

## ADVANCED HUMAN RIGHTS SHORT COURSE

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# CIVIL SOCIETY LAW IN AFRICA

AUGUST 2 – 6, 2021

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

CONNECTION LINKS WILL BE PROVIDED SEPARATELY

### DAY 1: MONDAY 2 August 2021

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

Prof. Frans Viljoen, Director, Centre for Human Rights,  
University of Pretoria

Dennis Antwi, Project Manager, Advanced Human Rights  
Courses, Centre for Human Rights

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

**13:30–14:30**     **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”

**14:30–14:45**     **BREAK**

**14:45–15:30**     **Presentation: “International Law and the Freedom of Association”**

**Presenter:** Florence Nakazibwe, Legal Advisor-Africa, 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”; 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”; FHI360, ICNL,  
USAID “2019 CSO Sustainability Index for Sub-Saharan Africa”

**15:30–16:15**      **Presentation: “Civil Society and the Right to Freedom of Assembly”**

**Presenter:** Dr. Thomas Probert, Freedom from Violence Programme, Centre for Human Rights

**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](#)”

**16:15–16:30**      **Overview of Day 2 Group exercise and Wrap-Up of Day 1**

## DAY 2: TUESDAY 3 August 2021

**13:00–13:30**      **Interactive Exercise: “Legal frameworks for civil society: Why do they matter?”**

**Moderator:** Irene Petras, ICNL

**Recommended reading:** ICNL and the National Endowment for Democracy (2012) “[Defending Civil Society Report](#)” Second Edition; Musila, G. (2019), “[Freedoms Under Threat: The Spread of Anti-NGO Measures in Africa](#)”; ACT Alliance (2019), “[Development Needs Civil Society - The implications of civic space for the SDGs](#)”; CIVICUS “[State of Civil Society Report, 2021](#)” and [previous reports](#); Assogbavi, D. (2015) “[Can Closing Space for CSOs in Africa be Reopened?](#)”

**13:30–14:30**      **Group exercise: “What would you do? Responding to restrictive laws”**

**Facilitators:** Florence Nakazibwe, Lily Liu

**Recommended reading:** African Commission on Human and Peoples’ Rights (2017), [Guidelines on Freedom of Association and Assembly in Africa](#)” ICNL (2021) [Checklist on Freedom of](#)

Association; Human Rights Institute of South Africa/ICNL  
(2020), "ACHPR Monitoring Tool on Freedom of Association"

14:30–14:45     **BREAK**

14:45–15:30     **Feedback from group exercise: “Responding to restrictive laws”**

**Facilitators:** Lily Liu, Legal Associate, ICNL

15:30–16:30     **Panel and Q&A: “The right to assembly: Topical case studies”**

**Panelists:** Stanley Malematja, Centre for Child Law, University of Pretoria; Corlett Letlojane, HURISA; Nicholas Opiyo, Chapter Four Uganda (TBC)

**Recommended reading:** L Chamberlain and G Snyman, (2017), "Lawyering Protest: Critique and Creativity"; Spaces for Change, (2020), "#EndSARS: Police Brutality, Protests and Shrinking Civic Space in Nigeria"

16:30–16:45     **Overview of Day 3 Group exercise and Wrap-Up of Day 2**

## DAY 3: WEDNESDAY 4 August 2021

13:00–14:30     **Group Exercise and Feedback: “How are Countries Faring in Protecting Assembly Rights?”**

**Facilitators:** Florence, Irene, Lily, 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 (2021), Freedom of Assembly Checklist

14:30–15:15     **Presentation: Civil Society and the Freedom of Expression**

**Presenter:** Florence Nakazibwe, ICNL

**Recommended reading:** ACHPR (2019) "Declaration of Principles on Freedom of Expression and Access to Information in Africa"; UN Special Rapporteur on Freedom of Opinion and Expression reports: (2016) A/71/373 "Report on Permissible

Freedom of Expression Restrictions"; (2016) A/HRC/32/38  
"Report on FoE in the Digital Age"; (2018) A/HRC/38/35 "Report  
on Online Content Regulations"; (2018) A/73/348 "Report on  
Artificial Intelligence Technologies and Implications for  
Information Environment"; (2019) A/HRC/41/35 "Report on  
Surveillance and Human Rights"; (2019) A/74/486 "Report on  
Online Hate Speech"; (2015) A/HRC/29/32 "Report on the Use of  
Encryption and Anonymity in the Digital Age"; OSCE, OAS and  
ACHPR (2013) "Joint Declaration on Crimes Against Freedom of  
Expression"; OSCE, OAS and ACHPR (2017) "Joint Declaration on  
Freedom of Expression and "Fake News, Disinformation and  
Propaganda"; UN, OSCE and OAS (2020) "Joint Declaration on  
Freedom of Expression and Elections in the Digital Age"

15:15–15:30 BREAK

15:30-16:30 Panel Presentation and Q&A: "Litigating freedom of association, assembly and expression in Africa: Lessons learned from strategic litigation to protect civic space"

**Panelists:** Donald Deya, Pan African Lawyers Union; Anneke Meerkotter, Southern Africa Litigation Centre; Ikechukwu Uzoma, Robert F. Kennedy Human Rights

**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.

16:30–16:45 Wrap-Up of Day 3

## DAY 4: THURSDAY 5 August 2021

13:00-13:45 Interactive Discussion: Tools for Civil Society Law Researchers and Practitioners

**Presenters:** David Kode, CIVICUS; Corlett Letlojane, HURISA

**Recommended reading:** ICNL Civic Freedom Monitor; ICNL Covid-19 Civic Freedom Tracker; other ICNL Resource Collections; CIVICUS Monitor Tracking Civic Space; European Center for Not-for-Profit Law CSO Meter

**13:45–14:45**      **Emerging Trends in Civic Space – Part I: Digital Technology and Freedom of Association, Assembly and Expression: Panel Presentation: “Contemporary Challenges and Opportunities for Civil Society in the Digital Age”**

**Moderator:** Hlengiwe Dube, Project Manager for Expression, Information and Digital Rights, Centre for Human Rights

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

**Recommended reading:** UN Special Rapporteur Clement Voule (2021) [“Ending Internet Shutdowns: A Path Forward”](#); (2019) [“The exercise of the rights to freedom of peaceful assembly and of association in the digital age”](#); 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”](#); 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](#); ACHPR [Guidelines on Freedom of Association and Assembly in Africa](#)

**14:45–15:00**      **BREAK**

**15:00–16:30**      **Emerging Trends in Civic Space Part II: Freedom of Association and Assembly in the Covid-19 Era**

**Interactive Discussion:** Prof. Remy Ngoy Lumbu, Vice Chairperson, ACHPR

**Recommended reading:** (2020) [“Ten Key Principles on Covid-19 and Freedoms of Association and Assembly”](#); ACHPR (2020) [“Resolution 449 on Human and Peoples’ Rights as a Central Pillar of Successful Response to Covid-19 and Recovery from its Socio-Political Impact”](#); [Human Rights Based Effective Response on Covid-19](#); UN Special Rapporteur on Freedom of Opinion and Expression (2020) A/HRC/44/49 [“Report on Disease Pandemics and the Freedom of Opinion and Expression”](#)

**16:30–16:45**      **WRAP-UP OF DAY 4**

## DAY 5: Friday 6 August 2021

**13:00–14:15**      **Panel: The Future of Civic Space in Africa – What next for civil society in Africa?**

**Presenters:** Deprose Muchena, Amnesty International; Alice Mogwe, FIDH and ICNL Advisory Council (TBC); Otto Saki, Ford Foundation

**Recommended reading:** ICNL (2019) "[Civic Space 2040 Report](#)"; and associated reports on [Emerging Technology; Climate Change and Resource Governance](#); and [Philanthropy](#); OHCHR, OSCE, OAS and ACHPR (2019) "[Joint Declaration: Challenges to Freedom of Expression in the Next Decade](#)"

**14:15–15:15**      **Elevator Pitches: Putting Theory into Practice**

Participants will present ideas on using learning from the course

**15:15–15:45**      **Evaluation, Certificates and Closing**

Centre for Human Rights, ICNL

## Links to Reading Resources:

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### General

- M. Hansungule (2012), "[The Historical Development of International Human Rights](#)"
- ACT Alliance (2019), "[Development Needs Civil Society - The implications of civic space for the SDGs](#)"
- CIVICUS "[State of Civil Society Report, 2021](#)" and [previous reports](#);
- Assogbavi, D. (2015) "[Can Closing Space for CSOs in Africa be Reopened?](#)"

### Freedom of Association

- UN Special Rapporteur Maina Kiai, (2012), "[Best practices that promote and protect the rights to freedom of peaceful assembly and of association](#)"

- UN SR Maina Kiai, (2013), “[Ability of associations to access financial resources as a vital part of the right to freedom of association](#)”
- 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](#)”
- 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](#)”
- FHI360, ICNL, USAID “[2019 CSO Sustainability Index for Sub-Saharan Africa](#)”
- International Center for Not-for-Profit Law (ICNL) and the National Endowment for Democracy (2012) “[Defending Civil Society Report](#)” Second Edition
- Musila, G. (2019), “[Freedoms Under Threat: The Spread of Anti-NGO Measures in Africa](#)”
- ICNL (2021) [Checklist on Freedom of Association](#)
- Human Rights Institute of South Africa/ICNL (2020), “[ACHPR Monitoring Tool on Freedom of Association](#)”

## Freedom of Assembly

- 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](#)”
- L Chamberlain and G Snyman, (2017), “[Lawyering Protest: Critique and Creativity](#)”
- Spaces for Change, (2020), “[#EndSARS: Police Brutality, Protests and Shrinking Civic Space in Nigeria](#)”
- 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 (2021), [Freedom of Assembly Checklist](#)

## Freedom of Expression

- ACHPR (2019) “[Declaration of Principles on Freedom of Expression and Access to Information in Africa](#)”
- UN Special Rapporteur on Freedom of Opinion and Expression:
  - (2016) A/71/373 “[Report on Permissible Freedom of Expression Restrictions](#)”
  - (2016) A/HRC/32/38 “[Report on FoE in the Digital Age](#)”
  - (2018) A/HRC/38/35 “[Report on Online Content Regulations](#)”
  - (2018) A/73/348 “[Report on Artificial Intelligence Technologies and Implications for Information Environment](#)”
  - (2019) A/HRC/41/35 “[Report on Surveillance and Human Rights](#)”
  - (2019) A/74/486 “[Report on Online Hate Speech](#)”
  - (2015) A/HRC/29/32 “[Report on the Use of Encryption and Anonymity in the Digital Age](#)”
- OSCE, OAS and ACHPR (2013) “[Joint Declaration on Crimes Against Freedom of Expression](#)”



- OSCE, OAS and ACHPR (2017) “[Joint Declaration on Freedom of Expression and “Fake News, Disinformation and Propaganda”](#)”
- UN, OSCE and OAS (2020) “[Joint Declaration on Freedom of Expression and Elections in the Digital Age](#)”
- SALC (2019) “[Navigating Litigation During Internet Shutdowns in Southern Africa](#)”
- SALC (2019) “[Botswana: High Court Decriminalizes Consensual Same-Sex Sexual Conduct](#)”

### Resources for Researchers and Practitioners

- [FOAA Online](#) resources
- ICNL [Civic Freedom Monitor](#)
- ICNL [Covid-19 Civic Freedom Tracker](#)
- Other ICNL [Resource Collections](#)
- CIVICUS [Monitor Tracking Civic Space](#)
- European Center for Not-for-Profit Law [CSO Meter](#)

### Civil Society Law in the Digital Age

- UN Special Rapporteur Clement Voule (2021) “[Ending Internet Shutdowns: A Path Forward](#)”
- UN SR Voule (2019) “[The exercise of the rights to freedom of peaceful assembly and of association in the digital age](#)”
- 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 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](#)

## Civil Society Law in the Pandemic Era

- UN SR on Freedom of Peaceful Assembly and Association, (2020) [“Ten Key Principles on Covid-19 and Freedoms of Association and Assembly”](#)
- ACHPR (2020) [“Resolution 449 on Human and Peoples’ Rights as a Central Pillar of Successful Response to Covid-19 and Recovery from its Socio-Political Impact”](#)
- ACHPR (2020) [Human Rights Based Effective Response on Covid-19](#)
- UN Special Rapporteur on Freedom of Opinion and Expression (2020) A/HRC/44/49 [“Report on Disease Pandemics and the Freedom of Opinion and Expression”](#)
- Additional reports on freedom of association and assembly, civic space and Covid-19 implications in Africa:
  - ICNL [Coronavirus and Civic Space; Covid-19 Civic Freedom Tracker; and African Government Responses to Covid-19](#)
  - 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?](#)

## The Future of Civic Space

- ICNL (2019) [“Civic Space 2040 Report”](#) and associated reports on [Emerging Technology; Climate Change and Resource Governance;](#) and [Philanthropy;](#)
- OHCHR, OSCE, OAS and ACHPR (2019) [“Joint Declaration: Challenges to Freedom of Expression in the Next Decade”](#)