

EXECUTIVE SUMMARY

CIVIL DISOBEDIENCE IN DIGITALLY NETWORKED SPACES:

Migrant Protest, Criminalisation, and International Human Rights Standards



European Center for
Not-for-Profit Law

The right to freedom of peaceful assembly enables people and communities to come together, express dissent and participate in public debate – **whether in physical spaces, online or through hybrid forms of gathering**. Peaceful protests may also take the form of “**civil disobedience**”, understood as non-violent, public acts that may breach the law to raise awareness on matters of public interest, challenge injustice and demand accountability, and carried out with awareness of – and willingness to face – legal consequences.

As digital technologies increasingly reshape how protests are organised, monitored and restricted, marginalised groups such as migrants and those acting in solidarity with them are often disproportionately affected by such restrictions. Their engagement in protests against acts like detention, deportation, and border violence exposes them to **heightened risks of immigration control, digital surveillance and political hostility**, especially when these protests involve acts of civil disobedience, online or offline.

This paper addresses a key research gap: the lack of integrated analysis of **protest rights, migration control, civil disobedience and digital surveillance**.

In doing so, it adopts a qualitative socio-legal approach:

1. It examines **how existing international and regional legal frameworks on freedom of peaceful assembly apply to migrant-led and migrant-support protests** – particularly those involving civil disobedience – across both physical and digitally networked spaces.
2. It provides a comparative analysis of **nine case studies of digitally networked protests undertaken by migrants and solidarity movements in four countries: France, Germany, Greece, and the United States to assess how laws operate in practice and affect migrant protesters**. These four countries were selected because each has experienced sustained migration-related political contestation over the past decade, accompanied by recurrent protests led by or centred on migrants. Including three EU Member States alongside the U.S. allows for comparison both *within* a shared regional human-rights framework and *across* distinct constitutional and legal systems at the international level.

Across its analysis, this paper identifies recurring patterns:

- While all examined jurisdictions formally protect the **right to peaceful assembly**, in practice this right is **increasingly constrained by broad public-order powers, administrative controls, immigration enforcement frameworks and expanding digital surveillance technologies**.
- While **non-violent civil disobedience (even when unlawful)** remains protected under international human rights law, sanctions are often disproportionate and alternative legal frameworks (e.g. immigration, terrorism, or cybercrime laws) are increasingly used to bypass assembly protections. **Virtual sit-ins, coordinated traffic floods, mass-tagging**

campaigns and other forms of digital civil disobedience are also typically analysed under cybercrime measures or digital platform Terms of Service, not assembly laws.

- **Digital spaces crucial for mobilisation lack adequate rights protections: there is no clear legal recognition of “digital assemblies”**, understood as gatherings of more than one person that take place through, by means of, or with the support of digital communication technologies, including assemblies conducted wholly online. The absence of clear legal protection for digital assemblies allows private intermediaries to shape protest communication as they remain key points of control over online protest capacity and moderation.
- **Migrants and migrant-rights defenders are particularly vulnerable** because protest participation – especially when mediated by digital media – can trigger measures such as detention, deportation, loss of legal status or heightened surveillance and data-sharing with immigration authorities. Migrant activists depend on digital networks for organising, visibility, and solidarity, but the state, often in partnership with private platforms or security vendors, uses those same networks to track, profile and contain them.

Based on this socio-legal analysis, this paper argues that:

- **Peaceful civil disobedience – whether carried out in the streets or in digital environments – remains protected under international human rights law as part of legitimate democratic expression.** Even where actions are technically unlawful, their non-violent and expressive nature requires that any restrictions or sanctions meet strict standards of legality, necessity, and proportionality.
- **The core features of civil disobedience can be meaningfully translated into digital environments.** Online actions (such as virtual sit-ins or coordinated disruptions) may be technically unlawful, but when they remain non-violent and expressive, they perform a similar democratic function to their offline counterparts.

Therefore, the paper makes recommendations to three sets of actors – state authorities, digital platform providers and civil society – which include the following:

State authorities should:

- Counter and avoid criminalisation of peaceful (albeit disruptive) dissent, namely:
 - Counter narratives implying that civil disobedience – and the disruptions that may follow from it – should be treated as violent or criminal behaviour.
 - Refrain from equating movements that engage in non-violent civil disobedience with criminal organisations.
 - Review and restrict the use of other legal pathways (including counter-terrorism and organised crime laws, immigration laws, administrative regulations, university disciplinary codes, and cybercrime statutes) whenever these are used to bypass assembly-law safeguards and suppress protests.
 - Require ex ante human-rights impact assessments for proposed protest-related legislation with specific attention to effects on peaceful assembly and migrant participation.
 - Apply strict necessity and proportionality standards to any restrictions.
- Formally acknowledge in their legislation, regulatory guidance, and digital governance frameworks that digitally-mediated assemblies, including protests, may fall within the scope of protected peaceful assembly right.

Digital platform providers should:

- Align moderation practices with international human rights standards, including the UN Guiding Principles on Human Rights and Business.
- Provide timely notice, explanation, and meaningful appeal mechanisms when protest-related content or accounts are restricted.
- Publish more granular transparency reports on government requests for user data, content removal, or account restrictions affecting protest activity.

Civil society organisations should:

- Document and expose surveillance, repression, and retaliation.
- Pursue strategic litigation and coalition advocacy aimed at strengthening assembly protections for migrants and non-citizens.
- Develop rapid-response communication strategies and partnerships with journalists and researchers to counter criminalising migrant protest narratives.
- Support migrants' practical capacity to exercise protest rights, including by providing know-your-rights resources, legal observation, digital security guidance, and safe reporting channels for abuses.
- Support marginalised groups – including migrants' groups and solidarity movements – with practical capacity to exercise protest rights, including by providing know-your-rights resources, legal observation, digital security guidance, and safe reporting channels for abuses.

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Author: Lila Schwab (Fellow)

Legal Supervisor: Francesca Fanucci

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