



General Assembly

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Human Rights Council

Twenty-first session

Agenda item 3

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

Resolution adopted by the Human Rights Council*

21/16.

The rights to freedom of peaceful assembly and of association

The Human Rights Council,

Reaffirming Human Rights Council resolution 15/21 of 30 September 2010, and recalling Council resolutions 19/35 of 23 March 2012 and 20/8 of 5 July 2012 and relevant resolutions of the Commission on Human Rights,

Recognizing the importance of the rights of everyone to freedom of peaceful assembly and of association to the full enjoyment of all human rights,

Recalling that, in accordance with the International Covenant on Civil and Political Rights and as similarly prescribed in the International Covenant on Economic, Social and Cultural Rights, no restriction may be placed on the exercise of the rights to freedom of peaceful assembly and of association other than those that are prescribed by law and that 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,

Reiterating 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,

Taking note of the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association,¹

Reiterating the important role of new information and communications technologies in enabling and facilitating the enjoyment of the rights to freedom of peaceful assembly and of association, and the importance for all States to promote and facilitate access to the

* The resolutions and decisions adopted by the Human Rights Council will be contained in the report of the Council on its twenty-first session (A/HRC/21/2), chap. I.

¹ A/HRC/20/27.

Internet and international cooperation aimed at the development of media and information and communications facilities in all countries,

Recognizing the importance of the freedoms of peaceful assembly and of association, as well as the importance of civil society, to good governance, including through transparency and accountability, which is indispensable for building peaceful, prosperous and democratic societies,

Aware of the crucial importance of active involvement of civil society in processes of governance that affect the life of people,

1. *Reminds* States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, 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. *Expresses concern* at violations of the rights to freedom of peaceful assembly and of association;

3. *Emphasizes* the critical role of the rights to freedom of peaceful assembly and of association for civil society, and recognizes that civil society facilitates the achievement of the purposes and principles of the United Nations;

4. *Stresses* that respect for the rights to freedom of peaceful assembly and of association, in relation to civil society, contributes to addressing and resolving challenges and issues that are important to society, such as the environment, sustainable development, crime prevention, human trafficking, empowering women, social justice, consumer protection and the realization of all human rights;

5. *Reiterates its call upon* States to cooperate fully with and assist the Special Rapporteur on the rights to freedom of peaceful assembly and of association in the performance of his mandate;

6. *Reiterates its call 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;

7. *Invites* the Special Rapporteur on the rights to freedom of peaceful assembly and of association to include, in his next annual report, the importance of the freedom of peaceful assembly and of association to the work of civil society actors, including with respect to the progressive realization of economic, social and cultural rights;

8. *Requests* the Special Rapporteur to present an annual report to the General Assembly;

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.

*37th meeting
27 September 2012*

[Adopted without a vote.]