To whom it may concern:

I am delighted that the Committee has is working to outline the right to peaceful protest. I am concerned, however, about a potential loophole or inconsistency in the current version of the Comment.

Currently, the Comment states that "disruption of vehicular or pedestrian movement or daily activities" is not violence, and thus is not in of itself a reason for police to break up a peaceful demonstration. But Section 8 also states that "participants in peaceful assemblies must not infringe on the rights of others", including freedom of movement (explicitly mentioned in section 8.113). Therefore, any peaceful protest which disrupts vehicular or pedestrian movement could be argued to be infringing someone's freedom of movement. By this basis, I imagine cops could always use section 8 as a justification for breaking up any peaceful protests that block or disrupt traffic. (I live in Hong Kong, and cops frequently use this kind of logic as their justification before they start tear gassing protesters.)

I'm not sure how to reconcile these two things. I strongly believe people should have a right to protest, including a right to protest disruptively—many of effective and famous protest movements, both historical and contemporary, feature disruption as a key tactic. However, I also strongly believe freedom of movement is an important human right. Putting these two things together, there seems to be a conundrum: as far as I can tell, absolute right to hold disruptive protests and absolute right to free movement cannot both exist at the same time. I'm not sure what the right balance should be, but I just feel like some nuance may be needed to determine how these things should be expressed in a way that will be consistent with our values.

Thank you for your consideration,

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