



REPUBLIC OF CYPRUS



THE COMMISSIONER FOR CHILDREN'S  
RIGHTS OFFICE

File No: Γ.Ε.Π 4.03.03.04

Tel. No.: 22 87 23 25

Fax No: 22 87 23 65

E-mail: [childcom@ccr.gov.cy](mailto:childcom@ccr.gov.cy)

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Human Rights Committee  
[ccpr@ohchr.org](mailto:ccpr@ohchr.org)

**Subject: Comments on the Committee's Revised Draft General Comment No 37 on Article 21 (Right of Peaceful Assembly) of the International Covenant on Civil and Political Rights**

Allow me to congratulate you on forming the General Comment No 37 on Article 21 of the International Covenant on Civil and Political Rights. It's an excellent draft that provides specific guidelines on how to allow individuals to exercise this right and at the same time, restrictions that can be set only in certain cases. Please find below comments on the new draft, based on your invitation.

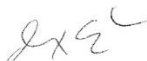
The General Comment omits to comment on the obligation of States parties to promote, respect and protect the right of peaceful assembly for the group of children. I am aware that you have already appointed the Child Rights Connect to receive inputs from children to include within the General Comment. As a Commissioner for Children's Rights though, I felt an obligation to highlight the importance of including specific obligations of States parties aiming at the population of children.

Children in Cyprus have recently exercised their right of peaceful assembly, which evoked a public discussion whether the way the right of peaceful assembly was exercised violated specific elements of the right to education. Based on those public discussions, I conducted an online survey, asking the viewpoints of children about the specific right. For your convenience, I summarized the opinions of the children who participated at the survey and I attached the document to assist your efforts towards that

goal. The viewpoints of children will enrich the guidelines provided for States parties on how they can facilitate individuals or groups to exercise the specific right.

I wish you all the best in revising and finalizing the General Comment No 37 on Article 21. I am at your disposal.

Yours sincerely

A handwritten signature in black ink, appearing to read 'DM', with a small flourish at the end.

Despo Michaelidou  
Commissioner for Children's Rights, Cyprus

CC: Child Rights Connect ([grindulis@childrightsconnect.org](mailto:grindulis@childrightsconnect.org))

## Right of Peaceful Assembly Opinions of Children

The opinions of children were collected via an online survey.

Dates conducted: 24/01/2020 – 06/02/2020

Population of the Sample: Children who are members of the Young Advisors Team of the Commissioner, children who are members of the Cypriot Children's Parliament, and children who are members of the Pancyprian Students' Committee [ΠΣΕΜ]

No of participants: 25

### Demographics of the participants

	Details	No of participants	%
Age range	14	4	16%
	15	6	24%
	16	12	48%
	17	2	8%
	18	1	4%
Gender	Male	8	32%
	Female	17	68%
Live in:	Town	14	56%
	Village	11	44%
Live in: (one of the districts of Cyprus)	Nicosia	15	60%
	Limassol	2	8%
	Larnaca	7	28%
	Pafos	1	4%
	Ammochostos	0	0
Have you ever participated in a peaceful assembly?	Yes	15	60%
	No	10	40%

## **CHILDREN'S OPINIONS**

Initially, children commented on how they understand the right to peaceful assembly. The majority of children who completed the survey understand the right as a means to express their views and opinions and be listened by the general society. Through their descriptions, the ability to raise their voice away from any form of violence was apparent. Characteristic quotes by children are provided below:

### **Quoting What the Right Is**

*"It is the right that allows us to express our opinion and our beliefs, but also to express peacefully our disagreement about a decision taken or an action/event".*

*"The right to peaceful assembly helps us freely express what we feel about something of concern to us that we do not like or believe should be amended, as it gives us redemption (if I could call it that way) because we express our opinion and we claim our rights."*

*"It is our right to express our opinion with the unique, pure 'weapon' that young people have today, their voice!"*

*"To demonstrate peacefully, away from any kind of racism and fascism on a matter of concern to them".*

*"Children have the right to coexist, to meet other people and to express their concerns and beliefs without any interference by third parties".*

*"It means 'voice' for us, the children. It means that they listen to us without quarrels".*

*"They can decide and express their view without being persecuted by anyone".*

*"Have the right to stand up for something that bothers them and to take a stand on any matter of concern to them".*

### **Sole means of expression**

In modern societies, the right of peaceful assembly has been associated as the only means that children have to express their opinions. As one child described *"The right to peaceful assembly is indispensable for children, since they do not have the right to vote, and this might be the only way to express their opinions"*. Attributing great significance to the right of assembly, children declare that obstacles from the State or the police should not be imposed for restricting children from exercising it.

## **Access to the Right**

Included in their perceptions of the right was the concept of its application without discrimination, based on ethnicity, religion, social class or other human-made grouping. They pointed out that States should take into consideration various obstacles that prevent various groups of children from exercising their right of peaceful assembly and as such, apply differentiated strategies for enabling all children exercising it. The right of peaceful assembly should be ensured for all children and not only for those affiliated with political parties or socio-economic power within the society. Concurrently, children acknowledge that the freedoms and rights of other individuals should not be violated during the course of a demonstration or through the whole process of exercising their right of peaceful assembly. Moreover, children declare that States should not deter marches and demonstrations because of the organization responsible for its conduct or because the opinions or needs of children are against State actions (i.e. an educational reform).

## **Exercise of the Right**

Children commented on ways the government should ensure that the right of peaceful assembly is exercised by children. As they indicated, a major part of protecting the specific right is to educate children on how to exercise it from very young ages. The State, through formal education, must provide knowledge, but also must build on the skills and attitudes of children that will enable them to exercise their right effectively, both during childhood, but in adulthood as well. At the same time, children highlighted the importance of educating State officials responsible either to monitor (i.e. police officers) or facilitate (i.e. educators) events, where children exercise their right of peaceful assembly, in order to avoid behaviors that prevent children from exercising it.

Participants also emphasized the protection of children during exercising their right of peaceful assembly. Protection should be provided by the State, which must ensure that no child is targeted because of his/her views. Children also added that States should impose sanctions on either individuals or groups/organizations that target children. They stressed that States should refrain from exercising any police action against children demonstrators or to prevent a demonstration from taking place. In general, when children exercise their right of peaceful assembly there should be no exercise of

violence in any way, and precautionary measures should be taken that no other group will exhibit violence against children while exercising this right.

### **Dissemination and Information**

Ensuring that each child can exercise his/her right of peaceful assembly also requires from States to undertake specific actions in advance in order to facilitate the process. As a participant stated “[States should] ensure that children who peacefully protest are protected, but also provide them with any information or other assistance they may require in advance”. As such dissemination of information required for a protest should be facilitated via official channels i.e. through the school settings, so that information reaches all children. At the same time, restrictions should not be imposed on children related to the information provided, as children must be fully informed about matters of concern to them. Lastly, States should not enforce specific measures to specific groups which are more vulnerable, thus, restricting them from participating. On the contrary, as described above, once needed, States should facilitate children from vulnerable groups on exercising their right of peaceful assembly.

### **Mechanisms to Establish Child Participation**

Children moved beyond a ‘traditional’ concept attributed to the right of peaceful assembly, emphasizing that this right also entails ways of listening and taking into consideration the views and opinions of children for matters of concern to them, and as such, requires from the States parties to establish mechanisms for doing so. According to the participants, the right entails consultation in various formats with children (i.e. questionnaires, referendum initiated either by State officials or children’s representatives, regular meetings with student bodies, etc). As one child reported “State should not take any decisions for children without the children”. They pointed out that information provided by the children about matters of concern to them can enable States to gain a holistic picture and count any possible adverse effects that may derive by a decision taken beforehand, and take measures to eliminate those.

## **Right Embedded in the Education System**

Based on that holistic perception of the right, children expressed the view that States should be recommended to introduce a lesson within the curriculum as a mechanism of opinions' collection that will enable students to express their views on any matter of concern to them, but also will provide the space to discuss current day-to-day problems, and other topics that help them form their personality and opinion so that they are not ignorant and be aware of how to exercise their rights properly.

## **Restrictions**

Children commented on restrictions that should be set or not by the State when children wish to exercise the right of peaceful assembly. Generally, they stated that restrictions should be set only in rare cases, such as in that of a public health risk, but the State must not prevent children from participating in demonstrations or in general exercising their right of peaceful assembly. They highlighted the importance of 'removing' the fear over children's shoulders for being punished for exercising their right. Specifically, they pointed out possible consequences that accompany children's participation in demonstrations imposed by the educational system or the school administrations. They explained that counting their absence from classes while exercising their right as a reason for their non-promotion to the next grade can be considered as a tactic by the State to impose restrictions on the application of their right. They did provide an example of how the State responds differently to the right of peaceful assembly when exercised by children, according to the thematology of the protest. As they pointed out, the best interest of the child should be above the interest of the State or the interests or political goals of any government. What follows is a child's opinion *"Children must be able to attend various events and assemblies, such as those that have been taking place recently for the exams, and not be afraid of being absent from school and be punished for that"*.