

# CIVIC SPACE INITIATIVE



European Center for  
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## Civic Space Initiative Joint Statement on General Comment No. 37 5 August 2020

The Civic Space Initiative congratulates the UN Human Rights Committee – the body entrusted with interpretation and articulation of the rights protected by the International Covenant on Civil and Political Rights (ICCPR) – on the issuance of its [landmark guidance](#) on the right of peaceful assembly: General Comment No. 37 on Article 21 of the ICCPR.

We welcome the open and inclusive manner in which the Committee developed the General Comment, including participating in and receiving feedback from consultations organized by the Civic Space Initiative with local activists and experts in Bangkok, Beirut, Geneva, Johannesburg, and Mexico City.

At this time of critical challenges and opportunities facing the exercise of the right of peaceful assembly, the General Comment elaborates for states and their citizens the scope of the ICCPR's protection of the right to peacefully assemble and offers guidance on a range of important issues:

- The Comment affirms that “[e]veryone has the right of peaceful assembly,” regardless of citizenship, including children, foreign nationals, women, migrant workers, asylum seekers and refugees, and that the approach of authorities should be to facilitate such peaceful assemblies.
- The Comment clarifies that online assemblies and other assemblies featuring remote participation are fully protected by the right of peaceful assembly. Furthermore, the Comment forcefully disapproves of the growing and repressive practice of internet shutdowns and disruptions, providing that “States parties must not ... block or hinder Internet connectivity in relation to peaceful assemblies.” It also sets out strong protections relating to privacy and data collection of those participating in a protest.
- The Comment makes clear that a broad category of peaceful assemblies is protected under Article 21, including assemblies in private places and assemblies that do not have a primarily expressive purpose, such as people gathering to build social ties or engage in recreation.
- The Comment provides that Article 21 does not only protect direct participation in peaceful

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assemblies, but that “[a]ssociated activities, conducted by an individual or by a group, outside the immediate context of the gathering but which are integral to making the exercise meaningful, are also covered” – including, importantly, the mobilisation of resources.

- The Comment clarifies that while restrictions can be imposed for the protection of public health, authorities must seek to apply the least intrusive measures, and blanket bans on gatherings are presumptively disproportionate. The Comment states plainly that governments cannot prohibit protests by making “generalised references to public order or public safety, or an unspecified risk of potential violence.” The Comment also makes clear that restrictions on peaceful assemblies should not be based on narrow conceptions of morality, and in particular “may not ... be imposed because of opposition to expressions of sexual orientation or gender identity.”
- The Comment articulates the narrow circumstances which would support a determination that an assembly is violent and therefore not protected by Article 21, and affirms that the right of journalists, human rights defenders (HRDs) and election monitors to monitor assemblies remains in place even if an assembly is declared unlawful.
- The Comment affirms that States have an obligation to investigate allegations or reasonable suspicion of unlawful use of force, and that “officials responsible for violations must be held accountable”.
- The Comment specifies that “[p]reventive detention of individuals to impede them from participation in assemblies may constitute arbitrary deprivation of liberty which is incompatible with the right to peaceful assembly.”

We call upon UN Member States and local authorities to adhere to the standards set forth in the General Comment and we encourage the UN Human Rights Council, Office of the United Nations High Commissioner for Human Rights, and relevant UN bodies to advance the General Comment and respect for the principles set forth therein in their work.

We look forward to working with the Committee, States and local authorities, civil society partners, and relevant UN bodies to promote the guidance set forth in General Comment No. 37, and to empower individuals around the world to exercise the right of peaceful assembly.

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