



FACT SHEET:

Right to peaceful assembly and freedom of association

Section 22 of the *Human Rights Act 2019*

Section 22 of the *Human Rights Act 2019* says that:

1. Every person has the right of peaceful assembly.
2. Every person has the right to freedom of association with others, including the right to form and join trade unions.

The Human Rights Act protects the right of peaceful assembly and freedom of association. This right protects not only the right to meet but to join or form a group with like-minded people.

This right is based on Articles 21 and 22 of the International Covenant on Civil and Political Rights. Australia ratified this treaty in 1980.

Scope of the right

Peaceful assembly

The right to peaceful assembly is the right of individuals to gather for a common purpose or to pursue common goals. Meetings and protests are examples of assemblies. Only peaceful assemblies are protected, not those which involve violence.

This right covers preparing for and conducting of the assembly and protects the organisers and the participants.

The freedom of association

This right extends to all forms of association with others, including but not only for political purposes. The freedom to join trade unions is simply an example of freedom of association.

Like all rights in the Act, the right to peaceful assembly and freedom of association can be limited where it is reasonable and demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

When this right could be relevant

Section 22 could be relevant to laws, policies, acts or decisions that:

- regulate membership of groups or associations;
- limit the ability of a person or group of people to exercise their right to peacefully protest;
- treat people differently on the basis of their membership of a group or association, for example, trade unions;
- prohibit membership in a group or association, for example a motorcycle gang.

This factsheet is not intended to be a substitute for legal advice.