**Half-Day General Discussion on Article 21**

**Submission by OHCHR’s Rule of Law and Democracy Section and Civic Space Unit**

1. **Introduction**
2. The public freedoms provided by the Covenant, including the rights to freedom of expression, association and assembly, and participation, are crucial for organizations and individuals to claim their rights and engage in decision and policy-making processes that affect them. The ability of organizations and individuals to influence effectively and safely such processes without discrimination is practically what is meant by civic space.
3. A vibrant civil society and an open civic space are essential not only for promoting and protecting human rights, but also for sustainable development, including the leave no one behind agenda, and maintaining peace and security - all areas which are relevant for implementing the Covenant.
4. The ability for civil society organisations and individuals to carry out their work, including engaging with international mechanisms such as the Human Rights Committee, [[1]](#footnote-1) requires the creation and maintenance of a safe and enabling environment for civil society.[[2]](#footnote-2) In turn, such an environment depends on five pre-requisites: a robust legal framework that safeguards public freedoms - including the right to peaceful assembly - and effective access to justice; a political environment conducive to civil society work; access to information; avenues for participation by civil society in decision-making processes; and long-term support and resources for civil society. Respect for the principle of equality and non-discrimination, including through gender-sensitive and responsive laws, policies and practices, cuts across these five prerequisites.
5. The right to peaceful assembly off-line and on-line – along other relevant public freedoms - serves as a vehicle to civic activity. The ability of people to contribute to shaping social, political, cultural and economic structures and institutions around them depends on their capacity to exercise these freedoms safely and freely.

**Recommendation for the new General Comment:**

* **The Human Rights Committee may wish to place the right to peaceful assembly within the broader context of the need to create and maintain civic space, which cannot be realised if public freedoms, including of expression, assembly and association, and participation are not guaranteed by law and in practice.**

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1. **Interplay between articles 21 and 25 of the Covenant**
2. The right to participate in public affairs cannot be considered in a vacuum. The Human Rights Committee has clarified that “the full enjoyment of rights protected by article 25…requires the full enjoyment and respect for the rights guaranteed in articles 19, 21 and 22 of the Covenant.[[3]](#footnote-3)”The effective exercise of this right requires an environment where all human rights, in particular the rights to equality and non-discrimination, to freedom of opinion and expression and to freedom of peaceful assembly and of association, are fully respected and enjoyed by all individuals.[[4]](#footnote-4) The Guidelines for States on the effective implementation of the right to participate in public affairs adopted by the Human Rights Council in September 2018 recommend that States ensure that the right to freedom of opinion and expression, including the right of access to information, and the rights to freedom of peaceful assembly and of association be protected and implemented in national legal frameworks.[[5]](#footnote-5)
3. The right of peaceful assembly is closely linked to the realization of the right to participate in political and public life. It includes the right to hold meetings, sit-ins, strikes, rallies, events or protests and encompasses virtual assemblies that take place online.[[6]](#footnote-6) Peaceful assemblies “play a vibrant role in mobilizing the population and in formulating grievances and aspirations, facilitating the celebration of events and, importantly, in influencing States’ public policy” [[7]](#footnote-7)
4. For the right to participation to be realized fully, it is important for demonstrators to have access to physical spaces where they can peacefully assemble. This should be taken into consideration in the context of urban planning. The General Assembly has recognized the importance of this through its endorsement of the New Urban Agenda, which emphasized the importance of cities and human settlements that enhance cultural expressions and political participation, and foster safety in peaceful and pluralistic societies.[[8]](#footnote-8) The Agenda has committed States to “promoting institutional, political, legal and financial mechanisms in cities and human settlements to broaden inclusive platforms, in line with national policies.[[9]](#footnote-9)” The Human Rights Committee has found de facto prohibitions on peaceful assembly in specific public spaces to be a violation of the right to peaceful assembly.[[10]](#footnote-10) Restrictions on the locations where demonstrators can peacefully assemble may deprive demonstrators from “the opportunity to express their views and opinions within sight and sound of their target audience.”[[11]](#footnote-11)
5. Restrictions to the right of peaceful assembly are often introduced under the pretext of security concerns. Increasingly, OHCHR has observed the emergence of cyber-security related laws and policies that effectively impact on people’s ability to assemble and organize on-line.
6. The right to freedoms of peaceful assembly and participation are the bedrock of civic space and play a fundamental role in facilitating the democratic process. Though States are to be guided by “the objective of facilitating the right, rather than seeking unnecessary or disproportionate limitations to it,”[[12]](#footnote-12) these rights are not absolute. Restrictions may be imposed on article 25 of the Covenant if they are not “discriminatory or unreasonable.[[13]](#footnote-13)” Restrictions on article 21 of the Covenant may be imposed if they are “prescribed by law, necessary, and proportionate in the circumstances.[[14]](#footnote-14)” For article 21, States have the burden of showing that these restrictions were necessary “in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.[[15]](#footnote-15)” Because articles 21 and article 25 are connected, any restriction on article 21 will impose restrictions on article 25 as well.
7. **Electoral contexts**
8. The context of elections creates a unique opportunity to enjoy and exercise the rights to participate and peacefully assemble, but also often leads to restrictions on the enjoyment of these rights. Article 25(b) requires that elections guarantee the “free expression of the will of the electors” and freedom of assembly facilitates this guarantee. The Committee has emphasized that freedom of assembly is an essential condition for the effective exercise of the right to vote.[[16]](#footnote-16) Additionally, it has emphasized, “The mutually reinforcing nature of the human rights closely linked to political and public participation rights means that any measures directed towards guaranteeing equality in relation to electoral and other public participation rights must also be accompanied by strategies to ensure the full implementation of these supporting human rights.[[17]](#footnote-17)”
9. The importance of this connection has also been noted by the Committee: In *Sudalenko v. Belarus*, the Committee found a violation of Article 25(b) read in conjunction with Article 21 where city authorities had denied a political candidate’s request to hold a public meeting with voters.[[18]](#footnote-18) The Committee found that this was a violation of the author’s rights because they found “the possibility of meeting with potential voters as integral to the rights guaranteed under article 25 of the Covenant.[[19]](#footnote-19)” The Committee has also emphasized the importance of this link in the electoral context in some of its concluding observations. In its Concluding Observations on the report of Uzbekistan, the Committee expressed concern that regulations on the registration of public associations, including political parties, imposed undue restrictions on the exercise of freedom of assembly and political participation.[[20]](#footnote-20) There is a growing consensus that guaranteeing the “free expression of the will of the electors” requires protecting these rights for the entire election cycle and not just the day of the election.[[21]](#footnote-21)
10. Restrictions on both freedoms of peaceful assembly and association are frequently tightened during electoral periods or in situations of political transition or social conflict. Special protections will be necessary to ensure that both rights are guaranteed. As the Special Rapporteur on freedom of peaceful assembly and association pointed out, the electoral context “may result in prohibitions on peaceful assembly and association as well as the harassment and intimidation of individuals engaged in civic activism.”[[22]](#footnote-22) While some restrictions may be justified by increased violence during the electoral period,[[23]](#footnote-23) the context of elections should not in and of itself be considered sufficient to justify a blanket prohibition.[[24]](#footnote-24)
11. Article 21 is especially vulnerable in this context because incumbent governments (at both the local and national level) may have an incentive to deny requests from opposition candidates to host peaceful assemblies as part of their campaigns.[[25]](#footnote-25) The Special Rapporteur has stated that “an electoral process, in which widespread barriers are systematically placed on the exercise of the rights to freedom of peaceful assembly and of association, cannot be said to be either free or fair and, as such, the outcome should not be considered to be the result of “genuine” elections, as required under international law.”[[26]](#footnote-26) The international community could benefit from clear guidelines to ensure that these restrictions are not abused[[27]](#footnote-27) or used to further perpetuate inequalities against marginalized communities,[[28]](#footnote-28) while also ensuring that people are safely able to exercise their right to vote.
12. **Non-electoral contexts**
13. Guaranteeing the right to peaceful assembly is also essential for ensuring the right to participate in non-electoral contexts. Article 25(a) grants the right to directly or indirectly “take part in the conduct of public affairs.” The Human Rights Committee, in its general comment on article 25, has defined public affairs broadly, stating that it covers all aspects of public administration, and the formulation and implementation of policy at international, national, regional and local levels.[[29]](#footnote-29) The Committee on the Elimination of Discrimination against Women has also characterized political and public participation as a “broad concept”, which refers to the exercise of political power and the formulation of policy at all levels.[[30]](#footnote-30)
14. The Human Rights Committee has recognized the importance of freedom of peaceful assembly in relation to participation in public affairs.[[31]](#footnote-31) It stated that people can participate in the conduct of public affairs by “exerting influence through public debate and dialogue with their representatives or through their capacity to organize themselves”[[32]](#footnote-32) and through participation in “popular assemblies which have the power to make decisions about local issues or about the affairs of a particular community.[[33]](#footnote-33)” The right to freedom of peaceful assembly is essential for participation in public hearings, consultations, working groups, and online platforms. To ensure equal opportunity to participate, States should ensure that participatory events are free of charge and held in venues that are neutral and easily accessible for all, including for persons with disabilities.[[34]](#footnote-34)

**Recommendations for the new General Comment:**

* **The Human Rights Committee may wish to consider expressly recognizing the close link between the right to peaceful assembly and the right to participate.**
* **The Human Rights Committee may wish to explore how restricting the right to peaceful assembly may affect the right to participate.**
* **The Human Rights Committee may wish to consider recognizing the importance of public space for the right to peaceful assembly and participation and the role of urban planning and redevelopment in promoting or restricting these rights.**
* **The Human Rights Committee may wish to consider recognizing the pivotal role that freedom of assembly has to the right to vote and stand for election and outlaw blanket prohibitions on freedom of assembly in the context of elections.**
* **The Human Rights Committee may wish to consider recognizing the importance of freedom of assembly in the context of elections and the role campaign events have to play in guaranteeing the free expression and will of the electors.**
* **The Human Rights Committee may wish to consider recognizing the importance of the right of peaceful assembly for non-electoral participation modalities, especially for direct democracy.**

1. **Non-discrimination**
2. Certain groups and individuals are disproportionately affected by the global shrinking of civic space. UN special procedures highlighted the situation of human rights defenders who disproportionately face human rights violations, because of who they are, what they represent, or the rights they promote- such as indigenous defenders, environmental and land rights defenders, LGBTI rights defenders, etc. Women defenders face unique and additional challenges compared to their male counterparts.[[35]](#footnote-35)
3. The Special Rapporteur on the rights to freedom of peaceful assembly and of association has identified some groups most at risk of experiencing discrimination in relation to the enjoyment of the right to peaceful assembly,including: persons with disabilities; youth, including children; lesbian, gay, bisexual, transgender and intersex people; members of minority groups; indigenous peoples; internally displaced persons; and non-nationals, including refugees, asylum seekers and migrant workers.[[36]](#footnote-36). Within each of these population “groups”, women and girls are particularly affected.[[37]](#footnote-37)
4. Civil society actors that promote the rights of the above mentioned groups are more likely to be subject to unnecessary restrictions to public freedoms, including expression, assembly and association, and participation. In relation to women and girls from all backgrounds, meaningful participation is often particularly hindered through discriminatory and harmful laws, policies, social norms and practices that preserve unequal patriarchal norms that keep women and girls out of social and public spaces.[[38]](#footnote-38) [[39]](#footnote-39)
5. More specifically, assemblies held and led by women are increasingly subject to police violence, harassment, judicial intimidation and defamation campaigns, including by political leaders.[[40]](#footnote-40) State and non-State actors often exert pressures on women and girls. LGBTI activists and organisations suffer similar practices as well as arbitrary detention.
6. In the context of migration, organisations and individuals who defend the human rights of migrants are often harassed, attacked and criminalised for their work.[[41]](#footnote-41) Their activities often fall within the ambit of a law criminalising their actions, with States failing to recognize their actions as a form of protest to protect the human rights of migrants.[[42]](#footnote-42) Furthermore, instead of providing an enabling environment for migrants’ human rights defenders as required by the right to freedom of assembly, States often take measures to specifically restrict defenders’ ability to carry out their work. In Hungary, this has led to the introduction of laws criminalising a range of activities, including distributing information on migration-related matters, providing advice to migrants and refugees, and conducting human rights monitoring at borders.[[43]](#footnote-43) [[44]](#footnote-44)
7. The concept of political and public participation is evolving, and several international human rights mechanisms have recognized that participatory rights may now be read as encompassing the rights to be consulted and to be provided with equal and effective opportunities to be involved in decision-making processes on all matters of public concern.[[45]](#footnote-45) Where marginalized populations face limitations on their ability to participate in public affairs due to de jure or de facto restrictions because of their social identity,[[46]](#footnote-46)freedom of peaceful assembly is especially important as it allows them to communicate their concerns.
8. In *Alekseev v. Russian Federation*, the Committee noted that the freedom of assembly “protects demonstrations promoting ideas that may be regarded as annoying or offensive by others and that, in such cases, States parties have a duty to protect the participants in such a demonstration in the exercise of their rights against violence by others.”[[47]](#footnote-47) When States are cognizant of the perspectives of marginalized populations through article 21, they are also able to further those protections under article 25.[[48]](#footnote-48) Consultation with concerned individuals and specific groups and their direct participation in the drafting of laws and policies affecting their human rights are essential for the full exercise of the right to participate.[[49]](#footnote-49)
9. When non-citizens are unable to participate through elections, other forms of participation are essential to ensure their voices are heard. The guidelines for States on the effective implementation of the right to participate in public affairs and the Special Rapporteur on the right to freedom of peaceful assembly and of association emphasize that “[a]n individual’s lack of citizenship or legal status does not mean that she or he should have no voice whatsoever in the political, economic or social affairs of her or his country of residence … groups that are disenfranchised from mainstream political activities, such as voting and holding office, have an even greater need for alternative means to participate in the public sphere.”[[50]](#footnote-50)

**Recommendations for the new General Comment:**

* **The Human Rights Committee may wish to consider the situation of specific groups facing discrimination in the enjoyment of the right to peaceful assembly, including youth, LGBTI, civil society organisations promoting rights that are perceived sensitive by authorities such as sexual and reproductive health and rights, land and indigenous rights, or migrants’ rights.**
* **The Committee may wish to integrate a gender perspective when addressing barriers faced by certain population groups, as women and girls face specific barriers to enjoyment of their right to freedom of expression, assembly and association, and participation.**

1. **Obstructions in the digital space[[51]](#footnote-51)**
2. New technologies enabled people to exercise the right to peaceful assembly on line and use social media to mobilize for sit-ins, meetings, form networks and coalitions, protests and other manifestations of the right to peaceful assembly. More specifically, online information sharing and activism created a dynamic constituency in the campaign for change, particularly among young people. Many civil society actors have developed their own online space, sometimes creating formal networking structures.
3. Communicating online particularly enabled marginalized and disadvantaged groups, such as environmental and land rights defenders, women’s human rights defenders and movements, LGBTI activists, as well as people living in remote areas and indigenous peoples,[[52]](#footnote-52) to more readily access information and express their views, enjoy their right to peaceful assembly, and participate in public life and in decision-making processes affecting them.
4. New technologies, however, also brought new human rights challenges; privacy, anonymity, encryption and digital security are central concerns for Internet users.[[53]](#footnote-53) Repeated internet shutdowns, website closures or blocking, among others, put in jeopardy the right to organize peaceful assemblies on line and off line.[[54]](#footnote-54) Women human rights defenders, who in addition to experiencing unequal access to online spaces,[[55]](#footnote-55) often face on line attacks of sexualized and gendered nature, while new technology is often used to record women’s footage in order to prevent them from enjoying their rights to expression, assembly and association, and participation.

**Recommendation for the new General Comment:**

* **The Human Rights Committee may wish to pay particular attention to obstructions to the right to freedom of assembly encountered in the digital space.**
* **The Human Rights Committee may wish to stress that information and communications technologies (ICTs) offer new tools that may enhance the enjoyment of the right to freedom of assembly and expand the space for civic engagement.**[[56]](#footnote-56)

1. Most recently, the Committee endorsed the [Joint Statement o](https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23154&LangID=E)n the 20th anniversary of the UN Declaration on Human Rights Defenders, underscoring that; ‘*The active involvement and participation of civil society in the work of the Treaty Bodies is crucial for the wide dissemination, at the international, national and local levels, of information about the Treaties and the Treaty Bodies’ work*.’ [↑](#footnote-ref-1)
2. A/HRC/32/20 [↑](#footnote-ref-2)
3. General Comment No. 25, CCPR/C/21/Rev.1/Add.7 27 August 1996, para, 25. [↑](#footnote-ref-3)
4. Guidelines for States on the effective implementation of the right to participate in public affairs, A/HRC/39/28, para 14. See also, A/HRC/30/26, para. 13; A/HRC/27/29, para. 22. [↑](#footnote-ref-4)
5. A/HRC/39/28 para. 19(d). [↑](#footnote-ref-5)
6. Factors that impede equal participation and steps to overcome these challenges, A/HRC/27/29, para. 23. See also, Human Rights Committee, General Comment No. 34, CCPR/C/GC/34(2011), para. 12. [↑](#footnote-ref-6)
7. Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, A/HRC/20/27, para. 24 (2012). See also, A/HRC/27/29, para. 23. [↑](#footnote-ref-7)
8. A/RES/71/256, para. 13(b). [↑](#footnote-ref-8)
9. Ibid., para. 41. [↑](#footnote-ref-9)
10. See Sudalenko v. Belarus, CCPR/C/115/D/2016/2010, para. 8.6 (“The Committee further notes that the de facto prohibition imposed by decision No. 299 of an assembly in any public location in the entire city of Gomel, with the exception of a single remote area, unduly limits the right of assembly and the freedom of expression.) [↑](#footnote-ref-10)
11. See, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, A/HRC/29/25, para. 54. See also, Report of the Special Rapporteur on the situation of human rights in Belarus, A/HRC/26/44, para. 87. [↑](#footnote-ref-11)
12. *Shumilina v. Belarus*, CCPR/C/120/D/2142/2012. [↑](#footnote-ref-12)
13. A/HRC/27/29, para. 31. See also, Human Rights Committee, Communications No. 932/2000, No. 2155/2012, No. 1744/2007, No. 500/1992, No. 44/1979; and General Comment No. 25, paras. 4, 10, 11 and 14. [↑](#footnote-ref-13)
14. See, CCPR/C/120/D/2142/2012; CCPR/C/117/D/2082/2011; CCPR/C/117/D/2089/2011. [↑](#footnote-ref-14)
15. See, CCPR/C/120/D/2142/2012; CCPR/C/117/D/2082/2011; CCPR/C/117/D/2089/2011. [↑](#footnote-ref-15)
16. CCPR/C/21/Rev.1/Add.7 (1996), para. 12. See also, A/HRC/27/29, para. 2. [↑](#footnote-ref-16)
17. A/HRC/27/29, para. 30. See also, CCPR/C/21/Rev.1/Add.7 (1996), paras. 12, 26 and 27. [↑](#footnote-ref-17)
18. Communication No. 1992/2010, CCPR/C/113/D/1992/2010, para. 8.6. [↑](#footnote-ref-18)
19. *Ibid.* [↑](#footnote-ref-19)
20. CCPR/C/UZB/CO/4 (2015), para. 53. See also, CCPR/C/KAZ/CO/2 para. 26, (2016) (“The State party should bring its electoral legal framework into compliance with the Covenant, including with article 25, inter alia by: (a) Fostering a culture of political pluralism and refraining from arbitrarily denying registration to opposition political parties and preventing their participation in elections; (b) Ensuring freedom of genuine and pluralistic political debate”); CCPR/C/LAO/CO/1, para. 35, (2018). [↑](#footnote-ref-20)
21. See Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/68/299, (2013) para. 11. See also, Summary of the discussions held during the expert workshop on the right to participate in public affairs, A/HRC/33/25, para. 16. [↑](#footnote-ref-21)
22. See A/HRC/20/27, paras. 22–23. See also, A/HRC/27/29, para. 25. [↑](#footnote-ref-22)
23. See Universal Periodic Review for Belarus, A/HRC/15/16; Universal Periodic Review for Armenia, A/HRC/15/9; Universal Periodic Review for Zimbabwe, A/HRC/19/14 (2011). [↑](#footnote-ref-23)
24. See, A/68/299, para 25. See generally, CCPR/C/118/D/2139/2012, Poplavany & Sudalenko v. Belarus, CCPR/C/118/D/2139/2012, para 8.2, where the Committee found that the formal application of a prohibition on assembly in a non-electoral context, “without consideration of the necessity of the limitations in relation to the exercise of their rights, constitutes an unjustified restriction on their rights under articles 19 and 21 of the Covenant.” [↑](#footnote-ref-24)
25. See generally, *Sudalenko v. Belarus*, Communication No. 1992/2010, CCPR/C/113/D/1992/2010. [↑](#footnote-ref-25)
26. See, A/68/299, para. 7. [↑](#footnote-ref-26)
27. *Ibid.,* para. 8*.* (“The maintenance of peace during the voting process is necessary for the electorate to turn out and exercise their right to vote. Nevertheless, although important, it should not provide a justification for continuing electoral malpractices and unjustifiable restrictions on the rights to peaceful assembly and of association or other rights, for example, unlimited and uncontrolled bans on protests or demonstrations against election results. Where such rights are violated at any point during the electoral process, prompt and effective remedies should be available and accessible, presided over by impartial arbiters.) [↑](#footnote-ref-27)
28. See, A/HRC/33/25, para. 16. [↑](#footnote-ref-28)
29. A/HRC/39/28, para. 49. [↑](#footnote-ref-29)
30. See, A/HRC/27/29, para. 18, quoting CEDAW, General Recommendation No. 23 (1997), para. 5 [↑](#footnote-ref-30)
31. CCPR/C/21/Rev.1/Add.7 27 August 1996, para. 8. [↑](#footnote-ref-31)
32. *Ibid.* [↑](#footnote-ref-32)
33. *Ibid.,* para. 6. See also A/HRC/39/28, para. 51. [↑](#footnote-ref-33)
34. A/HRC/39/28, para. 75. [↑](#footnote-ref-34)
35. See for example; thematic reports focusing on: women human rights defenders ([A/HRC/16/44](https://undocs.org/A/HRC/16/44) and [A/HRC/16/44/Corr.1](https://undocs.org/A/HRC/16/44/Corr.1) and [A/HRC/34/52](https://undocs.org/A/HRC/34/52)); indigenous defenders ([A/HRC/39/17](https://undocs.org/A/HRC/39/17)); environmental defenders ([A/71/281](https://undocs.org/A/71/281)); those defending the rights of people on the move ([A/HRC/37/51](https://undocs.org/A/HRC/37/51)); and, human rights defenders active in the field of business and human rights ([A/72/170](https://undocs.org/A/72/170)). [↑](#footnote-ref-35)
36. See A/HRC/26/29, para. 10. A separate submission by UN mandate holders in relation to this new GC on art 21 of the Covenant was also made. [↑](#footnote-ref-36)
37. https://www.ohchr.org/Documents/Publications/Chapter28\_MonitoringAndProtecting.pdf [↑](#footnote-ref-37)
38. CEDAW/C/SYR/CO/2 (CEDAW, 2014) Committee on the Elimination of Discrimination against Women (Syrian Arab Republic), Para 36(d). [↑](#footnote-ref-38)
39. CEDAW/C/HND/CO/7-8 (CEDAW, 2016) Committee on the Elimination of Discrimination against Women (Honduras), Para 28.

    [A/HRC/40/60](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/004/97/PDF/G1900497.pdf?OpenElement) [↑](#footnote-ref-39)
40. A/HRC/38/34, para 59 [↑](#footnote-ref-40)
41. Report of the High Commissioner to the Human Rights Council, A/HRC/33/67, 2016, para 94. [↑](#footnote-ref-41)
42. For example, in July 2018, a Swedish student protested the deportation of an Afghan asylum seeker by preventing the airplane from departing. She was thereafter prosecuted “for crimes against the aviation law” and fined 3,000 Swedish krona. See <https://www.theguardian.com/world/2018/oct/19/elin-ersson-swedish-student-video-grounded-deportation-flight-prosecution>; <https://www.theguardian.com/world/2019/feb/18/swedish-student-elin-ersson-fined-after-broadcasting-plane-protest-against-asylum-seeker-deportation>.

    Similar action was taken against ‘the Standsted 15’, a group who had chained themselves together around a Boeing 767 chartered by the Home Office to deport 60 people to Nigeria, Ghana and Sierra Leone. After a 10-week trial a jury found them guilty of endangering the safety of an aerodrome – an offence that carries a potential life sentence, see https://www.theguardian.com/global/2019/feb/06/stansted-15-rights-campaigners-urge-judge-to-show-leniency. [↑](#footnote-ref-42)
43. Statement of the High Commissioner for Human Rights, 21 June 2018, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23239&LangID=E> [↑](#footnote-ref-43)
44. Report of the High Commissioner to the Human Rights Council, A/HRC/33/67, 2016, para 94; and Joint report OHCHR/UNSMIL, Desperate and Dangerous: the human rights situation of migrants in Libya, 20 December 2018, p 14-16, <https://www.ohchr.org/Documents/Countries/LY/LibyaMigrationReport.pdf>. See also <https://la72.org/nueva-embestida-del-inm-en-contra-del-personal-de-la-72/>; <https://openmigration.org/en/analyses/the-prosecutors-case-against-the-rescue-ship-open-arms/>. [↑](#footnote-ref-44)
45. A/HRC/27/29, para 89. [↑](#footnote-ref-45)
46. For example, experts have recognized gender and sex based restrictions on freedom of assembly as obstacles to the participation of women, lesbian, gay bisexual, transgender and intersex individuals in political and public affairs. See, A/HRC/30/26, para 25; A/HRC/33/25, para 16. [↑](#footnote-ref-46)
47. *Alekseev v. Russian Federation*, Communication No. 1873/2009, CCPR/C/109/D/1873/2009, para. 9.6. [↑](#footnote-ref-47)
48. See, A/HRC/27/29, para. 20. [↑](#footnote-ref-48)
49. A/HRC/33/25, para. 36. [↑](#footnote-ref-49)
50. A//HRC/26/29, para. 25. [↑](#footnote-ref-50)
51. <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=23238&LangID=E> ; <http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/40/60>; <http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/38/47> [↑](#footnote-ref-51)
52. See A/HRC/27/33, para. 22 [↑](#footnote-ref-52)
53. A/HRC/29/32 [↑](#footnote-ref-53)
54. Ibid, OHCHR report, paras 77-81; see also A/HRC/38/34, paras 80-85 [↑](#footnote-ref-54)
55. <http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/35/9> [↑](#footnote-ref-55)
56. Draft guidelines for States on the effective implementation of the right to participate in public affairs, OHCHR report to the HRC 2018; A/HRC/39/28 [↑](#footnote-ref-56)