



International Alliance
for Sexual and Reproductive
Health, Rights, and Justice

Fòs Feminista Alliance is grateful for the opportunity to submit this contribution to the UN Special Rapporteur’s development of practical tools to assist law enforcement bodies in promoting and protecting human rights in the context of peaceful protests. Fòs Feminista is an international alliance for sexual and reproductive health, rights, and justice that collaborates with 170+ partner organizations globally to expand access to rights-based sexual and reproductive healthcare, education, and advocacy.

Fòs Feminista conducted a briefing with partners who have firsthand experience with protests and police brutality in Chile, Colombia, Ecuador, Egypt, India, Nigeria, and the Philippines. The purpose of the briefing was to provide recommendations on how to enhance the capacity of law enforcement to uphold human rights. However, partners recognized that in many cases, law enforcement itself is responsible for violating these rights and perpetrating injustice both before, during, and after protests. Instead of safeguarding the rights of citizens, law enforcement often operates as representatives of the state’s interests.

Sexual harassment and violence perpetrated by law enforcement against women, trans individuals, and youth is often made invisible, as they are often subsumed within the broader spectrum of violence inflicted by law enforcement. Additionally, there is a pervasive silence surrounding the attacks on the sexual and reproductive health and rights of individuals carried out by law enforcement.

To clarify, by engaging in this discussion, we were not necessarily endorsing the involvement of law enforcement in protests. It is important to note that in all seven of the countries included in the briefing, the right to peaceful assembly and protest is constitutionally guaranteed. However, in practice, this guarantee is diluted by laws such as the ‘Protest Law’ in Egypt¹, unrevoked Presidential decrees such as those in Chile², or amendments to the police code as in Colombia³.

¹ Egypt: Law No. 107 of 2013 For organizing the right to peaceful public meetings, processions and protests [Egypt], 24 November 2013, <https://www.refworld.org/docid/551a5f2a4.html> [Accessed 27 Sept. 2023]

² “The Right of Peaceful Assembly in Chile.” *Peaceful Assembly Worldwide*, 2021, www.rightofassembly.info/country/chile. [Accessed 27 Sept. 2023].

³ “The Right of Peaceful Assembly in Colombia.” *Peaceful Assembly Worldwide*, 2021, www.rightofassembly.info/country/colombia. [Accessed 27 Sept. 2023].

Reflecting on their experiences before, during, and after protests, our civil society partners offered the following suggestions to reduce violence and protect women, youth, and LGBTQIA+ individuals from harm.

Law Enforcement Engagement Before Protests

Activists shared reports of exacerbated police harassment before protests, particularly targeting women and trans individuals.

One activist from Nigeria recounted a personal experience of state harassment in the form of bullying when organizing protests. They were called by state security officers who demanded they come into the state security office and answer questions about the upcoming protest on gender equality. The activist went to the station and was forced to sit for hours answering personal questions unrelated to the protest, including questions about their family's identity and their marital status. While the security officers cited Boko Haram and state security as the reasons for the interrogation, the activist perceived it as an attempt to intimidate and prevent the protest, especially because the event focused on gender equality and LGBTQIA+ rights. Ultimately, due to the intimidation by law enforcement, the activist canceled the protest. Summarizing their experience, this activist stated: "Protests are one of the key strategies for civil society to show disappointment with the state and the system itself. But law enforcement is a missionary of the state. They are meant to protect but are used by the state as a means of oppression."

Although there have been no active protests in Egypt since the 2014 Arab Spring (with the exception of a protest in 2019), the country has implemented stringent measures to discourage dissent and any form of protest. This has included strict oversight and control over the activities of civil society organizations (CSOs). One activist shared that activists are finding alternative modes of protest and advocacy through social media campaigns. However, these activities require approval by state security. The activist explained that many civil society activists, including themselves, have received calls from state security officials demanding explanations for the purpose and intent behind these CSO activities or training.

Recommendation: Training on the right to peaceful protest and Sensitization for law enforcement

Law enforcement must engage in mandatory annual training and sensitization on the right to peaceful protest and assembly.

Law Enforcement Engagement During Protest

Activists shared reports of exacerbated police harassment and abuse during protests, especially against women and trans individuals.

Activists from Colombia, Nigeria, and Ecuador shared stories of youth, women, LGBTQIA+ individuals, and indigenous people at the frontlines of the protests in their countries. Their leadership and visibility often exposed them to danger from law enforcement. An activist in Nigeria shared that police officers harassed and abused protesters whose sexual identity was perceived to be outside the gender binary. Similarly, an activist from the Philippines described a recent incident where LGBTQIA+ community members were detained during pride demonstrations under the pretext of pandemic restrictions. An activist from Colombia shared that during detention women and trans people are often sexually

harassed and abused, but that this sexual violence often went unnoticed within the broader context of violence perpetrated by the police and state actors.

Government measures ostensibly designed to protect protestors have sometimes had the opposite effect. During the March 8 Women's March in Ecuador, the government deployed police officers in Guayaquil, purportedly to safeguard the protestors. However, an activist from Ecuador observed that the police redirected protestors away from government buildings and places of power. Instead of shielding civilians from violence, the police intervention appeared to protect government buildings from the protestors. Civil society in Ecuador views this policy measure as repressing women's and LGBTQIA+ individual's freedom of speech and assembly and are therefore advocating the judicial system to review this new policy.

Activists reported instances of excessive force used by police officers during otherwise peaceful protests. For instance, activists from Ecuador and Nigeria cited cases where police officers deployed tear gas against protestors. In Nigeria, an activist described an incident in which the Nigerian state deployed soldiers who opened fire on youth protestors rallying against police brutality. Another Nigerian activist agreed, stating that "you can't expect to come to a protest with an army tank and expect to deescalate a situation." Due to this excessive and militaristic response, another activist from Nigeria disclosed that people now fear participating in protests against the state due to concerns of being killed by police or soldiers.

Recommendation: Training on SRHR and Sensitization for Law enforcement

To improve law enforcement's conduct during protests, it is essential that officers and personnel undergo mandatory annual training and sensitivity programs. These training modules must be gender-responsive and encompass all aspects of human rights, with a particular focus on sexual and reproductive health and rights, freedom from gender-based violence (GBV), LGBTQIA+ rights, transgender rights, and women's rights. These training initiatives should incorporate values clarification exercises and be developed collaboratively with various stakeholders from civil society, including those dedicated to advancing sexual and reproductive health, rights, and justice. For example, the activist from the Philippines acknowledged that the Philippines Commission for Human Rights already conducts regional trainings on citizen's human rights⁴ but recommended that these trainings be standardized and implemented uniformly across the country.

Law Enforcement Engagement After Protest

In response to protests, many governments have enacted laws that either broaden police authority or impose restrictions on peaceful assembly. For instance, in Chile, an activist mentioned a new law called "Nain Retamal," passed in just nine days, which grants police officers the right to use weapons for self-defense in dangerous situations.⁵ However, the activist cautioned that this law is being applied to

⁴ "UNESCO Trains the Philippine National Police on Freedom of Expression and Safety of Journalists Ahead of the Presidential Elections." *UNESCO*, 31 Oct. 2022, <https://en.unesco.org/news/unesco-trains-philippine-national-police-freedom-expression-and-safety-journalists-ahead>. [Accessed 29 Sept. 2023].

⁵ Amnesty International. "Chile: Bill on Privileged Legitimate Defence Could Increase Police Abuses and Impunity for These Crimes." *Amnesty International*, Apr. 2023, www.amnesty.org/en/latest/news/2023/03/chile-bill-could-

protesters without proper discretion. Additionally, they lamented that the law has been retroactively used to acquit several police officers and state agents who were initially charged with using excessive force during periods of social unrest⁶.

Similarly, in Egypt, an activist reported that the government continues to unlawfully employ a colonial-era law, which has been repealed but still requires police and state permission for gatherings of more than ten people in an open space^{7,8}. In some countries, governments are mobilizing existing legislation on preventing terrorism to clamp down on protestors and stifle dissent. This was observed in India, where an activist noted that the government began labeling civil society actors who do not align with the government's agenda or values as terrorists⁹. Likewise, an activist in Ecuador shared that the government branded indigenous people protesting as "terrorists" and "criminals." A similar experience was reported by an activist in the Philippines, who explained that during the COVID-19 pandemic, the government passed the Anti-Terrorism Law, effectively replacing the Human Security Act¹⁰, which allowed protests to be viewed as acts of terrorism if they "intended to cause harm or create a serious risk to public safety".

Nevertheless, CSOs are actively challenging these unconstitutional laws. For instance, in Egypt, CSOs and independent lawyers are contesting the unlawful use of the repealed colonial-era "Assembly law" that restricts freedom of assembly¹¹. In the Philippines, a total of 37 petitions were filed by civil society actors to challenge the Anti-Terrorism Law. As a result, the Supreme Court of the Philippines struck down a key provision that labeled dissenters and protestors as terrorists, which was considered a significant victory for civil society action, despite the overall law remaining intact¹². However, the chilling effect from the initial passage of the law remains.

[increase-police-abuses-impunity/#:~:text=In%20its%20current%20form%2C%20the,Inter%2DAmerican%20Human%20Rights%20system.">increase-police-abuses-impunity/#:~:text=In%20its%20current%20form%2C%20the,Inter%2DAmerican%20Human%20Rights%20system.](#) [Accessed 27 Sept. 2023].

⁶ "Judges Acquits Police Officers, Citing Naín-Retamal Law for First Time." *Chile Today*, May 2023, <https://chiletoday.cl/judges-acquits-police-officers-citing-nain-retamal-law-for-first-time>. [Accessed 27 Sept. 2023].

⁷ "Towards the Emancipation of Egypt: A Study on Assembly Law 10/1914." *Cairo Institute of Human Rights Studies*, 2017, www.cihrs.org/wp-content/uploads/2017/01/Towards_the_em_of_Eg_eng.pdf. [Accessed 27 Sept. 2023].

⁸ "Protest and Freedom of Assembly in Egypt." *The Tahrir Institute for Middle East Foreign Policy*, The Tahrir Institute for Middle East Foreign Policy, 18 Oct. 2017, <https://timep.org/2017/10/18/protest-and-freedom-of-assembly-in-egypt>. [Accessed 29 Sept. 2023].

⁹ "India: Denial of Bail to Umar Khalid Big Blow to the Right to Peaceful Protest." *Amnesty International*, Mar. 2022, www.amnesty.org/en/latest/news/2022/03/india-denial-of-bail-to-umar-khalid-big-blow-to-the-right-to-peaceful-protest. [Accessed 27 Sept. 2023].

¹⁰ Yabes, Criselda. "Philippines' Anti-terror Law Poses a Direct Threat to Democracy." *Nikkei Asia*, Mar. 2022, <https://asia.nikkei.com/Opinion/Philippines-anti-terror-law-poses-a-direct-threat-to-democracy>. [Accessed 27 Sept. 2023].

¹¹ "Egypt: Free 23 Held for Protesting Protest Law." *Human Rights Watch*, 28 Oct. 2020, www.hrw.org/news/2014/06/24/egypt-free-23-held-protesting-protest-law. [Accessed 29 Sept. 2023].

¹² McCarthy, Julie. "Philippines' High Court Upholds Most of a Terrorism Law, but Strikes Down a Key Point." *NPR*, 12 Dec. 2021, www.npr.org/2021/12/10/1062937692/philippines-supreme-court-rules-parts-of-the-countrys-terrorism-law-unconstituti. [Accessed 27 Sept. 2023].

Mass disinformation and misinformation equating activism with terrorism, along with the promises of impunity for law enforcement, persist in creating a challenging environment for civil society actors who wish to engage in peaceful protest and assemblies. Furthermore, it can lead to violations of these rights by law enforcement, whether inadvertently or intentionally.

Activists in Egypt, India, Nigeria, and the Philippines all reported instances of unlawful detention after protests. After the protests in 2019 regarding the economic situation, thousands of protesters were arrested in Egypt¹³. An activist in India reported that many civil society actors who protested or speak out against the current government have been unlawfully detained or imprisoned¹⁴. In Nigeria, activists report that members of the LGBTQIA+ community or LGBTQIA+ allies were unlawfully detained during protests concerning their human rights¹⁵. Another Nigerian activist shared that the organizers of protests related to GBV and LGBTQI+ rights in Northern Nigeria were identified online by police officers and subsequently unlawfully detained after the protest.

Recommendation:

Governments must repeal laws that enhance the power of law enforcement in curtailing the human rights of civilians engaged in peaceful protest and assembly.

Governments must create need-responsive, decentralized mechanisms for community access to law enforcement. The activist from Egypt explained how CSOs are advocating for the creation and implementation of Violence Against Women Units¹⁶ in police stations, facilitated by licensed psychologists and social workers, to encourage the safe reporting of sexual and gender-based violence by women and girls. The activist in Egypt also called for greater female representation in the police force and better GBV training to encourage women to feel safe reporting abuses in police stations.

Governments and civil society have a role in developing accountability mechanisms and watch-dog entities. Accountability mechanisms can be created at the national level for police brutality. Both civil society and governments have a role in collecting global, regional, and national data on police brutality to ensure that laws and policies accurately reflect the realities of violence experienced by civilians. For specifically the Latin American context, one activist suggested created an Inter-American protocol against police violence and safety of protesters.

Finally, the United Nations should encourage reporting on police violence and peaceful protests in the annual Universal Periodic Review. Using UPRs as a baseline to gauge police brutality and response to

¹³ "Egypt: Hundreds Arrested in Nationwide Crackdown." *Human Rights Watch*, 28 Sept. 2022, www.hrw.org/news/2019/09/27/egypt-hundreds-arrested-nationwide-crackdown. [Accessed 27 Sept. 2023].

¹⁴ Ellis-Petersen, Hannah. "Fury in India Over Death of 84-year-old Political Prisoner Stan Swamy." *The Guardian*, 5 July 2021, www.theguardian.com/world/2021/jul/05/indias-oldest-political-prisoner-stan-swamy-dies-aged-84. [Accessed 27 Sept. 2023].

¹⁵ Owoh, Ugonna-Ora. "Queer Nigerians Face Police Brutality. Why Were They Erased From #EndSARS?" *OpenDemocracy*, 30 Dec. 2020, www.opendemocracy.net/en/5050/queer-nigerians-face-police-brutality-why-were-they-erased-endsars. [Accessed 29 Sept. 2023].

¹⁶ "New Police Unit to Combat Violence Against Women in Egypt." *Egyptian Streets*, 19 June 2014, <https://egyptianstreets.com/2014/06/19/new-police-unit-to-combat-violence-against-women-in-egypt> [Accessed 29 Sept. 2023].

protests, governments may respond more favorably to other like-minded or regional countries' policies for ensuring protection of peaceful protesters.

We are available for further consultation on these recommendations.

Sincerely,

The Fòs Feminista Alliance