

**Submission to the Human Rights Committee  
in response to the Call for Comments on Revised Draft General Comment No. 37 on Article 21  
(Right of Peaceful Assembly) of the International Covenant on Civil and Political Rights**

Launched in 2016, the Girls Advocacy Alliance (GAA) is a joint initiative which aims at eliminating Gender-Based Violence (GBV) and Economic Exclusion (EE) of girls and young women through strategic lobby and advocacy.<sup>1</sup>

The GAA welcomes the initiative of the Human Rights Committee to lead the process of drafting General Comment No. 37 on Article 21 (Right of Peaceful Assembly). This is a vital norm-setting exercise which will help to address issues related to the right of peaceful assembly in the current global context, which is marked by states of emergency, armed conflict, and mass demonstrations. Human rights defenders, in particular, continue to push for social change despite attempts to silence them, and it is essential to defend the civil society space in which they operate. We also take this opportunity to thank the Human Rights Committee and Christof Heyns, Rapporteur on the draft General Comment No. 37, for their valuable work to strengthen the safeguards needed for the exercise of fundamental rights and freedoms, as well as for the space given to civil society to engage and share additional perspectives. We wish the Human Rights Committee success in the finalisation of the draft and with our submission we would like to contribute to the important work of the Committee.

The GAA, at the international level, advocates and lobbies to promote the rights of girls and young women by engaging with the Treaty Bodies, Special Procedures, and other accountability mechanisms. Given our expertise and experience, our contribution addresses three issues related to the revised draft of General Comment No. 37: (I) an age-specific approach to the right of peaceful assembly; (II) gender dimensions to the right of peaceful assembly; and (III) children and girl human rights defenders. Finally, in section IV, we make some recommendations. This submission does not address all of the paragraphs in the revised draft General Comment.

More generally, we believe that research and policy must include an age, gender, and diversity perspective in order to properly set the basic “rules of engagement” for assemblies. Peaceful assembly can serve as a tool for people to influence the public agenda, including those who may lack any alternative means of doing so. It is our hope that General Comment No. 37 will give clarity on the expected roles and responsibilities of participants in peaceful assemblies, as well as the authorities who have a responsibility to protect them. If or when violence occurs, response measures should be appropriate and take into account the age, gender, diversity, and other relevant characteristics of the assembled participants. Therefore, we recommend the Human Rights Committee to encourage all concerned actors to consider age, gender, and diversity in relation to both the negative obligation of States not to impede peaceful assemblies and the positive obligation to facilitate peaceful assembly.

**I. An age-specific approach to the right of peaceful assembly**

Children and young people have a unique potential to advocate for human rights in society. We welcome the specific inclusion of children in the revised draft General Comment and the consensus reached during the first reading.

5. *Everyone can exercise the right of peaceful assembly. This includes children. In addition to its exercise by citizens, the right may also be exercised by, for example, foreign nationals, including migrant workers, asylum seekers and refugees, as well as stateless persons.*

States have an obligation to ensure that children enjoy their right of peaceful assembly in safety. However, this is far from being a reality. In conflict-affected areas, child protestors have been targeted with live ammunition.

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<sup>1</sup> The goal of the Girls Advocacy Alliance is to ensure that governments and private sector actors make changes in their agendas, policies, and practice to end GBV and EE of girls and young women. We aim to achieve this by building the capacity of civil society organizations to hold their governments and private sector actors accountable, and by mobilising key decision-makers to address social norms and values. To this end, the GAA has an international component that conducts advocacy at the international level and provides support to local partners in ten countries in Africa and Asia. The International Programme of GAA is implemented in Geneva and New York by Plan International, Terre des Hommes International Federation, Defence for Children International, and ECPAT International.

When protests turn violent, children and young people can suffer serious injuries and disabilities caused by the use of lethal weapons. Children deserve to be treated with dignity and respect. Boys and girls participating in peaceful protests, including children human rights defenders (CHRDs), should enjoy at least the same level of protection against threats, intimidation, and violence as their adult counterparts.

In some countries, children’s participation in political debates and decision-making processes is considered less important or their views are even excluded. Children’s views should be seriously considered by adults so that they influence decisions that affect children in private and public spheres (in families, schools, communities, local governance, national policies and practices, etc.). In many consultations organized by GAA partners in the field, children and young people expressed the view that, even when they are able to express their opinions, they are not taken seriously.

We recommend the Committee to follow an age-specific approach which will empower children to enjoy their right of peaceful assembly. To ensure the meaningful participation of children and young people, they must be informed of their rights and provided with information that is appropriate to their age and context in order for them to take informed decisions.

## **II. Gender dimensions to the right of peaceful assembly**

The issue has a gender dimension, as stated in the revised draft General Comment as follows:

28. *States must not deal with assemblies in a discriminatory manner, for example on the basis of nationality, race, ethnicity, age, political opinion, religion, belief, minority status, disability, sexual orientation or gender identity. Particular efforts should be made to ensure equal and effective protection of the right of peaceful assembly of individuals who are members of groups who are or have been subjected to discrimination. This includes the duty to protect participants from homophobic, sexual or gender-based attacks.*

However, the gender dimension is not significantly developed in the text, and instruments discussing the right of peaceful assembly tend to be gender blind. Girls and young women experience double discrimination based on age and gender and face many barriers that prevent them from organising and expressing themselves, such as gender based violence. The work of challenging social norms is complicated, but girls have proven to be an indispensable force in advocating for their rights. Girls who defend human rights are a very important driver for generating positive change and achieving gender equality.

The GAA believes that girls should be enabled and empowered to organise themselves and assemble in a safe way. Law enforcement agencies have an essential role to play in facilitating this. Law enforcement agents must know that girls and women have the same rights as boys and men, and they must act accordingly. They must refrain from excessive use of force and must provide appropriate protection for girls and women who are participating in peaceful assemblies.

## **III. Children and girl human rights defenders**

The role of children who identify as CHRDs is increasingly recognised at the United Nations level. In 2018, the UN Committee on the Rights of the Child (UNCRC) dedicated its Day of General Discussion (DGD) to the topic of [Children as Human Rights Defenders](#). In March 2019, the UN Human Rights Council adopted [Resolution A/HRC/40/L.22/Rev.1](#) in which it first recognised children as human rights defenders and called upon States to “provide a safe and empowering context for initiatives organized by young people and children to defend human rights relating to the environment”.

Girl human rights defenders make a specific contribution to advocating for social change, but they face particular challenges and require special protections. In July 2019, the Human Rights Council adopted [Resolution A/HRC/41/L.6/Rev.1](#) on the elimination of all forms of discrimination against women and girls, in which it recognised girl human rights defenders and urged states “to develop, support and protect an enabling environment for the full, meaningful and equal participation of women’s rights organizations, feminist groups and women and girl human rights defenders and youth-led organizations in the creation, design and

implementation of all legislation and policies relevant to substantive gender equality”. States should fully implement this resolution.

At the 2018 DGD on CHRDs, the GAA shared several individual testimonies of girl human rights defenders who faced intimidation or threats while they were campaigning or protesting peacefully. It is important to highlight that very little official data is available concerning the levels of threat and intimidation faced by girl human rights defenders more generally.

The revised draft of the General Comment makes a reference to the special role of human rights defenders and their entitlement to protection as follows:

34. *The role of journalists, human rights defenders and others involved in monitoring, including documenting or reporting on assemblies, is of special importance, and they are entitled to protection under [article 21 of] the Covenant. They may not be prohibited from exercising these functions, also in respect of the actions of law enforcement officials. The equipment they use must not be confiscated or damaged. Even if the assembly is declared unlawful or is dispersed, that does not terminate the right to monitor it. No one should be harassed or penalised as a result of their attendance at demonstrations.*

We recommend the Committee to go further by highlighting ‘children human rights defenders’ and including a special focus on ‘girl human rights defenders’, acknowledging their existence and the necessity to protect them from gender discrimination, threats, harassment, and sexual assault when they seek to exercise their right of peaceful assembly.

#### **IV. Recommendations**

In light of what has been illustrated above, the GAA recommends the Human Rights Committee to further revise draft General Comment No. 37 to outline the responsibilities of policy-makers, international and regional human rights mechanisms, and all other relevant stakeholders to:

- Take into account the age, gender, and diversity dimensions that can impede the enjoyment of the right of peaceful assembly;
- Promote the participation of children and young people in political and civic spheres and guarantee their right of access to information that is appropriate to their age, capacities, and local language;
- Improve monitoring and reporting of the threats and risks faced by children and young people exercising their right of peaceful assembly, including in online spaces;
- Consult with children and young people on the type of support they need in order to organise themselves and exercise their rights of peaceful assembly;
- Ensure that children and young people, both girls and boys, enjoy at least the same level of protection against threats and intimidation during peaceful protests as their adult counterparts;
- Ensure that law enforcement agents are aware of the right of children and young people, including girls, to peaceful assembly and trained to take their specific needs and vulnerabilities into account, particularly in the context of policing of protests;
- Maintain and build on existing agreed language that recognises the role of children and girl human rights defenders and the need to create enabling environments for their participation in decision-making;
- Adapt existing tools and mechanisms for the protection of human rights defenders so that they account for the specific needs and vulnerabilities of CHRDs, with particular attention to girls; and
- Ensure that CHRDs, especially girl human rights defenders, are linked in with appropriate groups and networks and operate in a safe and enabling environment with the support and protection of relevant partners and institutions.