



COLLECTIVE PROTESTIVE EXPRESSION: THE NEXUS BETWEEN FREEDOMS OF EXPRESSION AND PEACEFUL ASSEMBLY AND THE RIGHT TO PROTEST


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Article Info	ABSTRACT
Article type: Research Article	Protest is one of the ways to express diverse viewpoints in society and critique the status quo. This article examines the interdependence between two foundational rights within international human rights law namely the right to freedom of expression and the right to freedom of peaceful assembly on one side and the right to protest on the other. Drawing upon Hohfeldian jurisprudential analysis, the study challenges the treatment of these rights as separate legal entitlements and instead argues that they function in a mutually reinforcing framework essential to democratic participation. The article approaches this relationship in two stages: first, by analyzing the connection between the right to protest and freedom of expression as a form of dissent-based communication; and second, by examining how freedom of peaceful assembly enables protest to manifest collectively and publicly. To conceptually integrate these dimensions, the article introduces the term Collective Protestive Expression, a construct that reframes protest as a communicative act rooted in expression and amplified through collective assembly. Unlike conventional understandings of protest as either political reaction or public disorder, this term positions protest as an essential rights-based practice and an expression of democratic citizenship. The article concludes that recognizing protest in this way provides both conceptual clarity and normative strength, especially in contemporary contexts where protest is increasingly restricted. By identifying protest as a product of the interplay between expressive and associational rights, this study offers a more holistic framework for understanding, protecting, and promoting protest within democratic legal orders.
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Introduction

The present world is one focused on rights rather than duties. In other words, we are currently living in the era of rights, where all aspects of human life are interpreted and influenced through the discourse of human rights. Some scholars argue that the current human rights discourse has replaced the moral discourse. When an inappropriate action occurs in society, it is often described as a violation of human rights rather than an immoral act.¹ The modern conception of rights as the cornerstone of a new political language is inextricably connected to resistance movements against monarchies during the English, American, and French revolutions. Human rights, as a novel philosophical language, encompasses two concepts: rights and human beings, along with the relationship between them. Although both concepts existed in pre-modern thought, their meaning and interrelation were fundamentally transformed by the advent of modernity. In the classical view, rights were associated with truth and righteousness, and humans with the cosmos. By contrast, in the modern era, rights and humans became interconnected.² This modern notion of human rights is rooted in a time when the principles of equality and the acceptance of human differences gained serious attention.³ This dual connection in the modern era serves to secure human freedom, a principle in tension with State power,⁴ and “the existence of human beings guides them to attain the highest values and the noblest positions”.⁵ Indeed, the very being and existence of human beings depends on their freedom and the capacity to live freely.

Human rights are inextricably linked to human needs. One of the reasons why individuals must enjoy human rights, in addition to protecting them from abuse by the powerful actors and encroachments of the state,⁶ is the imperative to fulfill basic needs for a dignified life.

1. Romuald R Halue, ‘Some Reflections on the Foundation of Human Rights – Are Human Rights an Alternative to Moral Values?’ (2006) Vol 10 Max Plank Yearbook of United Nations Law 367.

2. Abbas Manoucheri, ‘Red Reason and Green Right: Esoteric Anthropology and Maximum Human Rights’ in Theoretical Foundations of Human Rights: A Collection of Papers from the Second International Human Rights Conference (Human Rights Studies Center of Mofid University May 2003) 159. [In Persian]

3. Mohammad-Ali Movahhed, A Quest for Right and Justice: From Natural Rights to Human Rights (third edition, Karmaneh Publishing 2005) 210. [In Persian]

4. Alireza Taghipour and Fatemeh Mottaqi, ‘Criminal Response to Civil Disobedience’ (Autumn 2018) Vol. 7 Issue 24 Criminal Law Research 257. [In Persian].

5. Ehsan Salimi and Ebrahim Malakeh, ‘Arbitrary Detention in the Context of Islamic Law and International Human Rights Documents’ (Summer 2023) Vol 12 No 2 Islamic Human Rights Studies 52. [In Persian]

6. Rebecca M. M. Wallace, International Law (fifth edition, Sweet and Maxwell 2005) 225.

Undoubtedly, one of the fundamental needs of humans for a flourishing life and dynamic society is awareness. Awareness, however, can only be attained in an environment where diverse viewpoints are expressed and a society wherein criticism of and protest against the status quo are possible. It has been aptly observed that “without a conscious society, constitutions and charters have no more value than the piece of paper they are written on”.¹ In this context, the elevated concept of freedom of expression plays a central role. This is why, according to some authors, the degree to which a constitution safeguards the expression of marginalized and dissatisfied individuals serves as a key indicator of its genuine commitment to freedom.² In this respect, some essential human rights, such as freedom of expression and the right to peaceful assembly, are brought to the forefront, and their convergence and interplay give rise to the right to protest, a vital need for humans as intellectual and evolving beings. This is where right and human thought converge, as thinking thrives in conditions of a lack, deficit, or ambiguity.

As noted by several scholars, the clarity of the nature and scope of every right is a prerequisite for its implementation and enjoyment. Any ambiguity in this area can lead to the potential misuse of a right by the beneficiary or the violation of the right by those responsible for upholding it. Within the realm of human rights, especially civil and political rights, where one side is invariably the State, such ambiguity can result in the constant violation of the relevant right.³ In this context, the right to protest is a salient example of a right whose nature, scope, and boundaries remain inadequately delineated. Therefore, its analysis is not only scientifically valuable (in that it advances theoretical understanding and contributes to the body of scholarly knowledge) but also of substantial practical importance, particularly in informing governance and State administration. This lack of conceptual clarity and its importance motivate this paper to analyze the necessity of freedom of expression and peaceful assembly in the realization of the right to protest. Utilizing a qualitative-analytical approach and through a review of the relevant literature, this study will first examine the concept and typology of rights from a Hohfeldian perspective (Section 1). It will subsequently discuss freedom of expression and its relationship to the right to protest (Section 2). Next, the discussion moves to peaceful assembly and its connection to the right to protest (Section 3). The analysis will then introduce and examine the concept of ‘Collective Protestive Expression’ as the fusion of these three aforementioned rights (Section 4). Finally, based on the preceding analysis, the right to protest and correlative States’ obligations will be delineated (Section 5). A synthesis of these discussions and concluding observations will form the final part of this study.

1. The Concept of Right and Its Types from A Hohfeldian Perspective

The term “right” within legal scholarship is employed in various senses, and legal scholars have offered different definitions for it. An understanding of this, the most fundamental

1. Daron Acemoglu and James A. Robinson, *The Narrow Corridor: States, Societies, and the Fate of Liberty* (translated by Seyed Alireza Beheshti Shirazi and Jafar Kheirikhah, second edition, Rozaneh 2020) 12. [In Persian]

2. Jamie Cameron and Nathalie des Rosiers, ‘The Right to Protest, Freedom of Expression, and Freedom of Association’, in Peter Oliver, Patrick Macklem, and Nathalie des Rosiers (eds), *The Oxford Handbook of the Canadian Constitution* (OUP 2017) 739.

3. Nasim Zargari-Nejad and Amir-Hossein Ranjbarian, ‘The Right to Freedom of Assembly: An Analysis of the Performance of UN Special Rapporteur’ (Summer 2016) Vol 46 No 2 Public Law Studies Quarterly 207. [In Persian]



concept in law, can be achieved by distinguishing between the notions of “being right” and “having a right”. In the first sense, “right” refers to that which is true, honest, and correct. To assert that something is “right” signifies that it is true, honest, and correct, as opposed to false, invalid, or wrong. The concept of “being right” falls within the domain of value-related discussions (good and bad). In the second sense, “having a right” can be contrasted with duty; This conception emerged as a result of human efforts in securing liberty and equality during the modern era, subsequently taking root in human rights discourse and contemporary legal literature.¹ In analyzing the concept of “having a right”, the best starting point remains the Wesley Hohfeld’s analytical framework.² According to Hohfeld, legal rights can be classified into four fundamental types: 1) claim-rights; 2) privilege-rights (or liberties); 3) power-rights; and 4) immunity-rights. Each of these four types will be briefly discussed below.

One of the most important rights discussed by Hohfeld is the **claim-right**. Consider a scenario where person A has entered into a contract with person B, which stipulates that A must pay a certain amount of money to B. B has a right to demand payment from A, and correlatively A is under a duty to pay that money. The essence of this right is a claim. Therefore, a claim-right is, in its essence, a claim that correlates to a duty in another.³ According to Hohfeld, among the four types of legal rights he categorizes, only the claim-right entails a corresponding duty incumbent upon another party.⁴ The content of claim-rights can be highly diverse, and they can be further subdivided into positive and negative claim-rights. Positive claim-rights are so named because they are met with a positive action or performance from those who bear duties. Rights such as the right to receive support, the right to compensation, and the right to social services are examples of positive claim-rights. Conversely, negative claim-rights refer to non-interference and are called negative because they require merely the forbearance or the self-restraint of others.⁵ A negative duty is imposed on others, obliging them to refrain from certain actions. Rights such as the right to security, immunity from any kind of harm, assault, or torture, and protection from insults are examples of this type of right. Hohfeld also identified another type of right, which he termed the privilege-right (often referred to by subsequent philosophers as a liberty or a liberty-right). For example, a homeowner legally has the privilege (or liberty) to enter their house whenever they wish. Unless restricted by law, no one can compel them not to enter their home or to leave it. Therefore, the homeowner holds a liberty-right, meaning they are at liberty to enter, stay in, or leave their house. Others do not have the right to take this freedom away from them because they are not legally obligated in this regard, and the absence of a legal obligation upon the right-holder is sufficient to establish the right to freedom.⁶ A person’s legal freedom

1. See Mohammad Rasekh, Right and Interest (Tarh-e-Nou 2002) 184-186. [In Persian]

2. See Matthew H. Kramer, Rights and Right-Holding: A Philosophical Investigation (OUP 2024) 16-98; Eleanor Eldridge, ‘Rights That’ (Winter 2024) 44 Oxford Journal of Legal Studies 4.

3. Seyed Mohammad Qari Seyed Fatemi, Human Rights in the Contemporary World (Volume 1: Introduction to Theoretical Discussions: Concepts, Foundations, Scope, and Sources) (third edition, Shahr-e-Danesh 2011) 20. [In Persian]

4. See Wesley Hohfeld, Fundamental Legal Conceptions (Yale University Press 1919) 36-39.

5. See Peter Jones, Philosophy of Law: Rights (translated by Moshtagh Zargosh and Mojtaba Hemmati) (Mizan Publication 2013) 31-32. [In Persian]

6. Mohammad Hossein Talebi, An Introduction to the Philosophy of Law (Research Institute of the Seminary and University 2014) 86. [In Persian]



to perform an act means that the law has not compelled them to perform or refrain from that act, and the legislator acknowledges their freedom in this regard. The right to freedom is a unilateral right (it does not imply a correlative duty in another), whereas a claim-right is a bilateral right (necessarily entailing a correlative duty).¹ In other words, a liberty-right exists independently of any other person's legal duty, while a claim-right necessarily presupposes that another individual or entity is legally bound to act or refrain from acting.

The third type of legal rights according to Hohfeld is the power-right. In this context, a power refers to the legal ability granted by the legal order to an individual, group, organization, or State to create, alter, or eliminate a legal status. Examples include the right to buy and sell, the right to conclude a contract, the right to vote, and the right to bring a lawsuit. In each of these instances, the holder of the right has the legal authority to influence these matters. Hohfeld also notes that individuals under guardianship do not possess such rights.² In fact, this right can be compared to legal competence to exercise rights or perform legal actions, which, when exercised by the right-holder, affects the legal position of others. For example, a testator wields the power to determine the share of heirs from their estate, thereby influencing their rights.³

Finally, the fourth type of legal rights in Hohfeld's classification is the immunity-right. This right refers to immunity from the legal power of others. A person with immunity is not affected by the legal acts of others, and others cannot change their legal relations.⁴ This type of right contrasts with the power-right, where the holder of the right can use their legal authority to affect others. In other words, an immunity-right is the right not to be subject to the power of others, meaning that the holder of immunity is protected from the effects of another's legal power. Therefore, to assert that A holds immunity from B signifies that B lacks the legal power to affect A's rights.

If we classify human rights according to the revolutionary slogans of the French- liberty, equality, and fraternity- we can express the generations of human rights as follows: First generation of human rights comprising civil and political rights; Second generation of human rights comprising economic, social, and cultural rights; and Third generation of human rights comprising fraternity rights or solidarity rights. First-generation rights, namely civil and political rights, are primarily negative rights, meaning they are rights that should not be obstructed in their implementation by the right holders. Rights like freedom of religion and belief, freedom of speech, the right to vote, freedom from slavery, prohibition of torture and inhuman treatment, prohibition of arbitrary detention, freedom of movement are examples of civil and political rights, which fall under the first generation of human rights.⁵ Henry Shue has labeled first-generation rights as negative rights.

The reason behind this classification is that these rights are guaranteed by non-interference in their implementation. The exercise of the right to freedom of religion, for example, is

1. Hohfeld (no 11) 36, 39-40.

2. Ibid, 50 & 57.

3. Dominika Bychawska-Siniarska, Reflections on Freedom of Expression: Protection of the Right to Freedom of Expression in the Case Law of the European Commission and Court of Human Rights (translation, research, and detailed introduction by Mostafa Fazaeli and Mousa Karami) (Shahr-e-Danesh 2020) 48/Translators' Note. [In Persian]

4 See Hohfeld (no 11) 59-60.

5 Mohammad-Hassan Asghar-Nia and Morteza Asghar-Nia, 'Cultural Rights: The Second Generation of Human Rights' (Spring 2016) No 303 Political and Economic Studies 92. [In Persian]



ensured by the absence of restrictive interference from the state, other organizations, or individuals. However, this does not mean that the State should not take positive action in this regard; indeed, the realization of some of these rights depends on specific actions being taken. Therefore, these rights demand non-restrictive interference from the State, while also requiring the State's supportive intervention to ensure their fulfillment. The State has no right to limit individuals' freedom of religion and must intervene to guarantee this right for the benefit of the right-holder.

2. Freedom of Expression and its Connection with the Right to Protest

In today's world, marked by the global predominance of nation-states, the protection of human rights has become an undeniable necessity for humanity.¹ Freedom of thought and expression is one of the fundamental and universal human rights, belonging to all individuals regardless of ethnicity, race, nation, religion, gender, political views, and so on.² It has been discussed from various religious, philosophical, social, ethical, legal, and international perspectives, reflected in domestic laws and international instruments and treaties. Renowned philosophers and thinkers such as Kant, Hegel, Hobbes, Locke, Rousseau, Voltaire, Hugo, Popper, and Sartre, each with their own perspective, interpretation, and definition of "right" and "freedom", have made significant contributions to the development and evolution of the concept of freedom of expression and thought.³ In today's world, the principle of freedom of expression is one of the main components of respecting human rights. Prominent human rights institutions such as the European Court of Human Rights recognize freedom of expression as one of the foundations of a democratic society. Some thinkers also view it as a pillar of and essential for democracy and a prerequisite for the democratic flow within society.⁴ Some have gone further, perceiving freedom of expression as a natural human right and an integral part of individual independence. According to these scholars, the principle of freedom of expression is an end in itself, and any restriction on it seems incompatible with the protection of human dignity and human rights. They argue that such limitations are only acceptable in exceptional cases.⁵ These statements and conditions highlight the pivotal role of this right in determining the trajectory of human destiny, as well as in fostering a participatory and inclusive public sphere.

Prior to this paper, many writings have been published on freedom of expression and its components, conditions, and permissible limitations.⁶ Therefore, this paper will not delve into these discussions, but rather highlights a few key points. According to the Human Rights Committee, as the treaty body overseeing the implementation of the International Covenant

1. Hossein Rahmani Tirkalai, 'Examining the Concepts of Freedom and Power in the Human Rights Discourse of the Islamic Republic of Iran and its Challenges' (Winter 2023) Vol 12 No 4 Islamic Human Rights Studies 117. [In Persian]

2. Erica Howard, *Freedom of Expression and Religious Hate Speech in Europe* (Routledge 2018) 1.

3. Seyed Hossein Rezvani, 'The Right to Freedom of Expression and the International Responsibility of States' (Winter 2016) Vol 30 No 4 Foreign Policy 67. [In Persian]

4. Okoye Blossom Chisom, 'Democracy and Right to Freedom of Expression: A Case Study on the Nigerian Youth Protest on Police Brutality' (2021) 11 Open Journal of Political Science 1, 34-53.

5. Mahdi Zahedi and Shirin Sharifzadeh, 'Freedom of Expression and the Principle of Duality of Idea and Expression' (Summer 2021) Vol 23 Issue 71 Public Law Research 97. [In Persian]

6. Mohammad Hossein Mozaffari, 'Understanding Islamophobia in Human Rights Context: a Conceptual Analysis of the OIC Initiatives against Hate Speech' (2023) 2 Iranian Journal of International and Comparative Law 6.



on Civil and Political Rights (ICCPR), in its General Comment No. 34, freedom of expression is considered an essential condition for achieving transparency and accountability, which, in turn, are necessary for promoting and protecting human rights.¹ In this General Comment, the Committee assigns a central role to the right to freedom of expression, which also underscores the indivisibility of human rights and their interdependence. It is also noteworthy that the Special Rapporteur on the right to freedom of expression and opinion of the Human Rights Council dedicated his 2023 report to the connection between freedom of expression and sustainable development, recognizing the former as a prerequisite for achieving the latter.² Additionally, in the conventional classification of human rights, freedom of expression is categorized as a negative right, whose realization and exercise are achieved through the absence of interference or restrictions by the State or other groups and individuals who might threaten it. However, this does not imply that the State has no role in ensuring the realization of freedom of expression. To put it more simply, the State has both a negative duty (to refrain from interference) and a positive duty (to protect and facilitate its exercise).³ Clearly, the primary and fundamental duty of the State regarding this right is to refrain from obstructing its realization and exercise.

Freedom of expression is an absolute necessity both individually and socially.⁴ In other words, its existence in any society is crucial both for the individuals that compose it, who, due to their personal and psychological needs, require the freedom to express themselves, and for the society itself, which needs a population capable of freely expressing its ideas in order to persist and achieve its collective goals that “suppressing it brings enormous loss”.⁵ Some commentators have argued that this right is at least based on the freedom of thought.⁶ In this context, scholars have rightly noted that it is through thinking and the ability to think that humanity distinguishes itself from other creatures and, indeed, excels. This distinction has been achieved thanks to the freedom of choice in personal life and destiny. If humans were subjected to the natural constraints or environmental forces like other inanimate or animate beings, thought and its products would not exist in their lives. Thus, freedom of thought is an inherent characteristic of humanity and cannot be taken away under any circumstances or pretexts. The development of thought is only possible through expression, that is, the verbal communication and exchange of ideas between individuals. Expression serves as a tool for both the development of thought and its realization. In linguistics, thought, expression, and

1. Human Rights Committee, ‘General Comment No. 34: Article 19: Freedoms of Opinion and Expression’ CCPR/C/GC/34 (September 12, 2011) para. 3.

2. Human Rights Council, ‘Sustainable Development and Freedom of Expression: Why Voice Matters; Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression’ A/HRC/53/25 (April 19, 2023) paras. 1-17.

3. Seyed Mohammad Qari Seyed Fatemi, *Human Rights in the Contemporary World* (Volume 2: Analytical Essays on Rights and Freedoms, 2nd edn, Shahr-e-Danesh 2010) 120. [In Persian]

4. Emily Howie, ‘Protecting the Human Right to Freedom of Expression in International Law’ (2018) Vol 20 No 1 *International Journal of Speech-Language Pathology* 12.

5. Richard Sorabji, *Freedom of Speech and Expression: Its History, Its Value, Its Good Use, and Its Misuse* (OUP 2021) 2.

6. Taha Mousavi Mirkalaie and Savalan Mohammadzadeh, ‘Freedom of Expression in the Case Law of the Human Rights Committee and the European Court of Human Rights’ (Summer 2023) Vol 53 Issue 2 *Public Law Studies Quarterly* 901. [In Persian]; Reza Karami and Mohammad Ghanbari, ‘Restrictions on the Right to Freedom of Expression in the African Charter on Human and Peoples’ Rights’ (Winter 2021) Vol 14 Issue 54 *International Legal Studies* 202. [In Persian]



speech are viewed as social products.¹ As *Eslami Nodoushan* has stated, “if expression is taken away from someone, it is as if thought has been taken away from them, and since thought has been taken away, it is clear that their human essence has been robbed”.² This is just one of the pivotal points that highlight the prominent position of freedom of expression.

Freedom of expression is of such profound importance for the society that, in the words of the *Mossadegh*, “those who fear expression and writing and seek to suppress it not only commit an act that contradicts the Constitution, but they also serve foreign interests and betray their homeland”.³ This statement implies that the benefits of freedom of expression and, more broadly, human rights are not limited solely to individual and personal aspects. We must not overlook the necessity of these rights for maintaining a healthy nation capable of resisting external forces. Violating freedom of expression and other fundamental and legitimate rights in society mirrors the saying by the Great Saadi in his *Boustan* where he states, “one who cuts off the branch they sit on...”.⁴ In fact, violating a right such as freedom of expression, besides being an affront to human dignity and the equality of individuals, gradually erodes the foundations of unity and cohesion in society and the nation, undermining the pillars of development and progress. This is why some believe that rulers, even if they do not accept freedom as an inherent right, must, for their own survival and success in governance, management, and politics, regard it as a respectable method.⁵ This statement reflects the dual nature of freedom in general and freedom of expression in particular; freedom of expression holds intrinsic value, and it also serves as an instrument to achieve other goals. Although it must be emphasized that in the discourse of human rights, the intrinsic value of freedom and freedom of expression is paramount. It can be said that, with freedom in place, the full realization of other goals follows as well.

Freedom of expression provides the foundation for the formation and manifestation of the right to protest. In the human rights discourse, each individual in society, within the framework of permissible, legitimate, and legal limitations, is free to express their views, thoughts, and beliefs. This is because they have the right to be wrong and, in a sense, possess the right to err. The reason behind such a right must be sought in the inherent dignity of human beings and their equality with each other. As a result, no one can consider themselves humanly superior to others and, through this, impose their views, thoughts, and beliefs upon them. In other words, because of this equality and inherent dignity, human beings naturally have the right to express their views, thoughts, and beliefs, even if they are incorrect, mistaken, or contrary to the majority’s opinion, without needing to have this right granted by any authority, position, or specific law. It is within this framework that freedom of expression and the right of individuals to have this freedom, based on the prior right to error, form the theoretical foundation and practical basis for exercising the right to protest. In a clearer sense, if the right to protest is not enshrined for the individuals, the prior right to error

1. See Javanmir Abdollahi, *Comparative Study of the Right to Freedom of Expression from the Perspectives of Islam and International Human Rights Documents* (Ehsan Publication 2007) 31-32. [In Persian]

2. Mohammad-Ali Eslami Nodoushan, *Mentioning the Human Rights Achievements in the Third World* (Toos 1978) 84. [In Persian]

3. Mohammad Mosaddegh, *Memoirs and Reflections of Dr. Mohammad Mosaddegh* (edited by Iraj Afshar) (fourth edition, Elmi Publications 1986) 106. [In Persian]

4. Saadi Shirazi, *Collected Works of Saadi*, (edited by Mohammad-Ali Foroughi) (seventh edition, Tolou’ Publication 1992) 247. [In Persian]

5. Abdolkarim Soroush, *The Ethics of Rulership and Religiosity* (Serat Cultural Institute 2000) 94. [In Persian].



is disregarded and freedom of expression is violated. According to the authors of this paper, the deep connection between freedom of expression and the right to protest is such that the outcome of this connection can be observed in the phrase “protestive expression”.

3. Freedom of Peaceful Assembly and Its Connection with the Right to Protest

Throughout history, respect for human freedoms and rights has had many ups and downs. At certain times, even thinking about these issues was considered impossible, and at other times, efforts were made to uphold them to the highest degree. Social life demands that individuals form various assemblies more effectively enjoy human rights and freedoms, and through these, take the necessary actions to guarantee and realize their rights. International documents and national laws have also provided mechanisms to ensure and further respect these rights for citizens. Freedom of assembly is a crucial element in democracy, which is necessary during its establishment and plays a significant role in transitional periods, facilitating and providing a foundation for activities aimed at establishing democracy. As Article 20 of the Universal Declaration of Human Rights (UDHR), as the cornerstone of the global human rights movement, explicitly states: “Everyone has the right to freedom of peaceful assembly and association”. In democratic systems, freedom of assembly also has a valued aspect. Furthermore, the existence of freedom of assembly is a prerequisite for democracy, and its degrees play a role in determining the quality of democracy. At the same time, it is important to note that freedom of assembly is closely linked to freedom of expression, belief, religion, publication, and writing. In fact, one manifestation of freedom of speech and expression is the ability to organize gatherings.

An exploration of the theoretical foundations of democracies and their developments reveals that freedom of peaceful assembly is not only of value, legal, and identity significance for democracy, but also essential for its very existence. Therefore, freedom of assembly serves both as the womb of democracy and as a foundation for its continued existence. Recognizing this intricate relationship makes the protection of the right to peaceful assembly an indispensable principle in democracies. What ensures the respect for citizens’ rights, the autonomy of the people over their own destiny, and the prevention of the reconstruction of various forms of autocracy and authoritarianism is the equal and free access for all sectors of society, and for individuals with different political, cultural, and ideological views, to organize peaceful gatherings. On this basis, one of the key elements in defining autocratic and authoritarian regimes is the denial of the right to organize street protests and gatherings for everyone, limiting it to supporters and the circle of the regime’s allies. Thus, freedom of assembly plays a decisive and significant role during the pre-democracy phase and the transitional period. The practice of politics and social action to influence the balance of social power requires the enjoyment of freedom of peaceful assembly by all; otherwise, political justice cannot be realized, and political participation and the formulation of policies for governing the country will be controlled by the ruling minority.

As a result of the significance and special position of freedom of assembly for human beings



and their lives, the right to assembly emerges. This right is one of the fundamental human rights and is naturally enjoyed by individuals. International and regional human rights instruments have recognized this freedom. Freedom of assembly is part of the first generation of human rights.¹ In the literature related to the international human rights system, it is referred to as the right to 'peaceful assembly'. Documents such as the UDHR, ICCPR, the Convention on the Rights of the Child, and regional human rights instruments such as the European Convention on Human Rights and Fundamental Freedoms, the American Convention on Human Rights, and the African Charter on Human and Peoples' Rights emphasize and affirm the right to freedom of assembly. This right has also been recognized in the constitutions of many countries. For example, in the Constitution of the Islamic Republic of Iran, the right to peaceful assembly is explicitly enshrined in Article 27. This Article provides as follows: "The formation of gatherings and demonstrations without carrying weapons, provided they do not disrupt the foundations of Islam, is free".

In Hofeld's classification of rights, freedom of assembly falls under the category of negative claim-rights. This means that, similar to freedom of expression and most other negative rights, there is a two-fold obligation for States regarding this right, whereby states must also intervene positively to ensure the effective realization of the right to freedom of assembly. Scholars in the field of freedom of assembly have stated that if freedom of assembly is viewed solely from the perspective of freedom, its negative aspect and, consequently, the lack of restrictive State intervention becomes more prominent. However, to fully realize and properly exercise the right to freedom of assembly, some positive intervention by the State is necessary. For this reason, while this right was considered a negative right at the time of the drafting of Article 21 of the ICCPR, in practice, it required State intervention. To facilitate and safeguard this freedom and address issues such as establishing enforcement mechanisms, ensuring the safety of participants through law enforcement, pursuing legal action, compensating for violations of the right to assemble, and providing reparations, the State must intervene and guarantee the order and security of assemblies.² In other words, the State is first obligated not to obstruct the exercise of this right by individuals, groups, or organizations, and subsequently, to protect the exercise of this right and its holders from unlawful interventions and obstacles such as insecurity.

The United Nations Human Rights Committee, in September 2020, issued General Comment No. 37 regarding Article 21 of the Covenant, which pertains to the right to peaceful assembly. According to the Committee, the fundamental human right to peaceful assembly enables individuals to collectively express themselves and participate in the formation of their communities. The Committee notes that the right to peaceful assembly is inherently important because it protects people's ability to exercise self-organization in society with others. Furthermore, alongside other related rights, it forms the basis of a governance system based on democracy, human rights, the rule of law, and pluralism. Peaceful assemblies can play a significant role in advancing viewpoints, goals, and aspirations in the public sphere,

1. Leila Pirshotorbani, 'Comparative Study of Freedom of Assembly in the Constitutional Law of the Islamic Republic of Iran and the United States of America and International Human Rights Documents' (Master Thesis, Tolou Mehr Non-Profit Higher Education Institute, Spring 2021) 10. [in Persian]

2. See Reza Eslami and Mohammad-Mahdi Kamalvand, Freedom of Assembly in the International Human Rights System and the Legal System of Iran (Majd 2015) 56-58. [In Persian]

as well as supporting or opposing these viewpoints and goals by the participants themselves. The Committee also highlights a significant aspect of this right related to the right to protest; in the view of this monitoring body, peaceful assemblies, when used to express grievances, provide an opportunity to resolve conflicts in an inclusive, participatory, and peaceful manner.¹ The Committee also refers to the instrumental aspect of the right to freedom of assembly. According to the Committee, this right is a valuable tool that can be used to identify and achieve a wide range of other rights, including economic, social, and cultural rights. The right to freedom of assembly is particularly significant for individuals and groups who are marginalized. The Committee explicitly states that failure to respect and guarantee the right to freedom of assembly is often an indicator of repression and oppression.²

The link between the right to protest and freedom of peaceful assembly is most evident in the concept of “peaceful protest” which has been a vehicle for social, economic, and political transformations throughout human history.³ The Special Rapporteur on the right to freedom of peaceful assembly and freedom of association dedicated his 2022 report to the protection of human rights within the context of peaceful protests during times of crisis. After outlining the various forms and goals of protests, he highlights the critical role of protests as a means of expressing public views, particularly when inequality and marginalization worsen. More importantly, he underscores the position of peaceful protest as a gateway for the protection and realization of other rights. He then implicitly concurs with the Human Rights Committee, concluding that restricting and failing to support peaceful protests contributes to the violation of other human rights that protesters seek to promote, achieve, and defend.⁴ Furthermore, in his most recent report from January 2024, the Special Rapporteur presented a model protocol for law enforcement agencies to enhance and protect human rights in the context of peaceful protests. In this report, he considers peaceful protest to be a significant form of exercising the right to freedom of peaceful assembly, freedom of expression, and freedom of association, as well as participation in public affairs. He includes this within the protective umbrella of these rights as articulated in the ICCPR and the UDHR.⁵ He also emphasizes that the peaceful nature of protests should be assumed, unless there is compelling evidence to the contrary. Furthermore, in the event of a protest, it should be considered peaceful unless participants engage in widespread and severe violence.⁶ It is from this perspective that the right to protest is closely intertwined with the freedom of peaceful assembly.

As mentioned above, freedom of expression provides the theoretical foundation for the realization of the right to protest. It should also be noted that the right to freedom of peaceful assembly actually provides the necessary groundwork for the exercise of this right. The most

1. Human Rights Committee, ‘General Comment No. 37 on the Right of Peaceful Assembly (Article 21)’ CCPR/C/GC/37 (September 17 2020) para. 1.

2. Ibid, para. 2.

3. Ona Flores, ‘Case Law on Peaceful Protests’ (June 2023), 6; <http://tinyurl.com/2bdgzm9n> accessed 2 March 2025 (last access on March 3, 2025)

4. Human Rights Council, ‘Protection of Human Rights in the Context of Peaceful Protests During Crisis Situations; Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association’ A/HRC/50/42 (May 16, 2022) para. 4.

5. Human Rights Council, ‘Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests; Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association’ A/HRC/55/60 (January 31, 2024) para. 11.

6. Ibid, para. 19.



prominent manifestation of protest in the contemporary era must be considered in the form of collective protests, as this type of protest, due to its significance, takes on a stronger human rights dimension than individual protests. In such protests, each individual exercises their right to protest, and it is the aggregation of these rights that increases the potential to achieve the goals and objectives of the protest in a peaceful manner. For this reason, scholars believe that the right to freedom of peaceful assembly is an essential component of a free system and belongs to fundamental freedoms, because individuals, in their capacity as single entities, lack significant political power to influence government decisions or exercise the right to self-determination and protect these fundamental freedoms. Therefore, to fulfil this potential, they must necessarily come together and participate, including by organizing protest assemblies.¹ From this, it can be understood that the freedom of peaceful assembly is the practical basis for the realization of the right to protest, and that freedom is a necessary precondition for exercising this right.

4. The Concept of ‘Collective Protestive Expression’ as A Synthesis of Rights

In analyzing the interconnection between the three core rights discussed in this article- namely, the right to freedom of expression, the right to freedom of peaceful assembly, and the right to protest- it becomes clear that these are not isolated rights operating independently. Rather, they exist in a mutually reinforcing, interdependent framework that underpins democratic participation and political agency. The term “Collective Protestive Expression” is introduced precisely to capture this intricate nexus, emphasizing the expressive, associational, and dissent-based dimensions of collective protest. At the foundation lies the right to freedom of expression, a cornerstone of all liberal-democratic orders and a prerequisite for the exercise of self-autonomy. Human beings, as thinking and reasoning agents, must be able to formulate and exchange their thoughts and ideas without fear or constraint. This right is not merely instrumental for personal development; it also plays a vital role in fostering public discourse, facilitating the search for truth, and holding those in power accountable. In short, the exercise of freedom of expression is central to both individual dignity and collective self-governance.

From this foundational premise, the link to the right to protest becomes evident. Protest is one of the most potent forms of expressing disagreement, dissatisfaction, or demands for change. In this sense, protest is not merely a political act- it is a deeply expressive one. When individuals assert their right to protest, they are engaging in a targeted form of expression, one that is inherently communicative and often directed toward societal transformation. Hence, protest can be understood as a specialized and essential, exercise of the broader right to freedom of expression. However, the right to protest, particularly in its collective form, cannot be fully realized without the protection of another right: the freedom of peaceful assembly. The collective nature of protest- wherein individuals join together to express shared concerns or demands- relies on the ability of people to gather publicly, peacefully, and with a shared purpose. This is more than a logistical

1. Milad Mansouri, ‘Study of Freedom of Assembly with a Focus on Iranian Domestic Law and International Human Rights Documents’ (Master Thesis, University of Tabriz, Winter 2013) 9-10. [In Persian]

requirement; it is a normative one. Freedom of peaceful assembly enables individuals not just to be heard as isolated voices, but to voice their message through solidarity, visibility, and public presence. It transforms private grievances into collective political expression.

It is from the dynamic interplay of these three rights that the concept of Collective Protestive Expression emerges. This expression is not a simple restatement of “protest expression” or “collective protest.” Rather, it is a carefully formulated term meant to highlight both the expressive character and the freedom-based foundations of collective protest. The grammatical structure of the phrase is intentional: whereas “collective protest expression” is composed of two juxtaposed nouns- ‘protest’ and ‘expression’- suggesting a descriptive link between them, “collective protestive expression” employs an adjective-noun construction, with “protestive” modifying and characterizing the nature of the expression itself. This is more than a semantic nuance. The term “protestive” functions to attribute a *protesting quality* to the expression in question. That is, the expression is not just any form of speech or communication; it is defined by its oppositional, resistant, and dissent-oriented nature. In doing so, it places expression- not protest- as the central grammatical and conceptual element, but now qualified by its protestive dimension. This framing aligns more closely with the article’s normative emphasis on expression as the core of political protest and with the legal ambition to defend protest as a legitimate and protected form of communication.

By contrast, the more familiar term “collective protest expression” risks obscuring this nuance. It foregrounds the act of protest and treats expression as merely a vehicle or component of that act. In legal terms, this could lead to a more limited interpretation of protest- one that potentially reduces it to action or assembly, rather than recognizing its deeply communicative nature. The term “Collective Protestive Expression” thus deliberately resists such reductionism. It stresses that protest, especially in democratic societies, is primarily a form of public expression that emerges from the exercise of both speech rights and assembly rights. This conception has important implications for both legal theory and human rights practice. It situates protest within the expressive freedoms framework, arguing that to protect freedom of expression and peaceful assembly necessarily entails protecting protest. The failure to recognize this integrated model may result in legal inconsistencies, such as protecting speech in principle while criminalizing protest in practice. The notion of “Collective Protestive Expression” provides a conceptual and terminological tool to resist such fragmentation. It insists on considering protest not as an exceptional or disruptive activity, but as an inherently expressive and associational right- and thus as a legitimate, protected element of democratic life.

Moreover, this expression captures the synergistic function of collective action. Protest becomes more than the sum of individual voices; it becomes a collective articulation of dissent, powered by common identity and purpose. That synergy- made possible only through the convergence of expression and assembly- is precisely what gives collective protest its unique political power. In this light, “Collective Protestive Expression” reflects not just a combination of rights, but a democratic function: the capacity of the people to speak truth to power in a unified, public, and visible way. In conclusion, the term “Collective Protestive Expression” is not a linguistic novelty



or stylistic embellishment. It is a conceptual synthesis grounded in the jurisprudential logic of rights interdependence. It affirms that the right to protest must be understood through the dual lenses of freedom of expression and peaceful assembly, and that only by safeguarding all three can societies fully guarantee democratic participation and pluralistic dialogue. In a time when protest is increasingly under threat worldwide, rearticulating its foundations as “protestive expression” may serve both theoretical clarity and practical advocacy.

In the final section of this contribution, the concept and nature of the right to protest and the obligations of States towards it will be discussed, in hopes of shedding more light on the various aspects of this important right.

5. The Concept and Nature of the Right to Protest and the Obligations of States Towards It

Protest, being a human phenomenon, manifests and expresses itself in various aspects of human life. One of its most prominent forms can be found in literature, particularly in poetry. As researchers have rightly pointed out, protest is one of the core elements in Persian poetry, addressing issues such as complaints about fate, misfortune, illness, envy, injustice, oppression by rulers, debauchery, etc. The literature of protest occupies a special place in the works of many Persian poets, so much so that through these poems, one can better understand the poet’s personality, their moods, the ideal society they envision, their expectations from society, and even their weaknesses and strengths, as these poems are heartfelt and express the poet’s true ‘self’. Naturally, dissatisfaction with the present situation is the main motivation behind protests. Protest literature, which occupies a significant portion of poetry not only in Persian literature but also in the world literature, though often disliked by poets due to their unpleasant interactions with rulers and tyrants, has often been welcomed by the majority, as it represents the voice of those who have suffered oppression throughout history. One of the most important themes in this genre of poetry, in world literature in general, is the tyranny and oppression of rulers.¹

Protest, in its literal sense, means “criticism, objection, complaint, challenge, censure, accusation, faultfinding, and objection to a default judgement”.² However, in its technical sense, it refers to the individual or collective expression of opposing views, values, interests, or reactions in a responsible manner. Accordingly, this term encompasses actions such as individual or collective protests, as well as spontaneous protests, chosen in terms of method, form, or timing by the individual, including through digital technologies; individual or collective expressions regarding any disputed issue or problem; actions directed towards any audience, including public officials, private entities, individuals, or the general public; behaviors or expressions that may anger or upset those who oppose the views and claims raised in the protest, or behaviors that temporarily disrupt activities of third parties; actions that can take place in any location, whether public or private spaces, or even online; actions that may

1. Kolthoum Tabkh-Kar Hassan-Kiadeh; Mohsen Izadiyar and Shahrokh Hekmat, ‘The Causes and Motivations of Protest in Rumi’s Masnavi Based on Manuel Smith’s Psychology of Protest’ (Winter 2022) Vol 19 No 58 Sokhan-e Baharestan 163-164. [In Persian]

2. Mohammad Mo’in, Persian Dictionary (Adineh/Ketab Raye 2002) 168. [In Persian]



involve various degrees and methods of organization, including those with no predetermined organizational structure, hierarchy, or pre-established duration.¹ In other words, the technical meaning of protest, in the context of this paper, covers a broad range of individual and/or collective protest actions in public, private, or even cyberspace, which are directed against anything that contradicts the views, values, and interests of the individual or individuals, groups, or the protesting population.

Protest holds a prominent place in the realm of human rights. As philosophers of law have indicated, the roots of contemporary human rights, which are based on natural rights, can be traced to resistance against tyrants.² This form of protest against the status quo was historically an expression of the individual's stance against the State. Based on the definition of protest, the right to protest can be viewed as an individual and/or collective expression of current human rights, encompassing the right to freedom of expression, freedom of assembly and association, the right to participate in public affairs, the right to freedom of thought, conscience, and religion, the right to participate in cultural life, the rights to life, privacy, personal liberty and security, and the right to non-discrimination. The right to protest is also essential for securing all human rights, including economic, social, and cultural rights.³ As can be seen, the right to protest is closely linked to other human rights and freedoms, with the rights to freedom of expression and freedom of assembly being of particular importance. The first, freedom of expression, forms the foundation for the right to protest, while the second, freedom of assembly, provides the necessary conditions for the exercise of this right. Since protest is a form of 'expression', it is more intimately connected to these two rights and freedoms than to others. One represents freedom of expression in its broadest sense, while the other lays the groundwork for collective expression. Although the right to protest is not formally and explicitly recognized in the current international human rights system, due to its inseparable link with the two aforementioned rights, it can be considered a negative claim right within the framework of Hohfeld's classification of rights. Therefore, the duties of States towards this right would be discussed in the following lines.

As scholars have pointed out, in international law, there are generally two types of 'obligations': one is negative obligation and the other is positive obligation. A negative international obligation is one in which States are required to refrain from certain actions, such as the obligation of non-intervention. In the specific realm of human rights, which addresses the relationships between States and individuals, a negative international obligation means refraining from interfering with fundamental rights and freedoms. For example, in the realm of the prohibition of torture, a State's negative obligation means that the State's organs must not torture individuals. In the realm of freedom of expression, such obligations mean that the State must not prevent the publication of a specific book or the presentation of a particular work of art. On the other hand, a positive international obligation is one in which States are required to take certain actions or respond to certain demands, such as obligations

1. ARTICLE 19, 'The Right to Protest: Principles on the Protection of Human Rights in Protests' (2016) 6; https://www.article19.org/data/files/medialibrary/38581/Right_to_protest_principles_final.pdf (last access March 2, 2025)

2. Nasser Katouzian, *Philosophy of Law: Volume 1: Definition and Nature of Law* (6th edition, Sahamiy-e-Enteshar Publishing Co 2013) 42. [In Persian]

3. ARTICLE 19 (no 44) 6.



to act or obligations to intervene. In the domain of human rights, a positive obligation of the State is to respect and ensure individual rights and freedoms. For example, in the realm of the prohibition of torture, a State's positive obligation means that its organs must ensure that individuals do not commit acts of torture against others. In the context of freedom of expression, this obligation entails assisting in the diversification of information, media, and ideas in society.¹ This obligation regarding the right to protest is a combination of both of these.

In other words, States' obligations in relation to human rights are divided into three areas: "respect, protect, and fulfill".² And this framework applies both offline and online.³ Accordingly, the obligations of states regarding the right to protest can be understood as follows. In terms of respecting the right to protest, States should not obstruct, distort, or restrict this right, except to the extent that such limitations are accepted under international human rights law. To protect this right, States must take reasonable steps to support individuals seeking to exercise their right to protest, including taking necessary measures to prevent violations by third parties. Finally, in fulfilling their obligations regarding the right to protest, States must create a conducive and thriving environment for the exercise of this right, which includes effective redress for violations of it.⁴ Simply put, the State is obligated not only to refrain from violating the right to protest or obstruct its exercise but also to prevent violations by others and to create the necessary conditions for its realization and exercise.

In this regard, States are obligated to recognize and implement the inseparable, interconnected, and integrated human rights embodied in the right to protest within their superior and ordinary laws in accordance with international human rights law. Essential rights for exercising the right to protest specifically include the right to freedom of expression, the right to freedom of peaceful assembly and association, and the right to public participation. Furthermore, rights that are often violated in cases of repression of protest and violations of the right to protest include the right to life, the right to freedom from torture and inhuman or degrading treatment, the right to privacy, and the right to personal liberty and security.⁵ In this context, as discussed and analyzed in Sections 2 and 3, the two rights of freedom of expression and freedom of peaceful assembly have a profound and constructive link with the right to protest and are considered essential for its realization and exercise. On one hand, freedom of expression forms the theoretical foundation and practical basis for the realization of the right to protest, and their amalgamation can be seen in the authors' phrase "protestive expression". On the other hand, freedom of peaceful assembly provides the platform for the collective exercise of this right, which in contemporary times, particularly with the often sorrowful accounts of mass protests in reaction to government policies, actions, and

1. Hedayatollah Falsafi, *The Path of Reason in the System of International Law: The Fundamental Principles of International Legal Methodology* (second edition, Farhang-e-Nashr-e-Nou/Asim Publication 2020) 214-215. [In Persian]

2. Zahara Nampewo; Jennifer Heaven Mike and Jonathan Wolff, 'Resecting, Protecting and Fulfilling the Human Right to Health' (2022) Vol 21 No 36 *International Journal of Equity in Health* 2.

3. Cabor Rona and Lauren Aarons, 'State Responsibility to Respect, Protect and Fulfill Human Rights Obligations in Cyberspace' (2016) Vol 8 No 3 *Journal of National Security Law and Policy* 503-504.

4. ARTICLE 19, 'The Right to Protest: Principles on the Protection of Human Rights in Protests: Policy Brief' (2015), 12; <https://t.ly/3MjxK> accessed 2 March 2025 (last access March 3, 2025)

5. Ibid, 12-13.



deficiencies, gains significant importance. The right to protest, like most human rights and freedoms, is not absolute and may be subject to justified limitations, such as national security, public order, public health, and good morals, although such limitations should be interpreted narrowly and in the context of a democratic society.

In conclusion, it is worth mentioning that scholars have aptly regarded citizenship as a social status within the civil society, where citizens are members of a political community with rights and, of course, responsibilities. It has also been rightly pointed out that attention to the rights of the citizens of a society ensures the stability, legitimacy, and continuity of its political system.¹ In this context, the authors believe that recognizing the right to protest and providing the necessary conditions for its peaceful exercise by citizens not only promotes individual growth among the population of a country but also creates the necessary foundation for collective flourishing and greater solidarity among the various groups in society. Furthermore, it significantly reduces the likelihood of non-peaceful movements, which could potentially lead to the collapse of a nation. Recognizing the right to protest is, in fact, the recognition of fundamental rights and freedoms, which, although not limited to the two rights of freedom of expression and freedom of assembly, are fundamentally linked through laying the foundation for the right to protest (freedom of expression) and the groundwork for its exercise (freedom of assembly), thus providing the theoretical and practical grounds for justifying and ensuring the observance of citizens' right to protest. Respect for human rights, especially those that are inherently important and described as "fundamental", is not only of significant moral, human, and ethical importance but is also undeniably essential for the survival, stability, and progress of societies. The right to protest, both as a precondition and consequence, is closely linked with other essential rights, making it an imperative for States to give more attention to it, both practically and theoretically.

Conclusion

This article has sought to conceptualize the intricate relationship between three fundamental rights central to democratic societies: the right to freedom of expression, the right to freedom of peaceful assembly, and the right to protest. Drawing on a jurisprudential and theoretical framework- particularly informed by Hohfeldian analytical framework- it has been argued that these rights are neither independent nor interchangeable; instead, they are normatively and functionally intertwined. Their convergence enables individuals and communities to articulate dissent, participate in public discourse, and engage in collective action, forming the backbone of democratic agency and civic resistance. To articulate the nature of this interdependence, the article introduced the term Collective Protestive Expression, a conceptual construct aimed at synthesizing the expressive and associational dimensions of collective protest. This term is not offered as a rhetorical flourish or a semantic invention; it is a deliberate theoretical intervention meant to reframe the legal understanding of protest as a form of protected communicative action. By framing protest in terms of "protestive

1. Farid Abbasi and Adham Dahani, 'The Role of Citizen Rights and Democracy in the Space Political Management' (Winter 2021) Vol 4 No 3 Geography and Human Relations 253. [In Persian]



expression,” the article underscores its expressive essence- its role as a communicative act rooted in individual conscience and political will, amplified through collective presence and visibility.

Unlike the conventional term “collective protest expression,” which may reduce protest to a discrete political act or public act of disobedience, *Collective Protestive Expression* invites a deeper normative reading. It conceptualizes protest as a manifestation of the exercise of at least two foundational rights- expression and assembly- whose convergence creates the political and legal conditions necessary for protest to emerge in democratic societies. In this light, protest is not simply a reaction to injustice; it is an affirmative articulation of voice, identity, and resistance- an essential practice of citizenship. Throughout the article, this interdependence was demonstrated in two key analytical moves. First, the right to freedom of expression was shown to be the normative root of dissent, without which protest loses its communicative function. Second, the right to peaceful assembly was identified as the condition that transforms individual expression into collective agency, enabling visibility, resonance, and impact. The right to protest, then, is revealed not as an autonomous domain but as a synergistic product- a right that only becomes meaningful when expression and assembly are jointly protected and exercised.

In current global contexts where protest is increasingly criminalized, restricted, or surveilled, this conceptual framing is both timely and necessary. Governments often seek to fragment protest into its constituent parts- labeling gatherings as unlawful assemblies, or treating speech as incitement- in order to undermine its legitimacy. By advancing the concept of *Collective Protestive Expression*, this article counters that tendency by insisting on a unified analytical framework. It urges legal systems and human rights institutions to recognize protest as a protected practice grounded simultaneously in expressive freedom and collective organization. Moreover, this concept has significant implications for international human rights jurisprudence. While treaties like the ICCPR do not explicitly codify a freestanding right to protest, they do enshrine freedom of expression (Article 19) and freedom of peaceful assembly (Article 21), which together provide the normative foundation upon which protest as a right is built. Understanding protest as protestive expression helps to fill that legal gap, aligning doctrinal interpretation with practical experience and social reality.

Ultimately, the term *Collective Protestive Expression* offers a refined vocabulary through which to reimagine protest within a human rights paradigm. It challenges reductive framings that isolate protest as an act of confrontation or civil disobedience, and instead centers it within a discourse of rights, democratic participation, and expressive legitimacy. It affirms that protest is not a threat to democratic order, but one of its clearest expressions. As such, ensuring the protection of this form of expression is not a matter of state tolerance, but of legal obligation and democratic necessity.



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