

African Union, African Regional Bodies

Resolution establishing the adoption of the Model Law on Policing in Africa

Legislation as at 17 October 2019

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Resolution establishing the adoption of the Model Law on Policing in Africa

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African Union

Resolution establishing the adoption of the Model Law on Policing in Africa

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Commenced

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THE PAN-AFRICAN PARLIAMENT,

CONSIDERING the provisions of Article 17 of the Constitutive Act of the African Union establishing the Pan-African Parliament that enjoins the PAP to ensure the "full participation of the African people in the development and economic integration of the continent";

RECALLING Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan African Parliament, which empower PAP to facilitate regional cooperation, development and promotion of "collective self-reliance and economic recovery" as well as the implementation of the policies, objectives and programmes" of the African Union;

CONSCIOUS of Article 11 (3) of the PAP Protocol and Rule 4 (1) (d) & (e) of the PAP Rules of Procedure, which empowers the PAP to work towards the harmonization or coordination of the laws of African Union Member States, inter alia through proposing and developing model laws;

CONSIDERING FURTHER the African Charter on Human and Peoples' Rights and AU agenda 2063, the African charter on democracy, the AU Security Sector Reform Policy Framework that promotes harmonisation and consistency in reforms across the continent, and, the African Commission on Human and Peoples Rights African interpretive documents on policing.

RECALLING FURTHER the PAP Resolution on the Model Police Law in Africa, which was adopted during the Sixth Ordinary Session of the Fourth Parliament, in May 2017;

NOTING that the development of a Model African Law on Policing in Africa by the Pan-African Parliament will make a significant normative contribution to improving policing in Africa, and will complement other African Union and regional efforts to promote safety, security, democratic governance and human rights.

FURTHER NOTING that a Model Law on Policing in Africa is an effective way to promote review by Member States of existing policing legislation and bi lateral treaties, and to encourage legislative reform, that governs the mandate, organisational structure, and performance of law enforcement agencies in African Union Member States.

CONFIRMING that model police legislation in Africa must be based on democratic and civilian control, adherence to rule of law, and human rights compliant standards of policing.

RECALLING that the Pan-African Parliament's legislative mandate makes it well placed to develop a Model African Law on Police and Model Treaty for Mutual Legal Assistance for police co-operation in Africa.

FURTHER NOTING that the Model Law and Model Treaty for Mutual Legal Assistance for police co-operation in Africa can be adopted in whole or in part by African Union Member States, or used as a template to establish or review existing policing laws

WELCOMING of the partnership between the Pan-African Parliament and Africa Policing Civilian Oversight Forum (APCOF) by promoting and mainstreaming policing matters within the African Union Member States through the development of a Model Policing Law;

APPRECIATING the contributions from the regional consultations on the Draft Model Police Law which provided an opportunity for African citizens, the grassroots organizations and other interested stakeholders to engage with the draft Model Law;

IN ACCORDANCE WITH Rule 5 (b), (c) and (d) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to, inter alia, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

NOW HEREBY RESOLVES TO:

8. **ADOPT** the Model Law on Policing in Africa;
9. **REQUEST** the Bureau of PAP to submit the Model Law on Policing to the AU Policy Organs for endorsement and use by the AU Member States;
10. **STRENGTHEN** the collaboration and exchanges among regional and national parliamentary bodies, with a view to enhancing the capacity of parliamentarians to monitor and promote policing mainstreaming in national policies and programmes, as well as the budgetary and legislative instruments.

Adopted at Midrand, South Africa

17 October 2019