom of expression and assembly under international human rights law.

Legal Framework

The international human rights framework guarantees the right to freedom of expression and assembly. Article 19 of the Universal Declaration of Human Rights (UDHR) states that "everyone has the right to freedom of opinion and expression" and "to seek, receive and impart information and ideas through any media and regardless of frontiers." Article 20 of the UDHR protects the right to freedom of assembly, stating that "everyone has the right to freedom of peaceful assembly and association."



Contentious Compliance: Dissent and Repression under International Human Rights Law by Gill Steel

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These rights are further elaborated in the International Covenant on Civil and Political Rights (ICCPR). Article 19 of the ICCPR specifically protects the right to freedom of expression, including the right to hold opinions without interference, to seek, receive and impart information and ideas, and to criticize the government. Article 21 of the ICCPR protects the right to freedom of assembly, allowing individuals to gather peacefully without permission from the authorities.

Case Studies

Numerous case studies illustrate the repression of dissent under international human rights law. In Russia, authorities have cracked down on opposition protests and jailed activists for exercising their right to free speech. In China, the government has suppressed dissent through censorship, arbitrary detention, and forced disappearances. In Egypt, activists have been arrested and tortured for organizing protests against the government.

However, there are also positive examples of countries that have protected freedom of expression and assembly. In South Africa, the Constitutional Court has upheld the right to peaceful protest, even when it is critical of the government. In India, the Supreme Court has ruled that the right to freedom of speech is essential for a functioning democracy. In the United States, the First Amendment of the Constitution protects freedom of speech and assembly, although it has been subject to limitations in certain cases.

Best Practices

There are several best practices that governments can follow to protect freedom of expression and assembly under international human rights law:

- **Respect the right to freedom of expression and assembly:** Governments should refrain from unnecessary restrictions on these rights, such as censorship, arbitrary detention, or excessive force against protesters.
- **Ensure access to information:** Governments should ensure that individuals have access to information and ideas from a variety of sources, including independent media and the internet.
- **Provide a safe and enabling environment for protests:** Governments should designate specific areas for protests and provide adequate security to ensure that they can take place peacefully.
- **Investigate and prosecute violations:** Governments should investigate and prosecute those who commit human rights violations against individuals exercising their right to freedom of expression and assembly.
- **Engage with civil society:** Governments should engage with civil society organizations and human rights defenders to address concerns about freedom of expression and assembly.

Dissent is an essential component of any democratic society. However, in many countries, individuals who express dissenting opinions or engage in protests face severe repression from authorities. International human rights law provides a framework for protecting freedom of expression and assembly. By following best practices and respecting the rights of

individuals to express themselves freely, governments can create a more just and equitable society.

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