

UNODC

Addressing Police Brutality and the Criminalization of Dissent in Democratic States

Focused on responses to BLM in the US, protests in France, and youth-led resistance movements globally.

I. Introduction: Policing, Protest, and Power in Democratic States

In theory, democracies are built on the foundations of free expression, peaceful protest, and public accountability. In practice, the right to dissent is often met with tear gas, rubber bullets, mass arrests, and intimidation - even in countries that claim to protect civil liberties.

Across the world, recent years have seen a surge in popular protest movements: youth-led, multiracial, decentralized, and often sparked by incidents of injustice. Yet, the response from many governments, including some of the world's most established democracies, has revealed a troubling pattern: the criminalization of protest itself.

From the streets of Minneapolis to the banlieues of Paris and beyond, the lines between crowd control, suppression, and systemic abuse are increasingly blurred. Protesters are surveilled, kettled, arrested en masse, and, in some cases, injured or killed - often without consequences for those responsible.

The central tension is clear: how can states maintain public order without infringing on the very freedoms they are meant to uphold? The United Nations Office on Drugs and Crime (UNODC) plays a critical role in this conversation. With a mandate that includes justice reform, rule of law promotion, and crime prevention, UNODC is uniquely positioned to guide discussions around standards for use of force, accountability mechanisms for law enforcement, and protection of fundamental rights during moments of public unrest.

However, this topic also requires confronting deeper systemic issues: racial injustice, inequality, youth marginalization, and the politicization of law enforcement. Instead of evaluating isolated incidents, we should explore the global patterns that emerge when democratic institutions respond to protest with repression.

This is not a crisis confined to one country or one region. It is a challenge to the credibility of democratic systems worldwide.

II. Key Concepts & Legal Frameworks

Police Brutality

Refers to the excessive, unlawful, or disproportionate use of force by law enforcement officers. It can include physical violence (such as batons or rubber bullets), psychological intimidation and use of tear gas or sound cannons against unarmed crowds. Even in democracies, legal force can cross into brutality when it targets marginalized groups or suppresses peaceful expression.

Criminalization of Dissent

Occurs when governments use legal or administrative tools to punish or deter peaceful protest. Methods include declaring protests “unlawful assemblies” without clear justification or arresting protesters en masse on vague charges like “inciting unrest” or “disturbing public order.” This process turns protest into a criminal act, even when it is peaceful and constitutionally protected.

International Legal Standards

- Universal Declaration of Human Rights (UDHR): Article 19 (freedom of opinion and expression), Article 20 (right to peaceful assembly and association), Article 9 (protection from arbitrary arrest and detention)
- International Covenant on Civil and Political Rights (ICCPR): Article 21 (right of peaceful assembly, which is binding for ratifying states), Article 17 (protection from arbitrary or unlawful interference with privacy, relevant to protest surveillance)
- UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990): Establishes that force must be necessary, proportionate and accountable. These principles are non-binding, but widely accepted as best practice.

UNODC's Role

As part of the UN Secretariat, the United Nations Office on Drugs and Crime (UNODC) works on criminal justice reform, police accountability and training, preventing torture and ill-treatment and promoting the rule of law and access to justice. UNODC does not intervene directly in protests but helps shape norms and capacity-building for just, rights-respecting law enforcement in democratic and non-democratic states alike.

Key Legal and Ethical Tensions

- What's legal vs. what's legitimate: A protest may be declared “illegal” by a government, but still be a legitimate expression of dissent.
- Use of force vs. protection of rights: States often justify crackdowns in the name of security, but excessive force often undermines public trust and escalates tensions.
- Equal protection vs. selective policing: Certain communities (such as racial minorities, youth, migrants) face disproportionate use of force in democratic countries, raising questions of structural bias.

III. Case Studies: Protest In Practice

United States: “I Can’t Breathe”

On the evening of May 25, 2020, a 17-year-old girl walking down a Minneapolis street began filming what seemed like a routine arrest. What she captured instead was the killing of George Floyd, who repeated “I can’t breathe,” as a police officer knelt on his neck for over nine minutes. The video, shared within hours, ignited one of the largest protest movements in U.S. history.

The Black Lives Matter (BLM) movement, already a well-established force in American activism, surged into new momentum. From small towns to major cities, millions of people marched to demand racial justice and an end to police violence. The protests were largely peaceful. In many cities, residents formed human chains, chanted slogans, and held vigils. Yet the state response was not always restrained.

In Washington, D.C., unarmed demonstrators near the White House were forcibly cleared from Lafayette Square with tear gas, reportedly to make way for a photo opportunity. In Portland, Oregon, federal agents in unmarked vans detained protesters without explanation. Across the country, curfews were imposed, helicopters hovered low over crowds, and journalists were assaulted while reporting live.

At the heart of the movement was a demand for accountability, not only for George Floyd’s murder, but for centuries of institutional racism. However, the backlash revealed the strength of legal and structural barriers protecting law enforcement. Officers were rarely charged, and where trials did occur, they were often the exception rather than the rule.

France: Policing Protest in the Republic

In June 2023, a video of a traffic stop in Nanterre, a suburb just outside Paris, went viral within hours. In the footage, 17-year-old Nahel Merzouk, a French citizen of Algerian and Moroccan descent, is shot by a police officer at point-blank range while attempting to drive away. The event sparked immediate and widespread protests, not only in Paris but across the country, particularly in France’s often-overlooked banlieues.

The government’s response was forceful. Thousands of additional police were deployed, riot gear flooded the streets, and hundreds of people, many of them minors, were arrested. While officials characterized the unrest as violent and unjustified, protestors and community leaders pointed to decades of systemic neglect, economic marginalization, and over-policing in working-class immigrant communities.

France has long viewed itself as a model of republican values: liberty, equality, fraternity. But the policing of protest tells a more complex story. During the Yellow Vest movement, which began in 2018 in response to rising fuel prices and economic inequality, over 2,000 protesters were injured, including dozens who lost eyes or hands due to the use of police weapons like LBD launchers. Amnesty International and French rights groups criticized these tactics as excessive and indiscriminate.

Simultaneously, the French parliament debated laws that would restrict filming police officers, a move that civil liberties advocates saw as a direct threat to transparency and public accountability. That law was ultimately modified after public outcry, but the debate it sparked revealed growing discomfort with police power in the public sphere.

Nigeria: #EndSARS and the Fight Against Impunity

In Nigeria, police violence has long been part of daily life, especially for young people. For years, the Special Anti-Robbery Squad (SARS), a unit created to fight violent crime, became infamous for its corruption, extortion, and brutality. Young men were routinely stopped, harassed, and detained without cause, sometimes tortured or killed. In 2020, the long-simmering anger boiled over.

The #EndSARS movement began online, but quickly grew into a nationwide call for justice. It was decentralized, youth-led, and fueled by artists, influencers, students, and activists. Protesters organized marches, set up crowdfunding for legal aid and medical supplies, and used social media to document police violence in real time. In Lagos and Abuja, thousands gathered in what many described as the most hopeful and unified movement in recent Nigerian history.

That hope was shattered on the night of October 20, 2020, at the Lekki Toll Gate. Protesters had gathered peacefully, holding signs and waving the Nigerian flag. As evening fell, the streetlights were turned off and security cameras disabled. Soldiers arrived and opened fire. Witnesses reported multiple deaths, though the government denied responsibility. Videos of the shooting, particularly one taken by a well-known DJ livestreaming the event, spread globally, triggering international condemnation. After the massacre, the government promised investigations and reforms, but little accountability followed. Protesters were arrested, intimidated, and in some cases forced into hiding. Social media platforms were temporarily restricted. The moment, which had felt like a turning point, became instead a painful reminder of how quickly protest can be reframed as rebellion, and how fragile civic space remains, even in formal democracies.

Hong Kong: From Dissent to National Security

In 2014, a teenager named Joshua Wong stood at the center of Hong Kong's Umbrella Movement, calling for universal suffrage and democratic reform. With a school backpack slung over his shoulder and a microphone in hand, he became one of the most visible faces of a movement that would shape a generation. Protesters occupied streets for over two months, using umbrellas to shield themselves from police pepper spray and tear gas.

Five years later, the protests returned, this time in response to a proposed extradition bill that would allow suspects to be sent to mainland China for trial. What began as a legal concern quickly morphed into a broader fear: that Hong Kong's autonomy, already fragile, was nearing collapse. Millions marched through the streets. Demonstrators organized flash mobs, used encrypted messaging apps, and wore masks to avoid surveillance. The protests escalated, with clashes in metro stations, police firing tear gas into dense crowds, and arrests climbing into the thousands.

What set Hong Kong apart was the speed and precision with which protest was reframed as criminality. The term "rioter" became a legal and political weapon. Schools were pressured to monitor students. Pro-democracy lawmakers were disqualified. And then, in 2020, the Chinese central government imposed a sweeping National Security Law. Its language was broad and vague, criminalizing "secession," "subversion," and "collusion with foreign forces." The consequences were immediate. Arrests multiplied. Books were pulled from libraries. Activist organizations disbanded or relocated. Some protesters fled the territory, fearing prosecution under laws with sentences of up to life in prison.

The story of Hong Kong is not simply one of protest and crackdown; it's also a case of how legal tools can be deployed strategically to dismantle dissent within a system that once prided itself on civil freedoms. While technically part of China under the "One Country, Two Systems" framework, Hong Kong had long been viewed as a space where protest was possible, until it wasn't.

IV. The Machinery of Repression

Legal Tools and Ambiguous Definitions

Many countries rely on broad legal definitions to authorize the dispersal of protests or the detention of demonstrators. Terms such as *unlawful assembly*, *public nuisance*, *disturbing the peace*, or *incitement to violence* can be interpreted flexibly by law enforcement and courts. While these categories may be legally valid, their application can vary significantly based on context.

In some cases, protests are declared unlawful retroactively, allowing authorities to justify the arrest of individuals who had no reason to believe they were violating the law. For example, during the 2020 protests in the United States, curfews were often imposed with little notice, leading to the detention of peaceful participants. In India, student-led demonstrations have been subjected to sweeping charges under public safety laws, making it difficult to distinguish between criminal activity and civic expression.

Surveillance and Digital Policing

In the digital age, surveillance has become a central feature of protest management. Governments increasingly use facial recognition software, geolocation tracking, and social media monitoring to identify organizers and participants before, during, and after demonstrations.

In France, facial recognition was piloted for crowd monitoring during public events, sparking debate over privacy rights. In Hong Kong, where protesters began covering their faces and using encrypted apps to communicate, authorities responded by criminalizing face coverings and increasing data collection from arrested individuals.

Use of Force and Crowd Control Tactics

Tear gas, rubber bullets, sound cannons, water cannons, and batons are widely used by police forces during mass protests. While these are classified as “less-lethal” weapons, their use has resulted in serious injuries, including blindness, broken bones, and permanent hearing loss.

During the Yellow Vest protests in France, hundreds of injuries were recorded due to the use of LBDs (defensive ball launchers). In Nigeria, video evidence from the Lekki Toll Gate protests shows soldiers opening fire at a peaceful crowd, prompting widespread concern about accountability. In Chile and Colombia, similar tactics, including indiscriminate firing into crowds, have drawn attention from human rights observers.

The use of force is regulated under international standards, which require necessity and proportionality. However, enforcement of those standards varies, especially when domestic investigations are conducted by the same institutions responsible for oversight.

Preemptive Measures and Movement Restrictions

In some cases, individuals are detained before a protest begins or prohibited from traveling to protest locations. Organizers may be called in for questioning or monitored in the days leading up to major events. In India and Russia, preemptive detentions have been used to prevent mobilization. In the U.S., certain jurisdictions have attempted to classify organizing as “inciting unlawful behavior.”

Authorities may also impose blanket curfews, designate protest zones far from government buildings, or limit the number of participants allowed. These restrictions are often framed as administrative, yet they have the effect of reducing visibility and diminishing the impact of protest.

VI. When Law Protects Power

Two Speeds of Justice

Protesters often face rapid legal action. In the U.S., individuals arrested during the 2020 BLM protests were sometimes processed within hours. In India, student demonstrators have faced months of pretrial detention under public security laws.

Police, however, are rarely prosecuted with similar urgency. Internal reviews, when they happen, may take months or years. In France, despite hundreds of injuries from riot control weapons, convictions of officers remain rare.

Legal Shields, Structural Gaps

Some protections are written into law. In the United States, qualified immunity prevents officers from being sued unless they violated a “clearly established right.” In other democracies, oversight bodies often lack independence, power, or both.

Courts and the Narrative of Protest

Legal rulings don’t just punish or absolve: they shape public narratives. When courts uphold terrorism charges against peaceful demonstrators (as has happened in Turkey, India, and Egypt), it reframes activism as extremism.

In contrast, human rights courts, such as the European Court of Human Rights, have occasionally ruled in favor of protestors, acknowledging excessive force or violations of freedom of assembly. But such victories are often years too late to change immediate realities on the ground.

VIII. The View from the State: Order, Safety, and the Limits of Protest

Is it repression, or is it responsibility?

While protests often begin as peaceful expressions of frustration or demand for justice, the way they evolve can challenge a government's responsibility to maintain public order. From a state's perspective, ensuring safety, protecting property, and upholding social stability are not just policy goals - they are constitutional obligations. This perspective is frequently overlooked in debates on dissent. Yet when demonstrations turn disruptive, it is often public officials (mayors, ministers, police chiefs) who are held accountable by citizens for what follows: blocked ambulances, destroyed storefronts, or a city on fire.

France is no stranger to protest. From the 1789 Revolution to the May 1968 uprisings, dissent is woven into the nation's identity. However, the 2023 riots following the police shooting of Nahel Merzouk reignited a long-standing tension between public expression and state control. The protests began as a call for justice, but quickly escalated in some areas. In several cities, public trash bins were set alight and left burning in the streets, municipal buildings, schools, and police stations were attacked, vehicles were set on fire, including buses and delivery trucks. Shopfronts were also smashed, and some businesses looted, and emergency services, including firefighters and medics, reported being obstructed or assaulted.

Faced with these developments, government officials framed their actions as a protective response. Interior Minister Gérald Darmanin deployed 45,000 police officers nationwide and emphasized that the goal was not to silence protestors but to defend the rule of law and protect neighborhoods - many of them the same ones from which the unrest had emerged.

Authorities also highlighted that many residents of affected suburbs requested intervention. Some community leaders condemned the destruction as harmful to their own neighborhoods, noting that local libraries and youth centers, not symbols of government oppression, had been burned down.

The dilemma France faces is far from unique:

- In Chile, during the 2019 protests over inequality, public transport systems were vandalized, and fires damaged metro infrastructure. The government declared a state of emergency, deployed the military, and imposed curfews.
- In South Africa, protests against economic conditions have sometimes turned violent, with attacks on foreign-owned businesses and looting of warehouses, prompting police to use live rounds in response.
- In India, the government often argues that large-scale protests block traffic arteries, disrupt exams, or pose security threats in already tense regions.

FURTHER RESOURCES

Inside The Hong Kong Protest Movement

<https://www.youtube.com/watch?v=xI2rGqacNy4>

#EndSars Explained

<https://www.aljazeera.com/program/the-stream/2017/12/7/endsars-why-have-stories-of-police-brutality-gone-viral-in-nigeria>

The Protest Restaurants Of Hong Kong

<https://www.youtube.com/watch?v=Q13eLktSl1o>

Chile: Students Fight For Constitutional Reform

<https://www.dw.com/en/chile-students-fight-for-constitutional-reform/video-51279216>

Restrictions Of Civil Society Space In France

<https://www.hrw.org/news/2023/05/04/restrictions-civil-society-space-france>

Prison Diary - The Guardian

<https://www.theguardian.com/environment/2025/jan/25/just-stop-oil-jailed-four-years-non-violent-climate-protest-prison-diary>

What's Behind Violent Protests In France's Martinique?

https://www.youtube.com/watch?v=Mn_gZQORk6g

3 Ways To Ensure That Rogue Cops Aren't Above The Law

<https://www.vox.com/2020/6/9/21284270/qualified-immunity-rogue-cops-justin-amash-8-cant-wait-supreme-court-justice-in-policing>

U.S Protesters Are Taking Some Tactics From Hong Kong's Playbook

https://www.youtube.com/watch?v=DY6F_pLU5ng

Inside Hong Kong's Fight For Freedom

<https://www.youtube.com/watch?v=j5YKKPizQi8>

"Do Not Resist" Trailer & Discussion

<https://www.pbs.org/video/pov-do-not-resist-trailer/>

Black Lives Matter Protests Shift Public Discourse

<https://www.pnas.org/doi/10.1073/pnas.2117320119>