

## CIVIL SOCIETY LAW IN AFRICA

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# ADVANCED HUMAN RIGHTS SHORT COURSE

SEPTEMBER 30 – OCTOBER 4, 2019

Centre for Human Rights, Faculty of Law  
University of Pretoria

Venue: Room 2.2.1, Centre for Human Rights, University of Pretoria, Hatfield  
Campus

### MONDAY 30 September 2019

**09:00–09:30** Welcome, course objectives, logistics and introduction of participants

Dr Nkatha Murungi, Assistant Director, Centre for Human Rights, University of Pretoria

Irene Petras, Legal Advisor-Africa, International Center for Not-for-Profit Law (ICNL)

**9:30–11:00** Presentation: “African civil society in historical and legal context”

**Presenter:** Prof. Michelo Hansungule, Professor of Law, University of Pretoria

**Recommended reading:** M. Hansungule (2012), “The Historical Development of International Human Rights”

**11:00–11:15** TEA

**11:15–12:45** Group Discussion: “What is ‘civil society law’ and why is it important?”

**Moderator:** Irene Petras, ICNL

**Recommended reading:** ICNL and the National Endowment for Democracy (2012) “Defending Civil Society Report, Second Edition”

12:45–14:00 LUNCH

14:00–15:30 **Presentation: “International Law and the Freedom of Association”**

**Presenter:** Irene Petras, ICNL

**Recommended reading:** UN Special Rapporteur Maina Kiai, (2012), “Best practices that promote and protect the rights to freedom of peaceful assembly and of association”; Musila, G. (2019), “Freedoms Under Threat: The Spread of Anti-NGO Measures in Africa”

15:30–15:45 TEA

15:45–17:00 **Presentation and Q&A: “Measuring Civic Space: Assessment tools and methodologies”**

**Presenter:** David Kode, CIVICUS

**Recommended reading:** CIVICUS “State of Civil Society Report, 2019”; CIVICUS “What we do: Knowledge and Analysis”

## TUESDAY 1 October 2019

09:00–10:30 **Presentations and Q&A: “Litigating freedom of association, assembly and expression in Southern Africa: Lessons learned from strategic litigation to protect civic space”**

**Presenters:** Kaajal Ramjathan-Keogh, Executive Director, Southern Africa Litigation Centre

**Recommended reading:** SALC (2019) “Navigating Litigation During Internet Shutdowns in Southern Africa”; SALC (2019) “Botswana: High Court Decriminalizes Consensual Same-Sex Sexual Conduct”; FOAA Online resources.

10:30–11:00 TEA

11:00–12:30 **Panel Discussion and Q&A: “The right to assembly: Topical case studies”**

**Panelists:** Chandre Stuurman, Supervising Attorney, Equal Education Law Centre; Lisa Chamberlain, Senior Lecturer, Wits School of Law

**Recommended reading:** L Chamberlain and G Snyman, (2017), “Lawyering Protest: Critique and Creativity”

12:30–13:30 LUNCH

13:30–15:00 Presentation: “Civil Society and the Right to Freedom of Assembly”

**Presenter:** Irene Petras, ICNL

**Recommended reading:** ICNL Civic Freedom Resources, “Assembly Standards”; UN Special Rapporteurs Maina Kiai and Christof Heyns, (2016), “Joint Report on the proper management of assemblies”

15:00–15:30 TEA

15:30–17:00 Group Exercise: “10 Principles for the Proper Management of Assemblies”

**Facilitators:** Irene Petras and Florence Nakazibwe, ICNL

**Recommended reading:** UN Special Rapporteurs Maina Kiai and Christof Heyns, (2016), “Practical Recommendations for the Management of Assemblies”; ICNL “Global Trends in NGO Law: Freedom of Assembly”

## WEDNESDAY 2 October 2019

09:00–10:45 Group exercise: “What would you do? Responding to restrictive laws”

**Facilitators:** Irene Petras and Florence Nakazibwe, ICNL

**Recommended reading:** D. Rutzen (2015), “Aid Barriers and the Rise of Philanthropic Protectionism”

10:45–11:00 TEA

11:00–12:30 “Protecting civic space in South Africa: The Enabling Environment National Assessment”

**Presenter:** Corlett Letlojane, Executive Director, Human Rights Institute of South Africa

**Recommended reading:** HURISA (2019), “Enabling Environment National Assessment”; HURISA (2016) “Enabling Environment National Assessment: South Africa”

12:30–13:30 LUNCH

13:30–14:15 **Presentation: “Protecting civic space at the regional and sub-regional levels”**

**Presenter:** Irene Petras, ICNL

**Recommended reading:** African Commission on Human and Peoples’ Rights “Report on Freedom of Association and Assembly in Africa” (2015), and “Guidelines on Freedom of Association and Assembly in Africa” (2017), USAID “2017 CSO Sustainability Index for Sub-Saharan Africa” USAID (2014), “Stand with Civil Society: Best Practices”

14:15–15:00 **Presentation: “The US Law Tracker”**

**Presenter:** Elly Page, ICNL Legal Advisor – US program

15:00–15:45 **Presentation: “Monitoring Freedom of Assembly”**

**Presenter:** Andrea Toth, European Center for Not-for-Profit Law

15:45–16:00 TEA

16:00–17:00 **Case Studies: “How Civic Engagement Can Transform the Legal Environment for Civil Society”**

**Panelists from:** Ethiopia, Kenya, Uganda and Malawi

## THURSDAY 3 October 2019

09:00–10:30 **Emerging Trends in Civic Space - Part I: Freedom of Association and Assembly in the Digital Era**

**Interactive Discussion:** Clement Nyaletsossi Voule, United Nations Special Rapporteur on the Right to Freedom of Peaceful Assembly and of Association

**Recommended reading:** UN Special Rapporteur Clement Voule (2019) “The exercise of the rights to freedom of peaceful assembly and of association in the digital age”

10:30–11:00 TEA

11:00–12:30 **Panel Presentation: “Do We Have Sufficient Continental Standards to Protect Freedoms in the Digital Age?”**

**Panelists:** Hlengiwe Dube; Tomiwa Illori, Centre for Human Rights

12:30–14:00 **Lunchtime Panel Discussion: Emerging Trends in Civic Space - Xenophobia (non-discrimination on the basis of nationality)**

**Lunchtime Panelists:** Chairperson, COSATU; Lukhanyo Neer, Thabo Mbeki Foundation; African Centre for Migration and Society

14:00–15:00 **Emerging Trends in Civic Space – Part II: Countering Terrorism and its Impact on Civil Society**

**Presenter:** TBC

**Recommended reading:** UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (2016), “Impact of measures to address terrorism and violent extremism on civic space”

15:00–15:30 TEA

15:30–17:00 **Presentation: “The Financial Action Task Force”**

**Presenter:** Irene Petras, ICNL

**Recommended reading:** About FATF; Global NPO Coalition, “The ABCs of FATF: What Non-Profits Need to Know”

## FRIDAY 4 October 2019

09:00–10:30 **“Identifying Opportunities to Advance Civic Space – OGP, EITI, SDGs and AGENDA 2063”**

**Group work and presentations:**

**Recommended reading:** The Open Government Partnership, “Civic Space”; The Extractive Industries Transparency Initiative, “Tricky but crucial - Assessing civic space in extractives”; ACT Alliance (2019), “Development Needs Civil Society - The implications of

civic space for the SDGs”; Can Closing Space for CSOs in Africa be Reopened?

10:30–11:00 TEA

11:00–12:30 **Panel: The Future of Civic Space in Africa – What next for civil society in Africa?**

**Presenter:** Deprose Muchena, Director, Amnesty International Southern Africa Regional Office;

**Recommended reading:** B. Moyo and K. Ramsamy (2014) “African philanthropy, pan-Africanism, and Africa’s development”

**Recommended reading:**

12:30–13:00 **CLOSING, CERTIFICATES AND EVALUATIONS**

Prof. Frans Viljoen, Centre for Human Rights  
Florence Nakazibwe, ICNL

13:00 **LUNCH/ NETWORKING RECEPTION (LOCATION TBA)**

### **Links to Reading Resources:**

- M. Hansungule (2012), “The Historical Development of International Human Rights”
- ICNL and the National Endowment for Democracy (2012) “Defending Civil Society Report, Second Edition”
- UN Special Rapporteur Maina Kiai, (2012), “Best practices that promote and protect the rights to freedom of peaceful assembly and of association”
- Musila, G. (2019), Freedoms Under Threat: The Spread of Anti-NGO Measures in Africa”
- CIVICUS “State of Civil Society Report, 2019”; CIVICUS “What we do: Knowledge and Analysis”

- Southern Africa Litigation Centre (2019) “Navigating Litigation During Internet Shutdowns in Southern Africa”
- Southern Africa Litigation Centre (2019) “Botswana: High Court Decriminalizes Consensual Same-Sex Sexual Conduct”; FOAA Online resources.
- L Chamberlain and G Snyman, (2017), “Lawyering Protest: Critique and Creativity”
- International Center for Not-for-profit Law, Civic Freedom Resources, “Assembly Standards”
- UN Special Rapporteurs Maina Kiai and Christof Heyns, (2016), “Joint Report on the proper management of assemblies”
- UN Special Rapporteurs Maina Kiai and Christof Heyns, (2016), “Practical Recommendations for the Management of Assemblies”
- FOAA Online: <http://freeassembly.net/foaa-online>
- ICNL “Global Trends in NGO Law: Freedom of Assembly”
- D. Rutzen (2015), IJNL, “Aid Barriers and the Rise of Philanthropic Protectionism”
- HURISA (2018), “Enabling Environment National Assessment”;
- HURISA (2015), “Enabling Environment National Assessment: South Africa”
- African Commission on Human and Peoples’ Rights (2015), “Report on Freedom of Association and Assembly in Africa”
- African Commission on Human and Peoples’ Rights (2017), “Guidelines on Freedom of Association and Assembly in Africa”
- USAID (2018), “2017 CSO Sustainability Index for Sub-Saharan Africa”
- USAID (2014), “Stand With Civil Society: Best Practices”

- UN Special Rapporteur Clement Voule (2019) “The exercise of the rights to freedom of peaceful assembly and of association in the digital age”
- UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (2016), “Impact of measures to address terrorism and violent extremism on civic space”
- Global NPO Coalition, “The ABCs of FATF: What Non-Profits Need to Know”
- The Open Government Partnership, “Civic Space”
- The Extractive Industries Transparency Initiative, “Tricky but crucial - Assessing civic space in extractives”
- ACT Alliance (2019), “Development Needs Civil Society - The implications of civic space for the SDGs”
- Can Closing Space for CSOs in Africa be Reopened?
- B. Moyo and K. Ramsamy (2014) Development in Practice: “African Philanthropy, pan-Africanism, and Africa's development,”