

**39th FIDH world congress  
23-27 August 2016  
Johannesburg, South Africa**

**Resolution on election and governance in Africa**

*Introduced by the League of voters (LE), the Lotus Group (GL), the Congolese Association for Human Rights (ASADHO) and the House for Human Rights in Cameroon (MDHC)*

**Reaffirming** the importance of peaceful, transparent, free, fair, and equitable elections and organized by independent institutions as one of the foundations of rule of law and of a peaceful political climate;

**Emphasising** on the inalienable right of peoples to freely choose their leaders in free, independent, transparent, and peaceful elections, whatever the circumstances and the security, political or social challenges may be;

**Considering** that the inalienable right of peoples to freely choose their leaders in regular, free, transparent and peaceful elections is crucial to ensure the right and opportunity of every citizen to participate without discrimination and without unreasonable restrictions. This right allows every citizen, especially women and youth, civil society, human rights defenders and citizens' movements, to take part in the conduct of public affairs, directly or through freely chosen representatives; to vote and be elected, during periodic and honest elections by universal and equal suffrage and with secret ballot, guaranteeing free expression of the will of electors; and to equally access to public offices in their country;

**Recalling** that between 2016 and 2018, 34 elections, including 16 presidential elections, should be held in 21 African countries, including in Gabon, Democratic Republic of Congo, the Gambia, Rwanda, Kenya, Cameroon and Zimbabwe;

**Recalling** the principles of the policy and institutional framework of the African Union to promote governance and human rights, in particular guaranteed by the African Union Constitutive Act; the African Charter on Human and Peoples' Rights (African Charter) which provides under its Article 13 (1) 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*"; and the African Charter on Democracy, Elections and Governance (ACDEG) which underlines "*the importance of entrenching in 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*".

**Recalling** the various resolutions of the African Commission on Human and Peoples' Rights (ACHPR) on electoral process and participatory governance in Africa, in particular resolution ACHPR / Res. 293 (EXT.OS / XVII) in 2015 in which the Commission "*Recogniz[ed] that the credibility of an electoral process and the legitimacy of the elected authorities strongly depend on the effective participation of citizens in a transparent and fair process, as well as respect for their fundamental freedoms of expression, of association and of assembly*", as well as resolutions ACHPR / Res. 272 (LV) 2014, ACHPR / Res. 232 (EXT.OS / XIII) 2013, ACHPR / Res.239 (EXT.OS / XIV), 2013, and ACHPR / Res. 184 (EXT.OS / IX) 2011;

**Also recalling** the various resolutions of the ACHPR on the respect for the right to freedom of expression, of association, of assembly and on the protection of human rights defenders in Africa;

**Deeply concerned** by the deteriorating of the security and pre-election environment in **Gabon** in recent weeks, especially characterized by political tensions related to numerous appeals against the validity of Ali Bongo's candidacy, the incumbent president, introduced by the opposition and rejected by the Constitutional Court on 25 July, but also allegations of fraud and corruption which undermined the preparation of the electoral roll for the election of 27 August 2016. **Condemning** the violent repression by security forces of a peaceful demonstration organized by political opposition on 23 July 2016, during which dozens of protesters were wounded, including by gunshot, and a dozen others were arrested. **Recalling** political authorities and all those involved of their responsibilities to ensure the smooth holding of the electoral deadline of 27 August and avoid any escalation of violence that could result in the commission of human rights violations;

**Deeply concerned** by the political and security situation in the Democratic Republic of Congo, where the tense pre-election context is marked by the absence of national political dialogue, especially with regard to the organization of the presidential election scheduled for this year 2016. **Condemning** the escalation of attacks of the government against the political opposition and independent civil society, especially against those who denounce the attempts of President Kabila to seek a third term despite the Congolese Constitution, by the use of arbitrary arrests and detentions, intimidation and harassment, including through the judiciary. **Denouncing** the systematic repression of public demonstrations since January 2015, and the excessive and disproportionate use of force, including lethal, against peaceful protesters in violation of international rules and standards applicable to law enforcement in public demonstrations management;

**Strongly condemning** the series of violence committed in the **east of the Democratic Republic of Congo**, including attacks against civilians in Beni and its region on 5 and 30 July 2016, and on the night of 13 to 14 August, killing 51 civilians this one night only, and in the Central Kasai where violent clashes between the police and population in Tshimbulu led to the death of at least 19 persons, the disappearance of 4 individuals and the arrest of over 40 others. **Demanding** the continuation of thorough investigations to shed light on these events, identify all the perpetrators and ensure justice for victims with legal proceedings complying with principles of impartiality, independence and fairness, and refraining from using special courts like the special military court set up for the first trial of the alleged perpetrators of these massacres, opened on 20 August, 2016 in Beni;

**Deeply concerned** by the continuing deterioration of the security and human rights situation in **Ethiopia**, especially since November 2015 and the outbreak of the current crisis when large peaceful protests in Oromia and then in Amhara have violently been repressed by security forces, using excessive and disproportionate force, killing hundreds of peaceful demonstrators and resulting in mass arbitrary arrests and detentions. **Especially concerned** by the systematic use of widespread repression by authorities to face popular demands, frustrations and protests asking for a real political dialogue, respect for fundamental freedoms and human rights. **Strongly condemning** the repression of demonstrators calling for political reform, justice and the rule of law organised on 6 and 7 August 2016 in Oromia and Amhara, which resulted in the death of a hundred people and the arrest of hundreds of others, with some of whom that would still be held in training bases of the police and army and other unofficial detention centres and therefore particularly vulnerable to torture and other ill-treatments. **Recalling** that the deterioration of the security and human rights situation is part of the post-electoral context prevailing in the country, with increased popular protest since the Ethiopian People's Revolutionary Democratic Front (EPRDF), holding undivided power for 25 years, has increased its control during last general elections in May 2015 by winning all seats in Parliament;

**Recalling** the mobilization of dozens of African and international civil society organizations, and civic movements within the #MyVoteMustCount Coalition, initiated by FIDH, to fight

against manipulation, fraud and violence due to flawed elections and to require governments respect for democratic principles and values, governance and human rights, especially during electoral processes;

**Recalling** also the adoption of the Roadmap for change through elections by 30 civil society organisations, human rights organisations and civic movements during the Dakar Conference on civic participation and the promotion of democracy in Africa on 18 and 19 July 2016;

**FIDH, meeting on the occasion of its 39<sup>th</sup> Congress in Johannesburg, South Africa:**

*Urges political authorities, parties and actors of all States concerned by ongoing or planned electoral processes to :*

Before the elections

- Ensure full respect of all fundamental freedoms and human rights, notably of the rights to freedom of movement, expression, press, association and assembly ;
- Ensure the proper functioning, independence and impartiality of organs and institutions in charge of managing electoral processes (independent national electoral commissions, constitutional courts, ministries, administrative structures etc.) and, when appropriate, implement reforms to guarantee compliance with regional and international principles on the organisation of electoral processes ;
- Improve civil registration (establishment and issuance of identity documents) and the organisation of population censuses, particularly to ensure the early establishment of a credible, reliable and up-to-date electoral register ;
- Ensure that electoral maps and boundaries are made in compliance with and respect of demographic realities of the regions, and combat any attempts of manipulating electoral boundaries ;
- Respect the electoral timetable for planned elections as defined by independent organs and institutions in charge of managing the organisation of elections ;
- Include in the electoral law, when appropriate, capacity for civil society to seek legal remedies in the event of contested electoral results ;
- Prohibit, and when appropriate, fight against any amendment of constitutions and electoral laws only aiming at maintaining certain regimes and politicians in power, against democratic and governance principles and in a clear attempt from a minority to continue seizing national wealth and political systems ;
- Ensure education and sensitization of civilian populations, including religious and opinion leaders, on human rights' principles, the fight against corruption and buying of consciences;
- Allow the participation of all components of society, particularly civil society and civic movements, to the various stages of the electoral process before, during and after the elections;
- Ensure the protection of human rights defenders, civil society activists and journalists who are threatened because of their commitment to democracy or expressing peaceful protest against the ruling power;
- Demand and proceed with the immediate release of all those arrested and detained because of their commitment to a credible electoral process and respect for human rights.

### During and after the elections

- Ensure favourable conditions for the holding of a credible, free and transparent election and to a peaceful post-electoral situation, including by:
  - Ensuring full respect for all fundamental freedoms and human rights in general, and in particular of freedom of movement, expression, press, association and peaceful assembly;
  - Prohibiting all violence against populations and fighting against attempts of potential violence, in accordance with national, regional and international standards on human rights;
  - Authorizing and allowing all necessary conditions for an active citizen observation;
  - Ensuring the normal functioning of all means of communication at the national and international levels (phone, SMS, internet);
  - Identifying, when applicable, human rights violations committed during the electoral process and carrying thorough, independent and impartial investigations in order to identify and punish their perpetrators and bring justice to victims;
  - Guaranteeing that the announcement of results is done in line with legal provisions, including within the legal deadlines set by the body and/or institution in charge of managing electoral processes, and without any political interference;
  - Using only legal remedies before the election judge or any competent institution, in case of dispute on the election results, and prohibiting and condemning any post-electoral violence;
  - Considering and implementing the recommendations made by civil society in the management of post-electoral situation;
  - Taking into consideration and implementing the recommendations made by civil society in the management of the post-electoral situation;
  - Implementing audits of electoral processes and ensuring the implementation of their recommendations;
  - Ensuring the protection of human rights defenders, civil society activists and journalists who are threatened because of their commitment to democracy or expressing peaceful protest against the ruling power;
  - Demanding and proceeding with the immediate release of all those arrested and detained because of their commitment to a credible electoral process and respect for human rights.

### *Urges the African Union and its member states to:*

- Ratify and comply with the African Charter on Democracy, Elections and Governance (ACDEG) for those who have not yet done so, including by introducing its provisions in domestic laws and promoting their appropriation by citizens;
- Recognize non-consensual change of constitution, civil coup d'état and other electoral manipulation as unconstitutional changes of power provided for and punished by Article 30 of the Constitutive Act of the African Union, Article 7g of the Protocol on the establishment of the Peace and Security Council of the African Union and the Lomé Declaration; and act for the African Union to adopt a complementary set of sanctions in case of violations of these provisions;
- Adopt national electoral laws guaranteeing domestic implementation of international and regional principles;
- Facilitate the participation of civil society organizations and civic movements in electoral processes, including by entrenching citizen election observation as a constitutional right;
- Demanding and proceeding with the immediate release of all those arrested and detained because of their commitment to a credible electoral process and respect for human rights.

Calls upon the international community to :

- Adopt positions that are consistent to and respectful of internationally recognized principles, values and rights on human rights and governance, in order to avoid the application of differentiated standards in the assessment of human rights violations , particularly the violation of the right of freely choose their leaders;
- Recognize non-consensual changes of constitution, civil coup d'état and other electoral manipulation as unconstitutional changes of power and serious democratic violations,and, when appropriate, adopt sanctions;
- Support civil society, civic movements and any actor committed to peaceful change in their demands for respect of fundamental freedoms and democratic institutional reforms.

Calls upon civil society organisations, civic movements and independent actors to:

- Join the #MyVoteMustCount campaign and coalition in order to ensure a large mobilisation on electoral and democratic challenges in Africa.