

REPRESSION OF SOCIAL PROTEST IN TIMES OF PANDEMIC

Part Two: Disqualification and Stigmatization of Social Protest



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The Tools for Violently Repressing Social Protest

In recent weeks, protesters have been criminalized and citizen mobilizations have been violently repressed under the pretext of preventing the violation of measures to contain the pandemic. On June 15, the largest social protests since the state of emergency was announced due to the pandemic were held in Bogota, Cali, Medellin, and Pasto. The violent repression of these protests demonstrated the implementation of the following measures, which have in effect disallowed the exercise of the constitutional right to protest, and, consequently, the rights to freedom of expression, assembly, and petition:

1. The failure to recognize current laws in force, especially Resolution 1190 of 2018 on practices and procedures to guarantee social protest, Decree 563 of 2015 in Bogota, and the non-enforcement of military and police guidelines to guarantee the right to protest.
2. The excessive and arbitrary use of force as a tool to break up social protests.
3. Police officers not displaying required insignia or badge numbers, as well as civilian personnel assaulting and interrogating individuals under arrest.
4. Arbitrary mass arrests of those engaged in social protest.
5. Targeted attacks on reporters and independent journalists in order to prevent the recording of abuses against protestors, including theft and the destruction of recordings by means of formatting cellular phones and destroying memory cards.
6. The mass and generalized use of the ill-named “protective transfer” (*traslado por protección*), which has become an extraordinary measure for punishing and repressing social protest.
7. The generalized imposition of fines as punishment for those protesting, witnesses reporting abuses, journalists, and human rights workers.
8. Threats and charges filed against persons who most vehemently react to abuses. In most of these cases charges are dropped due to a lack of evidence or irregularities during the arrest. Generally, these efforts to charge persons who have been attacked and refer them to the Office of the Prosecutor seek to hide or justify abuses.
9. Local authorities publicly disqualifying the reasons behind the protests and stigmatizing organizations convening or participating in protests, under the premise that they seek to violate safety measures.

The Stigmatization of Social Protest

In their eagerness to prioritize compliance with social distancing measures imposed by the government at all costs, and failing to recognize the urgent conditions that compel people to take to the streets and demand authorities address their needs and rights that have been violated during the pandemic, some mayors – including some recognized as progressive – have regrettably used the media to disqualify and stigmatize those who convene or exercise their right to social protest.

In Medellín, police officers on horseback violently attacked groups of protestors under the guise of preventing graffiti from being painted on walls. Many protestors were injured, including lawyers and journalists, simply for reporting live on what was happening.¹ Subsequently, Mayor Daniel Quintero disqualified the protests as having sinister motives, such as wanting to discredit authorities and “further spread a pandemic that could kill their parents and grandparents.” These claims were based on information from “people that know about these things.”²

The mayor of Barranquilla not only stigmatized protests, but also, going beyond his scope of authority, decided to deploy the military to impose criminal penalties “for those who do not want to comply.” According to the mayor, people who do not comply with isolation measures “may be jailed for several hours,”³ for which he “requests the support of the army to verify compliance and prevent the spread of the virus.” As if he were a legislator, the mayor informed that “we are looking at the possibility of more severe sanctions for those who do not comply, we need to understand that this is serious.”⁴

On June 16, Bogotá Mayor Claudia Lopez stigmatized the previous day’s protests, telling the media that: “This is in no way a legitimate protest. This is organized vandalism seeking to politically benefit extremists, which we will not allow.”⁵ On her social media accounts, the mayor stated, “it is clear that those who convene these protests in the middle of a pandemic are more interested in destabilizing health and democracy than in protecting them.” In disqualifying the reasons behind the protests, she stated that “these protests should not only be punished by the judicial system, they also have a political motive behind them.”⁶ Furthermore, she encouraged the repeated police practice of using any and all means to judicially persecute protestors.

The fact that authorities disagree with the motives of those convening social protests should not result in protests being treated as a venue for confronting their political adversaries. Indeed, authorities have qualified protestors as a mob at the service of their political opponents with whom they have pending disputes. This stigmatization of protestors fails to recognize the autonomy and freedoms of conscience and expression of those who exercise their right to assemble in order to pose their complaints to the authorities. In this sense, the mayor is wrong to discredit protestors affected by shortages brought about by the pandemic. She has stated, “this is motivated by politicking, by opportunism. The same folks saying that we need a universal basic income and to stay home are now mobilizing people to protest. They are seeking confrontations with the police in order to claim that what we have here is authoritarianism. There are people here who want to play politics on the ashes of Bogotá and Colombia, and that is malicious. I am certain that Colombians will punish this at the polls.”⁷

¹ Usuga Heno, Robinson. *Alcaldía de Medellín, rompiendo huesos*. June 16, 2020.

<https://liviadeorion.com/2020/06/alcaldia-de-medellin-tirando-a-matar/>

² Quintero Calle, Daniel (@QuinteroCalle). “People who know about these things claim that these protests are not against the national government, but rather that they seek to have things go poorly for mayors. They are achieving that, but at what cost: helping to further spread a pandemic that could kill their own parents and grandparents.” June 15, 2020. 6:46 p.m. Twitter

³ El Espectador (June 17, 2020). *Endurecen medidas en Barranquilla para evitar contagios de COVID-19*. https://www.elespectador.com/noticias/nacional/barranquilla-para-evitar-contagios-de-covid-19/?cx_testId=14&cx_testVariant=cx_1&cx_artPos=1#cxrecs_s

⁴ Jaime Pumarejo (@jaimepumarejo). “Tomorrow a high-ranking general from @FuerzasMilCol is arriving to manage the arrival of more men, which will help us ensure compliance with the curfew. We are looking at the possibility of more serious sanctions for those who do not want to comply, we need to understand that this is serious.” June 16, 2020. 8:58 p.m. Twitter

⁵ Portafolio (June 16, 2020). *Las duras críticas de Claudia López a protestas vandálicas en Bogotá*. <https://www.portafolio.co/tendencias/noticias-coronavirus-las-duras-criticas-de-claudia-lopez-a-protestas-vandalicas-en-bogota-541794>

⁶ Semana (June 16, 2020). “Si hay violencia, van a encontrarse con el Esmad”: alcaldesa sobre protestas. <https://www.semana.com/semana-tv/semana-noticias/articulo/coronavirus-claudia-lopez-sobre-marchas-en-bogota/680024>

⁷ Ibid.

In the case of children and adolescents, the Defending Liberty is Everyone’s Business (*Defender la Libertad, Asunto de Todos*) campaign denounced that Karen Lizeth Alvarez and 12 other minors were subjected to protective transfers. None of the grounds for protective transfers – which are only those contained in Article 155 of the Police Code – applied to them. Alvarez and other minors were sent to the Teusaquillo police station – without the presence of Child and Adolescent Police and with no reason for their detention – for the restitution of their rights. They could only be released to a family member, and as that was not possible at that time, she was remanded to the Family Commissioner. The infantilizing and underestimation of the ability of children and adolescents to think and act freely was put on display by the mayor when she stated that they were irresponsibly taken, as minors, to protests by people who did not look after them before or afterward, and that this therefore validated their being subjected to protective transfers to police stations, issued summonses, and remanded to Family Commissioners or be picked up by family members from those places.⁸

This form of infantilizing them and not recognizing their right to think and act freely, as well as their freedoms of conscience, expression, and assembly, fails to recognize rights guaranteed in the constitution and the Convention on the Rights of the Child; it only holds water if one has an authoritarian, paternalistic mentality.

The apocalyptic exaggeration of protestors’ intentions – such as claims that they just want to clash with police, amass crowds, or play politics on the ashes of the city and country – are in tune with the doctrine of “the enemy within,” which has been promoted for years to accuse and persecute those who, due to their disagreement and demands, do not want to submit to development or political management models that go against their collective action.

Addressing Protestors’ Complaints. Given the precariousness, unemployment, impoverishment, and hunger facing Colombians, the appropriate thing for local and national authorities to have done is guarantee adequate means of subsistence for millions of families in need. As they did not guarantee the possibility of quarantine without hunger and income insecurity, it is necessary for them to address the fair complaints voiced by protestors. They must also guarantee and strictly enforce protocols and procedures to guarantee the right to protest by all social sectors, including youths and minors; cease any action to disqualify and stigmatize social protest; and provide effective guarantees for the free exercise of the rights to freedom of conscience, expression, and assembly. Social protest is the only possibility left for citizens to stop injustice and authoritarianism, and, in the absence of legislative and judicial oversight, prevent democracy from being undermined and the rule of law from being dismantled.

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⁸ Campaña Defender la Libertad Asunto de Todos. *Comunicado frente a las declaraciones de la alcaldesa de Bogotá, Claudia López.* June 18, 2020. <https://defenderlalibertad.com/comunicado-frente-a-las-declaraciones-de-la-alcaldesa-de-bogota-claudia-lopez/>