

**ACHPR/Res.164(XLVII)10: RESOLUTION ON THE 2010 ELECTIONS IN AFRICA**

*The African Commission on Human and Peoples' Rights (the African Commission) meeting at its 47<sup>th</sup> Ordinary Session, held in Banjul, The Gambia, from 12 – 26 May 2010;*

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

**Considering** 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”;

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”;

**Reaffirming** its commitment to the development of democracy in Africa, and recognising 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;

**Welcoming** the adoption of *the African Charter on Democracy, Elections and Governance* (the African Charter on Democracy), at the 8<sup>th</sup> 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;

**Recalling** its Resolution **ACHPR/Res.133 (XXXXIII) 08** on Elections in Africa, adopted at its 44<sup>th</sup> Ordinary Session held in Abuja, Federal Republic of Nigeria, from 10 - 24 November 2008, which amongst others things, called on the ratification of the African Charter on Democracy by States Parties to the African Charter;

**Noting with concern that though** the African Charter on Democracy lays down principles aimed at achieving a democratic continent free from unconstitutional change of government and conflict, only four countries (Burkina-Faso, Ethiopia, Mauritania, and Sierra Leone) have ratified the said instrument;

**Further aware** that military *coups d'état* constitute unconstitutional change of government, which is a serious threat to peace, stability, and development, and also breach the provisions of Article 4(p) of the Constitutive Act of the AU, which condemns and rejects unconstitutional change of government;

**Recalling** the *AU Declaration on the Principles Governing Democratic Elections in Africa*, adopted on 8 July 2002 at the 38<sup>th</sup> Ordinary Session of the

Assembly of Heads of State and Government of the AU, held in Durban, South Africa;

**Noting** that many countries on the continent are embracing multi-party systems of Government and other political and economic reforms, making it increasingly imperative that the objectives and principles set out in the African Charter on Democracy should be respected and implemented;

**Noting** that the following countries will be holding elections in the later part of 2010; Burkina Faso, Burundi, Central African Republic, Chad, Côte d'Ivoire, Djibouti, Egypt, Ethiopia, Guinea, Madagascar, Mauritius, Namibia, Rwanda and Tanzania;

**Concerned** about the recurrent situation of election-related violence and other human rights violations in Africa, and stressing that the primary purpose of elections is to achieve participatory governance without violence;

**Noting** that 2010 was declared *the Year of Peace and Security in Africa* during the 14<sup>th</sup> Ordinary Session of the Assembly of Heads of State and Government of the AU on 3 February 2010 in Addis Ababa, Ethiopia;

**Calls** on States Parties to the African Charter holding elections in 2010 to:

1. Ensure that they create conditions conducive for free, fair and credible elections, and that contesting parties in particular opposition are given equitable access to state controlled media and resources;
2. Ensure that all participatory parties, in particular the opposition parties, are allowed to conduct their campaign freely without any violence and intimidation;
3. Ensure the participation of all citizens in the election processes without fear and intimidation;
4. Establish impartial and non-discriminatory procedures with respect to all voting processes;
5. Take all necessary measures to prevent, investigate and prosecute elections-related human rights violations and provide adequate redress to victims;
6. Ensure the protection of journalists, human rights defenders, election observers and monitors, before, during and after the elections from intimidation and other human rights abuses.

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