

AG/RES. 2680 (XLI-O/11)

PROMOTION OF THE RIGHTS TO FREEDOM OF ASSEMBLY
AND OF ASSOCIATION IN THE AMERICAS

(Adopted at the fourth plenary session, held on June 7, 2011)

THE GENERAL ASSEMBLY,

BEARING IN MIND the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights, which establish that all persons shall be entitled to freedom of peaceful assembly and association;

TAKING INTO ACCOUNT resolutions AG/RES. 2579 (XL-O/10) "Human Rights Defenders: Support for Individuals, Groups, and Organizations of Civil Society Working to Promote and Protect Human Rights in the Americas"; AG/RES. 2612 (XL-O/10) "Increasing and Strengthening Civil Society Participation in the Activities of the Organization of American States and in the Summits of the Americas Process"; AG/RES. 2344 (XXXVII-O/07) "Citizen Participation and Strengthening of Democracy in the Americas"; AG/RES. 2351 (XXXVII-O/07) "Civil Society Organizations and the Protection of Human Rights and Promotion of Democracy"; AG/RES. 1915 (XXXIII-O/03) "Increasing and Strengthening Civil Society Participation in OAS Activities," CP/RES. 759 (1217/99), "Guidelines for the Participation of Civil Society Organizations in OAS Activities," CP/RES. 840 (1361/03), "Strategies for Increasing and Strengthening Participation by Civil Society Organizations in OAS Activities", and the "Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms";

REAFFIRMING that the participatory nature of democracy in our countries in different aspects of public life contributes to the consolidation of democratic values and to freedom and solidarity in the Hemisphere;

REAFFIRMING that every state has the right to choose, without external interference, its political, economic, and social system and to organize itself in the way best suited to it, and has the duty to abstain from intervening in the affairs of another State. Subject to the foregoing, the American states shall cooperate fully among themselves, independently of the nature of their political, economic, and social systems;

CONSIDERING that the freedom of peaceful assembly and association, and to seek, receive, and impart information and ideas of all kinds by any medium whatsoever, is provided for in the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights, the Inter-American Democratic Charter, as well as in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

REAFFIRMING that each state has the right to develop its cultural, political, and economic life freely and naturally. In this free development, the state shall respect the rights of the individual and the principles of universal morality;

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;

REAFFIRMING that the elimination of all forms of discrimination, particularly gender, ethnic, and racial discrimination and the different forms of intolerance, and the promotion of the human rights of indigenous peoples and migrants and of respect for ethnic, cultural, and religious diversity in the Americas contribute to strengthening democracy and citizen participation;

REAFFIRMING the recognition made at the 1993 World Conference on Human Rights that all human rights are universal, indivisible, interdependent, and interrelated, and the call it made on all governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and including the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression, and religion;

NOTING the recent establishment of a mandate for a Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association by the UN Human Rights Council through UN Human Rights Council resolution A/HRC/RES/15/21;

CONCERNED that situations exist in the Americas that directly or indirectly prevent or hinder the work of governments, individuals, or independent democratic groups, or organizations working to promote and protect human rights and fundamental freedoms;

RENEWING its trust in the commitment of all the countries to find ways to achieve the well-being of their peoples and to reinforce the universal values of sovereignty, liberty, independence, peace, solidarity, the common good, peaceful coexistence and the rule of law, and respect for human rights for this and for future generations; as well as to ensure social justice and equality before the law without any kind of discrimination;

CONCERNED ALSO about the increase in new restrictive legislation regulating the creation and operation of non-governmental organizations and any abuse of civil or criminal proceedings against them because of their activities for the promotion and protection of human rights and fundamental freedoms;

REAFFIRMING ALSO that every American state has the duty to respect the rights enjoyed by every other state in accordance with international law;

STRESSING that the fundamental rights of states may not be impaired in any manner whatsoever;

RECOGNIZING:

The importance of participation by civil society organizations and other social actors in consolidating democracy in all member states;

That all social actors, including civil society organizations, can contribute to the workings of the bodies and organizations of the inter-American system; and

That exercising the rights to freedom of peaceful assembly and of association, in line with the parameters set 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,

RESOLVES:

1. To urge member states to adhere to or ratify, or both, as applicable, the American Convention on Human Rights and the other instruments of the universal inter-American system for the protection of human rights.

2. To urge member states to promote and foster various forms of community citizen participation in decision-making processes related to integral development, thus helping to resolve problems affecting them, to ensure that the benefits of democracy are shared by society as a whole, and to strengthen and consolidate democracy and human rights.

3. To call upon member states to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, 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 within the framework of national constitutions and laws and in accordance with their obligations under international human rights law and agreements.

4. To recommend that member states promote and strengthen alternative methods of communication and information.

5. To again recommend to member states that they develop and, as the case may be, expand networks of information on public policies and programs in order to enable citizens to play a much more effective role in decision-making in government.

6. To encourage member states to ensure that applicable national law allows human rights defenders and their organizations to carry out their work in a free, transparent, and open political environment and in a manner consistent with applicable international human rights and humanitarian law.

7. To encourage all social actors, including civil society, to promote the enjoyment of the rights to freedom of peaceful assembly and of association, recognizing that civil society can contribute to the fulfillment of the principles and purposes of the OAS Charter.

8. To invite the General Secretariat to continue to support member states that so request in their efforts to increase the institutional capacity of their governments to receive, absorb, and act on, when appropriate, input and advocacy of all social actors, if possible through the use of information and communication technologies.

9. To instruct the Permanent Council to prepare and convene a special meeting to exchange experiences, views and best practices that serve to promote the rights to freedom of assembly and of association.

10. To request the Permanent Council to report to the General Assembly at its forty-second regular session on the implementation of this resolution. Execution of the activities identified herein shall be subject to the availability of financial resources in the program-budget of the Organization and other resources.