

ADVANCED HUMAN RIGHTS SHORT COURSE

CIVIL SOCIETY LAW IN AFRICA

SEPTEMBER 22 – 25, 2020

ALL TIMES: GMT+2 (JOHANNESBURG TIME) – CHECK YOUR LOCAL TIME [HERE](#)

CONNECTION LINKS WILL BE PROVIDED SEPARATELY

TUESDAY 22 September 2020

13:00–13:30 Welcome, course objectives, logistics and introduction of participants

Prof. Frans Viljoen and Dennis Antwi, Centre for Human Rights,
University of Pretoria

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

13:30-14:15 Presentation: “African civil society in historical and legal context”

Presenter: Prof. Michelo Hansungule

Recommended reading: M. Hansungule (2012), “[The Historical Development of International Human Rights](#)”; B. Moyo and K. Ramsamy (2014) “[African philanthropy, pan-Africanism, and Africa’s development](#)”

14:15–14:30 BREAK

14:30–15:00 Interactive Exercise: “What is ‘civil society law’? Why is it important?”

Moderator: Florence Nakazibwe, ICNL

Recommended reading: Human Rights Institute of South Africa/ICNL (2020), “[ACHPR Monitoring Tool on Freedom of Association](#)”; ICNL and the National Endowment for Democracy (2012) “[Defending Civil Society Report, Second Edition](#)”; [Can Closing Space for CSOs in Africa be Reopened?](#); CIVICUS “[State of Civil Society Report, 2019](#)”; ACT Alliance (2019), “[Development Needs Civil Society - The implications of civic space for the SDGs](#)”

15:00–15:45 **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”; USAID “2018 CSO Sustainability Index for Sub-Saharan Africa”

15:45–16:30 **Group exercise: “What would you do? Responding to restrictive laws”**

Facilitators: Irene, Florence, Corlett Letlojane (CHR / HURISA)

Recommended reading: D. Rutzen (2015) “Aid Barriers and the Rise of Philanthropic Protectionism”; African Commission on Human and Peoples’ Rights (2017), “Guidelines on Freedom of Association and Assembly in Africa”

WEDNESDAY 23 September 2020

13:00–14:00 **Presentation: “Civil Society and the Right to Freedom of Assembly”**

Presenter: Prof. Christoff Heyns, United Nations Human Rights Committee

Recommended reading: UN Human Rights Committee (2020), “General Comment 37”; Heyns & Probert (August 2020), “Introduction to Human Rights Committee General Comment No. 37 on the right of assembly, article 21 of the ICCPR”; ICNL Key Resources on General Comment 37; UN Special Rapporteurs Maina Kiai and Christof Heyns, (2016), “Joint Report on the proper management of assemblies”; Centre for Human Rights, “Laws on the Right of Peaceful Assembly Worldwide”; ICNL Civic Freedom Resources, “Assembly Standards”; UN Former Special Rapporteur Maina Kiai and ICNL, “FoAA Online”

14:00–15:00 **Brief Intro and Panel Discussion: Emerging Trends in Civic Space – Part I: Anti-Money Laundering and Countering the Financing of Terrorism and its Impact on Freedom of Association**

Panelists: Omolara Balogun, West Africa Civil Society Institute (Ghana); Victoria Ohaeri, Spaces for Change (Nigeria); Yona Wanjala, Defenders Protection Initiative (Uganda); Leah Mitaba, Zambia Council for Social Development (Zambia)

Recommended Reading: UN Special Rapporteur on 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](#)

15:00–15:15 **BREAK**

15:15–16:00 **Feedback from group exercise: “Responding to restrictive laws”**

Facilitators: Irene, Florence, Corlett

16:00–17:00 **Panel Discussion and Q&A: “The right to assembly: Topical case studies”**

Panelists: Lisa Chamberlain, University of the Witwatersrand; Nicholas Opiyo, Chapter Four Uganda; Stanley Malematja, Centre for Applied Legal Studies/Right 2 Protest

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

THURSDAY 24 September 2020

13:00–14:00 **Group Exercise and Feedback: “10 Principles for the Proper Management of Assemblies”**

Facilitators: Irene, Florence, Corlett

Recommended reading: UN Special Rapporteurs Maina Kiai and Christof Heyns, (2016), [“Practical Recommendations for the Management of Assemblies”](#); Human Rights Institute of South Africa/ICNL (2020) [“ACHPR Guidelines Monitoring Tool on Freedom of Assembly”](#); ICNL [“Global Trends in NGO Law: Freedom of Assembly”](#)

14:00-15:00 Panel Presentation and Q&A: “Litigating freedom of association, assembly and expression in Africa: Lessons learned from strategic litigation to protect civic space”

Panelists: TBC

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.

15:00–15:15 BREAK

15:15–16:30 Panel Presentation followed by interactive discussion: “Do We Have Sufficient Continental Standards to Protect Freedoms in the Digital Age?”

Moderator: Catherine Anite, Executive Director, Freedom of Expression Hub

Panelists: Marystella Simiyu and Tomiwa Illori, Centre for Human Rights

Recommended reading: ACHPR Guidelines on Freedom of Association and Assembly in Africa; ACHPR [Guidelines for the Policing of Assemblies in Africa](#)”; ACHPR (2020), “[Declaration of Principles on Freedom of Expression in Africa](#)”; UN SR on FoE (October 2019), “[Online Hate Speech](#)”; UN SR on FoE (2019), “[Surveillance and Human Rights](#)”; UN SR on FoE (June 2019), Freedom of Expression and Elections in the Digital Age; International Experts on Freedom of Expression, [Joint Declaration on Freedom of Expression and Elections in the Digital Age](#)

FRIDAY 25 September 2020

13:00–14:30 Interactive Discussion: Emerging Trends in Civic Space - Part II: Freedom of Association and Assembly in the Digital and Post-Covid-19 Era

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

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”](#); (2020) [“Ten Key Principles on Covid-19 and Freedoms of Association and Assembly”](#); ACHPR (2020) [Human Rights Based Effective Response on Covid-19](#); Office of the High Commissioner for Human Rights (June 2020) [“Report: Impact of New Technologies on the promotion and protection of human rights in the context of assemblies, including peaceful protests”](#); UN Special Rapporteur on the right to Freedom of Expression (April 2020), [“Disease Pandemics and the Right to Opinion and Expression”](#)

14:30–14:45 **BREAK**

14:45–16:00 **Panel: The Future of Civic Space in Africa – What next for civil society in Africa?**

Presenters: Otto Saki, Ford Foundation; Sibongile Ndashe, Initiative for Strategic Litigation Africa

Recommended reading: ICNL (2019) [“Civic Space 2040 Report”](#); and associated reports on [Emerging Technology](#); [Climate Change and Resource Governance](#); and [Philanthropy](#).

16:00–16:30 **Closing, Certificates and Evaluation**

Centre for Human Rights, ICNL

Links to Reading Resources:

- M. Hansungule (2012), [“The Historical Development of International Human Rights”](#)
- B. Moyo and K. Ramsamy (2014) Development in Practice: [“African Philanthropy, pan-Africanism, and Africa's development,”](#)
- [Can Closing Space for CSOs in Africa be Reopened?](#)
- ICNL and the National Endowment for Democracy (2012) [“Defending Civil Society Report, Second Edition”](#)
- CIVICUS [“State of Civil Society Report, 2019”](#)

- ACT Alliance (2019), [“Development Needs Civil Society - The implications of civic space for the SDGs”](#)
- 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”](#)
- USAID (2018), [“2017 CSO Sustainability Index for Sub-Saharan Africa”](#)
- D. Rutzen (2015), IJNL, [“Aid Barriers and the Rise of Philanthropic Protectionism”](#)
- African Commission on Human and Peoples’ Rights (2017), [Guidelines on Freedom of Association and Assembly in Africa”](#)
- African Commission on Human and Peoples’ Rights (2015), [“Report on Freedom of Association and Assembly in Africa”](#)
- 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](#)
- UN Human Rights Committee (2020), [“General Comment 37”](#)
- Heyns & Probert (August 2020), “Introduction to Human Rights Committee General Comment No. 37 on the right of assembly, article 21 of the ICCPR”
- ICNL [Key Resources on General Comment 37](#)
- UN Special Rapporteurs Maina Kiai and Christof Heyns, (2016), [“Joint Report on the proper management of assemblies](#)
- Centre for Human Rights, [“Laws on the Right of Peaceful Assembly Worldwide”](#)

- ICNL Civic Freedom Resources, [“Assembly Standards”](#)
- ICNL [“Global Trends in NGO Law: Freedom of Assembly”](#)
- L Chamberlain and G Snyman, (2017), [“Lawyering Protest: Critique and Creativity”](#)
- UN Special Rapporteurs Maina Kiai and Christof Heyns, (2016), [“Practical Recommendations for the Management of Assemblies”](#)
- UN Former Special Rapporteur Maina Kiai and ICNL, [“FoAA Online”](#)
- 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.
- ACHPR [Guidelines for the Policing of Assemblies in Africa”](#)
- ACHPR (2020), [“Declaration of Principles on Freedom of Expression in Africa”](#)
- UN Special Rapporteur on Freedom of Expression (October 2019), [“Online Hate Speech”](#)
- UN Special Rapporteur on Freedom of Expression (2019), [“Surveillance and Human Rights”](#)
- UN Special Rapporteur on Freedom of Expression (June 2019), Freedom of Expression and Elections in the Digital Age
- International Experts on FoE, [Joint Declaration on Freedom of Expression and Elections in the Digital Age](#)
- UN Special Rapporteur Clement Voule (2020) [“Ten Key Principles on Covid-19 and Freedoms of Association and Assembly](#)
- UN Special Rapporteur Clement Voule (2019) [“The exercise of the rights to freedom of peaceful assembly and of association in the digital age”](#)
- ACHPR (2020) [Human Rights Based Effective Response on Covid-19](#)

- Office of the High Commissioner for Human Rights (June 2020)
“Report: Impact of New Technologies on the promotion and protection of human rights in the context of assemblies, including peaceful protests”
- UN Special Rapporteur on the right to Freedom of Expression (April 2020), “Disease Pandemics and the Right to Opinion and Expression”
- ICNL (2019) “Civic Space 2040 Report”; and associated reports on Emerging Technology; Climate Change and Resource Governance; and Philanthropy.
- Additional reports on freedom of association and assembly, civic space and Covid-19 implications in Africa:
 - ICNL Coronavirus and Civic Space
 - ICNL Covid-19 Civic Freedom Tracker
 - ICNL African Government Responses to Covid-19
 - ICNL Civic Freedom Monitor
 - HURISA Civic Space in the SADC Region
 - HURISA Analysis of the Human Rights Situation in the SADC Region
 - HURISA and DITSHWANELO: Monitoring and Documenting Violations in Botswana
 - HURISA and Transformation Resource Centre: Covid-19 and Human Rights Violations in Lesotho
 - HURISA: Are we curbing human rights or coronavirus?