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Resolution adopted by the Human Rights Council

15/21
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, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and other applicable human rights instruments,

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

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

Recalling also Commission on Human Rights resolution 2005/37 of 19 April 2005 and other relevant resolutions,

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

Recognizing 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,

Recognizing also 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 their political opinions, engage in literary and artistic pursuits and

* The resolutions and decisions adopted by the Human Rights Council will be contained in the report of the Council on its fifteenth session (A/HRC/15/60), chap. I.
other cultural, economic and social activities, engage in religious observances or other
beliefs, form and join trade unions and cooperatives, and elect leaders to represent their
interests and hold them accountable,

Recognizing further that exercising the rights to freedom of peaceful assembly and
of association free of restrictions, subject only to the limitations permitted by 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,

Recognizing the critical mandate, role, expertise and specialized supervisory
mechanisms and procedures of the International Labour Organization with respect to
employers’ and workers’ rights to freedom of association,

Recalling Council resolution 5/1, entitled “Institution-building of the United Nations
Human Rights Council”, and resolution 5/2, entitled “Code of Conduct for Special
Procedures Mandate-holders of the Human Rights Council”, of 18 June 2007, 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 espousing minority or dissenting views or beliefs, human rights
defenders, trade unionists and others, including migrants, 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 their obligations under international human rights law;

2. Calls upon 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 programmes of the
Office, at the request of States, and 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
other relevant stakeholders, to promote the enjoyment of the rights to freedom of peaceful
assembly and of association, recognizing that civil society facilitates the achievement of the
aims and principles of the United Nations;

4. Recalls that, in accordance with the International Covenant on Civil and
Political Rights and the International Covenant on Economic, Social and Cultural Rights,
the exercise of the rights to freedom of peaceful assembly and of association can be subject
to certain restrictions, which are prescribed by 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;

5. Decides to appoint, for a period of three years, a special rapporteur on the
rights to freedom of peaceful assembly and of association whose tasks will include:

(a) To gather all relevant information, including national practices and
experiences, relating to the promotion and protection of the rights to freedom of peaceful
assembly and of association, to study trends, developments and challenges in relation to the
exercise of these rights, and to make recommendations on ways and means to ensure the
promotion and protection of the rights to freedom of peaceful assembly and of association
in all their manifestations;
(b) To incorporate in his or her first report an elaboration of the framework, including seeking the views of States, through which the mandate holder will consider best practices, including national practices and experiences, that promote and protect the rights to freedom of peaceful assembly and of association, taking into account in a comprehensive manner the relevant elements of work available within the Council;

(c) 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 promoting and protecting the rights to freedom of peaceful assembly and of association;

(d) To integrate a gender perspective throughout the work of the mandate;

(e) To contribute to the provision of technical assistance or advisory services by the Office of the High Commissioner to better promote and protect the rights to freedom of peaceful assembly and of association;

(f) To report on violations, wherever they may occur, of the rights to freedom of peaceful assembly and of association, as well as discrimination, threats or use of violence, harassment, persecution, intimidation or reprisals directed at persons exercising these rights, and to draw the attention of the Council and the High Commissioner to situations of particularly serious concern;

(g) To undertake his or her activities such that the present mandate will not include those matters of specific competence of the International Labour Organization and its specialized supervisory mechanisms and procedures with respect to employers’ and workers’ rights to freedom of association, with a view to avoiding any duplication;

(h) To work in coordination with other mechanisms of the Council, other competent United Nations bodies and human rights treaty bodies, and to take all necessary measures to avoid unnecessary duplication with those mechanisms;

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

7. **Invites** the High Commissioner, 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;

8. **Requests** the special rapporteur to submit an annual report to the Council covering activities relating to his or her mandate;

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

10. **Decides** to continue its consideration of the issue of the rights to freedom of peaceful assembly and of association in accordance with its programme of work.

32nd meeting
30 September 2010
[ Adopted without a vote.]