

Repression, Resistance, and Institutional Learning: Evidence on Human Rights Organizations and Advocacy from the United States

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Abstract

This article examines how human-rights organizations and public authorities learn from repeated encounters involving protest, litigation, surveillance, fundraising, public communication, and political pressure in the United States. It describes institutional learning as potentially democratic or repressive. Misconduct may produce improved policy, documentation, oversight, training, and legal standards, while authorities may also develop more targeted surveillance, selective restrictions, and legally sophisticated forms of coercion. The article mentions sequence analysis as a stronger approach than counting isolated events. Changes in policy, staffing, legal strategy, budgets, donor rules, cybersecurity practices, disciplinary action, and protest tactics can reveal whether institutions are moving toward restraint or control. It also discusses coalition building, nonviolent discipline, financial independence, digital security, evidence verification, and organizational review after advocacy campaigns. The article concludes that institutional learning represents democratic progress only when participation remains protected, independent review improves, public claims remain credible, and affected communities gain greater influence over policy and remedies.



Human-rights advocacy and state repression develop in the process of continuous interactions. In the U.S., groups are learning from litigation, policing of protests online and in person, donations to candidates and politicians, crowd dynamics, and public response in June 2025. Police also learn and sometimes learn to be less obvious restraint and sometimes more. Institutional learning thus is not necessarily democratic, per se.

Sequences, incentives and organizational memory need to be subject of analysis. The central question is whether the confrontation adds to the push for accountability or if the powerful can learn to more subtly evade accountability.

Feedback will occur between repression and resistance. Authorities watch to see what strategies are effective in demobilization efforts, trial courts engage in a process of discovery of which legal theories stick, organizations develop interest in understanding which coalitions are effective, and donors update risk analyses. Learning has the potential to build up rights if wrongdoing results in improved policy, training, documentation and oversight. The same can happen if surveillance is intensified, as occurred through the extension of children's right to be on guard more subtly and concealment of the legislation is enhanced.

Using sequence analysis can be a more suitable way of analysis than using event counts alone. Changes in policy, legal findings, allocation of resources, absenteeism of employees, strategies of protest, and decisions on discipline can all indicate a movement towards or to the contrary of more effective regulation within the institutions themselves, or toward a greater efficiency in controlling those institutions.

Civil-society learning entails coalition building, tactical learning and intentional discipline, local leadership, legal resources, and communication in the face of uncertainty. This expansion of legitimacy can come at the cost of broad alliances, while as coalition increases there is a growing conflict among coalition members about the objectives and acceptable levels of risk. Nonviolent discipline frequently safeguards participation and defends against what might be one-sided or unwarranted pressure, disciplined action should probably be prepared, not simply appealed to on moral grounds. Evidence of deployments is recorded and all aspects are checked with legal personnel and verified, there is secure communication, welfare assistance in place and a well-defined escalation system to minimize avoidable harm to legal observers.

There's also a necessity for organizations to be looked through after every campaign. The questions for internal learning are which communities were at highest risk, were public claims fulfilled or not and does tactical success lead to institutional access or not, or has institutional access been achieved?

Human-rights organizations are in a delicate balance between documenting, advocating, service delivery, litigation and communicating in the public sphere. Communities can provide in-depth evidence of access, but reliance on grants, partnership or official approval can make communities vulnerable. Security measures must safeguard freedom of legitimate expression on the other hand without transforming the civil society into an intelligence body or managed arm of State. Registration controls must be viewpoint neutral and so do financial reporting, controls on foreign funding, regulations on protest, and digital surveillance. Independent organizations should also have procedures in place to prevent errors in the verification of evidence; to ensure informed consent; to protect data; to keep staff safe; for conflicts of interest; and to correct public errors.

Advocacy is institutionally effective if a campaign connects the dots between harm identified and a decision point. The generic criticism can influence the focus of attention; lasting reforms are typically less readily achieved without a specific requirement being targeted at a person or persons who have the legal or budgetary power to create a change. There are different avenues such as litigation, legislative testimony, referrals to the IG, shareholder pressure, professional discipline and public procurement rules. Fragmentation is important as fragmented campaigns can facilitate "missing" responsibility.

The use of transparent methods, a careful use of the language of uncertainty and the admission of mistakes are also important aspects of credibility. It's evidence that creates

an accountability chain, not short-lived media frenzy, when you're a strong advocate.

Security and rights are claimed to be contradictory values, but an impunity can affect the effectiveness of the operational processes. Unreviewable power undermines public trust and collaboration, results in flawed intelligence, shields poor performance and fosters escalation. Rights-protective institutions have clear responsibilities, documented authorizations, independent oversight, easy complaints procedures and consequences extend to command level decisions as well as the misconduct of frontline staff. This helps to safeguard staff against unclear and biased instructions. Professional standards are achieved by having mechanisms of promotion, budget, training, procurement, and punishment that promote accuracy and the validity of the law over volume of arrest.

Evaluate the difference between commitment, capacity, behavior and outcome in measurement. Commitment is demonstrated by the ratification of treaties and capacity is shown by budgets and staffing. Behavior is seen in administrative decisions patterns and outcomes are seen in safety, access, equality and remedy. Mixed together, all four categories provide for some less false optimism.

Improvement in documentation can happen with abuse ongoing or an improvement in an outcome with an "unrelated" even in the economic sphere. Mechanisms are identified through longitudinal data and matched comparisons, through case tracking and with affected populations. Data quality is also an issue since official records of violations may underestimate violations; civil society records may focus on "visible" violations and legal records may not include violation of informal settlements or intimidation.

There are institutional constraints which operate via independence, capacity, transparency and coordination. Access and effective remedies are provided by a nominally independent court that is not provided with timely access. No security of tenure for the civil service means there can be loyalty tests. The election administrator must have resources, physical security, legal clarity and the public will trust the administrator.

Freedom of media in order to access information and free from any retaliatory investigation. A series of institutions who can identify, reveal, impede and correct abuse, make constraints durable. Redundancy also increases the safety margin against any type of malfunction or capture of one body rendering the entire accountability system inoperable.

What comes out of the fundamental rights is that they are not trapped when there is a lack of protection in times of uncertainty, fear, and political asymmetry. The most difficult

scenarios are related to the involvement of unpopular groups, controversial speech, migrants, prisoners, protesters and communities perceived as being a security threat. But equal protection in peacetime offers little indication of the force of a constitution. A sign of resilience is when an institution maintains due process and individualized assessment, legal counsel, review and reasoning under pressure.

Distributional analysis continues to be vital as a formally neutral rule could have a concentrated and geographical effect through such a policy, for example as in the case of disability, language, income, immigration status and unequal access to digital systems. Therefore, it is necessary that problems of rights protection be dealt with not only on a doctrinal level but also from an empirical perspective regarding the implementation of rights.

Digital security is the responsibility of organizations. Information is at risk following theft and unauthorized sharing of case files, sources, locations, legal strategy and staff communications. Protection needs to include data minimization, encryption, role-based access, secure deletion, breach response, and training which needs to contextually apply to actual processes. But technology alone isn't enough; phishing, formal messaging, device seizure and informal messaging can all elude formal controls.

Security policy should also maintain usability as there is easy temptation for unsafe workarounds with burdensome tools. A credible organization guards information without hindering knowledge of using it.

Financial independence has an impact on the ability of human-rights organizations to consistently take on powerful institutions. Suddenly a donor can make a huge difference, a restrictive funding rule can be implemented based on transparency or even national security interests. Buoyed organizations diversify their sources of revenue, have reserves, publicize conflicts, keep the donor at arm's length and don't bow to donor pressure when taking programmatic decisions. Public regulation should focus on combating fraud based on certain objective, proportional and above all viewpoint-neutral standards.

The transparency of funding can help build trust, whilst disclosure is important, rules on disclosure should not concern about vulnerable staff, partner or beneficiaries. Combining both financial accountability and freedom of advocacy is an additional way of protecting institutional autonomy and, in this way is the most effective.

Document evidence of learning is carried out through the organization documentation. Adjustments in protest manuals and legal strategies, insurance premiums, cybersecurity

budgets, staff turnover and donor regulations fascinate but illustrate adaptation not reflected in public statements. Government learning is reflected in the revisions to the crowd-control policy, procurement of surveillance, charging practice and interagency coordination. The comparison of both sides over events can show escalation or accommodation or show how that struggles go to less evident coercion.

It is important to note that institutional learning is a far cry from the sophistication of technical means. Trust can be lost by an organization which increases its cyber security, and visibility of the police force can be reduced and the monitoring increased by the same agency. The ultimate standard of rights outcomes is provided. When the participation is not lost, the review is enhanced and the affected communities have a more substantive impact on policy, this is learning and it is progress toward a democracy.

Clear authority, reliable evidence, independent review and consequences for misuse are institutional virtues shared by rights-protective security, and by credible advocacy. Clear authority, reliable evidence, independent review and consequences for misuse are necessary features of rights-protective security as well as credible advocacy. Human-rights groups should be free of party or partisan control to document, organize, litigate, and criticize. There is the freedom, and internal rigor enhances that. Democratic security can only be established by public institutions when they can provide security against real security challenges and also ensure that legislation does not deprive citizens of the right to openly voice their opposition.

Trustworthy advocacy is supported by staff security and source protection policies. Sometimes administrative pressure may disable organizations, but without a visible prohibition, depending on the criteria of their selection.