**Plan International, Inc.**

**WRITTEN SUBMISSION TO THE REVISED DRAFT OF GENERAL COMMENT NO. 37 ON ARTICLE 21: RIGHT OF PEACEFUL ASSEMBLY BY THE HUMAN RIGHTS COMMITTEE**

**Geneva, February 2020**

1. **INTRODUCTION**

Plan International is an independent development and humanitarian organisation that advances children’s rights and equality for girls.Plan International wishes to thank the Human Rights Committee for the revised draft of General Comment No. 37 on the right of peaceful assembly. We welcome this opportunity to highlight some elements that would further strengthen the General Comment and ensure that no children and young people – in particular girls and young women - are left behind. This submission treats a select number of key issues; it does not address all the paragraphs in the General Comment.

1. **SUGGESTIONS FOR ADDITIONAL AREAS OF FOCUS:**
	1. **Age dimension**

Paragraph 5 of the revised draft of General Comment No. 37 states, in relation to exercising the right of peaceful assembly, that, “This includes children.” Plan International welcomes the Committee’s acknowledgement of the need for distinct attention to the fulfilment of this right for children. However, Plan International believes that, in order to address some of the specific vulnerabilities and barriers experienced by children, and specifically by girls and young women, distinctions for children and young people should be deepened and detailed throughout the General Comment.

* Plan international recommends emphasizing and protecting the right of peaceful assembly for children by adding the following sentence: “*States must not limit or restrain peaceful assemblies in a discriminatory manner, including because of the age and/or the gender of participants. Furthermore, States must provide protection to children when they choose to exercise their right of peaceful assembly, especially to girls and young women who are often victims to additional threats and harassment*.”
* Furthermore, in order to facilitate peaceful assemblies, we recommend adding a paragraph after paragraph 27 on the role of gender-responsive education on active citizenship and the responsibility of States to provide education on the right of peaceful assembly.
* Plan International welcomes the way in which paragraph 28 requires that assemblies should not be dealt with in a discriminatory manner. In order to strengthen the principle of non-discrimination on the basis of age, we recommend expanding Section 2 on scope to include a paragraph about children and young people, with particular mention of vulnerable children, young people, girls, and young women. The paragraph could explicitly recognise that this right is applicable regardless of age, and that the age of those leading an assembly should not be a factor in determining whether it qualifies as an assembly;
* Furthermore, paragraph 28 mentions the duty to protect participants, and we believe that this should include protection from racist, ageist, and ableist attacks.
* 41.4% of children say that they would not feel safe expressing their views freely online without being anonymous[[1]](#footnote-1). We believe in the transformative potential of education, in informing children of their rights, and in implementing protections to safeguard children who are made to feel unsafe. Therefore, we would welcome the inclusion under Section 3 of a reference to the role of education, notably of curricula, in order to recognise the obligation of States parties to adequately inform children and young people of the right of peaceful assembly, particularly in regard to digital assembly;
* We welcome the explicit mention in paragraph 34 of the role of journalists, human rights defenders and others involved in monitoring. Further to this, we are conscious that children and young people often perform these roles without being recognised or self-identifying as journalists or human rights defenders. As such, we recommend that the General Comment should include a specific mention of the role of, and need to protect, children human rights defenders, journalists and others involved in monitoring.
* We recommend that paragraph 80 calls for notification regimes to be accessible, and for information to be made available to children and young people. We suggest adding to the end of the paragraph 80: “[must be proportionate to the potential public impact of the assembly concerned], *as well as accessible to children, including girls and young women. All children, including girls and young women, must also be informed of these notification systems and their details so they are not prevented from exercising their right of peaceful assembly*.”
* Section 6 underlines several duties and powers of law enforcement agencies, many of which may not be fully applicable to children partaking in assemblies. We would recommend additional clarification as to which can be used only in relation to adult participants, and which can be used in relation to child participants.
* Plan International welcomes the inclusion of paragraph 114. We recommend expanding this paragraph to recognise that this is especially pertinent for children and young people, with the right of peaceful assembly being one of the only ways they can have their voices heard, as they are not traditionally power holders in most decision-making institutions.
	1. **Specific protections for girls and young women in online spaces**

The updated General Comment No. 35 (2017) by the Committee on the Elimination of all Forms of Discrimination Against Women (CEDAW) recognises ‘contemporary forms of violence occurring on the internet and digital spaces’[[2]](#footnote-2) as an emerging form of gender-based violence. Recent research into patterns of online gender-based violence indicates that gendered online violence often intends to silence girls and women[[3]](#footnote-3). Furthermore, in the 2018 report on online violence against women and girls from a human rights perspective, the UN Special Rapporteur on violence against women notes that a common outcome of gender-based violence online is that victims or survivors withdraw from public life.[[4]](#footnote-4)

It is also of note that these forms of violence often disproportionately impact girls and young women at the intersections of other forms of marginalisation. This includes, for example, young women and girls of minority races and ethnicities, disabled girls and young women, LGBTIQ+ girls, and young women,[[5]](#footnote-5) Online gender-based violence should be urgently addressed, as it currently presents a barrier to girls and young women exercising their right of peaceful assembly online.

* We recommend expanding the scope of the right of peaceful assembly, as outlined in Section 2, to include the right of peaceful assembly online.
* In order to acknowledge the specific violence and harassment that girls and young women can face, we recommend adding a sentence in paragraph 27 stating that “[Where needed, States must also protect participants against possible abuses by non-State actors, such as interference or violence by other members of the public, counter-demonstrators] *specifically girls and young women participants who are victims of threats, violence and harassment when exercising their right*”.
* Paragraph 38 outlines the obligation of States parties in relation to the online exercise of the right of peaceful assembly. This paragraph outlines the role of States parties and internet providers in preventing the infringement of the right. In order to better protect people, in particular girls and young women, from online harassment and intimidation, we recommend that the paragraph be expanded to note the negative role that members of the public can play: “[providers do not unduly infringe upon the privacy or safety of assembly of participants.] *States parties should also ensure that* *members of the public do not engage in targeted intimidation, without hindering the exercise of the right of peaceful assembly online.”*
* Research indicates that, at times, censorship has been used as a mode of protection with the aim of reducing the harm faced by people exercising their right of peaceful assembly online[[6]](#footnote-6). Plan International notes, however, that this can result in the censorship of those most vulnerable to online harassment and abuse, notably girls and young women. Thus, in addition to the above, we recommend adding the responsibility of internet providers to take measures to protect girls’ and young women’s right of peaceful assembly online, including through prevention and anti-harassment reporting mechanisms. Protection should never result in censorship or restriction of the nature, language or mode of digital assembly (in accordance with paragraph 22, and the Covenant’s prohibition of incitement to national, racial or religious hatred).

**List of relevant sources (including additional sources to those cited in this submission):**

* “Children Speak Out: Summary of research with children on their civil and political rights.” Save The Children. 2016. <https://resourcecentre.savethechildren.net/sites/default/files/documents/children_speak_out_research_summary_logo_high.pdf>
* “General recommendation No.35 on gender-base violence against women, updating general recommendation No.19.” CEDAW. 2017. <https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_35_8267_E.pdf>
* “Gender-Based Violence Online.” SIDA. 2019. <https://www.sida.se/contentassets/97224704b4f643cba3b4fca3d931e576/brief_gender-based_violence_online_sep-2019_webb.pdf>
* “Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective.” Human Rights Council. 2018. <https://undocs.org/en/A/HRC/38/47>
* “Breaking the Silence: Ending online violence and abuse against women’s rights activists.” Womankind. 2018. <https://www.womankind.org.uk/docs/default-source/default-document-library/breaking-the-silence-policy-briefing.pdf>
* “Toxic Twitter”. Amnesty International. 2018. <https://www.amnesty.org/en/latest/research/2018/03/online-violence-against-women-chapter-1/>
* “Cyber Violence Against Women and Girls: A World-Wide Wake Up Call”. UN Broadband Commission for Digital Development Working Group on Broadband and Gender. 2019. <https://networkedintelligence.com/wp-content/uploads/2019/02/Cyber_violence_Gender-report.pdf>
* “Our Right To Safety: Women Human Rights Defenders’ Holistic Approach to Protection”. Association for Women’s Rights in Development. 2014. <https://defendingwomen-defendingrights.org/wp-content/uploads/2014/03/Our-Right-To-Safety_FINAL.pdf>
1. “Children Speak Out: Summary of research with children on their civil and political rights.” Save The Children. 2016. <https://resourcecentre.savethechildren.net/sites/default/files/documents/children_speak_out_research_summary_logo_high.pdf> [↑](#footnote-ref-1)
2. “General recommendation No.35 on gender-base violence against women, updating general recommendation No.19.” CEDAW. 2017. <https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_35_8267_E.pdf> [↑](#footnote-ref-2)
3. “Gender-Based Violence Online.” SIDA. 2019. <https://www.sida.se/contentassets/97224704b4f643cba3b4fca3d931e576/brief_gender-based_violence_online_sep-2019_webb.pdf> [↑](#footnote-ref-3)
4. “Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective.” Human Rights Council. 2018. <https://undocs.org/en/A/HRC/38/47> [↑](#footnote-ref-4)
5. “Breaking the Silence: Ending online violence and abuse against women’s rights activists.” Womankind. 2018. <https://www.womankind.org.uk/docs/default-source/default-document-library/breaking-the-silence-policy-briefing.pdf> [↑](#footnote-ref-5)
6. “Our Right To Safety: Women Human Rights Defenders’ Holistic Approach to Protection”. Association for Women’s Rights in Development. 2014. <https://defendingwomen-defendingrights.org/wp-content/uploads/2014/03/Our-Right-To-Safety_FINAL.pdf> [↑](#footnote-ref-6)