

ACHPR/Res. 363(LIX) 2016: Resolution on the Need to Develop Guidelines on Policing and Assemblies in Africa

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 59th Ordinary Session held from 21 October to 4 November 2016 in Banjul, Islamic Republic of The Gambia;

Recalling its mandate to promote and protect human rights in Africa under the African Charter on Human and Peoples' Rights (the African Charter);

Recalling its Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa and the Model Law on Access to Information for Africa;

Further recalling its Resolutions ACHPR/Res.103a (XXXX) 06 on Police Reform, Accountability and Civilian Police Oversight in Africa, ACHPR/Res.259 (LIV) 2013 on, Police and Human Rights in Africa, ACHPR/ Res.196 (L) 11 on the Situation of Human Rights Defenders in Africa, and ACHPR/Res.281 (LV) 2014 on the Right to Peaceful Demonstrations;

Bearing in mind its Resolution ACHPR/Res. 306 (EXT.OS/XVIII) 2015 on the extension of the mandate of the Special Rapporteur on Prisons and Conditions of Detention in Africa which recommends that the Rapporteur should work with other Special Mechanisms of the Commission on cross-cutting issues relating to policing and human rights;

Noting the important role played by the police in ensuring the peaceful conduct of public assemblies and consequently, protecting freedom of expression and assembly;

Mindful of the importance of communication and the right of access to information before, during and after assemblies;

Concerned by the persistence of police violence during assemblies in Africa and its apparent consequences on the enjoyment of the various rights enshrined in the African Charter, in particular Articles 4, 5, 6, 9 and 11;

Considering the particularly vulnerable state of human rights defenders and journalists who are more exposed to various forms of police violence during assemblies;

Conscious that in many cases, this situation is caused or aggravated by several factors including the fact that the legal framework does not sufficiently protect the right to freedom of

assembly, expression and access to information in the context of public assemblies, the interference of political actors, lack of training for police officers and the non-existence of special mechanisms to monitor policing;

Noting the links between the right to freedom of assembly, freedom of expression and access to information;

Convinced of the urgent need to develop guidelines on policing and assemblies in Africa to guide States Parties to the African Charter, in particular law enforcement officials to ensure greater observance of human rights during assemblies in Africa;

The Commission:

Decides to task the Special Rapporteur on Human Rights Defenders in Africa, the Special Rapporteur on Freedom of Expression and Access to Information in Africa and the Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa to develop the Guidelines on Policing and Assemblies in Africa, including tools to facilitate its effective implementation.

Done in Banjul, Islamic Republic of the Gambia, on 4 November 2016