IN THE EAST JAKARTA DISTRICT COURT

in the case no. 202/Pid.Sus/2023/PN Jkt.Tim

between

Yanuar Adi Nugroho S.M, M.H.

Prosecutor

and

Haris Azhar

Defendant

AMICUS CURIAE SUBMISSIONS

15 December 2023

1. These submissions are made to the East Jakarta District Court in the case against Mr. Haris Azhar by Agora International Human Rights Group (Russia), American Civil Liberties Union, Canadian Civil Liberties Association, Center for Legal and Social Studies (CELS, Argentina), Egyptian Initiative for Personal Rights, Human Rights Law Centre (Australia), Human Rights Law Network (India), Hungarian Civil Liberties Union, Irish Council for Civil Liberties, Kenya Human Rights Commission, Legal Resources Centre (South Africa) (see annex), NGOs that are members of the International Network of Civil Liberties' Organizations (INCLO), as *amici curiae*. The interveners have extensive experience, both in their countries and internationally, of working to protect civic space, defending human rights defenders and their freedom of expression.
2. The defendant is charged under Article 27(3) of the ITE Law (no. 11 of 2008) according to which any person who knowingly and without authority distributes and/or transmits and/or causes to be accessible Electronic Information and/or Electronic Documents with contents of affronts and/or defamation.
3. The defendant is alternatively charged under Articles 14(2) and 15 of the Law no. 1 of 1946 according to which, respectively, whoever broadcasts news or issues a notification, which can cause confusion among the people, while he should be able to understand that the news or notification is a lie, shall be punished with a maximum imprisonment of

three years, and anyone who broadcasts news that is uncertain or news that is redundant or incomplete, while he understands that at least he should reasonably suspect that such news will or can easily cause uproar among the people, shall be punished with a maximum imprisonment of two years.

4. Finally, the defendant is alternatively charged under Article 310(1) of the Indonesian Criminal Code, according to which the person who intentionally harms someone's honor or reputation by charging him with a certain matter, with the obvious intent to give publicity thereof, shall, being guilty of defamation, be punished by a maximum imprisonment of nine months or a maximum fine of three hundred rupiahs.

5. The charges relate to the defendant's publicly made comments about a government minister. The charges are, thus, an interference with the defendant's freedom of expression. These submissions will present the current state of international human rights law with regard to the protection of free expression of human rights defenders. They rely on the International Covenant on Civil and Political Rights and also the most important cases of the European and the Inter-American Human Rights Systems, as well as comparative law.

6. The submissions will proceed as follows. Firstly, they will set out the general conditions for the restrictions on freedom of speech and discuss their applicability in the present case (A). Secondly, they will address the role of human rights defenders as 'watchdogs' of a democratic society and the respective obligations of States to protect them (B). Thirdly, they will insist on the right to criticise government officials and politicians (C). Finally, the interveners will contend that "fake news" charges do not withstand constitutional and international scrutiny (D).

A. General limitations on the right to freedom of expression

7. Indonesia is a party to the International Covenant on Civil and Political Rights. Article 19(2) ICCPR guarantees the right to freedom of expression; this right includes freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of choice.

8. Article 19(3) ICCPR only allows such restrictions that are (a) provided by law; (b) pursue a legitimate aim listed in subparagraphs 3(a) and 3(b); and (c) are necessary for the pursuit of the legitimate aim(s).

   (a) *Legality*. Restrictions must be "provided by law". In particular, they must be adopted by regular legal processes and limit government discretion in a manner that distinguishes between lawful and unlawful expression with "sufficient precision". Secretly adopted restrictions fail this fundamental requirement. The assurance of legality should generally involve the oversight of independent judicial authorities.

   (b) *Necessity and proportionality*. States must demonstrate that the restriction imposes the least burden on the exercise of the right and actually protects, or is likely to

protect, the legitimate State interest at issue. States may not merely assert necessity but must demonstrate it, in the adoption of restrictive legislation and the restriction of specific expression.[1]

(c) *Legitimacy*. Any restriction, to be lawful, must protect only those interests enumerated in article 19 (3): the rights or reputations of others, national security or public order, or public health or morals. Restrictions designed to protect the rights of others, for instance, include "human rights as recognized in the Covenant and more generally in international human rights law".[2] Restrictions to protect rights to privacy, life, due process, association and participation in public affairs, to name a few, would be legitimate when demonstrated to meet the tests of legality and necessity. The Human Rights Committee which oversees compliance with ICCPR cautions that restrictions to protect "public morals" should not derive "exclusively from a single tradition", seeking to ensure that the restriction reflects principles of non-discrimination and the universality of rights.[3]

9. Specifically with regard to defamation laws, the Human Rights Committee has made it clear that they must be crafted with care to ensure that they comply with Article 19(3) ICCPR, and that they do not serve, in practice, to stifle freedom of expression. All such laws, in particular penal defamation laws, should include such defences as the defence of truth and they should not be applied with regard to those forms of expression that are not, of their nature, subject to verification.[4] At least with regard to comments about public figures, consideration should be given to avoiding penalizing, or otherwise rendering unlawful, untrue statements that have been published in error but without malice.[5]

10. The charges against the defendant under Article 27(3) of the ITE Law (no. 11 of 2008) and Article 310(1) of the Indonesian Criminal Code (defamation) will be dealt with in sections "B" and "C" below. The *amici* will demonstrate that under international human rights law as it stands, defamation charges brought to protect a government minister from criticism by a human rights defender would run contrary to Article 19 ICCPR.

11. As regards the charges under Articles 14(2) and 15 of the Law no. 1 of 1946, the amici will demonstrate that this provision, like multiple existing"fake news" laws, because of

---

[1] HRC, General Comment no. 34. Article 19: Freedom of opinion and expression, CCPR/C/GC/34, 12 September 2011, para. 27.
[2] *Ibid.*, para. 28.
[3] *Ibid.*, para. 32.
[4] This means the obligation to make a distinction between statements of fact and value judgments, the former can be demonstrated, the truth of the latter is not susceptible of proof. The requirement to prove the truth of a value judgment is impossible to fulfil and infringes freedom of opinion itself (Eur. Ct. H.R., *Oberschlick v. Austria (no. 1)*, judgment of 23 May 1991, Series A no. 204, para. 63). There was a violation of freedom of expression in *Grinberg v. Russia* where the applicant wrote that a governor had "neither shame nor scruples", a value judgment, and the Russian courts made no distinction between the two categories, having uniformly referred to statements (no. 23472/03, 21 July 2005, paras. 28-29 and 31).
[5] HRC, General Comment no. 34, *op. cit.*, para. 47.

their vaguness and disproportionate restrictions, run contrary to the protection of free speech.

B. Human rights defenders as 'watchdogs of a democratic society'

12. Under international human rights case law speech by certain actors requires higher protection from the State. This concerns, in particular, the press, human rights defenders and academics.

13. The press is often said to be a 'public watchdog' when it imparts information of serious public concern.[6] However, for almost 20 years now this principle has been recognised to apply to human rights defenders and civil society organisations when they are working to highlight matters of public interest in the field of their expertise.[7] In the opinion of the European Court of Human Rights,

> in a comparable way to the press, an NGO performing a public watchdog role is likely to have greater impact when reporting on irregularities of public officials, and will often dispose of greater means of verifying and corroborating the veracity of criticism than would be the case of an individual reporting on what he or she has observed personally.[8]

14. It follows from the role of a 'watchdog', that not only journalists, but also human rights defenders are entitled to have recourse to a degree of exaggeration or even provocation or, in other words, somewhat immoderate statements.[9] Besides the defence of truth, on which Human Rights Committee insists, but which is often beyond the reach of a human rights defender to prove, a defence of responsible communication should be available to those disseminating information in the public interest.[10]

15. As the defendant faces a custodial sentence, it is recalled that the role of human rights defenders as 'watchdogs' of democracy entails prohibition of placing them in detention for activities that constitute the exercise of the rights guaranteed by international law.[11]

C. Politicians' obligations of tolerance towards criticism

---

[6] Eur. Ct. H.R., *Thorgeir Thorgeirson v. Iceland*, judgment of 25 June 1992, Series A no. 239, para. 63; *Goodwin v. the United Kingdom*, judgment of 27 March 1996, *Reports* 1996-II, para. 39; *Bladet Tromsø and Stensaas v. Norway* [GC], no. 21980/93, 20 May 1999, *Reports* 1999-III, para. 59.

[7] Eur. Ct. H.R., *Vides Aizsardzības Klubs (Environment Protection Club) v. Latvia*, no. 57829/00, 27 May 2004, para. 42; *Társaság a Szabadságjogokért (Hungarian Civil Liberties' Union) v. Hungary*, no. 37374/05, 14 April 2009, para. 27.

[8] Eur. Ct. H.R., *Medžlis Islamske zajednice Brčko (Brčko Branch of the Islamic Community) v. Bosnia and Herzegovina* [GC], no. 17224/11, 27 June 2017, ECHR 2017-…, para. 87.

[9] Eur. Ct. H.R., *Mladina D.D. Ljubljana v. Slovenia*, no. 20981/10, 17 April 2014, para. 40.

[10] *Grant v. Torstar Corp.*, 2009 SCC 61 at 33, 99-126.

[11] Eur. Ct. H.R., *Taner Kiliç v. Turkey no. 2*, no. 208/18, 31 May 2022, paras. 112 and 147; IACtHR, *Kimel v. Argentina* (Merits, Reparations and Costs), judgment of 2 May 2008, Series C, no. 177, para. 80.

16. It is well established in international human rights law that heads of state and government, ministers, politicians, public officials and other comparable figures, because of their position in society, are naturally subject to criticism. Finding a violation of Article 19 ICCPR in *Marques v. Angola* on account of a conviction for criticism of the head of state, the Human Rights Committee agreed with the author of the communication that the object of his criticism was "the President, a public figure who, as such, is subject to criticism and opposition".[12]

17. More generally, the Human Rights Committee stated that in circumstances of public debate concerning public figures in the political domain and public institutions, the value placed by the Covenant upon uninhibited expression is particularly high. The mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties, as all public figures, including those exercising the highest political authority such as heads of state and government, are legitimately subject to criticism and political opposition.[13]

18. The Human Rights Committee's approach builds on the case-law of the regional human rights courts. As early as 1986, the European Court of Human Rights underscored that freedom of the press furthermore affords the public one of the best means of discovering and forming an opinion of the ideas and attitudes of political leaders. More generally, freedom of political debate is at the very core of the concept of a democratic society. The European Court went on to rule that:

> The limits of acceptable criticism are accordingly wider as regards a politician as such than as regards a private individual. Unlike the latter, the former inevitably and knowingly lays himself open to close scrutiny of his every word and deed by both journalists and the public at large, and he must consequently display a greater degree of tolerance.[14]

19. In a later case, the European Court expanded its approach to the effect that in a democratic system the actions or omissions of the Government must be subject to close scrutiny not only of the legislative and judicial authorities but also of the press and public opinion. Furthermore, the dominant position which the Government occupies makes it necessary for it to display restraint in resorting to criminal proceedings, particularly where other means are available for replying to the unjustified attacks and criticisms of its adversaries or the media.[15]

20. The Inter-American Court has similarly held that democratic control exercised by society through public opinion encourages the transparency of State activities and promotes the accountability of public officials in public administration, for which there should be a reduced margin for any restriction on political debates or on debates on matters of public interest. Consequently, statements concerning public officials and other individuals who exercise functions of a public nature should be accorded, in the terms of

---

[12] CCPR/C/83/D/1128/2002, 29 March 2005.
[13] HRC, General Comment no. 34, *op. cit.*, para. 38.
[14] Eur. Ct. H.R., *Lingens v. Austria*, judgment of 8 July 1986, Series A no. 103, para. 42.
[15] Eur. Ct. H.R., *Castells v. Spain*, judgment of 23 April 1992, Series A no. 236, para. 46.

Article 13(2) of the American Convention, a certain latitude in the broad debate on matters of public interest that is essential for the functioning of a truly democratic system.[16] On a further occasion, the Inter-American Court explained that the reason for this approach was that public officials voluntarily expose themselves to closer scrutiny for their activities go beyond the private sphere and enter the realm of public debate.[17]

D. Comparative case-law on the incompatibility of the existing "fake news" prohibitions with the protection of free speech

21. As a general consideration, the Human Rights Committee recalls that the ICCPR does not permit general prohibition of expressions of an erroneous opinion or an incorrect interpretation of past events.[18] Specifically with regard to anti-"fake news" laws, the Committee found Russian legislation on the "public dissemination of knowingly false information", in general and in particular about the Armed Forces of the Russian Federation, to contravene Article 19 ICCPR.[19]

22. The landmark decision of the United States Supreme Court in *New York Times v. Sullivan*[20] is relevant and noteworthy. The New York Times published an article about the struggle of the black population for civil rights in Montgomery, Alabama. A number of statements were inaccurate (for example, the police did not "surround" the Alabama State College campus, but only were present on the campus in large numbers; Martin Luther King was arrested not seven times, but four, etc.), Alabama courts granted the lawsuit of the police commissioner against the newspaper. The U.S. Supreme Court held that the right to freedom of speech under the First Amendment to the U.S. Constitution extended to both exaggerated and inaccurate statements of fact, so defamation claims could only be granted when false statements were made with proven direct intent (actual malice), that is, with knowledge of their falsity, or with "reckless disregard of whether it was true or false" regarding public officials. The US Supreme Court did not establish such intent in the text published in The New York Times, agreeing with the newspaper that it had acted in good faith.

23. The French Constitutional Council, in the decision no. 2018-773 DC of 20 December 2018,[21] found the law directed against manipulation of information to be in conformity with the French Constitution, but only under a number of important conditions. Thus, it is possible to block access to false information only in the three-month period before elections or a referendum, and only in relation to messages on the Internet. The following conditions are required: statements must be objectively false, manifestly

---

[16] IACtHR, *Herrera Ulloa v. Costa Rica* (Preliminary Objections, Merits, Reparations and Costs), judgment of 2 July 2004, Series C no. 107, paras. 127-128.
[17] IACtHR, *Kimel v. Argentina*, cited above, para. 86.
[18] HRC, General Comment no. 34, *op. cit.*, para. 49.
[19] HRC, Concluding observations on the 8th Periodic report of the Russian Federation, CCPR/C/RUS/CO/8, 1 December 2022, para. 28.
[20] 376 US 254 (1964).
[21] Journal officiel de la République française n° 297 du 23 décembre 2018.

inaccurate or misleading, excluding opinions, parodies, inaccuracies, exaggerations; the dissemination of such claims must be artificial or automated, massive and deliberate. The law has been assessed prior to its application and *in abstracto*, there have not yet been any court cases with its application.

24. Among judicial decisions assessing the constitutionality of criminal and administrative prohibitions on the dissemination of false information, one of the most authoritative is the case of the Supreme Court of Zimbabwe, *Chawunduka and others v. Minister of Interior and another*. The appellants challenged section 50(2)(a) of the the Law and Order (Maintenance) Act, which criminalised publication or reproduction of any false statement, rumour or report which was likely to cause fear, alarm or despondency among the public or any section of the public; or likely to disturb the public peace.

25. Striking down that rule as unconstitutional, the Gubbay CJ found in the opinion of the court that the impugned provision did not just criminalise false statements, nor false statements which actually caused fear, alarm or despondency, it criminalised false statements which were likely to cause fear, alarm or despondency, that is a "speculative offence". The law was found to have been too vague as it placed persons in doubt as to what could lawfully be done and what could not, so it exerted an unacceptable "chilling effect" on freedom of expression, since people would tend to steer clear of the potential zone of application to avoid censure. According to the Chief Justice:

> Almost anything that is newsworthy is likely to cause, to some degree at least, in a section of the public or in a single person, one or other of these subjective emotions. A report of a bus accident which mistakenly informs that fifty instead of forty-nine passengers were killed, might be considered to fall foul of section 50(2)(a).[22]

26. The judgment of the Supreme Court of Zimbabwe in *Chawunduka* was cited with approval by the East African Court of Justice,[23] the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in the report to the UN Human Rights Council "Disinformation and freedom of opinion and expression",[24] the Supreme Court of Uganda,[25] as well as by the High Court of Zambia at Lusaka.[26] The latter added that the ban on false news was introduced in colonial times in the absence of constitutional guarantees for freedom of speech, and therefore could not be maintained after the adoption of a democratic constitution. In 2016, the Court of the Economic Community of West African States (ECOWAS) found that the crime of

---

[22] [2000] JOL 6540 (ZS) at 14-15.
[23] EACJ, *Media Council of Tanzania and others v. Attorney-General of Tanzania*, Reference no. 2 of 2017, 28 March 2019, para. 95.
[24] A/HRC/47/25, 13 April 2021, para. 52.
[25] Supreme Court of Uganda, *Obbo and Mwenda v. Attorney General*, Constitutional appeal no. 2 of 2002, 10 February 2004.
[26] High Court of Zambia at Lusaka, *Chipenzi and others v. the People*, HPR/03/2014, 4 December 2014.

spreading false news in The Gambia violated Article 19 of the International Covenant on Civil and Political Rights and directed that it be repealed.[27]

27. On the Asian continent, the most detailed judicial assessment of anti-"fake news" legislation was given in the Supreme Court of India decision in *Shreya Singhal v. Union of India*. The petitioner challenged section 66A of the Information Technology Act of 2000, which punished dissemination of any information known to be false for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred or ill will, persistently by making use of computer resource or a communication device.

28. The Supreme Court of India concluded that the provisions of section 66A were not properly defined, every expression used had vague meaning. The judgment says,

> What may cause annoyance or inconvenience to one may not cause annoyance or inconvenience to another. Even the expression "persistently" is completely imprecise - suppose a message is sent thrice, can it be said that it was sent "persistently"? Does a message have to be sent (say) at least eight times, before it can be said that such message is "persistently" sent? There is no demarcating line conveyed by any of these expressions - and that is what renders the Section unconstitutionally vague.[28]

29. In addition, the Supreme Court of India could not rule out the possibility of application of section 66A in a way against the goals provided for by the Constitution of India, and therefore the provision was declared unconstitutional in its entirety.[29]

E. Conclusion

30. The defendant is an internationally renowned human rights defender who spoke on matters of his expertise and public interest, his freedom of expression should benefit from enhanced protection by the State. The object of his statements is a government minister who should, under international human rights law, because of his position, be subject to public criticism. Charges relating to the alleged dissemination of "false information" do not withstand scrutiny under constitutional and international provisions.

31. The amici accordingly invite the Court to dismiss all charges, this being the only outcome complying with international law.

Signed:

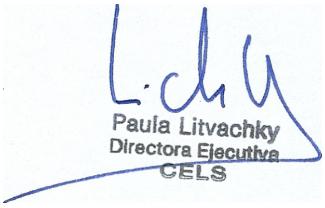
---

[27] ECOWAS Court, *Federation of African Journalists and others v. the Gambia*, ECW/CCJ/JUD/04/18, 13 March 2018.
[28] WP(Crl) 167 of 2012, 24 March 2015, paras. 75-76.
[29] *Ibid.*, para. 95.

Pavel Chikov, Executive Director,
Agora International Human Rights Group
(Russia)

Anthony D. Romero, Executive Director,
American Civil Liberties Union

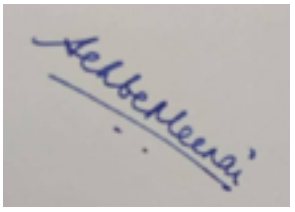
Noa Mendelsohn Aviv, Executive Director,
Canadian Civil Liberties Association



Paula Litvachky, Executive Director,
Center for Legal and Social Studies (CELS,
Argentina)

Hossam Bahgat, Executive Director,
Egyptian Initiative for Personal Rights

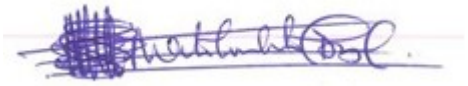
Caitlin Reiger, Chief Executive Officer,
Human Rights Law Centre (Australia)



Sehba Meenai, Executive Director,
Human Rights Law Network (India)

Máté Szabó, Director of Programmes,
Hungarian Civil Liberties Union

Liam Herrick, Executive Director,
Irish Council for Civil Liberties



Davis Malombe, Executive Director *a.i.*,
Kenya Human Rights Commission

Nersan Govender, Executive Director,
Legal Resources Centre (South Africa)

ANNEX: Information on the Interveners

Agora International Human Rights Group

Agora is an association of more than 100 lawyers and other legal professionals working on landmark human rights cases domestically and internationally. Agora permanent legal teams working in Moscow, Saint Petersburg, Sochi, Kazan, Nizhniy Novgorod, Stavropol, Yekaterinburg, Chelyabinsk, Lipetsk, Chita, and other cities in Russia and abroad. A response unit that handles incidents involving human rights violations operates across the entire European part of Russia. Agora is currently representing applicants in several hundred applications brought before the European Court of Human Rights (ECHR). They also provide support to political immigrants, persons who have been forced to leave Russia due to persecution by the authorities and asylum seekers. Agora is also active across post-Soviet States where the negative impact of Russian authorities on the human rights situation is strongly felt.

American Civil Liberties Union (ACLU)

The American Civil Liberties Union (ACLU) is a nonprofit organization founded in 1920 to defend and preserve the individual rights and liberties guaranteed by the Constitution and laws of the United States. With more than 4 million members, activists, and supporters, the ACLU is a nationwide organization that fights in courts, legislatures, international fora, and communities in all 50 states, Puerto Rico, and Washington, D.C., to safeguard everyone's rights in the United States.

Canadian Civil Liberties' Association (CCLA)

CCLA is a non-partisan, national, non-profit non-governmental organisation that has been at the forefront of protecting fundamental freedoms and democratic life in Canada since 1964. CCLA was constituted to promote respect for and observance of fundamental human rights and civil liberties and to defend and foster the recognition of those rights and liberties. CCLA's major objectives include the promotion and legal protection of individual freedom and dignity against unreasonable invasion by public authority, and compliance with Canadian constitutional and international legal obligations within Canadian jurisdictions.

Centro de Estudios Legales y Sociales (CELS)

CELS is an Argentine organization that works to protect and expand the effective exercise of human rights, justice and social inclusion at a national and international level. It was founded in 1979 as an urgent response to the enforced disappearances and other atrocities being committed during the country's last dictatorship. After the return to civilian rule in 1983, while preserving its flagship work on transitional justice, CELS transitioned to an expanded agenda addressing violations under democracy and the structural causes of inequality and human rights violations on matters of citizen security, economic, social and cultural rights

(ESCR), judicial reform, prisons and criminal justice, mental health, migrants' rights, freedom of expression, civilian control of the Armed Forces and, more recently, decent habitat and labor outsourcing.

Egyptian Initiative for Personal Rights (EIPR)

The Egyptian Initiative for Personal Rights has been working since 2002 to strengthen and protect basic rights and freedoms in Egypt, through research, advocacy and supporting litigation in the fields of civil liberties, economic and social rights, and criminal justice.

Human Rights Law Centre (HRLC)

The Human Rights Law Centre protects and promotes human rights in Australia and in Australian activities overseas, by using an integrated strategic combination of legal action, advocacy, research and capacity building.

Human Rights Law Network (HRLN)

HRLN is a collective of lawyers and social activists dedicated to the use of the legal system to advance human rights, struggle against violations, and ensure access to justice for all in India. Today, the HRLN has evolved into a nationwide network of more than 200 lawyers, paralegals, and social activists spread across 26 states/union territories working on access to justice for marginalised individuals and communities. In collaboration with effective communities, NGOs and the judiciary HRLN provides pro-bono legal services to those with little or no access to the justice system, conducts litigation in the public interest, engages in advocacy, runs help-lines, conducts legal awareness programs, sensitizes the judiciary, investigates violations and deploys crisis-intervention teams, plans People's Tribunals, publishes 'know your rights' materials, participates in campaigns, and proposes solutions to some of India's foremost social problems.

Hungarian Civil Liberties Union (HCLU)

The HCLU is a law reform and watchdog public interest NGO in Hungary, working independently of political parties, the state or any of its institutions. Since its foundation in 1994, the HCLU has been working towards everybody being informed about their fundamental human rights and being empowered to enforce them against undue interference by those in positions of public power. In the areas of political freedoms (including the freedom of speech and he press, the right of assembly, etc.), privacy rights and equality, HCLU monitors legislation, pursues strategic litigation (200 cases annually), provides free legal aid (in more than 4500 cases per year), provides training and launches awareness raising media campaigns in order to mobilize the public. HCLU initiates the implementation and amendment of legislation, and seeks to change enforcement practice in law. HCLU also cooperates with many domestic and foreign human rights organizations and institutions, and do effective advocacy and outreach

Irish Council for Civil Liberties (ICCL)

The ICCL is Ireland's leading independent human rights campaigning organisation. The ICCL monitors, educates and campaigns to secure human rights for everyone in Ireland. The ICCL acts as an essential defender of human rights and civil liberties and as an effective champion for the advancement of justice and freedom in Irish society. The ICCL has been at the forefront of all key human rights campaigns in Irish society, making a significant impact on law, policy and public opinion. These have included the campaigns for legal divorce, decriminalisation of homosexuality and for marriage equality; working for equality legislation and institutions; resistance to emergency legislation and the removal of constitutional due process protections; and consistent advocacy for women's rights, including reproductive rights.

Kenya Human Rights Commission (KHRC)

The KHRC is a premier and flagship non-governmental human rights and governance institution in Africa that was founded in 1992 with a mission to foster human rights, democratic values, human dignity and social justice. They deal with human rights and social justice issues and situations at all levels in the society. The KHRC's interventions are executed under four interdependent strategic objectives and thematic programs: Civil and Political Rights; Economic and Social Rights; Equality and Non-Discrimination and Institutional Development and Sustainability. The KHRC is recognized for its long history, tenacity, consistency, expertise, and passion in providing technical and political leadership around the pertinent human rights and governance programs at all levels.

Legal Resources Centre (LRC)

The Legal Resources Centre is an independent, client-based, non-profit public interest law clinic which uses law as an instrument of justice. It was established in 1979 and is South Africa's largest public interest, human rights law clinic. In addition to its national office , LRC has four regional offices, in Cape Town, Durban, Grahamstown and Johannesburg. In its earlier years, the LRC challenged the legal mechanisms used by the apartheid government to oppress millions of South Africans. Since 1994, the LRC has focused on making the South African Constitution a living document and ensuring that the rights and responsibilities enshrined therein are respected, promoted, protected and fulfilled using a range of strategies including impact litigation, law reform and networking. The LRC provides legal services for the vulnerable and marginalised, including the poor, homeless, and landless people and communities of South Africa who suffer discrimination by reason of race, class, gender, disability or by reason of social, economic, and historical circumstances.