RECOMMENDATIONS BY THE REPUBLIC OF LITHUANIA TO THE

GENERAL COMMENT NO. 37

After examining the draft General Comment No. 37 of Article 21 of the International Covenant on Civil and Political Rights drafted by the United Nations Human Rights Committee, Lithuania would like to recommend the following:

1. In paragraph 18, the content of the concept “direct action” should be explained in more detailed way.
2. The suggestion of paragraph 30 to treat counter-assemblies in a content-neutral way should be clarified. For an assembly to be defined as a counter-assembly it has to be directed against another assembly, while the contraposition of the assemblies can be set only by evaluating the content of both assemblies. Therefore, we recommend choosing wording, highlighting the duty of the state to ensure equal protection of the freedom of assembly and not prioritising any of the assemblies for their content.
3. In paragraph 34, we would like to recommend removing the reference in brackets to Article 21 of International Covenant on Civil and Political Rights (further in the text – Covenant). During an assembly, other rights guaranteed by the Covenant (for instance, the freedom of expression) should be also ensured.
4. Paragraph 57, which proposes to prohibit assemblies solely for their illegal content and to take actions against only individuals and not against the assembly as a whole, should be clarified. It is important to explain whether the whole assembly, including its participants, or just certain individuals taking part in the assembly should be treated violating the law.
5. Paragraph 60 should be modified and make clear distinction on the use of certain symbols in assemblies, because in number of countries the use of Nazi or Communist symbols in assemblies and other mass events is prohibited by laws.
6. In paragraph 78, we would like to suggest evaluating not only the lawfulness of the practice of forcing individuals to take part in an assembly, but also the lawfulness of paid-participation in an assembly.
7. In paragraph 110, we would like to recommend clarifying in more details in which cases during a military conflict lethal force can be used against participants of a peaceful assembly, since the reference to the external source does not provide sufficient clarity on that point.