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STATEMENT

United Nations Human Rights Council Should Adopt Resolution Establishing Special Rapporteur on Freedom of Assembly and Association

ARTICLE 19 urges the United Nations Human Rights Council (HRC) to adopt the draft resolution on freedom of assembly and freedom of association which has been co-tabled by seven states and will significantly enhance international protection of those rights.

The key feature of the draft resolution is that it establishes a Special Rapporteur on the rights to freedom of peaceful assembly and of association. The tasks of the mandate holder include: gathering information on national practices, trends and challenges; making recommendations; elaborating on best practices; seeking, receiving and responding to information from governments, NGOs and other relevant stakeholders; reporting on violations of rights; coordinating with other mechanisms of the HRC and other UN bodies, while calling upon states to cooperate fully with the Special Rapporteur.

The draft resolution also advances the work of the UN human rights bodies on freedom of assembly and association in other ways, especially upon resolution 2005/37 of the Commission of Human Rights. It specifically identifies groups of individuals whose rights to freedom of assembly and association should be respected and fully protected by states – individuals in the context of elections, persons belonging to minorities and those espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants (paragraph 1). Importantly, it also encourages civil society, including non-governmental organisations and other relevant stakeholders, to promote the enjoyment of the rights to freedom of peaceful assembly and association “*recognising that civil society makes a valuable contribution to the achievement and of the aims and principles of the United Nations*” (paragraph 3).

ARTICLE 19 supports the adoption of this draft resolution for four principal reasons.

First, there is a gap in the current protection provided by UN human rights mechanisms in relation to the rights to freedom of assembly and association. Whilst thematic special procedures, including special rapporteurs, have been established for an array of civil, political and economic, social and cultural human rights and issues, there has never existed such a special procedure focusing on the rights to freedom of assembly and association. The establishment of a special rapporteur would therefore

significantly enhance the international mechanisms protecting these fundamental human rights.

Second, this gap in protection is particularly obvious since **there is an obvious need** for a UN human rights mechanism to address violations of the rights to freedom of assembly and association worldwide. As highlighted by ARTICLE 19 and other organisations, there has been an alarming increase of regressive legislative and policy measures against civil society, attacks and killings of human rights defenders, and impunity for these crimes.¹ Such violations have come on top of increasing restrictions on foreign funding for human rights and democracy initiatives by civil society organisations. A special rapporteur would be able to examine, monitor, advise and publicly report on such global challenges to rights to freedom of assembly and association and make authoritative recommendations on how states in particular should respond to them.

Third, the diversity of states which have co-tabled the draft resolution – the Czech Republic, Indonesia, Lithuania, Maldives, Mexico, Nigeria and the USA – indicates that the **draft resolution already enjoys broad cross-regional support**.

Fourth, the adoption of the **draft resolution would strengthen international protection of the right to freedom of expression**. The rights to freedom of assembly, association and expression are interdependent rights, essential to the realization of other human rights, genuine democracy and the rule of law. Associations need to be able to express themselves freely in order for them to make their objectives, interests and demands openly known or publicise their activities, views and comments on state policies and measures. At the same time, individuals and groups need to be able to assemble or associate with others in order to be able to effectively communicate and consult with each other, state and other non-state actors and discuss collective action in response to state policies and practices.

FURTHER INFORMATION:

- For more information please contact: Sejal Parmar, Senior Legal Officer sejal@article19.org +44 20 7324 2500.
- The resolution can be found at: www.article19.org/pdfs/press/promotion-and-protection-of-all-human-rights-civil-political-economic-social.pdf
- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.

¹ See ARTICLE 19 Press Release, “Governments Must Do More To Protect Civil Society” 5 July 2010 <http://www.article19.org/pdfs/press/governments-must-do-more-to-protect-civil-society.pdf>