



CIVIL DISOBEDIENCE RISK ASSESSMENT FORM

EXTERNAL VERSION – JANUARY 2024

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INTRODUCTION

This risk assessment form was adapted from Amnesty International’s internal civil disobedience risk assessment form, which was developed in alignment with Amnesty’s policy on civil disobedience and Amnesty’s Civil Disobedience Toolkit. You may want to look at the toolkit before going through this form. Amnesty staff are advised to use the internal version of this form (ACT 10/6898/2023), which includes references and links to the policy and approvals process.

Whenever an organization is considering organizing, participating, facilitating or endorsing a specific act of civil disobedience, it should prepare a written risk and impact assessment. This should include an analysis of the security, health and safety, legal, financial and reputational risks (including in light of ‘worst case scenarios’), as well as ways of mitigating such risks, ways to handle situations if such risks arise and what human rights impact is likely to be achieved from the act of civil disobedience.

In preparing the risk and impact assessment, the points set out below should be considered. This form is a tool to guide the analysis and capture its outcomes. This is by way of guidance only, and additional considerations might be relevant depending on the context of a particular situation.

Definitions

Civil Disobedience: Acts of civil disobedience involve the premeditated breaking of a domestic law for reasons of conscience or because it is perceived to be the most effective way to raise awareness, express social or political dissent or to bring about change.

Mass civil disobedience: Civil disobedience can sometimes involve large groups of people organizing for a common cause. Examples may include mass blockades of buildings or facilities, or mass refusal to comply with laws deemed to be in breach of human rights law and standards. When an organization is planning to engage in civil disobedience, it may be considered mass civil disobedience when it reaches a scale where the organization is unable to provide direct training and gain informed consent in writing from all participants.

PART 1: OVERVIEW

1.1. Information about the act(s) of Civil Disobedience	
Campaign	
Act (e.g. demonstration outside a country's embassy)	
Brief description of the act (100 words)	
Location(s)	
Date(s)	
Participants (brief description, including any details about participants that require particular attention or could be at increased risk e.g. children, etc)	
Is this mass civil disobedience? Yes () No ()	If yes, what makes it mass civil disobedience?

1.2. Project team leading on the act(s)	
Organization/Department/Team	
Risk assessment done by (name, role, team/department)	
Manager(s) responsible (name, role, team/department)	
Action Coordinator (name, role, team/department), responsible for reporting on the development of the action and any possible issues	
Partnering organization(s) (organization name, name and role of focal point) – if the act will be organized in partnership with other organization(s)	


1.3. Legislation	
Which domestic law(s) will be intentionally breached? ¹	
Does the domestic law(s) that will be breached comply with international human rights law and standards? (For guidance on this, please see pages 7	

¹ **Intentional breach of domestic law** means that the action involves the intentional breach of domestic law for the purpose of highlighting a human rights violation. The law that is being broken may be in direct conflict with international human rights law and standards (for example, a blanket banning of protests), or a local law that does not conflict with international human rights law (such as trespass or obstructing roads) but where the breach is part of a strategy to bring about human rights change.

and 8 of the toolkit ²)	
<p>What types of charges, civil or criminal, could be brought up for carrying out the civil disobedience act(s)?</p> <p>What penalties does each charge carry?</p>	
<p>Are we aware of what charges were brought up and what penalties were imposed in other instances where similar act(s) of civil disobedience were carried out?</p>	

1.4. About the campaign
Please attach the campaign strategy to this risk assessment.

Any act of civil disobedience should be predicated on the considerations set out below as well as the risk analysis.



How does this act of civil disobedience fit within your campaign strategy?

<p>What campaign objectives does this act contribute towards? Please specify the law or conduct of a government, corporation or other non-state actor that the campaign is focusing on.</p>	
<p>What impact do you expect this act of civil disobedience to have in reversing such law or conduct?</p>	
<p>What are the strategic benefits of the act as part of the broader campaign strategy?</p>	
<p>Who are the targets of the act of civil disobedience?</p> <ul style="list-style-type: none"> • What other/previous steps have been taken to engage the targets of civil disobedience and what has been the outcome? 	

² <https://www.amnesty.org/en/documents/act10/7471/2024/en/>

<ul style="list-style-type: none"> Why/how do you expect the act of civil disobedience to have an influence on the target? 	
What campaigning outcome(s) do you aim to achieve with the act?	
What human rights change do you ultimately aim to achieve?	

1.5. Legal Advice and consultation	
Who have you consulted on potential risks? E.g. Participants, rights holders ³ , other stakeholders who could be affected.	
Have you sought legal advice on this? If yes, please include or summarise the legal advice as far as relevant to the risk assessment.	

PART 2: RISKS TO PARTICIPANTS

Please describe the subgroups of participants (e.g. activists, staff, children, other rights holders, etc) and potential risks related to personal safety and security or of criminal or other penalties.

2. 1. Risk of violence:

- Is there a risk of **violence against participants coming from non-state actors**, including members of the public or groups that may oppose the campaign or the act?
- What is the likelihood of **violence or physical harm to participants as a result of law enforcement actions**, including unlawful use of force, use of less-lethal weapons (such as rubber bullets, tear gas) or firearms?
- Is there a risk of violence targeting **marginalised groups**, violence related to **sexual orientation or gender identity**, or **racially motivated** violence?
- **What measures need to be put in place against the risk of violence?** Preventive training with exercises on the topic (e.g. how to deescalate a situation), identifying escape routes, safety equipment, organization of the team to spot the risks early and act accordingly, medical kit taken, medical assistance available, etc.
- **Has service mapping been conducted**, on where participants may seek help should the activity turn violent or other harm occur, including gender-based violence or abuse among or affecting participants? Is this information known to all?

³ While everyone is a rights holder, Amnesty uses this term when refereeing to people whose human rights have been or are at risk of being violated in a given situation (i.e., those who are directly affected by the issue the organization is campaigning on).



Persons at risk (specify who is at risk)	Description of risk of violence (include why they are at risk; from whom, what are the risks and with which tool and use as many rows as needed)	Risk Level H= high M= medium L = low Indicate Risk calculation (Impact x Likelihood) ⁴	How will you mitigate the risks? What control measures are currently in place to mitigate the risks?	What/which additional mechanisms will you put in place to respond to any such circumstances? (if the risk materializes) By when?	Residual Risk level H= high M= medium L = low	Person (s) Responsible

⁴ See the Risk Assessment Matrix (appendix 1)

2.2. Other risks to participants

- What is the risk of participants having a **criminal record** and the **future impact on an individual's ability** to secure employment, immigration status and housing, education or other state benefits?
- Regardless of whether criminal penalties may apply, how may **enforcement action** by authorities impact participants? E.g. If fines may be issued, who would be liable for these? Would individuals be personally responsible or would responsibility/liability fall on the organization?
- Could some individuals face **increased risks due to their status, identity or multiple and intersecting identities** (for example, race, ethnicity, age, disability gender, sexual orientation, gender identity, immigration status or others) or their public profile?
- What physical risks come with the **location** selected for the civil disobedience? Is it somewhere the participants may exit quickly or that would allow them to move to a safe location if they face the risk of violence?
- What are the risks associated with different **participant roles** (e.g. well-being coordinators, public liaison officers, participants supporting anyone taken to police stations, court liaisons, etc)?
- What are the **digital security** risks and the particular reprisals that States may take as a result of online actions/content written by participants or civil disobedience online? Have these risks been discussed with the relevant teams in the organization and measures put in place to manage the risks?
- If allowing the participation of **children**, what are the specific risks to their participation? Do you have a child safeguarding policy that specifically addresses children's participation in civil disobedience? How have the guardians/parents/person with authority over the children been engaged to ensure informed consent to the activities? Is there an agreement on what images may be shared? Do they understand that once an image is posted on the social media pages it will be impossible to remove it and it may be used to their detriment by others?
- In instances where youth and children are involved, what mechanisms have been put in place to protect youth and children from any **potential safeguarding risks** and empower them to report any concerns?
- Is there any likelihood that **people with ill intent** participate in the act, in particular when youth and children are involved? What mechanisms have been put in place to empower youth and children to protect and report such inappropriate conduct?
- Is there an agreed upon **code of conduct** on expected behaviour by all who plan to attend? Has this been shared out through the available communication channels?
- How feasible is it to obtain **prior and informed consent** from all participants⁵, and what are the specific risks of not obtaining free and informed consent by all (for example in cases of mass civil

⁵ Organizations should obtain the prior and informed consent of all participants engaging in an act of civil disobedience. The consent should generally be recorded in writing if the time and circumstances allow you to do so. (See principle 6 in the toolkit for further guidance). Obtaining prior and informed consent for acts of **mass civil disobedience** presents specific challenges and requires particular consideration. While it may be impractical and unrealistic to obtain written consent from each person, organizations calling on activists to engage in mass civil disobedience should assess the specific risks and challenges and take specific measures to ensure participants are fully aware of the implications of joining the act. Further guidance on prior and informed consent for acts of mass civil disobedience is provided under step 3 of the toolkit.

disobedience)?

- If engaging in civil disobedience in **partnership with other organizations**, what risks may arise in doing so, taking into account partners' own safeguards and previous history of engagement in civil disobedience?
- Is there a risk that the action may be **co-opted** by others who intentionally or unintentionally impact the nature of the civil disobedience act, by for instance acting violently, creating additional risks for participants or that seek to achieve harm to others, contrary to the organization's aims? What measures could be put in place to reduce these risks?

Please consider:

- What **training**⁶ will you provide to participants? (e.g. safety and security, relevant organization policies, de-escalation, etc). How will you give participants clear guidelines on the possible consequences and how to respond to them, including an action plan for what to do when facing problems and the support available to them?
- What **support** will you provide to participants before, during and after the act? (e.g. financial, on-site legal support, trauma support, healthcare, legal support after the act, etc). How long will the support be facilitated by the organization, more so if there is long term effect of harm e.g. medical, legal?
- Do you have in place a network of **pro-bono lawyers** and **civil society organizations** who can assist with legal support before, during and after the act?
- What plans do you have for the deployment of **legal observers** on the ground during the act?⁷
- If this is an act of **mass civil disobedience** and it will be impractical and unrealistic to require written consent from all participants, how will you ensure that communications inviting activists to participate clearly provide information about the specific risks to participants as well as on the type of support your organization would be able to provide, if at all?⁸

⁶ As part of the process to obtain informed consent, organizations should ensure that all those responding to a call for civil disobedience have access to adequate and appropriate training, including observers and others deployed for different roles. You may consider preventing people without proper training from participating in the act of civil disobedience.

⁷ Organizations engaging in acts of civil disobedience should consider deploying legal observers on the ground during actions. Legal observers play a different role to those actively taking part in the action, and are responsible for monitoring arrests, deterring police violence or other unlawful behaviour and briefing activists on their rights under national law. They should also be responsible for collecting information about participants that may be arrested including, if possible, the reasons of the arrest, how the arrest was conducted (e.g. assessing whether force was used unlawfully), which police station the person is taken and the alleged crime or the law under which the person is being arrested. If possible, legal observers may also collect witness statements from other people about the arrest.

⁸ In acts of mass civil disobedience, it should also be explained whether the organization can or cannot be held liable for any financial or legal costs associated with individual participation in the act of mass civil disobedience and any decision to participate is taken on this basis. Should there be any concerns about this, the organization should encourage participants to communicate these concerns to it before taking part in the act.



Persons at risk (specify who is at risk)	Description of risk (include why they are at risk, from whom, etc.)	Risk Level H= high M= medium L = low Indicate Risk calculation (Impact x Likelihood) ⁹	How will you mitigate the risks? What control measures are currently in place to mitigate the risks?	What/which additional mechanisms will you put in place to respond to any such circumstances? (if the risk materializes) By when?	Residual Risk level H= high M= medium L = low	Person (s) Responsible

⁹ See the Risk Assessment Matrix (appendix 1)

PART 3: RISKS TO STAKEHOLDERS WHO COULD BE AFFECTED BY THE REACTIONS TO THE ACT OF CIVIL DISOBEDIENCE

Please specify risks to other stakeholders, including rights holders.

- What are the risks of **causing harm to others or having a negative impact on the rights of others**, including the ways in which the action may undermine the rights of specific marginalized groups? (e.g. blocking transport routes where this could cause significant harm to the livelihoods of marginalised groups)
- Is the act **necessary and proportionate** in the specific circumstance in a way that takes into account the rights of others (for example, it should not affect public health, safety or livelihoods)?
- Could the action have a **negative impact on cultural or religious rights**, for example if the act is happening in a cultural or religious site?
- Will **rights holders be consulted and involved from the early stages** of planning the action and will their views be adequately taken into account? Have power imbalances been taken into account when engaging and consulting with rights holders? If there has not been consultation or involvement of rights holders, what is the rationale for this?
- If the **act is organized on behalf of rights holders**, what is the organization's relationship with the rights holders who you wish to benefit with the action? Could the organization's status and privilege cause harm to the rights holders we intend to support?
- What is **the organization's motivation** for carrying out the action and who will benefit from it? (e.g. Will the action increase media attention or funding for the organization, at the behest of rights holders?) Is the act consistent with and respectful of the needs and wishes of rights holders? **Any action taken should be of benefit to rights holders.**
- How will you prepare for and support rights holders and other participants regarding the **potential response by duty holders/other parties** targeted by the acts of civil disobedience?
- What mechanisms have you put in place to ensure **accountability in instances where participants** in the act of civil disobedience **are the ones that instigate violence or cause harm** to others?



Persons at risk (specify who is at risk)	Description of risk (include why they are at risk, from whom, etc.)	Risk Level H= high M= medium L = low Indicate Risk calculation (Impact x Likelihood) ¹⁰	How will you mitigate the risks? What control measures are currently in place to mitigate the risks?	What/which additional mechanisms will you put in place to respond to any such circumstances? (if the risk materializes) By when?	Residual Risk level H= high M= medium L = low	Person (s) Responsible

¹⁰ See the Risk Assessment Matrix (appendix 1)

PART 4: ORGANIZATIONAL RISKS

Please specify risks to the organization, including reputational, legal, financial, and whether the costs of these would be acceptable to the organization.

- How has the **leadership team – board, director, etc – been engaged** in the design and implementation of the proposed act of civil disobedience?
- Has the relevant **Security team/person** at the organization **been engaged** to provide their input into this risk assessment?
- What **credibility and reputational risks** could the act bring to the organization?
- When considering reputational risks, could the act pose any **indirect risks to other parts of the organization in other countries or contexts, if applicable** (e.g. acts of civil disobedience undertaken in a particular country might have a future negative impact on the organization's scope for action in another country or countries, possibly in an unrelated area or activity.)
- What are the **legal and financial risks to the organization** (for example liability to lawsuits brought by affected persons or corporations)? Could the costs of these be acceptable to the organization?
- Could the proposed activity invalidate **existing insurance cover**? If so, could alternative insurance cover can be obtained, and if not, what would be the risk to the organization, including liability for acts of third parties or harm to others?
- Could the **legal representatives** of the organization, which may, depending on relevant laws, be some or all Board members, **be held liable** for any act of civil disobedience regardless of their participation?
- What internal **communication mechanisms** will the team be employing during the civil disobedience act – WhatsApp, Facebook live, etc? Who will have access to it? Who will determine this is the best medium to use? How do we prevent and mitigate misuse/abuse of the mediums used by participants?
- How will **images be managed** during and after the civil disobedience act to avoid any consent issues or perception of exploitation, especially when they are shared live on the organization official website or social media accounts?
- What are the potential **impacts** regarding **fundraising**, attraction of **new members and supporters**, and relationships with **foundations**?
- Could the act have an **impact on the way in which the government interacts with the organization and/or partner organizations** and the way the authorities might respond in future ?
- If engaging in civil disobedience in **partnership with other organizations**, what organizational risks may arise in doing so, taking into account partners' own safeguards and previous history of engagement in civil disobedience?
- What is the potential **financial implications of each** risk in this form, including the financial burden of mitigating those risks?



Description of risk (include why there is a risk, from whom, etc)	Risk Level H= high M= medium L = low Indicate Risk calculation (Impact x Likelihood) ¹¹	How will you mitigate the risks? What control measures are currently in place to mitigate the risks?	What/which additional mechanisms will you put in place to respond to any such circumstances? (if the risk materializes) By when?	Residual Risk level H= high M= medium L = low	Person (s) Responsible

¹¹ See the Risk Assessment Matrix (appendix 1)

PART 5: CONCLUSION

Having considered the risks and options to mitigate them, are the residual risks worth taking compared with the expected benefits, including in light of all possible consequences ('worst case scenario')? How would the possible consequences be managed and is the organization willing and able to manage these consequences?

PART 6: MONITORING

<p>How often will the risk assessments be carried out/reviewed during the duration of the specific act? Every day or once at key moments during the planned civil disobedience activities? What's the rationale for the decision?</p>	
<p>Who will be informed, especially when things go wrong? When should those decision-makers be informed or updated on the status of the event? What will their role be? (This should include the manager responsible for the act and any other relevant persons).</p>	

PART 7: EVALUATION & FOLLOW-UP

<p>By when will an evaluation of the event take place to assess impact and lessons learnt?</p>	
<p>How will you include participants in the evaluation, including partner organizations/groups involved in the act?</p>	
<p>Who will you share the evaluation and learnings with? This should ideally include the organization staff, activists and partners.</p>	

APPENDIX 1: RISK ASSESSMENT MATRIX

