



12 June, 2020

Submission in response to *Call for inputs from the mandate of the Special Rapporteur for his report to be presented at the 75th session of the General Assembly on Women and Girls and FoAA.*

The Omega Research Foundation welcomes the Special Rapporteur's interest in the human rights violations women and girls face as they exercise their rights to freedom of peaceful assembly and association. The Omega Research Foundation (Omega) is an independent UK-based research organisation with an international focus. We are dedicated to providing rigorous, objective, evidence-based research on the manufacture, trade in, and use of military, security, and police technologies. We value the opportunity to contribute to this Call, and will focus our submission on incidents where the rights of women and girls have been curtailed through the excessive use of force and equipment.

Some law enforcement equipment may have a legitimate use in policing public gatherings, including protests, but this is only the case when such equipment is used in accordance with international human rights standards. It is often the case that women, particularly pregnant people, are encompassed as part of "vulnerable groups", around whom particular caution is advised with regards to the use of law enforcement equipment. All officials who carry such equipment, including batons, handcuffs, kinetic impact projectiles, and chemical irritants, must have received appropriate human rights-based training and must operate within a well-established system of accountability. When used by inadequately trained law enforcement personnel, or with little regard for human rights, such equipment may be abused, causing injuries or death.

In our work, Omega has documented the misuse and abuse of law enforcement equipment by security and law enforcement personnel at protests and gatherings worldwide. Owing to patriarchal structures and corresponding societal constraints, women often comprise the minority of protest-attendees. Nonetheless, Omega has evidence of women and girls having faced ill-treatment and misuse of law enforcement equipment while attempting to exercise their rights to freedom of peaceful assembly and association. In this submission, we focus on excessive use of force and equipment that occurs against women and girls attending protests often characterised as being about "women's issues", as well as instances where women and girls receive particular treatment while protesting. In this second instance, women and girls receive such abuse either because of their perceived gender identity, or face abuses that are themselves particularly gendered.

In compiling these cases, the Omega Research Foundation acknowledges that the ill-treatment faced by women and girls is intersectional. Race, sexual orientation, gender identity and perceptions of that identity, socio-economic status, religious persuasion, and political orientation, are among some of the many factors that shape experiences of security and law enforcement use, and excessive use, of force. We acknowledge the exclusions that come with the use of a term such as "women and girls", particularly of non-binary or gender diverse

people. We also note the nuances obscured by our focus on ‘women and girls’ as a single category, noting adult women, young people, and children all face distinct challenges in exercising their rights.

During the COVID-19 pandemic, many assemblies and gatherings of women have moved online, both for safety and in response to legal constraints on physical assemblies in many states. This shift causes particular challenges with regards to the rights and freedoms of participants. Owing to the nature of Omega’s research, we focus on those events where people meet face-to-face, not virtually.

Police use of force at “women’s issues” events.

The participation of women and girls at protests and public gatherings is often marginalized. As a consequence, women and girls comprise a relatively small number of cases of people who experience misuse of law enforcement force and equipment at such events, or of cases where people have been detained for participating in events. Nonetheless, women and girls participating in peaceful assemblies to protest or commemorate particular “women’s issues” are frequently targeted. The violence experienced at such events may not only rob women and girls of their rights to freedom of assembly and association, but also may further damage efforts to achieve other rights, and dissuade others from attending in future assemblies and participating in civic life.

International Women’s Day 2020

International Women’s Day (8th March) is marked all over the world with marches and demonstrations to call for equality and highlight on-going gendered discrimination. Recent events held to mark International Women’s Day have been subjected to excessive use of force by security and law enforcement officials in several countries.

At a feminist march held in Paris, France, in March 2020, videos recorded women experiencing law enforcement use of force and equipment to curtail their right to assembly. Attendees were met with police roadblock, were hit with batons¹ and teargas, and some protesters were arrested. French police asserted that the violence was warranted, as people had not dispersed after the allowed end of the march², and, according to *The Guardian*, protesters “shouted anti-police slogans, deviated from the official route and caused unspecified “damage””.³ French politicians, including Anne Hidalgo, the mayor of Paris, stated that she “supported the female and male protesters” and was “shocked by the unacceptable and incomprehensible violence”.⁴ The French gender equalities minister likewise denounced the policing of the protest as disproportionate, stating “All women should be able to demonstrate peacefully to ask for their rights to be respected”.⁵

¹ Taoualit, Amar. 2020. Tweet: “Interpellation musclée des forces de l’ordre vers les féministes!! #MarcheFéministe #Paris”. 7 March 2020. Accessed 12 June 2020. Available at: <https://twitter.com/TaoualitAmar/status/1236414171501211648>.

² Bergo, Ingri. 2020. ‘Outrage over videos of French police clashing with women on feminist march’. *The Local*. 9 March 2020. Accessed 10 June 2020. Available at: <https://www.thelocal.fr/20200309/outrage-over-videos-of-french-police-clashing-with-women-on-feminist-march>.

³ Willsher, Kim. 2020. ‘Feminist activists in France accuse riot police of attacking them’. *The Guardian*. 13 March 2020. Accessed 12 June 2020. Available at: <https://www.theguardian.com/world/2020/mar/13/feminist-activists-in-france-accuse-riot-police-of-attacking-them>.

⁴ Bergo, Ingri. 2020. ‘Outrage over videos of French police clashing with women on feminist march’. *The Local*. 9 March 2020. Accessed 10 June 2020. Available at: <https://www.thelocal.fr/20200309/outrage-over-videos-of-french-police-clashing-with-women-on-feminist-march>.

⁵ RFI. 2020. ‘French feminists join forces for women’s day as protesters tear gassed’. 8 March 2020. Accessed 12 June 2020. Available at <http://www.rfi.fr/en/france/20200308-french-feminists-join-forces-women-s-day>.

At an IWD event held in Nantes, France, police used tear gas at protesters including children, with one attendee reporting “my girl nearly got hit in the head by a [tear gas] grenade”.⁶ The 2020 IWD event in Santiago, Chile, was also faced with police use of force, including tear gas and water cannon.⁷ Tear gas was also used at the march in Istanbul.⁸ At the 2020 IWD event in Bishkek, Kyrgyzstan, approximately 70 protesters, mostly women, as well as three journalists, were detained by police who failed to provide access to lawyers, or information as to why they were detained.⁹

Gendered police use of force at protests.

All kinds of people participating in assemblies and protests are sometimes subjected to excessive use of force and equipment by law enforcement and security officials. This includes women and girls. In some instances, however, women and girls attending protests are specifically targeted by officials as a result of their gender identity, or perceived gender identity. Sometimes, women and girls experience excessive use of force that is itself particularly gendered. This kind of violence is likely to further undermine the opportunities for women to safely exercise their rights to freedom of peaceful assembly and association. If such excessive use of force is not held to account, and mistreatment investigated, security officials may feel legitimised to behave in a similar manner at future events.

Hong Kong

Since June 2019, there have been on-going protests in Hong Kong, initially against the proposed Extradition Treaty with mainland China, but also including opposition to China’s national security laws. There have also been calls for an independent investigation into the policing of the protests. This policing of the protests has been condemned as excessive and violent, and there have been allegations of gendered violence on the part of law enforcement. One a local women’s group, for instance, stated the police were “using sexual violence as an instrument of intimidation”.¹⁰

Between mid-June and mid-October 2019, the Hong Kong Equal Opportunities Commission received 300 inquiries, mostly in relation to sexual discrimination at protests.¹¹ While inquiries are not complaints, as these must come from a victim, the scale of these inquiries raises concerns over treatment of women and girls protesting in Hong Kong. This also highlights the reluctance of women to submit formal complaints. Only one protestor has publicly accused the Hong Kong police of assault¹², and she has subsequently faced questions around her mental

⁶ Bergo, Ingri. 2020. ‘Outrage over videos of French police clashing with women on feminist march’. The Local. 9 March 2020. Accessed 10 June 2020. Available at: <https://www.thelocal.fr/20200309/outrage-over-videos-of-french-police-clashing-with-women-on-feminist-march>.

⁷ Euronews. 2020. ‘Hundreds of thousands protest violence against women in Chile’. 9 March 2020. Accessed 11 June 2020. Available at: <https://www.euronews.com/2020/03/09/hundreds-of-thousands-protest-violence-against-women-in-chile>.

⁸ DW. 2020. ‘Police fire tear gas at Istanbul’s Women’s Day march’. 8 March 2020. Accessed 11 June 2020. Available at: <https://p.dw.com/p/3Z41B>.

⁹ Human Rights Watch. 2020. ‘Kyrgyzstan: Women’s Activists Detained’. 11 March 2020. Accessed 11 June 2020. Available at: <https://www.hrw.org/news/2020/03/11/kyrgyzstan-womens-activists-detained>.

¹⁰ Carvalho, Raquel. 2019. ‘Thousands gather at #MeToo rally to demand Hong Kong police answer accusations of sexual violence against protesters’. *South China Morning Post*. 28 August 2019. Accessed 12 June 2020. Available at: <https://www.scmp.com/news/hong-kong/politics/article/3024789/thousands-gather-metoo-rally-demand-hong-kong-police-answer>.

¹¹ Low, Zoe. 2019. ‘Hong Kong protests: Equal Opportunities Commission gets 300 inquiries during unrest, mostly third-party allegations of sexual discrimination against police’. *South China Morning Post*. 16 October 2019. Accessed 12 June 2020. Available at: <https://www.scmp.com/news/hong-kong/law-and-crime/article/3033188/hong-kongs-equal-opportunities-commission-gets-300>.

¹² Amnesty International. 2019. ‘I’m prouder than ever to be from Hong Kong.’ 25 November 2019. Accessed 12 June 2020. Available at: <https://www.amnesty.org/en/latest/news/2019/11/sonia-ng-hong-kong-protests/>.

health and promiscuity.¹³ Other protesters have alleged assault but have requested anonymity. The most serious complaint, from ‘Ms X’, alleges that she was raped by several police officers.¹⁴ Although Ms X requested anonymity, Amnesty International reported that details of her case were leaked on to the internet in an attempt to discredit her.¹⁵ According to the Washington Post, cases such as these have led to women fearing for their safety and have caused a drop in the number of women attending the protests.¹⁶

Sudan

Although a photograph of a woman, Alaa Salah, came to represent the 2019 protests in Sudan,¹⁷ and women’s movements were actively involved in the demonstrations,¹⁸ women in the country were also among those subjected to violence during the long-running protests, including in variously gendered ways. According to Salah herself, many women protesting “were teargassed, threatened, assaulted and thrown in jail without any charge or due process”.¹⁹ Human Rights Watch reported the case of a female journalist who, in January 2019, alleged that “security officers assaulted her while trying to stop her from reporting at a protest site for international media outlets”.²⁰ One pregnant woman was among protesters shot dead in Khartoum by security officials between 29 and 30 May 2019.²¹ In February 2019, nine women protesters were sentenced to 20 lashes of the cane as well as imprisonment.²² Amnesty International called sentences “egregious”.²³ While the sentence was overturned and the women released, the act of sentencing sends a message that the right to freedom of assembly

¹³ Amnesty International. 2019. ‘Sexual violence against Hong Kong protesters – what’s going on?’. 20 December 2019. Accessed 12 June 2020. Available at: <https://www.amnesty.org/en/latest/news/2019/12/sexual-violence-against-hong-kong-protesters/>.

¹⁴ Chan, Holmes. 2019. ‘Woman files complaint against Hong Kong police over alleged rape in station’. *Hong Kong Free Press*. 9 November 2019. Accessed 12 June 2020. Available at: <https://hongkongfp.com/2019/11/09/woman-files-complaint-hong-kong-police-alleged-rape-station/>.

¹⁵ Amnesty International. 2019. ‘Sexual violence against Hong Kong protesters – what’s going on?’. 20 December 2019. Accessed 12 June 2020. Available at: <https://www.amnesty.org/en/latest/news/2019/12/sexual-violence-against-hong-kong-protesters/>.

¹⁶ Lee, Chermaine. 2019. ‘I will die with the city’: A young woman’s chilling message from Hong Kong’s front lines’. *Washington Post*. 25 October 2019. Accessed 12 June 2020. Available at: https://www.washingtonpost.com/world/asia_pacific/i-will-die-with-the-city-a-young-womans-chilling-message-from-hong-kongs-front-lines/2019/10/24/9f51a35e-f0b3-11e9-bb7e-d2026ee0c199_story.html.

¹⁷ Mohammed Salih, Zeinab. 2019. ‘I was raised to love our home’: Sudan’s singing protester speaks out’. *The Guardian*. 10 April 2019. Accessed 1 June 2020. Available at: <https://www.theguardian.com/global-development/2019/apr/10/alaah-salah-sudanese-woman-talks-about-protest-photo-that-went-viral>.

¹⁸ Mohamed, Hamza. 2019. ‘Sudan’s female protesters leading the pro-democracy movement’. *Al Jazeera*. 23 April 2019. Accessed 1 June 2020. Available at: <https://www.aljazeera.com/news/2019/04/sudan-women-protesters-leading-pro-democracy-movement-190423134521604.html>.

Amnesty International. 2020. “*They descended on us like rain*”: Justice for victims of protest crackdown in Sudan. Amnesty International. Accessed 11 June 2020. Available at: <https://www.amnesty.org/download/Documents/AFR5418932020ENGLISH.PDF>. P22.

¹⁹ Reilly, Katie. 2019. ‘The Iconic Photo of Her Helped Fuel Sudan’s Revolution. Now, She and Other Women Are Being Sidelined’. *Time*. 20 October 2019. Accessed 1 June 2020. Available at: <https://time.com/5712952/alaah-salah-sudan-women-protest/>.

²⁰ Human Rights Watch. 2019. *Sudan: Security Forces Killing, Detaining Protesters*. 7 January 2019. Accessed 1 June 2020. Available at: <https://www.hrw.org/news/2019/01/07/sudan-security-forces-killing-detaining-protesters>.

²¹ Human Rights Watch. 2019. “*They Were Shouting ‘Kill Them’*”: Sudan’s Violent Crackdown on Protesters in Khartoum. 17 November 2019. Accessed 10 June 2020. Available at: <https://www.hrw.org/report/2019/11/18/they-were-shouting-kill-them/sudans-violent-crackdown-protesters-khartoum>.

²² Amnesty International. 2020. “*They descended on us like rain*”: Justice for victims of protest crackdown in Sudan. Amnesty International. Accessed 11 June 2020. Available at: <https://www.amnesty.org/download/Documents/AFR5418932020ENGLISH.PDF>. Pp12.

²³ Amnesty International. 2020. “*They descended on us like rain*”: Justice for victims of protest crackdown in Sudan. Amnesty International. Accessed 11 June 2020. Available at: <https://www.amnesty.org/download/Documents/AFR5418932020ENGLISH.PDF>. Pp12.

and association is not wholly respected, as does the behavior of security forces towards women protesters, some of whom reported sexual assaults.

Women protesters who had been detained by law enforcement in Khartoum in March 2019 reported “they had been beaten, groped, and threatened with rape by [law enforcement] officers”²⁴. Sexual violence perpetrated by security forces was documented by Human Rights Watch at a sit-in camp during the protests. HRW reported, “security forces raped, gang raped, attempted to rape, and sexually assaulted female and male protesters, including medical workers”.²⁵ Amnesty International also documents several cases of women’s “gruesome experiences during arbitrary arrests and detention”, including sexual violence and sexual harassment.²⁶ The report notes that women “were frequently threatened with rape during their arrest and detention”, and other women report being beaten.²⁷

Chile

A woman detained at an October 2019 protest in Valparaiso, Chile, reported being “pinned to a tree” by security forces, who then “hit her legs and back with a baton”.²⁸ While in detention, she was made to undress twice, and “forced to perform squats while naked in front of a group of other detainees and officials”.²⁹ Indeed, in light of data collected by the National Human Rights Institute and through additional interviews, Human Rights Watch reported Chilean “police appear more likely to force women and girls to strip than men”.³⁰ They record reports of a case wherein “men and women were detained in the same circumstances, but only women were forced to undress”, as well as cases “of police touching women’s genitalia after they were forced to strip”.³¹

Recommendations

In researching the misuse of law enforcement equipment, Omega has documented women and girls as victims of the excessive use of force and equipment by security and law enforcement personnel. While some of this abuse occurs at “women’s issue” assemblies, such as International Women’s Day, gendered patterns of abuse are also present at other protests and public gatherings. We are concerned that such abuses may stymie the potential of women and girls to exercise their rights to freedom of peaceful assembly and association. Through this, their participation in civic life is undermined. We therefore recommend that all use of force by

²⁴ Human Rights Watch. 2019. “*They Were Shouting ‘Kill Them’*”: Sudan’s Violent Crackdown on Protesters in Khartoum. 17 November 2019. Accessed 10 June 2020. Available at: <https://www.hrw.org/report/2019/11/18/they-were-shouting-kill-them/sudans-violent-crackdown-protesters-khartoum>.

²⁵ Human Rights Watch. 2019. “*They Were Shouting ‘Kill Them’*”: Sudan’s Violent Crackdown on Protesters in Khartoum. 17 November 2019. Accessed 10 June 2020. Available at: <https://www.hrw.org/report/2019/11/18/they-were-shouting-kill-them/sudans-violent-crackdown-protesters-khartoum>.

²⁶ Amnesty International. 2020. “*They descended on us like rain*”: Justice for victims of protest crackdown in Sudan. Amnesty International. Accessed 11 June 2020. Available at: <https://www.amnesty.org/download/Documents/AFR5418932020ENGLISH.PDF>. Pp22-23.

²⁷ Amnesty International. 2020. “*They descended on us like rain*”: Justice for victims of protest crackdown in Sudan. Amnesty International. Accessed 11 June 2020. Available at: <https://www.amnesty.org/download/Documents/AFR5418932020ENGLISH.PDF>. Pp22-23.

²⁸ Larsson, Naomi. 2020. ‘Beaten, mutilated and forced to strip naked: Inside Chile’s brutal police crackdown against protesters’. *Independent*. 26 January 2020. Accessed 11 June 2020. Available at: <https://www.independent.co.uk/news/world/americas/chile-protest-police-violence-nudity-human-rights-a9294656.html>.

²⁹ Larsson, Naomi. 2020. ‘Beaten, mutilated and forced to strip naked: Inside Chile’s brutal police crackdown against protesters’. *Independent*. 26 January 2020. Accessed 11 June 2020. Available at: <https://www.independent.co.uk/news/world/americas/chile-protest-police-violence-nudity-human-rights-a9294656.html>.

³⁰ Human Rights Watch. 2019. ‘Police Reforms Needed in the Wake of Protests’. 26 November 2019. Accessed 11 June 2020. Available at: <https://www.hrw.org/news/2019/11/26/chile-police-reforms-needed-wake-protests>.

³¹ Human Rights Watch. 2019. ‘Police Reforms Needed in the Wake of Protests’. 26 November 2019. Accessed 11 June 2020. Available at: <https://www.hrw.org/news/2019/11/26/chile-police-reforms-needed-wake-protests>.

law enforcement and security officials must be carefully regulated and be subject to rigorous oversight procedures. Acknowledging women's real fears of reporting police violence, we recommend states develop mechanisms for women and girls to report cases of abuse committed by law enforcement and security personnel without facing repercussions. We recommend that any public assembly where police resorted to the use of force, and where there were allegations that this force was excessive, must be subjected to a thorough, independent investigation to establish responsibilities and accountability of officers involved. All domestic legislation regarding the use of force and law enforcement equipment should comply with international human rights law and standards. Force and equipment should only be used by fully-trained personnel, in appropriate circumstances, and in line with human rights standards. Police must facilitate and protect peaceful protest and assembly, and de-escalate tensions with particular regard to gendered power dynamics.

We appreciate the opportunity to contribute to this call for submissions. We look forward to further discussions, and are encouraged by the Special Rapporteur's engagement with civil society. For further information, please contact Omega at info@omegaresearchfoundation.org.

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