**Maat Association for Peace, Development and Human Rights comment on Revised Draft General Comment No. 37 on Article 21(Right of Peaceful Assembly) of the International Covenant on Civil and Political Rights**

**Submitted to the**: Human Rights Committee

**Submitted by**: Maat Association for Peace, Development and Human Rights) In consultative status with the UN ECOSOC).

**About:** comment on Revised Draft General Comment No. 37 on Article 21(Right of Peaceful Assembly)

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 Preamble

In the context that Maat for peace promotes for human rights protected by international conventions in particular, the rights stipulated in the International Covenant on Civil and Political Rights, it is pleased to present its general comment on Article 21 in recognition of the right to freedom of peaceful assembly Which is considered a basic pillar of the democratic system, and it guarantees individuals and groups a platform for expressing civil, political, economic and social rights, for holding governments accountable and for raising and defending issues of common concern.

According to what the project indicated that the right to peaceful assembly is a fundamental and important right to form societies based on democracy in which the principle of the rule of law and pluralism is respected and human rights are respected in addition to that the number of states parties to the Covenant has reached 173 but the practices of states are contrary to what is stipulated in Article 21, so this comment contains a number of points mentioned in the project, applying to it some of the examples of countries that have not yet been able to set a framework to ensure respect for the right to peaceful assembly.

**Firstly: according to the first paragraph "** **The right of peaceful assembly shall be recognized.”**

Although the right to peaceful assembly is recognized in a number of national laws and legislation of the state’s parties to the agreement, it remains written and not applied. For example, Article 27 of the Constitution of the Islamic Republic of Iran of 1979 (as amended during 1989) states that it is permissible Organize unarmed gatherings and marches freely, provided that there are no violations of the fundamentals of Islam

Although Article 27 of the Iranian Constitution guaranteed the right to peaceful assembly, the practices of the state of Iran in the legal application violate Article 21 of the International Covenant on Civil and Political Rights as the system for requesting statements that the state uses to block this right is a good example of this.

In addition, Iran is not a party to the First Optional Protocol to the International Covenant on Civil and Political Rights, which allows individuals to petition the Human Rights Committee if they believe that the country has violated their human rights as protected under the Covenant. Therefore, it requires states to redouble their efforts to work to develop their national legislation in a manner consistent with the achievement of Article 21.

**Second: According to the paragraph mentioned in Article 21 “No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and** **which are necessary “**

Undoubtedly, Article 21 set some of the forms that could affect the question of the right to peaceful assembly and those forms guaranteed by national legislation in order to protect the tangible impact of applying that right to the realization of societies based on democracy, from which, for example, these groups effect On national security or public safety, such gatherings are used, for example, in acts of sabotage and waste of public interests. It is also possible to link here what is stated in Article 20 of the International Covenant on Civil and Political Rights that such gatherings are propaganda for war or an invitation to national, racial or religious hatred. It constitutes incitement to discrimination, hostility or violence.

However, there are no effective and appropriate monitoring mechanisms within countries in order to be able to implement the right to peaceful assembly, but states prevent peaceful assemblies through the use of force and the arrest of political opponents on the pretext that these groupings affect public order or national security.

Therefore Maat Association takes note that states can overuse the right entrusted to them under Article 21 Specifically in the phrase “those imposed in conformity with the law” Also in the phrase “ which are necessary “ In case In the event that it does not find an effective monitoring mechanism within the states parties to the agreement, for example Turkey, despite the freedom of peaceful assembly It is guaranteed in accordance with Turkish law, as the Turkish authorities rejected gatherings of opponents of the government for unjustified security reasons only using the term "security reasons", which constitutes a danger to the implementation of this right. Thus, Maat Association recommends that states work to amend their national legislation to ensure the greatest degree of commitment to rights and limit Repression of freedom of opinion and expression. Effective remedies must be provided for violations committed by states, with states committing to setting guidelines for law enforcement authorities to work effectively to ensure that right.

The Maat Association for Peace, Development and Human Rights in that project demands that it focus mainly on excessive use by states of the right entrusted to them under international agreements in the sense that it does not deny, of course, that national legislation has already stipulated the right to peaceful assembly but the restrictions that states place upon application through Exceptions used in error, with the sole purpose of suppressing freedom of opinion and expression.