

African Commission on Human and Peoples' Rights

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Kigali Declaration, 2003

KIGALI DECLARATION

The 1st African Union (AU) Ministerial Conference on Human Rights in Africa meeting on 8 May 2003 in Kigali, Rwanda;

SOLEMNLY ADOPTS THIS KIGALI DECLARATION

Reaffirming its commitment to the objectives and principles contained in the Constitutive Act of the African Union, Lomé, Togo 2000, the African Charter on Human and Peoples' Rights, Nairobi, Kenya 1981, the Solemn Declaration of the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA), Lomé, Togo 2000, the New Partnership for Africa's Development (NEPAD) of the AU, Lusaka, 2001 Zambia, the Declaration on the Code of Conduct on relations between States adopted in Tunis, Tunisia in June 1994, all relevant AU Declarations and Decisions as well as the UN Charter 1948 and the Universal Declaration of Human Rights and the Vienna Declarations of 1989 and 1993.

Recalling the *Grand Bay Declaration and Plan of Action* adopted by the OAU Ministerial Conference on Human Rights in Africa held in Grand Bay, Mauritius, from 12 to 16 April 1999, and reaffirming its commitment to the purposes and principles therein;

Reaffirming that respect for human rights is indispensable for the maintenance of national, regional and international peace and security and that it constitutes the fundamental bedrock for sustainable development;

Reaffirming further the principles enshrined in the Constitutive Act of the African Union, in particular, the prohibition of genocide, war crimes and crimes against humanity; and determined to fight the ideology of genocide and all its manifestations;

Recalling the report of the International Panel of Eminent Persons (IPEP) entitled "*The Preventable Genocide*" endorsed by the 36th Ordinary Session of the Assembly of Heads of State and Government of the OAU held in Lomé, Togo, in July 2000 and the decision of the Assembly requesting the Secretary General to actively pursue the implementation of the recommendations contained in the Report;

Deeply concerned by the continuing discrimination against women and girls, as well as harmful traditional practices in some parts of Africa that endanger the life or health of women and children;

Deeply concerned that in spite of the progress made in resolving conflicts on the Continent, the continuing armed and civil conflicts in some parts of Africa lead to gross violations of human rights and international humanitarian law, and create massive movements of refugee populations and internally displaced persons.

The Conference:

1. **Reaffirms** the principle that all human rights are universal, indivisible, inter-dependent and inter-related.
2. **Notes with satisfaction** the achievements made by Member States in the promotion and protection of human and peoples' rights, especially since the adoption of the Grand Bay Declaration and Plan of Action, and recognizes the need for Member States to build upon these achievements for the benefit and welfare of all African peoples;
3. **Reaffirms** the right to development, and calls upon the international community to support Member States in their continuing efforts to realize this right.
4. **Urges** Member States and regional institutions to accord the same importance to economic, social and cultural rights and civil and political rights, and apply, at all levels, a rights-based approach to policy, programme planning, implementation and evaluation.
5. **Calls upon** Member States to guarantee genuine independence, accessibility, affordability and due process of the Justice systems on the Continent, as a prerequisite to the entrenchment of the rule of law and democracy.
6. **Reiterates** the rejection of impunity and reaffirms the commitment to prosecute those responsible for genocide, war crimes and crimes against humanity, and appeals to all Member States to fully cooperate with and provide political and financial support to the International Criminal Tribunal for Rwanda, particularly, as regards the arrest of suspects/accused, the protection of witnesses/victims, the enforcement of sentences and the compensation of victims and their beneficiaries.
7. **Welcomes** the Decision of the 2nd Ordinary Session of the Executive Council of the AU held in N'Djamena, Chad, in March 2003 that 7 April 2004, the 10th Anniversary of the Rwandan Genocide, be commemorated by the AU as a day of remembrance of the victims of genocide in Rwanda, and reaffirmation of Africa's resolve to prevent and fight genocide on the continent.
8. **Reiterates** the recommendation of the Executive Council to the United Nations, the international community at large and civil society to commemorate 7 April as a day of reflection on the Rwandan Genocide and of a renewed commitment to the prevention of genocide in the world.
9. **Expresses its concern** about the scourge of terrorism as a source of serious violations of human rights, particularly the right to life and to security, and urges the Member States to implement the *Convention on the Prevention and Combating of Terrorism* adopted by the 35th Ordinary Session of the *Assembly of Heads of State and Government of the OAU* held in Algiers in July 1999.
10. **Notes** the important contribution made by the *Durban World Conference Against Racism, Xenophobia and Related*

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Intolerance and calls on all Member States to strengthen their efforts to combat the scourge of racism, xenophobia and related intolerance and discrimination.

11. **Takes note** with satisfaction of the on-going efforts to address the plight of refugees, asylum seekers and internally displaced persons, and calls upon Member States to recognise forced displacement as a grave violation of fundamental rights to peace, security and dignity, and to take all necessary measures to address the problem.

12. **Further calls upon** all Member States to implement all the relevant international and African instruments relating to the protection of refugees, internally displaced persons and returnees, and in particular to discharge their obligations under the AU Convention Governing the Specific Aspects of Refugee Problems in Africa.

13. **Calls upon** the Member States that have not yet ratified the AU Convention Governing the Specific Aspects of Refugee Problems in Africa and any of the relevant international treaties to do so as soon as possible.

14. **Requests** the relevant organs of the AU, in the exercise of their peace building and conflict resolution functions, to ensure the inclusion of human rights, humanitarian principles and other legal protection measures in peace agreements, in order to facilitate the voluntary repatriation and reintegration of refugees, returnees and former combatants in their countries of origin.

15. **Welcomes** the signing of a Memorandum of Understanding between the *African Commission on Human and Peoples' Rights* and the *United Nations High Commissioner for Refugees (UNHCR)*, and calls upon the international community and other stakeholders to support the efforts of the African continent to address the problems of refugees, returnees and internally displaced persons in a spirit of international solidarity and burden sharing.

16. **Notes** with great concern that the rights of women and children in spite of the progress achieved, remain insufficiently protected in many African countries; welcomes the progress made towards the adoption of the Draft Protocol on the Rights of Women in Africa, and calls upon Member States to take all necessary measures for its early adoption, signature and ratification, and upon coming into force, its timely implementation by States Parties to it

17. **Calls upon** Member States to fulfill their obligations under international law and, in particular, to take the necessary measures to put an end to the practice of child-soldiers and to ensure the protection of civilian populations, particularly children, women, elderly persons and persons with disability in situations of armed conflict.

18. **Calls upon** Member States that have not yet ratified the African Charter on the Rights and Welfare of the Child to do so as soon as possible, and further calls upon the AU Policy Organs to provide an adequate Secretariat and the necessary financial and material resources to the African Committee of Experts on the Rights and Welfare of the Child to enable it carry out its mandate effectively.

19. **Notes** also with great concern the plight of the vulnerable groups including persons with disability in general and calls upon Member States to provide adequate support to the African Rehabilitation Institute (ARI) in Harare, Zimbabwe.

20. **Further calls upon** Member States to develop a Protocol on the protection of the rights of people with disabilities and the elderly.

21. **Notes** also with great concern the alarming rate at which HIV-AIDS is spreading as well as the persistent prevalence of Malaria, Tuberculosis and other related infectious diseases in Africa, and urges Member States to take measures to reinforce prevention programmes relating thereto and to promote and protect the rights of people living with HIV/AIDS.

22. **Encourages** Member States to exert more efforts jointly with the international community, particularly the World Health Organization (WHO) to eradicate HIV/AIDS, Malaria, Tuberculosis and other related infectious diseases which constitute an impediment to the socio-economic development of the Continent and an obstacle to the enjoyment of economic, social and cultural rights.

23. **Notes** with satisfaction that the *African Charter on Human and Peoples' Rights* has been ratified by all Member States, and calls upon the AU policy organs to provide the African Commission with suitable Headquarters, an appropriate structure and adequate human and financial resources for its proper functioning, including the establishment of a Fund to be financed through voluntary contributions from Member States, international and regional institutions.

24. **Calls upon** the AU Policy Organs to review the operation and composition of the African Commission on Peoples' Rights with a view to strengthening its independence and operational integrity and ensuring appropriate gender representativity and to report on the progress made to the appropriate AU Organs as soon as possible.

25. **Urges** Member States which have not yet done so to incorporate in their domestic legislation, provisions of the *African Charter on Human and Peoples' Rights*, its protocols, international humanitarian law in particular the Four (4) Geneva Convention (1949) and their Additional Protocols (1977) and other major international human rights instruments, which they have ratified, and to honour their obligations thereon, including reporting, where applicable.

26. **Notes** with concern that the *Protocol to the African Charter on the Establishment of an African Court on Human and Peoples' Rights* which requires fifteen (15) ratifications to come into force, has been ratified by nine (9) Member States only, and, therefore, appeals to those Member States that have not yet done so, to sign and/or ratify the Protocol to enable it to come into force by July 2003 as required by Dec. AHG/Dec.171 (XXXVIII).

27. **Reiterates** that the primary responsibility for the promotion and protection of human rights rests with Member States and, therefore, urges those Member States which have not yet done so, to establish independent national human rights institutions, provide them with adequate financial and other resources for their proper functioning, and guarantee their independence.

28. **Recognizes** the important role of civil society organizations (CSOs) in general and human rights defenders in particular, in the promotion and protection of human rights in Africa, calls upon Member States and regional institutions to protect them and encourage the participation of CSOs in decision-making processes with the aim of consolidating participatory democracy and sustainable development, and underscores the need for CSOs to be independent and transparent.

29. **Recognizes** the media as important vehicles for the realization of the right to information, and therefore, urges Member States to guarantee, through appropriate legislative and policy measures, a free and independent press.

30. **Mindful** of the fact that the legal norms contained in the international and regional human rights conventions and the establishment of human rights protection and promotion mechanisms cannot by themselves guarantee entrenchment of the principles of human rights and their observance by all, and appeals to Member States to make the teaching of human rights a permanent feature in their school curricula, especially for law enforcement agents. To this

end, it calls upon Member States to step up their efforts with a view to a better and wider dissemination of the human rights culture, and urges them to popularize the international and regional conventions.

31. **Calls for** African solidarity with the peoples whose fundamental rights are grossly violated.

32. **Welcomes** the creation by the *AU Assembly* in Durban (South Africa) in July 2002, of a Portfolio within the AU Commission responsible for the issues of democracy, human rights, governance and civil society that would contribute to spearheading efforts aimed at promoting human rights on the Continent.

33. **Recognizes** that implementation, monitoring and evaluation are critical to the effective realization of the *Grand Bay Declaration* and this Declaration, requests the Chairperson of the AU Commission to coordinate the follow up of the implementation of these declarations and urges Members States to submit reports on implementation to the AU Commission.

34. **Expresses** its satisfaction at the holding of this Conference, requests the Chairperson of the AU Commission to submit a report to the next Ordinary Session of the Executive Council on the outcome of this Conference, and recommends that the *Ministerial Conference on Human Rights* be held at intervals of not more than four years.

Adopted at Kigali, Rwanda on 8 May 2003

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