

Resolution on the situation of the democratic space and fundamental rights and public freedoms in Africa

Monday 18 November 2019

Reaffirming the importance of having transparent and participatory societies, an independent civil society, and respect for fundamental rights, including freedom of opinion and expression, freedom of peaceful assembly and association, freedom of the press, freedom of conscience, as well as the right to participate in political life, as proclaimed in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the African Charter on Human and Peoples' Rights (African Charter);

Recalling the right to life, the right to physical integrity and the right to liberty and security of the person, as well as freedom of movement, as protected by the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights;

Recalling the importance of consolidating a culture of political change based on the regular holding of transparent, free and fair elections conducted by national, independent, competent and impartial electoral bodies, as affirmed in the African Charter on Democracy, Elections and Governance (ACDEG);

Recalling the importance of holding peaceful, transparent, free, fair and equitable elections organised by independent institutions as one of the foundations of any rule of law and a peaceful political life;

Recalling the clarifications and strengthening of Articles 10 and 11 of the African Charter provided by the African Commission on Human and Peoples' Rights (ACHPR) Guidelines on Freedom of Association and Assembly in Africa, as well as the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

Recalling that between 2016 and 2019, several presidential, legislative and local elections were held in Africa, including in the Republic of Congo, Cameroon, Ethiopia, the Democratic Republic of Congo, Uganda, and Zimbabwe, some of which are still on-going, such as in Mozambique, and others are soon to be held, including in Burundi, Guinea, Togo, Côte d'Ivoire, the Republic of Congo, Tanzania, Sudan, the Democratic Republic of Congo and Ethiopia;

Concerned about the human rights situation in countries in which elections are to be held in the near future, such as Tanzania, Burundi, Guinea, Guinea, Togo and the Republic of Congo, taking into account the regular restrictions on the democratic space imposed by the authorities and/or the post-election violence that took place during the last elections;

Extremely concerned by the current security situation in Guinea, in particular by the security forces' violent repression of demonstrations organised by members of civil society and the opposition, taking place since 14 October 2019, including the arbitrary arrests of some of them, against the proposal to draft a new constitution that could allow President Alpha Condé to extend his legal mandate and seek a third term, ahead of the December 2019 legislative elections and the 2020 presidential elections;

Deeply concerned by the situation in Burundi, including cases of threats and interference with the exercise of their professional activities by members of the media and civil society as a whole, and the

flagrant, widespread and systematic human rights violations by the authorities, including members of the Imbonerakure, the youth league of the ruling CNDD-FDD party, in the run-up to the general elections scheduled for 2020;

Extremely concerned about the shrinking of civil space Tanzania in view of the 2019 local elections and the 2020 general elections, in particular targeting representatives of civil society, the media and political parties who are arrested and prevented from exercising their activities freely;

Concerned about the reduction of the democratic space and violations of human rights and civil liberties and fundamental rights against the backdrop of the economic and social crisis, as in Zimbabwe, where the deterioration of the economic and social situation and political instability since the current President took power in 2017, have led to peaceful demonstrations heavily repressed by security forces and services, and an increase in human rights violations in the country, particularly against opposition members and human rights defenders;

Concerned by situations where the implementation of security policies and laws to combat terrorism contributes to the restriction of democratic space and the violation of public freedoms and fundamental rights, such as in Cameroon, where political and social demands in the anglophone regions have been strongly repressed by the authorities, and have degenerated into conflict between armed separatists and the country's defence and security forces, resulting in summary executions, extrajudicial executions and arbitrary detention, including of journalists and human rights defenders;

Reaffirming the need to ensure and pursue dialogue, reconciliation and trust between the various actors of society and the importance for civil society to participate in the country's reforms and development strategies, and noting with satisfaction the successful political transition situations, in particular;

In **Ethiopia**, where the change of the ruling party in April 2018 led to reform measures, including the release of several political prisoners and the abrogation of repressive laws against members of civil society. Welcoming also the efforts made by the new Ethiopian authorities towards a rapprochement with Eritrea. Recalling, however, that this change has occurred in the context of large-scale and long-standing demonstrations against government policies and violence by the security forces of the former regime, including against human rights defenders. Recalling also that inter-community tensions remain, particularly in the Oromia region, and that parliamentary elections are to be held soon;

In the **Democratic Republic of Congo**, where violence committed during the pre-electoral period, including repression and disproportionate use of force by the country's defence and security forces against political opponents, journalists, human rights defenders and other members of civil society, led to a political change in early 2019. Noting also the positive signs of democratic openness observed in the context of the political transition, in particular the formation of a coalition government, the release of several political prisoners, and the voluntary return to the country of some historical political opponents. Recalling, however, the importance of consolidating the efforts made in the context of the transition and bringing to justice those responsible for human rights violations committed in the electoral context, as well as the importance of holding peaceful local elections in the near future;

In **Sudan**, where the ruling military council and the opposition coalition signed a historic constitutional declaration and power-sharing agreement, beginning a three-year transition period until the next elections. Recalling, however, that this political transition took place in a context of strong repression by the Sudanese authorities of the challenge based on economic and social claims, which began in December 2018. Recalling also that the state of emergency and related repressive laws are still in force in 5 regions, including Darfur, and that serious crimes committed under the former regime must not go unpunished;

The FIDH at its 40th Global Congress in Taipei:

Call on the national authorities to:

- Guarantee at all times civil and political rights and fundamental freedoms in order to open up the

democratic space, which is a necessary condition for the holding of credible, transparent, inclusive and peaceful elections, particularly with a view to the forthcoming elections in Burundi, Ethiopia, Guinea and Tanzania;

- Guarantee favourable conditions for the holding of peaceful elections before, during and after the elections;
- Take or continue the efforts undertaken towards the adoption of measures to open up the democratic space aimed at dialogue and the full participation of all actors in society in political life, particularly in States in transition such as the Democratic Republic of the Congo, Sudan and Ethiopia;
- Take measures to restore trust in an inclusive and participatory manner with and between the various actors in society, including through measures of relaxation, mediation, reconciliation and dialogue with communities, as in the Democratic Republic of Congo, Sudan, Cameroon and Ethiopia;
- Combat impunity for crimes committed in the context of repression of political, economic and social protests, in particular those committed on the fringes of peaceful demonstrations, through the immediate release of persons arbitrarily arrested and illegally detained, the opening of investigations and the prosecution of those responsible for these crimes;
- Ensure the full participation and information of all political actors in the country's development and reform policies aimed at combating the economic and social crisis, the contestation of which is being repressed, particularly in Zimbabwe;
- Respect the norms of international human rights law and the international standards governing the use of force by law enforcement officials, in particular the principles of legality, necessity, proportionality, precaution and responsibility, particularly in Guinea;

Call on the political actors and civil society members to:

- Publicly promote the norms and standards of international human rights law and to respect the principles of non-violence;
- Pursue their objectives by peaceful means and to ensure that their actions are carried out with strict respect for human rights and civil liberties where appropriate;
- Strongly condemn the use of violence by members of political parties and take appropriate measures to prevent and put an end to it;

Call on the International Community to:

- Work for an environment conducive to the holding of free, transparent and peaceful elections, in particular by opening up the democratic space and respecting fundamental rights and public freedoms before, during and after the elections;
- Promote the fight against impunity for crimes committed in a context of reducing democratic space, particularly during elections, by opening independent, impartial and exhaustive investigations and prosecuting the perpetrators of these crimes;
- Promote with the competent national authorities the use of force by law enforcement officials in accordance with international principles in this field, and the training and equipment of security forces and services that respect public freedoms and fundamental rights;
- Support civil society, citizen movements and peaceful change agents in their demands for respect for fundamental freedoms and democratic institutional reforms.