**Human Rights Committee**

**Draft General Comment No. 37**

**on Article 21: Right of Peaceful Assembly**

**Comments of the Government of the United Kingdom**

**of Great Britain and Northern Ireland**

1. The Government of the United Kingdom is grateful to the Human Rights Committee for its work elaborating draft General Comment No. 37 on the right of peaceful assembly. We welcome this opportunity to provide comments. In this response, for ease of comprehension, paragraph references are underlined and proposed new text is italicised.
2. In paragraph 1, we would like to see a recognition that the right of peaceful assembly applies both online and offline, as elaborated in paragraphs 15 and 38. We therefore suggest adding the words “*both online and offline*” at the end of the first sentence.
3. Similarly, in paragraph 6, we propose adding the words “*or online*” to the end of the second sentence, to acknowledge that such gatherings online are also protected.
4. We appreciate the recognition in paragraph 13 that assemblies can be held on publicly or privately-owned property. We suggest replacing the current qualification in square brackets (“provided the property is publicly accessible”) with “*with the landowner’s permission*”, which better reflects that landowners may choose to make private property publicly accessible for this and other purposes.
5. In paragraph 34, we suggest that the role of journalists, human rights defenders and others would be better described as “*observing, documenting and reporting*” on assemblies.
6. We support the final sentence in paragraph 67, which reflects that assemblies on private property, with the consent of the landowner, enjoy the same protection as those on public property. We disagree with the suggestion earlier in that paragraph, however, that the rights of private property owners may be required to give way to public assemblies, other than in very exceptional circumstances. We therefore request that the first sentence is removed from this paragraph, and the second sentence amended to read: “The interests of private owners *must* be given due weight, but may be limited *in exceptional circumstances, if preventing persons from exercising their right to peaceful assembly on private property would have the effect of extinguishing the right to peaceful assembly altogether.”*
7. At the end of paragraph 74, it could be noted that: “*Separately, private security or stewarding may be arranged by the participants.*”
8. At the end of paragraph 107, we suggest the addition of the following sentence: “*This requires an objective assessment of the actual situation by careful analysis of each article of the Covenant.”*

28 April 2020