

<b>Forum:</b>	Commission on Crime Prevention and Criminal Justice
<b>Issue:</b>	Establishing stricter regulations to prevent police brutality against peaceful demonstrators
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## Introduction

All throughout history protesters both peaceful and violent have been an opposing force against police. Police brutality remains a pervasive problem in many societies around the world. It refers to the excessive and often unlawful use of force by law enforcement officials against individuals, particularly during protests and demonstrations. While law enforcement agencies play a crucial role in maintaining public order and upholding the rule of law, the misuse of power through acts of brutality undermines the very principles they are meant to protect. Ranging from the civil rights movement in the US in the 50s and 60s to current day to fair elections in Guatemala this year. These issues and violations of an individual's right free assembly is something that is of importance to everyone as global citizens. It is important to also note that this issue has dramatically increased with access to social media platforms allowing for more awareness of such acts of brutality. An urgency to change the current situation of how police all over misuse power and force against peaceful civilians has risen with over 400 significant protests going on globally. All governments have the opportunity to now make a change for the better.

## Definition of Key Terms

### Police Brutality

The term police brutality can be defined as the unlawful and unjustified use of force resulting in injury or death. These uses of force are in some cases as extreme as to be classified as human rights violations.

### Protesters

A group of people actively going against something or standing up for a cause in ways such as gathering in public areas.

### Use of Force

It is the amount of effort used by police in the line of duty to compel compliance and as a response to resistance.

### Violation of Human Rights

This term refers to the Universal Declaration of Human Rights (UDHR) signed in 1948 and any action or inaction that deprives a person of both legal rights and any of the 30 rights signed under the declaration. This violation can be both applicable to events such as an unfair trial to police brutality.

## Background

When civilians demand a change, they take to the streets. Ever since there has been leadership and rulers there has been oppositions regardless of size, these protests that are meant to be provoking. The issue of police brutality against protesters is a highly complex problem that has gained significant attention and sparked widespread public debate in recent years. It involves situations where law enforcement officers use force or employ aggressive tactics when dealing with peaceful protesters who are exercising their democratic right to gather and express their viewpoints. Throughout history protests have played a role in social and political movements offering individuals and communities a platform to voice their concerns and advocate for change. However, clashes between law enforcement officials and protesters have occurred for years with instances of police brutality dating back several decades if not centuries. In times the problem of police brutality against peaceful protesters has become even more prominent due to various high-profile incidents. One such incident was the killing of Michael Brown, an unarmed African American teenager by a police officer in Ferguson, Missouri in 2014. This incident triggered protests against police violence and systemic racism leading to the emergence of the Black Lives Matter movement. Another notable example can be seen in the #Endsars protests that took place in Nigeria during October 2020. The use of force by law enforcement during protests is a complex issue, with numerous underlying factors contributing to it. One significant factor is the increasing militarization of police forces, where law enforcement agencies acquire military grade equipment and adopt aggressive approaches to maintain public order.

### Militarization of police

This excessive militarization frequently results in the application of force that goes beyond what's necessary to address the level of threat posed by peaceful protesters. In cases such as the US police force it has often been seen to receive military grade equipment such as heavily armed vehicles but specifically there is an issue of what the officers are wearing. Officers often use riot gear for tasks like crowd control in protests and this act has been called by fabric of crime "Dressing for violence". Other videos and articles have interviewed officers who openly state that they feel more powerful when they are dressed as such, making them more inclined to move away from the actual principles of civilian protection and more potent to violent tendencies.

### Impromptu force

Insufficient training and accountability within law enforcement agencies are key factors that contribute to instances of police brutality against peaceful protesters. Some officers may lack the necessary knowledge in techniques for managing crowds, resolving conflicts, or de-escalating tense situations. This can result in unnecessary confrontations and the use of excessive force. Furthermore, the existence of "rogue" individuals within police departments who engage in misconduct without facing consequences further damages trust between communities and law enforcement. These individuals are however rare but do change the nature of a protest a lot,

but incases such as Martin Gugino a 75-year-old peace activist was pushed by two Buffalo police officers resulting in a head injury.



**Figure 1:** Martin Gugino laying on the ground bleeding after having been pushed by two police officers on June 4 2020. (New York Times)

### Methods of crowd control

The utilization of certain crowd control methods can also worsen tensions and escalate violence during protests. For instance, deploying riot gear, tear gas, rubber bullets, or stun grenades might be excessive when dealing with nonviolent demonstrators. These tactics not only cause physical harm but also induce panic and disorder while undermining people's right to assemble peacefully. However, there is a big discussion surrounding whether tear gas usage is a reasonable method of maintaining order in protests as tear gas is banned in war under Geneva Protocol and qualifies as a chemical weapon. This poses the question of is a chemical weapon appropriate for domestic use. Addressing issues related to police brutality against peaceful protestors intersects with broader concerns regarding systemic racism and social injustice. It is evident that racial and ethnic minorities bear a disproportionate impact from unwarranted force during protests—an indication that underlying biases must be confronted within law enforcement practices. The goal should be fair policing measures that treat everyone equitably while respecting their rights as individuals. Poor training and non-existent accountability in the police also lead to violence against innocent protestors. Sometimes, there is a lack of training of officers in effective crowd control, conflict resolution, or de-escalating tactics which result in clashes and excessive use of force. Another issue is that even in police departments where policemen commit crimes with no consequences they still erode community trust. In addition, some of the crowd control measures may themselves inflame tensions and raise the possibility of violence. This is exemplified through police use of riot gear, tear gas, rubber bullets, and stun grenades which may be unnecessary in responding to peaceful protests. These strategies may inflict bodily injuries upon the protesters and eventually cause alarm and disruptions that infringe on the right to freedom of

assembly. Moreover, what is happening to these people relates to other challenges involving racial segregation that the country is battling with to address. Excessive force is also meted on minor groups like racial and ethnic in many cases that there are riots or demonstrations.

### Subsequent action and overview

This underscores the need to tackle institutional prejudice within criminal justice systems and ensure that police procedures treat all people equally in accordance with laws. Activists, civil rights organizations, and concerned citizens have demanded various reforms in relation to this problem. Such measures as more transparent policing processes through the use of body cams and other independent oversight bodies; enhanced training on de-escalation skills; reconsidering the militarized approach; and critical review of some popular crowd control methods like tear gas are also necessary. While doing so, there is a need to achieve a balance between upholding public safety and preserving the constitutional rights of citizens. However, it should be noted that although cases of police brutality against peaceful protests are well covered by the media, there are more protests which turn out to be peaceful, and the few should not take the meaning away from the overall message.

The number of fatal police shootings has risen slightly in recent years. Police killed the highest number of people on record in 2022.

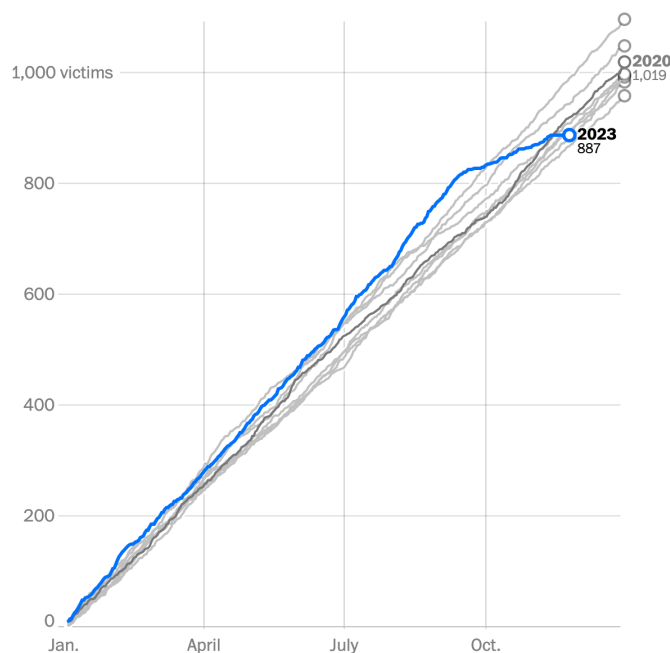


Figure 2: A graph of data regarding the number of fatal police shootings in the US. (Washington Post)

## Major Parties Involved

### Amnesty International

This international Non-Government Organization (NGO) focuses on human rights around the world and reports on violations of these rights. Through extensive research and avid campaigning, they set human right abuses

such as bringing the people responsible to justice, changing discriminatory and oppressive laws and free people wrongfully convicted for expressing their opinion.

### Human Rights Watch (HRW)

The HRW is an NGO aimed to report and investigate human rights abuses everywhere. Founded in 1978 beginning their work on investigating violations behind the Iron Curtain of Europe at the time. The organization looks at events like genocides and massacres but also works to address violations against persons likely to be faced with discrimination.

### United States of America

The US, being a major world power is always under scrutiny however an issue brought up over and over again is police brutality specifically against non-violent protesters. Increasing awareness of this is also resulting in more calls for action within the country. In America much of the police brutality is rooted in racism and discrimination. Furthermore, this has created prejudice against people of color protesting to be seen as threatening. A large number of reports regarding police violence was made in relation to the Black Lives Matters (BLM) movement, with large crowds' haven taken to the streets and although the protests were non-violent the government police officers still deployed violent methods of crowd control. This issue was brought up to the Donald Trump president at the time who responded with the threat of using armed force against protesters. With new change of leadership along with an overall more stable situation the country is watched for its action on this matter.

### Previous Attempts to Resolve the Issue

Universal Declaration of Human Rights, Article 20. Adopted by the UN on December 10<sup>th</sup> 1948, which states "Everyone has the right to freedom of peaceful assembly and association." and that these acts of violence against peaceful protesters directly breaches that freedom. This declaration was signed and recognized by all 192 member states of the UN. This document was created in order to have a clear standard of living and what a human being is entitled to simply for being human. This has played a significant role in international relations and treatment of people by authorities. Specifically looking at Article 20 it is one of the most significant articles relating to protests as it directly states the right to peaceful assembly.

United Nations Office on Drugs and Crime (UNODC) Handbook on police accountability, oversight, and integrity as a part of the Criminal Justice Handbook Series. This handbook addresses issues of "enhancement of police integrity and the integrity of policing, dealing with complaints about policing (receipt, investigation and follow-up), setting policing priorities and encouraging policy input, including from outside the police". The source additionally links to other similar documents passed. Lastly it addresses the issue of how police brutality must be tackled on a international scale

UNODC resource book on the use of force and firearms in law enforcement. This resource book is important as it goes into the issue of the legality and extent of police officers which applies to the handling of peaceful protesters. Published in 2017 it focuses on how to use force in conformity with applicable United Nations standards and norms and international human rights law, what can be done to reduce the need to resort to force, how the abuse of force can be prevented, and what measures should be taken when unlawful, excessive or arbitrary use of force occurs.

Human Rights Instruments, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. This document was adopted in 1990 addresses things such as there must be evident reasoning for a protest to no longer be considered peaceful hence allowing the use of force, how events like these will be reported and processed in a court, and the diversification of non-lethal methods of force.

## **Possible Solutions**

Countries retain the right to enact and uphold international human rights standards regarding law enforcement. The Universal Declaration of Human Rights, the UN Covenant on Political and Civil Rights, and the UN's Fundamental Principles on the Use of Force and Firearms by Law Enforcement Officials are all instances of such treaties. Authorities are able to guarantee that law enforcement agents respect and maintain the rights of peaceful demonstrators by adhering to these specifications.

Governments, civil society organizations, and human rights advocates can employ diplomatic pressure on countries which have a history of police brutality against peaceful protestors. This can include issuing public declarations, diplomatic protests, and interacting with international institutions like the United Nations. Through the act of increasing awareness and promoting the need for change, it becomes possible to apply pressure on governments so that they may truly tackle this matter with utmost seriousness.

Various independent global organizations like Human Rights Watch and Amnesty International have the capacity to oversee and document incidents of police brutality towards nonviolent demonstrators. These entities can carry out thorough investigations, compile evidence regarding human rights violations, and release comprehensive reports that attract attention from around the world. Consequently, these actions create a sense of scrutiny which compels governments to take necessary measures while ensuring those who are accountable for such offenses face appropriate consequences.

To this end, countries may develop communication mechanisms where law enforcement agencies share ideas of effective management techniques and training programs in crowd control and human rights. This may include seminars, workshops, and exchanges in which nations that have had the most success in policing peaceful demonstrations will be able to share best practices for doing so. This will go a long way in ensuring that security

organs are up to date with training and have adopted best practices such that law enforcement officials know how to respond to protests without disrespecting human rights and excessive use of force.

For instance, international organizations like Interpol and the UN Office on Drugs and Crime can design and propagate international standards that will be appropriate for global law enforcement agencies worldwide. Such standards may require proper procedures in applying force, controlling crowds and protecting human rights during demonstrations. Through accreditation voluntary programs and certification, countries may showcase commitment to abiding by these standards which in turn promote accountability and professionalism among their law enforcers.

Countries can institute judicial and legal reforms to hold police officials who exhibit brutality against peacefully protesting citizens liable for their actions. This may include setting up separate means of investigating complaints, prosecuting perpetrators as well as compensating victims. Further, reforms can also address improving the independence and efficiency of the courts system dealing with police brutality cases. Medical supervision was added to estimate the seriousness of injury.

The governments can promote discussions between the law enforcement agencies, communities, and the general public in order to address the issues concerning the conduct of riot control operations. Involving measures such as community policing initiatives, public forums, and other consultative platforms through which stakeholders can discuss, air their concerns and jointly come up with possible remedies. Proper communication channels can prevent confrontations and facilitate a cooperated way of handling protests.

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