

**PROTECT
THE PROTEST**



**HUMAN RIGHTS
OBSERVER**

PROTEST OBSERVATION REPORT 2023

AMNESTY INTERNATIONAL FINNISH SECTION

**AMNESTY
INTERNATIONAL**



Executive summary

The right to protest is a human right that plays a central role in a democratic society that respects the rule of law. In 2023, people actively exercised this right to express their opinions and to demand social change.

However, governments around the world are seeking to limit the right to protest, and the role of civil society is constantly being curtailed. In many countries, demonstrations are violently repressed, sometimes even with lethal force.¹ In addition to violence, the curtailment of the right to protest is also reflected in the criminalization of activism and the negative public discourse against activists. Experts on the freedom of assembly, such as the UN Special Rapporteur on environmental defenders, have criticized in particular the repression of environmental and climate activism: the authorities have disproportionately punished activists in many European countries, such as the UK, France and the Netherlands.² In the UK, climate activists have been handed record prison sentences for non-violent demonstrations, judges have refused permissions to appeal, and new laws restricting freedom of assembly have been passed.³ The UN special rapporteur expects similar developments in other European countries.

In Finland, most demonstrations go well and are appropriately protected by the police. However, we have observed developments that point to suppression of the freedom of assembly. An example of this is police interference in the financing of legal costs. In October 2023, the Helsinki Police Department refused for the second time a small collection permit for Elokapina⁴ activists to cover legal costs.⁵ On 26 January 2024, the Helsinki Administrative Court annulled the police's prohibitory decisions on the grounds that the purpose of the collection was to cover the legal costs of private individuals and not to finance activities that “endanger public order or security”.⁶ Amnesty welcomes the Administrative Court's decision and considers that the police's decisions on small collection permits, had they not been overturned, would have reduced civil society's capacity to operate.

Public discourse also plays a key role in suppressing protest. The negative narrative around demonstrations, the stigmatizing language used against demonstrators and the misinformation spread about protests and freedom of assembly legitimize the restriction of the right to protest by authorities.

Protest observation and other methodology

Amnesty Finland monitors and evaluates the right to protest as part of Amnesty International's Protect the Protest campaign.⁷ Observing demonstrations is one of the primary sources of information on the

¹ See for example:

Amnesty International 6.12.2023 “Iran: Security forces used rape and other sexual violence to crush “Woman Life Freedom” uprising with impunity” <https://www.amnesty.org/en/latest/news/2023/12/iran-security-forces-used-rape-and-other-sexual-violence-to-crush-woman-life-freedom-uprising-with-impunity/> ;

Amnesty International 6.12.2023 “Peru: Investigations against president and security forces must not put justice for victims at risk” <https://www.amnesty.org/en/latest/news/2023/12/peru-investigations-against-president-security-forces/>

² The Guardian 12.10.2023 “Human rights experts warn against European crackdown on climate protesters”

<https://www.theguardian.com/environment/2023/oct/12/human-rights-experts-warn-against-european-crackdown-on-climate-protesters>

³ The Guardian 3.5.2023 “UK security minister defends new anti-protest laws before coronation” <https://www.theguardian.com/uk-news/2023/may/03/uk-security-minister-defends-new-anti-protest-laws-coronation>

⁴ Elokapina is the Finnish branch of the international environmental movement Extinction Rebellion.

⁵ The collection is related to a case in which seven police officers from the Helsinki Police Department were charged in a district court with misconduct and assault for using force (OC-spray) against demonstrators at an Elokapina demonstration.

⁶ Decision of the Helsinki Administrative Court (422/2024)

⁷ Amnesty International, Protect the Protest-campaign <https://www.amnesty.org/en/petition/protect-the-protest/>

state of freedom of assembly. Amnesty Finland staff coordinate the protest observation and trained volunteers observe the activities of protesters, potential counterdemonstrators, bystanders, and the police, as well as the interaction between these actors. The observers are impartial and independent: they do not intervene in the course of the demonstration but report their findings to Amnesty Finland.

During 2023, we carried out a total of 31 protest observations. We observed demonstrations in seven locations: most of the observations took place in Helsinki, and we also observed demonstrations in Kouvola, Seinäjoki, Hamina, Lapua, Jyväskylä and Turku. We carried out observations at demonstrations where restrictive measures by the police or confrontations between different groups of demonstrators were expected.⁸ We also sought to observe a wide range of demonstrations across a variety of themes and organizing groups. We only observed demonstrations where Amnesty itself was not an organizer or participant.

In addition to monitoring demonstrations, Amnesty Finland has collected information on demonstrations in other ways. For instance, we have been following press releases of the police and activist groups and have carried out media monitoring of demonstrations. We have met with representatives of the Helsinki Police Department and the National Police Board of Finland and followed the progress of several legal cases. Furthermore, activists have sometimes approached us when they have encountered problems. We have also interviewed some activists to supplement our observations or to obtain information about demonstrations where we were not present to observe.

Shortcomings in the way the authorities respond to demonstrations

The year 2023 showed that people are actively exercising their right to protest. In the summer, the past racist statements of Prime Minister **Petteri Orpo's** cabinet members⁹, and the immigration policy set out in the new government programme raised a heated public debate and sparked a wave of anti-racist demonstrations. During the autumn, students protested against cuts to social security by occupying their educational institutions, and trade unions organized demonstrations and walkouts across Finland. As the armed conflict between Israel and Hamas escalated in October and November, thousands of people took part in demonstrations, which continued throughout the rest of the year. 2023 also saw several demonstrations calling for climate and environmental action, such as “Luontomarssi” (the Nature March), which was held simultaneously in 18 locations before the parliamentary elections in the spring. In addition, several direct action demonstrations were organized by environmental movements, for example against the forest industry.

All the demonstrations observed by Amnesty were peaceful and, for the most part, the police fulfilled their obligations to safeguard and promote freedom of assembly. For example, the police protected the slow marches organized by Elokapiina by efficiently directing traffic. In Finland, the police also generally protected demonstrations in support of the Palestinians. Similar demonstrations have been suppressed and even banned in several European countries.¹⁰ However, we also found recurrent issues and shortcomings in police action, such as regional inconsistencies, inadequate justification for police intervention, inadequate safeguarding of demonstrations, and unnecessary use of force in dispersing demonstrations. Several of the above-mentioned shortcomings are recurrent and indicate the presence

⁸ These include demonstrations where protesters used non-violent means like road blocking and situations where two or more demonstrations were organized simultaneously.

⁹ In August 2023, after media reports concerning past racist speeches and writings by three newly appointed ministers of the Finns Party, the government introduced an equality statement that includes a list of measures to combat racism. According to the statement, these would be implemented through a separate action plan that continues the work of the previous government action plan for combating racism in 2021-2023. Finnish Government, Government statement to Parliament on promoting equality, gender equality and non-discrimination in Finnish society, 31 August 2023, <http://urn.fi/URN:NBN:fi-fe20230829112043>

¹⁰ Amnesty International 16.10.2023 “Ban on protests supporting Palestinians is disproportionate attack on the right to protest in France” <https://www.amnesty.org/en/latest/news/2023/10/ban-on-protests-supporting-palestinians-is-disproportionate-attack-on-the-right-to-protest-in-france/>

of practices and interpretations of the law that unnecessarily restrict freedom of assembly and freedom of expression.

Already in our previous report on the year 2022¹¹ we drew attention to the regional inconsistency in the authorities' response to demonstrations. Similarly in 2023, the authorities' practices in relation to demonstrations varied from place to place. In particular, problems were encountered with directing traffic and permits and fees required by municipal authorities. This puts demonstration organizers in an unequal position depending on their place of residence.

We also observed several demonstrations where the police failed to fulfil their duty to protect and promote the freedom of assembly. There were shortcomings in directing traffic and in dealing with violent bystanders, which led to a number of unsafe situations. The police have also justified their inaction on the grounds that the demonstration was "illegal" and that there was no prior notification.

We found that police officers did not always state sufficient grounds for their interventions in demonstrations, despite requests from protesters, or misinterpreted the law. For example, in relation to prohibitions on filming, police did not state the grounds for their actions during the demonstration, and the justifications given afterwards were unclear. Amnesty observers have also been unjustifiably restricted in their activities.

Demonstration sites were also restricted, and demonstrations relocated on unclear grounds. Police continued to disperse demonstrations on the grounds of traffic disruption alone. However, the UN Special Rapporteur has stated that the free flow of traffic should not automatically take precedence over freedom of peaceful assembly.¹² The Human Rights Committee's general comment 37 also states that a peaceful demonstration causing a high level of disruption, such as extended blocking of traffic, may be dispersed only if the disruption is "serious and sustained". We have also observed ambiguity and inconsistent limitations in demonstrations outside the Parliament building, concerning access to the steps of the Parliament building.

There have also been problems with simultaneous demonstrations and counterdemonstrations. Counterdemonstrations should be allowed to take place within sight and sound of their target, unless they are intended to obstruct the right of others to demonstrate.¹³ However, the police, for example, kept the 188-Kukkavirta march¹⁴ and a demonstration organised by Kansallismielisten liitto (the coalition of nationalists) and its counterdemonstration Turku without Nazis quite far apart from each other.

In the demonstrations we observed, the apprehensions of demonstrators have mostly been carried out in an appropriate manner. However, we also observed and received information from activists about situations where the grounds for apprehensions remained unclear. For example, activists who obeyed a police dispersal order at the Elokapina roadblock in Jyväskylä on 3 August were apprehended. The police also used disproportionate force, particularly when apprehending protesters and dispersing demonstrations. For example, police dragged or pushed protesters at the demonstration organized by Helsinki University and University of Arts students on 29 November and at the Elokapina demonstrations by the UPM pulp factory in Kouvola on 22 May and on Länsiväylä motorway in

¹¹ Amnestyn Suomen osaston Mielenosoitustarkkailuraportti 2022, https://www.amnesty.fi/uploads/2023/02/raportti_mielenosoitustarkkailu.pdf

¹² Report of the Special Rapporteur on the right to freedom of peaceful assembly and of association Maina Kiai A/HRC/20/27 para 41.

¹³ 5th Report on Monitoring of Freedom of Peaceful Assembly in Selected OSCE Participating States, 2023 page 51, <https://www.osce.org/files/f/documents/6/0/549388.pdf>

¹⁴ The 188-Kukkavirta protest has been held since 2018 on the anniversary of the violent attack in Turku on 18 August 2017. The messages of the demonstration are racist and anti-immigration.

Helsinki on 17 October. We estimate that the police would have had sufficient time and human resources to carry the demonstrators in a safe manner.

During the Helsinki Without Nazis demonstration on the Finnish Independence Day, 6 December, the police used force to disperse the demonstration. The police had announced in advance that they would not allow the Helsinki Without Nazis demonstration to gather at Töölöntori square. The organizers of the nationalist 612-march¹⁵ had already notified their meeting to be arranged on the same square and had precedence over the use of the site. Helsinki Without Nazis demonstration gathered on the square despite the ban, and the police used disproportionate force to disperse the demonstration. For example, mounted police rode their horses into the crowd and pushed people, and police also pushed, shoved, and hit people forcefully. They also dragged demonstrators along the ground, tied the hands of peaceful demonstrators with zip ties and held protesters to the ground during arrests. Despite the use of loudspeakers, the dispersal orders were poorly audible and, according to Amnesty's human rights observers, could not be heard throughout the square. Police orders did not indicate in which direction or how far the demonstrators should move. It remained unclear whether all those who wished to leave the square and the surrounding pavements were able to do so before the police began to use force and detain people.

The police also intervened in the use of demonstration equipment. For example, the police confiscated a doll representing Turkish President Recep Tayyip Erdoğan at a demonstration against Turkey's actions and registered a criminal complaint for defamation.

Protesters lodged complaints about a number of police misconduct cases. For example, several complaints were made to the Parliamentary Ombudsman about the police use of force and insufficient instructions during the Helsinki Without Nazis demonstration on Finnish Independence Day. It is vital that everyone has the opportunity to hold the authorities to account for crimes or breaches of duty. However, in our discussions with protesters, we got the impression that the threshold for filing a complaint is high and the process is seen as burdensome. In addition, the police raised the threshold for filing complaints even further by seeking to deny small collection permits for legal costs.

¹⁵ The organizer of the 612-march stresses on its website its political neutrality. In previous years, speakers at the event have included representatives of the nationalist-identifying 'Suomen Sisu'-group, and in 2023 the 612 march included Soldiers of Odin and Active Club. Based on observations made in 2021, 2022 and 2023, it can be said that many of the participants in the "Suomi herää"-march ('Finland Wake Up'-march) earlier in the day join the 612 march after it ends; after the speeches at the 'Finland Wake Up'-demonstration in 2023, participants were advised by the police not to move to join the 612 march on Töölöntori too early, as the counterdemonstrators were still being dispersed. The 'Finland Wake Up' -march was notified to the police by the chairman of the openly racist Sinimusta (blue and black) movement. According to the website of the organizers of the 'Finland Wake Up'-march, the march is against, among other things, the so-called 'great replacement'. In previous years, similar marches have been organized by the now banned Pohjoismainen vastarintaliike (Nordic Resistance Movement) and the Soldiers of Odin street patrol. See for instance: <https://www.iltalehti.fi/kotimaa/a/f4ac4925-5f92-4196-855d-bd6e53e4504a> ; <https://www.hs.fi/kaupunki/art-2000010026432.html>

Recommendations

- The police and other authorities should always interpret the national legislation, including the Assembly Act, in a way that promotes fundamental rights and is in line with international human rights standards.
- Authorities and those in positions of power must ensure the accuracy of the information they share about demonstrations. Misinformation about protests and a narrative that stigmatizes activists contribute to the repression of protests and civil society.
- To ensure regional equality, it is vital that public authorities are trained on the right to protest. In addition, the National Police Board should draw up clear guidelines on practices related to safeguarding of demonstrations, such as directing of traffic.
- The authorities must fulfil their duty to protect and promote the freedom of assembly, for example by addressing external threats to a demonstration. Peaceful demonstrations that have not been notified and demonstrations involving non-violent civil disobedience may also fall within the scope of the freedom of assembly and thus the duty of authorities to protect and facilitate them.
- Training should be provided to ensure that police officers are aware of their duty to inform demonstrators of the grounds for any action taken against them during demonstrations. Guidance on the prohibition of filming should be clarified.
- The police should respect and promote the right to observe and monitor public assemblies by protecting those who observe and report on violations and abuses in the context of assemblies, such as journalists and human rights observers.
- The police must ensure that apprehensions and other measures are carried out in accordance with the principle of least harm and do not unnecessarily create antagonism between the police and demonstrators. Amnesty recommends that all police departments should be briefed or, where necessary, trained in appropriate use of force upon apprehension and policies on the use of force.
- In the case of two – or more – demonstrations taking place at the same place at the same time, the police must first assess whether it is possible to safeguard both. If not, the police should, in negotiation with the organizer, designate an alternative location for the second demonstration, which should still be within sight and sound of its target.
- The police should exercise particular discretion in dispersing demonstrations, and this should always be a last resort. Dispersal of demonstrations should only be considered if the demonstration is no longer peaceful or if there is clear evidence of an imminent threat of serious violence that cannot be addressed by targeted apprehensions.
- Demonstrators should be able to use equipment to support the message of the protest. Incitement to hatred or discrimination is not protected by freedom of expression. If incitement to hatred occurs at an otherwise peaceful demonstration, police interventions should primarily target the individuals who are committing it, not the entire demonstration.
- The police should develop, in addition to legal complaints procedures and the National Police Board's oversight mechanisms, less burdensome ways to deal internally with police malpractice.