



## Submission

### Revised Draft General Comment No. 37 on Article 21 (right of Peaceful Assembly) of the International Covenant on Civil and Political Rights

*Joint submission by Child Rights Connect, including its members Child Rights Information Centre -Moldova and Humanium as well as Anita Danka, Independent Human Rights Law Expert.*

Child Rights Connect is the largest global network working for the realization of children's rights through the United Nations. Through its more than 80 member organisations, it reaches out to every country in the world. Its members are national, regional and international organisations and coalitions working to protect and defend children's rights. This membership harnesses a vast diversity of expertise, experiences and approaches for realising children's human rights worldwide.

This submission is informed by children, and includes inputs from 91 children aged 10- 18 years old, in 15 countries<sup>1</sup>, in five regions of the world (East Asia and Pacific, Latin America and Caribbean, Sub-Saharan Africa, Europe and Central Asia, Middle East and North Africa). Inputs were collected thanks to a Survey with seven questions<sup>2</sup>, which was disseminated among members and partners of Child Rights Connect working closely with children.

There is an increasing number of children taking part in peaceful protests around the world, most notably in strikes against climate change, but also in demonstrations calling for social justice, better education, democracy and the rule of law. However, the special needs of children engaged in peaceful assemblies are seldom taken into account by the authorities in their planning, decision-making & training. In this regard, crowd controlling techniques employed such as kettling can disproportionately negatively affect children<sup>3</sup>. Children as individuals and a group also face several barriers to exercise

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<sup>1</sup> Australia, Brazil, Cameroon, Croatia, DRC, Germany, Iraq, Mexico, Moldova, Peru, Russia, Spain, Turkey, UK, Venezuela.

<sup>2</sup> Question 1: What do you understand by the right to peaceful assembly?; Question 2: Where you ever involved, or know of other children, who have been involved in a peaceful assembly offline or online?; Question 3: If you or other children you know have been involved in a peaceful assembly, could you share any examples, including the issues or topics raised and the experiences/results?; Question 4: Do you think children face particular challenges/obstacles to participate in a peaceful assembly online or offline? If so, are there children in certain situations who are more likely to face such challenges/obstacles?; Question 5: What would you say to an adult who may support a child who wants to participate in a peaceful assembly?; Question 6: If you think it is important for children to give their inputs to this UN document, please could you tell us why?; Question 7: If you could give one recommendation to governments on what they should do to make sure all children can enjoy the right to peaceful assembly, what would it be?

<sup>3</sup> Daly Aoife, "Article 15: The Right to Freedom of Association and Peaceful Assembly" in *A Commentary on the United Nations Convention on the Rights of the Child*, Martinus Nijhoff Publishers, Leiden (2015), page 44.

their right to peaceful assembly, thus their participation needs to proactively be supported and encouraged.

The Human Rights Committee's General Comment on Article 21 (right of Peaceful Assembly) of the International Covenant on Civil and Political Rights is a key opportunity to clarify the State parties' obligations specifically in relation to children. To this purpose, this submission highlights special measures that should be taken by States to ensure that children can fully exercise their rights of peaceful assembly.

### **Structure of submission**

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### **I - The critical importance of the right to peaceful assembly for children**

Article 21 of the International Covenant on Civil and Political Rights (ICCPR) extends the right to peaceful assembly to "everyone". The Human Rights Committee has highlighted that "children benefit from all of the civil rights enunciated in the Covenant", thus including the right to peaceful assembly.<sup>4</sup>

The presence of the right to peaceful assembly in article 15 of the UN Convention of the Rights of the Child (UNCRC), further affirms that children enjoy this right on an equal footing with adults and that age is not a barrier to the recognition, application and enforcement of this right<sup>5</sup>. According to article 15 of the UNCRC:

*1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.*

*2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.*

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<sup>4</sup> Human Rights Committee, General Comment No. 17: Article 24 (Rights of the Child), 7 April 1989, paragraph 2.

<sup>5</sup> Claire Breen, "Article 15 The Rights to Freedom of Association and Peaceful Assembly", in *The UN Convention on the Rights of the Child A Commentary* (pp. 517-550). Oxford Commentaries on International Law (2019), p518

The right to peaceful assembly in the UNCRC not only ensures that children are not excluded from enjoying this right, but also upholds the significance of its practical enjoyment for children in a child-focused manner<sup>6</sup>.

Freedom of peaceful assembly is a foundation of any democratic society and serves as a key mechanism empowering marginalized communities and individuals.<sup>7</sup> For children, this is particularly important as they lack full legal capacity, political power, they are economically weak and constitute one of the most vulnerable groups in society.<sup>8</sup> The UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association has stressed the importance of association and peaceful assembly rights for advancing the interests of various groups, including children<sup>9</sup>. Unlike adults, children cannot vote and are not represented in traditional State structures<sup>10</sup>. Hence, children are at a greater need of opportunities to further their rights and interests.<sup>11</sup> This need is heightened for the most vulnerable children, such as girls, LGBTIQ+ children, children of minority races and ethnicities, children with disabilities, children living in poverty and children in fragile contexts. Peaceful assemblies are an important way for children's voices to be heard, enabling them to participate in social and political life, particularly on matters affecting them. The political aspect of the right to peaceful assembly is also crucial for children as a group<sup>12</sup>.

There is a close relationship between the right to peaceful assembly (UNCRC, article 15), the right to be heard (UNCRC, article 12), the right to access information (UNCRC, article 17) and the right to freedom of expression (UNCRC, article 13). Indeed, collectively, these rights encompass children's rights to participation and underpin the recognition of children's autonomy rights<sup>13</sup>.

The UNCRC guarantees the right of children to be heard and participate in all matters affecting them (article 12), which is a fundamental value of the Convention.<sup>14</sup> The UNCRC also requires that children's views are given due weight in accordance with child's age and maturity. Further, while the Convention highlights the "evolving capacity" of children's decision making, "it sets no minimum age at which children can begin to express their views freely, nor does it limit the contexts in which children can express their views."<sup>15</sup> The children responding to the Survey for example have expressed their views through assemblies on a wide range of issues, such as the rights of LGBTIQ+ people, women's rights, reproductive rights, the right to a healthy environment, right to quality health care, right to education, against climate change, corruption or raising the age of retirement.

The Committee on the Rights of the Child has noted the importance of promoting opportunities for the child's right to be heard and recognized the participation of children as a tool to stimulate the full

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<sup>6</sup> Ibid.

<sup>7</sup> A/HRC/26/29, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai: "Challenges faced by groups most at risk when exercising or seeking to exercise the rights to freedom of peaceful assembly and/or of association", (2014), paragraph 15.

<sup>8</sup> Anita Danka, "The Rights of Children to be heard through peaceful protests" in *European Yearbook on Human Rights* (October 2019), p408.

<sup>9</sup> A/HRC/26/29, See footnote 6.

<sup>10</sup> Anita Danka, p408.

<sup>11</sup> Daly Aoife, "Article 15: The Right to Freedom of Association and Peaceful Assembly" in *A Commentary on the United Nations Convention on the Rights of the Child*, Martinus Nijhoff Publishers, Leiden (2015), page 7.

<sup>12</sup> Ibid.

<sup>13</sup> Claire Breen, "Article 15 The Rights to Freedom of Association and Peaceful Assembly", p519. See also UNICEF's Conceptual Framework for Measuring Outcomes of Adolescent Participation, March 2018.

<sup>14</sup> Committee on the Rights of the Child, General Comment no. 12 (2009): The right of the child to be heard.

<sup>15</sup> Anita Danka, p408

development of the personality and the evolving capacities of children.<sup>16</sup> Similarly, the Committee has emphasized the importance of participation as a means of political and civil engagement through which adolescents can negotiate and advocate for the realization of their rights, and hold States accountable. In this sense, the Committee has actively called on States to increase children's opportunities for political participation, which is instrumental in the development of active citizenship.<sup>17</sup>

When asked in the Survey, "What would you say to an adult who may support a child who wants to participate in a peaceful assembly?", children in the Survey highlighted the learning and development opportunities offered by engaging in peaceful assemblies:

*Surely I would congratulate you for your attitude of offering this opportunity for development of children and adolescents, because when there is the participation of the highlighted subjects, there is somehow a dignified learning, i.e., it allows the child and adolescent the opportunity to develop their intellect and build your cultural background<sup>18</sup>. (Vitor, 17yo, Brazil)*

In addition, children highlighted the important associative function when asked what the right to freedom of assembly means to them. Indeed, they described it as a means "to know more children and eliminate discrimination among us" and a means "to value and exchange best practices for the promotion of children's rights."

The exercise of the right to peaceful assembly is critical for children as it empowers them and enables them to engage in citizenship, learn about democratic processes and values, and stand up for themselves or others.<sup>19</sup> Children in the Survey explained that assemblies enable children to express their views about issues directly affecting their future and "encourage problem-solving".

*(...) Adolescent participation in society brings countless contributions, because when there is participation of adolescents, there is also political formation of these individuals that is contributing. This, in the future, will make a huge contribution to social progress, as this establishes a society of beings with critical thinking, which are attenuated the issues that happen in society<sup>20</sup>. (Vitor, 17yo. Brazil)*

This fundamental freedom also enables the enjoyment of a range of other rights:

*[The freedom of] "peaceful assembly is one of my rights through which I express my opinion and seek freedom and rights." (child rights defender, 13yo, Iraq)*

*[The freedom of] "peaceful assembly ensures a couple of other rights, including the freedom of expression, the right to education, health and other rights" (child rights defender, 16yo, Iraq)*

Children can also participate in the political life and influence decision-making processes through the exercise of their freedom of peaceful assembly. Through assemblies' children can "express opinions

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<sup>16</sup> Committee on the Rights of the Child, General Comment no. 12 (2009): The right of the child to be heard, para 79.

<sup>17</sup> Committee on the Rights of the Child, General comment no. 20 (2016): The implementation of the rights of the child during adolescence, para 24.

<sup>18</sup> "Certamente parabenizaria pela sua atitude de oferta essa oportunidade de desenvolvimento da criança e do adolescente, pois quando existe a participação dos sujeitos em destaque, há de certa maneira uma aprendizagem digna, ou seja, possibilita à criança e ao adolescente a oportunidade de desenvolver seu intelecto e construir sua bagagem cultural".

<sup>19</sup> Anita Danka, p409.

<sup>20</sup> "(...) A participação do adolescente na sociedade traz inúmeras contribuições, isso porque quando há participação dos adolescentes, também há formação política desses indivíduos que está contribuindo. Isso, no futuro, trará uma enorme contribuição para o progresso social, pois assim se estabelece uma sociedade de seres com o pensamento crítico, que estão atenuados as questões que acontecem na sociedade."

about laws and decisions publicly, encourage and support or draw attention to the limits of these laws with the idea to influence final decisions of the government.”

Children’s involvement in peaceful protests can also provide communities and countries with impetus for social change<sup>21</sup>. Children, for example, have been at the forefront of the climate change movement and strikes, they have led democracy protests in Hong Kong; they have been involved in the Arab Spring demonstrations, and most recently they called for social change in Chile. In the Survey conducted, children shared their experiences being involved in peaceful assemblies concerning issues that specifically affected them, such as education or children’s rights, as well as issues affecting the whole of the population: climate change, LGBTIQ+ and women’s rights, opposition to the construction of a nuclear power station in Turkey, etc. Some took part in peaceful assemblies in schools, others in national or local youth institutions and others on the streets.

Many children described their experience as empowering, an opportunity to learn new things, meet new people and facilitate change (even if partial). However, many children highlighted the barriers they faced in exercising their right to peaceful assembly such as the fact that they were not being taken seriously by adults and that many faced schools sanctions for participating in demonstrations during school hours.

**What do you understand by the right to peaceful assembly<sup>22</sup>?**

*I do understand that a right to peaceful assembly is a way to listen to every person who exist and who has his own voice and can say what he feels. It is very important to know that we have this right and we will not be arrested for expressing ourselves. (child rights defender, 18yo, Moldova)*

*In my opinion the right to peaceful assembly is an international platform offered to children to have a freedom of speech on their rights that is to defend their rights for their voices to be heard by stakeholders, is a network created to value and exchange best practices on children rights promotion. (Divina Stella, 15yo, Cameroon)*

*The right to a peaceful assembly is a fundamental part in democracy. Without it, freedom of speech would be severely impaired, inhibiting millions of people from freely expressing their opinions and beliefs, especially in those sectors of issues that directly affect their future. (child rights defender, 14yo, Australia)*

*Under the right to a peaceful assembly, I understand the right to meet with people and to protest for change without violence or material damage. (child rights defender, 17yo, Germany)*

*The right to protest, openly showing our opinions and get our voices shown and heard (and HOPEFULLY taken seriously). (Serena, 17yo, UK)*

*To be able to display and potentially fulfil my ideas and ideas of my peers. (child rights defender, 16yo, Croatia)*

<sup>21</sup> Daly Aoife, “Article 15: The Right to Freedom of Association and Peaceful Assembly”, page 8.

<sup>22</sup> Below are some of the children’s responses to this Survey question. Children responding to the Survey for the General Comment had a clear understanding that they are entitled to the right to peaceful assembly both as human beings as well as children, and that this right must be enjoyed on an equal footing by everybody.

*A pacific meeting is when a group of people gather to ask for a common good in a clear and non-aggressive way, whether it is physical or verbal: it's something we can all do since our law allows it*<sup>23</sup> (child rights defender, 16yo, Peru)

*That every person has the right to meet peacefully because they do not harm society rather it is an aid to all people*<sup>24</sup> (child rights defender, 13yo, Venezuela)

*That everyone goes on strike so that they can lower prices and cannot increase them anymore*<sup>25</sup>  
(child rights defender, 11yo, Peru)

*It's like a debate to get a right*<sup>26</sup> (child rights defender, 14yo, Peru)

*The formation of a system of cooperation between several people who reach a common denominator when they are of different opinions... and communicate this opinion in a non-violent manner both in the online and offline environment.* (child rights defenders – group submission of 11 children and young people aged 14-19yo, Moldova)

## **II - States obligations specific to children**

Article 2(1) of the ICCPR requires that all State Parties undertake, without distinction, to respect and to ensure to all individuals the rights recognized in the Covenant. Read together with article 21 of the ICCPR, State Parties are required to respect and to ensure the right to peaceful assembly for all, including children. In other words, State parties have both negative and positive obligations in relation to the right to peaceful assembly<sup>27</sup>. Significantly, Article 24 (1) of the ICCPR provides children with special measures of protection, which the Human Rights Committee has explained are “in addition to the measures that States are required to take under article 2.”<sup>28</sup>

The text of Article 15 of the UNCRC can be understood as providing children with the right to peaceful assembly to the same extent as adults. However, this article cannot be interpreted in isolation from the general principles of the UNCRC: non-discrimination (article 2 UNCRC), the best interest of the child (article 3 UNCRC), the right to parental direction and guidance consistent with a child's evolving capacities (article 5 of UNCRC), the right to life, survival and development of the child (article 6 UNCRC) and the right of the child to be heard (article 12 UNCRC).<sup>29</sup> Read together with article 15, these provisions create States' obligations to respect, protect and facilitate the right of peaceful assemblies for children. States have a fundamental role in protecting and empowering children in their exercise of the right to peaceful assembly and special measures must be taken at State level to accommodate the special position and unique needs of children in this area<sup>30</sup>.

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<sup>23</sup> “Una reunión pacífica es cuando un grupo de personas se reúnen para pedir un bien común de forma clara y sin agresión ya se física o verbal: es algo que todos podemos hacer ya que nuestro derecho lo permite.”

<sup>24</sup> “Que toda persona tiene derecho a reunirse pacíficamente porque no le hacen daño a la Sociedad, más bien es una ayuda para todas las personas”

<sup>25</sup> “Que todos hacen huelga para que puedan bajar las cosas a menor precio de cómo están ahora y no puedan subirlos más”

<sup>26</sup> “Que es como un debate para conseguir un derecho”

<sup>27</sup> Human Rights Committee, General Comment No. 31 Nature of the General Legal Obligation Imposed on States Parties to the Covenant, para 6.

<sup>28</sup> Human Rights Committee, General Comment No. 17: Article 24 (Rights of the Child), para 1.

<sup>29</sup> Daly Aoife, “Demonstrating positive obligations: children's rights and peaceful protest in international law”, George Washington International Law Review, volume 45, 2013, p789.

<sup>30</sup> Daly Aoife, p7.

## A. Special protection of children engaged in assemblies

Protests can involve a risk of violence. The Committee on the rights of the Child has reported on the torture and ill-treatment experienced during demonstrations, including the abusive use of detention measures and brutal repression, even resulting in the deaths of children.<sup>31</sup> When asked “Do you think children face particular challenges/obstacles to participate in a peaceful assembly online or offline?”, children participating in the Survey answered:

*Yes, they faced a big challenge in Iraq because of dominance of outlaw bodies and didn't respect the freedom of expression and human rights and use gun and violence to silence who try to express. Many of children under 18 are killed by unknown bodies or related to the government in the latest protests and there is no big international support. (child rights defender, 17yo, Iraq)*

*Yes, and such thing happened in front of my eyes, we were in a peaceful assembly (mid and high schools students) even university students in one of the demonstrations squares and we were holding only flags and candles in our hands, when anti-riot forces started shooting tear gas and sound bombs this only to disburse us and forbid us from gathering in front of demonstration square. (child rights defender, 17yo, Iraq)*

*Yes, because in some protests the people involved are hurt<sup>32</sup> (child rights defender, 10yo, Peru)*

States must ensure that children can enjoy their right to peaceful assembly without unwarranted interference and or the risk of being harmed.<sup>33</sup> Because children are usually smaller in stature than adults and have less life experiences, they can face a greater risk of physical harm than adults and might be more vulnerable if the authorities resort to force or some participants or counter-demonstrators turn violent. Girls in particular are at a disproportionate risk of harassment, threats and violence. It is important to note however, that this should not hinder children from partaking in protests; rather, the onus must be on States to ensure that children are safe, and that they are made aware of these risks so that they can make informed choices on whether to participate or not in assemblies.

Law enforcement authorities should consistently consider the special protection needs of children, especially the most vulnerable children, and this should be explicitly mentioned in the General Comment.<sup>34</sup> Particularly, the best interest of children should be considered in police planning and police training should involve the explicit consideration of children's needs in protests.<sup>35</sup> Furthermore, in demonstrations concerning issues that affect children particularly (e.g. education cuts), authorities should plan for how to manage crowds containing numerous children, and ensure that the techniques employed do not disproportionately affect children (e.g. use of tear gas, “kittling”, etc.)<sup>36</sup>

Violence against protestors and those partaking in peaceful assembly can also take place online. This is especially pertinent in relation to emerging forms of gender-based violence which, research indicates, is often intended to silence girls. States' role in ensuring that children can enjoy their right to peaceful assembly must extend to the online sphere, too.

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<sup>31</sup> Anita Danka, p412.

<sup>32</sup> “Si porque en algunas protestas las personas involucradas resultan lastimadas.”

<sup>33</sup> Anita Danka, p413.

<sup>34</sup> Ibid, p412.

<sup>35</sup> Daly Aoife, “Article 15: The Right to Freedom of Association and Peaceful Assembly”, p30.

<sup>36</sup> Daly Aoife, “Demonstrating positive obligations: children's rights and peaceful protest in international law”, p801.

Bearing in mind children's dependent status, is it also worth mentioning in the General Comment that the responsibility to protect children during demonstrations cannot fall entirely on parents. In February 2012, the Committee on the Rights of the Child expressed concern to Syria for relying on parents to protect their children during demonstrations and urged the State to take all necessary measures to ensure the full effective implementation of the right to peaceful assembly.<sup>37</sup>

30% of the children participating in the Survey on this General Comment emphasized that the fear of peaceful assemblies becoming dangerous due to the threats and violence used by the police (use of pepper gas/tear gas/pressurised water/plastic bullets, and arrests), deterred them to express themselves and exercise their right to peaceful assembly.

*Peaceful assemblies in Turkey often end up with police violence or physical attacks, the usage of pepper gas, pressurized water and plastic bullets. (...) Two weeks ago, when three Dev-Lis members (Dev-Lis is a socialist formation in which aims to gather high school students for issues such as free education.) were in Taksim Square in order to draw attention to the death of the 11 year old girl Rabia Naz, whose murder was claimed to be covered up, police took them into custody. Not only that, the videos of the police attacking a high school student, pulling her hair, dragging her on the floor, were exposed. This is unacceptable. In an atmosphere like this, it is nearly impossible for us, children to freely express ourselves online or offline. It is heartsore for us, the children of the world to figure out the worst possible scenario is to not be able to explain our thoughts freely. (child rights defender, 13yo, Turkey)*

In the consultations carried out with children in the context of the of the 2018 Day of General Discussion (DGD) on protecting and empowering children as human rights defenders<sup>38</sup>, 70% of the children were concerned about violence when they acted as human rights defenders. This fear is further intensified by the fact that when children report a human rights violation or turn to an adult for help, they are seldom taken seriously and listened to. Local authorities, especially the police forces, rarely receive proper training to be able to deal with children with a child rights approach.<sup>39</sup>

Children in the Survey highlighted the stigmatization and age discrimination that children encounter, as well as the fear of criticism as barriers to their participation in peaceful assemblies. Children are seen as "incapable" or "problematic" and their contribution is mostly undervalued by adults.

*the difficulties are insults, blows, psychological abuse etc.<sup>40</sup> (child rights defender, 11yo, Peru)*

*In strikes or movements that oppose political government, adults are more likely to wave them off as "uneducated" and children that "do not know anything" (child rights defender, 14yo, Australia)*

*There are people who call us criminals or troublemakers for fighting for something important issues that benefit society<sup>41</sup>. (child rights defender, 14yo, Peru)*

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<sup>37</sup> CRC/C/SYR/CO/3-4, Committee on the Rights of the Child, Concluding observations: Syrian Arab Republic, 9 February 2012, para 46. In March 2019, the Committee recalled this recommendation. See Committee on the Rights of the Child, Concluding observations: Syrian Arab Republic, 6 March 2019, para 25.

<sup>38</sup> Consultations took place with more than 2695 children in 53 countries from 5 regions of the world (Africa, Asia-Pacific, Eastern Europe, Latin America & the Caribbean, Western Europe and others).

<sup>39</sup> 2018 Day of General Discussion (DGD) Background Paper: Protecting and empowering children as human rights defenders, "Lack or inadequate environment and spaces for children human rights defenders to participate and report".

<sup>40</sup> "Las dificultades son insultos, golpes, maltrato psicológico etc."

<sup>41</sup> "Hay personas que nos tildan de delincuentes o problemáticos por luchar por algo importante, temas que benefician a la sociedad."

*Those who protest are students and almost never take them into account<sup>42</sup> (child rights defender, 13yo, Venezuela)*

*(...) Then someone else came out of the City Hall, started yelling and asking “How old are you? Is this normal for minors to ask/request anything from the authorities? (...) (child rights defenders – group submission of 11 children and young people aged 14-19yo, Moldova)*

## **B. Supporting children’s participation in peaceful assemblies**

As States must promote an enabling environment for the exercise of the right of peaceful assembly and put into place a legal and institutional framework within which the right can be exercised effectively, it is important that more awareness is generated on children’s right to protest, their capabilities and the true value of their participation. Children’s opinions need to be taken into account. As such the right to be heard needs to be integrated into proceedings. Mainstreaming a positive image of children human rights defenders is key. Authorities should receive adequate education and training, generating awareness of children’s right to protest and on the special challenges they face as a vulnerable group. It is also importance to train authorities to consider teenagers as part of this group, and as possibly also being vulnerable to certain policing techniques.<sup>43</sup> The Committee on the rights of the child has noted that adults’ understanding and awareness of adolescents’ right to participation is important for adolescents’ enjoyment of that right, and it has encouraged States to invest in training and awareness-raising, particularly for parents and caregivers, professionals working with and for adolescents, policymakers and decision makers.<sup>44</sup>

Because of children’s dependent status and evolving capacities, parents and schools play an important role in enabling children’s right to peaceful assembly, which should be mentioned in the General Comment. The support of adults including teachers is key to ensure that children can safely participate in demonstrations, know about current affairs and exercise their citizenship.

*[I would tell adults to] teach them about it [the right to peaceful assembly] and motivate them. In the world today we often see really bad, uneducated and violent participation. If we want to raise a generation of smart and meaningful participators, we have to teach them how to do it correctly. We have to show them what they can and can't do at such a gathering/what to post or not to post, what to do if things escalate, etc. Basically, how to participate safely, which is in my opinion the first and maybe biggest barrier children face. Also, adults have to participate, too. They have to teach children about the latest topics and get their voice heard in case it is not possible for them to participate personally at that place and time. (Karla, 17yo, Croatia)*

*I would tell this adult the importance of his role and that he can be the biggest encourager and responsible for this child's dreams<sup>45</sup>. (Guilherme, 18yo, Brazil)*

Children or their parents should not be punished for children’s participation in peaceful assemblies.

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<sup>42</sup> “Los que protestan son estudiantes y casi nunca los toman en cuenta.”

<sup>43</sup> Daly Aoife, “Demonstrating positive obligations: children’s rights and peaceful protest in international law”, p801.

<sup>44</sup> Committee on the Rights of the Child, General comment no. 20 (2016): The implementation of the rights of the child during adolescence , para 25.

<sup>45</sup> “Eu diria a este adulto a importância do papel que ele exerce e que ele pode ser o maior incentivador e responsável pelos sonhos dessa criança.”

*(...) The fact that children depend on their parents/school, makes it harder to participate, being blackmailed with being kicked out of school or house. (child rights defender, 16yo, Moldova)*

*In Russia, it is very difficult for children to participate in peaceful protests. For example, children should not hold single pickets. Also, police do not like when children participate in mass pickets and rallies and threaten their parents with taking their children for participating in the protest. Authorities can also force an institution to expel a student for participating in a protest. Many Russians are convinced that the opposition is using children in order to seize power. (child rights defender, 15yo, Russia)*

Children in the Survey identified barriers to exercise their right in their families, including parents not allowing children to participate; parents misunderstanding; and parents being fearful of what could happen to their children during a peaceful assembly.

*Yes, there are challenges faced by children such as the refusal of their families to participate in any assembly; especially my friend at school, he has a desire to participate and see what is happening in the square but his family refused and he was not able to participate. I described what was happening in the square and encouraged him to go and there is nothing to fear about; and a time later, he succeeded to convince his father and he went to Tahrir square. (child rights defender, 11yo, Iraq)*

*Yes, challenges start from home; parents usually prevent their kids to go on demonstrations fearing to risk their lives. (child rights defender, 16yo, Iraq)*

*Children who try to request their rights and participating in peaceful gathering face challenges from families and society, because parents are worried that change might not happen and thus a year / academic year would be lost, society abject that as the student in the future but they do not see that the future need people to work on it, so that need are fulfilled. (child rights defender, 16yo, Iraq)*

In the Survey, children participating in Friday for the Future strikes shared the negative reactions from schools due to children being at demonstrations during school hours. Some schools went as far as to consider expelling students or not letting them sit their final exam.

*(...) The strike took place during the school hours in front of the city hall. No one came out to talk to us about our requirements, only one representative from the Education Department to criticize/scold us in public and in front of the mass media because we were not in schools. After the strike, the administration of a school from which several students came to strike gathered everyone from the school to threaten to expel the students who participated (or would like to) in strikes during school. They threatened with expelling or not admitting to the final exam. This got attention of the national public. (...) (child rights defenders – group submission of 11 children and young people aged 14-19yo, Moldova)*

Children in the Survey also pointed out that children's lack of information or knowledge about peaceful assemblies, as well as the opportunities to engage in one, was a main barrier to exercise their right. According to the Survey, disadvantaged children, children living in situations of poverty, indigenous children, those living in remote/rural areas and those who do not have access to the internet are especially affected.

*(...) Disadvantaged children do not have access to the internet, education and knowledge of the outside world. Perhaps projects on peaceful assembly could be applied in needy communities, showing the empowerment of children and showing the inclusion of everyone, and making everyone*

*aware of the need in this matter. Many children infringe on problems in our society, which is normal everywhere, but the children with the most problems are those who do not receive support, do not receive the encouragement to follow their dreams and also due to income, which makes them do not have access to online projects and presence, since technology is not present for everyone. (child rights defender, 17yo, Brazil)*

*(...) Unfortunately, many children/teenagers do not even know about such meetings/assemblies, as it is little known. Not only is disclosure becoming a problem, but if it is to assess the whole context that certain children and adolescents find themselves in, it could be said that often the home and the influences of the places in which they find themselves end up blind to seeing that there is a means of enforcing your rights for the whole world to know (...)<sup>46</sup>. (Alice, 15yo, Brazil)*

In this regard, States should facilitate the information on peaceful assemblies to children, especially when they concern issues that affect them particularly, and should encourage schools to discuss these matters with students. Laws and rules regarding peaceful assembly should be widely communicated in a manner that is accessible to all children. National Human Rights Institutions, Children's ombudspersons and schools have a key role in disseminating information on the right to peaceful assemblies.

Furthermore, promoting and strengthening spaces to listen to children is crucial. Adults should be encouraged to listen, inform and support children engaged in peaceful assemblies, without imposing their views.

*Unfortunately, children and adolescents face several difficulties, especially with regard to participation, because adults insist on discrediting the potentiality of the excluded individuals, characterizing them inferiorly, which in such a way makes them inferior. However, what such adults insist on not knowing is that these subjects have much to contribute with their thoughts, which in a way or certainly reflects the anxieties of the present moment. Thus, it is urgent to create and strengthen listening spaces for children and adolescents, as they have much to contribute in solving problems that pervade for centuries<sup>47</sup>. (Vitor, 17yo, Brazil)*

*Mainly the lack of development of social skills and the lack of availability of their tutors, who encourage or motivate them<sup>48</sup>. (child rights defender, 14yo, Mexico)*

*Yes, we should raise the parents awareness through media and schools to encourage their children to peaceful coexistence. (child rights defender, 14yo, Iraq)*

*Schools should analyse with students their experiences with peaceful assemblies and support sharing the learning in the school. (child rights defenders – group submission of 11 children and young people aged 14-19yo, Moldova)*

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<sup>46</sup> "(...) Infelizmente muitas crianças/adolescentes nem sequer ficam sabendo de tais reuniões/assembléias, pois é algo de pouca divulgação. Não só a divulgação se torna um problema, mas se for para avaliar todo o contexto que certas crianças e adolescentes se encontram, poderia dizer que muitas vezes o lar e as influências dos lugares em que se encontram acabam por cegar tais de verem que há sim um meio de impor seus direitos para o mundo inteiro saber (...)."

<sup>47</sup> "Infelizmente crianças e adolescentes enfrentam diversas dificuldades, principalmente no que diz respeito à participação, isso porque os adultos insistem em desacreditar na potencialidade dos sujeitos em exclusão, caracterizando-os de forma inferior, que de tal maneira, inferiorizam. Porém, o que tais adultos insistem em desconhecer que esses sujeitos têm muito a contribuir com os seus pensamentos, que de certa maneira ou certamente reflete os anseios do atual momento. Dessa forma, urge criar e fortalecer espaços de escutas às crianças e adolescentes, pois eles têm muito a contribuir nas resolutivas de problemas que permeiam por séculos".

<sup>48</sup> "Principalmente la falta de desarrollo de habilidades sociales y la poca disponibilidad de sus tutores, que los alienen o los motiven".

*Encourage, especially within school institutions, the participation of young people in discussions and debates, in order to help develop criticality and protagonism. From this, together with the recognition of the importance of their participation in society, as well as the performance of institutions or bodies that verify the fulfilment of freedom of assembly and expression, there will be greater involvement of young people and a more consolidated right to peaceful assembly<sup>49</sup>. (child rights defender, 17yo, Brazil)*

Children in the Survey explained that they would welcome adults' support when engaging in a peaceful assembly, as long as it was done through discussion and respect.

*Your support is very welcome, but if the children brought the idea to light and organized themselves, let them lead. Let their voice be genuine and only their own. (child rights defender, 18yo, Croatia)*

*If the support was through discussion and opinion sharing that is good and does not affect the right, however if it is through coercion and forced conviction then that is not fine and child shall not abide by that. (child rights defender, 16yo, Iraq)*

*Make sure they are trained in how to talk to children i.e. not be patronising, dismissive etc. (Serena, 17yo, UK)*

*Take seriously children's opinions and experiences without trying to influence; Give children space to decide to participate in peaceful assemblies and to support them with managing risks; Listen to children, encourage them to reflect and explore different opportunities, but without imposing your perspective; Recognize and promote the value of youth structures such as national and local youth councils, youth clubs, school councils etc; Respect children's choices to support causes that are not supported by the adults; Respect children's decision not to participate in a peaceful assembly; Accept decision of every child to participate in a peaceful assembly, regardless of their school achievement, their family background etc. (child rights defenders – group submission of 11 children and young people aged 14-19yo, Moldova)*

Finally, children in the Survey reminded adults that when supporting children protestors, they are actually helping them demand and stand-up for their rights.

*As an adult and responsible citizen, it is a duty to ensure that young people have the right to express themselves and to meet in assemblies, ensuring a basic human need<sup>50</sup>. (child rights defender 17yo, Brazil)*

*Help her, she is simply chasing her future and many other children so there is a fairer place to live<sup>51</sup>  
(child rights defender, 17yo, Brazil)*

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<sup>49</sup>“Incentivar, principalmente dentro das instituições escolares, a participação dos jovens em discussões e debates, a fim de auxiliar a desenvolver criticidade e protagonismo. A partir disso, aliado ao reconhecimento da importância de sua participação em sociedade, bem como da atuação de instituições ou órgãos que verifiquem o cumprimento da liberdade de reunião e expressão, haverá um maior envolvimento dos jovens e um direito mais consolidado a reunião pacífica.”

<sup>50</sup> “Como cidadão adulto e responsável, é um dever garantir que os jovens possam ter o direito a se expressar e a se reunir em assembleias, assegurando uma necessidade básica do ser humano.”

<sup>51</sup> “Ajude-a ela está simplesmente correndo atrás do futuro dela e de muitas outras crianças, para que haja um lugar mais justa para se viver”.

## Recommendations

(please see our section: “Suggestions of language for General Comment”)

As we’ve seen above, the right to peaceful assembly is critical for children, and this should be explicitly mentioned in the General Comment. We propose to include it in the General remarks of the GC (see below, our section: “Suggestions of language for General Comment”)

The General Comment should refer to the State parties’ obligations specifically in relation to children highlighting that special measures must be undertaken at State level to accommodate the special position and unique needs of children in this area. We propose to include a sub-section of “The obligation of States parties in respect of the right of peaceful assembly” which could be called “State parties’ obligations specific to children” and could be placed immediately after paragraph 29 of the draft General Comment. As more and more children are engaging in demonstrations, making the explicit mention of States’ obligations in relation to children is very relevant and would guide States, as well as other actors involved in peaceful assemblies. (see our section: “Suggestions of language for General Comment”).

## Responsibility to protect

- *Authorities*: police and other law enforcement as well as state and local authorities should consistently consider the special needs of children in the full enjoyment of their freedom of peaceful assembly and this should be explicitly mentioned in the draft General Comment.

### *Planning, Decision-making & Training*

- Authorities should receive adequate education and training on children’s rights and in particular, children’s right to protest. The best interest of children should be considered in police planning and decision-making (without infringing on the right to peaceful assembly of children,) and police training should involve the explicit consideration of children’s needs in the context of the exercise of their freedom of peaceful assembly. Authorities should be made aware of the specific challenges that children face as a vulnerable group, as well as those encountered by specific groups of children, such as girls.
- In their planning and decision-making processes, authorities should make special considerations for children organizing and participating in peaceful assemblies. Besides the general principle of differentiated use of force required from police facilitating any assembly, special considerations should be made regarding the use of law enforcement tactics in assemblies concerning issues that affect children and therefore where the participation of numerous children are likely. In these cases, law enforcement must ensure that the techniques employed do not disproportionately affect children.
- The facilitation of children’s safe participation in peaceful assemblies should involve the coordination of different authorities and institutions including the municipal authorities, police, healthcare facilities, and schools.

*(...) Increase protection measures related to children’s peaceful assemblies since adults who do not support children’s messages can react aggressively or try to manipulate; Establish a system of coordination between all State institutions (City Hall, police, healthcare, school) involved in ensuring the right to peaceful assembly and inform organizers and participants about their responsibilities and provide contacts for help during and after such assemblies; Inform participants about the legal requirements for organizing peaceful assemblies. Ex:*

*What is the minimum distance to which participants can approach buildings; Schools should collaborate with parents when students want to attend peaceful assemblies during classes and ensure that students have parental consent. (child rights defenders – group submission of 11 children and young people aged 14-19yo, Moldova)*

- Parents/other primary caregivers - Bearing in mind children's dependent status, it is key mentioning in the General Comment that the responsibility to protect children during their exercise of their assembly rights cannot fall entirely on parents or other primary caregivers.

#### Creating an enabling environment for all children to be able to fully enjoy their assembly rights

- **Generating awareness on children's right to freedom of peaceful assembly – Putting forward a comprehensive national human rights defenders' policy with a differentiated approach for children**

Given the discrimination, stigmatization and barriers that children face, the General Comment should recommend that States recognize the value of children's participation in assemblies as key civil society actors and human rights defenders<sup>52</sup>. States should take all appropriate measures to create safe spaces for child human rights defenders, where they can express their views willingly, fully and without any fear, about all matters related to their rights.<sup>53</sup> Promoting a positive image of children human rights defenders, including child protestors, is key and should be part of a comprehensive national human rights defenders' policy.

- The General comment should acknowledge that parents and schools play an important role in enabling children's right to assemble peacefully. Adults should be encouraged to listen, inform and support children engaged in peaceful assemblies, without imposing their views.
- Parents/carers play an important role in enabling children's right to peaceful assembly and they should be supported in their guiding role (see CRC Article 5), for example States should provide information to parents/carers about children's right to peaceful assembly.
- Teachers, schools and other institutions relevant for children (youth clubs, alternative care institutions, etc.) should receive training on the importance of supporting children who want to organize or take part in peaceful assemblies; and should be provided with a specific training on the best/most adapted ways to support them in coordination with parents/carer. Schools should not sanction students for organizing or participating in peaceful assemblies.
- The General Comment should explicitly forbid States to punish/criminalise children or their parents for children's engagement in peaceful assemblies even when not all domestic legal requirements have been met. States should protect child human rights defenders from any form of intimidation or reprisal, or fear of such.<sup>54</sup>

*(...) Train schools in respect of this right and about the role of schools when students want to organize or participate in peaceful assemblies; Train employees of public authorities and services (for example police, healthcare etc) which are having a role in peaceful assemblies about the right of children to participate in or organize such actions. These trainings should help police and others to change their attitudes and take children and young people's intentions and requests seriously, understand better specifics of children and young people's assemblies as well as communication with and among*

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<sup>52</sup> See also Committee on the Rights of the Child, Outcome report of the Day of General Discussion (DGD) on Protecting and Empowering Children as Human Rights Defenders (2018), Recommendations.

<sup>53</sup> Ibid, Recommendations: 5.1 States. 5.1.1 General recommendations.

<sup>54</sup> Committee on the Rights of the Child, Outcome report of the Day of General Discussion (DGD) on Protecting and Empowering Children as Human Rights Defenders (2018), 5.1 States. 5.1.1 General recommendations.

*adolescents, emotional management etc; (...)* (child rights defenders – group submission of 11 children and young people aged 14-19yo, Moldova)

- **Access to information/education on the right to freedom of peaceful assembly**

Given the particular challenges children face to access information on their freedom of peaceful assembly, the General comment should require States to facilitate the accessible and child-friendly information on their freedom of peaceful assembly, including the positive obligations of the authorities to enable the full enjoyment of their assembly rights and their right to access effective remedies, ensuring it reaches all children throughout the country, including girls, disadvantaged children, children living in situations of poverty, indigenous children, children with disabilities, those living in remote/rural areas and those who do not have access to the internet.

- **Physical access to assemblies**

States should also facilitate, and take concrete measures, to ensure the physical access to the peaceful assemblies for all children, including disadvantaged children and children with disabilities. This is especially important if the assembly relates to an issue that is of particular concern to children. Children's participation to online assemblies should also be facilitated by States, particularly for children who do not have access to the internet.

*It would be good for them [governments] to understand the issue first and to mobilize so that communication about it reaches as many children and adolescents as possible and already thinking about resources for children who have less access to all of them, such as those who live in more remote districts. , and enable quality transport so that they can reach the place that was planned for the assembly and can also take turns doing 1 in the other city in the rural, always having the empathy to put in place of the other and to fulfil all that was intended to be done, or it could also have some big screen somewhere specific for example of each district that could go all of the same district there to attend online assemblies as well<sup>55</sup>.  
(child rights defender, 17yo, Brazil)*

- National Human Rights Institutions and Children's Ombudspersons have a crucial role in creating as well as disseminating accessible and child-friendly information on the freedom of peaceful assembly with everyone, including schools. Freedom of peaceful assembly should be part of human rights education children receive in school and should provide children with concrete tools to be able to freely exercise their right to freedom of peaceful assembly. Discussions on the importance and exercise of this right should be encouraged in academic institutions.

*States should: Inform general public about human right to peaceful assembly, and that children have this right as well; Inform children about what is a peaceful assembly (This should be included in the mandatory school programme - in Moldova this could be included in the classes "Personal Development" and "Education for Society". There should be written information available to children about what it means to have this right. This information should include explanations how to organize a peaceful assembly, which authorities should be address, which form can it have, how to identify and manage risks etc. This information*

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<sup>55</sup> "Bom seria para eles entenderem o assunto primeiro e se mobilizarem para que a comunicação sobre isso alcance o máximo de crianças e adolescentes possíveis e nisso já pensando em recursos para as crianças que tem menos acesso a tudo isso, os exemplo quem mora em distritos mais afastado, e possibilitar transportes de qualidade para que elas consigam chegar no lugar que foi planejada a assembleia e também pode ir revezando fazer 1 na cidade outra no rural, sempre tendo a empatia de se colocar no lugar do outro e que se cumpra tudo que foi destinado pra ser feito, ou também poderia ter algum telão em algum lugar específico por exemplo de cada distrito que pudesse ir todos do mesmo distrito pra lá pra participar de assembleias online também".

*should be in a format that is accessible to children. Police should as well get involved in informing children about this right, including in the schools); (...) (child rights defenders – group submission of 11 children and young people aged 14-19yo, Moldova)*

*(...) it seems to me that the most important thing is to give children an education of quality and a safe one. That way, for starters, children will know what's going on around them and learn that they have the right to participate. Schools should be made the safest place to participate as they are, or should be, places that most children get to go to (...) (child rights, 17yo, Croatia)*

- **Strengthen safe and inclusive spaces of children participation** - States should promote and strengthen safe and inclusive spaces for debate and participation for children to express their views and opinions. The views and recommendations of child led groups and initiatives should be listened to and taken into account by the authorities, particularly in decision-making.

*That governments guarantee treaties that affect children and adolescents; To create and strengthen spaces for debate and participation; To create in each country a national participation committee, where they discuss with the authorities issues that cover the target audience; They offer children and adolescents the right to express themselves and to be taken into consideration, without prejudice to their physical and mental integrity; Create and spread campaigns throughout the territory that call youth to participate in spaces that discuss public policies of childhood and adolescence; Create public policies that actually address the yearnings of youth; That all governments jointly set up an international adolescent committee to discuss international issues that affect this target audience<sup>56</sup>. (Vitor, 17yo, Brazil)*

### **Suggestions of language for General Comment**

As we've seen above, the right to freedom of peaceful assembly is critical for children, and this should be explicitly mentioned in the General Comment (GC). We propose to add the following wording in the **General remarks, paragraph 2 of the GC**:

2. The right of peaceful assembly is, moreover, a valuable tool that can and has been used for the realisation of a wide range of other human rights, including socio-economic **and political** rights. It can be of particular importance to marginalised and ~~disenfranchised~~ members of society. **For example, peaceful assemblies are a unique way for children to advance their interests, participate in democracy and be heard since, in most States, they do not have the right to vote. This is especially important for normalising the political participation of disproportionately disenfranchised groups from childhood such as girls and children living in poverty.** Peaceful assembly is a legitimate use of the public space. A failure to recognise the right to participate in peaceful assemblies is a marker of repression.

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<sup>56</sup> “Que os governos garantam os tratados que afetam à infância e adolescência; Que criem e fortaleçam espaços de debates e participação; Que crie em cada país um comitê nacional de participação, onde eles debatam juntamente com as autoridades assuntos que abrange o público alvo; Ofertam às crianças e aos adolescentes o direito de se expressar e ser levados em consideração, sem nenhum prejuízo a integridade física e psíquica; Criar e difundir em todo o território campanhas que chamem a juventude para participar de espaços que debatam políticas públicas da infância e adolescência; Crie políticas públicas que de fato contemplem os anseios da juventude; Que todos os governos crie em conjunto um comitê internacional formado por adolescentes, para debaterem a nível internacional assuntos que afetem esse público alvo”.

School strikes which are a specific form of children’s protests (and an increasingly used form of peaceful assembly), should be explicitly mentioned in **paragraph 6 of the GC**:

6. Peaceful assemblies may take many forms, including demonstrations, meetings, processions, strikes, **school strikes**, rallies, sit-ins and flash-mobs.<sup>57</sup> Such gatherings are protected under article 21 whether they are stationary, such as pickets, or mobile, such as processions or marches. They may take place outdoors or indoors.

Bearing in mind children’s dependent status, it is important to mention in **paragraphs 27 and 31, Section 3: The obligation of States parties in respect of the right of peaceful assembly of the GC**, that the responsibility to protect children during their exercise of their assembly rights cannot fall entirely on parents or other primary caregivers:

27. States parties moreover have the positive duty to *facilitate* peaceful assemblies, and to make it possible for participants to achieve their legitimate objectives. States must thus promote an enabling environment for the exercise of the right of peaceful assembly and put into place a legal and institutional framework within which the right can be exercised effectively. In some cases, specific intervention may be required on the part of the authorities. For example, they may need to block off streets, redirect traffic, provide security, or identify an alternative site where the assembly may be conducted. 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,<sup>58</sup> counter-demonstrators [and private security providers]. **The responsibility to protect children engaged in peaceful assemblies cannot fall entirely on parents or other primary caregivers.**<sup>59</sup>

31. The possibility that a peaceful assembly may provoke violent reactions from some members of the public is not in and of itself a legitimate reason to prohibit or restrict the assembly. The State is obliged to take all [possible / appropriate] measures to protect **all** the participants, **especially children**, and as far as possible to allow the assembly to take place in an uninterrupted manner.

State parties’ obligations specifically in relation to children (new sub-section, could be placed immediately after paragraph 28)

**29. States should create a safe and enabling environment, both online and offline, for all children to be able to fully enjoy their assembly rights, which involves undertaking special protection and empowerment measures to accommodate the special position, unique needs, evolving capacities and**

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<sup>57</sup> During the drafting of article 21 of the Covenant, specific examples of peaceful assemblies were not included, in order to keep the formulation of the right open. Marc J. Bossuyt, Guide to the “travaux préparatoires” of the International Covenant on Civil and Political Rights (Dordrecht, The Netherlands, Martinus Nijhoff Publishers, 1987), p. 414. See also European Court of Human Rights, *Navalny v. Russia* (application No. 29580/12), judgment of 15 November 2018, para. 98.

<sup>58</sup> *Alekseev v. Russian Federation* (CCPR/C/109/D/1873/2009), para. 9.6. See also European Court of Human Rights, *Plattform “Ärzte für das Leben” v. Austria* (application No. 10126/82), judgment of 21 June 1988, para. 25.

<sup>59</sup> Committee on the Rights of the Child, Concluding observations: Syrian Arab Republic, 9 February 2012, para 46.

the best interest of the child. In this respect particular attention should be paid to particularly disenfranchised children including girls, children with disabilities, children living in poverty, indigenous children, those living in remote/rural areas and those who do not have access to the internet. States should ensure that protection measures are not used to reduce the scope of action of children engaged in assemblies, including in the online space.<sup>60</sup>

30. Parents, other primary caregivers and schools play an important role in enabling children's right to peaceful assembly and should be supported in their roles. Adults should be encouraged to listen, inform and support children engaged in peaceful assemblies, without imposing their views.

31. States should ensure that teachers, schools and educational associations should be trained about children's right to freedom of peaceful assembly and the importance of supporting all children who want to organize or take part in peaceful assemblies and should be provided with a specific training on the best/most adapted ways to support children in coordination with parents, e.g. gender-transformative approaches to children's participation. Schools should not sanction children simply for organizing or participating in peaceful assemblies and responsible accommodations should be made to enable children to be heard through peaceful protests about matters concerning them even during school hours.

32. States should facilitate accessible and child-friendly, gender-transformative and diversity-responsive information on the right to peaceful assemblies, ensuring it reaches all children and child associations throughout the country, including girls, children with disabilities, children living in situations of poverty, indigenous children, those living in remote/rural areas and those who do not have access to the internet. Laws and rules regarding peaceful assembly should be widely communicated in a manner that is accessible to all children.

33. Freedom of peaceful assembly should be part of the human rights education children receive in school and should provide children with concrete tools to exercise their assembly rights effectively and safely. Discussions about the freedom of peaceful assembly and related rights should be encouraged in schools and academic institutions, especially when they concern issues that affect children particularly.

As parents have been penalised for children's involvement in peaceful assemblies, we think that **paragraph 34 of the GC** should also mention that they should also not be harassed or penalised:

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.<sup>61</sup> They may not be prohibited from exercising these functions, also

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<sup>60</sup> Committee on the Rights of the Child, Outcome report of the Day of General Discussion (DGD) on Protecting and Empowering Children as Human Rights Defenders (2018), 5.1 States. 5.1.1 General recommendations.

<sup>61</sup> *Pranevich v. Belarus* (CCPR/C/124/D/2251/2013), para. 6.3 and 6.4; and *Zhagiparov v. Kazakhstan* CCPR/C/124/D/2441/2014, paras. 13.2–13.5.

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.<sup>62</sup> **This includes the parents or primary caregivers of children engaged in peaceful assemblies.** It is a good practice for independent national human rights institutions and non-governmental organizations to monitor assemblies.

In **paragraph 76 of section 4: restrictions on the right of peaceful assembly**, we propose to add a mention to child justice systems:

76. Where criminal or administrative sanctions are used against participants in a peaceful assembly, such sanctions must be proportionate and cannot apply where their conduct is protected by the right. **Where children are charged for incidents such as violence or damage to property, they must be dealt with in child justice systems compliant with articles 37 and 40 of the Convention on the Rights of the Child.**

In the **section 6: Duties and powers of law enforcement agencies, paragraph 86 of the GC**, we propose to add:

86. Law enforcement agencies should as far as possible work towards establishing channels for communication and dialogue between the various parties involved in assemblies, **including children assembly organizers when they are concerned**, before and during the assembly, aimed at ensuring predictability, de-escalating tensions and resolving disputes.<sup>63</sup> While engaging in such contact is generally good practice, participants and organisers cannot be required to do so.

We also propose to **add a new paragraph, after paragraph 87**, which would read as follows:

**88. Law enforcement authorities should be trained in specifically considering in their planning and decision-making the children's engagement in assemblies, particularly when they concern issues that affect children specifically. The best interest of the child and the protection of their rights should be considered in police planning and decision-making. Police training should involve the explicit consideration of children's needs and rights in the context of the exercise of their freedom of peaceful assembly, ensuring that the force used, and law enforcement tactics employed do not affect children in a disproportionately negative way.**

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<sup>62</sup>CCPR/C/MRT/CO/1, para. 22. See also General Assembly resolution 66/164, operative para. 6.

<sup>63</sup>Ibid., para. 38.

**If you think it is important for children to give their inputs to this UN document, please could you tell us why<sup>64</sup>?**

*It is simply generally important for children to give their inputs. Children should be consulted on all questions regarding them. I mean, we often hear adults say: this is not my field, let's get an expert to comment on the situation. We are the experts in this case. Let's just say we, hm... don't speak the same language as adults and need a translator?* (child rights defender, 17yo, Croatia)

*Many adults disregard the consequences of their actions in the future because they won't be around to experience it, but children, teens, and young adults do care because they will be alive to deal with the consequences of the fossil fuel industry, climate change, war, and so on.* (child rights defender, 14yo, Australia)

*Once we stop being children, we forget how it is to be a child and can never learn it back. It's important for children to give their first-hand insights into topics that regard them.* (child rights defender, 18yo, Croatia)

*Because it's Children's rights, and children should define them. The best interests of the child should be defined by the child.* (Serena, 17yo, UK)

*Of course, those inputs reflect the child demands and requirements which change over time and needs updating.* (child rights defender, 17yo, Iraq)

*Because, like adults, we also have many things to tell about many situations we live in, many of them might be the same as those they live, but especially because there are also many that they do not feel in the first person or do not live. In addition, I think it would help to end inequalities or problems of society in all areas. There should be more diversity in many places to listen to those who don't have so much voice, and this should be one of them.<sup>65</sup>* (child rights defender, 15yo, Spain)

*Because there is much difficulty for children to be heard and taken into account in their interests in today's society<sup>66</sup>.* (child rights defender, 11yo, Mexico)

*Children should be taught that they should claim or ask for explanations when something seems wrong or unfair<sup>67</sup>.* (child rights defender, 15yo, Peru)

*Yes, precisely because they are the ones who participate in these protests<sup>68</sup>* (child rights defender, 12yo, Venezuela)

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<sup>64</sup> Below are some of the children's responses to this Survey question.

<sup>65</sup> "Porque al igual que los adultos, nosotros también tenemos muchas cosas que contar por muchas situaciones q vivimos, muchas de ellas iguales a las q ellos viven, pero sobre todo porque hay también muchas que ellos no sienten en primera persona o que no lo viven. Además, creo que ayudaría a acabar con desigualdades o problemas de la sociedad en todos los ámbitos. Debería de haber más diversidad en muchos lugares para escuchar a aquellos que no tienen tanta voz, y este debería de ser uno de ellos".

<sup>66</sup> "Porque hay mucha dificultad para que los niños sean escuchados y tomados en cuenta en sus intereses ante la sociedad actual".

<sup>67</sup> "Porque se debe enseñar a los NNA que deben reclamar o pedir explicaciones cuando algo les parece mal o injusto".

<sup>68</sup> "Si, precisamente porque son los que participan en estas protestas".

# ANNEX

## **Children's Inputs on the Right to Peaceful Assembly (Survey analysis)**

**Total responses = 91 children**

### **Age**

- Ages ranged from 10 – 18 years old (we included responses from 6 young people who were 18 year olds)

### **Sex**

- 47 children who responded identified as female
- 30 children who responded identified as male

### **Country**

- The children came from 15 different countries (Australia, Brazil, Cameroon, Croatia, DRC, Germany, Iraq, Mexico, Moldova, Peru, Russia, Spain, Turkey, UK, Venezuela)
- The children came from 5 different regions (East Asia and Pacific, Latin America and Caribbean, Sub-Saharan Africa, Europe and Central Asia, Middle East and North Africa)
- The majority of children were from Peru (26), Iraq (16), Moldova (13), Brazil (10) and Mexico (9)

### **Question 1: What do you understand by the right to peaceful assembly?**

- 82 children responded to question 1
- 34 children described it as a peaceful gathering/meeting/group – many of whom identified that the purpose of the gathering/meeting was to protest and demand/claim their rights – 12 children specifically stated that the gathering/meeting was without violence, harm or damage to public property – 6 told us that the gathering/meeting should be safe for the participants and without inference or oppression – and 5 children referred to the corresponding duty of not overriding the rights of others during the peaceful assembly
- 18 children expressed that it is a way to express their opinions and beliefs
- 8 children described it as the right to protest
- 7 children saw it as a way to defend their rights
- 5 children described it as a platform for freedom of speech
- 6 children told us that it is an important right
- 3 children saw it as a way for their voices to be heard
- 3 children identified that peaceful assembly can occur online or offline

### **Question 2: Where you ever involved, or know of other children, who have been involved in a peaceful assembly offline or online?**

- 41 children told us they have been involved in a peaceful assembly offline or online
- 24 children told us they know other children who have been involved in a peaceful assembly offline or online
- 23 children told us they have not been involved in a peaceful assembly offline or online

### **Question 3: If you or other children you know have been involved in a peaceful assembly, could you share any examples, including the issues or topics raised and the experiences/results?**

- 74 children responded to question 3

- 8 children described their participation in a peaceful assembly as a positive experience (e.g. their peers were enthusiastic; participants were unified; participants behaved respectfully; it was an opportunity to learn from others; it was an opportunity to meet new people)
- 13 children described their participation in a peaceful assembly as a negative experience (e.g. being exposed to pepper spray or tear gas; use of physical force by authorities; criticism/being yelled at by adults for skipping school; arrests; live bullets used by authorities; verbal insults; damage to property by authorities; threats of being expelled from school for participating in strikes)
- 11 children identified that the peaceful assembly they participated in had a good outcome (e.g. raised money; increased public awareness and support for the issue; requests were accepted by the school administration; empowerment of children on issues such as peacebuilding; children recognising they have a voice and using it to enhance their rights)
- Children told us about participating in many different types of peaceful assemblies (demonstrations, student strikes, petition, public speech, meetings, hunger strike, marches, programs, conferences, discussion groups, workshops, camps, rallies, gatherings of students and online groups).
- The most common types were: strikes (14 children); demonstrations (12 children); gatherings of students (5 children); marches (4 children)
- Children expressed participating in peaceful assemblies concerning a diverse range of topics (peace/fight against violent extremism and radicalisation; climate/environment; corruption; unemployment; inefficient public service; retirement age; urban development; development of nuclear power plants; LGBT rights; women/girls rights (violence and abortion); education; health; right to participate; rights of boys; Indigenous rights; poverty; violence; access to food; right to comment; pet care; right to live as a family and good treatment; war; funding of public policies concerning children)
- The most common topics were: climate/environment (18 children); education (9 children); right to participate (4 children); rights of women/girls (4 children)
- 4 children told us they have been organisers of a peaceful assembly

**Question 4: Do you think children face particular challenges/obstacles to participate in a peaceful assembly online or offline? If so, are there children in certain situations who are more likely to face such challenges/obstacles?**

- 75 children responded to question 4
- 74 children identified that children face particular challenges/obstacles in participating in a peaceful assembly online or offline
- 1 child expressed the view that children do not face particular challenges/obstacles in participating in a peaceful assembly online or offline
- Children identified a range of challenges/obstacles stemming from their families/parents, authorities, institutions, laws, and social/cultural norms

**Challenges/obstacles:**

- 21 children identified that a peaceful assembly might become dangerous and unsuitable for children due to violence by police (use of pepper gas/tear gas/pressurised water/plastic bullets, and arrests) and threats by police
- 10 children identified adults not taking children seriously, including that children are thought not to know anything and that the contribution of children is undervalued by adults
- 7 children identified barriers in their families, including parents not allowing children to participate; parents misunderstanding; and parents being fearful of what could happen to their children during a peaceful assembly
- 7 children identified the risk of facing criticism/insults/stigma as a result of participating, such as being called a criminal or troublemaker

- 6 children identified adults not recognising the right of children to freely express their own opinions and views
- 6 children identified the risk of facing consequences for participating, such as threats to expel students from school for participating
- 5 children identified a lack of access to the internet
- 3 children identified discrimination based on gender and age
- 3 children identified living in rural areas
- 3 children identified lack of resources, including financial resources
- 2 children identified fear
- 2 children identified the lack of a network or support from adults
- 2 children identified conservative states and undemocratic regimes
- 2 children identified that children do not know about peaceful assembly opportunities

**Question 5: What would you say to an adult who may support a child who wants to participate in a peaceful assembly?**

- 76 children responded to question 5
- 27 children welcomed the support of adults
- 20 children expressed that adults should encourage/support child participation in peaceful assemblies
- 5 children told us they were against child participation in peaceful assembly (reasons given were: it interferes with education; it can be dangerous; it is not appropriate for children under the ages of 7yo, 11yo and 14 yo)
- 18 children referred to the importance of children having a voice, their opinions being taken seriously, and adults genuinely listening (that adults need to let children's voices be heard and not try to influence their voices; to understand that children are smart and capable; that children have a lot to say; that children have good ideas/opinions which are just as important as adults ideas/opinion; that adults need to listen to children; that adults need to respect the opinions of children; that children have as much awareness as adults)
- 10 children saw adults as having a responsibility to ensure children can participate safely in peaceful assemblies
- 6 children referred to the future – that children participate because their future depends on it; children's opinions are the future; the future depends on child engagement; that children are the new generation and have the key to revolution
- 6 children saw it as the role of adults to teach/educate/share information with children about how they can participate and have their voices heard
- 4 children encouraged adults to participate alongside them
- 1 child told us that where children have brought an idea to light and have organised themselves – adults need to let the children lead
- 1 child told us that adults need to give children the same power as adults
- 1 child told us that adults need to respect their choice to support a cause which the adults themselves might not support
- 1 child told us that adults need to respect their decision to participate or not to participate

**Question 6: If you think it is important for children to give their inputs to this UN document, please could you tell us why?**

- 66 children responded to question 6
- 62 children agreed it was important for children to give their inputs; 2 children disagreed, and 1 child was unsure
- 18 children expressed that it is important for children to have a say/express their opinions and be listened to/be heard – with 6 children adding that children can help raise and solve problems/improve situations and also create changes – and 2 children explaining that the UN gathers voices from all stakeholders and that this should include the voices of children

- 10 children identified that it is important as children have their own views, opinions, feelings and ideas – and if adults don't ask, they won't know what children think
- 9 children told us that it is important that they can give their inputs as children are the future and they are the ones who will have to deal with the consequences of the decisions adults make now
- 7 children told us it is important as children can give first-hand insights of their experiences
- 3 children expressed that it is important for children to be part of/have input in decisions
- 2 children expressed that it is important for children to be consulted on all questions concerning them – with 1 child stating that children are the experts on children
- 2 children told us that child rights should be defined by children

**Question 7: If you could give one recommendation to governments on what they should do to make sure all children can enjoy the right to peaceful assembly, what would it be?**

- 76 children responded to question 7
- 24 children recommended that governments make child participation safe, and provide protection and security during peaceful assemblies
- 19 children recommended that governments listen to the voices of children and take them seriously, to let the voices of children count, to consider their voices in decision making, and provides spaces for children to talk/have input
- 13 children recommended that governments need to support and encourage child participation – with 3 children adding that governments should providing practical resources such as transportation to demonstrations
- 4 children recommended that governments should lift bans on child participation/enact legislation which protects the right to peaceful assembly
- 1 child recommended governments should train public authorities (such as schools and police) to respect the right of peaceful assembly
- 1 child recommended governments should set a day that children can protest