Human Rights Council

The imbalance in police responses to different protest groups

Research Report

Leiden Model United Nations 2023

"let us sing songs of freedom together"

Forum: Human Rights Council

Issue: The imbalance in police responses to different protest groups

Position: Chair

Introduction

In a democratic society, the right to protest and express disagreement is fundamental, serving as a cornerstone of free expression and the democratic process. Public demonstrations are a means by which citizens voice their concerns, advocate for change, and hold their governments accountable. Law enforcement agencies are tasked with maintaining public order and ensuring the safety of all citizens during these protests. This involves striking a delicate balance between respecting the right to peaceful assembly and managing situations that may pose a threat to public safety.
In response to public demonstrations, police forces worldwide are guided by national regulations that typically consider both the level of disturbance and the potential threat to public safety. One would expect that violent and disruptive protests would encounter a swift and robust police response to protect public order and safety. Conversely, peaceful, pacifist protesters should experience a less forceful police presence to safeguard their right to peaceful assembly. However, recent history has witnessed a concerning trend – an increasing imbalance in the police response to different protest groups.

Definition of Key Terms

Imbalance in Police Response

This term refers to the unequal or disproportionate use of police force and resources in responding to various protest groups. It encompasses situations where peaceful protesters are met with a heavy police presence while violent protests receive a comparatively lenient response.

Peaceful Protesters

Peaceful protesters are individuals or groups engaging in demonstrations or public assemblies that adhere to non-violent means of expression, seeking to exercise their rights to freedom of assembly to advocate for social or political change.

Violent Protesters

Violent protesters engage in demonstrations characterised by the use of force, aggression, or acts of violence against people or property as a means of expressing their grievances or demands.

Public Safety

Public safety refers to the protection of individuals and communities from harm, danger, or threats that may arise during public demonstrations. It includes the prevention of violence, and property damage, and the maintenance of order.

Right to Freedom of Peaceful Assembly

This is a fundamental human right recognised by international law, allowing individuals to gather, protest, and express their views peacefully in public spaces without undue interference from authorities.

General Overview

In democratic societies, the right to protest is not just a constitutional privilege; it is a vital mechanism for citizens to participate in their governance, express grievances, and push for social and political change. In these moments of collective action, police forces play a crucial role in upholding public order and ensuring the safety of all individuals involved. Striking the right balance between preserving the right to peaceful assembly and managing potential disruptions is at the core of law enforcement's responsibilities.

However, the issue at hand extends beyond the fundamental concept of maintaining public safety during protests. It highlights a growing and deeply concerning trend - the imbalance in police responses to different protest groups. This phenomenon, increasingly observed in recent history, raises a series of critical questions about the principles of fairness, justice, and the very essence of democratic governance itself.

The Imbalance in Police Response

At its core, the imbalance in police responses refers to the unequal or disproportionate use of police force and resources when dealing with distinct protest groups. While national regulations and protocols are designed to guide law enforcement agencies in evaluating the level of disturbance and potential threats to public safety, the reality often diverges from these guidelines. Peaceful protesters, who are exercising their democratic right to assemble and advocate for change through non-violent means, frequently find themselves facing a formidable and heavily armed police presence. These scenarios can result in clashes and tensions that may not have existed otherwise.

Contrarily, violent protests, characterized by physical aggression and property damage, appear to receive a more lenient response from law enforcement, even in cases where their actions threaten public safety. This discrepancy allows violent actions to persist and can foster a perception of freedom from punishment among those engaging in destructive behaviour. The consequences of this imbalance are far-reaching and impact multiple aspects of society.

Disruption to Society

The repercussions of this imbalance are profound and all-round. Firstly, it disrupts the fabric of society itself. Public demonstrations are often manifestations of deep-seated societal issues and grievances. When peaceful protesters are met with a disproportionate police presence, it sends a chilling message that dissent is not just discouraged but met with force, undermining trust in the democratic process. This discouragement can lead to disillusionment, detachment, and, in extreme cases, a breakdown of civil discourse.

Erosion of Democratic Principles: At the heart of this issue lies a fundamental challenge to democratic principles. The right to freedom of peaceful assembly is enshrined in international law and is a bedrock of democratic societies. When this right is not consistently upheld and protected, it erodes the foundation of democratic governance itself. Citizens begin to question whether their government truly values their voices and respects their rights, ultimately undermining the social contract between the state and its people.

Implications for Accountability and Trust

Additionally, the imbalance in police responses raises serious questions about accountability and transparency within law enforcement agencies. Citizens have a right to expect consistent and fair treatment under the law. When an imbalance in police responses becomes apparent, it consumes trust in law enforcement institutions, making it difficult for communities to view them as unbiased judges of justice. This, in turn, can increase tensions and lead to further divides between the police and the communities they serve.

The Role of the Council

In light of these pressing concerns, it is vital that governing bodies, such as the Council, provide a comprehensive legal framework to address this imbalance. Such a framework must carefully balance the protection of public safety with the preservation of the right to peaceful assembly. It should seek to ensure that the response of law enforcement agencies is consistent, proportionate, and respectful of the principles of democracy and human rights.

Major Parties Involved

Law Enforcement Agencies

At the forefront of this issue are the police and law enforcement agencies themselves. They are responsible for maintaining public order, and their actions directly influence the outcome of protests. Their choices in resource allocation and response strategies significantly impact the dynamics of protests and public perceptions of their actions.

Peaceful Protesters

Peaceful protesters, exercising their democratic right to assemble and express their concerns without resorting to violence, are central figures in this issue. They aim to peacefully advocate for change, and their treatment by law enforcement can shape public discourse and determine the success of their cause.

Violent Protesters

Those engaging in violent protests are another party involved. Their actions can provoke confrontations with law enforcement, but they also raise questions about the appropriate use of force by police and the necessity of maintaining public safety.

Government and Policy Makers

Elected officials and policymakers hold a critical role in shaping the legal framework and regulations that guide law enforcement's response to protests. Their decisions and policies can either exacerbate or mitigate the imbalance in police responses.

General Public

The broader public is also a stakeholder in this issue, as their perceptions of law enforcement's actions and the fairness of response strategies can influence social cohesion and trust in democratic institutions.

Timeline of Events

1960s-1970s During the Civil Rights Movement in the United States, peaceful protesters advocating for racial equality faced severe police brutality, highlighting early instances of disproportionate law enforcement response.

1989 The Chinese government's violent crackdown on the Tiananmen Square protests garnered international attention and condemnation for the disproportionate use of force against peaceful demonstrators.

1999 The "Battle in Seattle" during the World Trade Organization protests showcased a significant police response against a mix of peaceful and violent protesters, raising questions about the appropriateness of the reaction.

2011 Occupy Wall Street protests in the United States saw a heavy police presence, with criticism over the perceived disproportionate response to peaceful demonstrators demanding economic equality.

2020 The death of George Floyd in police custody sparked widespread protests against police brutality. Many peaceful demonstrations were met with a strong police presence, while instances of looting and violence occurred concurrently, fueling debates about balanced responses.

2021 Pro-democracy protests in Belarus saw harsh police crackdowns on peaceful demonstrators, reigniting discussions on global disparities in law enforcement responses.

Possible Solutions

Enhanced Training and De-escalation Techniques

One solution lies in comprehensive training for law enforcement agencies to equip officers with the necessary skills to differentiate between peaceful and violent protesters. Specialized training in conflict resolution, de-escalation techniques, and recognizing the nuances of crowd behavior can help officers respond proportionately. Additionally, emphasizing the importance of protecting the right to peaceful assembly during training can shift the mindset of law enforcement towards facilitating rather than suppressing peaceful protests.

Standardised Protocols and Transparency

Establishing standardized protocols for police responses to protests, with clear guidelines on the use of force, resource allocation, and escalation of responses, can promote consistency and fairness. Transparency in these protocols, making them publicly accessible, can build trust between law enforcement and the community. Additionally, requiring law enforcement agencies to report and justify their response strategies for each protest event can hold them accountable and help identify any patterns of imbalance.

Independent Oversight and Accountability

Creating independent oversight bodies, separate from law enforcement agencies, can provide an impartial review of police responses to protests. These bodies can investigate incidents of disproportionate responses and recommend corrective actions. Ensuring accountability through such oversight can deter the misuse of force and reinforce the commitment to upholding democratic values.

Sources

Barker, Kim, et al. “In City after City, Police Mishandled Black Lives Matter Protests.” *The New York Times*, The New York Times, 20 Mar. 2021, www.nytimes.com/2021/03/20/us/protests-policing-george-floyd.html.

Emberlin , Rich. “How Police Can Work More Effectively with Protest Groups.” *Police1*, Police 1 , 1 Nov. 2017, www.police1.com/crowd-control/articles/how-police-can-work-more-effectively-with-protest-groups-jAPMf5SitD1fnr9a/.

“Keeping the Peace: ‘Police Response to Organized Protests and Spontaneous Disorder Events.’” *Dolan*, Dolan, 24 June 2019, www.dolanconsultinggroup.com/event/keeping-the-peace-police-response-to-organized-protests-and-spontaneous-disorder-events/.

"Policing at Protests: Best Practices." *Protests & Public Safety: A Guide for Cities & Citizens*, ICAP, constitutionalprotestguide.org/policing-at-protests-best-practices/. Accessed 19 Oct. 2023.

"Reports Police." *United Nations*, United Nations, police.un.org/en/reports. Accessed 19 Oct. 2023.

"Rethinking the Police Response to Mass Demonstrations." *Policeforum.Org*, Police Forum, www.policeforum.org/assets/ResponseMassDemonstrations.pdf. Accessed 19 Oct. 2023.