

Dissent and the right to protest in context of global health

Rajat Khosla, David McCoy

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Robert F. Kennedy, in a speech in 1966, exclaimed, 'For it is not enough to allow dissent. We must demand it. For there is much to dissent from.'¹ To dissent means to hold or express opinions that are divergent with those that are commonly or officially held. However, this definition covers a wide range of actions, both within and beyond the bounds of the law. They include acting against incumbent governments through the ballot box, or through more overt and direct acts of protest including peaceful conscientious objection, civil disobedience and acts of direct action.

A tolerance of dissent not only marks the ability to challenge and hold governments (and other powerful actors) accountable and the willingness to respect minority views, it encourages debate and deliberation in society in ways that drive positive social change and development. Dissent can help inform public opinion, change policy, accelerate reform and promote and protect other human rights.²

Dissent has been central to the advancement of gender equity and women's rights and the reversal of ethnic and racial oppression as exemplified by the civil rights movement in the USA and the anti-apartheid struggle in South Africa. It has been a critical ingredient in many successful campaigns aimed at protecting the natural environment from harm and destruction. And in the field of health, dissent played an important role in advancing access to treatment for HIV pandemic.

Today, whether it is protest against the denial of essential healthcare; or campaigns against the restriction of sexual and reproductive health and rights including abortion, or resistance to the violent oppression of women, dissent is a vital part in the realisation of the right to health for millions of people. But were Kennedy alive today, he might well assert that there is more to dissent from today than there was in 1966. Despite progress made in health and development

and the spread of electoral democracies, social inequality has grown, billions of people remain impoverished and face catastrophe due to the failure of governments to reverse our dependence on fossil fuels. Moreover, an increasing concentration of unaccountable power and the ascent of authoritarian and populist governments and political parties threatens to reverse hard won democratic gains made after the second world war.

Everyone has the right to dissent and to protest as part of international human rights law. However, despite this, in country after country, across all regions, the space and opportunity to dissent is shrinking due to various measures, including the surveillance of activists, the labelling of activists as 'terrorists' and the creation of barriers and distance between rulers and the general population. Often national security considerations are cited as justifications for the state to restrict or void the rights to peaceful protest, facilitate repression and criminalise forms of dissent that were previously permissible.³

In some instances, protests against serious violations of human rights or egregious environmental destruction are being met with violence, including extrajudicial killings. Reports of governments using police and other security actors against peaceful protesters are increasing⁴ with journalists reporting these violations also coming under attack. Another worrying trend is use of Strategic Lawsuits against Public Participation whereby state (and non-state actors such as private corporations) deploy litigation to censor, intimidate or silence critics by burdening them with litigation until they abandon their criticism or protest.⁵

According to the International Network of Civil Liberties Organizations, more governments are framing legitimate protest as a threat to security requiring 'a forceful government response' and are increasingly using 'unnecessary legal restrictions, discriminatory responses, criminalisation of leaders



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United Nations University
International Institute for Global Health, Cheras, Malaysia

Correspondence to
Rajat Khosla;
rajat.khosla@unu.edu

and unjustifiable—at times deadly—force’.⁶ In 2020, Global Witness estimated ‘an average of four killings of environmental human rights defenders every week.’⁷ It was the deadliest year recorded by them so far. The UN Special Rapporteur on Human Rights Defenders pointed out that at least 281 human rights defenders, including 38 women, having been killed in 2021 in 35 countries, and warned that further killings would occur unless radical action was taken.⁸

The crackdown on civic space and stifling of dissent spells trouble for democracy and equitable and sustainable development. It may even be one of the biggest threats confronting global society. Unless we nurture or create spaces and opportunities for dissent, we risk destroying not only the basic structure of healthy democracies and hard-won human rights, but also our ability to respond to the major challenges that confront humanity from global heating to contagion and conflict.

So what is to be done? The right to dissent must be respected and viewed as a healthy expression of democracy and freedom, and we must consciously strive to continuously monitor and protect this right. It is imperative to create stronger solidarities and spaces and opportunities for everyone to think about the importance of dissent and act against the trends and tendencies to stifle it. Where the right to dissent is being actively repressed, we must challenge the abuse of power and struggle to redemocratised the institutions of governance. Such a call cannot be made lightly. There is usually a price to pay when challenging abusive power. All too often societies lean on brave individuals and under-resourced social movements and civil society organisations to fight repression and bear the brunt of intimidation, reprisals and violence.⁹ But these individuals, movements and organisations are more likely to succeed the greater the support they get from the wider public and international community.

Crucially, health workers and organisations, have a professional mandate to promote and protect human rights but also a powerful voice in society. Indeed, dissenting health professionals have made many contributions to peace and other progressive developments such as the construction of international norms and standards such as International Humanitarian Law, and the development of child rights. Many health organisations and movements, including Médecins Sans Frontières, Treatment Action Campaign, Physicians for Social Responsibility, Physicians for Human Rights, the Peoples Health Movement, regularly champion and safeguard health and human rights, including through providing support to dissenting voices with legitimate causes. They need and deserve the support of the broader health community. Importantly, the voices of health professionals is also crucial in ensuring that pandemic control measures are

not abused as a pretext for further repressing human rights, arresting journalists and activists or introducing draconian laws to combat ‘fake news’.¹⁰

From deepening inequalities to climate change, to improving access to basic services for crisis and conflict-affected communities the list of violations of health and human rights is too long and the response unfortunately too inadequate. However, instead of prompting collective action to address these challenges, we appear to be increasingly ‘fearful of the retribution that questioning may and often does bring’.¹¹ Self-preservation is an understandable and human instinct, but we can and must at least create spaces and opportunities to come together and to ‘think and act together’.¹¹ Those working in the global health space have a critical role to play in protecting, preserving and advancing critical thought. As we confront unprecedented challenges, it is more important than ever to stand firm and defend these basic principles of human rights.

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