

WMA STATEMENT ON RIOT CONTROL AGENTS

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PREAMBLE

There has been a long-standing concern regarding the use of chemical weapons. Despite this concern, poison gas was used fairly extensively during World War I, leading to a call from the International Committee of the Red Cross (ICRC) in February 1918 for cessation of its use.

This led to the Geneva Protocol of 1925, the Biological and Toxin Weapons Convention of 1972 (BTWC) and the Chemical Weapons Convention of 1993 (CWC).

All but six countries in the world have signed and ratified the CWC; two more have signed but not yet ratified, making it a nearly universally accepted Convention.

The conventions prohibit the development, production and stockpiling of chemical weapons in addition to their usage in warfare and call for measures to decommission or destroy existing stores. However, the CWC allows the use of specific chemicals in domestic law enforcement including riot control situations, which means that governments might hold stockpiles of certain agents. Even so, riot control agents cannot be used in warfare; the exclusion has reached the status of customary law, which allows their use only in domestic or national jurisdictions.

Although there is academic and military interest in what is often called non-lethal weapons, the incidence of morbidity and mortality caused by weapons are not criteria used in prohibition. A tiered approach based upon degrees of lethality of specific weapons is contrary to the ethos of both conventions.

In situations of widespread public unrest and political or other uprisings governments unfortunately may choose to deploy riot control agents in a domestic setting. Although this is not in conflict with the principles of the CWC their use may still give rise to specific medical, legal and ethical challenges.

While riot control agents are designed to make remaining within the riot unpleasant and impractical, they are not expected to directly cause any injuries or deaths. As with all other agents, how they are used determines the concentration to which individuals are exposed. The ability to take evasive actions, such as leaving the area, to reduce exposure may also have an impact. It is recognised that individual determinants including general health and age will affect an individual's response to chemical agent.

Release of chemical agents such as tear gas in a small enclosed space exposes individuals to concentrations far higher than those expected in normal deployment in riot situations, causing higher levels of serious morbidity and potentially death.

Misuse of riot control agents, leading to serious harms or deaths of demonstrators, exposing individuals excessively or using them for oppressing non-violent peaceful demonstrations, may lead to a breach of the human rights of the individuals concerned, in particular the right to life (article 3), the right to freedom of expression (article 19) and of peaceful assembly (article 20) of the Universal Declaration of Human Rights.

Governments, who authorize the stockpiling and use of such agents by their police and security forces, are urged to consider that there might be fatal results of their usage. Governments are required to ensure that they are used in a manner, which minimise their likelihood of causing serious morbidity and mortality.

RECOMMENDATION

The WMA recognises that the inappropriate use of riot control agents risks the lives of those targeted and exposes people around, amounting to a potential breach of human rights standards, in particular the right to life, the right to freedom of expression and of peaceful assembly as stated in the Universal Declaration of Human Rights.

In case of use of riot control agents, the WMA urges States to do so in a manner designed to minimise the risk of serious harm to individuals, and to prohibit its use in the presence of vulnerable populations, such as children, older people or pregnant women;

The WMA insists that riot control agents should never be used in enclosed spaces where chemical concentrations may reach dangerous levels, and where people cannot move away from areas with high concentrations of the agent;

The WMA insists that governments train police and other security forces in the safe and legal use of riot control

agents, in order to minimise the risk of harm when they are deployed. This must include the rapid evacuation of any individual who is apparently suffering from a high level of exposure, not aiming people, and not using the agent excessively;

The WMA insists that States penalise individuals who misuse riot control agents and who deliberately endanger human life and safety by using the agents. Such misuse leading to serious physical harms or death of individuals should be investigated by independent experts.

The WMA calls for unimpeded and protected access of healthcare personnel to allow them to fulfil their duty of attending to the injured as set forth in the "WMA Declaration on the protection of healthcare workers in situations of violence".

The WMA recommends that, because of the significant difficulties and risks to health and life associated with the use of such riot control agents, States should refrain from using them in any circumstances.