

**PROTEST POLICING AS A MEANS OF RESTRICTING FREEDOM OF ASSEMBLY
DURING THE PANDEMIC IN BULGARIA¹**

Abstract:	<p><i>During the coronavirus pandemic, numerous individual rights and freedoms were restricted. Most often, the right to assembly was restricted due to the increased risk of spreading the virus. First, legal regulations introducing total bans on gatherings or periodic bans and determining the number of people who could take part in them. Limitations depended mainly on risk assessment, number of cases and other measurable indicators. However, the restrictions did not stop people from protesting for issues important to them even during the pandemic. In this situation, the security services also had to take measures to limit the citizens' right to assembly.</i></p> <p><i>The aim of this study is to analyze the nature of the protests, determine what actions were taken by the security services towards the protesters, and evaluate whether they led to an escalation, silencing, or abandonment of further action on the part of the protesters. This will allow us to answer the question: whether, and if yes, to what extent was protest policing one of the means of restricting the right to assembly? Moreover, what was the nature of the activities of the security services? The analyzed period was July 9, 2020, to April 16, 2021, in Bulgaria due to increased protest of citizens who demanded mainly changes and resignation of the government. In the source analysis, mainly data from ACLED was used.</i></p>
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Contact details of the authors:	E-mail: kamila.rezmer@onet.pl
Institutional affiliation of the authors:	Adam Mickiewicz University of Poznań, Poland
Institutions address:	Uniwersytetu Poznańskiego 5, Poznań, 61-614, 61 829 6517, wnpid@amu.edu.pl

Introduction

In 2020, the world was gripped by panic, which was related to the emergence of the coronavirus, which not only spread very quickly but was also a previously unknown threat on such a large scale, a new challenge for governments. For this reason, in the initial period, the actions taken by governments were very chaotic and often ill-considered. Only with time do counteracting strategies become more logical and well-thought-out, but they are also regulated through various decisions and introduced legal regulations. Gradually, numerous rights and freedoms of citizens were restricted, which was justified by fear for their health and life². As a result, questions began to arise about the possibility of abusing the restrictions applied by governments and their legality. The researchers noted that the legal regulations introduced due to the pandemic caused, among other things, the acceleration of the militant democracy process³. One of the most frequently restricted rights was the right to assembly⁴.

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² Maciej Skrzypek, *Between neo-militant and quasi-militant democracy: restrictions on freedom of speech and the press in Austria, Finland, and Sweden 2008-2019*, "European Politics and Society", Vol. 24, No. 5, 2023, pp. 552-571; Przemysław Osiewicz, *Limitations to the Right to Freedom of Assembly in Poland during COVID-19 Pandemic: The Case of Women's Strike*, "HAPSc Policy Briefs", Vol. 1, No. 2, 2020, pp. 195-200

³ Joanna Rak, Roman Bäcker (Eds.), *Neo-militant Democracies in the Post-communist Member States of the European Union*, 2022, Routledge, London and New York; Joanna Rak, *Pandemic-Era Civil Disorder in Post-Communist EU*

In Bulgaria, as in most Member States of the European Union, the right to assembly is regulated by Constitution¹, where Article 43 indicates that all citizens shall have the right to peaceful and unarmed assembly for meetings and demonstrations. This matter is also regulated in the Law on Gatherings, Meetings, and Manifestations², indicating that citizens, associations, and political and other social organizations can organize gatherings, meetings, and manifestations. Moreover, Bulgaria is a Part to the 1966 International Covenant on Civil and Political Rights (ICCPR)³.

This study aims to analyze the nature of the protests, determine what actions the security services took towards the protesters, and evaluate whether they led to an escalation, silence, or abandonment of further action on the part of the protesters. This will allow us to answer the question: whether, and if yes, to what extent was protest policing one of the means of restricting the right to assembly? Moreover, what was the nature of the activities of the security services? The analyzed period is from 9 July 2020 to 16 April 2021 in Bulgaria due to increased protests by citizens, who mainly demanded the government resign from office. The source analysis mostly drew upon data from ACLED (The Armed Conflict Location & Event Data Project).

The article has the following structure: The first part is theoretical and methodological; it describes the research assumptions and research questions. The next part is an analysis that allows to answer the questions presented earlier. The last part is the presentation of the results and their discussion. The article is an introduction to the subject of protest policing and focuses on data only from the indicated database. Its aim is to prepare the foundations for in-depth research on this subject, which can be expanded with additional materials that will allow us to interpret data in relation to specific protests. The analysis I propose is intended to indicate general trends regarding the nature of civil disorder and police activities in a specific period due to its specificity.

Theoretical background and methodological remarks

Collective action transforms into civil disorder, and civil disorder continues and changes over time under two conditions, i.e., the model of protest policing or the selected dimensions of protest policing and the level of police's partisanship during protest policing⁴. The dimensions of protest policing include the extent of police respect and protection of protesters' rights, the degree of police tolerance for community disruption, the nature of communication between police and demonstrators, the extent and manner of arrests as a method of managing demonstrators, and the extent and type of force deployed to control demonstrators⁵. Public order policing, called protest policing, is how police use their authority and capacity to handle protest⁶.

Clark McPhail, David Schweingruber, and John McCarthy distinguish between two models of police protest: negotiated management and escalation of force⁷. Joanna Rak proposed that both models, i.e., escalated

Member States, Routledge, 2025; Maciej Skrzypek, *Democratic backsliding in Poland on example drafts amendments in electoral code during the COVID-19 pandemic*, "Polish Political Science Yearbook", Vol. 50, No. 2, pp. 37-50

⁴ Kamila Rezmer-Plotka, *Policy on Public Assemblies in Times of Crises: Recommendations Concerning the Strategy of Militant Democracy*, "HAPSc Policy Briefs Series", Vol. 1(2), 2020, pp. 201–207; Przemysław Osiewicz, *Limitations to the Right to Freedom of Assembly*; Maciej Skrzypek, *A Hybrid Strategy of Restrictions of Assembly in Modern Militant Democracies. Experiences from Austria, Finland, and Sweden*, "Journal of Comparative Politics", Vol. 15, No. 2, pp. 24-38

¹ *Constitution of the Republic of Bulgaria*, <https://www.parliament.bg/en/const> (25.10.2024)

² *Laws on The Right of Peaceful Assembly Worldwide*, Bulgaria, <https://www.rightofassembly.info/country/bulgaria> (25.10.2024)

³ *Idem*

⁴ Stephen Reicher, Clifford Stott, *Policing the Coronavirus Outbreak: Processes and Prospects for Collective Disorder*, "Policing: A Journal of Policy and Practice", No. 14, No. 3, 2020, p. 569; Julia Hornberger, *We Need a Complicit Police! Political Policing Then and Now*, "SA Crime Quarterly", No. 48, 2014, pp. 17-24

⁵ Clark McPhail, David Schweingruber, John D. McCarthy, *Policing Protest in the United States: 1960-1995*, in D. della Porta, H. Reiter (Eds.), in *Policing Protest: The Control of Mass Demonstrations in Western Democracies*, University of Minnesota Press Minneapolis, London, 1998, p. 51

⁶ Willem De Lint, *Public Order Policing: A Tough Act to Follow?*, "International Journal of the Sociology of Law", No. 33, No. 4, 2005, p. 180

⁷ Clark McPhail, David Schweingruber, John McCarthy, *Policing Protest in the United States: 1960-1995*, in Christian Davenport, Hank Johnston, Carol Mueller (Eds.), *Repression, and Mobilization*, University of Minnesota Press, Minneapolis, pp. 3-32

force¹ and the model known as negotiated management, should be considered two ideal types. The researcher analyzed police behavior on several levels, allowing us to determine a specific situation within which the model of security services' actions can be considered. The first level referred to the protection of individual freedoms. The second level concern is acceptance on the part of the security services for disruptions. The next level is primarily communication between those who protest and the police. The fourth level included arrests, which may be used as a means for disciplining people who protest. The fifth level is the use of violence, which can also be combined with an arrest².

It can be assumed, as Jennifer Earl does, that any repressive action against social movements leads to control, constrain, or prevent protest³. This means that anything that leads to an escalation of repression against protesters ultimately negatively impacts civil rights and freedoms and restricts them⁴. In this way, the phenomenon of protest policing becomes another means of oppression. The problem becomes more serious when the police protect the political interests of the government, and there is also the politicization of the police⁵. Not only do citizens lose trust in the security services, but at the same time, protests may escalate due to ignoring parts of society with different political views. According to Anne Nassauer, maintaining peace and order during gatherings, including protests, is possible when de-escalating interactions are correctly identified. She indicates that first, it is necessary to focus on communication and effective police management, respect territorial boundaries, avoid escalation signs, and recognize the emotional dynamics of violent outbreaks⁶.

This article focuses on the nature of the chosen protests and activities of the security services towards the protesters and whether they led to an escalation, silence, or abandonment of further action on the part of the protesters. It has become possible to answer these questions based on the presented theory and use the qualitative source analysis method. The analyzed data comes from the Covid-19 Disorder Tracker. This database allows the provision of data concerning the dynamics of contention. The protests included in the database are dated from 9th of July 2020 to 16th of April 2021 in Bulgaria due to increased protests by citizens, who mainly demanded the government resign from office. The analysis of the protests was limited to those that occurred in the Bulgarian capital. The purpose of the adopted assumptions and the research is to answer these questions: can protest policing in the analyzed period be treated as one of the means of restricting the right to assembly? Moreover, what was the nature of the activities of the security services?

The study contributes to a better understanding of the consequences of the actions taken by the security services in relation to the protesters. In addition, it indicates the risk associated with treating the police as a means of pursuing the political interests of the government and becoming a means of restricting the rights and freedoms of the individual. This may ultimately lead to a permanent weakening or loss of trust in structures whose primary goal is to protect the life and health of citizens and guarantee security. The conclusions can be used to conduct further extended research regards to protest policing, but civil disorder, too.

Protests in the Bulgarian capital

In 2020, there were 2487 protests. Peaceful demonstrations constituted the majority; as many as 221 protests were of such a nature. There were seven protests with interventions and no information about arrests. However, there were five violent mobilizations. Despite the pandemic, most of the protests referred to demanding the resignation of Prime Minister Borisov and Prosecutor General Geshev. There was also a pro

¹ Karolina Owczarek, *Escalated Force as a Model of Protest Policing: A Case Study of the Rotterdam 2021 protest*, "HAPSc Policy Briefs", Vol. 3, No. 2, 2022

² Joanna Rak, *Policing Anti-Government Protests During the Coronavirus Crisis in Poland: Between Escalated Force and Negotiated Management*, "Teorija in Praksa", Vol. 58(SI), 2021, pp. 598-615; Joanna Rak, Karolina Owczarek, *Freedom of Assembly at Stake: The Warsaw Police's Partisanship During Polish Protests in Times of Pandemic*, "Studia Securitatis", Vol. 16, No. 2, pp. 169-180

³ Jennifer Earl, *Repression and social movements*, in David A. Snow, Donatella della Porta, Bert Klendermans, and Doug McAdam, (Eds.), *The Wiley-Blackwell Encyclopedia of Social and Political Movements*, Blackwell Publishing Ltd., 2013

⁴ Rune Ellefsen, *The Unintended Consequences of Escalated Repression*, "Mobilization – An International Quarterly", No. 26, No. 1, 2021, pp. 87-108

⁵ William Smith, *The Politics of Protest Policing: Neutrality, Impartiality, and "Taking the Knee"*, "The Harvard Review of Philosophy", Vol. 28, 2021

⁶ Anna Nassauer, *Effective crowd policing: empirical insights on avoiding protest violence*, "Policing: An International Journal of Police Strategies & Management", Vol. 38, No. 1, pp. 132-152

and anti-President Radev protest, which was included in this category. Sixteen protests addressed the issue of the pandemic. Fifty-one protests focused on other topics, including one protest about foreign policy and changes in abortion laws in Poland.

In 2021, there were 70 protests, including only one of the gatherings that was described as a violent demonstration because it escalated into a riot. Two of the protests ended with arrests. All other protests were peaceful. Of all the demonstrations, 38 demanded the resign from office of Prime Minister Borisov and Prosecutor General Geshev, five concerned issues related to the pandemic. Twenty-seven protests were concerned with other issues, including one protest about foreign policy, precisely the case of Alexei Navalny¹.

To sum up, the protests from the analyzed period from 9 July 2020 to 16 April 2021, a total of 317 protests took place. Of these, 290 were peaceful; only 15 can be described as violent demonstrations. Protests during which the security services intervened took place 7 times, and five protests were mobilized towards violence. Based on the analyzed database, there were two arrests. In the latter case, other materials should also be considered, such as media reports, because there seem to be more arrests. The nature of the issues raised during the assemblies was mainly, as was pointed out, anti-government protests, which resulted from the adopted time caesura. A total of 218 protests of this nature took place, and, for comparison, 21 took place in comparison with those related to the pandemic. Protests of a different nature took place 78 times and covered, among others, other domestic and foreign policy issues.

What is essential in this case is that in the analyzed period, the protests included in the study took place in the capital of Bulgaria. However, protests also took place in other cities. However, it is the capital that can be considered the most representative example of what the situation in Bulgaria looked like in the analyzed period.

Bulgaria, Sofia	Number of protests	Peaceful demonstrations	Violent demonstrations	Protest with intervention	Mob violence	Arrest
2020	247	221	14	7	5	-
2021	70	69	1	-	-	2
Summary	317	290	15	7	5	2

Table 1. Protests in the capital of Bulgaria between 9th of July 2020 and 16th of April 2021²

Bulgaria, Sofia	Anti-government	Pandemic	Other
2020	180	16	51
2021	38	5	27
Summary	218	21	78

Table 2. Nature of protests in the capital of Bulgaria in the period from 9th of July 2020 to 16th of April 2021³

Protest policing in Sofia in the period from 9th of July 2020 to 16th of April 2021

Focusing on the most important media messages, the actions taken by the protesters during the analyzed period took several forms. The primary division includes blockades of critical points, buildings, streets, etc.; protests in front of important buildings; vandalism; form of verbal calls for protest; support for citizens in exile; turning to external institutions; cooperation with other protest groups; petitions; organizing into more formal structures; support from academia; performance protests; and confrontations with the police⁴. Based on the analysis of media reports from that period, it was indicated that during the pandemic, the security services mainly used the following actions against protesters: pepper spray, water cannons, arrests of

¹ Civicus Monitor, *Protest Against Tightening of Covid-19 Measures*, <https://monitor.civicus.org/explore/protest-against-tightening-covid-19-measures/> (28.10.2024)

² *Data from ACLED*, ACLED (Armed Conflict Location and Event Data) (29.10.2024)

³ *Idem*

⁴ Kamila Rezmer-Plotka, *Policing Civil Disorder in Pandemic-Driven Bulgaria*, "Political Life", Vol. 3, 2022, pp. 56-61

protesters, removal of anti-government tent towns of protesters, and violence against protesters¹. However, these activities covered the entire period of the pandemic.

However, the actions mentioned above were taken throughout the coronavirus pandemic. In this study, the time when anti-government protests were intensified was distinguished. Based on media reports from that period, it was possible to determine the actions taken by the police and divide them into categories such as distribution of counterdemonstrations, arrest, use of force, interaction with protesters, police detention other than persons, elimination of tents towns and protests blockades; locks; imposition of financial sanctions; use of security measures². These actions are acceptable in the case of security services, depending on the degree of threat. The Code of Ethics for Officials of the Ministry of the Interior with Police Functions was created in Bulgaria in connection with the Co-operation program to strengthen the rule of law, specified that the police may use force “only in cases provided by the law, in case of unavoidable necessity, proportionate to the risk, and to a degree, which is necessary to achieve a lawful goal”³. This means that security services must continually assess the risk and take only adequate actions.

Based on the data from ACLED analysis, it is possible to distinguish situations when security services took action against protesters. These were situations when protesters attempted to enter the government headquarters building, threw a smoke bomb at the police, threw stones at the GERB headquarters building in Sofia, threw paving stones, firecrackers, eggs, smoke bombs, plastic bottles, and other objects, tried to break police cordons outside government buildings in Sofia, blocked key city intersections in Sofia, and carried prohibited items.

On the basis of media reports and analyzed data, it can be indicated with a high degree of probability that most of the activities on the side of security services were in response to the behavior of the protesters. This does not mean there is any justification for using force or other safety measures such as pepper spray. In this case, doubts arise about assessing the adequacy and legitimacy of the measures used concerning the protesters. However, it cannot be indicated that if the police had failed to act, the protesters would not have committed acts of vandalism on a larger scale. The attempts to get into key buildings and throw objects of various kinds posed a threat to all protest participants. Some of the participants also openly encouraged the use of acts that could be considered violent. At the same time, the article presented figures showing that most of the protests in Bulgaria were peaceful assemblies. Clashes between police and protesters were confirmed, but they were isolated incidents rather than a picture of large-scale actions. This may lead to the conclusion that the protests from 9th of July 2020 to 16th of April 2021 were closer to the ideal type of negotiated management and non-violence.

Conclusions

This article analyzed the nature of the protests, determined the actions the security services took toward the protesters, and evaluated whether these actions led to an escalation, silencing, or abandonment of further action on the part of the protesters. During the analyzed period, most protests were peaceful despite issues that evoked strong emotions.

Based on the available data, it can be assumed that in a situation where violence occurred, the actions of the police were a response to the protesters' behavior. However, when the security services intervened, the protests escalated. Both sides abused violence in such a situation. Many researchers have pointed out that repression is not an effective intimidation means for protesters. It often leads to the use of violence by protesters who have their own goals and want to be heard⁴.

The answer to the first research question cannot be given unequivocally. Such many protests in the Bulgarian capital alone indicates that Bulgarians could exercise their right to peaceful assembly to a large extent. However, this does not exclude the possibility that protest policing may be considered as a means of restricting this right. However, this requires an analysis of protests from the period of the so-called first wave

¹ Kamila Rezmer-Plotka, *Freedom of Assembly Enforcement in Bulgaria During the Coronavirus Crisis*, “Bulletin of the Vasyly Stus Donetsk National University. Series Political”, Vol. 7, 2022, pp. 46-51

² Kamila Rezmer-Plotka, *Policing Civil Disorder in Pandemic-Driven Bulgaria*, “Political Life”, Vol. 3, 2022, pp. 56-61

³ Refworld.org.pl, *Bulgaria: Code of Ethics for Officials of the Ministry of Interior with Police Functions*, <https://www.refworld.org/legal/decrees/natlegbod/2004/en/74137> (29.10.2024).

⁴ Torsten Mix, *Lethal Repression of Peaceful Protest in Africa. Why Do (non-) Accountable and Military Regimes Shoot*, “Student Paper Series”, Vol. 15, 2014, https://www.ibei.org/ibei_studentpaper15_71932.pdf (28.10.2024)

of the pandemic, when EU member states introduced the most restrictions restricting individual freedoms. In this case, it would be possible to check, for example, how many protests did not take place due to regulations and how the security services behaved. Based on media reports and figures, it is also challenging to determine the actual degree of violence and to capture the exact moment when it escalated. Media discourse can also be a tool in the hands of those in power and lead to the delegitimization of anti-government protests, which Joanna Rak very well illustrated in the example of Poland¹. In the example of the same state, when there were women's protests regarding the tightening of abortion laws, it could be observed that National Television was able to take over the role of law enforcement². For this reason, it is worth being very careful in formulating conclusions based on media reports; they can only supplement the data collected by researchers and civil society organizations.

In the Bulgarian case analyzed, the protests of this period led to the end of Borisov's term of office and his formal resignation. This indicates that the mobilization of society was effective, although it lasted a relatively long time. Moreover, most of the protests were peaceful, and those that could be described as violent protests were a small percentage of all. This example could serve as a prelude to further in-depth research into why violent acts in peaceful protests occurred much more often in some Member States than others.

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