

## **ACHPR/Res. 331 (EXT.OS/XIX) 2016: Resolution on Elections in Africa**

*The African Commission on Human and Peoples' Rights (the Commission), meeting at its 19<sup>th</sup> Extra-Ordinary Session, held in Banjul, The Islamic Republic of The Gambia, from 16 to 25 February 2016;*

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

**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;"

**Considering** the African Charter on Democracy, Elections and Governance (the African Charter on Democracy) which emphasizes the importance of entrenching 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;

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

**Cognizant** of 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 on State Parties to take specific positive action to promote participative governance and the equal participation of women in the political life of their countries;

**Bearing in mind** its previous Resolutions on elections, including: Resolutions ACHPR/Res.23 (XIX) 96; ACHPR/Res.133 (XXXXVIII) 08; ACHPR/Res.164 (XLVII) 2010; ACHPR/Res.174 (XLVIII) 2010; ACHPR/Res.232 (EXT.OS/XIII) 2013; ACHPR/Res.239 (EXT.OS/XIV) 2013; ACHPR/Res. 272 (LV) 2014; and ACHPR/Res.293 (EXT.OS/XVII) 2015;

**Emphasizing** the importance of peaceful, free, fair and transparent elections and referenda, and the acceptance by all parties of the results;

**Concerned** by the deterioration of the human rights situation in some African countries before, during, and after elections and the

irregularities surrounding electoral processes that can lead to the breakdown of the rule of law;

**Congratulates** African countries that have held successful elections, in particular countries which are emerging from conflict such as the Central African Republic, and further commends the African Union and the international community for the support given to these countries;

**Noting** that elections will be held in the following State Parties in 2016: Benin, Cape Verde, Chad, Comoros, Côte d'Ivoire, Djibouti, the Democratic Republic of Congo, Equatorial Guinea, Gabon, The Islamic Republic of The Gambia, Ghana, Republic of Congo, Sao Tome and Principe, Seychelles, Somalia, Zambia and Zanzibar (in Tanzania);

The Commission:

i. **Calls on** State Parties to:

- Ensure compliance with the African Charter, and relevant regional and international human rights instruments, during the electoral process;
- Create conducive conditions to ensure peaceful, free, fair and transparent elections and referenda in order to allow citizens to exercise their right to vote in an environment free of intimidation, violence, or any other impediment;
- Take specific positive action to promote participative governance and the equal participation of women;
- Take all measures to prevent, investigate and prosecute human rights violations which may occur during the election period, and provide adequate redress to victims;
- Ensure that all parties participating in the elections, in particular the opposition parties, are allowed to conduct their campaign freely and are given equitable access to State controlled media and resources;
- Respect the independence of the national institution responsible for the management of elections and provide sufficient resources to carry out its mission;
- Allow the participation of independent election observers to observe the entire electoral process;

ii. **Calls on** all candidates and political parties to:

- Accept the outcome of elections, or challenge the results through legally recognised structures established to resolve electoral disputes;

- Respect the election laws and regulations;
  - Ensure that their supporters do not engage in, or incite, acts of violence either before, during or after the elections;
- iii. **Calls on** election observers to carry out their duty independently;

**Reiterates** its call to State Parties which have not done so, to ratify the African Charter on Democracy, Elections and Governance and to ensure its effective implementation.

**Done in Banjul, The Islamic Republic of The Gambia, 25 February 2016**