

COMMUNIQUE

FREEDOM OF ASSOCIATION AND ASSEMBLY (FoAA) IN SOUTHERN AFRICA

We, the civil society organizations attending the strategic planning workshop on African Commission on Human and People's Rights Guidelines on Freedom of Association and Assembly organised by Human Rights Institute of South Africa from 12-13 April in Johannesburg, South Africa.¹

DESIROUS of contextualising the predominant "westernised or accepted" human rights norms and frameworks with lived African experiences and challenges;

AFFIRMING the associational character of Africans within the international instruments and frameworks, and confirming that rights to Freedom of Association and Assembly (FoAA) are African values and need to be understood in an African context;

WELCOMING the adoption of the [Guidelines on Freedom of Association and Assembly in Africa](#) by the African Commission on Human and Peoples Rights' during its 60th Session held in Niamey, Niger from 8-22 May 2017;

DRAWING inspiration from these progressive African norms and guidelines;

NOTING WITH CONCERN the trends of violations of freedom of association and assembly in the SADC region, as evidenced by amongst other challenges:

- Non-implementation of human rights obligations on freedom of association and assembly;
- Criminalisation of association and assembly through selective application of restrictive laws and failure to implement progressive provisions advancing the rights as provided in national Constitutions and regional and international treaties and standards;
- Misuse of security and anti-terrorism laws to restrict civic space;
- Continued violation of associational and assembly rights, including through disregard of court orders;
- Failure to ensure that law enforcement agencies promote, protect and uphold these rights;
- Cumbersome registration requirements and administrative practices that undermine operations of civil society organizations;
- Stringent requirements of notification/`permits by police for gatherings and protests and selective application of these requirements;

¹ Civil society organizations from Angola, Botswana, Democratic Republic of Congo, Lesotho, Malawi, Mozambique, South Africa, Swaziland, Zambia and Zimbabwe, working on human rights, democratic governance & development, women and youth empowerment, legal aid, and litigation to advance the rights of freedom of association and assembly in Southern Africa.

- Inadequate awareness by relevant stakeholders on norms and standards that promote freedom of Association and Assembly;
- Language barriers hindering access to information on norms and standards on association and assembly;
- Inadequate capacity by citizens to effectively access use these instruments for enjoyment of freedom of association and assembly;
- Restrictive space for civil society interventions to promote freedom of association and assembly;
- Failure to reconcile progressive cultural practices that advance association with accepted international human rights framework.

COGNISANT of the role played by various stakeholders in promoting and protecting freedom of association and assembly, including:

- The Executive (including oversight Ministries, regulators and law enforcement agencies);
- The Legislature (parliamentarians at national, regional and continental level);
- The Judiciary and justice sector stakeholders, including legal practitioners in the public, private and non-governmental sectors, and Law Reform/Development Commissions;
- National human rights institutions;
- Local authorities;
- Community leaders, including traditional and religious leaders;
- Media;
- African Union and United Nations human rights mechanisms; and
- International role players and development partners.

HAVING convened for a one-and-a-half day strategic planning workshop on awareness-raising and popularization of the African Commission on Human and Peoples' Rights Guidelines on Freedom of Association and Assembly in Africa;

CIVIL SOCIETY ORGANIZATIONS FROM SADC HERE PRESENT RESOLVE TO:

MAKE every efforts to engage the identified stakeholders for a broad-based effort to strengthen the right to freedom of association and peaceful assembly in the SADC region.

ADOPT the following strategies to address the challenges:

- Evidence-based monitoring for pro-active advocacy;
- Capacity building for stakeholders;
- Public interest litigation;
- Application of regional and international mechanisms and good practices;
- Strengthening and reform of institutions and administrative practices; and
- Policy and law reform.

REMAIN vigilant against threats to freedom of association and assembly. We commit to collaborate and provide support to each other through individual and joint efforts at the national and regional levels to protect and promote these rights.

Participating Civil Society Organizations:

Associação Justiça, Paz e Democracia (Angola)
DITSHWANELO - The Botswana Centre for Human Rights (Botswana)
Open Society Initiative for Southern Africa OSISA (Democratic Republic of Congo)
Transformation Resources Centre (Lesotho)
Centre for Human Rights & Rehabilitation (Malawi)
Southern Africa Litigation Centre (SALC) (Mozambique)
Freedom of Expression Institute (South Africa)
Human Rights Institute of South Africa (South Africa)
IDEAL (Swaziland)
Lawyers for Human Rights (Swaziland)
Human Rights Forum/ HRF (Zambia)
Women of Zimbabwe Arise! (Zimbabwe)
Zimbabwe Lawyers for Human Rights (Zimbabwe)
CIVICUS (South Africa)
International Center for Not-for-Profit Law
International Commission of Jurists (Regional office/South Africa)

The **International Center for Not-for-Profit Law (ICNL)** and the **Human Rights Institute of South Africa (HURISA)** hosted the one-and-a-half day strategic planning workshop on 12-13 April, 2018 in Johannesburg, South Africa. HURISA and ICNL participated in and supported the development and ultimate adoption of the African Commission on Human and Peoples' Rights *Guidelines on Freedom of Association and Assembly in Africa*. This workshop was the first at regional level to popularize the Guidelines and develop strategies for their implementation as a means of strengthening enjoyment of SADC citizens' Association and Assembly rights.



For more information please contact:

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