



**ICJ Submission to the African Commission on Human and Peoples Rights
47th Session, Banjul, The Gambia
(12 - 26 May 2010)**

**Election-related Human Rights Violations in Africa: Calling for the Establishment
of a Working Group on Elections, Human Rights and the Rule of Law
*12 May 2010***

Introduction

The International Commission of Jurists (ICJ) welcomes this opportunity to bring to the attention of the African Commission on Human and peoples' Rights (African Commission) the recurrent situation of election-related human rights violations in African countries. Despite the fact that the African continent has made significant progress in institutionalising electoral democracy, elections have continued to be a major source of armed conflicts, political violence and institutional instability, which nurture gross human rights violations. It is vital that the African Commission pay a particular attention to this appalling issue, and establish a Working Group on Elections, Human Rights and the Rule of Law.

Election-related human rights violations throughout Africa

In many Africa states, electoral processes constitute less an opportunity for the people to exercise inalienable human rights than an additional occasion to endure violent actions against their person, their property or the electoral process itself. In essence, African elections have turned out to be periods during which the state of human rights and the rule of law worsens. Poor management of elections consistently poses a serious threat to political stability of African states, even those that have long been considered stable and peaceful countries. Even where an election is considered free and fair in terms of electoral outcome, it has not been free of violence. The possibility of unwarranted delays and electoral manipulations also has fueled electoral violence and conflicts.

Election-related violence have manifested itself in terms of violations of a number of human rights guaranteed in the African Charter on Human and Peoples' Rights and several other international, regional and sub-regional human rights instruments binding on African states. These violations have targeted the right to personal integrity, equality and dignity, the right to participate freely in public affairs, the right to vote or be voted for, without any kind of discrimination, the right to free association and to peaceful assembly, the right to freedom of movement, the right to freedom of expression, and the

right to timely and effective judicial remedies for electoral malpractices.

Patterns of election-related human rights violations have been a cause for concern in several Africa countries. Violence between political parties before and during Nigeria's flawed elections in April 2007 caused more than 200 deaths. The December 2007 elections in Kenya set off a nationwide political, economic and humanitarian crisis leaving more than 1,500 dead and 300,000 displaced. Recently, Zimbabwe's June 2008 runoff presidential election resulted in widespread and brutal political violence that left hundreds dead and thousands abducted. In September 2009, the lead-up to Guinea's January 2010 presidential elections sparked violence that left over 150 civilians dead. Elections in the Democratic Republic of Congo, Angola, the Republic of Congo, Uganda, Swaziland, Ethiopia, Chad, Sudan and Zambia have also all in the past been characterized by appalling violence. The upcoming elections in Rwanda, Burundi, the Democratic Republic of Congo, Chad, Cote d'Ivoire, Egypt, Ethiopia, Guinea-Bissau, Kenya, Lesotho, Madagascar and Niger are now making headlines regarding possibilities of electoral violence, manipulation, delays and conflicts.

What would be the essence of democracy and multiparty politics if it is doomed to result in gross human rights violations that cause the destruction of life, livelihood and property? What would be the purpose of democratic consolidation in Africa when elections result in chaos, as we have recently witnessed in Kenya, Zimbabwe and Guinea? It is high time for the African human rights community to urge African countries to demonstrate a genuine commitment to holding free, fair, peaceful and credible elections, within reasonable legal timeframes and refrain from holding elections as meaningless routine rituals.

Recommendations

From the foregoing observations, the ICJ urges the African Commission to:

- Call upon States Parties to the African Charter to adopt all necessary measures to ensure the protection of all human rights before, during and after elections;
- Request them to take all necessary steps to prevent, investigate and prosecute elections-related human rights violations and provide adequate redress to victims;
- Establish a Working Group on Elections, Human Rights and the Rule of Law, with a wide mandate to work with all stakeholders to ensure that elections in African countries are genuine, meaningful, free, fair and credible and in particular that elections are held in a manner that allows realisation of human rights and observance of the rule of law and consistent with the requirements of the African Charter on Democracy, Elections and Governance.