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Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil
political, economic, social and cultural rights,
including the right to development**

Albania **, Argentina, Australia **, Austria **, Benin **, Burkina Faso, Canada **, Chile, Colombia **, Croatia **, Czech Republic **, Denmark **, Estonia **, Finland **, France, Georgia **, Germany **, Ghana, Guatemala, Hungary, India, Indonesia **, Ireland **, Israel **, Italy **, Latvia **, Liechtenstein **, Lithuania **, Luxembourg **, Maldives, Malta **, Mexico, Morocco **, Netherlands **, New Zealand **, Nigeria, Norway, Panama **, Peru **, Poland, Portugal **, Republic of Korea, Republic of Moldova, Romania **, Serbia **, Slovakia, Slovenia **, Somalia **, Spain, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland, Ukraine, United States of America, draft resolution

15/... 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,

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** Non-Member State of the Human Rights Council.

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 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,

Recalling 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,

~~*Recalling also* that the individual, having duties to other individuals and to the community to which he or she belongs, has a responsibility to strive for the promotion and observance of human rights and fundamental freedoms,~~

Recognizing 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 also 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 belonging to minorities and those 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 makes a valuable contribution to the achievement of the aims and principles of the United Nations;

4. *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 ~~unnecessary~~ **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;

5. *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;

6. *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;

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

8. *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;

9. *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.