



# Reflections on the proposed revised National Policing Standards for Municipal Police Services on Crowd Management during Gatherings and Demonstrations

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# Overall observations



- Proposed document is neither the appropriate instrument to authorise MPS to act as first responders in a crowd management situations; nor
- Can it be used as a blanket authorisation for other first responders
- As formulated, legislative amendments needed, and has financial implications
- Withdrawal necessary

# Guiding principles



- Guidelines for the Policing of Assemblies by Law enforcement Officials in Africa, 2017
- General Comment 37 on article 21 of the ICCPR
- Model Protocol for Law Enforcement Officials to promote and protect human rights in the context of peaceful protests

# Identified areas of gaps and deficits



- Limited guidance on contingency planning
  - Detailed information on operational planning in the proposed Standards, but
  - Limited guidance on contingency planning.
  - Effective planning for public gatherings require contingency planning
  - Plan is necessary for, among others, the provision of essential services; graduated use of force

# Identified areas of gaps and deficits



- Lack of clarity on how command is to be handed over to members of the POP
  - Even under levels one and two, in respect of which command is to be handed over to the POP;
  - Clear chain of command a basic requirement of police accountability
  - It should always be possible to establish the identity of superior commanders for decisions

# ...Identified areas of gaps and deficits



- Lack of guidance on use of surveillance and digital technologies
  - Digital technologies can be used to facilitate assemblies and gathering, but
  - Susceptible to abuse, including monitoring
  - Thus, guidance necessary to prevent abuse

# .... Identified areas of gaps and deficits



- No provision on role of monitors and observers
  - Role include observation, monitoring and reporting
  - Should not be obstructed or limited in their work
  - Measures should be taken to facilitate the exercise of the this role

# ....Finally,



- Limited guidance on the need to cooperate with independent investigations
  - Cooperation a key to accountability
  - Thus, cooperation and compliance should be mandated
  - Mandatory compliance requirement will strengthen accountability