

FREE AND SAFE TO PROTEST

POLICING ASSEMBLIES INVOLVING CHILDREN

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for every child



Marie Wernham, the author of this paper, is an international child rights advocate and consultant for CREATE: Child Rights Evaluation, Advice and Training Exchange. The paper was researched and prepared for the Human Rights Unit, Programme Group Leadership Team at UNICEF.

The project was managed by Anne Grandjean, Human Rights Specialist, UNICEF. Initial research was conducted by Anita Danka, consultant. The paper was developed with input from a 31-member international advisory group (**Annex 3**) and focus group discussions with 72 children and 25 young people, organized by UNICEF in nine countries. A discussion with 14 law enforcement experts from 10 countries was organized in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Office on Drugs and Crime (UNODC) (see details in **Annex 4**).

Members of the advisory group: Otto Adang, Jonathan Andrew, Esmeralda Arosemena de Troitiño, Anja Bienert, Jacob Andreas Bonnevie, Aoife Daly, Anete Erdmane, Steve Feldstein, Cédric Foussard, Anna Giudice, Imma Guerras Delgado, Michael Hamilton, Yujin Kim, Kranti L C, Alice Lixi, Laura Lundy, Najat Maalla M'jid, Stanley Malematja, Matthew McEvoy, Vitit Muntarbhorn, Zama Neff, Beryl Orao, Ilaria Paolazzi, Luis Pedernera, Montserrat Pina Martinez, Leo Ratledge, Iliia Siatitsa, Ann Skelton, Clément Nyaletsossi Voule, Christian Wessman, Gary White (see details in **Annex 3**).

Colleagues in UNICEF country offices, National Committees and Headquarters who supported the focus group discussions with children: **UNICEF Argentina** – Natalia Calisti, Natacha Carbonelli, María Dinard, Magali Lamfir; **UNICEF Bolivia** – Lina Beltran, Miguel Ángel Cortez Sánchez, Igor Andrés Murillo Vincentty, Carolina E. Olivares Agreda, Virginia Pérez Antolin, Inti Tonatiuh Rioja Guzmán, Paola Vasquez Huarita; **UNICEF Chile** – Ludmila Palazzo, Daniela Tejada; **UNICEF Ecuador** – Alice Bertella, Steven Curay, Margarita Grijalva, José Guerra, Ana Belén Veintimilla; **UNICEF France** – Noémie Hervé; **UNICEF Germany** – Jessica Hanschur; **UNICEF Philippines** – Maria Margarita Ardivilla, Patricia Lim Ah Ken; **UNICEF Thailand** – Parinya Boonridrerthaikul, Ilaria Favero, Muhammad Rafiq Khan, Jomkwan Kwanyuen, Santi Siritheerajed; **UNICEF United States of America** – Fareesha Ali, Danielle Goldberg, Mikah Owen, Amy Sommer; **UNICEF Headquarters** – Marina Komarecki, Reetta Mikkola, Amenawon Njilan Esangbedo, Sally Proudlove.

Additional contributing UNICEF colleagues: Grace Agcaoili, Jasmina Byrne, Göktan Koçyıldırım, Ratna Jhaveri, Vijaya Ratman Raman, as well as interns Cassandra Griffin, Simon Mateus, Jane Samosir and Nicole Sunderlin.

United Nations colleagues who contributed and supported the consultation with law enforcement experts: OHCHR (in addition to Alice Lixi, member of the advisory group) – Estelle Askew-Renaut, Eric Mongelard, Johan Olhagen, Hernan Vales; UNODC (in addition to Anna Giudice, member of the advisory group) – Alexandra Souza Martins.

Copy-editing was by Elaine Canham, ProseWorks; and design by QUO Bangkok.

With heartfelt thanks from the Human Rights Unit to all the children, young people, experts and colleagues for their invaluable contributions.

Published by UNICEF

Human Rights Unit, Programme Group Leadership Team
3 United Nations Plaza, New York, NY 10017, United States
rights@unicef.org
© United Nations Children's Fund (UNICEF), August 2023.

ISBN: 978-92-806-5495-0

Cover photo: © UNICEF/UN0364365/Aliaga Ticona

Nina, 17, founder of the Fridays for Future in Bolivia, demanding climate action (Bolivia, 2020).

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A young girl and her mother in New York City join other youth climate activists in a demonstration calling for global action to combat climate change (USA, 2019).

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Executive summary

Introduction

This paper articulates child rights in the context of policing assemblies involving children, framed against states' more general obligations regarding children's right to freedom of peaceful assembly (RFPA). It will hopefully inform the development of guidance for law enforcement officials (LEOs) on how to enable children's RFPA. Children have been organizing and acting to promote and defend their own rights and the rights of others, and there is documented evidence that they have been doing so since the 1880s. Article 15 of the United Nations Convention on the Rights of the Child (CRC) sets out the RFPA specifically for children. The scope of children's involvement in peaceful assemblies is taken from the Human Rights Committee's General Comment No. 37 (2020) on the Right of Peaceful Assembly. It covers all children who are involved in planning peaceful assemblies, and/or who are present at peaceful assemblies and/or their immediate vicinity – as organizers or participants, strongly influenced or decided by others, or as bystanders. The online aspects of children's RFPA and 'school strikes' are also covered. This paper is based on a literature review, analysis of relevant international and regional standards, the expertise of a 31-member international advisory group, focus group discussions in nine countries with 72 children and 25 young people, and a discussion with 14 law enforcement experts from 10 countries. Each key section of the paper includes detailed recommendations.

Children's RFPA is important for their personal development, their participation in political and public affairs, and for catalysing local, national and global change. When children exercise their RFPA with the objective of promoting human rights they are entitled to specific legal protections as affirmed in the 1998 United Nations Declaration on Human Rights Defenders. In many contexts, children are often not considered to be subjects of human rights, but rather as objects of adults' good or bad intentions. Children are at high risk when exercising or seeking to exercise their RFPA. They face particular obstacles due to their age and status as minors. They may be exposed to serious risks to their dignity, safety and even to their lives. Actions by LEOs may be felt disproportionately strongly by children due to their small stature, more limited life experiences and stages of brain development. Obstacles and rights' violations are compounded when children experience other potential multiple and intersecting forms of discrimination. Adults may prevent children from exercising their RFPA out of concern for their security or education, often based on a narrow interpretation of CRC Article 3 (best interests of the child).

The international legal framework

For simplicity, this paper focuses on CRC Article 15 as the most widely ratified provision, but children's RFPA is protected by multiple international and regional human rights instruments. Children enjoy this right on an equal footing with adults. Age is not a barrier to the recognition, application and enforcement of this right. All human rights are universal, indivisible and interdependent. Children's RFPA therefore has to be considered together with other rights in the CRC and other relevant human rights legislation. States have both negative and positive obligations in relation to the RFPA and need to create an overall legislative, policy and procedural context, compliant with international human rights law. Children have particular rights and needs in the context of their RFPA that are different from those of adults, and they therefore require additional measures on the part of states to respect, protect and fulfil their RFPA.

There should be no age restrictions on the RFPA, no discrimination against children (i.e., states should not place additional limits on children's RFPA compared with those placed on adults), and no discrimination against particular groups or individuals on any other grounds (including children in street situations). Exceptional restrictions are allowed based on the strict conditions set out in CRC Article 15(2), according to the tests of legality, necessity and proportionality, but restrictions should always be the exception and a last resort. Given that children face particular challenges in enjoying their RFPA, and that states have an obligation to take additional measures to facilitate the RFPA by historically discriminated groups, including children, the threshold for what is considered to be a disproportionate restriction or interference with children's RFPA may be crossed earlier than for adults. Any restrictions on children's RFPA in emergencies should be of an exceptional and temporary nature and limited to those that are strictly required by the exigencies of the situation, and only when, and as long as, they are not inconsistent with a government's other obligations under international law.

This paper outlines how the four key principles of policing assemblies apply specifically to assemblies involving children:

- knowledge (by LEOs of what is being planned, including the role of children)
- facilitation (as the overall aim of policing assemblies, while protecting public order and the safety and security of other people)
- communication (including child-friendly communication, though all phases of an assembly)
- differentiation (not assuming that all children belong to a single, like-minded, group; and differentiating between individuals engaged in violence and those who wish to assemble peacefully).

Before an assembly (planning phase)

States should build children's capacity – as rights-holders – to exercise their RFPA, with particular attention to children who are marginalized. This can be done through child rights education, support for children's associations and child-led activities, and promotion of safe channels for child-led activism online. States should build adults' capacity – as primary and secondary duty-bearers – to empower children to exercise their RFPA. This includes child rights education for LEOs and other state employees, parents, guardians, caregivers, professionals, teachers and civil society organizations. Education about child rights and support for adults is needed to counter paternalistic views of the child, prevalent in many societies, which constitute a major barrier to children's RFPA.

LEOs and other adults involved in the organization of assemblies should make information about the RFPA accessible in child-friendly, age-appropriate and gender-sensitive ways. Legal and procedural barriers should be removed, making it easy for children to understand and comply with regulations regarding the planning of peaceful assemblies. LEOs should maintain an overall attitude of positive engagement and child-friendly communication, taking into account:

- joint planning with child assembly organizers and participants (and contingency planning for spontaneous assemblies)
- promoting a positive and respectful image of children who exercise their RFPA
- trust-building through community-oriented policing (especially with children who are marginalized and who have had a traditionally negative experience of LEOs)
- a 'no surprises' policy where LEOs are clear and open with organizers and participants about the aims of the policing operation, tactical approaches and what to expect
- designated focal points to help children approach LEOs and assembly organizers
- advance communication by LEOs with the general public
- a 'missing child' plan explaining what to do if a child goes missing or is separated from their caregiver(s)
- attention to non-verbal communication by LEOs (including the impact on children of body language and the presence or use of certain equipment)
- communication and cooperation with other authorities
- a national and international exchange of experiences and good practices relating to policing assemblies involving children.

States must act with an awareness that children may be present at an assembly and protect them from any harm that might be caused by law enforcement actions or by other members of the public, counter demonstrators or private security providers. Specific measures need to be designed and applied for children. There is not only a need for 'generic' plans and training protocols for the policing of assemblies involving children, to ensure their protection, but also specific plans and risk assessments for each particular assembly.

States must proactively build the capacity of LEOs and other relevant officials to respect, protect and fulfil children's rights in relation to assemblies. Those responsible for this capacity-building should:

- identify who needs to be trained
- identify and plan opportunities to deliver this training
- develop and implement the training using active learning methods such as role-playing, discussion of realistic scenarios and lessons learned from actual case studies.

Training content should include, for example:

- a basic understanding of child rights and the child rights approach
- the four policing principles for assemblies through a child rights lens – knowledge, facilitation, communication and differentiation
- how to facilitate an assembly through a child rights lens
- how to communicate with children respectfully and in ways they understand
- how to recognize and overcome unconscious bias in relation to certain groups of children
- understanding the impact of non-verbal communication and how children’s reactions and fears may be different to/or greater than those of adults
- understanding the potentially more serious impact of the ‘chilling effect’ and use of force on children
- how to care for children when they are in need of assistance.

Regarding planning, states must ensure the appropriate provision and use of equipment. They must ensure that all weapons, including less-lethal weapons, are subject to strict independent testing, and that LEOs deployed with them receive specific training. States must monitor and evaluate the impact of weapons on the rights of children and be alert to – and address – the potentially discriminatory impacts of certain policing tactics against children, including in the context of new technologies. The capacity-building of LEOs and other officials should be informed by research on the impact of the use of crowd management tactics and equipment on children.

During an assembly

The analysis of this phase must be seen in the context of the overall legal framework and enabling environment already described. Particular importance must be given to the collaborative planning process to ensure that the use of force, arrest and detention are avoided to the greatest possible extent. Children’s experience of assemblies is deeply influenced by their perception of LEOs. Due to children’s developing emotional and psychological maturity, child-friendly policing is essential.

Surveillance measures must not impair or violate children’s RFPA or other rights, including their right to privacy (CRC Article 16). Surveillance and privacy can no longer be considered in isolation from the digital environment. Children may use digital platforms to organize, plan or simply receive information and generally communicate about assemblies, whether the actual assembly takes place in the digital environment or in person. Surveillance and data capture, processing, storage and dissemination are likely to rely on digital technologies and platforms. While some surveillance technologies can be used to protect the public, including children, from threats of violence, they can also violate children’s right to privacy, both as participants and bystanders, have a chilling effect, and dissuade children from using civic and online spaces to exercise their rights. States are reminded of their obligation to protect the RFPA against abuses by non-state actors in this context. This paper provides detailed recommendations in relation to audio and visual surveillance and biometric identification – including facial recognition technology (FRT) and other emerging trends, highlighting that the impact of surveillance may be particularly harmful to children and have lifelong impacts. The negative consequences of inappropriate surveillance may include exclusion from school, restriction or deprivation of future opportunities or creation of a police profile. These consequences may be disproportionately high for children compared to adults. Children’s privacy needs differ from, and can conflict with, those of adults.

The use by LEOs of containment, dispersal, and use of force and firearms indicates that policing techniques have passed from facilitating a peaceful assembly to crowd control. It indicates that all necessary efforts throughout the planning stages, and during the assembly itself, to prevent violence, de-escalate tensions and employ non-violent conflict resolution have been tried but have failed. The use of force must be guided by international standards as set out in the United Nations Code of Conduct for Law Enforcement Officials, and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. This paper unpacks the principles underpinning the use of force by LEOs (legality, necessity, proportionality, non-discrimination, precaution and accountability) in relation to their implications for children. For example, children, by nature, are less likely to present a serious threat and are more likely to suffer more serious consequences from the use of force: less force is needed to deal with a child and the more serious effects of force on a child might more quickly outweigh the legitimate objective, leading to use of force having to be considered disproportionate. Children can greatly benefit from being involved in peaceful

assemblies as this contributes positively to their education and increases their sense of agency. However, they may be particularly vulnerable to harm and at greater risk of long-term physical and psychological consequences than most adults, if exposed to negative experiences. This paper explores the impact on children of techniques used during the policing of assemblies and provides targeted recommendations in relation to containment ('kettling'); dispersal of assemblies; preventing the use of force, moving down the scale of force, and opting for the minimum force necessary; less-lethal weapons (water cannons, disorientation devices, acoustic weapons, blunt force weapons, kinetic impact projectiles, chemical irritants and electric shock weapons); and firearms.

Even when assemblies turn violent, nobody, including children, should be subjected to group sanctions, arbitrary and unlawful arrests or detentions, which may violate CRC Article 37(b). If specific children are reasonably suspected, as individuals, of having perpetrated violence, their cases should be handled by specialized child justice systems in processes that conform to CRC Articles 37 and 40. Diverting children from judicial processes – and in particular from detention – should be a primary consideration. Children should not be held in transportation vehicles or in police cells, except as a last resort and for the shortest time, and should not be held with adults, except where that is in their best interests. Mechanisms for their swift release to parents or appropriate adults should be prioritized. Even very short periods of detention can undermine the child's psychological and physical well-being and compromise cognitive development. If diversion is not possible, then very strict time limits must be applied to the detention of children. Child-sensitive safeguards are required when children are being interviewed by LEOs. In addition to basic training on child rights for all LEOs, LEOs and other justice officials who frequently or exclusively work with children require specialized training.

After an assembly (follow-up)

Child-friendly post-event debriefings by LEOs should become standard practice, inviting – but not coercing – child assembly organizers and participants and civil society organizations to participate.

States must do everything they can to protect all children who exercise their RFPA from threats, reprisals, stigmatization and harassment by state and non-state actors, including reprisals by families, teachers, peers or members of the community or the public, both online and offline. States have to prevent and address gender-based violence, including sexual violence, towards children by any perpetrator, as well as discrimination and threats against marginalized groups of children, or children demonstrating in support of minority rights – including but not limited to LGBTIQ+ issues. Children consulted for this paper reported experiencing threats by LEOs and authorities – to themselves, to other children and to their families. In relation to schools, children who left classes to take part in protests have experienced repression and sanctions by school authorities such as detention, suspension, their absence being recorded as truancy, and threats of expulsion and being prevented from sitting their final exams. States should provide guidance to schools as to what constitutes a rights-respecting response to children who choose to take part in peaceful assemblies either in school or elsewhere. Educational authorities and institutions should confer with students to develop policies on participation in peaceful assemblies.

States must ensure children's access to justice. LEOs should be accountable to an independent body for any failure to fulfil their positive obligations to protect and facilitate children's RFPA and for undue restrictions on children's exercise of their RFPA. LEOs should be subject to criminal and disciplinary sanctions for the unlawful use of force and firearms. This paper provides recommendations in relation to specific aspects of accountability such as:

- command structures
- record-keeping
- the right to remedy (through judicial processes, independent human rights institutions, and/or children's ombudsman)
- children's access to assistance and professional services
- exhaustive and impartial investigations
- the liability of superior officers in addition to front-line LEOs; the need for additional levels of non-judicial oversight
- the need for specialized personnel
- the protection of the rights of assembly monitors and journalists.

Conclusions and proposals

This paper covers the specific importance for children of exercising their RFPA as part of their overall development, and the particular challenges they face in doing so. It outlines the need for states to provide an overall enabling environment for LEOs to police assemblies involving children in a rights-respecting way, with specific recommendations to take into account before, during and after assemblies take place. It is hoped that it will inform the development of United Nations guidance for LEOs on how to enable children's RFPA.

School children in Sankra participate in a rally organized by UNICEF and Action Aid volunteers to create awareness about education, child labour, child marriage and COVID appropriate behaviour (India, 2022).

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List of acronyms

CRC	Convention on the Rights of the Child
FRT	facial recognition technology
LEO	law enforcement official
ODIHR	OSCE Office for Democratic Institutions and Human Rights
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSCE	Organization for Security and Co-operation in Europe
RFPA	right to freedom of peaceful assembly
UNICEF	United Nations Children’s Fund
UNODC	United Nations Office on Drugs and Crime

How this paper is structured

The introduction ([Section 1](#)) includes the purpose, background and scope of the paper, as well as a quick overview of the particular challenges faced by children in the context of assemblies. The remainder of the paper takes a chronological approach, starting with the overall parameters of the international legal framework and general obligations of states ([Section 2](#)). Three sections then examine specific considerations to be taken into account before, during and after peaceful assemblies take place ([Sections 3, 4, 5](#)), each section ending with a series of recommendations for states. [Section 6](#) concludes with an overall summary and proposals.

A young man with short brown hair, wearing a grey hoodie, is shown in profile from the chest up, speaking into a blue and white megaphone. He has his right hand over his chest. The background is a blurred outdoor setting with a crowd of people and a building with arched windows. The overall scene suggests a public demonstration or protest.

A young man, 20, born with HIV, speaks during the social protest "We Want and We Walk" for the freedom and safety of mass actions (Ukraine, 2018).



Climate activists take part in a Fridays for Future global strike, calling for governments to take climate action (Sweden, 2021).

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1. Introduction

1.1 Purpose

The purpose of this paper is to:

- articulate child rights in the context of policing assemblies involving children
- inform the development of guidance for **law enforcement officials** on how to enable **children's** right to freedom of **peaceful assembly**, based on their specific rights and needs, and considering the particular challenges they face while exercising this right.



Definitions for the purpose of this paper

Child: “every human being below the age of eighteen years” (CRC¹ Article 1).

Law enforcement official: “includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention.” (United Nations Code of Conduct for Law Enforcement Officials,² Article 1, Commentary (a)).

Peaceful assembly: as described in General Comment No. 37 (2020) on the Right of Peaceful Assembly (Article 21) by the United Nations Human Rights Committee:³ “the non-violent gathering by persons for specific purposes, principally expressive ones” (para. 4) “wherever they take place: outdoors, indoors and online; in public and private spaces; or a combination thereof. Such assemblies may take many forms, including demonstrations, protests, meetings, processions, rallies, sit-ins, candlelit vigils and flash mobs. They are protected [...] whether they are stationary, such as pickets, or mobile, such as processions or marches” (para. 6). “In many cases, peaceful assemblies do not pursue controversial goals and cause little or no disruption. The aim might indeed be, for example, to commemorate a national day or celebrate the outcome of a sporting event. However, peaceful assemblies can sometimes be used to pursue contentious ideas or goals. Their scale or nature can cause disruption, for example of vehicular or pedestrian movement or economic activity. These consequences, whether intended or unintended, do not call into question the protection such assemblies enjoy” (para.7). “Peaceful assemblies are often organized in advance, allowing time for the organizers to notify the authorities to make the necessary preparations. However, spontaneous assemblies, which are typically direct responses to current events, whether coordinated or not, are equally protected” (para. 14). “Counterdemonstrations occur when one assembly takes place to express opposition to another” (para. 14). “Collective civil disobedience or direct action campaigns can be covered [...], provided that they are non-violent” (para. 16). “A ‘peaceful’ assembly stands in contradistinction to one characterized by widespread and serious violence. [...] ‘Violence’ [...] typically entails the use by participants of physical force against others that is likely to result in injury or death, or serious damage to property. Mere pushing and shoving or disruption of vehicular or pedestrian movement or daily activities do not amount to ‘violence’” (para. 15).

1.2 Background and rationale

The RFPA is a fundamental human right, recognized as one of the foundations of a functioning democracy, and protected by international law, including the Universal Declaration of Human Rights (Article 20) and the International Covenant on Civil and Political Rights (Article 21).⁴ Article 15 of the CRC sets out this right specifically for children. Children everywhere are exercising this right calling, among other things, for climate action, social and racial justice, and the end of colonial, apartheid and authoritative regimes, or speaking up against cuts to education budgets and against gun violence. “[C]hildren are organizing and acting to promote and defend their own rights and the rights of others, and there is documented evidence [...] that they have been doing so since the 1800s.”⁵

There is a lot of existing guidance on the RFPA in general⁶ and only few on how the RFPA applies to children in particular⁷. However, further and more comprehensive guidance is still needed on how states should implement their obligation to respect, protect and fulfil **children’s** RFPA, and how LEOs should police assemblies involving children.



CRC Article 15

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.

1.3 Scope

The focus of this paper is on the role of LEOs in policing assemblies involving children. However, this also requires some explanation of states’ more general obligations in relation to children’s RFPA.

There are a range of relevant state and non-state actors involved in the facilitation of children’s RFPA: national and local/municipal authorities, judicial authorities, schools and educators, medical professionals and volunteers, child psychologists, parents and caregivers, child rights organizations, assembly monitors and more. Nevertheless, this paper specifically focuses on the role of LEOs (as defined in [Section 1.1.](#)) to allow for targeted and actionable recommendations.

The scope of children’s involvement in peaceful assemblies is taken from the Human Rights Committee’s General Comment No. 37 (2020) on the Right of Peaceful Assembly. Summarizing the definition above in [Section 1.1](#), it includes peaceful (non-violent) assemblies that are: outdoors, indoors or online,⁸ in public or private spaces, or a combination thereof; stationary or mobile; contentious (e.g., calling for change) or non-contentious (e.g., celebrating a sporting event); disruptive (e.g., to traffic or economic activity) or non-disruptive; spontaneous or planned in advance; demonstrations or counterdemonstrations. Furthermore, in terms of process, it includes offline and online activities conducted outside the immediate context of the gathering, which are also integral to making the exercise meaningful. This may include: participants’ or organizers’ mobilization of resources; planning; dissemination of information about an upcoming event; preparation for and travelling to the event; communication between participants leading up to and during the assembly; broadcasting of or from the assembly; and leaving the assembly afterwards.⁹ “If the conduct of participants in an assembly is peaceful, the fact that certain domestic legal requirements pertaining to an assembly have not been met by its organizers or participants does not, on its own, place the participants outside the scope.”¹⁰

‘School strikes’ are an increasingly common form of peaceful assembly used by children which are also covered in this paper. It is important to note, however, that if peaceful strikes in schools take place within the school environment, and if there are no public safety implications, then LEOs may not be involved in these contexts. See [Section 5.2](#) for further details.

In relation to the online aspects of children’s RFPA, since online spaces are key for children to meet, exchange and deliberate with peers and others who share their interests,¹¹ this paper touches on the possible roles and responsibilities of the state and LEOs in this respect. However, the roles of other key duty-bearers, such as Internet service providers and other private entities responsible for connectivity and online communication, are outside the scope of this paper.¹²

All children who are involved in planning peaceful assemblies, and/or who are present at peaceful assemblies and/or their immediate vicinity are covered in this paper, irrespective of the reason for their presence or the extent of their participation: of their own volition (as organizers or participants), strongly influenced or decided by others¹³ or as bystanders. The RFPA applies to all children, without discrimination, including whether they are citizens or non-citizens of the country where the assembly takes place.¹⁴

The full enjoyment and free exercise of children's RFPA is interconnected with a number of other rights and fundamental freedoms. See [Section 2.2](#) below. The RFPA is a fundamental gateway which enables children to access and exercise other human rights. In line with the focus of this paper, other rights are covered only to the extent they are directly relevant to the policing of assemblies involving children.

1.4 Methodology

This paper is based on a literature review ([Annex 1](#)) and analysis of relevant international and regional standards ([Annex 2](#)). It draws on the expertise of a 31-member international advisory group established for this purpose ([Annex 3](#)). The United Nations Children's Fund (UNICEF) organized focus group discussions in nine countries¹⁵ with 72 children aged 7–17 (43 girls and 29 boys) and 25 young people aged 18–28 (16 women and 9 men) who had taken part in assemblies ([Annex 5](#)). All children's statements in this report were made during these focus group discussions. In addition, 14 law enforcement experts from 10 countries¹⁶ around the world took part in a discussion focused on challenges, good practices and recommendations on how to facilitate assemblies involving children, in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Office on Drugs and Crime (UNODC) ([Annex 4](#)). This paper primarily uses the Human Rights Committee's General Comment No. 37 (2020) on the Right of Peaceful Assembly and recommendations of relevant United Nations Human Rights Council special procedures as the main authoritative framework for analysis, complemented by the views and recommendations of the United Nations Committee on the Rights of the Child.

1.5 The specific importance of the RFPA for children

Children's RFPA is important for their **personal development**. "The ability to assemble and act collectively is vital to democratic, economic, social and personal development, to the expression of ideas and to fostering engaged citizenry."¹⁷ This is in line with the aims of education outlined in CRC Article 29(1) including, among other things, "the development of the child's personality, talents and mental and physical abilities to their fullest potential", "respect for human rights and fundamental freedoms" and "the preparation of the child for responsible life in a free society". Children interviewed in the context of this paper associate their participation in demonstrations with feelings of freedom, independence, empowerment and a sense of belonging. The RFPA has additional relevance during adolescence when the need for opportunities to meet with peers in public spaces and independently of family takes on added significance as a major building block in children's social and emotional development.¹⁸

Children's RFPA is important for their **participation in political and public affairs**. Children's special stage of development and reliance on adults – albeit in line with their evolving capacities – can make them one of the most powerless and vulnerable groups in society. This is exacerbated by their typical exclusion from decision-making processes. In most societies, children cannot vote, are not represented in traditional state structures, and are therefore in particular need of opportunities to further their rights and interests.¹⁹ The RFPA provides children with an important channel for participation in political and public affairs, "recognizing the capacities that children have in the context of the social and political lives of the communities in which they live."²⁰ This right is relevant for all children, but it takes on additional significance for children who experience multiple and intersecting forms of discrimination and marginalization.²¹ The RFPA is key in empowering marginalized communities and individuals,²² providing opportunities for them to challenge discrimination and exclusion, and expressing their views publicly, including views contrary to established political, economic or social interests. Children often find emotional comfort and support in expressing themselves in groups. Peaceful assemblies provide an ideal context for the expression of identity that, although present in all demonstrations, gains particular relevance for marginalized groups such as the LGBTIQ+ community and feminist organizations.

Children's RFPA is important for **catalysing local, national and global change**. Children's involvement in peaceful assemblies can provide communities and countries with impetus for social change.²³ Children are leading the way in taking courageous action every day to protect human rights, the environment and their own education, and they are leading movements on anti-misogyny, anti-racism and climate justice.²⁴ They may demonstrate great creativity and imagination in their forms of non-violent protest compared to adults. They are also able to trigger social mobilizations leading to democratic developments. The process of engaging in the RFPA helps to build the capacity of children as rights-holders to claim their own rights and to promote and defend the rights of others.

"We see that some of the children, not all of them have the capability to speak up for themselves, so in some way, we become their representatives and we become their voice."

(15-year-old girl, the Philippines)

"I will always be in favour of fighting for good causes. I can tell you that at my 14 years of age, I have been able to defend our rights in democracy and participation in demonstrations and that has a lot of value for me. However, the best part of it is being able to serve, do good and make a positive impact on others."

(Child, Ecuador)



Children as human rights defenders

In some of these contexts, children are acting as human rights defenders. "Children who take actions to promote, protect and fulfil human rights, including children's rights, are human rights defenders, even if they do not see themselves as such, or are not considered and called as such by others."²⁵ When children exercise their RFPA with the objective of promoting human rights then they are human rights defenders and therefore entitled to specific legal protections as affirmed in the United Nations Declaration on Human Rights Defenders (1998).²⁶ The United Nations Committee on the Rights of the Child's 2018 Day of General Discussion, "Protecting and Empowering Children as Human Rights Defenders" was informed by a global consultation with more than 2,695 children in 53 countries. It highlighted the importance of promoting respect and support for the activities of human rights defenders of all ages. *The Rights of Child Human Rights Defenders: Implementation Guide* "provides guidance as to what states and others should do to ensure that children who exercise their right to defend human rights are not only allowed but empowered to do so and can do it without encountering breaches of their own rights and without unnecessary or disproportionate restrictions".²⁷

1.6 The specific challenges of the RFPA for children

In many contexts, children are still not considered to be subjects of human rights, but rather as objects of adults' good or bad intentions. Children are identified as one of the groups most at risk when exercising or seeking to exercise their RFPA.²⁸ They face **particular obstacles due to their age and status as minors**²⁹ including: legal bans on organizing assemblies; their need for adult authorization and/or support to organize or attend peaceful assemblies; burdensome notification and/or undue authorization procedures which are difficult or impossible to navigate without adult support; reliance on adult gatekeepers for access to information, including in relation to their rights; overly restrictive sanctions for violating assembly regulations; lack of appropriate communication strategies by LEOs with children; and lack of effective remedies for alleged violations of their RFPA.

"We, the young people, and I speak from my first experience, have a certain fear because we don't know if what we are doing is correct, if it is legal or illegal, and that is an important point for education, it is something that must be worked on in schools."

(Youth, Ecuador)

In some circumstances, exercising their RFPA exposes children to **important risks to their dignity, safety and even to their lives**³⁰ including: repression and punishment by school authorities, stigmatization, harassment, violence – including sexual violence, unnecessary and/or disproportionate use of force, lack of police protection from violence by others, arrests, retaliation and threats. Such actions may be targeted at them specifically because of their status as children, linked to adult disapproval or misguided notions of ‘discipline’ or control. Such actions may also be targeted at both children and adults exercising their RFPA, but the impact of such actions may be felt disproportionately strongly by children due to their small stature, more limited life experiences, and the way their brains are developing at different stages of childhood (including adolescence).³¹ Children may be more intimidated by LEOs than most adults, less aware of the regulations and procedures to be followed, and less aware of their rights during interactions with LEOs. The power imbalance is greater, leaving room for potential abuse of authority and power.

These obstacles and rights violations are compounded when children experience **other potential multiple and intersecting forms of discrimination** such as discrimination based on sex, gender identity and expression, sexual orientation, race, ethnicity, minority status, indigenous status, migration status, disability, and relationship to the street and public spaces.³² For example, the Committee on the Rights of the Child has expressed concern over the decreasing tolerance of children in public spaces, particularly children in street situations, who are widely denied the right to meet in public spaces without threat, harassment or removal.³³ It has also highlighted that “children in street situations may be paid to boost numbers in protests or other gatherings. They may be vulnerable to exploitation and unaware of the implications of joining such events.”³⁴ The Committee has confirmed that CRC Article 15 requires states to empower children in street situations to exercise their participation rights and to counter co-option and manipulation by adults.³⁵ Such manipulation by adults can also be used to discredit children’s involvement in peaceful assemblies.

Parents, guardians, caregivers, civil society organizations or authorities may prevent children from exercising their RFPA out of **concern for their security or education**. While these protective concerns may be legitimate, they may also sometimes be used as an excuse to limit children’s enjoyment of their rights, often based on a narrow interpretation of CRC Article 3 (best interests of the child).

“In the past, [my mother] sometimes forbade me to go to big demonstrations because she was afraid for me. In my home country, I have never been on a demonstration, because they were always dangerous. [...] Here in Germany, that’s not the case, and yet she continues to be afraid for me. However, when I told her as a teenager that I was going to a demonstration with my class, she allowed it.”

(Girl, Germany)

“In addition to having to confront all of the barriers faced by adults, they often face barriers affecting children in particular, including limitations imposed based on discriminatory policies and practices. Children attempting to exercise their right to [freedom of] peaceful assembly have faced limitations placed on their access to information as well as threats of violence, including threats by adults ‘who disapprove of their civic engagement and human rights activism’. Children who have participated in the Fridays for Future movement have faced negative reactions from their schools, including various forms of punishment. Such rights violations have often been condoned and supported by authorities.”

(Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Clément Nyaletsossi Voule, 2021)³⁶

An awareness and understanding of these child-specific challenges are directly relevant to the theory and practice of policing assemblies involving children.



Fridays for Future demonstration for climate action, led by youth climate activists and organized on the side-lines of the 2021 UN Climate Change Conference (COP26) (United Kingdom, 2021).

2. The international legal framework

2.1 Overview

For simplicity, this paper focuses on CRC Article 15 as the most widely ratified provision, but it is important to note that children's RFPA is protected by multiple international and regional human rights instruments (see [Annex 2](#)). Children enjoy this right on an equal footing with adults. Age is not a barrier to the recognition, application and enforcement of this right.³⁷ The general principles of the RFPA therefore also apply for children. Such principles include, for example, the:

- legality, necessity and proportionality of restrictions (see [Sections 2.3 and 2.4](#))
- accessibility of notification requirements (see [Section 3.4](#))
- protection of spontaneous and/or leaderless assemblies (see [Sections 3.5 and 3.7](#))
- 'sight and sound' principle which allows that "given the typically expressive nature of assemblies, participants must as far as possible be enabled to conduct assemblies within sight and sound of their target audience."³⁸

The inclusion of the RFPA in the CRC affirms the relevance of its "practical enjoyment to children, in a child-focused manner."³⁹ This right, together with other civil and political rights, is at the very core of what it means for children to be rights-holders, beyond being the recipients of services and protection.



Adolescent girls and young women demanding political change in a demonstration in Tahrir Square in Cairo (Egypt, 2011).

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2.2 Indivisibility and interdependence of rights

All human rights, including child rights, are universal, indivisible and interdependent: they cannot be considered in isolation. Fulfilling one right is necessary to fulfil others. Children's RFPA therefore has to be considered together with other rights in the CRC. This diagram below, featuring the child-friendly CRC icons and highly simplified text, aims to highlight some of the key connections in the context of policing assemblies, but it is not in any way exhaustive. Provisions from other relevant human rights legislation also need to be taken into account, such as effective remedy for violations of rights (Article 2(3) of the International Covenant on Civil and Political Rights).



2.3 States' obligations to respect, protect and fulfil children's RFPA

The United Nations Human Rights Committee has confirmed that all states have both negative and positive obligations in relation to the RFPA.⁴⁰ The creation of an overall legislative, policy and procedural context, which is compliant with international human rights law in this regard, is essential to creating an enabling environment for rights-respecting policing of assemblies involving children.

- The obligation of states to **respect** children's RFPA means that states should not prevent, hinder or restrict this right (e.g., through unduly restrictive, bureaucratic⁴¹ or unpredictable regulation or unduly restrictive policing) except to the extent allowed – in exceptional circumstances – by international human rights law. There should be no legal barriers to children organizing and participating in peaceful assemblies. The following should be removed from domestic legislation: age-specific barriers to children's RFPA; requirements of parent/guardian consent to join an assembly; provisions that discriminate against certain groups such as children in street situations; truancy laws that prevent children's RFPA; and any other provisions unduly limiting children's RFPA.
- The obligation to **protect** entails that states should undertake reasonable steps to protect children who want to exercise their RFPA. This includes adopting measures to prevent violations by third parties such as individuals or groups, including *agents provocateurs* and counter demonstrators, who aim to disrupt or disperse an assembly.⁴²
- The obligation to **fulfil** obliges states to establish an enabling environment⁴³ for the full enjoyment of the RFPA by children and to actively facilitate their exercise of this right. This includes, for example, providing child rights education for children and adults, building the capacity of LEOs, and providing effective remedies for violations of children's human rights in this context. Authorities should take additional measures to facilitate the RFPA by groups or individuals who have historically experienced discrimination (including children).⁴⁴

Children have particular rights and needs in the context of their RFPA that are different from those of adults. Children's evolving autonomy and different legal status from adults therefore requires additional measures on the part of states to respect, protect and fulfil their RFPA.⁴⁵ In line with CRC Article 4 (implementation of the CRC), states must put in place a legal and procedural framework within which the RFPA can be exercised effectively by children, by thoroughly assessing existing domestic legislation, bringing it in line with the CRC, and taking into account children's needs and views.

"States must guarantee that children and adolescents can exercise their right to demonstrate and raise their voices peacefully, safely, without fear of being killed."

(Youth, Ecuador)



Adolescent girls deliver messages of "Yes to School" and "No to Child Marriage" during a celebration in Solaghara village (India, 2022).

2.4 Restrictions

No age restrictions: Blanket bans, age-based restrictions or restrictions without time limits are likely to be disproportionate.⁴⁶ Age limits on public demonstrations are “without exception, contrary to Article 15 [of the CRC],”⁴⁷ even if done for the protection of children.⁴⁸ States should amend laws that prevent persons below a certain age from organizing outdoor meetings.⁴⁹ Furthermore, status offences,⁵⁰ anti-social behaviour orders⁵¹ and curfews⁵² for children have been criticized by the Committee on the Rights of the Child.

No discrimination against children: States should not place additional limits on children’s RFPAs compared to those placed on adults.⁵³ For both children and adults one of the legitimate objectives for a restriction is the protection of the rights and freedoms of *others*. However, children’s rights are often additionally balanced against the enjoyment of their *own* other rights, for example the right to education, protection from harm, or adults’ interpretation of ‘the best interests of the child’ (CRC Article 3(1)). The balancing of rights must be carried out in light of the purpose of these rights, not as a blanket excuse to limit children’s RFPAs. For example, [Section 1.5](#) outlines how children’s RFPAs support the aims of education as set out in CRC Article 29(1). In relation to protecting children from harm, states have an obligation to explore whether measures can be taken to ensure that children can act safely, thus avoiding the need to limit children’s RFPAs.⁵⁴ Risks (actual or potential) involved in participating in assemblies should not be used as a sole reason to curtail children’s RFPAs. Imposing any restrictions should be guided by the aim of positively facilitating the right, rather than applying unnecessary and disproportionate limitations.⁵⁵ Likewise, a child’s ‘best interests’ include their ability to enjoy their full range of rights,⁵⁶ including their RFPAs. Parents’ or guardians’ right to provide “appropriate direction and guidance” (CRC Article 5) to a child in the exercise of their rights is not absolute and remains subject to the requirement that it must be consistent with a child’s evolving capacities⁵⁷ among other things. During the drafting process of the CRC, it was determined that a provision limiting Article 15 rights to children’s evolving capacities should not be included in Article 15, but rather in a separate article, thereby applying to all rights equally.⁵⁸ So civil and political rights, such as the RFPAs, should not be marked out as subject to particular parental scrutiny, and states should not seek to impose additional limitations on children in the exercise of their rights under Article 15.⁵⁹ If justifiable restrictions are imposed on a child’s RFPAs, “the process, outcome and reasons for such a decision must be transparent and communicated to children. Children are entitled to have their views sought and taken seriously and should be provided with accessible and age-appropriate information at all stages of the decision-making process.”⁶⁰

“Bing a child made me feel more unsafe. I feel that the police are targeting children because it is easy to arrest them.”

(14-year-old girl, Thailand)

No discrimination on other grounds: All children have the RFPAs without discrimination (CRC Article 2). They have this right regardless of the opinions they express when organizing or taking part in peaceful assembly. Restrictions – and associated policing – cannot be applied in a discriminatory manner. For example, children in street situations “have a unique relationship to public spaces compared with other children. State restrictions on [CRC] Article 15 in relation to public spaces may therefore have a disproportionate impact on children in street situations. States should ensure that their access to political and public space in which to associate and peacefully assemble is not denied in a discriminatory way.”⁶¹ Policing measures “should not be applied on a group or collective basis. This means that harassment, violence, round-ups and street sweeps of children in street situations [...], or other interventions that restrict or interfere with their rights to association and peaceful assembly, contravene [CRC] Article 15(2).”⁶²

“For children in the deep south like me, if the police want to check our identity cards, we are obliged to do so whenever, wherever. They may call asking us to go to the police station. These became the norm in daily life even without the assembly.”

(19-year-old woman, Thailand)

Exceptional restrictions allowed: As with adults, children’s RFPA is not absolute. CRC Article 15(2) sets out strict conditions for its limitation. Restrictions are only allowed if they are “in conformity with the law”⁶³ and “necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals⁶⁴ or the protection of the rights and freedoms of others.” Restrictions should always be the exception and a last resort. “States should always be guided by the principle that the restrictions must not impair the essence of the right.”⁶⁵ The principle of legality requires that limitations on rights must not be arbitrary and must comply with the international rule of law. They should be proportionate to the evaluated risk, applied in a non-discriminatory way, have a specific focus and duration, and take the least intrusive approach possible to protect the public. The onus is on the authorities to justify any restrictions. Regarding proportionality, “[t]he extent of the interference should cover only the purpose that justifies it. Moreover, given that a wide range of interventions might be suitable, the least intrusive means of achieving the legitimate purpose should always be given preference.”⁶⁶ Given that children face particular challenges in enjoying their RFPA, and given that states have an obligation to take additional measures to facilitate the RFPA by historically discriminated groups, including children, the threshold for what is considered to be a disproportionate restriction or interference with children’s RFPA may be crossed earlier than for adults. The fact that any restrictions must be ‘precise’ means that LEOs will not have ‘unfettered or sweeping discretion’ in enforcing them.⁶⁷ LEOs will require capacity-building in this regard (see [Section 3.7](#)). Restrictions introduced on the grounds of ‘public health’ in response to the COVID-19 pandemic had an enormous impact on civic space globally, drastically restricting children’s RFPA. However, it would appear that many of these restrictions did not conform with international human rights law.⁶⁸ For example, they were often applied in a discriminatory manner: certain assemblies were restricted whereas others with a different message were facilitated.⁶⁹ Assembly participants around the world were arrested under pandemic rules.⁷⁰ There is a significant gap in both the research and substantive jurisprudence regarding the justification and implementation of the permissible restrictions on children’s civil and political rights.⁷¹

Derogation in times of emergency:⁷² Even in conflict zones and occupied territories, children’s RFPA is not automatically suspended. It may be very dangerous for children to assemble in such areas, depending on the specific locations where military operations are taking place at any given time, but their RFPA remains. In theory, states are permitted to derogate from the RFPA in cases of public emergency that threaten the life of the nation. The derogation must be officially and lawfully proclaimed in accordance with both national and international law. Emergency powers must be used only for legitimate goals, not used as a basis to quash dissent, silence the work of human rights defenders (including children) or journalists, deny other human rights or take any other steps that are not strictly necessary to address the emergency situation. Any restrictions on children’s RFPA in emergency situations should be of an exceptional and temporary nature and limited to those that are strictly required by the exigencies of the situation, and only when, and as long as, they are not inconsistent with the government’s other obligations under international law.



Young activists demanding climate action in the city of Barishal (Bangladesh, 2021).

2.5 Key principles of policing assemblies involving children

Four key principles are particularly relevant to human rights compliant policing of assemblies, including those involving children: **knowledge**, **facilitation**, **communication** and **differentiation**.⁷³ These principles are mutually reinforcing. They are summarized here and further elaborated in **Sections 3, 4 and 5**.



Knowledge: In order to adequately prepare for an assembly, LEOs must find out about the various groups taking part. Understanding organizers' and participants' values, intentions, goals, expectations, history (including previous assemblies), relations with other groups, individuals who may be considered a source of risk, and other elements that have a special symbolic meaning enables LEOs to facilitate the assembly's legitimate goals and be aware of what kind of police action may be perceived as offensive or provocative, with a view to preventing conflict. When children organize assemblies, LEOs should treat them with respect, listen to them and take them seriously, use child-friendly communication including simple language, be prepared to explain things patiently and ask questions to ensure both sides understand each other, and not assume that only adult organizers are capable of making decisions about the assembly. For all assemblies, whether organized by adults or children, LEOs should seek to find out if children are likely to be present in any capacity: of their own volition, strongly influenced or decided by others, and/or as bystanders. This will help to inform policing approaches and tactics.



Facilitation: The overall aim of the policing of assemblies should be to protect and facilitate people's RFPA while protecting public order and the safety and security of other people. LEOs should assume that most people who are part of an assembly, including children, will have peaceful intentions. By making it easier for organizers and participants to achieve their goals, LEOs can not only avoid violence, but also get support from participants in order to reduce the potential for disorder and to be able to respond effectively to any disturbances. This applies regardless of whether the organizers and/or participants are adults or children. If there is a risk of unrest or violence, it is particularly important to clarify and inform organizers and participants, through child-friendly communication, why restrictions are necessary and to suggest alternative ways for participants to achieve their goals.

"The protest at my hometown went so well. The police helped facilitate logistics like giving us water, managing the traffic and explaining the direction to drivers."

(19-year-old woman, Thailand)



Communication:⁷⁴ Communication should drive the overall policing approach through all phases of an assembly, seeking to establish and maintain trust between LEOs and assembly organizers and participants, including children, to prevent conflicts from occurring through dialogue and mediation, as well as to de-escalate and peacefully settle any conflicts. Active, respectful, calm and child-friendly communication by the police with assembly organizers and participants can help facilitate children's RFPA and the work of the police, as well as reduce the risk of violence. All LEOs present at an assembly must be able to communicate with and inform participants and bystanders, including children, about policing intentions. Child-friendly communication skills are therefore needed by all such LEOs in general, not just the few officials designated to liaise with child organizers. See also **Sections 3.5 and 4.1** in relation to non-verbal communication.

"We need to communicate with their chief. Since these assemblies are respectfully planned, it would be great for them to help us out instead of driving us away."

(22-year-old young man, the Philippines)



Differentiation: Assemblies can consist of many different groups, with differing agendas and goals, and with different opinions about LEOs. Children may organize themselves into one or more identifiable ‘groups of children’ within an assembly, for the purposes of visibility, advocacy and/or peer support. Alternatively, children may be dispersed throughout an assembly, as individual participants, or alongside adult participants, or as bystanders. LEOs should not regard and treat all children as belonging to one single, like-minded group. Nor should they regard and treat all children within a group as if they were the same and, also, potentially dangerous. “A group of people is never homogeneous from the beginning, but may begin to behave as such if they are treated as a single entity. [...] If one individual initiates a conflict, it is important that the [LEOs’] reaction to this does not lead to others being drawn into the conflict.”⁷⁵ LEOs should differentiate as much and for as long as possible between those individuals – adults or children – who are engaged in violence and those adults and children who wish to assemble peacefully.

“I didn’t have the impression that the police dealt with the young people in a different way. However, I would have liked the police to be a bit more careful with us, because we are not yet adults. The police are sometimes strict and harsh in their behaviour.”

(Girl, Germany)



Fridays for Future demonstration for climate action, led by youth climate activists and organized on the side-lines of the 2021 UN Climate Change Conference (COP26) (United Kingdom, 2021).

2.6 Recommendations

States should:

- i. Thoroughly **review their legislative, policy and procedural frameworks** which govern the RFPA and make them compliant with international human rights law, taking into account specific recommendations throughout this paper relating to children.
- ii. **Remove from domestic legislation, policies and procedures:** blanket bans on assemblies; bans on assemblies that are unlimited in time; age-specific barriers to children organizing or participating in assemblies; requirements for parental/guardian consent to join an assembly; status offences, anti-social behaviour orders, curfews and truancy laws that prevent children's RFPA; provisions that discriminate against certain groups such as children in street situations; and any other provisions unduly limiting children's RFPA or placing additional limits on children's RFPA compared to those placed on adults.
- iii. Ensure that any **restrictions on children's RFPA are exceptional and comply with international human rights law**. Restrictions must be lawful, proportionate, non-discriminatory, time-limited, precise, take the least intrusive approach possible to protect the public, and they must be necessary in a democratic society, 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.
- iv. Ensure that any **restrictions on children's RFPA in emergency situations** are exceptional, temporary, consistent with the government's other obligations under international law, and limited to restrictions that are strictly required by the exigencies of the situation. These restrictions must be subject to ongoing legislative and judicial oversight and review, as well as review by civil society. When responding to assemblies during a state of emergency, ensure that emergency measures are not used to circumvent the protection of non-derogable rights, including the right to life, freedom from torture or cruel, inhuman or degrading punishment, the right not to be convicted or sentenced to a heavier penalty by virtue of retroactive criminal legislation, the right to recognition of everyone as a person before the law, and the right to be free from arbitrary deprivation of liberty. Respect the fundamental principles of a fair trial. Provide effective remedy for violations of children's rights when exercising their RFPA in emergency situations.
- v. Provide children with accessible and age-appropriate information at all stages of the decision-making process and **actively seek children's views and take these into account** when considering introducing restrictions on children's RFPA.
- vi. **Explain to children**, in accessible and child-friendly ways, how any restrictions on their RFPA comply with international human rights law, how these restrictions are justified in the context of CRC Article 15(2), and which measures were first explored but rejected before falling back on restrictions as a last resort.
- vii. Ensure that any justifiable restrictions – and associated policing – are **not applied in a discriminatory manner**, for example against a particular group of children.
- viii. Ensure that **LEOs do not have unfettered or sweeping discretion** in enforcing any justifiable restrictions.
- ix. Take positive measures to **protect children who want to exercise their RFPA from harm** – by LEOs and by third parties, including *agents provocateurs* and counter demonstrators.
- x. Build the capacity of LEOs to understand how the **general principles of policing assemblies** (knowledge, facilitation, communication and differentiation) apply to assemblies involving children, and to implement these principles in practice in a way that respects child rights during all stages of assemblies.



Adolescents and young people take part in a demonstration demanding political reforms, in Tunisia. (Tunisia, 2011).

3. Before an assembly (planning phase)

As explained above, states have overall obligations to respect, protect and fulfil children’s RFPA, through harmonizing domestic legislation in line with the CRC ([Section 2.3](#)), eliminating or reducing restrictions to children’s RFPA to exceptional cases in line with CRC Article 15(2) ([Section 2.4](#)), and establishing a framework for the policing of assemblies based on the principles in [Section 2.5](#). This provides the overall enabling environment for LEOs to police assemblies involving children in a rights-respecting way. However, it is worth exploring in more detail some specific aspects that will support the positive implementation of this framework in practice, from a LEO perspective. This section includes ongoing, longer-term actions (such as awareness and capacity-building for children and adults on children’s RFPA in general) as well as shorter-term actions to facilitate the planning of specific assemblies involving children.

3.1 Build children’s capacity – as rights-holders – to exercise their RFPA

Children’s RFPA and related rights must be included in the child rights education all children receive, in formal and informal education settings and public education campaigns, including specific tools to help children exercise their RFPA effectively and safely. Accessible, child-friendly, gender-transformative and diversity-responsive information on the RFPA should reach all children and child associations throughout the country, including children with disabilities, children living in poverty, indigenous children, those living in remote and/or rural areas, those who do not have access to the Internet, and those who are part of any other communities experiencing marginalization and discrimination. Action should be taken to facilitate and empower all children to exercise their RFPA positively, including by promoting the creation of safe channels for child-led activism online.⁷⁶ Children have highlighted that the public visibility and networking opportunities afforded by the digital environment can support forms of child-led activism and empower them as advocates for their rights.⁷⁷ Children’s associations and child-led activities offline as well as online should be enabled, protected and supported.

“First, we must know our rights in depth. When an adolescent knows his or her rights, such as the right to free expression and also the right to free assembly, he or she realizes that he or she also has the right to demonstrate.”

(Youth, Ecuador)

3.2 Build adults’ capacity – as duty-bearers – to empower children

In relation to children’s rights, the state – and anyone who works for the state, such as LEOs or state school teachers – is the *primary* duty-bearer, with legal responsibilities to respect, protect and fulfil children’s RFPA and associated rights. This paper is mostly concerned with the role of these primary duty-bearers, particularly LEOs. However, a broad range of other adults also play a significant role in children’s lives. Adults not in the employ of the state are considered to be *secondary* duty-bearers in relation to children’s rights. With this in mind, it is also necessary to include children’s RFPA and related rights in the child rights education that *adults* receive, for example in professional training and public education campaigns, so they can help children exercise their RFPA effectively and safely. This applies to parents, guardians, caregivers, professionals, teachers, civil society organizations and others in the context of their guiding role for children’s care and development.⁷⁸ “Facilitation of peaceful protest is the best means to ensure that it remains peaceful, and thus parents, teachers [and LEOs] should take pro-active steps in this regard.”⁷⁹

Education about child rights and support for adults is needed to counter paternalistic views of the child prevalent in many societies which constitute a major barrier to children's RFPA. Many children live in societies where speaking up is almost impossible – let alone speaking up for human rights and/or expressing views not approved by adults, or which are perceived to breach social and cultural norms. Girls in particular may be pressured not to organize or join assemblies under the pretext that activism is dangerous or not appropriate for them.⁸⁰ Adults close to the child therefore play a unique role in allowing and empowering children to understand and defend their rights. They should be strongly encouraged and supported to do so.⁸¹ This will include support for adults to overcome misunderstandings about child rights and to challenge social norms which are detrimental to children's rights. Article 5 of the CRC provides parents, guardians and community members with the right to provide children with 'appropriate direction and guidance' in relation to the exercise of their rights, in a manner consistent with their evolving capacities. As they develop, children will need less guidance and direction and will be able to exercise their rights with greater independence. States should assist parents and guardians with their responsibilities (CRC Articles 18 and 27). States should support families to protect and empower children to organize and participate in peaceful assemblies.

3.3 Make information accessible



In line with the policing principle of **communication (Section 2.5)**, LEOs and other adults involved in the organization of assemblies should clearly explain to children, in a child-friendly, age-appropriate and gender-sensitive way they can understand, their RFPA, and the laws and regulations regarding organizing and attending peaceful assemblies, including any (exceptional and legitimate) restrictions. LEOs and other relevant adults should help children understand what to expect, the benefits and risks of their participation, and enable them to make informed decisions, without threats or intimidation. LEOs should explain who will be responsible for different aspects of policing the assembly, including at command level, and the standard operating procedures – including law enforcement codes of conduct and the types of equipment routinely used. LEOs should explain how they have been trained and how they can be held accountable if something goes wrong.⁸² This information should be made available in places frequented by children, in person and online, and in written, visual and audio materials that can be understood by all children, including those who experience marginalization such as children with disabilities and children who speak minority languages. In line with **Section 3.2**, civil society, parents, guardians and other secondary duty-bearers can help LEOs to make RFPA information accessible and understandable for children. Children consulted for this paper identified access to information as one of the key barriers to their RFPA.

“What I think is missing for children for the demonstrations is information about what we are allowed to do and what we are not allowed to do. [...] I think that if they explained to us why we are not allowed to do certain things during demonstrations instead of just imposing them on us, we would be more inclined to accept them rather than oppose them.”

(17-year-old girl, France)

“I remember my elementary school days when I took a bike test at school. At that time, police officers came to my school and conducted this test together with us. I could imagine something similar for demonstrations. Every six months or once a year, police officers could educate children [...] on how to behave properly and safely at demonstrations.”

(Child, Germany)

“Acknowledge and inform the public about planned protests (on the website of the town, Twitter account), which helps people interested as they would know the police will be there and they have a plan to help the protest go smoothly.”

(17-year-old girl, USA)

3.4 Remove legal and procedural barriers



In addition to **facilitating** children's RFPA, removing legal and procedural barriers will also help LEOs to gain essential **knowledge** about the assembly that is being planned (**Section 2.5** policing principles).



LEOs and other relevant adults should make it easy for children to understand and comply with regulations regarding the planning of peaceful assemblies. "Freedom of peaceful assembly is a right and not a privilege and as such its exercise should not be subject to prior authorization by the authorities. [...] Any notification procedure should not function as a de facto request for authorization [...]"⁸³ In general, the Office for Democratic Institutions and Human Rights (Organization for Security and Co-operation in Europe) also advocates for 'notification' and not 'authorization' of assemblies.⁸⁴ Even within this context, spontaneous assemblies without notification are still protected under the RFPA.⁸⁵ If forms are required, they should be accessible, child-friendly, age-appropriate and gender-sensitive so they are simple to understand, including for children with disabilities. Forms should be available both online and offline, with the option to submit them in person, by post or online. Procedures should not: require children to be present in person to provide information or answer questions; require parent/guardian consent; charge a fee; instil fear or dissuade children from participating in assemblies or lead their families to refuse their participation due to fear of legal consequences; or intimidate children in any other way. LEOs should treat children with respect and courtesy when they ask for information and throughout the planning process. LEOs should help children to understand and complete the procedures, and be available during hours that suit children who attend school.

"We notified the police we would do the assembly, but we did not get any support. They told us not to go that way, not to go this way."

(14-year-old girl, Thailand)

3.5 Engage and communicate



Overall attitude: In line with the policing principles of **facilitation** and **communication** (**Section 2.5**), LEOs should always be forthcoming and should genuinely seek to cooperate with organizers, bearing in mind their duty to facilitate and protect peaceful assemblies.⁸⁶



"I think it is important that police are there to show their support to freedom of speech even if they don't support the cause. It is important for them to be watchful of how they interact with protesters and to make sure they are making them feel safe and let them know that their freedom of speech and right to protest are protected."

(17-year-old girl, USA)

Joint planning: LEOs should implement child-friendly communication procedures with child assembly organizers and participants. Joint planning – including risk assessment and consideration of differentiated protection needs and vulnerabilities – by LEOs, together with organizers of peaceful assemblies and, if possible, local authorities, is considered to be a good practice that may contribute to the success and protection of an assembly. However, the participation of organizers, including children, in such planning should never be made compulsory.⁸⁷

"Communication and dialogue by assembly organizers and participants must be entirely voluntary, and must not formally or informally impose on organizers an obligation to negotiate the time, place or manner of an assembly with the authorities. Such requirements would be tantamount to restricting the planned assembly."⁸⁸

Spontaneous assemblies are also protected under children's RFPA. In such cases, joint planning may not be possible prior to the assembly, but LEOs should still be prepared for such contingencies (ready to mitigate risks and protect children) and they should maintain the overall attitude of positive facilitation and communication with child organizers and participants of spontaneous assemblies. In the case of spontaneous assemblies where there is no clearly identifiable leader, LEOs should still facilitate children's RFPA and maintain positive and child-friendly communication with child participants.

"I am on the Youth Commission of our town. We work with the police. I have been able to talk to them before and after about their insights. Most of them have agreed that they do want to hear children's input and they want to understand how they can approach us and how we can feel safe and how they can support us and make sure that we feel comfortable in sharing our opinions and that we feel safe in attending these protests."
(17-year-old girl, USA)

"I think that it could be interesting to have an email or something to send them our questions if we have any, while waiting to have more explanations on what is legal or not. That way we can ask them what to do, what not to do and we can go directly to the police. We would avoid any outbursts and we would all be more serene."
(17-year-old girl, France)



General communication: Apart from joint planning, LEOs' overall **communication** (policing principle **Section 2.5**) and engagement with child assembly organizers and participants can help facilitate enjoyment of children's RFPA and the work of LEOs, help children feel safe, reduce the risk of violence, and de-escalate and peacefully settle any conflicts that do occur.⁸⁹ Furthermore, LEOs can play an important role in promoting a positive image of children who exercise their

RFPA, encouraging understanding and respect for the fact that many of these children act as human rights defenders⁹⁰ and activists to advance human rights, environmental justice and peace for all. Respect for children exercising their RFPA, and important information about the care of children during assemblies, should also inform how LEOs communicate on official social media and other platforms – before, during and after assemblies.

"Police should choose dialogue with respect instead of violent repression."
(Child, Argentina)

"I have the impression that the police quickly react very brutally and spend little time talking to the demonstrators beforehand."
(Child, Germany)

"In 2020 our police chief made a YouTube video he sent out acknowledging the police brutality and the protests. That really helped everyone understand that their voices were being heard – especially children [...]. He did say that he appreciated that children were going out and protesting. That helped children feel safe and heard. That's something they should keep doing."
(17-year-old girl, USA)

Community-oriented policing: "Effective communication depends on a relationship of trust. Law enforcement agencies should continually work on strategies to build trust with the communities they serve. The demographic makeup of law enforcement agencies should be representative of the whole community."⁹¹ With this in mind, LEOs must make particular efforts to engage with children, and especially with children who are marginalized and who have had a traditionally negative experience of LEOs. If children trust LEOs, they are more willing to cooperate with them, which in turn improves their effectiveness. The legitimacy of LEOs is crucial for building children's trust and confidence in their work and legitimacy can only be achieved by accountable policing.

"There is a big 'anti-cop' climate, which is understandable for some people when we see certain police blunders, so I think that there is really a relationship of trust to be rebuilt with the police because it is an institution that we need, but which is either badly represented or badly trained."
(17-year-old boy, France)

"The police came to my school for drug prevention and so on and I think it's great because we know them so when we see them it's not the same thing. We say hello to them so a relationship of trust is established, especially when we realize that most of them are very nice. We often tend to dehumanize them whereas they are people like us and most of them are very nice."
(15-year-old girl, France)

‘No surprises’: A ‘no surprises’ policy⁹² should be adopted whereby LEOs, from the planning stage, are clear and open with organizers and participants about the aims of the policing operation and the tactical approaches. In this way, children involved in assemblies know what to expect from LEOs, how LEOs will respond to certain situations, what type of behaviour they are likely to tolerate, when they will intervene, and how. Child participants in assemblies who are aware of expected action by LEOs are better empowered to adapt and respond to it and thereby avoid confrontation or potential risks. Points of contact can be designated for LEOs, and also for the assembly organizers, with whom children can communicate before or during an assembly.⁹³ Direct contact and dialogue should be the preferred way to address differences in views both before and during an assembly. Such dialogue might help to avoid the escalation of a conflict, the need to impose restrictions or recourse to the use of force. Consistent with the ‘no surprises’ policy, LEOs can communicate in advance with the general public, including children, by providing information about planned assemblies, the rights of demonstrators and counter demonstrators, the overall policing approach, safety and traffic issues,⁹⁴ and a ‘missing child’ plan that explains to children and adults what to do if a child goes missing during an assembly or is separated from their caregiver(s).

“The police officers make a very adult impression on me, that is why I am inhibited to approach them or to ask them for help. As a child, I also do not have the impression that this is one of the tasks of the police in the course of demonstrations. I would therefore welcome specially marked police officers who act as direct contact persons for children. With a differently coloured uniform and a special marking I would rather dare to contact them, without having to be afraid to obstruct the work of the police.”

(Girl, Germany)

Non-verbal communication: Communication is not limited to verbal communication. LEOs must be trained on the possible impact of any indirect communication that may be perceived by organizers and participants as intimidation, for example, body language and the presence or use of certain equipment.⁹⁵ This is especially relevant for children who can be more easily intimidated and even traumatized. During the planning phase, LEOs should assess what degree of ‘visible’ policing presence is required for different stages of a particular assembly. For example, if a highly visible policing presence might lead to tension, can the majority of LEOs be deployed more discreetly in side streets, within easy reach of the assembly, but out of the immediate sight of participants? Conversely, if organizers indicate that participants in a particular context would feel reassured by a visible policing presence, then LEOs should likewise take this into consideration during the (joint) planning.⁹⁶ LEOs should be equipped with necessary protective equipment in order to decrease the need to use force and weapons of any kind.⁹⁷ With better preparedness and protection, individual officers should have less need to resort to the use of force as a means of self-defence, and this can help to avoid a vicious circle of escalation.⁹⁸ However, a careful balance has to be achieved between the possible risks of insufficient protection and an unnecessarily confrontational appearance, the latter of which can be threatening and intimidating – particularly for children – and can therefore have a strong influence on the way an assembly develops. The military should not be used to police assemblies.⁹⁹ Their appearance at assemblies can not only have a particularly chilling effect on children, but they are likely to have minimal or no training on how to engage with children, let alone on human rights approaches and policing assemblies in general. LEOs must consider the aspects of non-verbal communication in advance of the actual assembly, as part of the planning stages.

“Their body language and where they are positioned says a lot. A lot of times guards are sectioning off where you can walk and where you can’t. That body language creates fear and tension.”

(Child, Argentina)

“At demonstrations, police officers do not convey the image of ‘friend and helper’, but rather act like soldiers who protect us, but also have a deterrent effect through their serious demeanour. In other professions, like at the cinema box office, employees are encouraged by their employers to smile in order to appear friendly and helpful. Perhaps police officers could be encouraged to look friendlier. A smiling police force would significantly lower the inhibition threshold for children to ask for advice and help. [...] Even if the individual police officers do not agree with the demonstrators in terms of content, their demeanour should always be friendly and open-minded.”

(Girl, Germany)

Communication and cooperation with other authorities: In cases where different law enforcement structures are responsible for the facilitation of an assembly (such as LEOs at national and municipal levels), and/or different units (such as criminal, public order and traffic LEOs), clear cooperation, command and communication in general is essential, as is a mutual understanding of specific child rights issues to take into account. “Clear command structures must exist to underpin accountability, as must protocols for recording and documenting events, ensuring the identification of officers and reporting any use of force.”¹⁰⁰ See also [Section 5.3](#) in relation to these issues. Communication and cooperation are also needed before, during and after assemblies with other relevant authorities and agencies, such as municipalities, authorities in charge of national security and counter-terrorism, fire and ambulance services and transport authorities.¹⁰¹ LEOs might also need to communicate and cooperate with child protection, education and other sectors relevant to children in this context. National and international exchanges of experiences and good practices relating to policing of assemblies involving children should be encouraged.

3.6 Design and apply specific measures for children

The state has a positive duty to protect children’s rights¹⁰² and must at all times act with an awareness that children may be present at an assembly and protect them from any harm that might be caused by law enforcement actions or by other members of the public, counter demonstrators or private security providers.¹⁰³ Supportive and protective measures for the general population cannot be expected to adequately address children’s specific rights and needs. LEOs and others often take the view that, in order to protect children, they need to be stopped from taking part in protests, rather than recognizing the positive obligations of the state to realize children’s RFPA. Special protection measures are therefore needed for children who are in the assembly or its vicinity to protect them from violence, abuse, and exploitation (CRC Articles 19, 32–38). This includes protection from harassment, intimidation and violence by state and non-state actors, and from being compelled to participate in assemblies. This extends to associated activities leading to, and following from, peaceful assemblies that are integral to making the exercise meaningful. The responsibility for protecting children in the context of peaceful assemblies cannot fall entirely on parents, guardians or other primary caregivers.



LEOs should include specific measures for children – both as participants and bystanders – in their planning. In line with the key principles of policing assemblies ([Section 2.5](#)), they should be planned with the objective of **facilitating** the assembly to take place as intended, with a view to minimizing/avoiding the need to resort to the use of force, and minimizing the potential for injury to any person or damage to property. “The plan should detail the instructions and equipment for and the deployment of all relevant officials and units.”¹⁰⁴ There is not only a need for ‘generic’ plans and training protocols¹⁰⁵ for the policing of assemblies *involving children*, to ensure their protection, but also specific plans and risk assessments for each particular assembly. This process should take into account the other policing principles of **knowledge** and **communication**, engaging with children (as organizers and participants) in line with [Section 3.5](#).



“I saw people get knocked over. There was a kid no older than 12 caught in the mass of it all. It was very eye-opening. I could tell they were very young. I don’t know if they came with their parents. It was scary someone so young was being treated like that. It wasn’t anyone’s fault; it was just the craziness of it all. It was scary and I’m hoping that as they grow older, it fuels them to want to use their voice and not push them down.”

(16-year-old girl, USA)

3.7 Build the capacity of LEOs and other relevant officials

States must proactively support LEOs and other relevant officials to respect, protect and fulfil children’s rights in relation to assemblies. LEOs bear great power and responsibility in these situations but it is unrealistic to expect them to act appropriately if they are not aware of and/or do not understand the theory and practice of children’s rights in relation to policing assemblies, and/or if they are not properly encouraged and supported by commanding officers and officials to make rights-respecting decisions (within the limits of their discretion) in often stressful situations when faced with large numbers of people where the mood of a crowd can change rapidly. The level of stress may be high and so, therefore, is the obligation on states to properly prepare LEOs and other officials for assemblies involving children. States should also counter any negative narratives, including by public officials, that may undermine LEOs’ ability to make rights-respecting decisions regarding the facilitation of children’s RFPA.

“Only [LEOs] trained in the policing of assemblies, including on the relevant human rights standards, should be deployed for that purpose. Training should sensitize officials to the specific needs of individuals or groups in situations of vulnerability, which may in some cases include [...] children [...], when participating in peaceful assemblies.”¹⁰⁶

The following steps need to be undertaken by those responsible for building the capacity of LEOs and other officials involved in policing assemblies:

- **Identify who needs to be trained.** This includes anyone likely to be involved in policing any assembly, based on the assumption that any assembly may include children as organizers, participants and/or bystanders: a) at different levels (national and subnational, including municipal LEOs where relevant); b) across different units/jurisdictions (‘regular’, ‘traffic’ and specialized ‘public order’ units of LEOs); c) at different levels of the hierarchy. Training should be targeted at those both giving and receiving orders, as well as those who will be involved in the different stages of planning, implementing and following up assemblies, including those handling complaints.

“Another reality is that they also have to comply with their obligations. [...] It would be good to provide training not only to the police officers, but also to the people who are in charge of them, because sometimes the police officers just say, ‘we are just following orders’”

(Child, Ecuador)

- **Identify opportunities to deliver this training.** This can include initial training, in-service training, and regular refresher training (to account for spontaneous/unannounced assemblies and especially prior to assemblies known to be taking place).
- **Develop and implement training.** This should build on existing training relating to policing of assemblies in general so as to include the *child rights-specific* components. It should make use of active learning methodologies such as role-play, discussion of realistic scenarios and lessons learned from actual case studies. As relevant for different target groups, content should include, for example:
 - A basic understanding of child rights and the child rights approach (attitudinal change; children should be treated as subjects, not objects; an understanding that rights are legal guarantees to ensure the best possible life, survival and full development for children; the role of rights-holders and duty-bearers; a basic understanding of child development, including children’s evolving capacities and brain development; the need to balance children’s protection with their evolving autonomy)
 - The four policing principles for assemblies through a child rights lens – **knowledge, facilitation, communication** and **differentiation**, including how to communicate effectively with children and coordinate with parents, guardians and other adults who play a significant role in children’s lives
 - How to plan the facilitation of an assembly as per **Section 3**, through a child rights lens – including information, communication, risk assessment, prevention and de-escalation of violence, and contingency-planning to facilitate spontaneous assemblies involving children

- How to communicate with children respectfully and in ways they understand, bearing in mind children’s evolving capacities, children with disabilities, minority languages, and children in marginalized situations, including children in street situations
- How to recognize and overcome unconscious bias in relation to certain groups of children (in relation to street situations, gender identity, sexual orientation, disability, racial or ethnic identity, refugee or migrant status etc.)
- Understanding the impact of non-verbal communication and how children’s reactions and fears may be different and/or greater than adults’
- Understanding the potentially more serious impact of the ‘chilling effect’ and the use of force on children (linked to physical injury and psychological consequences, including trauma)
- How to care for children when they are in need of assistance

3.8 Ensure appropriate use of equipment

This section refers to equipment in the context of planning – before an assembly. Equipment and the use of force is discussed in more detail in [Section 4](#) – during an assembly.

“All [LEOs] responsible for policing assemblies must be suitably equipped, including where needed with appropriate and fit-for-purpose less-lethal weapons and protective equipment.”¹⁰⁷ In addition, states “must ensure that all weapons, including less-lethal weapons, are subject to strict independent testing, and that officers deployed with them receive specific training, and must evaluate and monitor the impact of weapons on the rights of those affected,”¹⁰⁸ including children. “Law enforcement agencies must be alert to the potentially discriminatory impacts of certain policing tactics, including in the context of new technologies, and must address them.”¹⁰⁹ This includes potential discrimination against children. The capacity-building of LEOs and other officials should be informed by research on the impact of the use of crowd management tactics and equipment on children.



Three children who joined the Global Climate Strike in Barishal pose in front of the camera holding a poster (Bangladesh, 2021).

3.9 Recommendations

States should:

- i. Ensure that all children throughout the country, including the most marginalized, receive accessible, child-friendly, gender-transformative and diversity-responsive information on the RFPA as part of **child rights education initiatives** in formal and informal education settings and public education campaigns, in cooperation with civil society organizations as relevant. This information should **include practical tools to help children exercise their RFPA effectively and safely**, for example child-friendly versions of relevant procedures for organizing and participating in assemblies. Information should be available online and offline.
- ii. **Simplify any notification procedures** so they can be easily understood and used by children of different ages, including by marginalized children. For example: replace ‘authorization’ requirements with a ‘notification’ system, while still allowing for spontaneous assemblies; make notification forms simple and available both online and offline, with the option to submit them in person, by post or online; do *not* require parental/guardian consent, a fee, or for children to be present in person to provide information or answer questions.
- iii. **Enable spontaneous assemblies to take place.** Ensure that LEOs facilitate these with a positive attitude and communicate in child-friendly ways with child organizers and participants.
- iv. Include children’s RFPA and related rights in the **child rights education that adults receive in professional training and public education campaigns**, including for parents and guardians, in cooperation with civil society organizations as relevant. This education should aim to build the capacity of adults to support and empower children to exercise their RFPA.
- v. **Support children’s associations and child-led activities** in relation to the RFPA, both online and offline.
- vi. **Build public trust and confidence in LEOs**, particularly by marginalized children who may have had negative experiences with LEOs, through transparent and accountable community-oriented policing, including outreach and school programmes, and ensuring a demographic makeup of LEOs that represents the communities they serve.
- vii. **Not deploy LEOs to police assemblies who have not been trained for this specific purpose.**
- viii. **Not use the military to police assemblies.**¹¹⁰
- ix. Ensure that *all* LEOs involved in policing assemblies are **familiar with human rights standards relating to the RFPA**, sensitized to the presence of children and trained to identify them and adapt their interactions accordingly, including by treating children with respect and communicating in child-friendly ways.
- x. Proactively support LEOs and other relevant officials to respect, protect and fulfil children’s rights in relation to assemblies through **comprehensive training and capacity-building** based on the detailed steps and training content outlined in [Section 3.7](#), and informed by lessons learned and research on the impact of crowd management tactics and equipment on children.
- xi. Build the capacity of LEOs and other adults involved in the organization of assemblies to clearly **explain to children**, in child-friendly, accessible, age-appropriate and gender-sensitive ways, the laws and regulations regarding organizing and attending peaceful assemblies, including any (exceptional and legitimate) restrictions. Empower these adults to help children make informed decisions about their RFPA, in a respectful and patient way, without threats or intimidation towards children or their families. Encourage these adults to outline to children the benefits and risks of their participation, what to expect before, during and after an assembly, the standard operating procedures and types of equipment routinely used by LEOs, how LEOs have been trained, and how LEOs can be held accountable if something goes wrong.

- xii. **Develop ‘generic’ plans and training protocols** for the policing of assemblies involving children, as well as **specific plans and risk assessments** for each particular assembly.
- xiii. Introduce, as standard practice, **joint planning and risk assessing of peaceful assemblies**, between LEOs, local authorities and organizers – including children. The planning should always assume that children will be present, even if the event is not explicitly organized by or for children, so the selection of policing tactics must take into consideration children’s particular vulnerabilities, ensuring special measures for children as organizers, participants or bystanders to protect them from any potential harm from LEOs or other members of the public, counter demonstrators and private security providers. The planning should be undertaken in a spirit of cooperation and positive facilitation of peaceful assemblies, with a view to fostering dialogue and trust, de-escalating tensions, minimizing/avoiding the need to resort to use of force, and minimizing the potential for injury to any person or damage to property. The planning should use child-friendly communication, but with no obligation for the organizers, including children, to take part. The planning can help determine what degree of ‘visible’ policing presence is most appropriate for different stages of a particular assembly, ranging from highly visible to out of sight.
- xiv. Introduce as standard practice a **‘no surprises’ policy** whereby LEOs are clear and open with organizers and participants in advance about the aims of the policing operation and the tactical approaches, including what to expect from LEOs, how LEOs will respond to certain situations, what type of behaviour they are likely to tolerate, when they will intervene, and how.
- xv. Encourage LEOs and assembly organizers to designate an **easily accessible point of contact on each side**, trained on child rights, with whom children can communicate before or during an assembly.
- xvi. Encourage LEOs to disseminate, through **official social media and other platforms**, practical information about assemblies that are going to take place, the rights of demonstrators and counter demonstrators, the overall policing approach, safety and traffic issues, and a ‘missing child’ plan.
- xvii. Ensure that LEOs **communicate respectfully with or about children** exercising their RFPA and encourage LEOs, especially high-ranking LEOs, to promote a positive image of these children.
- xviii. Ensure clear communication, cooperation, command structures, reporting/documenting protocols and mutual understanding of specific child rights issues for the policing of assemblies – **between law enforcement structures at different levels** (national and municipal) **and/or across different units** (criminal, public order and traffic).
- xix. Ensure clear communication and cooperation before, during and after assemblies, and mutual understanding of specific child rights issues – **between LEOs and other relevant authorities and agencies** (municipalities, national security and counter-terrorism agencies, fire and ambulance services, transport authorities, child protection and education sectors etc.).
- xx. Facilitate **national and international exchange of experiences and good practices** relating to the policing of assemblies involving children.
- xxi. Ensure that LEOs are trained on the possible **impact on children of non-verbal communication** such as their body language and the presence or use of certain equipment which may be perceived as intimidating or have a ‘chilling effect’. Maintain a balance between the amount and type of protective equipment LEOs need, to avoid resorting to force and weapons, and portraying an unnecessarily confrontational appearance.
- xxii. Ensure that all **weapons**, including less-lethal weapons, are subject to strict independent testing regarding their impact on children – taking into account the views of children and medical professionals. Ensure that the results are made publicly available, that LEOs deployed with them receive specific training, and that the impact of weapons on the rights of children continues to be monitored and evaluated.



Delegates from the Zambian Children's Climate Conference, where nearly 200 children were empowered to become agents of change in their communities (Zambia, 2010).

4. During an assembly

The analyses included in the following sections must be seen in the context of the overall legal framework and enabling environment set out in [Sections 2 and 3](#). Particular importance must be given to the collaborative planning process to ensure that some of the issues included here (such as use of force, arrest and detention) are avoided to the greatest extent possible.

“Police should resort to dialogue, because it is the best tool to solve any kind of problem.”

(Child, Ecuador)

4.1 Children’s perception of LEOs

Children’s experience of assemblies is deeply influenced by their perception of LEOs, and this varies in different parts of the world. In some contexts there is a deep distrust in LEOs who are seen as agents of repression, using unnecessary force rather than facilitation. Elsewhere LEOs are seen as passive or indifferent to the rights of citizens. In some positive cases, children see LEOs as protectors representing safety.

“The police are not well regarded here, and they’re aware of this. They’re lying when they say we attacked them; they arrived armed and shooting.”

(Boy, Bolivia)

“I want to say to them that they should be a role model for the people and younger generation, they must not show any violence because.... What if someone witnessed it and thinks that it is right? So they will do it too? Instead of being a model they are just ruining the image of their authority as police and the good policemen will be affected by it.”

(7-year-old girl, the Philippines)

“Here the police in the demonstration are not there to protect us, but rather to observe what things we do and if we create problems.”

(Child, Ecuador)

“I feel like they care because they go up to a couple of us and ask how we feel about it and if we truly believe in what we’re fighting for and they’ll say how they support us. Makes us feel like our voices are actually being heard.”

(16-year-old boy, USA)

In one country, children consulted for this paper noted that assemblies taking place in small communities (as opposed to regional or national capital cities) seem to lead to less violent interaction with LEOs. According to the children, this is rooted in the familiarity that is inherent to settlements of this type, where people tend to relate to each other more closely because they frequent the same spaces or have family or friendship ties. They noted that, in this context, suppressing an assembly would be an unlikely situation and they compared this peaceful approach where their local LEOs act ‘in an exemplary manner’ to the violence by LEOs they witnessed when attending assemblies in larger cities. This experience might not be relevant in all countries, but it reveals the wide range of children’s perceptions of LEOs, based on context, which varies not just between countries but also between cities, and likely also between individual children and individual LEOs.



Child-friendly policing

“The concept of ‘child-friendly’ policing denotes a practice that ensures when children come into contact with the police and the justice system, they are treated in a manner which is fair, appropriate and not harmful.”¹¹¹ Since children’s brains are in the process of developing, they are less emotionally and psychologically mature than adults, and therefore they are less likely to be able to assess the consequences of their actions. Their developing emotional and psychological maturity put children at risk of exploitation and abuse by LEOs and may also make children behave in a manner that may be different to what is expected of adults in response to an interaction with LEOs.¹¹² In addition, negative interactions with LEOs can lead to stigmatization, have a lasting impact on the development of children and incidents of violence and misconduct by LEOs create long-standing tensions and mistrust between the police and communities.¹¹³ As such, “it is of paramount importance that police engage with children in a child-friendly manner adapted to reflect the child’s mental capacity, stage of development, specific protection needs and which respects children’s rights.”¹¹⁴

4.2 Surveillance and children’s right to privacy

Overview:¹¹⁵ It is necessary to ensure that surveillance measures do not impair or violate children’s RFPA or other rights. The protection of children’s right to privacy (CRC Article 16) not only facilitates the enjoyment of the RFPA, but it is often a condition for its exercise. As confirmed by the Committee on the Rights of the Child, any interference with a child’s privacy must be “provided for by law, intended to serve a legitimate purpose, uphold the principle of data minimization,¹¹⁶ be proportionate and designed to observe the best interests of the child and must not conflict with the provisions, aims or objectives of the [CRC].”¹¹⁷ “Independent and transparent scrutiny and oversight must be exercised over the decision to collect the personal information and data of those engaged in peaceful assemblies and over its sharing or retention.”¹¹⁸ Examples of unnecessary and/or disproportionate use of surveillance include: monitoring the activities of individual peaceful demonstrators and keeping them under observation; using aerial surveillance to monitor protests and generate footage for future investigations against activists; and tracking protesters with biometric technologies, for example, facial recognition technology (FRT) and other systems that use human characteristics to identify individuals.

The digital environment: The links between privacy, assembly and freedom of expression – including in the digital arena – have been highlighted by the Human Rights Council.¹¹⁹ Indeed, surveillance and privacy can no longer be considered in isolation from the digital environment. Children may use digital platforms to organize, plan or simply receive information and generally communicate about assemblies, whether the actual assembly takes place in the digital environment¹²⁰ or in person. “The capacity to use communication technologies securely and privately is vital to the organization and conduct of assemblies.”¹²¹ For both online and offline assemblies involving children, surveillance and data capture, processing, storage and dissemination are likely to rely on digital technologies and platforms. While some surveillance technologies can be used to protect the public, including children, from threats of violence, they can also – especially when used inappropriately – violate the right to privacy of children, both as participants and bystanders, have a chilling effect, and dissuade children from using civic and online spaces to exercise their rights. Consequently, children may avoid visiting certain social media platforms, liking, sharing or re-tweeting posts, joining certain discussion groups, or even using certain words online to avoid attention. Given that “there is increased private ownership and other forms of control of publicly accessible spaces and communication platforms,”¹²² such as by Internet service providers, states are reminded of their obligation to protect the RFPA against abuses by non-state actors.¹¹² These issues need to inform a contemporary understanding of children’s RFPA.



Implications of state surveillance for children: In an issue brief examining this topic, UNICEF recommended the development of a normative framework and basic guidelines about the appropriate use of surveillance measures in relation to children based on seven principles:¹²⁴

1. Explicitly emphasize the necessity of protecting children’s rights to peaceful assembly and association in the digital environment that is free from state surveillance carried out by government authorities directly or in collaboration with private sector entities.
2. Underscore the importance of explicitly considering children’s needs and the impacts of digital surveillance when implementing monitoring or tracking measures.
3. Include a presumption against government surveillance of children with limited national security exceptions that are concrete, defined, and time-bound.
4. Encourage the development of technology that incorporates ‘privacy by design’ approaches that prioritize children’s privacy and agency.
5. Ensure accountability for state surveillance by authorizing independent judicial authorities to monitor against abuse and provide remediation as needed.
6. Recognize the particular vulnerabilities associated with state surveillance of historically marginalized, under-represented, and minority groups, and ensure that access and equity are key components in the design and use of relevant technologies.
7. Resist compelling individuals to use surveillance applications, programmes or systems unless validated by legality, necessity and proportionality tests.

Audio and visual surveillance: Live, non-recorded video or audio surveillance of assembly participants by LEOs may, under certain circumstances, be permissible, as the monitoring of public space could help LEOs to identify and respond to imminent threats to public safety, actual or imminent occurrences of criminal activity, and to facilitate peaceful assemblies. However, this does not constitute permission to record assemblies and keep records indefinitely.¹²⁵ Taking photographs and making video or audio recordings is more intrusive than monitoring via live, non-recorded surveillance: “while monitoring individuals in a public place for identification purposes does not necessarily give rise to interference with their right to private life, the recording of such data and the systematic processing or permanent nature of the record created and retained might give rise to violations of privacy.”¹²⁶ The United Nations High Commissioner for Human Rights recommends that states “refrain from recording footage of assembly participants, unless there are concrete indications that participants are engaging in, or will engage in, serious criminal activity, and such recording is provided by law, with the necessary robust safeguards.”¹²⁷ Even within this context, “recording peaceful assembly participants in a context and manner that intimidates or harasses is an impermissible interference to these rights [including the RFPA].”¹²⁸ LEOs should develop and publish a policy relating to their use of photography and filming at public assemblies¹²⁹ in a simple format that children can understand. Retaining children’s data just for participating in a peaceful assembly should not be allowed.¹³⁰ Children should be able to challenge state practices, via accountability mechanisms, which disregard their rights in the collection, analysis, storage and sharing of their data, and they should be able to call for the deletion of these data as necessary.

“I don’t think we should get our photos taken. It’s a matter of privacy. Anyone who’s taking videos or posting should ask for consent from whoever they are taking video or pictures of.”

(17-year-old girl, USA)

“Whenever the police enter the protesting area or take a photo, I feel unsafe.”

(16-year-old girl, Thailand)

Biometric identification, including FRT and other emerging trends: FRT uses cameras with software to match footage of people in public with images and data on a ‘watch list’. It is often unclear who might be on a watch list or where the authorities obtain the images included in their watch list databases. Biometric identification methods scan distinct, specific features, such as face shape (in the case of FRT), or body shape or walking style (in the case of gait recognition), to create a detailed biometric map – which means that being captured by these cameras is like a person being fingerprinted, without their knowledge or consent.¹³¹ Minority groups are particularly at risk of being targeted by biometric identification. This is not only discriminatory but threatens the safety of children who may rely on the anonymity of the crowd to protect them against possible retaliation, for example demonstrating in support of LGBTIQ+ movements in countries where homosexuality is criminalized or engaging in protests related to gender equality or challenging social norms. The United Nations High Commissioner for Human Rights has recommended that states should never use FRT to identify those peacefully participating in an assembly.¹³² The European Data Protection Board adopted guidelines on the use of FRT in the area of law enforcement, repeating calls for a prohibition on any use of artificial intelligence for automated recognition of human features in publicly accessible spaces – such as of faces but also gait, fingerprints, DNA, voice, keystrokes and other biometric or behavioural signals. “A ban is equally recommended on [artificial intelligence] systems categorizing individuals from biometrics into clusters according to ethnicity, gender, as well as political or sexual orientation, or other grounds for discrimination.”¹³³ States must be transparent and adopt robust regulation regarding use of biometric identification technology, including all aspects of collecting, analysing, storing and sharing data. They need to demonstrate that their use of these technologies is **legal, necessary and proportionate** to achieve a legitimate aim. Given the intrusiveness of such methods, the threshold for these tests should be especially high.¹³⁴ Relevant legislation “must be accessible to the public and sufficiently clear and precise to enable persons to foresee its application and the extent of the intrusion into someone’s privacy. Data protection law is necessary but insufficient to safeguard against abuse. [...] Modern standards of data protection recognize the need to afford enhanced protection to biometric data.”¹³⁵

Impact on children: The impact of surveillance may be particularly harmful to children and can have lifelong impacts. In relation to children’s RFPAs in the *digital* environment, the CRC Committee has stated that “[s]uch participation should not in and of itself result in negative consequences to those children, such as exclusion from a school, restriction or deprivation of future opportunities or creation of a police profile. Such participation should be safe, private and free from surveillance by public or private entities.”¹³⁶ These negative consequences can also result from inappropriate surveillance in relation to children’s RFPAs offline. These consequences may be disproportionately high for children compared to adults, and – for various reasons set out in [Section 1.6](#) – children may be less able to challenge authorities while data-collection is taking place, and/or to request the deletion of their data afterwards. The United Nations Special Rapporteur on the Right to Privacy’s 2021 report to the Human Rights Council focusing on children highlights: “Traditionally, the privacy rights of children have been regarded as an issue for adults to determine. Children’s privacy needs, however, differ from and can conflict with those of adults.”¹³⁷ The report includes recommendations relevant to children’s involvement in assemblies:

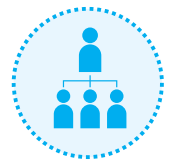
- “Ensure that children’s personal data is processed fairly, accurately, securely, for a specific purpose in accordance with a legitimate legal basis utilizing data protection frameworks representing best practice, such as the [European Union] General Data Protection Regulation and [Council of Europe] Convention 108+ [Convention for the Protection of Individuals with Regard to the Processing of Personal Data].”
- “Ensure that biometric data is not collected from children, unless as an exceptional measure only when lawful, necessary, proportionate and fully in line with the rights of the child.”
- “Prior to the linking of civil and criminal identity databases, undertake human rights impact assessments on the implications for children and their privacy, and conduct consultations to assess the necessity, proportionality and legality of biometric surveillance.”
- “Ensure that the personal data of children associated with terrorist or violent extremist groups are classified and shared only where strictly necessary to coordinate individual rehabilitation and reintegration.”¹³⁸

4.3 Containment, dispersal of assemblies and use of force and firearms

The aspects of containment, dispersal, and use of force and firearms are included together in this section as they may be interconnected in practice and their use by LEOs indicates that policing techniques have passed from facilitating peaceful assembly to crowd control.



Principles regarding the policing of assemblies: In line with the policing principles for assemblies ([Section 2.5](#)), all efforts must be made throughout the planning stages, and during the assembly itself, to prevent violence, de-escalate tensions and employ non-violent conflict resolution as much as possible. This will be done through **knowledge** and **communication**, aimed at overall **facilitation** of people's (including children's) RFPA, safety, security and the protection of public order. If, in spite of these efforts, violence within the assembly escalates to the point that LEOs need to intervene, then the fourth principle comes into play: **differentiation** → as much and for as long as possible between those individuals who are engaged in violence and those who wish to assemble peacefully, so that LEOs can continue to facilitate their RFPA. This requires that force, when necessary, should be directed against a specific individual or group engaged in or threatening violence¹³⁹ and should not be used indiscriminately or disproportionately, or against those who are not engaged in violent acts.



"When conflict does happen, it's usually a small group or one person, but it grows out of a response of fear among other people. If police are able to locate where it started and restrain them, but have a loudspeaker and ask people to stay calm rather than allowing things to blow out of proportion."

(17-year-old girl, USA)

"I think that the first thing should be to identify the problem and the people really involved, because there are people around that have nothing to do with it and they get caught in the problem. To identify who started the riot and separate those people from the rest, talk with them."

(Child, Argentina)

Principles regarding the use of force: Whereas there is no internationally agreed definition of the term 'use of force', the UNODC/OHCHR Resource Book on the Use of Force and Firearms in Law Enforcement defines it as "the use of physical means that may harm a person or cause damage to property."¹⁴⁰ Force is understood to include physical force both with and without instruments, weapons or equipment.¹⁴¹ The use of force must be guided by international standards as set out in the **Code of Conduct for Law Enforcement Officials** and the **Basic Principles on the Use of Force and Firearms by Law Enforcement Officials**. The UNODC/OHCHR Resource Book on the Use of Force and Firearms in Law Enforcement and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement provide detailed guidance based on these standards. The three core principles underpinning the use of force by LEOs are **legality**, **necessity** and **proportionality**. These are reflected in both in the Code of Conduct and the Basic Principles. The UNODC/OHCHR Resource Book also refers to the additional principles of **non-discrimination**, **precaution** and **accountability**.¹⁴² These six principles are reflected in the Human Rights Committee's General Comment No. 37 (2020) on the Right of Peaceful Assembly: "[LEOs] should seek to de-escalate situations that might result in violence. They are obliged to exhaust non-violent means and to give prior warning if it becomes absolutely necessary to use force, unless doing either would be manifestly ineffective. Any use of force must comply with the fundamental principles of legality, necessity, proportionality, precaution and non-discrimination [...] and those using force must be accountable for each use of force."¹⁴³

Implications of the principles in relation to children: In terms of **legality**, “[t]o prevent abuse, domestic law needs to define when [LEOs] may use force and for what purpose. In order to safeguard against arbitrary interpretation and abuse, the provisions must be clear and unambiguous [...]”¹⁴⁴ Such legislation should include provisions specifically in relation to children, taking into account the impact of force on children and how this may be different to the impact on adults due to children’s specific vulnerability to physical and mental harm (see below and throughout this section). Children by nature are less likely to present a serious threat and are more likely to suffer more serious consequences from the use of force. This has a direct impact on the principles of **necessity** and **proportionality** when it comes to children: less force is needed to deal with a child and the more serious effects of force on a child might more quickly outweigh the legitimate objective, leading to use of force having to be considered *disproportionate*. The safety and well-being of children is of such importance that state and LEO discretion should decrease when it comes to the use of tactics which are particularly harmful to children. In terms of **non-discrimination**, the legal and operational framework and practice regarding the use of force must respect the rights of *all* children and not discriminate against any particular individuals or groups. It is particularly important in this regard that capacity-building of LEOs challenges discriminatory social norms and unconscious biases that result in negative stereotypes and prejudice towards certain children (see also [Section 3.7](#) on capacity-building). In terms of **precaution**, consistent with the principles regarding the policing of assemblies in general, and as discussed in [Section 3](#) on planning, LEOs at all levels must take precautions to avoid or minimize the use of force. This is particularly important for children, given their greater vulnerability to physical and mental harm and the significant power imbalance that exists between them and LEOs. See [Section 5.3](#) for details on **accountability** in relation to the use of force against children in the context of assemblies, including criminal and disciplinary sanctions against LEOs in cases of abuse, the need for LEOs to be clearly and individually identifiable during assemblies, the importance of police command structures, and liability in relation to LEOs who give orders and those who follow them (5.3 subsections on ‘accountability’ and ‘effective investigations’).

Children’s specific vulnerability to physical and mental harm: At a time when their bodies and brains are still in the early stages of development,¹⁴⁵ children can greatly benefit from being involved in peaceful assemblies as this contributes positively to their education and increases their sense of agency. However, they may be particularly vulnerable to harm and at greater risk of long-term physical and psychological consequences than most adults, if exposed to negative experiences. (See also [Section 3.6](#) on the need to proactively develop and apply special protection measures for children). “Children experience pain and suffering differently to adults owing to their physical and emotional development and their specific needs. In children, ill-treatment may cause even greater or irreversible damage than for adults.”¹⁴⁶ Some of the children consulted for this paper have long-term mental health impacts as a result of use of force by LEOs.

“I was paranoid about having the police stalking me all the time. When I saw a police officer or a police car pass by my house, I was worried whether they would come to my house. I was really scared. The noise of knocking on the door made my heart beat.”

(13-year-old boy, Thailand)

“One day, my friend, 17, went to the protest with a group of friends. He got attacked by tear gas. [...] He is now having symptoms of anxiety disorder. He doesn’t want to be involved with any protest or movement at all. He became quiet, did not talk to anyone and got depressed. He became passive, not speaking about political movements any longer.”

(Child, Argentina)

The remainder of this section discusses techniques used during the policing of assemblies and their impact on children.



Children consulted for this paper reported the use by LEOs of batons, water cannons, tear gas, rubber bullets and the throwing of solid objects like rocks. Flashlights were used to throw at, hit on the head, or shine into the eyes of protesters. Movement was blocked by fences, barbed wire and shipping containers. Sirens were used to disperse people and prevent them from speaking out.

Containment ('kettling'): This is when LEOs encircle and close in a section of the participants. It may be used only when it is necessary and proportionate, in order to address actual violence or an imminent threat emanating from this section.¹⁴⁷ "Particular care must be taken to contain, as far as possible, only people linked directly to violence and to limit the duration of the containment to the minimum necessary. Where containment is used indiscriminately or punitively, it violates the right of peaceful assembly, and may also violate other rights such as freedom from arbitrary detention and freedom of movement."¹⁴⁸ The Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association has described kettling as "intrinsically detrimental to the exercise of the [RFPA], due to its indiscriminate and disproportionate nature."¹⁴⁹ In reality, people may often be held for prolonged periods with no access to food, water, shelter or toilets.¹⁵⁰ The impact of this is also related to the weather conditions in which it takes place. Among those contained may be children who have become separated from their parents or guardians or who have difficulties finding assistance in crowded circumstances. Every effort must be made to identify children who may be caught in the containment 'net' and help them to move outside the containment area. Children in 'kettling' situations may experience panic and potential physical harm when they cannot find a way out of the crowd and are at risk of being crushed due to their often-smaller stature than adults. Certain barriers commonly used by LEOs are more dangerous to children. Fences with barbed wire, razor wire or any other spiked barrier create an ongoing indiscriminate and disproportionate risk of unintentional or unwarranted injury, which disproportionately affect various groups, including children, due to their generally small stature.

"In one case, I was encircled while water cannons were used at the same time. I could not move to the side, but only in the direction of the police officers."

(Girl, Germany)

"It was late at night and there was no escape route at all. We were blocked and surrounded by police troops. At the end of the assembly, we had to find the way out through the express way. They kept throwing tear gas and didn't let us leave."

(13-year-old boy, Thailand)

"On that day, the police blocked all escape routes forcing us to leave through only one route which was full of crowd controls, shipping containers and tear gas. No warning at all."

(16-year-old girl, Thailand)

Dispersal: An assembly can be dispersed only in exceptional circumstances if it is no longer peaceful (such as when violence is widespread and serious) or if there is clear evidence of an imminent threat of serious violence that cannot be reasonably addressed by more proportionate measures, such as targeted arrests. An assembly that remains peaceful while nevertheless causing a high level of disruption, such as the extended blocking of traffic, may be dispersed, as a rule, only if the disruption is 'serious and sustained'.¹⁵¹ One of the child-specific concerns related to dispersal is the risk of children being separated from their accompanying adult or caregiver as a result of the measure. Instructions to the assembly should be provided well in advance to allow children time to react, and delivered in a calm, clear and simple manner that children can hear and understand. As much as possible, LEOs should identify children and give them additional help to safely leave the area. LEOs, participants and bystanders should be made aware of the 'missing child' plan developed during the planning stages so that everyone knows what to do if a child is lost or is separated from a caregiver. LEOs should also provide assistance to any injured child. People with limited mobility or slow reaction time, including children, may be particularly vulnerable when horses are used to disperse a crowd.

"Another problem is that the instructions of the police are not communicated loudly enough. Demonstrators who stand further away, for example, do not have the opportunity to hear the instructions of the police at all. This can lead to misunderstandings in communication between the police and the demonstrators. Here, the technical [communications] equipment could be improved so that the use of water cannons, for example, can be prevented."

(Girl, Germany)

"The police did not give us any time to leave the place of the demonstration after it was broken up. Here, no distinction was made between adults and children. Moreover, all the ways were blocked. After that, the police used water cannons to disperse the people. [...] The use of the water cannons caused panic and everyone just ran around. I think the police could have done a better job and paid more attention to us. It's clear that children don't understand police instructions as quickly as adults, for example."

(Girl, Germany)

Range of types of force: “[LEOs] should be trained in solving conflicts without having to resort to using force, and when they do have to resort to force, they should be able to choose among a range of types of force in order to opt for the minimum force necessary to achieve the required objective and ensure that such use of force is proportionate to the threat faced, and scale up when needed or down whenever the situation allows [...]”¹⁵² Given that less force is needed to deal with a child (principle of necessity) and that using force against a child has a high likelihood of being disproportionate (principle of proportionality), the training of LEOs should explicitly emphasize that any use of force against a child must be a last resort and that, within this context, the importance of ‘scaling down’ and ‘opting for the minimum force necessary’ takes on particular significance in relation to children. The UNODC/OHCHR Resource Book identifies a non-exhaustive list of the more commonly used types and instruments of force in law enforcement:¹⁵³

- **Not using instruments:** open-hand techniques, such as a raised open hand or pushing someone back with the palm of the hand; pressure point techniques; body impact (pushing); hard empty hand techniques, such as holding someone’s arm behind the back; closed hand techniques (fists).
- **Using instruments:** sticks, batons, truncheons; use of shields to push people back; handcuffs and other restraints; chemical irritants, such as ‘pepper’ spray and tear gas; water cannon; dogs and other animals; electroshock weapons, including stun guns, batons and ‘tasers’; kinetic impact weapons, such as baton rounds or rubber bullets, bean bags; firearms.

To this list may be added, for example, disorientation devices (including dazzling weapons), acoustic weapons, the use of remotely-operated vehicles (including drones) to deploy weapons, and weapons under development and/or which may not yet have been used in the policing of assemblies such as directed energy weapons.¹⁵⁴ In relation to all of these, states “must ensure that all weapons, including less-lethal weapons, are subject to strict independent testing, and that officers deployed with them receive specific training, and must evaluate and monitor the impact of weapons on the rights of those affected. Law enforcement agencies must be alert to the potentially discriminatory impacts of certain policing tactics, including in the context of new technologies, and must address them.”¹⁵⁵ Law enforcement policies, instructions and operations must give special consideration to those who are particularly vulnerable to the harmful consequences of the use of force in general and to the effects of specific less-lethal weapons. Such persons include children, among others.¹⁵⁶

Less-lethal weapons – overview: Some of the instruments listed above are generally referred to as ‘less-lethal weapons’, although there is no internationally agreed definition of this term.¹⁵⁷ The United Nations Human Rights Committee’s General Comment No. 36 on the right to life states that “less-lethal weapons must be employed only subject to strict requirements of necessity and proportionality, in situations in which other less harmful measures have proven to be or clearly are ineffective to address the threat. States parties should not resort to less-lethal weapons in situations of crowd control that can be addressed through less harmful means, especially situations involving the exercise of the right to peaceful assembly.”¹⁵⁸ In such situations, LEOs should particularly look out for children and seek to protect them as far as possible against the harmful effects of these weapons, for example by guiding them away from harm and not directing the weapons where they can see children. When using less-lethal weapons with indiscriminate effects, such as tear gas and water cannons, all reasonable efforts should be made to limit risks, such as causing a stampede or harming bystanders, including children. They should be used only as a measure of last resort, following a verbal warning, and with adequate opportunity given for assembly participants, including children, to disperse.¹⁵⁹ These weapons should not be used in closed spaces, schools or residential areas, and should not be used to punish children or discourage them from taking part in assemblies. The use of such weapons should be minimized and used only when there is widespread violence in assemblies when it is not possible to contain the violence by dealing with violent individuals alone.¹⁶⁰

Use of devices or weapons that can cause harm: The remainder of this section illustrates the impact of a (non-exhaustive) selection of devices and weapons on children in the context of policing assemblies

- **Disorientation devices and acoustic weapons:** The Committee on the Rights of the Child has expressed concern at certain measures intended to deter protests, such as the use of “**high frequency ultra-sound [...]** **devices** and other harmful devices” during public demonstrations.¹⁶¹ The Committee found that high frequency devices are “particularly painful for children”¹⁶² due to the fact that children are more sensitive to them, and has recommended that one state party “prohibit the use in public spaces of acoustic devices used to disperse gatherings of young people (so-called ‘mosquito devices’).”¹⁶³ Harmful devices and weapons should never be used to prevent children from taking part in assemblies. In general, high frequency ultrasound devices should not be used in public assemblies since their impact and risks have not yet been sufficiently established.
- **Blunt force weapons:** The use of batons and other similar instruments is more harmful to children due to their thinner muscle mass. It is important to note that elements of LEOs’ equipment are sometimes used as instruments of force, even when this is not their primary use.
- **Kinetic impact projectiles** aimed at lower parts of the bodies of adults might still hit children in sensitive areas. Research has found that children sustained severe injuries more often than larger individuals, “particularly to the skull, eyes, brain, lungs, liver and spleen.”¹⁶⁴

“...a new type of rubber bullet created a bad wound.”

(16-year-old girl, Thailand)

- **Chemical irritants:** Certain groups are particularly at risk from the effects of chemical irritants. For these groups, including children, chemical irritants may be life-threatening.¹⁶⁵ Children with asthma, obstructive airway disease or bronchopulmonary disease are particularly vulnerable to chemical irritants such as tear gas.¹⁶⁶ According to the American Academy of Pediatrics, “a child’s smaller size, more frequent number of breaths per minute and limited cardiovascular stress response compared to adults magnifies the harm of agents such as tear gas.”¹⁶⁷ Chemical irritants should never be used “as a means of dispersing a peaceful assembly, where there are older people, children or others who may have difficulty in moving away to avoid the chemicals, in confined spaces or in sports stadiums where exits are restricted and there is a danger of crush injuries.”¹⁶⁸

“After tear gas exposure, I felt like someone dropped peppers mix up with wasabi and Sriracha sauce into my throat. It was painful. Through a small leak on the side of my gas mask, the smoke could get in. It affected my brain. I almost fainted.”

(14-year-old girl, Thailand)

“The police shot water cannon laced with purple dye and an apparent tear gas chemical. The police did not say anything before shooting. I was injured from inhaling tear gas. I was vomiting and I had to go to the hospital.”

(13-year-old boy, Thailand)

“I don’t understand why tear gas is necessary. I think police should really think about why they are using that. Maybe they have police above them telling them to use it, but why are they doing that? I don’t see a situation where using that is justified.”

(14-year-old girl, Thailand)

- **Electric shock weapons:** Children are also more vulnerable to projectile electric shock weapons than adults. Cardiac capture and internal injury from chest-penetrating barbs may be more likely to arise in children as their body wall is generally less thick and the heart will generally be closer to the source of discharge.¹⁶⁹ “Children [...] may also be at greater risk of injury to sensitive structures in the head and neck regions due to the closer proximity of these structures to the most commonly used point of aim (the frontal chest).”¹⁷⁰ Because of the impact of electric shock weapons, the Committee on the Rights of the Child,¹⁷¹ the Committee Against Torture¹⁷² and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment¹⁷³ have recommended the prohibition of their use on children.

“In our high school there was a blockade two weeks ago [...]. I arrived a little later when it had already degenerated: one student was tasered, others ended up on crutches. The police knew that we were all minors or that we were all from the high school, there was no one from outside, and yet there was still a lot of violence, I don’t know if they were really aware of what they were doing, I don’t know, but in any case, they didn’t pay attention to our age.”

(15-year-old girl, France)

- **Firearms** are not an appropriate tool for the policing of assemblies.¹⁷⁴ Firearms should not be used to disperse an assembly, even in cases where there are ongoing acts of violence.¹⁷⁵ In the context of assemblies, firearms can only be used where there is an “imminent threat of death or serious injury” to the LEO or to a third person (known as the ‘protect life principle’) and “only when less extreme means are insufficient to achieve these objectives”¹⁷⁶ and this must be limited to targeted individuals.¹⁷⁷ “Given the threat that such weapons pose to life, this minimum threshold should also be applied to the firing of **rubber-coated metal bullets**.”¹⁷⁸ The United Nations Code of Conduct of Law Enforcement Officials states: “The use of firearms is considered an extreme measure. Every effort should be made to exclude the use of firearms, especially against children.”¹⁷⁹

“When they have their hands on their firearms when nothing is happening it does kind of create a scary situation.”

(17-year-old girl, USA)

“There was a feeling of uncertainty when they would grab their firearms for no reason.”

(16-year-old girl, USA)

“They were armed and they were aiming at all of us [...] that is, they had the gun as if they had us in their sights like that, but they didn’t shoot. Still, there was fear because sometimes they would lower the guns and then raise them again as if to intimidate, I don’t know, but the thing is that it was really scary that they were aiming at you. Because you didn’t know if it was a BB gun [a gun that uses air pressure to fire small metal balls] or a real one.”

(18-year-old young man, Chile)

“Bullets started flying over the plaza, and one of our schoolmates was hit in the leg.”

(19-year-old woman, Chile)

“When they were identifying the dead, there were two children there, covered over.”

(Boy, Bolivia)

“I saw my friend crying because his brother had been killed. I didn’t believe him, but I just saw his photo (among the photos of the dead) on the walls. I got upset because I knew him.”

(Boy, Bolivia)

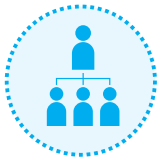
4.4 Arrest and detention of children

“A student leader, [...] they arrested her. She was a minor, and there are photos of that moment. They dragged her on the floor and took her away violently. (17-year-old boy, Chile)”

(17-year-old boy, Chile)

“During the dispersal, I was at the minimart when seven police officers in uniform came up to me. The one with a megaphone requested to check my bag and my ID card and then informed me that he needed to investigate me. He took me to the car saying he would take me to the police station. I argued with him refusing to go. He then said he has power to investigate me without summons or a lawyer.”

(14-year-old girl, Thailand)



As with adults, children should never be sanctioned for participating in peaceful assemblies, i.e. for exercising their RFPA. Even when assemblies turn violent, nobody, including children, should be subjected to group sanction, arbitrary and unlawful arrests or detentions, which may constitute unlawful or arbitrary deprivation of liberty of the child in violation of CRC Article 37(b). **Differentiation:** “[I]solated acts of violence by some participants should not be attributed to others, to the organizers or to the assembly as such.”¹⁸⁰ “While organizers should make reasonable efforts to comply with the law and to encourage peaceful conduct of an assembly, organizers should not be held responsible for the unlawful behaviour of others.”¹⁸¹

If specific children are reasonably suspected, as individuals, of having perpetrated violence themselves, their cases should be handled by specialized child justice systems in processes that conform to CRC Articles 37 and 40.¹⁸² CRC Article 37(c) establishes the obligation to take into account the age-specific needs of children. Arrest and detention of children should always be a measure of last resort, for the shortest possible period of time and adhere to legal safeguards (CRC Article 37(b)). Preventive and administrative detention should not be imposed on children.¹⁸³ “Restraint or force can be used only when the child poses an imminent threat of injury to himself or herself or others, and only when all other means of control have been exhausted.”¹⁸⁴ Such methods should not cause humiliation or degradation and should be used restrictively and only for the shortest possible time.¹⁸⁵ States should “prohibit the use of firearms, electric shock weapons and violent methods to apprehend and arrest children, and [...] adopt measures and procedures that carefully limit and guide the use of force and instruments of restraint by the police while apprehending or arresting children.”¹⁸⁶ The United Nations Special Rapporteur on the Right to Privacy has recommended that states “[r]emedy all legislative gaps and procedural exceptions to ensure all children in contact with justice systems have their privacy maintained throughout all proceedings, with lifelong non-publication orders for any criminal justice record.”¹⁸⁷

Pretrial detention: “Deprivation of personal liberty shall not be imposed unless the juvenile is adjudicated of a serious act involving violence against another person or of persistence in committing other serious offences and unless there is no other appropriate response.”¹⁸⁸ Diverting children from judicial processes – and in particular from detention – should be a primary consideration. Children should not be held in transportation vehicles or in police cells, except as a last resort and for the shortest time, and should not be held with adults, except where that is in their best interests. Mechanisms for swift release to parents or appropriate adults should be prioritized. “Even very short periods of detention can undermine the child’s psychological and physical well-being and compromise cognitive development. [...] The threshold at which treatment or punishment may be classified as torture or ill-treatment is therefore lower in the case of children, and in particular in the case of children deprived of their liberty.”¹⁸⁹ If diversion is not possible, then “[e]very child arrested and deprived of his or her liberty should be brought before a competent authority within 24 hours to examine the legality of the deprivation of liberty or its continuation” and “[i]n cases where conditional release of the child at or before the first appearance (within 24 hours) is not possible, the child should be formally charged with the alleged offences and be brought before a court or other competent, independent and impartial authority or judicial body for the case to be dealt with as soon as possible but not later than 30 days after pretrial detention takes effect.”¹⁹⁰ States should also “ensure that the court or other competent body makes a final decision on the charges not later than six months from the initial date of detention, failing which the child should be released.”¹⁹¹

“The same people are still on trial and presidents or the structure change and the trials are still in process. They were 18 years old and now they’re 25, 28 years old and they’re still on trial.”

(Youth, Ecuador)

Interviewing by LEOs: Children are much more easily intimidated when being interviewed by police. Child-sensitive safeguards are therefore required. The Committee on the Rights of the Child has set out guidance for the questioning of children by police, recommending that children “must have access to legal or other appropriate assistance, and should be supported by a parent, legal guardian or other appropriate adult during questioning. [...] Police officers and other investigating authorities should be well trained to avoid questioning techniques and practices that result in coerced or unreliable confessions or testimonies, and audiovisual techniques should be used where possible.”¹⁹² The use of video to record interviews can ensure that the appropriate people are present and avoid the need to re-interview a child (in line with good practice recommendations that children should not be subjected to excessive interventions).¹⁹³ With regards to the prohibition on compelled testimony and confessions, the Committee on the Rights of the Child has recommended that “[t]he term ‘compelled’ should be interpreted broadly and not be limited to physical force. The risk of false confession is increased by the child’s age and development, lack of understanding, and fear of unknown consequences, including a suggested possibility of imprisonment, as well as by the length and circumstances of the questioning.”¹⁹⁴

Training of LEOs and other justice officials: The United Nations Standard Minimum Rules for the Administration of Juvenile Justice call for the specialized training of LEOs who frequently or exclusively work with children, including through the development of special police units in larger cities.¹⁹⁵ According to the United Nations Global Study on Children Deprived of Liberty, “States should enhance the capacity, by means of investing in human resources, awareness-raising and systematic education and training, of all professionals who work with and for children in decisions leading to their deprivation of liberty, and those who are responsible for their well-being while in detention.”¹⁹⁶ The Riyadh Guidelines on the prevention of juvenile delinquency call for law enforcement personnel to be trained to respond to the special needs of children and be familiar with and use, to the maximum extent possible, programmes and referral possibilities for the diversion of children from the justice system.¹⁹⁷

Manija, 13, stands at the front line of a protest of thousands of refugees and migrants on the Greek island of Lesbos, calling attention to their status and living conditions and demanding respect for human rights (Greece, 2020).



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4.5 Recommendations

Surveillance and children's privacy

States should:

- i. Develop an **overall normative framework and basic guidelines** about the appropriate use of surveillance measures in relation to children based on the seven principles outlined in the box in [Section 4.2](#), ensuring that any interference with a child's privacy is provided for by law, intended to serve a legitimate purpose, upholds the principle of data minimization, is proportionate and designed to observe the best interests of the child, and does not conflict with the provisions, aims or objectives of the CRC.
- ii. In relation to surveillance and privacy more specifically linked to children's RFPA:
 - Ensure that LEOs develop and publish a policy – based on a child rights impact assessment – relating to their **use of photography and filming at public assemblies** in a simple format that children can understand. This policy should include a description of the purposes of such activities, the circumstances in which they may take place, and details of how the data will be retained, processed and deleted.
 - **Refrain from recording footage of assembly participants**, unless there are concrete indications that participants are engaging in, or will engage in, serious criminal activity, and such recording is provided by law, with the necessary robust safeguards. Even within these parameters, do not record peaceful assembly participants in a way that intimidates or harasses.
 - Protect children's RFPA against surveillance and privacy abuses by **non-state actors**.
 - Ensure **independent and transparent scrutiny and oversight** over the decision to collect the personal information and data of those engaged in peaceful assemblies, including children, and over its sharing or retention. Retaining children's data just for participating in a peaceful assembly should not be allowed.
 - Ensure that **children can challenge state and non-state practices**, via accountability mechanisms, which disregard their rights in the collection, analysis, storage and sharing of their data, and that they can call for the deletion of data as necessary.
 - Ensure that children's participation in peaceful assemblies, both online and offline, **does not in and of itself result in negative consequences to those children**, such as exclusion from a school, restriction or deprivation of future opportunities or creation of a police profile.
 - Undertake human rights impact assessments on the implications for children and their privacy of linking **civil and criminal identity databases**.
 - Ensure that the **personal data of children associated with terrorist or violent extremist groups** are classified and shared only where strictly necessary to coordinate individual rehabilitation and reintegration.
- iii. In relation to biometric identification:
 - **Never use FRT to identify those peacefully participating in an assembly.**
 - **Prohibit the use of artificial intelligence for automated recognition of human features in publicly accessible spaces** – such as of faces but also gait, fingerprints, DNA, voice, keystrokes and other biometric or behavioural signals.
 - **Prohibit the use of artificial intelligence to categorize individuals** from biometrics into clusters according to ethnicity, gender, as well as political or sexual orientation, or other grounds for discrimination.

- **Adopt robust regulation – above and beyond basic data protection law – regarding use of biometric identification technology**, including all aspects of collecting, analysing, storing and sharing data. Demonstrate that the use of these technologies is legal, necessary and proportionate to achieve a legitimate aim, based on high thresholds in favour of the right to privacy.
- Ensure **that relevant legislation is accessible to the public and sufficiently clear and precise** to enable people, including children, to foresee its application and the extent of the intrusion into their privacy.

Containment, dispersal of assemblies, and use of force and firearms

States should:

- iv. Ensure that LEOs make all efforts throughout the planning stages and during assemblies itself to prevent violence, de-escalate tensions and employ non-violent conflict resolution wherever possible, in line with the **principles regarding the policing of assemblies** (**knowledge, communication** and **facilitation**). If, having exhausted these measures, LEOs have no choice but to resort to crowd control – rather than facilitation – techniques, then they must **differentiate**, as much and for as long as possible, between individuals engaged in violence and those who wish to assemble peacefully so that force is not used against those who are not engaged in violence. If the use of force is necessary, LEO should use the minimum force needed to achieve the law enforcement objective, taking into account the impact on children.
- v. Ensure that any use of force is guided by international standards as set out in the **Code of Conduct for Law Enforcement Officials** and the **Basic Principles on the Use of Force and Firearms by Law Enforcement Officials** (supported by more detailed guidance in the UNODC/OHCHR Resource Book on the Use of Force and Firearms in Law Enforcement and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement).
- vi. **Review and improve legislation and guidance on crowd-control tactics and the use of force** to ensure clarity, unambiguity and compliance with international human rights law and standards, and to include specific provisions in relation to children, taking into account children’s views and experiences and recognizing children’s specific vulnerability to physical and mental harm.
- vii. **Ensure that LEOs** exercise particular restraint with regard to the use of force, especially when children may be affected; exhaust non-violent means for resolving conflicts; give prior warning reasonably in advance if it becomes absolutely necessary to use force as a **last resort** (unless doing so would be manifestly ineffective); and use force strictly in accordance with the principles of **legality, necessity, proportionality, non-discrimination, precaution** and **accountability**, with an understanding of how these principles relate specifically to children.
- viii. Require that the training of LEOs *explicitly emphasizes* that **any use of force against a child must be avoided and used only as a very last resort** and that, within this context, LEOs must prioritize ‘scaling down’ the range of types of force available and always opt for the minimum force necessary.
- ix. Ensure that **adequate medical assistance and facilities** are available (with expertise on treating children) in the case of injuries or other health issues occurring as a result of policing measures, especially when LEOs are prepared for the use of force.
- x. Ensure that **instructions given by LEOs during assemblies** are understandable for children, communicated calmly, loudly, clearly and repeatedly and that appropriate time is given for children to act upon them.
- xi. Make it clear in policy and practice that **containment (‘kettling’) must apply** only to people linked directly to violence, be limited to the minimum necessary time, and not be used indiscriminately or punitively. Build the capacity of LEOs to identify children who may be caught in the containment ‘net’ as non-violent protesters and help them to move outside the containment area.

- xii. Recommend that tactics for policing assemblies **avoid the use of fences or barriers with barbed wire, razor wire or any other spikes** which pose an indiscriminate and disproportionate risk of injury to children.
- xiii. Ensure that **dispersal of assemblies** is limited to exceptional circumstances (if it is no longer peaceful, or if there is clear evidence of an imminent threat of serious violence that cannot be reasonably addressed by more proportionate measures, such as targeted arrests). Build the capacity of LEOs to identify children and give them additional help to safely leave the area, and to act quickly according to a pre-determined 'missing child' plan if a child goes missing or is separated from a caregiver.
- xiv. Ensure that **less-lethal weapons** are employed subject to strict requirements of necessity and proportionality, only in situations in which other less harmful measures have proven to be or clearly are ineffective to address the threat. Ensure that LEOs use these weapons only as a measure of last resort, following a verbal warning, and with adequate opportunity given for assembly participants, including children, to disperse.
- xv. Build the capacity of LEOs to particularly look out for children and seek to protect them as far as possible against the harmful effects of **less-lethal weapons**, for example by guiding children to safety and not directing the weapons where there are children.
- xvi. In relation to specific weapons and devices:
- Ensure that, when using less-lethal weapons with indiscriminate effects such as **tear gas** and **water cannons**, LEOs make all reasonable efforts to limit risks, such as causing a stampede or harming bystanders, including children. Do not use these weapons in closed spaces, schools, or residential areas, or to punish children or discourage them from taking part in assemblies. Only use these weapons when there is widespread violence in assemblies when it is not possible to contain the violence by dealing with violent individuals alone.
 - **Never use disorientation devices and acoustic weapons** to prevent children from taking part in assemblies. Prohibit the use of high frequency ultrasound devices and flash-ball devices in public assemblies.
 - Ensure that LEOs understand the greater harm of using batons and other similar **blunt force weapons** (including elements of LEOs' equipment), on children compared to adults and that **kinetic impact projectiles** aimed at lower parts of the bodies of adults might still hit children in sensitive areas.
 - **Never use chemical irritants** as a means of dispersing a peaceful assembly where there are older people, children or others who may have difficulty in moving away to avoid the chemicals, in confined spaces or in sports stadiums where exits are restricted and there is a danger of crush injuries.
 - **Prohibit the use of electric shock weapons** on children.
 - Make it widely known that **firearms are not an appropriate tool** for policing assemblies.
 - **Do not use firearms to disperse an assembly**, even in cases where there are ongoing acts of violence.
 - **Strictly limit the use of firearms** (and the firing of **rubber-coated metal bullets**) to situations of 'imminent threat of death or serious injury' to the LEO or to a third person, 'when less extreme means are insufficient to achieve these objectives', ensuring that these actions are limited to targeted individuals. **Make every effort to exclude the use of firearms, especially against children.**

Arrest and detention of children

States should:

- xvii. Ensure that, as with adults, **children are never sanctioned for participating in peaceful assemblies**, that is for exercising their RFPA. Ensure that even when assemblies turn violent, **nobody, including children, is subjected to group sanction, arbitrary and unlawful arrests or detentions.**
- xviii. Ensure that organizers, including children, are not held responsible for the unlawful behaviour of others, and that **isolated acts of violence by some participants are not attributed to others** or to the assembly in general.
- xix. Ensure that any children who are reasonably suspected, as individuals, of having perpetrated violence themselves, have their cases handled by **specialized child justice systems in processes that conform to CRC Articles 37 and 40**, following the detailed guidance in [Section 4.4](#). In particular, the arrest and detention of children should always be a measure of last resort, for the shortest possible time and adhere to legal safeguards.
- xx. **Prioritize diverting children away from judicial processes** – and in particular from detention which must only be used if the child is judged to have committed a serious act involving violence against another person or of persistence in committing other serious offences and unless there is no other appropriate response. Prioritize mechanisms for swift release of children to parents or appropriate adults.
- xxi. **Enforce strict time limits for processing children’s cases if diversion is not possible**, as set out in [Section 4.4](#): prioritize conditional release at or before the first detention hearing within 24 hours; as a last resort, formal charging and court (or equivalent authority) appearance takes place as soon as possible but maximum 30 days after pretrial detention starts; final decision by court (or equivalent authority) takes place no later than six months from the initial date of detention, failing which the child is released.
- xxii. **Ensure good practice by LEOs when interviewing children**, based on international human rights standards and guidance: children have access to legal or other appropriate assistance, are supported by a parent, legal guardian or other appropriate adult during questioning, benefit from audiovisual techniques such as video recording, and are questioned by well-trained LEOs who do not subject children to excessive interventions and who avoid techniques and practices that result in coerced or unreliable confessions or testimonies.
- xxiii. Ensure that, in addition to basic **child rights training for all LEOs**, LEOs (and other justice officials) who frequently or exclusively work with children have **specialized training** and that **special police units for children** are established in larger cities.



Adolescent boys walk past a barrier of razor wire and an army tank in Tunisia during protests demanding political change (Tunisia, 2011).

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Ikram, 12, takes a photograph outside the military compound of former Libyan leader Muammar Gaddafi, in Tripoli. She is among 25 children and adolescents participating in a UNICEF child photography workshop in the city (Libya, 2012).

5. After an assembly (follow-up)

5.1 Hold a post-event debriefing

A post-event debriefing of LEOs should become standard practice as it may “usefully address a number of specific issues, including human rights, health and safety considerations, media safety, community impact, operational planning and risk assessment, communications, command and decision-making, tactics, resources and equipment, and future training needs.”¹⁹⁸ It is considered good practice to invite child assembly organizers and participants, as well as civil society organizations, to participate in these debriefing sessions, but this should not be coerced or compulsory.



Child-sensitive **communication** can help to prevent problems that arose in one event from having a negative impact on future assemblies. It can also prevent the loss of trust and confidence by children in the work of LEOs.

5.2 Protect children from threats, reprisals, stigmatization and harassment

“I was followed by plainclothes police every day. They followed me to the minimart, to the sky train. Some even started from my house at early morning till night. I feel exhausted. It’s like having a burden on my shoulder at all times.”

(18-year-old young woman, Thailand)

“The police tried to threaten my family and relatives. I was stressed and did not know what to do. [...] It’s like everything goes against me. I wanted to stop all activities. It took me for months to recover it.”

(18-year-old young man, Thailand)

“It is the fear of being arrested and even that our name will continue to be registered and we will not be able to do anything. That has happened here, that for participating in a demonstration, they identify you as part of some social group and do not allow you to participate in some media or do not allow you to express yourself, and you even suffer discrimination when you go out.”

(Youth, Ecuador)

Duty to protect: Children should be protected from threats and reprisals for exercising their RFPA.¹⁹⁹ Children are affected by distinct forms of harm from adults and they operate in distinct contexts, for example schools, which provide an arena for status-related harm such as punishment by teachers. States must do everything they can to protect children from threats and abuse by state and non-state actors, including reprisals by families, teachers, peers or members of the community or the general public, both online²⁰⁰ and offline. During the global consultation with 447 children ahead of the Committee on the Rights of the Child Day of General Discussion on Child Human Rights Defenders in 2018, 313 children (70 per cent) reported experiencing violence or abuse when acting as human rights defenders.²⁰¹

Non-discrimination: The duty to protect applies to all children, without exception. In some countries, particular groups of children, such as girls, have been subject to threats and digital attacks following their participation in assemblies.²⁰² Children can suffer reprisals in the form of harassment and gender-based violence, including sexual harassment, from LEOs, protesters and counter demonstrators. States have to prevent and address gender-based violence, including sexual violence, towards children by any perpetrator. While girls may be more likely to experience sexual violence, boys may be more likely to be subjected to arrests and physical violence during interventions by LEOs. Discrimination against minority groups and threats to the safety of children demonstrating in support of, for example, LGBTIQ+ movements have already been highlighted in the specific context of biometric identification ([Section 4.2](#)). The OHCHR 2018 report on ‘Youth and Human Rights’ recognizes sexual orientation and gender identity and expression as a factor affecting the ability of young people to participate in politics and public decision-making.²⁰³ This type of discrimination and stigmatization may increase possibilities of reprisals from the state as well as from the communities and families of children who wish to exercise their RFPA. Stigmatization and harassment can equally occur in online settings. States (including LEOs) have a responsibility to proactively facilitate the use of online space and also to protect children in such space.

Threats by LEOs and authorities: Children consulted for this paper reported experiencing threats. For example, LEOs calling the children’s parents, conducting home visits, visiting the school or following a child home after an assembly, and threatening parents and schools not to allow children to join some assemblies. There was also a report in one country that police are considering taking legal action against parents for their failure to restrain their children, in accordance with the local child protection law. There have been reported examples from other sources where authorities harassed, intimidated and even arrested children for participating in peaceful assemblies and charged them with administrative violations, as well as harassing and intimidating parents and caregivers for allowing children to take part in protests.²⁰⁴ Reprisals may also have implications for children’s access to justice, as parents or guardians often do not grant consent for children to report cases to national or international courts and mechanisms because of the fear of further reprisals. Parents or guardians allowing their children to take part may have their parental rights withdrawn,²⁰⁵ or themselves be targeted with threats, intimidation, and violence, which has a chilling effect on children as well.

Reprisals and punishment by schools: Children who left classes to take part in protests have experienced repression and sanctions by school authorities.²⁰⁶ Children have been threatened with expulsion from school and with being prevented from sitting their final exams²⁰⁷ which could result in lifelong negative consequences. Other punishments from schools include detention, suspension or the academic consequences of their absence being recorded as truancy. “These penalties amount to a restriction on children’s exercise of the right to expression, association and assembly.”²⁰⁸ “Schools also have a role to play in enabling the exercise of this right. They can support children through education about their rights and how to exercise them safely [...]. States should provide guidance to schools as to what constitutes a rights-respecting response to children who choose to take part in peaceful assemblies either in school or elsewhere. Educational authorities and institutions should consult with students to develop policies on participation in peaceful assemblies.”²⁰⁹ “Ensuring that educators do not act in ways that breach these rights will require national education laws and policies that provide direction to schools and others as to how they can be compliant with human rights when children act as [child human rights defenders]. Moreover, in practice, one of the challenges is that the value schools place on educational attainment will mean that activities that are considered to detract from that may be prohibited or discouraged. Moreover, the pressure on children to achieve academically may also act to restrict the time that children have available for [child human rights defenders] activity.”²¹⁰

5.3 Ensure children’s access to justice

“There’s no answer where they would take us to [...]. They do not allow us to inform the lawyer. They don’t even ask if we are minors, saying they don’t care whether we are adults or children. It’s scary. Because they can do whatever with us.”

(16-year-old girl, Thailand)

Accountability: LEOs should be liable for any failure to fulfil their positive obligations to protect and facilitate children’s RFPAs.²¹¹ LEOs should also be responsible for undue restrictions on children’s exercise of their RFPAs, and they should be accountable to an independent body.²¹² The law should provide for criminal and disciplinary sanctions against those who interfere with or violently disperse public assemblies through excessive use of force.²¹³ Accountability of the authorities is especially important given the power imbalance between LEOs on the one hand and the organizers and participants of the assemblies on the other, especially when it comes to children. To ensure accountability at all levels, LEOs should be clearly and individually identifiable at all times while policing assemblies. They must display either their name or identification number on their uniform and/or headgear and must not remove or cover it or prevent people from reading it during an assembly.²¹⁴ A clear and transparent police command structure with well-defined operational responsibilities must be established to minimize the risk of violence or the use of force and to ensure responsibility for unlawful acts or omissions by officers.²¹⁵ Proper record-keeping of decisions made by commanding officers at all levels is also required as well as a clear system of record-keeping or registration related to the equipment provided to individual officers in an operation, including vehicles, firearms and ammunition.²¹⁶

Complaints mechanisms: States should provide children who believe that their RFPA (or other rights) has been denied or violated, or adults on their behalf, with timely and child-friendly access to effective remedies adapted to children's particular needs, including through judicial remedies and independent human rights institutions, or children's ombudsman. According to the United Nations Special Rapporteur on Human Rights Defenders, all mechanisms established for human rights defenders should be known and accessible to children, which is currently not the case. Existing protection mechanisms should raise awareness and ensure that children who advocate for human rights can use these mechanisms on an equal basis as adults.²¹⁷ Complaints mechanisms should be well resourced and able to independently, promptly and thoroughly investigate allegations of child rights violations in order to hold those responsible accountable.²¹⁸ In response to violence against children during public demonstrations, as well as disciplinary measures and sanctions imposed on children taking part in protests, the Committee on the Rights of the Child has encouraged one state party to create "a complaint mechanism for children who have faced any form of violence, excessive use of force or arbitrary detention during public protests, and set out adequate sanctions for public officials that violate the right to freedom of association and peaceful assembly of children."²¹⁹

Effective assistance: "Child victims and witnesses and, where appropriate, family members should have access to assistance provided by professionals who have received relevant training [...]. This may include assistance and support services such as financial, legal, counselling, health, social and educational services, physical and psychological recovery services and other services necessary for the child's reintegration. All such assistance should address the child's needs and enable him or her to participate effectively at all stages of the justice process."²²⁰ Such assistance should be child-responsive and gender-transformative.

"There were many minors and older youths who were hospitalized for participating in mobilizations, and now that several years have passed, there are still repercussions to this day. Some are still on crutches because of the pellets that went through their knees, and today they still can't walk and there are still school dropouts because there is no money for the hospital and they have to stop studying."

(Youth, Ecuador)

Effective investigation: "Exhaustive and impartial investigations" should include the following factors: an official investigation initiated by the state; independence from those implicated; capability of determining whether force used was justified in the circumstances; a level of promptness and reasonable expedition; and a level of public scrutiny.²²¹ Where a complaint is received regarding the conduct of LEOs, or where a child is seriously injured or is deprived of their life as a result of the actions of LEOs, an effective official investigation must be conducted.²²² Liability must extend to superior officers. They must be held responsible for issuing unlawful orders,²²³ and for the conduct of LEOs under their command in cases where they knew, or should have known, that such LEOs resorted to the unlawful use of force or firearms, and they did not take all measures in their power to prevent, suppress or report such use.²²⁴ No criminal or disciplinary sanction should be imposed on LEOs who refuse to carry out any order to use force and firearms which contravenes the Code of Conduct for LEOs or the Basic Principles on the Use of Force and Firearms, or who report such behaviour by other officials.²²⁵ "Obedience to superior orders shall be no defence if [LEOs] knew that an order to use force and firearms resulting in the death or serious injury of a person was manifestly unlawful and had a reasonable opportunity to refuse to follow it."²²⁶

Oversight: "In addition to guaranteeing accountability through judicial processes, states should implement additional levels of non-judicial oversight, including an effective internal investigations process and an independent oversight body. These systems should operate in addition to, and not as an alternative to, criminal, public and private legal remedies for police misconduct. The role of a dedicated civilian oversight body may be complemented by the work of a national human rights institution or ombudsman."²²⁷ "It is a good practice for an independent oversight mechanism to review and report on any large-scale or contentious policing operation relating to public assemblies. [...] A police complaints mechanism should be established where none exists, with a range of potential resolutions at its disposal."²²⁸

Specialized personnel: "Police, lawyers, the judiciary and other court personnel should receive training in dealing with cases where children are victims."²²⁹ States should consider establishing, if they have not yet done so, specialized offices and units to deal with cases involving offences against children. States should establish, as appropriate, a code of practice for proper management of cases involving child victims." See also the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, produced by the United Nations Economic

and Social Council (ECOSOC Resolution 2005/20) and [Sections 3.7 and 4.4](#) of this paper regarding capacity-building and training of LEOs and other justice officials.

Right to remedy: States also have an obligation “to provide those whose rights have been violated in the context of an assembly an adequate, effective and prompt remedy determined by a competent authority having the power to enforce remedies.”²³⁰ “Such remedies should be appropriately adapted so as to take account of the special vulnerability of certain categories of person, including in particular children.”²³¹ “The right to a remedy includes the right to equal and effective access to justice; adequate, effective and prompt reparation for harm suffered; and access to relevant information concerning violations and reparation mechanisms.”²³²

Monitors and journalists have an important role to play in providing independent, impartial and objective coverage of demonstrations and protests, including a factual record of the conduct of participants and LEOs alike.²³³ This information may be used to inform public debate and serve as the basis for dialogue between the state, local authorities, LEOs and civil society.²³⁴ “All persons enjoy the right to observe, and by extension monitor, assemblies” and “states have an obligation to protect the rights of assembly monitors.”²³⁵ Participants, journalists and monitors also have the right to record LEOs.²³⁶ Video recording by children of human rights violations by LEOs can be an important contributor to achieving accountability.²³⁷

5.4 Recommendations

States should:

- i. Introduce, as standard practice, a **post-event debriefing by LEOs and other relevant authorities** to address human rights, health and safety considerations, media safety, community impact, operational planning and risk assessment, communications, command and decision-making, tactics, resources and equipment, and future training needs. Apply a child-sensitive lens to these debriefings. Invite child assembly organizers and participants to participate in these debriefing sessions, and proactively invite and take seriously children’s feedback, but do not coerce them or make their attendance compulsory. Collect lessons learned and incorporate these into planning and training.
- ii. **Protect all children without discrimination from threats and reprisals** – including violence and harassment – for exercising their RFPA by state and non-state actors, including reprisals by families, teachers, peers or members of the community or the public, both online and offline. Pay particular attention to preventing and addressing gender-based violence, including sexual violence, and to protecting groups of marginalized children who may be at higher risk of harm.
- iii. Prevent, and hold actors accountable for, **threats perpetrated by LEOs and other authorities against children exercising their RFPA and their families**.
- iv. Encourage educational authorities and institutions to consult with students to provide input into **policies on participation in peaceful assemblies which take place either in school or elsewhere during school time**.
- v. Use these consultations as the basis to **develop national education laws and policies** that provide direction to schools and others as to what constitutes a rights-respecting response to children who choose to exercise their RFPA either in school or elsewhere during school time.
- vi. Ensure that **LEOs are clearly and individually identifiable at all times, even for children, while policing assemblies** by displaying either their name or identification number on their uniform and/or headgear and by not removing or covering it up during an assembly.
- vii. Ensure that **clear LEO command structures are in place for assemblies** with well-defined operational responsibilities and clear record-keeping: of decisions made by commanding officers at all levels; and of equipment provided to individual officers, including vehicles, firearms and ammunition.
- viii. Protect the **rights of assembly monitors and journalists, including children, to provide independent, impartial and objective coverage of assemblies**, including a factual record of the conduct of participants and LEOs.
- ix. Protect the **right of participants, journalists and monitors, including children, to record LEOs during assemblies**.

- x. **Hold LEOs accountable to an independent body** for any failure to fulfil their positive obligations to protect and facilitate children’s RFPA and for any undue restrictions they place on the exercise of children’s RFPA.
- xi. Review and improve legislation to include **criminal and disciplinary sanctions** against those who interfere with or violently disperse public assemblies through **excessive use of force**.
- xii. Provide children who believe that their RFPA (or other rights) has been denied or violated, or adults on their behalf, with **timely, accessible, safe and child-friendly access to effective remedies**, including through judicial remedies and independent human rights institutions or children’s ombudsman. Be aware that **parents, guardians or other adult caregivers** might act as a barrier to children seeking remedies for violations because of fear of the consequences. Support these adults to help children exercise their right to access to justice.
- xiii. Ensure that **complaints mechanisms** can independently, promptly and thoroughly investigate allegations of child rights violations in order to hold those responsible accountable.
- xiv. Ensure that children who advocate for human rights know about, and have access to, mechanisms established for **human rights defenders** and that they can use these mechanisms on an equal basis as adults.
- xv. Implement **extra levels of non-judicial oversight**, in addition – and not as an alternative – to guaranteeing accountability through judicial processes and criminal, public and private legal remedies for LEO misconduct. This can include an effective **internal investigations process** (police complaints mechanism) with a range of potential resolutions at its disposal and an **independent civilian oversight body**, complemented by the work of a national human rights institution or ombudsman.
- xvi. Ensure that **members of oversight bodies are trained and aware of specific issues related to the rights of children** during assemblies, including prevention measures required by LEOs involved in policing assemblies where children may be present.
- xvii. Ensure that where a complaint is received regarding the conduct of LEOs, or where a child is seriously injured or dies as a result of the actions of LEOs, an **exhaustive, prompt and impartial investigation** takes place according to the criteria outlined in [Section 5.3](#).
- xviii. Ensure that **investigations can take place also in the absence of an explicit complaint**, whenever there are reasonable grounds to believe that an abuse or rights violation has taken place. Investigations must be capable of identifying and bringing to justice those responsible, with penalties commensurate with the gravity of the violation.
- xix. **Hold superior officers responsible** for issuing unlawful orders, and for the conduct of LEOs under their command in cases where superior officers knew, or should have known, that such LEOs resorted to the unlawful use of force or firearms, and they did not take all measures in their power to prevent, suppress or report such use.
- xx. **Hold LEOs accountable** for the unlawful use of force and firearms. This includes use of force and firearms resulting in the death or serious injury of a person if LEOs knew that such an order from a superior officer was manifestly unlawful and they had a reasonable opportunity to refuse to follow it.
- xxi. Not impose criminal or disciplinary sanctions on **LEOs who refuse to carry out any order** to use force and firearms which contravenes the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, or who report such behaviour by other LEOs.
- xxii. Ensure child-responsive and gender-transformative **assistance for child victims and witnesses**, provided by trained professionals, including financial, legal, counselling, health, social and educational services, physical and psychological recovery services and other services necessary for the child’s reintegration.
- xxiii. Develop a code of practice for the **proper management of cases involving child victims**. Provide training for LEOs and other justice system personnel on dealing with cases where children are victims and establish specialized offices and units to deal with cases involving offences against children.
- xxiv. Provide those, whose rights have been violated in the context of an assembly, with an **adequate, effective and prompt remedy** determined by a competent authority having the power to enforce remedies.
- xxv. Regularly **collect and publish information on assemblies involving children** that provides disaggregated information on the number and type of assemblies, as well as restrictions or bans imposed, arrests carried out, use of force and any resulting injuries.

6. Conclusions and proposals



Sofia, 18, member of U-Report Guatemala, takes part in a climate change awareness raising activity on the main square of Guatemala City (Guatemala, 2021).

This paper articulates child rights in the context of policing assemblies involving children. It covers:

- The specific importance for children of exercising their RFPA as part of their overall development, and the particular challenges they face in doing so.
- The need for states to provide an overall enabling environment for LEOs to police assemblies involving children in a rights-respecting way, based on international human rights standards and an understanding of how general policing principles and techniques apply to children.
- Specific recommendations for states to take into account before, during and after assemblies take place.

It is hoped that the extensive research and consultations that have gone into this paper, and the resulting recommendations, will inform the development of United Nations guidance for LEOs on how to enable children’s RFPA which is based on children’s specific rights and needs, which considers the particular challenges they face while exercising this right, and which acknowledges the important and courageous role that children play in calling for justice, human rights, and a better world for everyone.

“You can only voice your opinions in rallies [...]. That’s the safest art form we could muster at that time, to express that we are aware of what’s happening around us.”

(22-year-old man, the Philippines)

“A lot of friends of mine are scared to go out and protest because of what they have seen on the news. If police expressed their support, then my friends would be more likely to go out and express their opinions.”

(17-year-old girl, USA)

“At least the marches I’ve been to have almost always been very peaceful. You shout, jump; there are artistic spaces.”

(17-year-old girl, Chile)

“There is a right to free speech, they shouldn’t do anything to us, because when they do that, they are oppressing us. And violence is not good because it causes death.”

(Child, Bolivia)

“Sometimes they think that we are going to stay at home and that we are not going to go out and that we are going to be afraid, but, on the contrary, that makes us stronger and we say, ‘no, they are violating our rights.’”

(Youth, Ecuador)



Fridays for Future demonstration for climate action, led by youth climate activists and organized on the side-lines of the 2021 UN Climate Change Conference (COP26) (United Kingdom, 2021).

Annex 1: Key resources

See also [Annex 2](#) – Human rights declarations and treaties on children’s RFPA

United Nations standards

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- Basic Principles on the Use of Force and Firearms by Law Enforcement Officials: Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.
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- Guidelines for Action on Children in the Criminal Justice System (‘The Vienna Guidelines’), Recommended by Economic and Social Council Resolution 1997/30 of 21 July 1997.
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- General Comment No. 31 (80) The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, CCPR/C/21/Rev.1/Add. 13, adopted 29 March 2004.
- General Comment No. 36 on the Right to Life, CCPR/C/GC/36, 3 September 2019.
- General Comment No. 37 (2020) on the Right of Peaceful Assembly (Article 21), CCPR/C/GC/37, Geneva, 17 September 2020.

- **Committee on the Rights of the Child**

- General Comment No. 16 (2013) on State Obligations Regarding the Impact of the Business Sector on Children's Rights, CRC/C/GC/16, Geneva, 17 April 2013.
- General Comment No. 20 (2016) on the Implementation of the Rights of the Child During Adolescence, CRC/C/GC/20, Geneva, 6 December 2016.
- General Comment No. 21 (2017) on Children in Street Situations, CRC/C/GC/21, Geneva, 21 June 2017.
- General Comment No. 24 (2019) on Children's Rights in the Child Justice System, CRC/C/GC/24, Geneva, 18 September 2019.
- General Comment No. 25 (2021) on Children's Rights in Relation to the Digital Environment, CRC/C/GC/25, Geneva, 2 March 2021.

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- Concluding Observations: France, CRC/C/FRA/CO/4, 22 June 2009.
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- **Committee Against Torture**

- Concluding Observations on the Combined Third to Fifth Periodic Reports of the United States of America, CAT/C/USA/CO/3-5, 19 December 2014.
- Concluding Observations on the Seventh Periodic Report of Finland, CAT/C/FIN/CO/7, 20 January 2017.

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 - Report, Maina Kiai, A/HRC/26/29, United Nations Human Rights Council, 14 April 2014.
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 - Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Juan E. Méndez, A/HRC/26/68, United Nations Human Rights Council, 5 March 2015.
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Annex 2: Human rights declarations and treaties on children's RFPA

United Nations

- 1948 Universal Declaration of Human Rights: Article 20(1)
- 1966 International Covenant on Civil and Political Rights: Article 21
- 1966 International Convention on the Elimination of All Forms of Racial Discrimination: Article 5(ix)
- 1989 Convention on the Rights of the Child: Article 15
- 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families: Article 26(1a)
- 1999 Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders): Article 5(a)

Regional

- 1948 American Declaration of the Rights and Duties of Man: Article XXI
- 1950 [European] Convention for the Protection of Human Rights and Fundamental Freedoms: Article 11
- 1969 American Convention on Human Rights: Article 15
- 1981 African Charter on Human and Peoples' Rights: Article 11
- 1990 African Charter on the Rights and Welfare of the Child: Article 8
- 2000 Charter of Fundamental Rights of the European Union: Article 12(1)
- 2004 Arab Charter on Human Rights: Article 24(6)

Annex 3: List of advisory group members

Otto Adang	Police Academy of the Netherlands and University of Groningen, the Netherlands
Jonathan Andrew	Research Fellow, Geneva Academy of International Humanitarian Law and Human Rights, Switzerland
Esmeralda Arosemena De Troitiño	Commissioner for Children, Inter-American Commission on Human Rights
Anja Bienert	Police and Human Rights Programme, Amnesty International – Dutch Section
Jacob Andreas Bonnevie	Legal Officer, Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights (OSCE/ODIHR)
Aoife Daly	Lecturer, University College Cork, Ireland
Anete Erdmane	Human Rights Adviser, Monitoring and Response Co-ordinator, Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights (OSCE/ODIHR)
Steve Feldstein	Senior Fellow, Carnegie Endowment for International Peace
Cédric Foussard	Advocacy and Global Learning Senior Adviser, Terre des Hommes
Anna Giudice	Team Leader, Access to justice, Crime Prevention and Criminal Justice section, United Nations Office on Drugs and Crime (UNODC)
Imma Guerras Delgado	Child Rights Adviser, Office of the United Nations High Commissioner for Human Rights (OHCHR)
Michael Hamilton	Visiting Associate Professor, University of East Anglia, United Kingdom
Yujin Kim	Youth activist, Youth 4 Climate Action
Kranti L C	Advocate, India
Alice Lixi	Human Rights Officer, Office of the United Nations High Commissioner for Human Rights (OHCHR)
Laura Lundy	Co-Director of the Centre for Children’s Rights and Professor in the School of Social Sciences, Education and Social Work at Queen’s University, Belfast, United Kingdom
Najat Maalla M’jid	Special Representative of the United Nations Secretary-General on Violence Against Children
Stanley Malematja	Attorney, Centre for Child Law, South Africa
Matthew McEvoy	Research Associate, Omega Research Foundation
Montserrat Pina Martinez	President, European Network of Policewomen
Vitit Muntarbhorn	Professor Emeritus, Law Faculty, Chulalongkorn University, Bangkok; UN Special Rapporteur on the situation of human rights in Cambodia
Zama Neff	Director, Child Rights Division, Human Rights Watch
Beryl Orai	Institute for International and Comparative Law in Africa, University of Pretoria, South Africa
Ilaria Paolazzi	Deputy Director, Child Rights Connect
Luis Pedernera	United Nations Committee on the Rights of the Child
Leo Ratledge	Co-Director, Child Rights International Network
Iliia Siatitsa	Programme Director and Senior Legal Officer, Privacy International
Ann Skelton	United Nations Committee on the Rights of the Child
Clément Nyaletsossi Voule	United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association
Christian Wessman	Police Superintendent, Swedish Police Authority
Gary White	Independent policing/security consultant

Annex 4: Consultation with law enforcement experts members

The following law enforcement experts took part in a consultation meeting in March 2022:

Rashidali Issa Beekun	PMSM, Deputy Commissioner of Police, Mauritius
Ziad Kaed Bey	Colonel, Internal Security Forces, Lebanon
Róisín Brown	Police Service of Northern Ireland, Belfast
Jan Christiaens (Belgium)	Public Order Adviser, Standing Police Capacity, Italy
Amod Gurung (Nepal)	Training and Development Adviser, Standing Police Capacity, Italy
Basundhara Khadka	Superintendent of Police, Nepal
Rivet Yameogo Pauline Kiswendsida (Burkina Faso)	Gender Affairs Officer, Standing Police Capacity, Italy
María Dolores López Sánchez	Head of the National Bureau of Gender Equality and Human Rights, National Police, Spain
Montserrat Pina Martinez	President, European Network of Policewomen, Spain
Samson Napulu	Chief Superintendent, Zimbabwe Republic Police
Raajcoomar Seebah	Assistant Commissioner of Police, Mauritius
Annah Swoswe (Zimbabwe)	Community Oriented Policing Officer, Standing Police Capacity, Italy
Christian Wessman	Police Superintendent, Swedish Police Authority, Sweden
Muhammad Ahsan Younas	Inspector General Police, Islamabad, Pakistan

Annex 5: Consultations with children and young people

In 2022, focus group discussions took place in nine countries, facilitated by UNICEF country offices, National Committees and/or partner civil society organizations, involving 72 children aged 7–17 (43 girls and 29 boys) and 25 young people aged 18–28 (16 women and 9 men) who had taken part in assemblies.

	Female			Male			Child age range	Young person age range
	Child	Young person	Sub-total	Child	Young person	Sub-total		
Argentina	5	1	6	6	-	6	15-17	18
Bolivia	12	4	16	8	4	12	15-17	18-22
Chile	1	1	2	2	1	3	17	18-19
Ecuador	1	4	5	1	2	3	14-16	18-28* (mostly aged 18-21; one aged 28)
France	5	-	5	2	-	2	13-17	N/A
Germany	4	2	6	-	-	0	16-17	18-19
Philippines	6	2	8	6	1	7	7-17	18-22
Thailand	4	2	6	3	1	4	13-17	18-19
USA	5	-	5	1	-	1	15-17	N/A
TOTALS	43	16	59	29	9	38		

Total number of children	72	43 girls and 29 boys aged 7-17
Total number of young people	25	16 young women and 9 young men aged 18-28
Total number of children and young people	97	

The children and young people were identified with diversity considerations in mind (for example gender, age, ethnicity, background, geographical area, disability status, migration status and street situation). They were asked about their experiences of participating in assemblies as children, and about their views as to what policing of assemblies adapted to children should look like.

A suggested outline for a two-hour discussion based on a series of questions was provided by UNICEF, including introduction activities and a minimum 15-minute break. Methodologies were provided for both in-person and virtual meetings. Detailed ethical and safeguarding guidance was provided. Questions were framed around the following themes:

1. Please describe your interactions with the police during the assembly.
2. What should the police keep doing [to help you take part in an assembly and keep you safe]?
3. What should the police stop doing [to help you take part in an assembly and keep you safe]?
4. What should the police start doing [to help you take part in an assembly and keep you safe]?

With the consent of the participants, discussions were recorded to facilitate subsequent transcription by UNICEF, following which the recordings were destroyed. The transcripts were anonymized so as not to include any identifiable information about the individual participants, then translated into in English and shared with the UNICEF Human Rights Unit. A UNICEF staff member took additional notes during the meetings.

Endnotes

- ¹ United Nations, Convention on the Rights of the Child, E/CN.4/RES/1990/74, United Nations Commission on Human Rights, Geneva, 7 March 1990. Article 1 in full: “For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.”
- ² United Nations, Code of Conduct for Law Enforcement Officials, A/RES/34/169, United Nations General Assembly, 5 February 1980.
- ³ General Comment No. 37 (2020) on the Right of Peaceful Assembly (Article 21), CCPR/C/GC/37, United Nations Human Rights Committee, Geneva, 17 September 2020.
- ⁴ See Annex 2 for a more comprehensive list of international and regional instruments that protect the RFPA.
- ⁵ Skelton, Ann, ‘Children Being Civilly Disobedient: Peaceful Assembly and International Children’s Rights’, *A Life Interrupted: Essays in honour of the lives and legacies of Christof Heyns*, edited by Frans Viljoen et al., Pretoria University Law Press, 10 January 2022, p. 323.
- ⁶ For example, CCPR/C/GC/37. This is the authoritative interpretation of Article 21 of the International Covenant on Civil and Political Rights. It is also important to recognize the work of the United Nations Special Rapporteur on Freedom of Peaceful Assembly and of Association and other special procedures of the United Nations Human Rights Council.
- ⁷ See Lundy, Laura, *The Rights of Child Human Rights Defenders: Implementation Guide*, Child Rights Connect, Geneva, 2020.
- ⁸ For an exploration of how the nature and boundaries of the RFPA online continue to evolve, see e.g., McPherson, Ella et al., *The Right of Peaceful Assembly Online: Research Pack*, University of Cambridge Centre of Governance and Human Rights, Cambridge, November 2019.
- ⁹ CCPR/C/GC/37, para. 33.
- ¹⁰ Ibid., para. 16.
- ¹¹ General Comment No. 25 (2021) on Children’s Rights in Relation to the Digital Environment, CRC/C/GC/25, United Nations Committee on the Rights of the Child, Geneva, 2 March 2021, para. 64.
- ¹² See e.g., CCPR/C/GC/37, para. 34 for discussion on this topic in the context of assemblies in general. Such considerations would also apply to assemblies involving children.
- ¹³ In many countries, parents or grandparents (especially women) sometimes bring their children or grandchildren to demonstrations due to lack of childcare among other reasons. This is reported, for example, in the children’s focus group discussions for this paper that took place in Bolivia and the Philippines: “There were mothers with small children at the protests, because they had no one to leave them with, and the police mercilessly gassed them” (girl, Bolivia); “When I was still young, whenever my Mom would take me with her, I really didn’t know anything. I even ask myself, ‘It’s too hot, why did Mom even bring me here?’ But now that I’ve grown up and know more, I’m elated to be part of such assemblies because we [...] become the representatives of the youth that are unable to express what they’re feeling or experiencing” (16-year-old girl, the Philippines).
- ¹⁴ CCPR/C/GC/37, para. 5.
- ¹⁵ Argentina, Bolivia, Chile, Ecuador, France, Germany, the Philippines, Thailand, and the United States of America.
- ¹⁶ Belgium, Burkina Faso, Lebanon, Mauritius, Nepal, Pakistan, Spain, Sweden, the United Kingdom and Zimbabwe.
- ¹⁷ Joint Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association and the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions on the Proper Management of Assemblies, A/HRC/31/66, United Nations Human Rights Council, 4 February 2016, para. 5. See also Daly, Aoife, ‘Article 15: The Right to Freedom of Association and to Freedom of Peaceful Assembly’, in *A Commentary on the United Nations Convention on the Rights of the Child*, edited by André Alen et al., Martinus Nijhoff Publishers, Leiden, 2016, p. 1.
- ¹⁸ General Comment No. 20 (2016) on the Implementation of the Rights of the Child During Adolescence, CRC/C/GC/20, United Nations Committee on the Rights of the Child, Geneva, 6 December 2016, para. 44.

- ¹⁹ Daly, 'Article 15', p. 3.
- ²⁰ Ibid., p. 1.
- ²¹ Marginalized children are those who are excluded from the civic, cultural, economic, political, social and/or educational opportunities available to other children. This may be due to individual, family and external factors – such as (but not limited to) ethnicity, disability, sexual orientation, gender identity, migrant or refugee status, indigenous identity, violence (at home, in communities, in institutions), substance abuse, racism, economic inequalities, stigma, being in residential care, being in street situations, being in fragile and humanitarian contexts, being in conflict with the law and/or having close family members in conflict with the law, or children who are themselves caregivers. Through a rights lens, marginalized children are therefore those experiencing multiple rights violations and/or those least able to access their rights.
- ²² Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, A/HRC/26/29, United Nations Human Rights Council, 14 April 2014, para. 15.
- ²³ Daly, 'Article 15', pp. 3-4. See also Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Clément Nyaletsossi Voule: Essential role of social movements in building back better, A/77/171, United Nations General Assembly, 15 July 2022, para. 28: "The twenty-first century has seen a major rise in youth movements globally, in terms of both the number of participants and the scope of the issues covered. Young people and students have pushed for more inclusive societies and more responsive forms of governance generally, as well as for more progressive social policies."
- ²⁴ Adamson, Bruce, *No Time to Waste ... to Empower and Protect Children and Young People's Rights to Climate Justice*, video, Children and Young People's Commissioner Scotland, 2021, <www.cypcs.org.uk/news-and-stories/empower-and-protect-children-and-young-peoples-rights-to-climate-justice>, accessed 17 March 2023.
- ²⁵ United Nations Committee on the Rights of the Child, *Day of General Discussion (DGD) 2018: Protecting and empowering children as human rights defenders – Report*, Geneva, 2018, p.5.
- ²⁶ Full title: United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, A/RES/53/144, United Nations General Assembly, New York, 8 March 1999.
- ²⁷ Lundy, Implementation Guide, p. 2.
- ²⁸ A/HRC/26/29, para. 10.
- ²⁹ See e.g., Lundy, Laura and Michelle Templeton, *Children Human Rights Defenders: The Views, Perspectives and Recommendations of Children Across the World*, Queen's University Belfast Centre for Children's Rights and Child Rights Connect, submission for the United Nations Committee on the Rights of the Child, Day of General Discussion, 2018, pp. 9-15.
- ³⁰ See e.g., *ibid.*, pp. 12-13 and feedback from children during focus group discussions for this current paper, as highlighted in Sections 2, 3 and 4.
- ³¹ See e.g., General Comment No. 24 (2019) on Children's Rights in the Child Justice System, CRC/C/GC/24, United Nations Committee on the Rights of the Child, Geneva, 18 September 2019, para. 22 (brain development in relation to minimum age of criminal responsibility) and CRC/C/GC/20, para. 9 (brain development in relation to adolescence).
- ³² See footnote 21 for a more comprehensive list of potential causes of marginalization.
- ³³ General Comment No. 21 (2017) on Children in Street Situations, CRC/C/GC/21, United Nations Committee on the Rights of the Child, Geneva, 21 June 2017, para. 38: "In addition to association and peaceful assembly in the context of civil and political rights, the Committee emphasizes the importance of respecting the choice of children in street situations to associate together in public spaces, without threat to public order, to satisfy their survival and development rights (art. 6), for rest, play and leisure (art. 31), to create networks and organize their social life, and as a key feature of their lives in general."
- ³⁴ *Ibid.*, para. 37.
- ³⁵ *Ibid.*
- ³⁶ Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Clément Nyaletsossi Voule: Exercise of the rights to freedom of peaceful assembly and of association as essential to advancing climate justice, A/76/222, United Nations General Assembly, 23 July 2021, para. 45.

- ³⁷ Breen, Claire, 'Article 15 The Rights to Freedom of Association and Peaceful Assembly' in *The UN Convention on the Rights of the Child: A Commentary*, edited by John Tobin, Oxford Commentaries on International Law, 2019, p. 518. See also, Brando, Nico and Laura Lundy, 'Discrimination and Children's Right to Freedom of Association and Assembly', *Harvard Human Rights Journal*, vol. 35, Spring 2022: "In law, the right to [Freedom of Association and Assembly] in the UNCRC (Art.15) is in all key respects the same as that afforded to adults and does not include any additional inherent restrictions on the scope of the right. A key difference, in the case of children, is that 'Article 15 needs to be read in the context of children's other human rights in the UNCRC and, in particular, Article 5 (parents' right to advise and guide in line with children's evolving capacities), Article 3(1) (best interests as a primary consideration), and Article 19 (protection from all forms of harm)' [citing Lundy, *Implementation Guide*, p. 67]. Even so, any restrictions that are imposed, even in what is perceived as in children's own interests or for the enjoyment of their other rights, must be legitimate, necessary, and proportionate."
- ³⁸ CCPR/C/GC/37, para. 22.
- ³⁹ Breen, 'Article 15', p.518.
- ⁴⁰ General Comment No. 31 (80) The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, CCPR/C/21/Rev.1/Add. 13, United Nations Human Rights Committee, adopted 29 March 2004, para. 6.
- ⁴¹ Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights, *Guidelines on Freedom of Peaceful Assembly*, 2nd ed., OSCE ODIHR, Warsaw, 2010, para. 2.2.
- ⁴² Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, A/HRC/20/27, United Nations Human Rights Council, 21 May 2012, para. 33.
- ⁴³ A/HRC/31/66, para. 13.
- ⁴⁴ *Ibid.*, para. 16.
- ⁴⁵ Daly, 'Article 15', p. 2.
- ⁴⁶ See e.g., CCPR/C/GC/37 para. 38 and Lundy, *Implementation Guide*, p. 53. As of December 2022, reservations to CRC Article 15, have been submitted by the Holy See and Luxembourg. CRC Article 51(2) notes that "A reservation incompatible with the object and purpose of the present Convention shall not be permitted"
- ⁴⁷ A/HRC/26/29, para. 24.
- ⁴⁸ United Nations Committee on the Rights of the Child, Comments on Human Rights Committee's Revised Draft General Comment No. 37 on Article 21 (Right of Peaceful Assembly) of the International Covenant on Civil and Political Rights, Geneva, 21 February 2020, p. 7.
- ⁴⁹ *Ibid.*
- ⁵⁰ CRC/C/GC/24, para. 12. A status offence is a particular action or behaviour that is considered a violation of the law only if it is committed by a child, for example truancy or running away.
- ⁵¹ United Nations Committee on the Rights of the Child, Concluding Observations: United Kingdom of Great Britain and Northern Ireland, CRC/C/GBR/CO/4, Geneva, 20 October 2008, paras. 34–35.
- ⁵² CRC/C/GC/21, para. 14.
- ⁵³ Committee on the Rights of the Child, Comments on GC37, p.6.
- ⁵⁴ See e.g., Lundy, *Implementation Guide*, p. 52.
- ⁵⁵ CCPR/C/GC/37, para. 36.
- ⁵⁶ See e.g., Lundy, *Implementation Guide*, pp. 52–53.
- ⁵⁷ *Ibid.*, p.53.
- ⁵⁸ Lansdown, G., 'Article 15: The Right to Freedom of Association and Assembly', ch. 10 in *Monitoring State Compliance with the UN Convention on the Rights of the Child: An analysis of attributes*, edited by Ziba Vaghri et al., Springer, 2022, p. 91, and Daly, 'Article 15', p. 37.
- ⁵⁹ Daly, 'Article 15', pp. 37–38.
- ⁶⁰ Lundy, *Implementation Guide*, p. 53.
- ⁶¹ CRC/C/GC/24, para. 36.
- ⁶² *Ibid.*, para.39.

- ⁶³ “Restrictions must thus be imposed through law or administrative decisions based on law. The laws in question must be sufficiently precise to allow members of society to decide how to regulate their conduct and may not confer unfettered or sweeping discretion on those charged with their enforcement” (CCPR/C/GC/37, para. 39).
- ⁶⁴ Additional footnote for this paper, not part of the citation from CRC Article 15(2): “Restrictions on peaceful assemblies should only exceptionally be imposed for the protection of ‘morals’. If used at all, this ground should not be used to protect understandings of morality deriving exclusively from a single social, philosophical or religious tradition, and any such restrictions must be understood in the light of the universality of human rights, pluralism and the principle of non-discrimination. Restrictions based on this ground may not, for instance, be imposed because of opposition to expressions of sexual orientation or gender identity” (CCPR/C/GC/37, para. 46).
- ⁶⁵ General Comment No. 27 (1999) on Freedom of Movement (Article 12), CCPR/C/21/Rev.1/Add.9, United Nations Human Rights Committee, 1 November 1999, para. 13: “the relation between right and restriction, between norm and exception, must not be reversed.”
- ⁶⁶ *Guidelines on Freedom of Peaceful Assembly*, para. 39. See also paras. 40–45 in general.
- ⁶⁷ CCPR/C/GC/37, para. 39.
- ⁶⁸ The United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association reminded states of the need to respond to the public health crisis in a manner compliant with their human rights obligations. See Voule, Clément, ‘States Responses to Covid 19 Threat Should Not Halt Freedoms of Assembly and Association’, statement, Geneva, 9 April 2020, <www.ohchr.org/en/statements/2020/04/states-responses-covid-19-threat-should-not-halt-freedoms-assembly-and?LangID=E&NewsID=25788>, accessed 22 March 2023.
- ⁶⁹ Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Clément Nyaletsossi Voule, ‘Protection of Human Rights in the Context of Peaceful Protests During Crisis Situations’, A/HRC/50/42, United Nations Human Rights Council, 16 May 2022, para. 19.
- ⁷⁰ *Ibid.*, para. 55.
- ⁷¹ Lundy, *Implementation Guide*, p. 52.
- ⁷² See e.g., General Comment No. 29: States of Emergency (Article 4), CCPR/C/21/Rev.1/Add.11, United Nations Human Rights Committee, 31 August 2001 and A/HRC/50/42, paras. 8, 9, 16, 22, 56, 79 and ‘Joint Declaration on Protecting the Right to Freedom of Peaceful Assembly in Times of Emergencies’ by the United Nations Special Rapporteur on the Rights of Freedom of Assembly and of Association (Clément Voule), the Special Rapporteur on Freedom of Expression of the Inter-American Commission on Human Rights (Pedro Vaca), the Special Rapporteur on Human Rights Defenders and focal point for reprisals in Africa and Chairman of the African Commission on Human and Peoples’ Rights (Rémy Ngoy Lumbu), and the OSCE Office for Democratic Institutions and Human Rights, 15 September 2022.
- ⁷³ Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights, *Human Rights Handbook on Policing Assemblies*, OSCE ODIHR, Warsaw, 2016, pp.24–27.
- ⁷⁴ See e.g., A/HRC/31/66, paras. 38–39.
- ⁷⁵ *Human Rights Handbook*, p.27.
- ⁷⁶ United Nations Committee on the Rights of the Child, *Report of the 2014 Day of General Discussion: Digital media and children’s rights*, Geneva, 2014, paras. 100–101.
- ⁷⁷ Day of General Discussion 2018, pp. 11–12, 15.
- ⁷⁸ For more information about primary and secondary duty-bearers in general, see e.g., United Nations Children’s Fund, *Child Rights Schools Toolkit – Child Participation: How to include rights-based child participation in schools*, UNICEF, July 2022, pp.7–8.
- ⁷⁹ Skelton, ‘Children Being Civilly Disobedient’, p. 318, summarizing recommendations of the United Nations Committee on the Rights of the Child to States Parties.
- ⁸⁰ Lundy and Templeton, *Children Human Rights Defenders*, pp. 11–13.
- ⁸¹ See also Declaration on Human Rights Defenders, A/RES/53/144, Article 16.
- ⁸² A/HRC/31/66, para. 82.
- ⁸³ *Ibid.*, para. 21.
- ⁸⁴ *Guidelines on Freedom of Peaceful Assembly*, Section 5 in general and para. 118 in particular.
- ⁸⁵ CCPR/C/GC/37, para. 14.

- ⁸⁶ A/HRC/20/27, para. 38.
- ⁸⁷ CCPR/C/GC/37, para. 75.
- ⁸⁸ A/HRC/31/66, para. 39.
- ⁸⁹ A/HRC/31/66, para. 38 and CCPR/C/GC/37, para. 75.
- ⁹⁰ Lundy, *Implementation Guide*, p. 32.
- ⁹¹ A/HRC/31/66, para. 39.
- ⁹² *Human Rights Handbook*, p.26. See also: Office of the United Nations High Commissioner for Human Rights and United Nations Office on Drugs and Crime, *Resource Book on the Use of Force and Firearms in Law Enforcement*, UNODC and OHCHR, NewYork, 2017, p. 113.
- ⁹³ *Ibid.*, p.87.
- ⁹⁴ *Ibid.*, p.97.
- ⁹⁵ A/HRC/31/66, para. 38.
- ⁹⁶ OHCHR/UNODC, *Resource Book*, p. 111.
- ⁹⁷ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials: Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, Principle 2. Hereinafter referred to as BPUFF.
- ⁹⁸ Amnesty International Dutch Section, *Policing Assemblies, Police and Human Rights Program – Short Paper Series No. 1*, Amsterdam, December 2013, p. 17.
- ⁹⁹ CCPR/C/GC/37, para. 80: “The military should not be used to police assemblies, but if in exceptional circumstances and on a temporary basis they are deployed in support, they must have received appropriate human rights training and must comply with the same international rules and standards as law enforcement officials.” See also A/HRC/50/42 para 33: “In exceptional circumstances, where it is absolutely necessary for the military to be deployed in the context of protests, they must be under civilian command and oversight, have clearly defined responsibilities and be held accountable by civilian justice systems. They must be trained in human rights-based law enforcement, including de-escalation techniques; must be equipped with and trained in the use of ‘less-lethal’ weapons; and must comply with applicable law enforcement standards, including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. At the same time, States must proactively put into place measures aimed at ensuring that it will not be necessary to deploy the military to police protests.”
- ¹⁰⁰ *Ibid.*, para. 77.
- ¹⁰¹ *Guidelines on Freedom of Peaceful Assembly*, para. 152.
- ¹⁰² Daly, ‘Article 15’, pp. 31–32.
- ¹⁰³ CCPR/C/GC/37, para. 24.
- ¹⁰⁴ CCPR/C/GC/37, para. 76.
- ¹⁰⁵ This should also cover plans for spontaneous assemblies and those which authorities are not notified about in advance (*ibid.*, para. 77).
- ¹⁰⁶ *Ibid.*, para. 80.
- ¹⁰⁷ *Ibid.*, para. 81.
- ¹⁰⁸ *Ibid.*
- ¹⁰⁹ *Ibid.* See also BPUFF principles 2 and 3, and *United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement*, Office of the United Nations High Commissioner for Human Rights, NewYork and Geneva, 2020, Section 4.
- ¹¹⁰ *Ibid.*, para. 80.
- ¹¹¹ Justice with Children, *Policing of Children and Young People: A Case for “Child-Friendly Police,”* October 2021, p. 4.
- ¹¹² *Ibid.*
- ¹¹⁴ *Ibid.*, pp. 4-5.
- ¹¹⁴ *Ibid.*, p. 4.

- ¹¹⁵ In general, see A/HRC/31/66, Section G: “The collection of personal information in relation to an assembly must not interfere impermissibly with privacy or other rights,” paras. 73–78.
- ¹¹⁶ Additional footnote for this paper, not part of the citation from CRC/C/GC/25, para. 69: “The principle of ‘data minimisation’ means that a data controller should limit the collection of personal information to what is directly relevant and necessary to accomplish a specified purpose. They should also retain the data only for as long as is necessary to fulfil that purpose. In other words, data controllers should collect only the personal data they really need, and should keep it only for as long as they need it. The data minimisation principle is expressed in Article 5(1)(c) of the GDPR and Article 4(1)(c) of Regulation (EU) 2018/1725, which provide that personal data must be “adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.” European Data Protection Supervisor, ‘Glossary’, European Union, <https://edps.europa.eu/data-protection/data-protection/glossary/d_en#data_minimization>, accessed 27 February 2023.
- ¹¹⁷ CRC/C/GC/25, para. 69. See also CRC/C/GC/25 para. 65 and The Right to Privacy in the Digital Age, A/HRC/RES/34/7, United Nations Human Rights Council, 17 April 2017, para. 2.
- ¹¹⁸ CCPR/C/GC/37, para. 62.
- ¹¹⁹ The Human Rights Council recognized that “privacy online is important for the realization of the right to freedom of expression and to hold opinions without interference, and the right to freedom of peaceful assembly and association.” It further added: “Emphasizing that, in the digital age, technical solutions to secure and protect the confidentiality of digital communications, including measures for encryption and anonymity, can be important to ensure the enjoyment of human rights, in particular the rights to privacy, to freedom of expression and to freedom of peaceful assembly and association.” The Promotion, Protection and Enjoyment of Human Rights on the Internet, A/HRC/RES/38/7, United Nations Human Rights Council, 17 July 2018, preamble.
- ¹²⁰ CRC/C/GC/25, para. 65: “States parties should ensure that their laws, regulations and policies protect children’s right to participate in organizations that operate partially or exclusively in the digital environment. No restrictions may be placed on the exercise by children of their right to freedom of association and peaceful assembly in the digital environment other than those that are lawful, necessary and proportionate.”
- ¹²¹ A/HRC/31/66, para. 75.
- ¹²² CCPR/C/GC/37, para. 10.
- ¹²³ CCPR/C/GC/37, para. 24. In general, “States are not relieved of their obligations under the Convention [on the rights of the Child] and the Optional Protocols thereto when their functions are delegated or outsourced to a private business or non-profit organization. A State will thereby be in breach of its obligations under the Convention where it fails to respect, protect and fulfil children’s rights in relation to business activities and operations that impact on children.” General Comment No. 16 (2013) on State Obligations Regarding the Impact of the Business Sector on Children’s Rights, CRC/C/GC/16, United Nations Committee on the Rights of the Child, Geneva, 17 April 2013, para. 25. Furthermore, “The activities of companies in the ICT sector implicate rights to privacy, religious freedom and belief, opinion and expression, assembly and association, and public participation, among others.” Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, A/HRC/38/35, 6 April 2018, para. 5.
- ¹²⁴ Feldstein, Steven, ‘State Surveillance and Implications for Children’, Office of Global Insight and Policy, United Nations Children’s Fund, New York, August 2020, pp. 6–7.
- ¹²⁵ See e.g., European Court of Human Rights, Case of Catt v. The United Kingdom (Application no. 43514/15), Judgment, Strasbourg, 24 January 2019, § § 119–121.
- ¹²⁶ OSCE ODIHR, Guidelines, para. 169.
- ¹²⁷ Report of the United Nations High Commissioner for Human Rights, Impact of New Technologies on the Promotion and Protection of Human Rights in the Context of Assemblies, Including Peaceful Protests, A/HRC/44/24, United Nations Human Rights Council, 24 June 2020, para. 53(i). See also Guidelines on Freedom of Peaceful Assembly, para. 169 and A/HRC/31/66, paras. 73–74.
- ¹²⁸ A/HRC/31/66, para. 76.
- ¹²⁹ *Guidelines on Freedom of Peaceful Assembly*, para. 169.
- ¹³⁰ See e.g., Catt v The United Kingdom.
- ¹³¹ Privacy International, ‘Submission on Article 21 of the International Covenant on Civil and Political Rights’, February 2019, p. 6, in relation to FRT.
- ¹³² A/HRC/44/24, para. 53(h).

- ¹³³ European Data Protection Board and European Data Protection Supervisor, Joint Opinion on the Proposal for a Regulation of the European Parliament and of the Council Laying Down Harmonised Rules on Artificial Intelligence (Artificial Intelligence Act), 18 June 2021, pp. 2–3 and European Data Protection Board, Guidelines on the Use of Facial Recognition Technology in the Area of Law Enforcement, Version 1.0, 12 May 2022, p. 5 and para. 104.
- ¹³⁴ A/HRC/31/66, para. 74.
- ¹³⁵ Privacy International, ‘Responsible Use and Sharing of Biometric Data in Counter-Terrorism’, London, July 2020, p. 8. “The most comprehensive data protection regulation in the world, the General Data Protection Regulation (GDPR), treats biometric data used for identification purposes as ‘special category data’, meaning it is considered more sensitive and in need of enhanced protection” (p. 8).
- ¹³⁶ CRC/C/GC/25, para. 65.
- ¹³⁷ Report of the Special Rapporteur on the Right to Privacy, Joseph A. Cannataci: Artificial Intelligence and Privacy, and Children’s Privacy, A/HRC/46/37, United Nations Human Rights Council, 25 January 2021, para. 79.
- ¹³⁸ Ibid., paras 127(q), (p), (m), (l) respectively.
- ¹³⁹ CCPR/C/GC/37, para. 86.
- ¹⁴⁰ OHCHR/UNODC, Resource Book, p.1.
- ¹⁴¹ Ibid., pp. 1–2.
- ¹⁴² Ibid., pp. 16–20. Although they may not be explicitly cited therein, the principles of non-discrimination, precaution and accountability are also based on the standards in the Code of Conduct and the Basic Principles, as well as on the need to implement binding human rights instruments.
- ¹⁴³ CCPR/C/GC/37, para. 78.
- ¹⁴⁴ OHCHR/UNODC, Resource Book, p.16.
- ¹⁴⁵ See e.g., Lake, Anthony and Margaret Chan, ‘Putting Science into Practice for Early Child Development’, *The Lancet*, vol. 385, no. 9980, pp. 1816–1817, 9 May 2015; CRC/C/GC/24, para. 22 (brain development in relation to minimum age of criminal responsibility); and CRC/C/GC/20, para. 9 (brain development in relation to adolescence).
- ¹⁴⁶ Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Juan E. Méndez, A/HRC/26/68, United Nations Human Rights Council, 5 March 2015, para. 33. See also De Bellis, Michael D. et al., ‘Developmental Traumatology Part II: Brain Development’, *Biological Psychiatry*, vol. 45, no. 10, 15 May 1999, pp. 1271–1284.
- ¹⁴⁷ CCPR/C/GC/37, para. 84.
- ¹⁴⁸ Ibid.
- ¹⁴⁹ Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai: Mission to the United Kingdom of Great Britain and Northern Ireland, A/HRC/23/39/Add.1., United Nations Human Rights Council, 17 June 2013, para. 37.
- ¹⁵⁰ Omega Research Foundation and Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights, *Guide on Law Enforcement Equipment Most Commonly Used in the Policing of Assemblies*, OSCE ODIHR, Warsaw, 2021, p. 32.
- ¹⁵¹ CCPR/C/GC/37, para. 85.
- ¹⁵² OHCHR/UNODC, *Resource Book*, p. 65.
- ¹⁵³ OHCHR/UNODC, *Resource Book*, pp. 65-66.
- ¹⁵⁴ For more details on different types of equipment and weapons in general, see: *Guidance on Less-Lethal Weapons; Guide on Law Enforcement Equipment*; International Network of Civil Liberties Organizations/Physicians for Human Rights/Omega Research Foundation, *Lethal in Disguise 2: How crowd-control weapons impact health and human rights*, March 2023.
- ¹⁵⁵ CCPR/C/GC/37, para. 81.
- ¹⁵⁶ OHCHR, *Guidance on Less-Lethal Weapons*, para. 2.7.
- ¹⁵⁷ “BPUFF refers to ‘non-lethal incapacitating weapons’. However, it has become good practice to use the term ‘less-lethal’ over ‘non-lethal’, to underline that these instruments can be lethal. This noted, in the ordinary course of their intended use, less-lethal weapons have a smaller risk of causing death or serious injuries than firearms do. However, there is no internationally agreed upon definition of less-lethal weapons.” OHCHR/UNODC,

Resource Book, p.66, footnote 145. According to the 2023 INCLO/PHR/ORF Lethal in Disguise 2 report: “The UN Guidance on LLWs and other groups use the term less-lethal weapons (LLWs) while our report uses the term crowd control weapons (CCWs). Our report uses the term CCW to avoid suggesting that these weapons are not dangerous. Lethality is based not only on the weapon profile but on how it is used. A more objective term in this sense is CCWs, as it covers all weapons used in assemblies”; p. 123, footnote 337.

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- 169 UK Defence Scientific Advisory Council Sub-Committee on the Medical Implications of Less-Lethal Weapons, ‘Statement on the Medical Implications of Use of the Taser X26 and M26 Less-Lethal Systems on Children and Vulnerable Adults’, 4 April 2011, amended 27 January 2012, paras 5(a) and 5(g).
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- 174 CCPR/C/GC/37, para. 88.
- 175 OSCE ODIHR, *Human Rights Handbook*, p. 81. See also pp. 81-82 in general.
- 176 BPUFF, principle 9.
- 177 CCPR/C/GC/37, para. 88.
- 178 *Ibid.*
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United Nations Children's Fund

Human Rights Unit
Programme Group Leadership Team
3 United Nations Plaza
New York, NY 10017, USA
www.unicef.org

