



TOOLKIT FOR NON-VIOLENT DIRECT ACTION

A GUIDE TO NON-VIOLENT DIRECT ACTION (NVDA) FOR AMNESTY INTERNATIONAL ACTIVISM COMMUNITY OF PRACTICE (MARCH 2018)

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1. INTRODUCTION

Human rights are under pressure globally. Not just in countries that are traditionally considered to be repressive, but in countries where governments have usually been considered champions of human rights, we are seeing a crackdown on protest and dissent. Additionally, Amnesty International has been in a process of “moving closer to the ground”, to be present and closer to human rights violations. Increasingly, Amnesty International staff, members and activists are on the frontlines of the defense of human rights.

From Australia to Kenya to Turkey, our notion of traditional Amnesty International responses to human rights violations has been challenged due to a rapidly changing context. Important questions have been sparked as to what it means for Amnesty International to take direct action in the face of state violence:

- Are traditional forms of Amnesty International activism still effective, especially given the tension between the need to do solid research and reporting, while also building and strengthening relationships with a growing and changing human rights movement?
- As Amnesty International decentralizes further, how can staff respond to local crisis in ways that are effective and strategically aligned, and that maintain credibility, including with partners and rights-holders?
- What is our duty of care to staff and members, and how do we ensure safety and security when conflict escalates?
- How can we make sure that Amnesty International activism stays relevant and effective as the world changes?

This toolkit, developed by the Global Group on Activism and the Global Activism and Youth team at the IS, provides guidelines for the use of Non-Violent Direct Action (NVDA) by Amnesty International entities (sections, structures and national offices) who are contemplating the use of NVDA. When referring to Activists, we also refer directly to Human Rights Defenders, since Amnesty International Activists are Human Rights Defenders by definition. It sets out how NVDA tactics could be used, what the processes are, how to seek informed consent, what the duty of care is, and how to assess risks. This document does not aim to set out new policy around NVDA, but should be read in the context of existing Amnesty International policies¹. In particular, the International Council decided that all parts of the Amnesty International movement must comply with the laws of the country in which they operate, to the extent that these laws do not contradict international human rights standards.²

In May 2017, the International Board decided to develop a policy on Civil Disobedience³. A draft policy note was shared and discussed at the 2017 ICM. This will be revised, based on feedback,

¹ Please see appendix A for an overview of relevant AI policies. Please note that this appendix is not necessarily exhaustive and further policy review maybe necessary depending on the context.

² Decision 33 on International Accountability, of the 2003 ICM (ORG 52/003/2003) stipulates that the International Movement, including the International Executive Committee (now the International Board), the Secretary General, and Sections and structures of Amnesty International, shall be held accountable for “their compliance with the laws of the country in which they operate, so long as those laws do not contradict international human rights standards.”

³ See Amnesty Policy Development Dashboard, 23 May 2017, POL 30/6333/2017.

and then put for consultation by Sections (including with the Activism Community of Practice)⁴. This toolkit should be read and applied consistently with the policy on Civil Disobedience as it is developed.

Non-Violent Direct Action covers a spectrum of activities, from letter writing and collecting petition signatures, to rallies, demonstrations and media stunts, and extending to higher risk activities such as banner drops, sit-ins and similar tactics. Amnesty International currently uses many NDVA tactics on this spectrum, such as hosting a vigil outside an embassy without permission, holding or participating in a rally without permission, writing chalk slogans on the ground and media stunts, such as flash mobs, for which care needs to be taken to avoid being charged with trespass and misdemeanor offences. This toolkit deals with NVDA tactics that sit at the higher-risk end of the spectrum.

Amnesty International endeavors to carry out its activities within legal parameters and will only undertake activities potentially outside of these when such laws are in contravention to international human rights law and standards and conventions, or to prevent conduct that is causing or is imminently about to cause human rights abuses. The use of NVDA tactics, such as boycotts and civil disobedience, continues to be the subject of ongoing discussion and debate within the Amnesty International movement.

These guidelines recognize that sections, structures and national offices face different challenges, based on their historical and political contexts and have different experiences of NVDA. Experiences will differ between the Global North and Global South, for example. This toolkit should be read in conjunction with analysis of the local context that the section, structure and national office is operating within. Factors to consider include the way in which the rights to freedom of expression, association and peaceful assembly are regulated in domestic law, the independence of the media and the judiciary, social and political conditions and the perception of Amnesty International, human rights and other civil society organizations and groups by the authorities.

The principles outlined in this toolkit should be rigorously and systematically applied to any NVDA tactic, from the planning stage to post-implementation. This also includes situations where NVDA tactics are carried out reactively. All steps highlighted here are necessary to ensure proper planning and implementation. In reactive situations, time allowing, these should still be used. There are likely to be occasions where sections, structures and national offices need to build additional practices into this guideline, responding to the local context to ensure that safety and integrity is not compromised.

It is expected that this document will be revised over time to reflect the experiences of Amnesty International sections, structures and national offices.

⁴ Contained in 2017 ICM Circular 13: Civil Disobedience & Boycotts, 12 June 2017, ORG 10/6181/2017.

2. DEFINITIONS

Non-violent direct action: Means we take collective action to change our circumstances, without handing our power to a middle person.⁵ Non-violent action is a tactic ‘for applying power in a conflict without the use of physical violence. Non-violent action may involve acts of omission—that is, people may refuse to perform acts that they usually perform, are expected by custom to perform, or are required by law or regulation to perform; acts of commission—that is, people may perform acts that they do not usually perform, are not expected by custom to perform, or are forbidden to perform; or a combination of the two.’⁶

These direct action guidelines are applicable to two broad scenarios:

1. Crisis within a section, structure or national office’s own country has led to confrontation and escalated conflict between people and authorities.
2. Section staff and members would like to escalate conflict, in order to further the goals of an existing campaign strategy, by employing non-traditional and higher risk tactics.

Nonviolence: Nonviolence refers specifically to the absence of violence and is always the choice to do no harm or the least harm, and passivity is the choice to do nothing. Sometimes nonviolence is passive, and at other times it is not.⁷

Strategy: Strategy involves identifying your group’s power and then finding specific ways to concentrate it, in order to achieve your goals.⁸

Tactics: Engagement that puts pressure on a target.⁹

Civil Disobedience and Civil Resistance are forms of direct action.

Civil Disobedience: “Breaking an unjust law in order to highlight its injustice. For example, Rosa Parks’ organized resistance when being told to move to the back of the bus during the nascent stages of the Civil Rights Movement.”¹⁰ For Amnesty International, this would apply to laws that contravene international human rights law and standards.

Civil Resistance: Civil resistance operates through applying pressure to a target. It can involve tactics which highlight a broader injustice. It attempts to undermine the target’s sources of power, both domestic and international. Forms of action have included peaceful demonstrations, vigils, petitions, strikes, go-slows, sit-ins, and occupations¹¹.

⁵ Beautiful Trouble, <http://beautifultrouble.org/>

⁶ Gene Sharp, *The Politics of Nonviolent Action* (3 Vols.), Boston: Porter Sargent, 1973

⁷ Adam Roberts and Timothy Garton Ash (eds.), *Civil Resistance and Power Politics: The Experience of Non-violent Action from Gandhi to the Present*, Oxford University Press, 2009

⁸ Bobo, Kimberley A., et al. *Organizing for Social Change: Midwest Academy Manual for Activists*. Forum, 2010.

⁹ Bobo, Kimberley A., et al. *Organizing for Social Change: Midwest Academy Manual for Activists*. Forum, 2010.

¹⁰ 1999, Lhadon Tethong, Free Tibet! Action Camp, Bloomington Indiana.

¹¹ Adam Roberts and Timothy Garton Ash (eds.), *Civil Resistance and Power Politics: The Experience of Non-violent Action from Gandhi to the Present*, Oxford University Press, 2009, pp. 2–3.

Duty of care: An obligation to ensure the safety of staff, supporters and other potentially affected persons. To limit and prepare affected persons for risk of threats to their personal safety, or of criminal or other penalties.

Informed consent: Informed consent covers disclosure, voluntariness, comprehension and competence. It is the knowledgeable and voluntary agreement by a competent individual to engage with a specific NVDA tactic with Amnesty International. The terms on which consent can be given may change over time. Exceptions may include situations of urgency. Amnesty International is responsible for providing all relevant information needed for an individual to make an informed choice¹².



Demonstration, Mexico City, 2nd October 2013. Marking the 1968 Student Massacre © Daniel Guerrero

¹² Checklist for Informed Consent - POL 41/001/2010.

3. PRINCIPLES

Principles

Commitment to nonviolence.

Strategic, necessary and calculated risk.

Amnesty International takes responsibility for its actions.

Duty of care, due diligence and right of individuals.

3.1 COMMITMENT TO NON-VIOLENCE, HATRED OR DISCRIMINATION

Amnesty International is committed to not using or advocating violence, hatred or discrimination in its campaign tactics and will reinforce this principle in developing and implementing its tactics. Compliance with the principle of nonviolence, hatred or discrimination will be a continuous obligation of staff and activists engaging in NVDA activities and will be integrated into training and development programs.

3.2 STRATEGIC, NECESSARY AND CALCULATED RISK

The use of NVDA should:

- Be strategic;
- Be essential to the achievement of campaign objectives, when legal and political remedies cannot achieve the objective;
- Increase Amnesty International's ability to bring about change and/or add value to existing movements;
- Be supportive of and supported by rights holders;
- Ensure that the benefits of an NVDA tactic outweigh any potential risk to Amnesty International, its staff and activists, or any other person.

3.3 TAKING RESPONSIBILITY FOR OUR ACTIONS

- Amnesty International takes ownership of its actions and does not deny or misrepresent its involvement in its activities.
- Amnesty International will identify in advance how it will support its activists who engage in NVDA activities in line with Amnesty International advice and will provide its activists with that advice in advance. *It is important to note that all legal support and costs must be carried out by the section, structure or national office. There is no global budget to cover for legal costs.*

- Amnesty International will, as far as practicable, consult with rights holders before engaging in NVDA actions aimed at securing their human rights.

3.4 DUTY OF CARE, DUE DILIGENCE AND HUMAN RIGHTS OF OTHER INDIVIDUALS

Amnesty International will:

- Assess the social, cultural and legal context of any NVDA activity;
- Identify possible risks and scenarios and steps to limit or mitigate risk to any individual;
- Ensure that due diligence has been exercised in entering partnerships with individuals or organizations to undertake NVDA activities;
- Ensure that any staff member, activist or other individual has given prior informed consent to engaging in the NVDA activity;
- Provide proper training and organizational support to minimize negative consequences (legal or otherwise) before, during and after the activity and ensure staff and activists are fully prepared and protected to the best of Amnesty International's capacity.

4. WHAT YOU NEED TO DO TO USE NVDA EFFECTIVELY

The following is a starting point for thinking through approaches to direct action, and should be applicable to reactive responses to local crisis, as well as to proactive strategy development. Subsequent modules in these guidelines will help sections, structures and national offices to go deeper into important aspects, supporting each to develop, implement, and refine activism, growth, and campaigning strategies.

This has five parts:

- Before you begin: Preparing your section for NVDA
- Step 1: Deciding NVDA tactics
- Step 2: Preparing to implement NVDA
- Step 3: Implementing NVDA
- Step 4: Evaluating NVDA

4.1 BEFORE YOU BEGIN: PREPARING YOUR SECTION/STRUCTURE/ NATIONAL OFFICE FOR NVDA

Preparing your section, structure or national office for NVDA can take some time. This is necessary because of the increased risks that certain types of tactics carry. The following are some suggested considerations. Various considerations will apply to you, depending on the size and context of your section, structure or national office.

Policy and decision making

- Ensure that you are inclusive in your process and involve people with responsibilities for campaigning, communications, activism, as well as activists and rights holders.
- Ensure that all decision-makers fully understand all relevant Amnesty International policies related to the issues at stake, and follow existing policies and legal procedures (see appendix).
- Ensure that someone with decision-making authority has access to the International Secretariat's human rights policy database¹³ and make sure that agreements about working with IS law and policy staff and IS Legal Counsel are clear.
- Ensure that relevant staff participate in policy briefings and other induction processes to familiarize themselves with policies and processes and raise questions.
- Develop a roadmap for diversity, including gender, race, ability and age diversity. International Secretariat and section, structure and national office staff can be valuable

¹³ A Quick Guide to Using the Human Rights Policy Database, POL 30/5783/2017.

resources in developing that roadmap. The roadmap should be referenced when making decisions about direct action, to ensure that direct action will help advance diversity goals. Gender analysis should be mainstreamed into all project planning within your section, structure or national office. Basic guidelines for gender analysis can be found in the [Quick Guide on Improving Your Gender Analysis and Integration into Project Planning](#) on the Intranet.

- Approvals: before taking direct action, ensure that your section has a shared understanding of the approval process, including who has final decision-making authority to authorize a response. By clarifying an approval process before making other decisions, you can ensure that approvals can be made quickly and efficiently for rapid response. (See Appendix B: Example decision making processes for more details)
 - Appoint one staff person, likely the section Director or other senior staff, to be the final decision maker regarding high risk tactics, including direct action.
 - Ensure that senior policy staff members are involved in all decision-making about direct action.
 - Ensure that senior activism, campaigning and communications staff are involved in decisions about direct action.
 - Know who to ask in your section, structure or national office about policy when context changes and new decisions need to be made.
 - Document your agreed decision-making process and communicate it to relevant stakeholders.

Model decision making authority for NVDA

Activity grade	Process and sign off	Types of activities*
GREEN: Low risk Very minimal risk present.	Plan, risk assessment and implementation at local group level. Activists sign off.	Note these examples are all contextual and as a result may move between levels Attending rallies; posterizing; symbolic public actions; collecting petitions and letters; signed public statements; mock awards or elections; vigils; guerilla theatre.
AMBER Medium risk Considerable potential risk present.	Plan, risk assessment at staff level. Implementation monitored by national managers in conjunction with local staff and group. Community Organizers or Organizing Activism Manager sign off.	Picketing; taunting officials; mock funerals; walks-outs; turning one's back; overloading of administrative systems; human rights observers.
RED High risk Significant actual and potential risk present.	Detailed planning, risk assessment at senior staff/board level with legal advice. Implementation tightly controlled and monitored with legal and other support available immediately. High level (i.e.: Senior management or board) sign off.	Sit in; strike; direct intervention in government activities; nonviolent obstruction; boycotts ¹⁴ ; non-cooperation with authority; civil disobedience of laws that contravene international human rights law and standards.

¹⁴ For any use of boycotts, please see Amnesty's policy contained in 2001 ICM Decision 11 (ORG 52/001/2001) on Amnesty International and the Economic Sector. This policy and further analysis is contained in 2017 ICM Circular 13: Civil Disobedience & Boycotts, 12 June 2017, ORG 10/6181/2017.

Local relevance

Each section, structure and national office faces a unique context, including local, state, and national politics, as well as the landscape of communities, partners, and opponents. Local relevance takes on particular importance when it comes to direct action, because direct action is most often led by people who are directly impacted by human rights abuses and violations. Make sure that you fully understand the history and repercussions of nonviolent direct action in your country, and be intentional about engaging the rights-holders and community members that have been leading local actions or campaigns before taking direct action.

Here are some suggested considerations:

- Assess your local social, cultural and political context using a situational analysis. Consider how security forces react to protests, including whether there is a history of unnecessary or excessive use of force, government attitude towards social change movements and historical experience of NVDA tactics.
- Identify and analyse your supporters and secondary influencers and their appetite for risk.
- Map all relevant laws that could have impact on your NVDA tactics. Seek legal advice if necessary.
- Carry out an organisational risk assessment, including reputational, legal and financial risk.
- As with all local relevance work, follow the general Amnesty International principles of ensuring that action falls within a human rights framework and will have impact aligned with movement priorities, is grounded in analysis of local and regional political context, and adds specific human rights value.
- Consult potential partners to see how open they are to NVDA.

Digital Security:

- Plan for digital security in preparing for and during any NVDA action, including when enabling active participation.
- Ensure all of your digital communications, email, text message and phone conversations are encrypted and secure. Opposition groups, including governments, may be monitoring your communication. Thoughtworks¹⁵ have a guide on four steps of [digital security: prevent, detect, respond and recover](#). The IS may also be able to provide some assistance and advice.

4.2 STEP 1: DEVELOPING NVDA TACTICS

NVDA should be viewed as an active intervention in political, social or economic or other power structures or metanarratives that shifts power relationships in the moment and inserts Amnesty International or rights holders as active participants, rather than as sidelined commentators. NVDA works by active intervention in a system to disrupt and influence the narrative of that system and the source of power to create an environment that can achieve human rights change. Effective NVDA strategies and tactics disrupt and challenge these sources of power, increase the power of

¹⁵ <https://www.thoughtworks.com/>

rights holders and lead to a passage of change. The passages range from changing the attitude of the campaign target, to weakening the target so much that they accept change, negotiate or make concessions as part of a wider campaign.

Active participation

- Map stakeholders, including individual leaders, community-led organizations, faith-based and other civil society groups, political organizations, government and others which have members that are directly impacted by issues, to make sure that your choices are informed by the local landscape.
- Sections should have open conversations about individual perceptions of who is impacted and how, including who are seen as perpetrators, who are seen as victims, and who are seen as leading or having the potential to lead change.
- Enable active participation in campaign planning and decision making from the beginning. For tips and guidelines on active participation, see Enabling the Active Participation of Rights Holders, Partners, and Activists in Campaigning and Activism on the intranet¹⁶.
- When an opportunity or need for direct action emerges, it is important to consult with communities and rights-holders that are directly impacted by issues. Whenever possible, follow the lead of communities that have been leading. Build and cultivate relationships, and when necessary, wait for an invitation to intervene with direct action tactics.
- Make sure that your direct action has clear and specific added value to the work that you and partners have already been doing, or that partners or potential partners have been leading. Make sure your analysis includes assessment of how partnering with Amnesty International will affect your partners.
- Implement Cultural Competency Training ([AI Australia's as a model is an example of best practice](#)).

Strategy and tactics

- Ensure any escalation to direct action is part of campaign strategy. When crisis or state violence occurs around an existing campaign issue in your country, refer to existing campaign strategies and escalation rubrics to decide whether direct action will be appropriate and effective.
- When crisis or state violence occurs outside of existing campaign strategies, refer to overall organizational goals, including growth and national activism strategies, to decide whether direct action will be appropriate and effective.
- Have clear criteria for when to escalate from traditional Amnesty International tactics to direct action.
 - Overlay of potential flashpoints within a campaign strategy that might lead to escalation
 - Undertake a risk assessment and stakeholder analysis of the use of NVDA and of potential tactics.
- Before designing or choosing direct action tactics, section staff and members should assess who is directly impacted by the issues in the local landscape and how Amnesty International action will affect those same communities. Research successful NVDA tactics utilized in your region and in other movements.

¹⁶ Enabling the Active Participation of Rights Holders, Partners, and Activists in Campaigning and Activism on the intranet: ACT 10/2003/2015

- Design and assess potential tactics using the risk matrix and decide which tactic you will use. (See Impact v Effort Matrix, Risk Register and Risk/Benefit Matrix assessment tools below)
- Ensure that you have reviewed Amnesty International's impact assessment tools available on the intranet, and assess whether and how direct action will impact change in policy, accountability, culture, and most importantly, change in people's lives.
- Establish a framework for monitoring and evaluating so that you can learn and hone your skills and capacity for direct action.
- (See Appendix C: Tactics evaluation tools for examples of tools that you can use to assess the impact and risk of your tactics.)

4.3 STEP 2: PREPARING TO IMPLEMENT NVDA TACTICS

Operational

An important element in NVDA is ensuring that all actions are carried out with the highest levels of safety and security. Some of the elements to consider are:

Risk Analysis for the Specific Action

Sections should always follow standard guidelines for risk analysis when considering high risk actions, and direct actions should always be considered as having elevated risk.

- Risk analysis should include risks related to safety and security of people involved in the action and others who might also be affected by it, credibility and reputation of the organization, and loss of capacity and financial resources when shifting priorities.
- Include the potential financial implications of each risk, including the financial burden of mitigating those risks.
- Seek legal advice about the laws that may be broken and the risks in each jurisdiction.
- Include strategies for mitigating each risk.

Training

- All members of any action team should undergo training in safety and security, relevant Amnesty International policy, and legal support. [See Appendix D for guidance and example training].
- For proactive actions, a core action team should be trained in principles of nonviolence and should work together to devise an action whenever possible. Specific training should be done for anyone who has a specific role in the action.
- Cultural Competency Training. [Use Amnesty International Australia's as a model]

Communications, Branding, and Representation

Taking direct action can potentially impact the credibility of researchers and campaigners within and across sections and the IS. In addition to fully understanding policy implications of decisions, it is important to follow clear guidelines about public communication before, during, and after actions.

- Direct action catches media attention. In fact, most escalation is or should be explicitly aimed at garnering media attention. Even when media attention is not the goal, rapid-response intervention is likely to be seen and reported widely in the press and across social media channels. Therefore, a strong communication strategy is vital to overall plans for direct action.

Logistical

- You will need a fast and secure way of communicating with each other about risk, evaluations and decisions from your action coordinator. Signal and WhatsApp are encrypted from end to end and have group chat functionality.
- Make sure that all who participate in a direct action (staff, members and activists) are aware of healthcare or other benefits that your section will provide for trauma support or relief.
- Identify and instruct lawyers who can provide emergency on-site legal support. (Ideally a lawyer should be part of the action team to be involved in scenario planning.)
- Scout locations and practice actions before implementation.
- Create a detailed rundown of the minute-by-minute implementation of your action.

Team

- The Action Team should be made up of staff or activists trained in principles of nonviolence, scouting, safety and security, de-escalation, media and communications, and should work together prior to the action, in order to build trust and rapport.
- Assign roles for all members of the action team. These roles could include:
 - Media spokesperson: During an action, there should be one clear spokesperson to whom all media inquiries are referred.
 - Police and legal liaison: Have a point person identified to engage with police during the action and with lawyer.
 - Action Lead (for proactive direct action) who has final approval for all communications and logistical decisions during escalated conflict.
 - Person responsible for logistics.
 - Safety and security/First Aid coordinator: To train all members of the team, review safety protocols, and make decisions during escalated conflict.
 - Provide all participants with a list of phone numbers and contacts for each role.

Resource Allocation

- Delineate a clear, approved budget for your action, and appoint a budget manager.
- Create a process for approving expenses in real time as actions are developed and implemented, and make sure that all understand who has authority to authorize and spend

- money.
- Make sure that any approval of an NVDA tactic is time-bound, when necessary, and activation of staff are time-bound. Be sure to seek approval for extensions of deployment, as needed.

4.4 STEP 3: IMPLEMENTING NVDA TACTICS

At Least one Week Before your Action

1. Convene the Action Team.
2. Review and agree upon an on-the-ground decision making protocol.
3. Action Team should conduct a review of the risk analysis and scouting mission of the action location.

Day before Action

1. Action Team runs through NVDA plan, along with possible contingencies and scenarios.
2. Action Team reviews and agrees to Communications Protocol [Signal, Text, etc].
3. Action Team reviews and agrees to Safety and Security Protocol, including check-ins and responses to trauma.
4. Action Team does a check on gear, equipment and materials.

During your Action

1. Ensure there is regular communication with the team, especially with the decision-maker on the ground. Everyone in the team should have access in the event that new information that arises.
2. Continuously monitor implementation of the plan and respond to contingencies quickly.
3. If it is a long-term action running over multiple days or weeks consider structuring debriefs during the action.
4. Account for your team and ensure that the exit plan is understood by all team members.

4.5 STEP 4: FOLLOWING UP AND EVALUATING NVDA TACTICS

Immediately Following an Action

- Debrief activists and staff involved in NVDA immediately post the action.
- Provide counselling for activists and staff, especially if they have experienced or witnessed violence or human rights abuses.
- If activists and staff have been arrested, ensure that you are following up any commitments

your section has made to their legal support.

- Provide ongoing support to activists and staff if they have suffered long term physical or mental harm due to participation in the NVDA.
- Implement communications plans to amplify the impact of the action.
- Reassess your campaign strategy. Has the action moved the debate? Do you need to change your approach and tactic?
- Celebrate your success or loss. Provide a social space for participants to spend time together.

Evaluating and Learning from NVDA

- Every time you do a direct action, ensure that you fully and honestly evaluate the planning, implementation, and impact, in order to learn and improve.
- Include all participants in the evaluation, including partner groups that were involved in the action.
- Document what you learn and share with your section team members and the Global Group on Activism, so that we can continue to build these guidelines.
- Amend your NVDA processes, if necessary, to reflect what you learnt.

If you need more help or guidance, reach out to the Global Activism team at the IS or the Global Group on Activism at activism@amnesty.org.



Yakye Axa and Sawhoyamaxa indigenous communities march to Congress © Amnesty International

APPENDICES

APPENDIX A: INTERNATIONAL SECRETARIAT POLICIES

Human Rights Policies

These policies can be accessed via the Human Rights Policy Database, which you can access from the intranet. For guidance on how to use it, see 'A Quick Guide to Using the Human Rights Policy Database' POL 30/5783/2017.

- Human Rights Defenders
- Prisoners of Conscience and Violence
- Freedom of Peaceful Assembly
- Police use of force and firearms
- Encryption (this policy has been made public)

<https://www.amnesty.org/en/documents/pol40/3682/2016/en/>

DRAFT POLICY NOTE ON CIVIL DISOBEDIENCE¹⁷ (PRESENTED AT 2017 ICM)

This note is in an early draft form and requires further input from and discussion within the IS and the Movement and fuller analysis of strategic, legal and human resources considerations and implications before it can be relied upon to authorize any organization/facilitation by Amnesty International of civil disobedience by staff, members, supporters or others. Systematic consideration would be required before definitive guidance could be set out on this issue. Feedback from Sections would be helpful in carrying out such consideration, including on scenarios in which they might consider carrying out civil disobedience.

This note addresses any organization/facilitation by Amnesty International of civil disobedience by staff, members, supporters and others. This note does not cover civil disobedience by staff or Board members carried out in their personal capacity, without any direction from or involvement by Amnesty International, which is a separate issue.¹⁸ Civil disobedience, for the purposes of this note means non-violent infringement of a country's law carried out for reasons of conscience.

This policy note does not relate to how Amnesty International characterizes civil disobedience by others. That issue, and in particular, whether and when Amnesty would characterize a person who engages in civil disobedience as a Prisoner of Conscience, is addressed in Decision 1 of the 1985 ICM.

The most significant, and over-riding rule, is that, in accordance with Decision 33 International Accountability, of the 2003 ICM, the Amnesty International movement, including the International Executive Committee (the International Board), the Secretary General, and sections and structures of Amnesty International, shall be held accountable for "their compliance with the laws of the country in which they operate, so long as those laws do not contradict international human rights standards."

¹⁷ Contained in 2017 ICM Circular 13: Civil Disobedience & Boycotts, 12 June 2017, ORG 10/6181/2017.

¹⁸ For example, in the case of the International Board, by its own Code of Conduct.

Thus, Amnesty could only infringe national laws that in themselves are contrary to international human rights law and standards (IHRL), or are interpreted or applied by the authorities to restrict human rights to an extent beyond what is permissible under IHRL. (It would be reasonable to take the view that IHRL, for the purposes of Decision 33 includes areas of law such as international humanitarian law and refugee law). This includes restrictions which are excessive in that they do not meet the test of having a legal basis, being demonstrably necessary and proportionate for one of the specified legitimate purposes in international human rights law.

Examples of relevant laws that infringe IHRL include:

- Requirements to seek authorization for protests or other assemblies (as opposed to simply being required to give notification),
- Manifestly excessive or unreasonable restrictions on public assembly,
- Excessive restrictions on foreign funding to local civil society groups for human rights activities.

Furthermore, Amnesty must never act in a way that involves violence.¹⁹

Before any part of the Amnesty movement engages in civil disobedience, a process must be followed to consider whether to undertake acts of civil disobedience. This process must, at a minimum, include the following:

1. Confirmation that the law in question, or the manner in which it is interpreted or applied by the government, is contrary to international human rights law.
2. The action must be taken for a defined purpose which is tightly circumscribed by Amnesty's human rights mission and strategic goals.
3. Civil disobedience appears to be the most feasible means to achieve the required human rights impact. This includes a consideration that alternatives have been exhausted, including seeking legal and political remedies for human rights violations. Amnesty advocates strongly for such remedies, and if it does not itself make use of them, it may be seen to be acting in bad faith.
4. Preparation of a written risk assessment, which should include security, legal, financial and reputational risks listed in points 5, 6 and 7 below.
5. Full consideration of our duty of care to staff, supporters and other potential affected persons not to put them at risk of threats to their personal safety or of criminal or other penalties, bearing in mind, in particular, the risk of a criminal record and the future impact on an individual's ability to secure employment.
6. Consideration of risks to the organization, including legal, financial (for example liability to lawsuit by affected persons), and whether the costs of these would be acceptable to the organization. This consideration should include whether the proposed activity will invalidate existing insurance cover, whether alternative insurance cover can be obtained, and if not, what the risk to the organization would be, including liability for acts of or harm to third parties,
7. Consideration of reputational risks to the organization, including the indirect risk that the action might pose to other parts of the organization in other countries or contexts. This should include consideration of potential risks which may not be immediately obvious, including whether acts of civil disobedience undertaken now in a particular country might have a future negative impact on Amnesty's scope for action in another country or countries, possibly in an unrelated area of activity.
8. Prior approval at the highest level of the relevant AI entity. This means sign-off by at least the Director of the relevant entity, or, in the case of the International Secretariat, the Secretary General. Approval by the relevant Board may be required. Where acts of civil disobedience by a particular Amnesty national entity (Section, structure or national office) would have repercussions in other countries, it would require sign-off from the Secretary General.

¹⁹ Some of the complex practical challenges that arise with respect to the problem of violence include situations where a person acts in self-defense, or is impacted by the violence of fellow travelers, say when during a large public protest violence is caused by somebody else.

APPENDIX B: EXAMPLE DECISION MAKING STRUCTURES

Example decision making process

Step one

The Campaign Coordinator/ project team deems the tactic is necessary.

Step two

A project team is formed, made up of staff and/or volunteers responsible for:

- Campaign coordination
- Actions coordination
- Media coordination
- Digital coordination

Step three

Objective is set and project team brainstorms possible tactics. The project team pick the most viable options and develop as concepts.

Step four

Project team present the concepts to the final decision makers. Final decision makers say yes or no to continue with the project and selects a single concept. This meeting also checks for organizational clashes.

Step five

Project team works up the final full idea. Including scouting of site, full and detail risk analysis and risk mitigation strategy.

Step six

The final presentation to senior management a week before for the final decision.

This presentation includes:

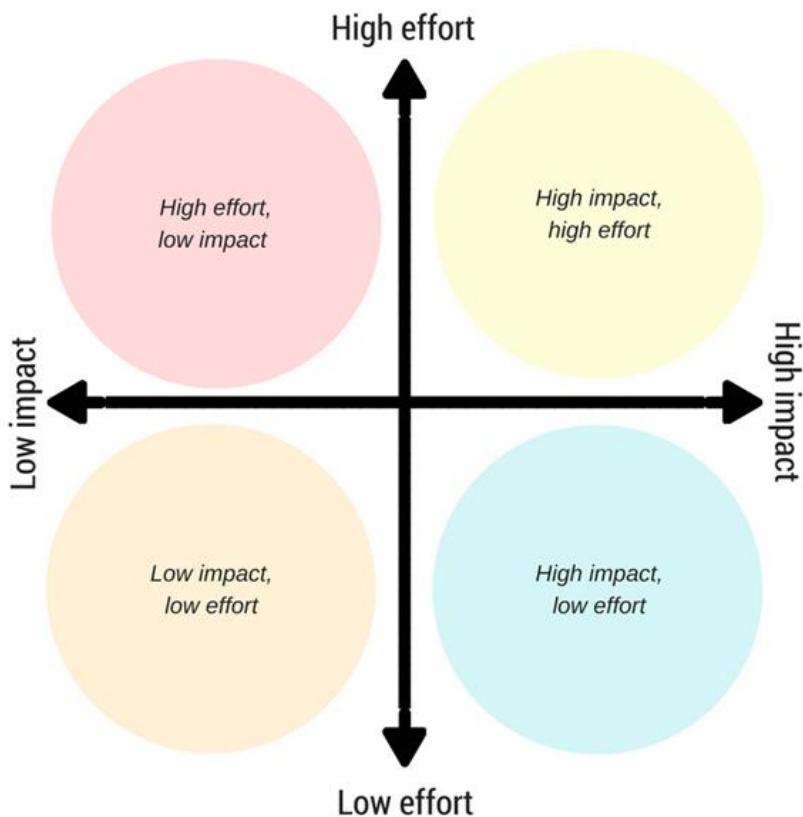
- The campaign plan/strategy
- Logistics
- Media and digital plan
- Risk assessments

Model decision making authority for NVDA

Activity grade	Process and sign off	Types of activities* Note these examples are all contextual and as a result may move between levels
<u>GREEN:</u> Low risk Very minimal risk present.	Plan, risk assessment and implementation at local group level. Activists sign off	Attending rallies; posterizing; symbolic public actions; collecting petitions and letters, signed public statements; mock awards or elections; vigils; guerilla theatre.
<u>AMBER</u> Medium risk Considerable potential risk present.	Plan, risk assessment at staff level. Implementation monitored by national managers in conjunction with local staff and group. Community Organizers or Organizing Activism Manager sign off	Picketing; taunting officials; mock funerals; walks-outs; turning one's back; overloading of administrative systems; human rights observers.
<u>RED</u> High risk Significant actual and potential risk present.	Detailed planning, risk assessment at senior staff/board level with legal advice. Implementation tightly controlled and monitored with legal and other support available immediately. High level (i.e.: Senior management or board) sign off	Sit in; strike; direct intervention in government activities; nonviolent obstruction; boycotts; non-cooperation with authority; civil disobedience of laws that contravene international human rights law and standards.

APPENDIX C: TACTIC EVALUATION TOOLS

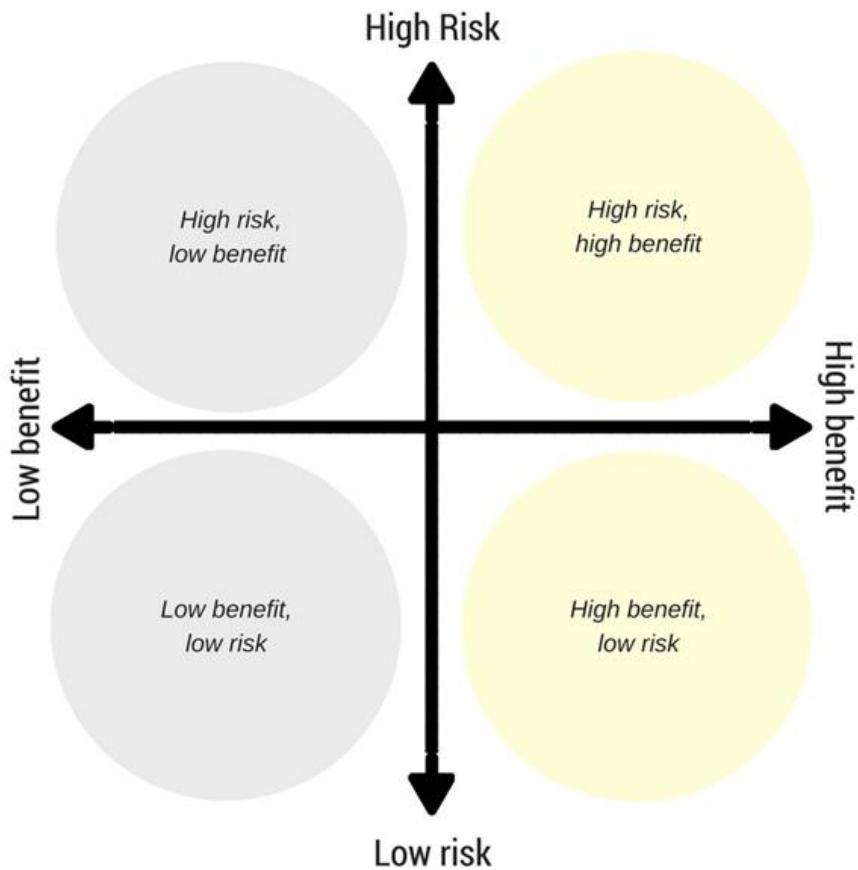
Impact v Effort Matrix



Risk Register

Risk description	Initial risk: Likelihood (remote, low, medium or high)	Initial risk: Consequence (slight, minor, major or disastrous)	Treatment	Residual risk (minimal, low, medium or high)	Decision (who accepts the risk)
List risks					

Risk v Benefit Matrix



APPENDIX D: RESOURCES AND TRAINING

These trainings and materials will help give you an idea of the type of training needed. These materials, however, are specific to other organizations and tactics. These trainings alone will not be enough and you should reach out to other organizations and groups in your country, as well as the International Secretariat, to develop your own set of training.

Handbooks & HOW TOs:

[Safety During Protests: VIDEO](#)

[Safety During Protests](#)

[Risk Assessment Tool](#)

[Know Your Human Rights During Protest](#)

[NVDA Roles and Considerations](#)

[What to Wear to an Action](#)

[What to Bring to an Action](#)

[Direct Action De-Escalation](#)

[Dealing with Teargas and Pepper Spray](#)

[Showing up in Solidarity](#)

[Holistic Security: A Strategy Manual for Human Rights Defenders](#)

[Holistic Security: Training Manual](#)

[New Protection Manual for Human Rights Defenders](#)

[Checklist for Effective Direct Action Media \[Ruckus Society\]](#)

[Creative Direct Action Visuals \[Ruckus Society\]](#)

[Digital Security \[Tibet Action Institute\]](#)

[Upside Down Triangle: Understanding the Consent Theory of Power \[Training for Change\]](#)

[Self-Care Resource \[Capacitar International\]](#)

[Maintaining Non-Violent Discipline \[Beautiful Trouble\]](#)

Trainings:

[Intro to NVDA](#) [Training Outline]

[NVDA Example Slideshow](#) [Presentation]

[Developing Nonviolent Direct Action Tactics](#) [Training Outline]

[Direct Action De-Escalation](#) [Training Outline]

[Direct Action De-Escalation](#) [Presentation]

[Situational Awareness](#) [Presentation]

[Protesting & Heat](#) [Presentation]

[Tactical Safety and Security](#) [Presentation]

[Holistic Security for Human Rights Defenders](#) [Presentation]

[Surviving an Active Shooter Scenario](#) [Presentation]