

## Notes on the Criminalization of Social Movements in Latin America: Examples from Brazil and Mexico

### Notas sobre a Criminalização dos Movimentos Sociais na América Latina: Exemplos do Brasil e do México

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#### Abstract

This article examines the relationship of States and social movements, focusing on the criminalization of protests in Brazil and Mexico. The criminalization of protests is a polysemic process, which can be observed in recent years in both countries, through control strategies deployed by the media and state institutions, including (albeit not exclusively) the criminal justice system. This article sheds light on the persecution of young protesters, who have gained visibility in recent movements in Latin America as actors in student movements and in movements without a generational focus. The article analyzes protests as events, focusing on the relationship between social movements, democratic regimes and violence, which is sustained in the recurring utilization of methods of criminalization of social movements in both countries. This phenomenon, we conclude, expresses the persistence of characteristics of colonial, dictatorial and authoritarian regimes.

**Keywords:** criminalization; repression; social control; collective action; social movements.

#### Resumo

Este artigo examina a relação entre Estados e movimentos sociais, com o foco na criminalização dos protestos no Brasil e no México. A criminalização dos protestos é um processo polissêmico, que pode ser observado nos últimos anos nos dois países, por meio de estratégias de controle implantadas pela mídia e por instituições estatais, incluindo – ainda que não exclusivamente – o sistema de justiça criminal. Este artigo lança luz sobre a perseguição de jovens manifestantes, que ganharam visibilidade nos movimentos recentes da América Latina como atores de movimentos estudantis e de movimentos sem foco geracional. O artigo analisa os protestos como eventos, enfocando a relação entre movimentos sociais, regimes democráticos e violência, que se sustenta na

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utilização recorrente de métodos de criminalização dos movimentos sociais em ambos os países. Esse fenômeno, concluímos, expressa a persistência de características dos regimes coloniais, ditatoriais e autoritários.

**Palavras-chave:** criminalização; repressão; controle social; ação coletiva; estado; violência; movimentos sociais; jovens.

## Introduction

This study addresses protests that arose in Mexico between 2012 and 2014 and Brazil in 2013, which shook the political institutions of both countries. More specifically, it focuses on the criminalization of protests through policing and the creation of new legislation. Protests, as part of the actions of social movements or as a form of citizen participation in modern democracies, represent an important heuristic path to think about the State's transformations. Hence, our main concern is to focus on the interaction between social movements and state institutions in recent years, particularly the authoritarian response that the State has exercised in the face of the growing disagreement that is expressed on the streets through protests.

The analysis of protests and repression has offered interesting results through the monitoring of different characteristics and the components that identify their temporal and spatial intensity, the actors involved, their demands, their repertoires, among other variables (ALMEIDA; MONTEIRO; SMIDERLE, 2020; EARL, 2011). However, while a significant body of international research examines the policing of protests (DAVENPORT, 2007; DELLA PORTA; REITER, 1998; EARL, 2011), and despite recurrent debates about the policing of protests and violations of the right to protest in Latin America, few studies focus on understanding the repression of protests and collective action post-democratic transition (FERNANDES, 2020).

Oliver (2008) argues that research on the repression of dissent must incorporate an analysis of wider forms of social control, including rising punitiveness and mass incarceration. So understanding long-lasting and intersecting systems of control is crucial for grasping the relationship between 'crime control' and 'dissent control' (OLIVER, 2008, p.13). Oliver, Cadena-Roa e Strawn (2003) point out that analytical approaches to a wide range of possible events can shed light on changes in forms of collective action, temporal dynamics and mutual causality, allowing us to manage failures, setbacks and progress dynamically. At an analytical level, qualitative approaches are important to understand social movements and the relations between the State and civil society. The notion of "protest events" (FILLIEULE; TARTAKOWSKY, 2015) allows us to question and problematize the limitations of political structures of collective action. This analysis combines data gathered first hand, through ethnographic documentation by the authors in their respective doctoral research projects, of protest events with information from documents and reports. Although presented as partial research results, they represent the beginning of a promising intellectual inquiry.

To illustrate, we hereafter present a few examples. In March 2016, a new initiative was passed in the state of Mexico (*Estado de Mexico*) to regulate the use of public force, "Atenco Law"<sup>4</sup>, empowering state and/or municipal police to intervene when they

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<sup>4</sup> The Atenco Law is the Law that Regulates the Use of Public Force approved by the Congress of the State of Mexico to regulate the use of public force and the use of weapons, including lethal weapons, for the control of public security. It has as a main reference the events that occurred in 2006, in San Salvador Atenco, State of Mexico, there were riots between the *Policía Federal Preventiva*, the *Agencia de Seguridad Estatal del Estado de México*, inhabitants of the town, militants of the *Militantes del Frente de Pueblos en*

consider any demonstration illegal. The police was given the right to use lethal weapons in some cases: in self-defense or in case of imminent danger of death; prevention of a particularly serious crime or with the aim of detaining supposedly dangerous people who oppose resistance to authority (MENDOZA, 2016).

In addition to allowing the use of other techniques of subjugation of the protesters, which include the use of rigid handcuffs, irritants, thumb locks and intermediate weapons, such as devices to provide electric shocks, this legislation is characterized by the lack of precision in administrative, civil and criminal sanctions against police officers that commit excesses in the use of force.

In Chiapas, the so-called “bullet law” or “club law” was repealed at the end of 2014, at the proposal of then state Governor Manuel Velasco, who had sent the proposal months before. In Puebla, the law to protect human rights and that regulates the use of force by police institutions, was also called the “bullet law”. The status of different laws indicated above has changed, largely due to the mobilization of activists and human rights defenders.

In the Brazilian case, state laws have also been modified. In Rio de Janeiro, after intense debate, modifications were made to the law that instituted the CEIV (State Commission for Investigation of Crimes of Vandalism). This was repealed with a new decree in which the prerogatives on telephone surveillance were modified, and the 24-hour period for telephone companies to offer the suspects’ data was eliminated. In São Paulo, Law 15,556/14 was approved in the Chamber, but to date it has not been regulated. While the federal “anti-terrorism” law was approved in 2016 by the Senate, despite intense protests from civil society.

We argue that the examples presented here illustrate the workings of logics of control and the way they (re)produce long standing unequal social relations embedded in the hierarchies of colonialism. The multifarious ways in which the persecution of dissent takes place sheds light into the normalization of states of exception, in which the police and the state reproduce a long history of authoritarianism, enforce a particular form of security by instilling fear, through brute and unrestricted force. Rather than unique to Latin America, the authoritarianism that the Brazilian and the Mexican cases so clearly illustrate reveals much about State-civil society relations in a new global political context in which far-right groups and elites converge, persecuting dissent and ideologically justifying the use of diverse forms of violence.

The text is structured as follows: first we outline potential inflection points between postcolonial approaches and our contribution to the literature on the repression of contemporary protests. Subsequently, the criminalization of protests is defined as a social control strategy made up of at least three characteristics: anti-protest laws; the actions of the police forces and the role of the media with the greatest influence on public opinion. Finally, we examine the similarities between these processes in both countries.

## **A Postcolonial Approach to Contemporary Protests**

Postcolonial perspectives acknowledge the legacy of colonialism on the colonized and colonizers (CUNNEN; ROWE, 2014). In line with other critical theories, they propose that the voices, experiences and representations of previously colonized people, subaltern

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*Defensa de la Tierra* and other resistances. At the centre of the dispute was the occupation of land for the construction of a new airport. Different testimonies and, subsequently, the *Comisión Nacional de Derechos Humanos*, the *Comisión Interamericana de Derechos Humanos* among other institutions, reported multiple serious violations of human rights to residents and activists during this event.

and marginalized groups are the site of on-going colonial power struggles (SPIVAK, 1988). Colonialism is not simply a historical event but rather a lasting social, political, economic, and cultural process (CUNNEN; ROWE, 2014). As such, postcolonial paradigms question the silences and claims to universality of mainstream theorizing, which operate without a theory of colonialism or its effects (AGOZINO, 2019). With some exceptions, such as the work of Agozino (2003), Weis (2018), Moosavi (2019), and Hall *et al.* (1978) on racialized crime constructs, much work in disciplines such as Criminology has neglected the centrality of colonialism in the ways we understand criminal justice and what acts end up defined as crime today. By focusing on examining the experiences of dissidents in contemporary protests in two postcolonial societies, while making central the work of Brazilian and Mexican scholars, we put forward a contribution that aims to decolonize our understanding of the criminalization of dissent. This is particularly important given that much research on the repression of dissent has focused on protest policing by examining North American and European cases (EARL, 2011, p. 271) or in comparisons of European countries (DELLA PORTA; REITER, 1998), with few exceptions (ALMEIDA, 2008; LOVEMAN, 1998).

Protests can be understood as the temporary taking of public spaces; the visible and ephemeral expression of a social movement; and collective defiance through direct disruptive action against elites, authorities, or other cultural groups (KOOPMANS, RUCHT, 2002; SCHUSTER, 2005; TARROW, 1997). The protest events that took place from 2012 to 2014 in Mexico and in 2013 in Brazil can be understood as a constituent part of a cycle of contemporary protests. This cycle includes the American movement "Occupy", in 2011; the "Arab Spring" in 2011; the Spanish 15M, also in the same year, #Blacklivesmatter in the USA since 2016 but that spread to other contexts and anti-fascist protests in Brazil in 2020.

In 2012 a movement known as #Yosoy132<sup>5</sup> started in Mexico, with the democratization of communication means as a central demand, stated as indispensable for the country. Still, such movement also valued a long history of struggle in the country (workers, urban, indigenous, peasant and students) and questioned the growing violence<sup>6</sup> and electoral conjecture *manipulated* by the media. Its massive marches, squatting public spaces and performances, among other actions that started in Mexico City, were expanded to different states in the country through organized *cells* mainly by students. Aside from material gains, different social groups, activists, academics, and population overall, linked or not to social movements that protested, demonstrated their capacity of interpellation.

In 2013, teachers' movements started a new cycle of protests with discussions about the educational reform measures approved by the legislative, where labour contracts were substantially modified, and proposed practices were standardized. Teachers then started a gathering<sup>7</sup> to manifest for almost four months in el Zócalo in Mexico City, until their

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<sup>5</sup> Social movement that started on May 2012 after a campaign activity by then president candidate by PRI, Enrique Peña Nieto. Facing questions on his candidature, the candidate assumed responsibility for the repressive actions in the case of Atenco, state of Mexico (in 2006), causing outrage of the students, who caused that candidate to leave in the middle of a security operation. Hours later, different political actors and the media described the dissatisfied students as hauled and joints [shock groups]. 131 young people replied, then, through the Internet to be students, accrediting themselves as such, and distancing themselves from any political party. On the same day, thousands of people expressed their support through social networks under the hashtag # Yosoy132.

<sup>6</sup> In 2011 Movimiento por la Paz (Movement for Peace), headed by Javier Sicilia, started questioning violence as the result of Calderon's War on Drugs against organized crime.

<sup>7</sup> The *plantón* (sit-in or occupation), along with the stoppages of activities and marches, have become recurring collective actions by the teachers' union, as has the government's repressive response. The center of the city of Oaxaca, in southern Mexico, for example, has been a space where these types of demonstrations are regularly observed. In May 2006, teachers began a sit-in indefinitely. On June 14, police forces attempted to evict the camps, triggering conflict. Consequently, the Popular Assembly of

eviction on 13th September by police forces (POY *et al.*, 2013). A few days earlier, without government answers, the teacher's union in Mexico (Coordinadora Nacional de Trabajadores de la Educación or CNTE) invited different social groups to join peaceful protests against educational reforms. Mobilisations between August and November 2013 spread all over the country.

In 2014, due to the murder of six students and the disappearance of 43 others from the Rural Normal Isidro Burgos of Ayotzinapa, Guerrero, Mexico, protests arose on 26th September in Guerrero, which soon resonated in the capital and different cities of the country<sup>8</sup>. "They took them alive; we want them alive" was the main slogan of the mass demonstrations between the months of October and December 2014.

In June 2013, Brazil's protests started with the increase of bus ticket fares in large cities and had lasting effects on the country's history of activism. Crowds of a million people were on the streets in cities such as Rio de Janeiro (JACOB, 2013) expressing different demands, such as calling for better public services and against the excessive spending on Fifa's World Cup that would take place in 2014. According to Bringel and Pleyers (2015), new political repertoires are out on the street, demanding autonomy and using the street as an important space of political action. The prosecution of 23 activists that took part in the 2013 and 2014 protests became public and high-profile. Anti-protest laws such as *Leis de Organizações Criminosas* (Lei n. 12.850 de 2013) and *Antiterrorismo* (Lei n. 13.260) (BRASIL, 2016) were used to make an example of the 23 protesters as a way of demobilising people in the streets. Protesters started to make regular reference to human rights abuse in this particular situation (MARTINS, 2020) and Human Rights organizations took notice not only of the 23 but also of recently illegally incarcerated activists (5 ANOS..., 2018).

The protests that took place in Mexico and Brazil are a part of a wider cycle of global protests (ROVIRA, 2020; TEJERINA, 2013). The similarities among all these are multiple: the demands, the repertoires of action, the role of the means of communication, particularly social media, and the strong youth component. We analyse a process that converges the experiences based on other empirical investigations: the authoritarian measures implemented by the State against protesters, and particularly young people, criminalised and identified as terrorists as the result of their participation in protests. Just as crime and crime control are rooted in the history and experiences of colonisation, so are young protesters in postcolonial societies. The repression of dissent against inadequate access to one's citizenship rights, against land dispossession, against the advancement of neoliberal capitalism is tainted by racialised biases. As Cuneen and Rowe (2014: 59) note "the colonised is forced to exist as an embodiment of race: an embodiment that is increasingly overlaid with significations of criminality".

Although they have some divergences, global protest cycles can be analysed within the growing overlap of Law States and Security States. That is, there is an ever-growing national investment in security policies that cut through social movements. Agamben (2016) alerts us to liberal democracies tendency to systemically conflate terrorism and state security. On one hand, this produces the necessity to legitimize fear and on the other it generates a progressive depoliticization of citizens, partially expressed in their reduced political participation.

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Organized Peoples (APPO) was formed by a group of more than 300 organizations, unions, communities and other sectors of "civil society" that were in solidarity with the teachers' union.

<sup>8</sup> The movement for justice in Ayotzinapa acquired an international projection, with the formation and reactivation of groups of Mexican activists in the world, who demand a Mexico free of violence. In Germany, Australia, Bolivia, Brazil, Chile, the United States, Spain, France, Belgium, Switzerland, to name a few countries, activists have united to demand justice in this case.

In Latin American states, increasingly identified as police states, protesters suffer from different security resolutions solely based on information distributed exclusively by the police or media conglomerates, that as Agamben (2016) states might be considered less trustworthy, with scarce verification and legal evidence. That way, the typification of protesters as terrorists is one of the common points of those experiences in the last few years. Therefore, Latin America advances its legislative setbacks, as we will analyse in the following section.

### **On the Criminalisation of Protests**

The criminalisation of protests can be understood as a repressive process, executed by state institutions to confront social struggles. It is a practice of controlling social unrest that materialises through different concrete actions, such as: a) disproportionate repression of protesters; b) investigation and criminal prosecution of a social group, chiefly the leaders of movements; c) arbitrary arrests and other violations of due process; d) the discursive conflation of activists with criminals; e) the creation of administrative sanctions and ad hoc legislation or new crimes; f) aggravation of the accusations; g) illegalisation of social protest; and h) a lack of due process in the application of the law (CORTEZ, 2008). As Fernandes (2020) explains, systematic forms of social control over collective action involve multiple organisations and are exercised through a range of means. These include “the work of police on the streets, police investigations and charges against activists, legislation to restrict the right to protest and the construction of mediatic discourses that delegitimize acts by social movements” (FERNANDES, 2020, p. 111). Accordingly, social control of protest, as a substitute for the repression paradigm, reveals how protest control surpasses movements research to movement processes and theories (EARL, 2004).

This process produces the normalisation of an official repertoire of actions characterised by the violation of human rights, causing impunity to prevail for law enforcement officers. Additionally, through rigged judicial processes, unjustified imprisonments, forced disappearances, social movements are introduced to long legal confrontations that wear them out internally and place them at a profound disadvantage in terms of resources, both economic and professional. An effect of this is social demobilisation, which is a result of direct repression and the fear it generates among previously allied social sectors who desist from participation given the high cost of losing their freedom (PALAU; CORVALAN, 2008; ZAPATA, 2010). Demobilisation also takes place through incapacitation as shown in research on the US case where the mass incarceration of black communities impedes mobilisation (OLIVER, 2008). Alexander (2010) shows how African Americans are demobilised through incarceration and systems of control of the Criminal Justice System using strategic forms of exploitation and repression. Latin American countries are following similar trends.

In Brazil, according to Facina and Palombini (2017) there is a long history of criminalising the activities of its poorest communities, such as Samba, which emerged in the *favelas* and has been used by black communities to criticise and dissent against white privilege. Other popular activities and styles of music in the Brazilian *favelas*, such as *baile funk* (outdoor funk music parties) and capoeira (a sport, dance, and martial art), which emerged as a form of resistance to slavery in Brazil’s colonial period, are also criminalised through coercive policing and control. This analysis of Brazil’s wider context corroborates the points of inflection summarised by Fernandes (2020), insofar as the organisational features of the police – including militarisation, lack of transparency, intolerance to

contentious politics, especially by marginalised groups – are authoritarian legacies reproduced in the targeting of ‘enemies’ within. Police interactions with activists and social movements are products of a colonial history in which the police continuously play the role of controlling the ‘popular classes’ (FERNANDES, 2020, p. 121). The empirical evidence that we have registered in recent years invites us to think about the existing convergences between the criminalisation of protests, its described aspects (discursive normalisation, and demobilisation), in two Latin American countries.

### **Anti-Protests Laws, Police Laws and Media**

In Mexico, the establishment of “anti-protest laws”<sup>9</sup> refers to a series of initiatives, laws and approved reforms that restrict freedom of expression and public protests. These legislative proposals are measures that directly seek to regulate public space, coercing protesters to use certain routes and times, and forcing organizers to provide details of them through requests and permits. In case of non-compliance with bureaucratic procedures in the exercise of the right to protest, administrative, civil or even criminal sanctions are imposed (FLEPS, 2015).

In 2014, at least five local “anti-protest” laws were approved in Mexico, according to the Control of Public Space Report (FLEPS, 2015). In Quintana Roo, the State Civic Ordinance Law has empowered the authorities to take measures if order is disturbed, public peace is impeded, hindered or hinders the provision of a public service. In the Federal District, the *Ley de Movilidad* (or Mobility Law) for the Federal District approved by the ALDF (acronym for Asamblea Legislativa del Distrito Federal) establishes the need to give notice and the obligation that the marches are perfectly licit, prohibits the use of main roads and empowers the Secretary of Public Security to take whatever measures are deemed to ensure these requirements are met.

In Chiapas, a southern Mexican state bordering Guatemala, the Code that establishes the legitimate use of force by public security institutions, presents a classification of and distinction between peaceful and violent protests based on unclear criteria, and establishes the possibility of acting against violent acts. The characterisation of violent protests includes: the use of threats to intimidate or compel the authority to solve certain problems in which public peace and citizen security are disturbed. In Puebla, the Law to Protect Human Rights that regulates the legitimate use of force by police institutions establishes socio-economic and political parameters to justify the type of operation that the security forces will deploy on the protesters. The use of non-lethal weapons for the control of protests is approved, prioritizing the rights of third parties or public order over the right to protest (FLEPS, 2015).

In the Brazilian case there have also been state efforts in legislative, executive, and judicial spheres to criminalise protests. At the federal level, a law was approved in the Senate (Senate Bill No. 499, 2013) in which the crime of terrorism was defined as the act of

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<sup>9</sup> Front For Freedom Of Expression And Social Protest, 2015 registered between 2012 and 2018 the approval of different laws related to mobility, transit, civic culture or the use of force in 24 states of the country: 1. Law of Civic Organization of the State of Quintana Roo, 2. Mobility Law for the Federal District, 3. Roads Law, Aguascalientes, 4. Territorial Transit Law, Baja California Sur, 5. Roads and Traffic Law, Campeche, 6. Traffic law, Chihuahua, 7. Law that Regulates the Use of Force, State of Mexico, 8. Traffic and Roads Law, Michoacán, 9. Use of Force Law, Morelos, 10. Traffic and Mobility Law, Oaxaca, 11. Traffic Law, San Luis Potosí, 12. Traffic Law, Tabasco, 13. Regulation of the Traffic Law, Veracruz, 14. Regulation of the Traffic Law, Yucatan., 15., Transportation Law, Zacatecas (In Report: "The Sexennium of Resistance: report on social protest and the 2012-2018 state response").

“causing or instilling terror or widespread panic”, with prison terms ranging from 15 to 30 years, in a text so ambiguous that it enables the classification of any person participating in a march as a terrorist (e.g., AS RUAS..., 2015). Other examples are The Antiterrorism Law approved in 2016 (FREITAS, 2018)<sup>10</sup>, PL 5571/2013, from Deputy Alexandre Leite (DEM-SP) and PL 4672/2012, from Deputy Onyx Lorenzoni (DEM-RS)<sup>11</sup>.

State laws against marches, which restrict and criminalise the right to protest, multiplied. In Rio de Janeiro, state law 6.528 of September 2013 prohibits hiding faces and the use of masks that prevents identification in marches. In addition, the right to protest is limited to “peaceful” demonstrations in open premises and with the knowledge and authorisation of the police authorities. In Rio de Janeiro, the State Commission for the Investigation of Crimes of Vandalism (CEIV-*Comissão Estadual para a Investigação de Crimes de Vandalismo*) was created with the aim of identifying as criminals and arresting all protesters wearing masks. The text that gave rise to this commission, singles out and labels the groups called *black blocs*, but was later suspended (RIO DE JANEIRO, 2013). In São Paulo, law 15556/14 prohibits the use of masks or any cover-up that prevents the identification of faces in public demonstrations and meetings (SÃO PAULO, 2014), as happened in the case of Rio de Janeiro. In relation to prior communication with police authorities, the new law includes protests organised through social networks, such as Facebook, an innovation of the protests in June 2013. The outcome of these laws and practices is more the persecution of protesters than the punishment of offences.

In sum, in both Mexico and Brazil, the law constitutes an essential component in the criminalisation of dissent. The restriction of the right to protest and freedom of expression is achieved through the powers that are openly granted to authorities that can repress protesters through ambiguous classifications that distinguish peaceful from violent protests and limit the legitimate use of public spaces through loaded classifications of ‘correct’ and ‘incorrect’ use. These transformations in the legislative field have occurred in parallel with increasing social unrest with broad sectors of society taking to the streets to march, a process which some authors characterise as the emergence of new cycles and modes of protest (TARROW, 1997).

Police violence plays an important role in the criminalisation of dissent. In the Mexican case, the protests that have emerged since 2012 express the persistence of a cycle of violence between the State and different social groups. This cycle can be understood from the repression of political dissidents, through the response of sectors of organised civil society in social movements or armed movements and ends with violent state strategies to neutralise social mobilization (IILADES, 2015). Such criminalisation includes the action of the police forces; arbitrary arrests and judicial processes; and the generation of fear among sectors of civil society. In the Mexican experiences documented here, it is possible to trace some continuities in the role of the police forces.

In three separate protests, confrontations characterised by police violence against protesters marked a breakdown in mobilisation on 1<sup>st</sup> December 2012; 15<sup>th</sup> September 2013; and 8<sup>th</sup>, 20<sup>th</sup> November and 1<sup>st</sup> December 2014. These mark “the beginning of the end” of mass mobilisations in the Federal District. Police violence was deployed precisely at a time when large contingents of society – not necessarily organised – were joining the mobilisations.

<sup>10</sup> Law n. 13.260 (BRASIL, 2016).

<sup>11</sup> Recent reformulations are: PL 1594/2015, by Deputy Lincoln Portela (PR-MG), and PL 2294/2015, by Deputy André Figueiredo (PDT-CE), both attached to PL 2462/1991, as PL 2583/2015, proposed by Ronaldo Carletto (PP-BA), attached to PL 1378/2015, proposed by Deputy Arthur Virgílio Bisneto (PSDB-AM), who also attached to PL 2462/1991.



Such forms of violence caused some groups to abandon protest events for fear of being attacked or detained, simultaneously attracting other actors to join the mobilisations.

On several occasions, it has been observed that the strategy of police forces is, with some variations, to wait for the end of protest events before acting, lashing out indiscriminately against people who are on their way home or in the surrounding streets, using force and arbitrarily arresting them. These police interventions and acts of violence are legitimated under the claim that confrontations had arisen between certain sectors of protesters or infiltrated groups. Arbitrary detentions and judicial protests were also present in the Mexican case, with December 1st and November 20th of 2014 emblematic of protesters spending their time and energy trying to release companions<sup>12</sup>. Also, in those dates it was noticed the use of the Hamburg Kessel method<sup>13</sup>, the encapsulation of protesters (ARELLANO *et al.*, 2014; DESTROZOS..., 2014). Intimidation by police forces also occurred in November 2014, when the police entered the Universidad Nacional Autónoma de México (UNAM), allegedly to investigate a thief but were seen taking pictures and even shot one student.

In Brazil, especially in 2013, police squads Hamburg Kessel-style were also seen in several cities (AS RUAS..., 2015, DAMASCENO; MONTEIRO, 2016) as Israeli army training was provided to the Military Police to repress manifestations (JOHNSON, 2015). The largest day of protesting in Rio de Janeiro and São Paulo, 20th of July 2013, police forces apprehended protesters allegedly for holding knives and white arms (or cold weapons, that is, weapons that do not involve fire or explosions), even though videos showed they were set up and pleaded 'not guilty'.

Therefore, there is a policing protest pattern in both contexts, a part of Security State in its exceptional side, that together with legislative and executive forces, positions political dissidents as enemies, clearly focusing on mobilised youth. Such exceptions are increasingly normalised in Mexico and in Brazil. At the same time, the mainstream media operates with municipal and federal states to support criminalisation processes. The case presented by Fernandes (2016) shows how southern Brazilian media (*Zero Hora* and *Diário Gaúcho*), for instance, contributed to this process by constantly referring to protesters as vandals. The presentation of protests for social rights as crimes, and protesters as criminals indicates that when it comes to young protesters, a stigma that already exists over some dissident youth groups is generally fuelled. This is easily seen in the way in which the media report on protests, hide protesters' motivations, delegitimise their demands and emphasise the most violent forms of expression of social discontent.

Violence then becomes a symbol, used by both youth and the media. Certainly, there are young people who carry out and justify their direct actions - characterised as being violent against urban property, institutions that symbolise financial capital, state institutions in charge of justice or the police forces - as part of a repertoire of performance struggle in response to the structural violence carried out by the market and the State. However, the media coverage of the protests has focused on young people, over-emphasizing the violent actions in which they are involved. These images are useful to elaborate hegemonic narratives that marginalise young people as criminals and deviants, whose actions correspond to "senseless violence" (JURIS, 2006).

<sup>12</sup> On November 28, 2014, Sandino Bucio Dovalí, a student at UNAM was detained near the facilities, an example of arbitrary police action. Recordings that circulated on social media and witnesses showed that four subjects intercepted this activist and violently put him in a car to transfer him to the Special Prosecutor's Office for Organized Crime Investigation (SEIDO) accused of terrorism (CAMACHO; CASTILLO, 2014).

<sup>13</sup> Police technique that refers to an episode in Hamburg, Germany in 1986, when an illegal police repression tactic was used against protesters: it consisted of encapsulating them and keeping them for more than 13 hours without food, water and toilets (TARDELLI, 2016)

Communicators frequently issue negative comments about protesters (vandals, dangerous and criminals) disqualifying their causes and manipulating public opinion. Such reduction of protests to mediated acts of violence obscures the causes of collective actions, thus justifying the repressive actions that are committed against them. In Brazil, as in Mexico, the term “vandal” and “young anarchists” were added definitively to the lexicon of the protests in media coverage. Thousands of communications demanded that the protests take place “without vandalism”, “without violence”, justifying, in the end, violent state intervention if young people were identified as direct actors in protests.

Likewise, in the field of communications there are other actions that indirectly limit the exercise of protests. For example, the new legal regulations for the use of geographic location systems in real time through telephones by the authorities without the existence of a court order, leaves protesters in a very vulnerable condition. Such is the case of the creation of a Federal Law of Telecommunications and Broadcasting in Mexico that obliges the concessionaires to keep people’s data, their geographical location, and the obligation to deliver the data to the authorities that require it (Executive Power / Ministry of Communications and Transportation, 2014). Likewise, the suspension of telephony is another of the concessionaires' possibilities to hinder and limit protest actions.

### Final Remarks

We have analysed in this paper distinct Latin American cases of the criminalisation of protests, focusing on Mexico and Brazil. In both cases, we witnessed legislative projects that have led to the excessive use of police force and arbitrary arrests; the use of the media as a source of de-legitimization of social movements and the legitimization of their criminalisation; as well as other actions that indirectly limit protest.

State efforts to demobilise social movements are not new in these countries. On the contrary, they follow a series of strategies that authoritarian governments have utilised in recent decades, particularly in the second half of the 20th century (BUHL; KOROL, 2008; PEREIRA 2005; SCARPACI; FRAZIER, 1993). For instance, the episodes of the violent repression exerted in the Tlatelolco Massacre, in 1968 by the Mexican State against the student movement and the dirty war of the following decade claimed the highest number of victims in the state of Guerrero. Both countries tried to criminalise political actions accusing dissidents who questioned conservative national projects of being communists.

Drawing on the protests in two Latin American countries, we have discussed elements that we consider part of a broader politics of State securitisation. However, such processes, with their peculiarities, are also occurring in Canada, Peru, Venezuela, the USA, Colombia, Honduras, Argentina, and Chile. These countries were denounced to the Organization of American States (OAS) in 2015 due to their changes in legislation, which create new crimes or penal categories for protesters to curtail freedoms, both of expression and of assembly. These practices reveal the persistence of counterinsurgent and military characteristics in civil regimes.

One of the State strategies utilized to criminalize protest is the creation of a figure that personifies the crime of terrorism. Young protesters, labelled as terrorists, anarchists, vandals or other terms, are the object of media constructions that position them in public opinion as public enemies, dangerous *others* who disrupt the established order. If we consider that one of the characteristics of contemporary protests in different regions of the world is its strong youth component, the criminalisation strategies addressed here aim to discourage youth participation in collective actions. This is also not new, neither is violence

directed at young people. Young people as a group experience violence in particular ways. They are the main victims of increasing levels of structural, discursive, and lethal violence in Latin America (FARINA; MILLER, 2011). Such forms of violence are exerted in distinctive social spaces – at home, school, and the street – and come from different sources (corporate actors, organized crime and police forces, among others). This phenomenon is one of the most significant political issues of our time, affecting a large section of humanity, precisely when new methods and technologies of control are used to dilute and repress political engagement.

An issue that requires further research is the asymmetry in the representations of violence that is generated in public opinion. Repeated images of the “black blocks” on the streets of Brazil and of the “anarchists” in Mexico reveal the stigmas widely disseminated by mainstream media. Meanwhile, the Mexican and Brazilian police forces, admittedly violent, with various reports of enforced disappearances, torture, and murder of innocents, are themselves responsible for policing protests and are not subjected to the same level of questioning with regards to their abuse of force.

In conclusion, the treatment of violence in protests is part of a state strategy that seeks to wear down collective actions that demand better services and access to citizenship rights, serving as a smokescreen, so that the excessive use of state violence can pass unnoticed. In this historic moment, characterized by the return of right-wing and far-right governments in South America and in many countries around the world, in tandem with the deepening of neoliberal models, the criminalisation of protests is a constitutive part of the authoritarianism that persists in democracies.

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