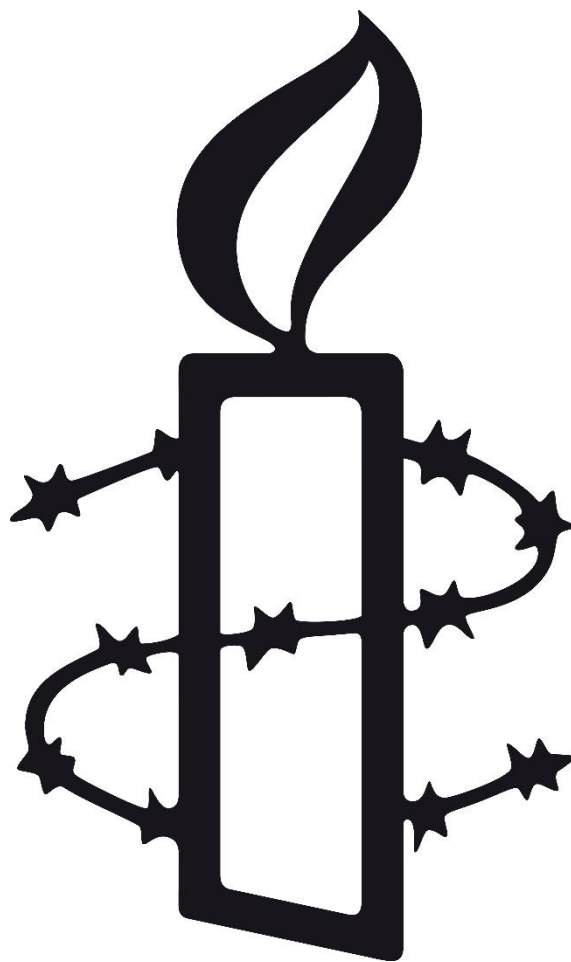


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STIGMATIZING NARRATIVES AND IMPLICATIONS ON THE EXERCISE OF THE RIGHTS TO FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION IN SOUTH ASIA

**SUBMISSION TO THE UN SPECIAL RAPPORTEUR ON RIGHT
TO PEACEFUL ASSEMBLY AND ASSOCIATION**



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Amnesty International welcomes the opportunity to contribute to the report of the Special Rapporteur on the Freedom of Peaceful Assembly and of Association, on the theme of stigmatizing narratives and implications on the exercise of the rights to freedom of peaceful assembly and association.

In recent years, authorities in Afghanistan, Bangladesh, India, Pakistan, and Sri Lanka have framed and sustained harmful and stigmatizing narratives against peaceful protesters, with the intention of silencing critical voices and movements, justifying repression, and evading accountability. The submission below focuses on questions A1-3 and highlights some of Amnesty International's concerns on harmful narratives against peaceful protesters in South Asia.

INTRODUCTION

Amnesty International welcomes the opportunity to contribute to the report of the Special Rapporteur on the Freedom of Peaceful Assembly and of Association, on the theme of stigmatizing narratives and implications on the exercise of the rights to freedom of peaceful assembly and association.¹

In recent years, authorities in Afghanistan, Bangladesh, India, Pakistan, and Sri Lanka have framed and sustained harmful and stigmatizing narratives against peaceful protesters, with the intention of silencing critical voices and movements, justifying repression, and evading accountability. Governments have framed protesters, including women protesters and protesters from marginalized communities, as threats to the security of a country, and this narrative impedes the effective exercise of the rights to freedom of peaceful assembly and of association of all.² The submission below focuses on questions A1-3 and highlights some of Amnesty International's concerns on harmful narratives against peaceful protesters in South Asia.

KEY CONCERNS

AFGHANISTAN – ZERO TOLERANCE TOWARDS DEMONSTRATIONS, UNNECESSARY AND EXCESSIVE USE OF FORCE, TARGETING AND DETENTION OF WOMEN PROTESTORS

The Taliban has shown a zero-tolerance policy towards demonstrations from the moment they seized power in Kabul on 15 August 2021. The Taliban dismantled any space for the exercise of the right of peaceful assembly in all its forms, including protests, demonstrations, or gatherings. The Taliban used excessive and unnecessary force against demonstrators, and peaceful protesters were arbitrarily arrested, detained, tortured, and forcibly disappeared.³ Detained protesters faced physical and psychological torture. In its first official decree on 8 September 2021, the Taliban-run Interior Ministry formalized its opposition to Afghans' freedom of peaceful assembly, banning 'unauthorized' gatherings and stating that any gatherings must receive approval in advance, as must slogans and banners.⁴

Targeting of protesters- particularly on women and girls' rights

People who have protested restrictions on women's rights have been met with unlawful detention and violence from the Taliban. Amnesty International has reported that family members have prevented female relatives from protesting out of fear of repercussions, further shrinking the space for the freedom of peaceful assembly.⁵ The Taliban de facto authorities have continuously oppressed women and girls, with the implementation of draconian policies, directives, decisions and rulings

¹ Special Rapporteur on the rights to freedom of peaceful assembly and of association, Call for inputs - Stigmatizing narratives and implications on the exercise of the rights to freedom of peaceful assembly and association: counter stigmatization to protect rights and advance global commitments, <https://www.ohchr.org/en/calls-for-input/2024/call-inputs-stigmatizing-narratives-and-implications-exercise-rights-freedom>

² Reprisals and dangerous narratives against women protesters in Afghanistan, harmful narratives against garment workers in Bangladesh, stigmatizing narratives against Muslim protesters in India and negative narratives against university students and families of the disappeared in Sri Lanka.

³ Amnesty International Report 2022/23: The state of the world's human rights, 24 April 2024, <https://www.amnesty.org/en/documents/pol10/5670/2023/en/>, p.72

⁴ Amnesty International, 'Afghanistan: The Rule of Taliban: A year of violence, impunity, and false promises', 15 August 2022, <https://www.amnesty.org/en/documents/asa11/5914/2022/en/>, p.22

⁵ Amnesty International Report 2022/23: The state of the world's human rights, 7 March 2023, <https://www.amnesty.org/en/wp-content/uploads/2023/03/WEBPOL1056702023ENGLISH.pdf>, p.64

that amounts to the crime against humanity of gender persecution.⁶ These repressive restrictions are part of the overall repressive narrative that seems to be aimed at erasing women and girls completely from public arenas.⁷

During protests, women have been subjected to insults, harassment, intimidation, and threats by armed Taliban agents, who greatly outnumber the protesters.⁸ The Taliban rely on unlawful use of force, arbitrary arrests and enforced disappearances to suppress protests led by women and those peacefully dissenting abusive Taliban rules. In Afghan society, the stigma attached to women who have been detained often leads to the exclusion of women and their family from society and public life.⁹ Therefore, the Taliban's use of arrest and detention to respond to protests by women perpetuates dangerous narratives of women protesters that impact on the exercise of the right of peaceful assembly.¹⁰

BANGLADESH- MISCHARACTERIZATION, UNLAWFUL USE OF FORCE AND CRIMINAL CHARGES AGAINST PROTESTING GARMENT WORKERS

Target – garment workers

Amnesty International is concerned about harmful narratives perpetuated by authorities in Bangladesh to discredit the minimum wage protests by garment workers in 2023 and 2024. These state narratives mischaracterized protesters as saboteurs and as threats to the democratic process and the state has brought criminal cases against thousands of workers who were part of the protests. These narratives that vilify workers have a chilling effect on union leaders, labor rights groups and protesters and impede the exercise of the right to freedom of expression, peaceful assembly, and association.

In Bangladesh, garment factory workers in the capital Dhaka, and the industrial district of Gazipur, protested inadequate revisions to the monthly minimum wage throughout 2023. In February, police fired bullets and tear gas shells to disperse garment workers protesting the closure of a factory. In June, police suppressed protests by workers from several garment factories in the capital, Dhaka. In October and November 2023, workers and trade unions asked for the minimum wage to be increased to \$208 (23,000Tk) a month. However, the Bangladesh Garment Manufacturers and Exporters Association (BGMEA) offered to increase the monthly minimum wage from \$75 (8,000Tk) a month to \$90 a month (10,400Tk) and the Minimum Wage Board's final figure was of \$113 (12,500Tk).¹¹

Amnesty International's investigation into the protests of garment workers in 2023 revealed that authorities immediately responded to the protests by garment workers with unlawful use of force. The unlawful use of force by law enforcement officials led to the deaths of at least three workers.¹²

⁶ Amnesty International, 'Afghanistan: The Taliban's war on women: The crime against humanity of gender persecution in Afghanistan', 25 May 2023, <https://www.amnesty.org/en/documents/asa11/6789/2023/en/>, p.2

⁷ Amnesty International, 'Afghanistan: The Taliban's war on women: The crime against humanity of gender persecution in Afghanistan', 25 May 2023, <https://www.amnesty.org/en/documents/asa11/6789/2023/en/>, p.1

⁸ Amnesty International, *Death in Slow Motion*, p. 70; FIDH, *Broken promises: Civil society under siege*; Human Rights Watch, *Taliban Use Harsh Tactics to Crush Afghan Women's Rights Protest*, 18 January 2022 (Taliban Use Harsh Tactics to Crush Afghan Women's Rights Protest | Human Rights Watch (hrw.org)).

⁹ Amnesty International, 'Afghanistan: The Taliban's war on women: The crime against humanity of gender persecution in Afghanistan', 25 May 2023, <https://www.amnesty.org/en/documents/asa11/6789/2023/en/>, p.21

¹⁰ Amnesty International, 'Afghanistan: The Taliban's war on women: The crime against humanity of gender persecution in Afghanistan', 25 May 2023, <https://www.amnesty.org/en/documents/asa11/6789/2023/en/>, p.21

¹¹ Amnesty International, 'Bangladesh must stop violating labour rights and uphold corporate accountability', 12 December 2023, <https://www.amnesty.org/en/documents/asa13/7525/2023/en/>, p.1

¹² Amnesty International, 'Bangladesh: Garment workers must receive rights-based compensation and justice immediately', <https://www.amnesty.org/en/latest/news/2024/05/bangladesh-garment-workers-must-receive-rights-based-compensation-and-justice-immediately/>

Actors generating harmful narratives against protesters

During the 44th Session of the Universal Periodic Review of Bangladesh, Law Minister Anisul Huq made disparaging and harmful remarks against garment worker protesters referring to the workers' rights protest to be paid a living wage as 'labour unrest to thwart democratic process' and 'acts of sabotage'.¹³ This state narrative against protesting garment workers was further perpetuated when in the months that followed, at least 35 criminal cases were filed against garment workers with the First Information Reports (FIRs) accusing around 161 named workers and an estimated total of between 35,900 – 44,450 unnamed workers for taking part in the protests.¹⁴ Some of the First Information Reports alleged that the protests by workers were linked to activities and individuals of political parties opposing the government, sustaining the narrative of protesting workers acting against national interests.¹⁵ Thousands of workers remain affected by these criminal cases filed against them. These narratives therefore transcend political discourse and form part and parcel of the criminal justice system being used to arbitrarily arrest, detain, and harass scores of workers and union leaders.

INDIA- VILIFICATION, DEMONIZATION, AND DISPROPORTIONATE USE OF COUNTER-TERRORISM LAW AGAINST MUSLIM PROTESTERS AND ROLE OF MEDIA IN SPREAD OF HARMFUL NARRATIVES

Amnesty International is concerned about narratives perpetuating stigmatization and criminalization of members of the Muslim community in India, including Muslim protesters. These harmful narratives sit within a context of widespread discrimination against Muslims and increasing hate crimes against Muslims over the last several years.

In December 2019, there were many peaceful protests and sit-ins including in parts of Delhi against the enactment of the Citizenship Amendment Act (CAA) by the Indian Parliament in December 2019. The Citizenship Amendment Act was enacted in 2019 and removes barriers for acquiring Indian citizenship for Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from the neighboring countries of Afghanistan, Bangladesh and Pakistan who arrived in India on or before 31 December 2014. The CAA has been weaponized against the minority Muslim population of India.¹⁶

Targets of harmful narratives

India's primary counter-terrorism law, the Unlawful Activities (Prevention) Act was disproportionately used against Muslim protesters, perpetuating a harmful narrative of Muslim protesters as terrorists.¹⁷ Umar Khalid, a Muslim human rights defender and scholar who was active in the protests against the CAA, was arrested and charged under multiple provisions of the Indian Penal Code, including "promoting enmity between different groups" and "rioting", and the draconian anti-terror legislation the Unlawful (Activities) Prevention Act (UAPA).¹⁸ Political leaders belonging to the then ruling

¹³ Amnesty International, "Bangladesh must stop violating labour rights and uphold corporate accountability", 12 December 2023, <https://www.amnesty.org/en/documents/asa13/7525/2023/en/>, p.3

¹⁴ Amnesty International, "Bangladesh: Garment workers must receive rights-based compensation and justice immediately", <https://www.amnesty.org/en/latest/news/2024/05/bangladesh-garment-workers-must-receive-rights-based-compensation-and-justice-immediately/>

¹⁵ On record with Amnesty International

¹⁶ Amnesty International, India: Citizenship Amendment Act is a blow to Indian constitutional values and international standards, <https://www.amnesty.org/en/latest/news/2024/03/india-citizenship-amendment-act-is-a-blow-to-indian-constitutional-values-and-international-standards/>

¹⁷ Amnesty International, 'India: Weaponizing Counterterrorism: India's exploitation of terrorism financing assessments to target the civil society', 26 September 2023, <https://www.amnesty.org/en/documents/asa20/7222/2023/en/>, p.

¹⁸ Amnesty International, "India: Weaponizing Counterterrorism: India's exploitation of terrorism financing assessments to target the civil society", 26 September 2023, <https://www.amnesty.org/en/documents/asa20/7222/2023/en/>, p.22

Bharatiya Janata Party had made statements advocating hatred and violence against those peacefully protesting against the CAA, particularly Muslims, with impunity.¹⁹

In 2024 Amnesty released a research report, titled “If you speak up, your house will be demolished”: Bulldozer injustice in India”, focused on the punitive demolitions of 128 properties, largely belonging to Muslims, in the states of Assam, Delhi, Gujarat, Madhya Pradesh and Uttar Pradesh following episodes of communal violence and protests between April and June 2022.²⁰ In all five states, demolitions took place soon after protests were held by Muslims calling for accountability on the part of the state governments, or after communal violence broke out between Hindus and Muslims during religious processions. Amnesty’s research highlighted the Indian government’s rising discrimination against the Muslim community, which was documented by Amnesty International in the form of statements from political leaders and government officials vilifying and demonizing Muslims and specifically calling for the demolition of Muslim properties as a retaliatory punishment. Amnesty International has previously documented the excessive use of force used by law enforcement on protesters during these events.²¹

Actors generating and sustaining harmful narratives

The Indian government’s de-facto policy of punitively demolishing Muslim properties for protesting discriminatory laws and practices leading to the displacement and dispossession of Muslims, sustains narratives of demonization of Muslims, and the normalization of violence against them. These dangerous narratives justify repression and prevent critical voices from exercising their rights to freedom of expression, peaceful assembly, and association.

Role of the media in spreading stigmatising narratives

Amnesty’s research further highlighted the role of Indian media in legitimizing the lack of due process in the demolition of mainly Muslim owned properties by state authorities. This, in turn, furthered discrimination against Muslims. Amnesty International analysed 16 regional and national media reports on the demolitions in Delhi, Madhya Pradesh, Uttar Pradesh, Gujarat, and Assam, covering newspapers, digital news magazines and TV news channels. In some cases, the local authorities claimed that the demolitions were carried out to remove illegal encroachments and were unrelated to the protests that preceded them. However, Amnesty International found that local, regional, and national media channels presented a different narrative and subsequently reported, widely and uncritically, on the demolitions taking place across the country. Terming it “bulldozer justice”, media channels, newspapers, and digital news magazines have headlined the demolitions as “successful actions” and “models of governance” of state leaders. There was little or no emphasis on whether the demolitions were carried out in accordance with the law. The media’s legitimisation of the unlawful demolitions contributed to public disapproval and condemnation of those protesting the demolitions.

¹⁹ Amnesty International, India: International Community Must Condemn Crimes Against Peaceful Protesters (Press Release, 3 March 2020), <https://www.amnesty.org.au/india-states-must-condemn-human-rights-violations-against-peaceful-protesters/>

²⁰ Amnesty International, “India: “If you speak up, your house will be demolished”: Bulldozer injustice in India”, 7 February 2024, <https://www.amnesty.org/en/documents/asa20/7613/2024/en/>, p.6

²¹ Amnesty International, “India: Excessive use of force, arbitrary detention and punitive measures against protesters must end immediately”, Press Release, 14 June 2022, available at <https://www.amnesty.org/en/latest/news/2022/06/india-excessive-use-of-force-arbitrary-detention-and-punitive-measures-against-protesters-must-end-immediately/>

PAKISTAN- REPRISALS AGAINST BALOCH PROTESTERS AND CRACKDOWN ON WOMEN AND TRANSGENDER ACTIVISTS

Targets of stigmatizing narratives

Amnesty International is concerned by harmful narratives, including the spread of disinformation, against Baloch protesters. Baloch protesters, consisting largely of families of victims of enforced disappearances, including hundreds of women and several children, continue to demand accountability and an end to the practice of extra-judicial killings and enforced disappearances in the southwestern province of Balochistan in Pakistan.²² Harmful and stigmatizing narratives are part of the constant repression of protesters who are the families of the forcibly disappeared.

Baloch protesters conducting a sit in and long march as part of their peaceful protest in December 2023 and January 2024 were subjected to continuous harassment, intimidation, arbitrary arrests and detentions by Pakistani authorities.²³ Authorities perpetuated misinformation and disinformation against the protesters by referring to their relatives who have been forcibly disappeared as 'terrorists' and the protesters as being linked to 'terrorists' and conspiring against the country.²⁴ As part of this narrative, protesters have been charged with a wide range of offences, including terrorism, sedition, and hate speech.

The weaponisation of harmful narratives, online and offline, against peaceful protesters is also seen in the state narratives around the annual Aurat March (Women's March) in Pakistan.

Aurat March has, as in previous years, consistently highlighted multiple issues that prevent women from enjoying their rights to health, education, housing and security and their freedom of expression and peaceful assembly. One of the key slogans of the Aurat March is "Mera jism, meri marzi" (my body, my choice), which calls for women and men to have autonomy over what happens to their bodies. This includes sexual and reproductive rights, and freedom from physical abuse, domestic violence, and rape, or being subjected to any medical procedure without informed consent.²⁵

This peaceful assembly and its participants have faced intimidation and harassment including the stigmatizing and harmful narrative of the protest being 'vulgar'. The transgender participants of the march, along with the separate Sindh Morat March, have particularly been targeted with online misinformation narratives. Organizers regularly receive threats, including graphic sexual violence, with little protection from the state.²⁶

Transgender activists reported being targeted by social media campaigns, fueling anti-transgender rhetoric and inciting violence and hatred against them. They reported receiving threats, having to go into hiding and amending their day-to-day routines to avoid being targeted. Between October 2021 and September 2022, 18 transgender people were reported by the Trans Murder Monitoring Project to have been killed in Pakistan, the highest figure in Asia.²⁷

²² Amnesty International, Pakistan: Braving the Storm: Enforced disappearances and the right to protest in Pakistan, 11 August 2022, <https://www.amnesty.org/en/documents/asa33/5872/2022/en/>

²³ Amnesty International, 'Amnesty International condemns harassment faced by Baloch protesters in Islamabad', <https://www.amnesty.org/en/latest/news/2024/01/pakistan-amnesty-international-condemns-harassment-faced-by-baloch-protestors-in-islamabad/>

²⁴ Dawn, 'Jan Achakzai links 'terrorists' with protesters Pakistan', <https://www.dawn.com/news/1807231/jan-achakzai-links-terrorists-with-protesters>

²⁵ Amnesty International, Pakistan: Amnesty International stands with Aurat March, <https://www.amnesty.org/en/latest/news/2020/03/pakistan-amnesty-international-stands-with-aurat-march/>

²⁶ Amnesty International, Pakistan: Amnesty International stands with Aurat March, <https://www.amnesty.org/en/latest/news/2020/03/pakistan-amnesty-international-stands-with-aurat-march/>

²⁷ Amnesty International Report 2022/23: The state of the world's human rights, 27 March 2023, <https://www.amnesty.org/en/documents/pol10/5670/2023/en/>, p.288.

SRI LANKA- UNLAWFUL USE OF FORCE, TERROR CHARGES, SURVEILLANCE AND INTIMIDATION AGAINST STUDENT PROTESTERS AND FAMILIES OF THE DISAPPEARED DEMANDING FOR ACCOUNTABILITY AROUND ENFORCED DISAPPEARANCES

Targets of stigmatizing narratives

During the widespread largely peaceful protests and an occupy movement known as ‘Aragalaya’ between April and July 2022, authorities responded by resorting to unlawful force to suppress protests²⁸ and arbitrary arrests and detentions of protesters – who included student activists. Charges were filed against peaceful protesters under ordinary criminal laws and the counter-terror law (the Prevention of Terrorism Act).²⁹ A Sri Lankan court held that terror charges couldn’t be maintained against one accused protester.³⁰

In November 2022, the new President stated in Parliament that he would mobilize the military and bring in a state of emergency to end any plans to initiate another Aragalaya.³¹ Members of Parliament of the ruling party (The Sri Lanka Podujana Peramuna (SLPP)) and President Ranil Wickremesinghe referred to some protesters as ‘terrorists’ and ‘fascists’.³² Amnesty International has expressed concern about the criminalization of protesters and the perpetuation of dangerous narratives around peaceful protests that can cause a chilling effect on protests.³³ As protests continued in 2023 and 2024, harmful and stigmatising state narratives against peaceful protesters, and particularly student protesters, have continued.

Tamil families of the forcibly disappeared in the Northern Province, who have been continuously protesting since 2017, have faced intimidation and unwarranted surveillance by the police and armed forces to hinder them from peacefully protesting. These protests are carried out by families of people who had been forcibly disappeared by state entities and non-state actors, acting with the authorization, support, or acquiescence of the State, throughout the protracted internal armed conflict between the Sri Lankan armed forces and the Liberation Tigers of Tamil Eelam (LTTE) between 1983 and 2009. Security forces and intelligence agencies continue to carry out surveillance, intimidation, harassment, and obstruction of these peaceful protesters.³⁴

Journalists in the Northern Province are obstructed by the state when reporting on protests. The military, police and intelligence disrupt media covering protests and subject them to surveillance and intimidation.³⁵

The surveillance and intimidation of protesters and journalists reporting on protests in the Northern Province bolsters stigmatizing narratives about families of the disappeared and the media and justifies suppression of these families and their calls for justice.

²⁸ Amnesty International, Sri Lanka: Ready to suppress any protest, 9 April 2024, <https://www.amnesty.org/en/documents/asa37/7896/2024/en/>

²⁹ Amnesty International, Sri Lanka: End Arbitrary Detention of Student, Activist, 16 January 2023, <https://www.amnesty.org/en/documents/asa37/6353/2023/en/>

³⁰ Newswire, Wasantha Mudalige released from terror charges, <https://www.newswire.lk/2023/01/31/wasantha-mudalige-released-from-terror-charges>

³¹ Amnesty International, Sri Lanka: Ready to suppress any protest, 9 April 2024, <https://www.amnesty.org/en/documents/asa37/7896/2024/en/>, p.6

³² Amnesty International, Sri Lanka: Penalized for Protesting: Sri Lanka’s Crackdown on Protesters, 8 September 2022, <https://www.amnesty.org/en/documents/asa37/5986/2022/en/>, p.28

³³ Amnesty International, End government crackdown on peaceful protesters, <https://www.amnesty.org/en/documents/asa37/5928/2022/en/>

³⁴ Amnesty International, Sri Lanka: Ready to suppress any protest, 9 April 2024, <https://www.amnesty.org/en/documents/asa37/7896/2024/en/>, p.34.

³⁵ Amnesty International, Sri Lanka: Ready to suppress any protest, 9 April 2024, <https://www.amnesty.org/en/documents/asa37/7896/2024/en/>, p.34-35.

CONCLUSION AND KEY RECOMMENDATIONS

Stigmatising and harmful narratives generated and spread by both state and non-state actors such as the media against peaceful protesters have a chilling effect on the right to freedom of peaceful assembly and of association.

1. To address the continued perpetuation of stigmatizing narratives against protesters in South Asia, states should:

- refrain from spreading stigmatizing narratives against protesters and condoning such narratives from non-state actors such as the media;
- ensure accountability of public authorities for failing to respect, protect and fulfil the right to non-discrimination by engaging in hateful, stigmatizing and discriminatory expression and narratives against peaceful protesters.
- publicly and officially condemn hateful, stigmatizing and discriminatory narratives against peaceful protesters.

2. To ensure public awareness of the existence and impact of harmful narratives about protesters, states should:

- Conduct comprehensive research or investigation into the use of harmful narratives against protesters in South Asia and the resulting negative impact of such narratives on the protesters specifically and on human rights generally. The research should lead to the publication of a report outlining key areas of concern and recommendations to address them.
- Conduct country missions and engage in dialogues with relevant stakeholders with a view to promoting the creation of an enabling environment for the exercise of the right of peaceful assembly and freedom of expression, particularly by discriminated against groups.

3. To address cases involving the prosecution and imprisonment of peaceful protesters, states should:

- refrain from criminalizing peaceful protests and prosecuting peaceful protesters. Further urge the governments to release from prison those serving prison terms merely for exercising their right to peaceful protest and freedom of expression.

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