

**The Rights to Freedom of Peaceful Assembly and of Association**

*The Human Rights Council*

*Guided by* the Charter of the United Nations, the Universal Declaration of Human Rights, and other applicable human rights instruments,

*Reaffirming* the purposes and principles enshrined in the Charter of the United Nations and the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights,

*Recalling* Commission on Human Rights resolution 2005/37 and other relevant resolutions

*Recalling further* that Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

*Reaffirming* that everyone has the right to freedom of peaceful assembly and association and that no one may be compelled to belong to an association,

*Recognizing* that the rights to freedom of peaceful assembly and of association are essential components of democracy, providing individuals with invaluable opportunities to, inter alia, express political opinions, engage in literary and artistic pursuits and other cultural and social activities, engage in religious observances, form and join trade unions, and elect leaders to represent their interests,

*Recognizing also* the importance of the rights to freedom of peaceful assembly and of association to the full enjoyment of civil and political rights, and economic, social and cultural rights.

*Recalling* that, according to the International Covenant on Civil and Political Rights,

and the International Covenant on Economic, Social and Cultural Rights the exercise of the rights to peaceful assembly and association can be subject to certain restrictions,

*Recognizing* that exercising the rights to freedom of peaceful assembly and of association free of constraint, except where consistent with applicable international law, in particular international human rights law, is indispensable to the full enjoyment of these rights, particularly where individuals may espouse minority or dissenting religious or political beliefs,

*Recalling* the Philadelphia Declaration adopted by the General Conference of the International Labor Organization on 10 May 1944 and incorporated subsequently into the Constitution of the Organization, and the 1998 Declaration on Fundamental Principles and Rights at Work, in which the Members reaffirmed the fundamental principles on which the International Labor Organization is based, in particular that, *inter alia*, freedom of expression and of association are essential to sustained progress; and relevant conventions, declarations, programs and activities underscoring the importance of freedom of association,

*Recognizing* the critical mandate, role, expertise, and specialized supervisory mechanisms and procedures of the International Labor Organization with respect to employers' and workers' right to freedom of association,

*Recalling* Council resolutions 5/1 entitled "Institution-building of the United Nations Human Rights Council" and 5/2 entitled "Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council" and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and the annexes thereto,

1. *Calls upon* States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, including in the context of elections and including persons belonging to minority groups and those espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with applicable international law, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;

2. *Invites* the Office of the United Nations High Commissioner for Human Rights to assist States to promote and protect the rights to freedom of peaceful assembly and of association, including through the technical assistance programs of her Office, at the request of States, as well as to cooperate with relevant bodies of the United Nations system and other intergovernmental organizations to assist States to promote and protect the rights to freedom of peaceful assembly and of association;

3. *Encourages* civil society, including non-governmental organizations and the private sector, to promote and facilitate the enjoyment of the rights to freedom of peaceful assembly and of association;

4. *Decides* to appoint, for a period of three years, a special rapporteur on freedom of peaceful assembly and of association whose tasks will be:

(a) To gather all relevant information relating to the protection and promotion of the rights to freedom of peaceful assembly and of association, and, wherever it may occur, relating to violations of the rights to freedom of peaceful assembly and of association, as well as discrimination against, threats or use of violence, harassment, persecution, intimidation or reprisals directed at persons as a matter of high priority;

(b) To seek, receive and respond to information from Governments, non-governmental organizations, relevant stakeholders and any other parties who have knowledge of these matters, with a view to protecting and promoting the rights to freedom of peaceful assembly and of association;

(c) To study trends, developments, and challenges in relation to the exercise of the right of anyone, acting individually or in association with others, to the freedom of peaceful assembly and of association, and to make recommendations on ways and means to ensure the promotion and protection of the rights to freedom of peaceful assembly and association in all its manifestations.

(d) To contribute to the provision of technical assistance or advisory services by the Office of the United Nations High Commissioner for Human Rights to better promote and protect the rights to freedom of peaceful assembly and of association.

(e) To report on violations of the rights to freedom of peaceful assembly and of association and draw the attention of the Human Rights Council, and the United Nations High Commissioner for Human Rights to situations which are of particularly serious concern.

(f) To take into account, with a view to avoiding unnecessary duplication, the specific competence of the International Labor Organization and its specialized supervisory mechanisms and procedures with respect to employers' and workers' right to freedom of association.

5. *Calls* on States to cooperate fully with and assist the special rapporteur in the performance of his/her tasks, to provide all necessary information requested by him/her, to respond promptly to his/her urgent appeals and other communications and to consider favorably his/her requests for visits;

6. *Invites* the United Nations High Commissioner for Human Rights, relevant special procedures of the Council and human rights treaty bodies to pay attention, within the framework of their mandates, to the situation of persons whose right to freedom of peaceful assembly or of association has been violated;

7. *Requests* the Special Rapporteur to submit each year to the Council and to the UN General Assembly a report covering activities relating to his/her mandate;

8. *Requests* the Secretary General and the High Commissioner to provide all the necessary human and financial resources for the effective fulfillment of the mandate by the special rapporteur;

9. *Decides* to continue its consideration of the issue of freedom of peaceful assembly and of association in accordance with its program of work.