

ACHPR/Res.174 (XLVIII) 10: RESOLUTION ON ELECTIONS IN AFRICA

The African Commission on Human and Peoples' Rights, meeting at its 48th Ordinary Session, held in Banjul, The Gambia, from 10 to 24 November 2010;

Considering Article 13(1) of the *African Charter on Human and Peoples' Rights* (African Charter) which stipulates that “*every citizen shall have the right 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 its mandate under Article 45 of the *African Charter* to promote and protect human and peoples' rights in Africa, as well as other relevant Articles of the African Charter;

Welcoming the adoption of the *African Charter on Democracy, Elections and Governance* at the 8th Ordinary Session of the Assembly of Heads of State and Government of the African Union (AU), held in Addis Ababa, Ethiopia, on 30 January 2007;

Considering relevant provisions of Article 9 of the Protocol to the African Charter on the Rights of Women in Africa which exhorts States Parties to take positive measures to ensure that “*women participate without any discrimination in all elections*”;

Further considering its commitment to take measures of affirmative action, in order to guarantee a better representation of women in elective positions;

Recalling its Resolutions on the matter of Elections; Resolution **ACHPR/Res.23 (XIX) 96** on Electoral Process and Participatory Governance; Resolution **ACHPR/Res.115 (XXXII) 07** on the Ratification of the African Charter on Democracy, Elections and Governance; Resolution **ACHPR/Res.128 (XXXII) 07** on Freedom of Expression and the Upcoming Elections in Zimbabwe; Resolution **ACHPR/Res.133 (XXXIII) 08** on Elections in Africa, and Resolution **ACHPR/Res.164 (XLVII) 2010** on Elections in Africa;

Expressing concern that, despite the number of Resolutions adopted by the African Commission on Elections, the conduct of free and fair elections in some parts of the African continent remains a challenge;

Noting that the year 2010 is the year of Peace and Security in Africa (**SP/ASSEMBLY/PS/DECL.(I)**), and that the year 2011 will mark the 30th Anniversary of the *African Charter*.

Emphasizing the importance of the organization of peaceful, free, fair, and transparent elections and referenda and consequently the full respect of their results to maintain peace and security in the region;

Reaffirming its commitment to the development of democracy in Africa, and recognizing that the principles of good governance, transparency, and human

rights are critical elements that contribute to the achievement of peace and sustainable development in Africa;

Expressing concern that though the *African Charter on Democracy, Elections and Governance* lays down principles aimed at achieving a democratic continent free from unconstitutional changes of government and conflict, the slow rate of its ratification still persists, and only four countries have ratified the said instrument;

Congratulate African countries that have held successful elections;

CALLS on States Parties to the African Charter (States Parties) holding elections and other forms of political participation processes to:

1. **Ensure** that they create conditions conducive for peaceful, free, fair, and transparent elections or referenda;
2. **Ensure** that contesting parties in particular opposition parties are given equitable access to state controlled media and resources;
3. **Ensure** that all participating parties, in particular, the opposition parties, are allowed to conduct their campaigns freely without any violence and intimidation;
4. **Ensure** the participation of all citizens in the election or referendum processes without fear or intimidation;
5. Take positive measures to guarantee a better representation of women in elective positions
6. **Establish** impartial and non-discriminatory procedures with respect to all voting processes;
7. **Take** all necessary measures to prevent, investigate and prosecute elections- related human rights violations and provide adequate redress to victims;
8. **Ensure** the freedom of movement and physical integrity of human rights defenders, journalists and other media practitioners in the run-up to and during, and after elections or referenda;
9. **Request** the authorities in all countries that will hold elections to invite and allow national and international monitors and observers for the duration of the elections or referenda processes.

REITERATES its appeal to all States Parties, who have not yet done so, to ratify the *African Charter on Democracy, Elections and Governance*, and ensure its effective implementation without delay, as it contains the foundation upon which free and fair elections can be achieved in Africa.