

# LESS LETHAL WEAPONS:



## Tear gas (wide-area chemical irritants)

### What are they and how can they be used lawfully?

Wide-area chemical irritants, commonly known as “tear gas” are frequently used by police forces around the world in the context of public assemblies and may be used to disperse a crowd in the case of widespread violence against persons that cannot be contained otherwise.

#### HOW DOES TEAR GAS WORK?

There are a range of chemical irritants, the most common one being CS, which are discharged via hand-thrown grenades or weapon-launched projectiles and cause temporary irritation to the eyes, upper respiratory tract and skin. Launchers can be free-standing or mounted on a vehicle or building.

#### EFFECTS & RISKS

##### Warranted effects

- ✓ Temporary tearing of the eyes.
- ✓ Breathing difficulties.
- ✓ Coughing.

These effects are all supposed to stop after a short period of time.

##### Unwarranted effects & risks

- ✗ Choking sensation, chemical burns, vomiting, severe allergic reaction/blistering of the skin.
- ✗ Long-term health effects including persistent breathing difficulties or rashes.
- ✗ Serious health consequences, including death, for those exposed to high concentrations in enclosed spaces or for an extended period of time.
- ✗ Potential for more severe effects on children, older persons, pregnant women and people with certain medical conditions.
- ✗ Injuries, including death, in case of stampede or when people are unable to escape.
- ✗ If directly hit by a canister: penetration wounds, concussions, other head injuries and in severe instances, death as a result of the impact.

#### WHEN CAN TEAR GAS BE USED LAWFULLY?

##### THRESHOLD AND PURPOSE

- ✓ **Only in case of widespread violence against persons that cannot be stopped by targeting violent individuals alone.**
- ✓ As the purpose is the dispersal of a crowd, it can only be used when people can disperse easily.

##### PROHIBITIONS

- ✗ When there is no or only isolated acts of violence, because it will unavoidably affect bystanders and peaceful protesters alike and this can only be justified in the most serious circumstances.
- ✗ When there is not sufficient space for people to escape.
- ✗ As a means of punishment.

#### HOW CAN TEAR GAS BE USED LAWFULLY?

##### Do's

- ✓ After a warning with sufficient time granted to comply with the order.
- ✓ Fired with launcher: must be fired at a high enough angle so as not to pose a threat of direct impacts against persons.
- ✓ Hand-thrown: Rolled over the ground towards people.
- ✓ As soon as people are complying with the dispersal order, the use of the weapon must stop.

##### Don'ts

- ✗ Not to be fired directly at people nor vertically into the sky (serious risk of life-threatening injury through impact).
- ✗ Not directly thrown at people (risk of impact injury).
- ✗ No deployment from the sky, for example via drones, as people will not know where to disperse.

#### WEAPONS TO BE PROHIBITED

- ✗ Devices that have excessive toxicity.
- ✗ Multiple launch systems (sometimes vehicle mounted): likely to be excessive and uncontrollable.
- ✗ Tear gas combined with other effects likely to cause more serious injury or have opposite, contradicting effects, including when:
  - used with explosives, blasts or stun effects;
  - or used as an additive to water cannons.

## TEAR GAS AND PROTESTS



Peaceful assemblies must be facilitated:

- ✓ Deployment and use of tear gas must be placed under the command and control of a senior commanding officer in charge of the overall situation to ensure safe and appropriate use.
- ✓ Police may only use tear gas in case of widespread violence. Tear gas should never be used to disperse a peaceful assembly or when there are only isolated acts of violence.
- ✓ The quantity of tear gas dispensed must be carefully monitored and controlled. Excessive quantities must be avoided to prevent excessive harm and limit the impact on people living in the area or bystanders.

## TEAR GAS AND CHILDREN



**The use of any weapon against children must be avoided!**

- ✗ Tear gas is likely to have a greater effect on children with a risk of more severe consequences for their health.
- ✗ The use of tear gas in the presence of children should be avoided and if unavoidable be particularly carefully monitored in terms of quantity and direction.
- ✗ Affected children should proactively be given medical attention.

## INSTRUCTIONS AND TRAINING



**Authorities must provide clear regulations, instructions and training on how to use tear gas properly. Tear gas should only be used in a carefully coordinated manner, based on clear instructions about the number of grenades/the quantity to be used for a given space or area and only in case of wide-spread violence.**

- ✓ Tear gas should only be adopted after a thorough review to determine if there is a legitimate operational need for their deployment which would comply with international human rights law and standards on the use of force.
- ✓ The use of tear gas should be prohibited in combination with the use of electric-shock weapons, such as “tasers”, since the ignition of the weapon can lead to serious burns.
- ✓ As a rule, tear gas should not be used in the confined environment of custodial settings. Exceptions can only be made for serious, large-scale violent disorders involving serious injuries and deaths that cannot be controlled otherwise, in open, well-ventilated spaces, provided escape routes are made available and accessible, and immediate medical care is ensured.
- ✓ Fixed installations for dispensing chemical irritants in places of detention must be prohibited.
- ✓ Tear gas grenades and related launchers, as all weapons used by the police, should undergo rigorous testing to ensure they are safe and appropriate for use in compliance with human rights laws and standards. Any equipment with a significant risk of causing excessive or otherwise unwarranted injury or harm should not be used.
- ✓ Tear gas should only be used by law enforcement officials trained in their use and the required precautions to minimize harm and injury. This training should include first aid, including immediate decontamination of any person who has been exposed to a chemical irritant and who is under their control or otherwise unable to seek assistance themselves.
- ✓ Each use of tear gas must be reported and law enforcement officials must be held accountable for any unlawful use of tear gas.

## MORE INFORMATION



- Amnesty's [Position Paper](#) and [Summary](#) on Chemical Irritants
- Amnesty's [investigation into misuse of tear gas](#)
- Amnesty's [Use of Force: Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials](#) and [Summary](#)
- [UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials](#)
- Amnesty's [Police and Human Rights resources website](#)

