**UN expert hails South African Constitutional Court’s decision against the criminalization of peaceful assembly**

GENEVA (November 22, 2018): The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément N. VOULE, praises the decision by the South African Constitutional Court in the “Mlungwana case” to lift a limitation to public gatherings.

In its ruling the Court stated that section 12(1)(a) of the Gathering Act is constitutionally invalid “to the extent that it makes the failure to give notice or the giving of inadequate notice by any person who convened a gathering a criminal offence”.

On September 2013, members and supporters of the NGO Social Justice Coalition peacefully protested in Cape Town against poor sanitation for communities. 21 protesters were arrested and convicted under section 12(1)(a) of the Gatherings Act.

“The judgment is certainly good news for protesters and protest law in our country. We thank the UN Special Rapporteur for having allowed us to participate in such an important case for the development of our protest law and jurisprudence”, expresses the South African attorney who instigated the legal proceeding.

The UN expert served as an Amicus Curiae in the case, which is a landmark victory for the implementation of the right to peaceful assembly. “This ruling represents an important progress for South Africa and should be a model for the region and beyond”, claims M. Voule. He recalls the Guidelines on freedom of association and assembly in Africa, according to which peaceful assembly is a right and not a privilege, and as such the lack of notification does not make an assembly illegal.

 “South Africa’s Gatherings Act criminalizes failure to notify assemblies, which is against international standards. The rationale for prior notification is to allow State authorities to facilitate the exercise of the right to freedom of peaceful assembly and to take measures to protect public safety. Failure to provide notification should thus not be interpreted as limiting such right nor should it be considered a criminal offense”, reminds the UN expert.

For more information on the case, see: <https://www.concourt.org.za/index.php/judgement/291-mlungwana-and-others-v-s-and-another-equal-education-right2know-campaign-and-un-special-rapporteur-on-the-rights-to-freedom-of-peaceful-assembly-and-of-association-as-amici-curiae>