

SECOND DRAFT FROM CORE GROUP – Thursday, September 13, 2012

21/... The rights to freedom of peaceful assembly and of association

The Human Rights Council,

Reaffirming Human Rights Council Resolution 15/21 of 6 October 2010, **and recalling Human Council Resolution 19/35 of 23 March 2012 and relevant Commission on Human Rights resolutions (new)**

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, **(15/21)**

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, **(15/21)**

Noting with appreciation the report of the special rapporteur on the rights to freedom of peaceful assembly and of association, (A/HRC/20/27) **(new)**

***Reiterating* the important role of new information and communication technologies in enabling and facilitating the enjoyment of the rights to freedom of peaceful assembly and of association,**

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, **(CHR 2000/47, modified)**

Aware of the crucial importance of active involvement of civil society in processes of governance that affect the **life of people, (CHR 2000/47, modified)**

1.[moved] *Reiterates its call upon* States 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; **(15/21 modified)**

2. *Emphasizes* the critical role of the rights to freedom of peaceful assembly and of association for civil society; **(new)**
3. *Recognizes* that civil society facilitates the achievement of the **purposes** and principles of the United Nations; **(OP3 of 15/21, shortened)**
4. *Stresses* that respect for freedom of peaceful assembly and association, in relation to civil society actors and organizations, contributes to accelerating development, and to addressing and resolving challenges and issues that are important to society, such as the environment, crime **prevention**, human trafficking, **rights of women**, social justice, and consumer protection; **(new)**
5. *Expresses its concern* regarding **limitations imposed by States on the rights to peaceful assembly and association other than those permitted by international law, in particular international human rights law**; **(new)**
6. *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 or her **mandate**; **(OP6 of 15/21, modified and shortened)**
7. *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; **(OP2 of 15/21, modified)**
8. *Invites* the special rapporteur on the rights to freedom of peaceful assembly and of association, to **also include**, in his or her next annual report, the importance of 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; **(new)**
9. *Requests* that the special rapporteur on the rights to freedom of peaceful assembly and of association **also present** his or her annual report to the UN General Assembly; **(new)**

10. *Decides* to continue its consideration of the issue of the rights to freedom of peaceful assembly and of association in accordance with its program of work. (15/21)

