

SUBSTANCE

Freedom of association – article 10

The freedom of association entails freedom to associate or not to associate with others. Hence, it was held that any law that compels a person to associate or join up with others for the purpose of exercising his political rights negates the freedom of association (*Tanganyika Law Society, The Legal and Human Rights Centre v The United Republic of Tanzania*, application 009/2011; *Reverend Christopher R. Mtikila v The United Republic of Tanzania*, application 011/2011, judgment, 14 June 2013, para 113).

Also, by mandating individuals to join or be sponsored by a political party before they could contest presidential, parliamentary and local government elections, the respondent was held to have violated the applicant's freedom of association (*Mtikila*, para 114).

However, in the separate opinion of Judge Ouguerouz, it was held that the prohibition of independent candidates from participating in elections and the obligation to belong to a political party are not *ipso facto* violations of the provisions of articles 10 and 13(1) of the African Charter unless they are considered unreasonable or illegitimate restrictions on the exercise of the rights (*Mtikila (Separate Opinion of Judge Ouguerouz)*, paras 28 & 34).