



WEBINAR REPORT ON JUDICIARY AND CIVIC SPACE IN AFRICA.

Executive summary

On August 14, 2026, the Africa Judges and Jurists Forum (AJJF) in collaboration with the Pan African Lawyers Union (PALU) convened a high-level regional webinar titled *“Judiciary and Civic Space in Africa: Regulation of Private Voluntary Organizations.”* The session brought together judges, jurists, legal practitioners and civil society actors to examine increasing restrictions on PVO’s in Africa.

The webinar reaffirmed that civic space is a constitutional guarantee, anchored in freedoms of association, expression and peaceful assembly. Despite protections under the African Charter on Human and Peoples’ Rights (ACHPR) and the International Covenant on Civil and Political Rights (ICCPR), restrictive laws and administrative practices are increasingly shrinking civic space. Governments often justify these measures under the guise of combating money laundering or terrorism financing but in practice, such frameworks are frequently misused to silence dissent and weaken accountability.

Key presentations highlighted the judiciary’s role as guardian of civic freedoms, the need for legislative reform and the importance of regional peer review and enforcement mechanisms. Prof. Justice Dingake emphasized that democracy is a lived experience sustained by vibrant civic space, while Dr. Justice Mavedzenge outlined normative legal standards of lawfulness, legitimate aim, necessity, proportionality and non-discrimination as essential benchmarks for regulating PVOs. Ms. Sarah Peeters identified restrictive patterns across African jurisdictions, including burdensome registration regimes, funding restrictions and discriminatory treatment of NGOs.

The webinar concluded that defending civic space is both a legal and political necessity. Judicial courage, enabling legislation and regional oversight are critical to ensuring that civic freedoms are protected.

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Analysis of key presentations

1. Civic space and democratic regression in Africa

Key note speaker: Prof. Justice Key Dingake , Chairperson of the AJJF

Prof. Dingake pointed out that constitutional democracy rests on the premise that sovereignty belongs to the people and governments, only exercise power under the discipline of the rule of law. This match is acknowledged by the Universal Declaration of Human Rights, 1948. He noted that, democracy, is not a moment but a movement, it is not an event but a lived experience. He added that, elections may confer authority but they do not complete the democratic process and they are not synonymous with democracy. Democracy requires a continuous dynamic dialogue between the rulers and the ruled. He emphasized that, a dialogue, is only sustained within an open and vibrant civic space. He underscored that, democracy requires more than just a constitution, more than judges who are guardians of the constitution but a vibrant, informed and active citizenry.

He stated that, while elections are often treated as the primary indicator of democratic health, they confer legitimacy whereas, an open civic space sustains democracy by enabling continuous deliberations and meaningful engagement between the state and the citizens. He emphasized that, without an active citizenry, democracy becomes a monologue, with governments remaining unchallenged, unaccountable and uncorrected. He acknowledged that the legal foundations of civic freedoms are codified in Africa's most vital human rights instruments. Articles 9, 10, and 11 of the ACHPR, alongside Articles 19, 21 and 22 of the ICCPR. They guarantee freedom of expression, assembly and association.

He reiterated that participatory democracy is a key aspect of a functioning constitutional democracy and that Constitutions do not self-execute. We need the judiciary to breathe life into them and the civil society to ensure that accountability, good governance and transparency is upheld at all times. He added that, these are lifelines through which the democratic energy flows and when they are restricted, they suffocate democracy.

He pointed out that Africa is experiencing a phenomenon of shrinking civic space despite constitutions with protective provisions that confer rights. This is demonstrated by data from [CIVICUS](#) which paints a troubling picture. It reveals that, civic space across Africa is severely compromised, with 44 out of 50 countries rated as obstructed, repressed or closed and over 80% of people live in countries where civic space is curtailed. He stated that, these statistics reflect a constitutional emergency that signals a continent where democratic participation is increasingly

criminalized by those who exercise power on our behalf. It signals a continent where civil society is treated not as a partner in governance, but as a threat to state authority.

He also noted that, these civic space restrictions are demonstrated by trends across several African jurisdictions where restrictive laws are proposed or enacted to regulate PVOs and civil society entities. In most cases, these laws significantly heighten executive control over civil society, impose burdensome registration requirements and grant sweeping powers to suspend or dissolve organizations making it difficult for them to effectively operate. The most prominent current example is the legislative trajectory surrounding the PVO Amendment Act, 2025 in Zimbabwe. It introduces broad restrictions on civic organizations participating in political matters, risking standard policy advocacy as political criminalization.

Similar patterns have emerged in Nigeria, Ethiopia and Ghana where regulatory frameworks have tightened control over NGOs under the guise of combating illicit financial flows. He stated that while financial integrity is a legitimate state concern and justification, global standards are too often misused to justify excessive restrictions. Anti Money Laundering and Countering the Financing of Terrorism have become convenient tools for silencing dissent.

Justice Dingake noted that in September 2025, the UN Special Rapporteur on Freedom of Association and the African Commission, issued a [joint declaration](#) urging states to refrain misusing anti-money laundering frameworks to close civic space. They warned against laws that unduly restrict freedoms of peaceful assembly and association and association. However, the trend persists and civic space is continuously criminalized and government accountability becoming impossible to enforce.

He pointed out that courts are increasingly brought into the picture as guardians of civic freedoms. He added that, defending civic space is not merely a legal necessity but also a political necessity. It is a constitutional imperative and the judiciary plays a vital role in upholding this connection. He urged courts to interpret domestic laws through the lens of regional and international obligations but more importantly, they must effect the promise of their own constitutions. He referred to Kenya's 2025 court ruling, which invalidated restrictive provisions of the Public Benefit Organizations (PBO) Act, 2013. It ruled that mandatory re-registration for existing NGOs is unconstitutional, citing breaches of legitimate expectation, administrative fairness, and freedom of association. He added that in South Africa, constitutional jurisprudence has consistently defended freedom of assembly.

These examples demonstrate that judicial courage can preserve civic freedoms without overstepping constitutional boundaries and that courts do not become political actors when they defend civic space. They are simply carrying out their constitutional duties as the guardians of the constitution. He emphasized that judicial protection alone is not sufficient and that we need the

legislative branches of the state enact necessary legislation that can protect fundamental freedoms and expand civic space.

He stated that Africa needs robust peer review to monitor civic space. He added that regional enforcement is not an intrusion into sovereignty, it is an affirmation of shared constitutional values. It ensures that civic freedoms are not hostage to domestic political interests. He emphasized that when the judiciary defends civic space, it is not taking a political stance, it is safeguarding the constitutional framework that keeps the democracy alive. The citizenry that is informed and vigilant sustains the democracy and if civic space collapses democracy collapses with it.

2. Trends in the regulation of PVOs in Africa

Presenter: Ms. Sarah Peeters, PALU

Ms. Sarah Peeters noted that over the last two decades, there has been a growing trend among African states to restrict the ability of NGOs to carry out their work and achieve their stated objectives. Government support for civil society tends to ebb and flow with administrations priorities and ideological leanings. In Ethiopia for instance, the government in 2019 repealed an outdated law that capped foreign funding for NGOs. However, in 2025, draft amendments again sought to bar foreign funding for election-related work and allow suspensions on mere suspicion ahead of the 2026 elections. She added that, in some cases, the relationship turns outright adversarial particularly for organisations working on human rights or environmental advocacy, where the sector's work can clash with state-backed development or extractive projects. She emphasized that these constraints often take the form of laws and regulations that directly or indirectly act as a legal cover for closing civic space.

She identified the following six dominant patterns designed to restrict civil society operation by different African countries;

- a) **Mandatory registration regimes:** This prevents unregistered groups from operating without state approval. For instance, Zimbabwe prohibits PVOs from operating or seeking funds until registration is approved. Additionally, Egypt's Law No. 149 of 2019 requires re-registration for all existing groups, including those already registered under earlier laws, with a threat of dissolution for non-compliance.
- b) **Mandatory periodic renewal:** Governments continuously reassess whether to allow NGOs to continue operating by permitting short operating cycles which keep organizations in perpetual loops of re-approval. For instance, annual permit requirements in Eritrea, Sudan and South Sudan reflect a stringent level of oversight, with Eritrea, terminating operations of both local and international organizations. The Central African Republic on

the other hand, requires triennial renewals based on undefined "satisfactory evaluations of past achievements".

- c) **Government permission requirements and restrictions on activities:** This covers broad discretionary authority to suspend NGO's or restrict their activity more so, on partisan political engagement, election monitoring and opinion polling. She elaborated that, in Uganda, the NGO bureau suspended 54 organizations in August 2021 (including Chapter Four Uganda) without prior notice or opportunity to respond. This practice recurred in January 2026 immediately preceding national elections, targeting media and election-monitoring organizations such as Alliance for Election Finance Monitoring.
- d) **High registration and renewal costs:** Exorbitant registration and renewal fees discriminate against grassroots organizations. South Sudan imposes annual fees of USD 3,500 on international NGOs and USD 500 on local NGOs. These fees have previously been raised six-fold in a single adjustment, making it expensive for small community level organizations to afford registration or renewal of registration.
- e) **Funding and financial autonomy restrictions:** State-mandated restrictions on foreign funding and donation approvals restricts the operations of NGOs. For instance, Egypt's Law 149 requires NGOs to obtain a ministry license, submitted sixty days in advance before conducting any fundraising activity.
- f) **Discriminatory treatment of foreign NGOs:** Foreign-registered organizations frequently face higher fees, extra permissions and weaker protection against suspension than their local counterparts. In Uganda, foreign organizations pay five times as much than local organizations for the same registration process.

Ms. Sarah emphasized that state justifications based on state sovereignty, national security, counter-terrorism and prevention of foreign political interference cannot supersede treaty obligations voluntarily assumed under international law. She further stated that AU members states have an obligation to ensure that freedom of association and the rights related to it are respected and protected through their national legislative framework.

She stated that PALU intends to deploy an Advisory Opinion, documenting a continental audit of regulation of NGO's which will serve as an advocacy tool for legislative reform, a resource for domestic and regional litigation and a benchmark for engagement with AU policy organs.

3. Normative legal standards governing PVO regulation

Presenter: Dr. Justice Alfred Mavedzenge, AJJF

Dr. Justice Alfred Mavedzenge examined the normative legal standards that guide the balance between maintaining open civic space and the duty of governments to impose restrictions necessary in a constitutional democracy. These restrictions may be justified to protect interests like combating money laundering, safeguarding public order and ensuring public safety. He emphasized that these standards are particularly vital for judiciaries, which should exercise courage to enforce the law without overstepping their mandate.

He pointed out that forming a PVO and participating in the activities of a PVO is all part of exercising freedom of association and other associated freedoms which include the right to participate in government, freedom of expression and freedom of peaceful protest, among other several rights. This interconnection underscores the centrality of freedom of association in sustaining democratic participation.

Dr Mavedzenge further noted that, when enacting legislation with the aim to regulate PVOs, governments have legal obligations under regional and international human rights law as well as their constitutions to comply with the normative standards applicable when regulating freedom of association. These standards are codified in the ACHPR and ICCPR. In addition, they have been domesticated into constitutional provisions of several of our jurisdictions on the continent.

Justice Mavedzenge identified and elaborated the following fundamental principles;

- **Lawfulness:** All restrictions imposed against PVOs must be provided for by specific legislation. The challenge however, is that there are restrictions imposed, but these restrictions are not provided for by law. They are sometimes provided for in government policies issued as directives. He underscored that, directives and policies which impose restrictions but are not based on specific legislation, are unlawful.
- **Legitimate aim:** Restrictions on PVO's must always be introduced in pursuit of aims and objectives that are legitimate within a democratic state, such as the protection of national security and public safety. In practice, however, challenges arise in distinguishing between restrictions that serve genuine public interests and those that do not.

On one hand, measures aimed at combating issues like money laundering and terrorism financing represent legitimate grounds for imposing restrictions. These objectives align with the responsibility of governments to safeguard integrity and national security. On the other hand, there are instances in certain jurisdictions where restrictions are imposed for reasons that lack constitutional legitimacy. He noted that, such measures may be applied capriciously, serving as tools of retribution or victimization against specific individuals or as mechanisms to shield governments from accountability by curtailing the oversight role of PVOs.

- **Necessity:** This principle requires that restrictions be imposed only when they are strictly necessary to protect or achieve the identified legitimate purpose. The challenge observed in some parts of the continent is that restrictions are often introduced under the guise of legitimate aims, such as combating money laundering. Yet, in practice, these measures are not always strictly necessary in the given context. Instead, they reflect what is desirable for governments to implement, rather than what is essential. Dr Mavedzenge emphasized that, desirability does not equate to necessity. The principle of necessity demands that restrictions be narrowly tailored and strictly required to achieve the stated legitimate objective, rather than serving as convenient or discretionary measures for governments.
- **Proportionality:** This principle requires that restrictive measures must not limit rights more than is necessary. A restriction may satisfy lawfulness, pursue a legitimate aim and even meet the standard of necessity, yet it must still be proportionate. He stated that, proportionality applies even when other standards are met. Courts should assess proportionality by examining the scope, intensity and duration of restrictions. The restrictive measures must not be overly broad, must not impose excessive impact and must be time-bound rather than indefinite. Restrictions that severely limit freedom of association without review or justification risk violating this principle.

A common challenge in parts of Africa is that courts often stop at lawfulness, legitimate aim and necessity. Once satisfied on these grounds, they may begin to exercise excessive discretion whereby, they do not apply the principle of proportionality or certain aspects are applied without going into much scrutiny. This often results in restrictions that remain in place despite being disproportionate. Proportionality therefore demands continuous review, guided by evidence, to ensure that restrictions remain rational, justified and limited to what is strictly necessary.

- **Non-discrimination:** Restrictions must not amount to unfair discrimination. Dr Mavedzenge identified unfair discrimination as the differentiation that is arbitrary, irrational and not grounded in any justifiable or legitimate reason within a constitutional democracy. In practice, this concern arises where certain PVOs are exempted from restrictions because they align with the interests of the government of the day, while others, often those perceived as too vocal or critical in holding government accountable, are selectively targeted with restrictive measures. This unequal treatment undermines democratic values and violates the principle of non-discrimination, which requires that restrictions be applied fairly, consistently and without bias.

4. Strategic outcomes and key recommendations

- a) In exercising judicial courage, judiciaries were urged to apply legal standards holistically and in line with the regional and international principles.
- b) There is a need for a harmonized advocacy and legal alliances between actors such as civil society and bar associations to coordinate legal strategies to challenge restrictive PVO laws before enactment.
- c) Regional peer-review and enforcement mechanisms should be strengthened to prevent misuse of global standards such as AML/CFT frameworks to restrict operations of PVOs.
- d) Restrictions on PVOs should continuously reviewed so as to remain necessary and proportionate.
- e) Governments should reduce administrative and financial burdens on NGOs and ensure equitable treatment of local and foreign organizations.
- f) Civil society must remain active and vigilant to sustain democracy and hold governments accountable.

Annexure



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