

ACHPR/Res. 433 (LXV) 2019 : Resolution on elections in Africa

The African Commission on Human and Peoples' Rights (the Commission) meeting at its 65th Ordinary Session held from 21 October to 10 November 2019, in Banjul, The Gambia:

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

Reaffirming the right guaranteed by the African Charter under Article 13 for every citizen to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law;

Recalling the objectives and principles set out in Articles 3 and 4 of the Constitutive Act of the African Union which emphasize the importance of good governance, popular participation, rule of law and human rights;

Considering the African Charter on Democracy, Elections and Governance (the African Charter on Democracy), which emphasizes the importance of consolidating on the continent, the political culture of change of power, based on the holding of regular, free, fair and transparent elections conducted by competent, independent and impartial national electoral bodies;

Further considering Article 11 of the African Charter on Democracy which calls upon State Parties to develop the necessary legislative and policy frameworks to establish and strengthen a culture of democracy and peace;

Noting the provisions of Article 9 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, which calls upon State Parties to take specific positive action to promote participative governance and the equal representation of women in the political life of their countries;

Noting the provisions of Article 21 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa regarding the participation of persons with disabilities in political and public life;

Bearing in mind its previous Resolutions on electoral processes, elections and participation in public affairs in Africa, in particular its Resolutions ACHPR/Res.23 (XIX)1996, ACHPR/Res.184 (EXT.OS/IX)2011, ACHPR/Res.232 (EXT.OS/XIII)2013, ACHPR/Res.239(EXT.OS/XIV)2013, ACHPR/Res.272(LV)2014, ACHPR/Res.293 (EXT.OS/XVII)2018 and ACHPR/Res.331(EXT.OS/XIX)2016;

Recalling the provisions of the Guidelines on Access to Information and Elections in Africa, the Guidelines on Freedom of Association and

Assembly in Africa and the Guidelines on Policing Assemblies in Africa adopted by the African Commission on Human and Peoples' Rights;

Concerned about the adoption of provisions which further tighten civic space, in laws relating to internal security, cybercrime and peaceful demonstrations, as well as the arbitrary detention of unarmed demonstrators in many countries;

Also concerned about the recurrence of violence caused by attempts to amend fundamental laws in order to extend presidential terms;

Considering that the right to peaceful protest is a fundamental pillar of democratic governance and an essential tool for shaping policies and public debate;

Emphasizing the importance of peaceful, free and transparent elections and referendums, and respect for electoral outcomes for maintaining peace and security in the region;

Noting that in 2020, presidential elections are scheduled in Côte d'Ivoire, Seychelles and Togo, presidential and parliamentary elections in Burkina Faso, Burundi, Ghana and Tanzania, and parliamentary, senatorial, municipal and other elections in Cameroon, Comoros, Egypt, Ethiopia, Gabon, Mali, Namibia and Somalia;

The Commission calls upon the aforementioned States to:

- 1. Create** the conditions for peaceful, free, fair and transparent elections or referendums to enable citizens to exercise their right to vote in an environment free of intimidation, violence and other obstacles;
- 2. Take** specific positive measures to promote participatory governance and the equal representation of women;
- 3. Facilitate** the participation of people with disabilities by putting in place reasonable accommodation and other support measures consistent with the secrecy of the ballot, accessibility to polling stations and assisted voting;
- 4. Adopt** measures to restore and maintain civic space for better exercise of public rights and freedoms;
- 5. Comply** with their obligations under the African Charter, in addition to regional and international human rights instruments, and take all necessary measures to preserve and protect the credibility of the electoral process in each country;
- 6. Ensure** that all political parties taking part in the elections, in particular opposition parties, are allowed to campaign freely;
- 7. Ensure** that citizens exercise their right to vote in a peaceful environment, free from intimidation and violence;
- 8. Call on** political parties to ensure that their supporters do not engage in or incite acts of violence before, during or after the elections;

- 9. Authorize** the participation of election observers (national and international) to monitor the entire electoral process;
- 10. Establish** independent institutions in charge of election management and provide them with adequate financial resources as well as skilled human resources;
- 11. Take** all necessary measures to prevent, investigate and prosecute human rights violations that may occur during the election period and provide adequate remedies to victims;
- 12. Invite** the African Union and all stakeholders to provide support for the prevention of possible post-electoral conflicts.

Done in Banjul, The Gambia, 10 November 2019