

‘Should the right to protest have any limits?’

One evening in 2012, a woman boarded a bus with blacked-out windows at around 8:30 pm in New Delhi. She was safe with her friend because there were five other men on board the bus. She was assaulted by one of the men after just a few minutes and dragged, kicking and screaming to the back of the bus. She was raped repeatedly by the men. She was then mutilated as the men forced a metal rod into her, pulled it out, and then pulled out her intestines. She was thrown out, along with her friend into a ditch when they thought she was dead. She was found by a security guard, who described her as ‘looking like a cow who had just given birth’. She was so scarred and brutalized that the doctors attending to her ‘didn’t even know which parts to sew back together’. She finally succumbed to her injuries, and India shone with the light of a thousand candles as people from all walks of life mourned a talented, driven, ambitious young woman. She was named ‘Nirbhaya’, the ‘fearless’ for her sheer bravery and determination to bring those who had harmed her to justice. She was the candle of hope for all women in India. And they took to the street for her, for Nirbhaya, for Jyoti Singh.

What followed in the aftermath of the now infamous Dehli Bus Rape case was nothing sort of a wave of protests and marches, prompting a feminist movement across every town and village in India. To Western eyes, this is nothing new, but in a country like India, where it is illegal to undergo ultrasounds to determine the gender of a baby, for fear that they might kill the baby if it is girl, where rape cases die a slow death in the court, and where honour killings are still rife- this was nothing short of monumental change. India, a country born out of peaceful protest, was once again in the centre of protests. Protest brought India her independence. Now it was going to bring Jyoti her justice. It was because of these protests that the men who did this to Jyoti were hanged in March 2020, the first time in over 15 years.

Protest has always brought about some sort of change. However, increasingly we’ve seen attempts by our democratic government to clamp down on protests and forbid them altogether, with situations often escalating into outright violence and police brutality.

In my opinion, the right to protest should not have any limits whatsoever. Protest, and the right of citizens of the United Kingdom to protest anything and everything they want is what makes our country a democratic country. Therefore, in this essay, I will display how the right to protest forms an integral part of the principles of democracy, and how protest has been used throughout history to gain rights. I will also discuss the issues

and controversies surrounding the right to protest, why some governments wish to limit the right to protest, and how these issues could be resolved without restricting the right to protest. Thus, I aim to prove how, regardless of the reasons, the right to protest should never have any limits.

In many countries, protest has been used as a way to call for justice against human rights' violations. Right now, the protests surrounding Israel's occupation of Palestinian Territories are representative of this. And ironically, despite these protests being against human rights violations, the UK government has passed legislation to 'clamp' down on this 'mob violence' - as per the Primer Minister's recent address from Downing Street - directly limiting its citizens' right to protest, which could arguably be a human rights violation itself. The Public Order Sentencing Act, passed in 2022, "enables the police to impose new conditions on a protest beyond its location , timing and the numbers involved". Despite this Act, the government continues to try and push even more legislation to limit the right to protest.

Unfortunately, governments attempting to limit its citizens' right to protest is nothing new nor surprising. It is, to put it simply, a tale as old as time. Yet, looking back through the scrolls of time, we realise that protest has always been what has driven change, progress and improvement. Without protest, humanity would have stagnated, chained to a world devoid of change.

In 1381, the peasants of England, frustrated by low pay and a new poll tax introduced as a way to generate money to fund the continuation of the Hundred Years War, protested en masse. Led by Wat Tyler, peasants marched into London, demanding an end to the poll tax and an improvement on peasants rights. They held a meeting with King Richard II and had him agree to their demands, a landmark feat, changing an ancient feudal society.

Between 1903 to 1914, the Women's Social and Political Union (WSPU), along with other women's suffrage groups such as the National Union of Women's Suffrage Societies, protested in order to gain equal rights, eventually leading to women's right to vote in 1919. Furthermore, the civil rights movement could not have been achieved without protest.

Protests formed a key part of the US Civil Rights Movement, such as the Emmet Till protests, the Montgomery bus boycott and the famous March on Washington when Martin Luther King gave his monumental "I have a dream" speech. Even recent events like the #Metoo movement and Black Lives Matter movements show that protest and change have gone hand in hand. So many of the rights we enjoy, so much of the progress we have made isn't possible with protest.

As a woman of South Asian descent, my country would not have gained its independence without protests. And justice for Nirbhaya would not have been possible without the protests that took place in every corner of India.

Despite this clear evidence that protest does lead to change, there are still those who wish to limit the right to protest. For many reasons, both on an individual and personal level.

However, for me, there is no justification that could possibly justify limiting the right to protest.

Some may say that protests ought to be limited because of concerns towards public safety. It is certainly true that protests can get violence, possibly putting the public in danger. However, instead of limiting the right to protest, I propose these steps in order to decrease the likelihood of violent protests and combat them when necessary:

- Encourage and support peaceful protest, show a track record of listening to protestors and changing, or attempting to make change accordingly- people will be less likely to resort to violence if they do not feel as if violence is the only way they will be listened to
- Observe strict rules on police intervention and deal with any instances of police violence strictly- police presence handled this way tries to reduce the chance of violent altercations between the two groups
- Take a firm stance on cases of extremism and violent protests, highlight and congratulate peaceful protests

Furthermore, there are some that say some protests could be promoting hate speech. In order to tackle this without limiting the right to protest, I suggest that these steps be taken:

- Outline what constitutes as hate speech ie. racist, homophobic, transphobic sexist and discriminatory language and ideas which are actively expressed in order to cause harm and hurt to another person.
- Reiterate that citizens are free to protest whatever they want, however if any ideas and values expressed that may constitute as hate speech by the aforementioned definition, instruct authorities to take firm action
- When claims of hate speech are made, instruct judges/ legal authorities to review each on a case by case basis and make appropriate judgement

- Judgement on hate speech claims and offences should be peer viewed by another judge/ legal authority in order to determine whether appropriate judgement has been made

Whilst these possible strategies to combat violent protests and hate speech are not exactly perfect, I believe they could be implemented by governments such as ours in order to deal with some of the issues surrounding protests, whilst ensuring that citizens' right to protest is still protected. And in my opinion, this is the approach that all governments should take: tackle the issues and concerns surrounding protests rather than purely restricting them. This not only protects the integral right to protest, but also establishes a friendly, open relationship between protestors and the establishment, thus reducing the necessity for violence altogether.

It is the obligation of every state to protect their citizens' right to protest, and there is no justification for limiting this right. Instead, governments should do everything in their power to establish friendly relations with protestors and encourage peaceful protest. The modern world we live in today would not be possible without protest. Protest, and encouraging protest, encourages change. And to encourage change is truly fearless. Protest brought Nirbhaya her justice. I hope it can continue to bring many more people theirs.