

ACHPR/RES 239 (EXT.OS/XIV) 2013: RESOLUTION ON THE 2013 ELECTIONS IN AFRICA

The African Commission on Human and Peoples' Rights, meeting at its 14th Extra- Ordinary Session, held in Nairobi, Kenya, from 20 to 24 July 2013;

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

Considering the principles and objectives of the African Union enshrined in the Constitutive Act of the African Union;

Recalling further Article 13(1) of the 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;*"

Further Considering the African Charter on Democracy, Elections and Governance which emphasizes the importance of entrenching on the Continent, a 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;

Bearing in mind its previous Resolutions on the Electoral Process and Participatory Governance in Africa including ACHPR/RES. 184 (EXT.OS/IX) 2011 and ACHPR/RES 232 (EXT.OS/XIII) 2013;

Recalling its previous Resolutions on Freedom of Expression in Africa, Freedom of Association in Africa and Human Rights Defenders in Africa, including ACHPR/Resolution 62 (XXXII) 02, ACHPR /Res.99 (XXXX) 06, ACHPR/Res. 151 (XLVI) 09 and ACHPR/Res.196 (L) 11;

Reaffirming the importance of peaceful, free, fair and transparent elections and other political participation processes, in addition to full respect of the results, to the maintenance of peace and security on the Continent;

Noting with Satisfaction the peaceful and transparent conduct of the recent election in the Republic of Kenya and referendum in the Republic of Zimbabwe;

Conscious of the fact that further Presidential elections are due to be held in other State Parties to the African Charter,

including the Republic of Zimbabwe, the Republic of Mali, the Republic of Tunisia, the Federal Democratic Republic of Ethiopia, the Republic of Guinea-Bissau, the Republic of Mauritius and the Republic of Madagascar, in the year 2013;

Reiterating its deep concerns about the recurrent situations of election-related violence and other human rights violations, as well as irregularities in electoral processes in Africa;

Noting in particular that meaningful participation of citizens in electoral processes requires the guarantee of their fundamental freedoms of expression, association and assembly within the law;

Acknowledging the critical role that human rights defenders and civil society play in promoting and defending human rights in particular in an election context;

Calls upon State Parties to the African Charter holding elections and other forms of political participation processes to:

1. Ensure full compliance with their obligations under the African Charter and other regional and international human rights conventions, and take all necessary measures to preserve and protect the credibility of the electoral process;
2. Safeguard the human rights of all citizens including the freedom of movement, assembly, association and expression during the electoral processes, as well as equal access to media during campaign for all stakeholders;
3. Ensure that citizens exercise their right to vote in a peaceful environment free of intimidation, violence and any other impediment;
4. Respect and protect the rights of human rights defenders, journalists, civil society organisations and all stakeholders carrying out election-related activities;
5. Guarantee the independence of the institutions responsible for the organisation of elections and provide sufficient resources to them for the effective discharge of their mandates in the administration of efficient and transparent elections;
6. Allow the participation of national and international election observers in the entire electoral process;
7. Urge political parties to ensure that their supporters do not engage in or incite violence before, during or after the elections; and

8. Take all necessary measures to prevent and promptly investigate and prosecute any human rights violation which occurs within the framework of the elections, including those committed by law enforcement agents, and provide prompt, adequate and effective redress to victims.

Urges the leaders of political parties and candidates participating in the elections due to hold in the State Parties to put the general interest of the people at the centre of the electoral processes.

Reiterates its appeal to all State Parties who have not done so, to ratify the African Charter on Democracy, Elections and Governance and to ensure its effective implementation without delay.

Done in Nairobi, Kenya, 24 July 2013