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

Albania,* Andorra,* Argentina, Armenia, Australia,* Austria,* Belgium,* Bulgaria,* Canada,* Costa Rica,* Croatia,* Cyprus,* Czechia, Denmark,* Ecuador,* Estonia,* Finland, Georgia,* Germany, Greece,* Iceland,* Indonesia, Ireland,* Italy,* Latvia,* Lithuania, Luxembourg, Maldives,* Malta,* Mexico, Netherlands, Paraguay, Peru,* Poland, Portugal,* Romania,* Slovakia,* Slovenia,* Sweden,* Switzerland,* Ukraine, United States of America and Uruguay*: draft resolution

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

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant human rights instruments,

Reaffirming Human Rights Council resolutions 15/21 of 30 September 2010, 21/16 of 27 September 2012, 24/5 of 26 September 2013, 32/32 of 1 July 2016 and 41/12 of 11 July 2019, and recalling Council resolutions 22/10 of 21 March 2013, 25/38 of 28 March 2014, 26/13 of 26 June 2014, 31/37 of 24 March 2016, 38/11 of 6 July 2018 and 44/20 of 17 July 2020, as well as 24/21 of 27 September 2013, 38/12 of 6 July 2018 and 47/3 of 12 July 2021 and relevant resolutions of the Commission on Human Rights,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedure Mandate Holders of the Council, of 18 June 2007,

Noting relevant work of treaty bodies, including the Human Rights Committee and its general comment No. 37 (2020) on the right of peaceful assembly provided for under article 21 of the International Covenant on Civil and Political Rights,

Recognizing the importance of the rights to freedom of peaceful assembly and of association for the full enjoyment of civil and political rights, and economic, social and cultural rights, as their exercise, as enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, is essential for the enjoyment of other human rights and freedoms and constitutes a fundamental pillar for building a democratic society and strengthening democracy, bearing in mind that all human rights are universal, indivisible, interdependent and interrelated, and enables the participation and mobilization of all

* State not a member of the Human Rights Council.



stakeholders in support of the implementation of the 2030 Agenda for Sustainable Development, including with regard to advancing gender equality (Sustainable Development Goal 5) and climate action (Sustainable Development Goal 13),

Recognizing also that the rights to freedom of peaceful assembly and of association provide individuals with invaluable opportunities to, inter alia, express their political or other opinions, contribute to policymaking, transparency and accountability, call for respect for and protection of human rights, engage in literary and artistic pursuits and other cultural, economic social and educational activities, engage in religious observance or other beliefs, form and join trade unions and cooperatives, and elect leaders to represent their interests and hold them accountable,

Recognizing further the importance of the rights to freedom of peaceful assembly and of association for the active involvement of civil society in processes of governance that affect the lives of people,

Encouraging States to take every opportunity to support diversity of civil society participation, with particular emphasis on underrepresented parts of civil society, including women, children, youth, human rights defenders, older persons, persons with disabilities, persons belonging to ethnic, religious, national, linguistic and racial minorities, migrants, refugees, indigenous peoples and others not associated with or organized in non-governmental organizations, such as peaceful social movements,

Calling upon States to ensure that domestic provisions on funding for civil society actors are in compliance with their international human rights obligations and commitments and are not misused to hinder the work or endanger the safety of civil society actors, and underlining the importance of the ability to solicit, receive and utilize resources for their work,

Recognizing the challenges to the enjoyment of the rights to freedom of peaceful assembly and of association, the need to continue to monitor these challenges and to assist in overcoming them, in particular by providing technical cooperation or capacity-building when requested by States,

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,

Stressing the importance for all States to promote, free, open, interoperable, reliable and secure use of and access to the Internet, by facilitating international cooperation aimed at the development of media and information and communications facilities in all countries, by respecting and protecting human rights, including to freedom of peaceful assembly and of association and to privacy, and by refraining from undue restrictions, such as Internet shutdowns, arbitrary or unlawful surveillance or online censorship,

Recognizing that the pandemic has exacerbated and accelerated existing challenges, both online and offline, for civil society space, including human rights defenders, including lack of diversity of participation; attacks, reprisals and acts of intimidation, including smear campaigns and use of hate speech; shortcomings in access and accreditation processes; the use of legal and administrative measures to restrict civil society activity; restrictions on access to resources; and restrictions on the rights to freedom of peaceful assembly and of association and to freedom of expression; and that it has increased the impact of the digital divide,

Stressing that, in times when physical assemblies are restricted, such as in times of crisis or emergency, measures should be taken to ensure that access to the Internet extends to everyone, and to bridge digital divides, including the gender digital divide,

Deeply concerned about the instances in which peaceful assemblies, including peaceful protests, have been met with repression, including the unlawful use of force by law enforcement officials, the misuse of less-lethal weapons, arbitrary arrests and detention, torture and other cruel, inhuman or degrading treatment or punishment and enforced disappearance, as well as arbitrary and unlawful surveillance, Internet shutdowns and network restrictions, and assaults on protesters, bystanders, human rights defenders,

journalists, other media workers and persons belonging to national or ethnic, religious and linguistic minorities or others who are in disproportionately vulnerable situations exercising their rights to freedom of peaceful assembly and of association,

Deeply concerned also that, in some instances, domestic legal and administrative provisions, such as national security and counter-terrorism legislation, and other measures, such as provisions on funding for civil society actors, registration or reporting requirements, or emergency measures, including public health measures, have sought to or have been misused to hinder the work and endanger the safety of civil society, and recognizing the urgent need to address the use or misuse of such provisions, and to review and, where necessary, amend any relevant provisions in order to ensure their compliance with international human rights law and, where applicable, international humanitarian law,

1. *Decides* to renew the mandate of Special Rapporteur on the rights to freedom of peaceful assembly and of association, as established by the Human Rights Council in its resolution 15/21, for a period of three years;

2. *Takes note with appreciation* of the work of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and notes the reports he has submitted to the Human Rights Council and the General Assembly;

3. *Calls upon* States to continue to cooperate fully with and assist the Special Rapporteur in the performance of the mandate, to respond promptly to the mandate holder's urgent appeals and other communications, to consider favourably the mandate holder's requests to visit their countries and to give due consideration to implementing the recommendations contained in the mandate holder's reports;

4. *Encourages* all relevant stakeholders, including the United Nations and its agencies, programmes and funds, regional human rights mechanisms, national human rights institutions, civil society and the private sector, including social media messaging services and telecommunications companies, to cooperate fully with the Special Rapporteur to enable him or her to fulfil the mandate, and notes the cooperation between the Special Rapporteur and treaty bodies, including the work on general comments, in particular the Human Rights Committee's general comment No. 37 (2020), and his work related to the Office of the United Nations High Commissioner for Human Rights guidelines for States on the effective implementation of the right to participate in political and public affairs;

5. *Expresses concern* at violations of the rights to freedom of peaceful assembly and of association;

6. *Calls upon* States to respect, fully protect and fulfil the rights of all individuals to assemble peacefully and associate freely, online and offline, including in the context of elections, and including persons belonging to national or ethnic, religious and linguistic minorities or expressing dissenting views or beliefs, human rights defenders, children, youth, persons with disabilities, indigenous peoples, individuals associated with political parties, trade unionists, migrants and others seeking to exercise or to promote these rights, and to take all measures necessary to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association, including imposed during states of emergency, are in accordance with their obligations under international human rights law, and also calls upon States to take measures to ensure that these rights continue to be respected and protected during crises;

7. *Condemns unequivocally* measures in violation of international human rights law that prevent or disrupt an individual's ability to seek, receive or impart information online, including Internet shutdowns and online censorship, calls upon all States to refrain from and to cease such measures, and also calls upon States to ensure that all domestic laws, policies and practices are consistent with their international human rights obligations with regard to freedom of association and of peaceful assembly;

8. *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, the protection of public health or morals or the protection of the rights and freedoms of others;

9. *Calls upon* States to establish and maintain a safe and enabling environment in which civil society actors can operate freely, including by fostering and facilitating their access to financial resources, to ensure that national legislation, policies and practices are in compliance with their international human rights obligations and commitments, and to refrain from applying laws and engaging in practices that unduly interfere with their ability to do so, including with regard to their ability to access funding;

10. *Also calls upon* States to refrain from the arbitrary or unlawful use of force by law enforcement officials against those taking part in peaceful assemblies, and from the use of digital technology to silence, unlawfully or arbitrarily surveil or harass individuals or groups for having organized, taken part in, or observed, monitored or recorded peaceful assemblies, or from ordering partial or full Internet shutdowns and from blocking websites and platforms around protests or key political moments;

11. *Stresses* that access to justice is an integral element of the protection of the rights to freedom of peaceful assembly and of association, and calls on States to take measures to ensure that their national legislation, policies and practices are in compliance with their international human rights obligations and commitments, and to provide timely and effective remedy and reparations, as appropriate, to victims;

12. *Requests* the Special Rapporteur to continue to report annually to the Human Rights Council and the General Assembly;

13. *Requests* the Secretary-General to provide the assistance necessary to the Special Rapporteur to fulfil the mandate, in particular by placing adequate human and material resources at his or her disposal;

14. *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.
