



# Network of African National Human Rights Institutions

## Kigali Declaration and Plan of Action on the 2030 Agenda for Sustainable Development and the African Agenda 2063 and the role of National Human Rights Institutions

The 11<sup>th</sup> Biennial Conference of the Network of African National Human Rights Institutions took place from 7<sup>th</sup> to 9<sup>th</sup> November 2017 in Kigali, Rwanda. The focus of the Conference was on human rights in relation to the 2030 Agenda for Sustainable Development and the African Agenda 2063 (The Africa we Want), and the role that National Human Rights Institutions (NHRIs) can play in this context.

The conference was organized by the Network of African National Human Rights Institutions (NANHRI) and hosted by the Republic of Rwanda's National Commission for Human Rights, in collaboration with the African Union, the United Nations Development Programme (UNDP), the Office of the UN High Commissioner for Human Rights (OHCHR), Association for the Prevention of Torture, Danish Institute for Human Rights, European Union, Commonwealth Secretariat, Swiss Agency for Development Cooperation, the UN High Commissioner for Refugees (UNHCR) and the *Organisation Internationale de la Francophonie* (OIF).

Participants included representatives from NHRIs from across Africa, and other regions as well as from the GANHRI (Global Alliance of NHRIs); international, regional and national experts; representatives from non-governmental organisations and from international, inter-governmental and regional organisations including AU, UNDP, OHCHR, UNHCR, and OIF.

The 11th Biennial Conference of the Network of African National Human Rights Institutions adopted the following Declaration:

1. The Conference recalled the universality, indivisibility, interdependence and inter-relatedness of all human rights, as expressed in the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, adopted by the 1993 World Conference on Human Rights. It also recalled the African Charter on Human and Peoples' Rights, which addresses both civil and political, and economic, social and cultural rights, as well as the right to development, in a holistic manner.

2. Participants highlighted the 2030 Agenda for Sustainable Development (The 2030 Agenda) and its applicability to all countries. The 2030 Agenda consists of a set of 17 Sustainable Development Goals (SDGs) and 169 Targets encompassing the social, economic and environmental aspects of sustainable development. They also welcomed the African Union's Agenda 2063 - a strategic framework for the socio-economic transformation of the continent over the next 50 years. It builds on, and seeks to accelerate the implementation of past and existing continental initiatives for inclusive growth and sustainable development. Both agendas have referenced human rights and can only be implemented when human rights are respected, protected and fulfilled (or fully realized).
3. The 2030 Agenda is explicitly grounded in the United Nations Charter, the Universal Declaration of Human Rights and international human rights treaties and instruments, and informed by other instruments such as the Declaration on the Right to Development. The 17 Goals and their related Targets reflect human rights directly and indirectly, and the Agenda integrates cross-cutting human rights principles of participation, non-discrimination and accountability.
4. The Agenda 2063 is based on seven aspirations for the African continent, and aspires, among other things, to entrench democratic values, culture, and practices; universal principles of human rights; gender equality; and justice and the rule of law in the African continent. It also recognizes that good governance, democracy, social inclusion and respect for human rights, justice and the rule of law are the necessary preconditions for a peaceful continent free from conflict. In its first 10 year implementation plan, it calls for the full implementation of the African Charter on the Rights of the Child as a means of empowering children in Africa, as well as to the African Charter on Human and Peoples' Rights (ACHPR), the Protocol to the ACHPR on the Rights of Women in Africa, and the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), among other human rights instruments.
5. Both the 2030 Agenda and the Agenda 2063 reflect many aspects of economic, social and cultural, as well as civil and political rights, thus reflecting the indivisibility and inter-relatedness of all human rights. Participants recalled that through their implementation, both the 2030 Agenda and Agenda 2063 have the potential to significantly contribute to the realisation of all human rights for all.
6. Participants recalled the *Mérida Declaration on the Role of National Human Rights Institutions in Implementing the 2030 Agenda for Sustainable Development, adopted in 2015 following the International Conference of NHRIs*. This Declaration clearly emphasises the need for the SDG development, implementation and monitoring and review mechanisms to consider human rights and to take into account the recommendations of international, regional and national human rights mechanisms. Conference participants emphasised the potential of using international and regional human rights mechanisms, including the African Commission on Human and Peoples' Rights, African Peer Review Mechanism, Human Rights Council, Special Procedures, the Universal Periodic Review, and treaty bodies, as well as the International Labour Organization's supervisory bodies, to assess and guide the implementation of the 2030 Agenda and Agenda 2063, and highlighted the unique role of NHRIs in this regard.

7. Participants stressed the importance of equality and non-discrimination as human rights principles that underlie the SDGs. In order to ensure their implementation, a human rights-based approach to data collection is required, with a view to identifying disparities in relation to those left behind, as well as ensuring that the specific rights and needs of those groups can be identified, addressed and monitored. International and regional African human rights instruments outline different prohibited grounds of discrimination that provide the framework to identify the scope of disaggregation of data for this purpose.
8. The 2030 Agenda seeks to “realize the human rights of all” and in so doing, also seeks to ensure that *no one is left behind*. On this basis, the Agenda emphasizes the importance of data disaggregation to ensure this end is reached. Agenda 2063 refers to inclusive growth and human rights, with specific reference to gender equality and the rights of the child. Its first 10-year implementation plan also makes explicit reference to persons with disabilities, men and women, children, persons living with HIV/AIDS, vulnerable and marginalized groups, among others.
9. In view of this, participants highlighted the importance of data disaggregation to measure the current situation of different groups and rights holders, and to monitor and compare progress of different groups in relation to sustainable development and realisation of human rights. Of particular importance in this regard is Target 17.18 of the 2030 Agenda, which aims to significantly increase the availability of disaggregated data by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other relevant characteristics. Participants highlighted the significant role that NHRIs can play in efforts to identify appropriate indicators and collect disaggregated data on rights holders that suffer discrimination, analysing structural frameworks and implementation processes that may contribute to exclusion or marginalization. They also highlighted that existing collaboration arrangements between NHRIs and national statistical offices can serve as examples of how NHRIs can engage in data collection and disaggregation efforts, particularly at the national level.
10. Participants highlighted the need to reflect the results from the regional and international human rights protection systems when looking into the implementation of SDGs. The human rights monitoring system by treaties and the Universal Periodic Review as well as the monitoring activities at the African Human Rights System detect and describe many important qualitative hurdles for the implementation of human rights, such as systematic forms of discrimination or exclusion. These recommendations need to be reflected also in the SDG contexts. NHRIs in Africa and globally will help to link these different monitoring frames in order to ensure that the systematic monitoring of human rights is reflected, when policy strategies and responses are developed that shall contribute to the implementation of the SDGs or the Agenda 2063.
11. Both the 2030 Agenda and the Agenda 2063 are intended as universal frameworks – globally, and for the African continent, respectively – and national implementation plans are required to ensure their operationalization at the national level. In order to fulfil the potential that these frameworks have for realizing human rights, participants emphasised the importance of developing and implementing a Human Rights-Based Approach, in particular at the national level.
12. Whilst acknowledging the primary responsibility of states to implement the SDGs and human rights obligations, participants also welcomed the vital role that CSOs and human rights defenders

can and should play in realising the 2030 Agenda and the 2063 Agenda, including by localising the SDGs, protecting rights and promoting accountability, and providing valuable monitoring functions, whilst expressing concern that CSOs and human rights defenders currently face restrictions on their ability to effectively discharge their mandates and other severe challenges, including violence, harassment and imprisonment.

13. Participants also reaffirmed the important role that the private sector can play in the fulfillment of the 2030 and 2063 Agendas, and the possibilities for partnership that this offers. They highlighted the need to align implementation with the UN Guiding Principles on Business and Human Rights and welcomed the explicit reference to these Principles in the 2030 Agenda. They recalled the 2010 ICC Edinburgh Declaration on the role of NHRIs in relation to business and human rights, and the Yaoundé Declaration and Plan of Action on Business and Human Rights and the Role of NHRIs, whilst reaffirming the importance of ongoing work of the GANHRI and NHRIs in this area.
14. Participants recalled that National Human Rights Institutions compliant with the Paris Principles are included as an indicator of effective, accountable and inclusive institutions under Goal 16 of the Agenda, on peaceful societies and understood to be relevant and required to realise the entire Agenda, and that in its first 10-year implementation plan, Agenda 2063 foresees that all member states will have functioning Human Rights Commissions. In this regard, they also recalled the Mérida Declaration, which states that in relation to the 2030 Agenda, NHRIs are “uniquely placed to play a bridging role between stakeholders and promote transparent, participatory and inclusive national processes of implementation and monitoring.” Given the explicit recognition of NHRIs in Agenda 2063, participants also stressed the roles that they can play in this context.
15. Conference participants recognised the role that NHRIs in Africa are already playing in ensuring a human rights-based approach to development, thereby working to ensure that all civil and political rights and economic, social and cultural rights are promoted and realised through the 2030 Agenda and Agenda 2063. The broad areas they are working on include investigation, complaints handling, data collection and disaggregation, advice to law and policy makers, monitoring and reporting, including effectively linking the different monitoring frameworks from the human rights and the SDG contexts, building awareness and capacity, engaging with international and regional human rights mechanisms, as well as with national bodies such as Parliament and the Judiciary, and engagement with a broad range of stakeholders, civil society, rights-holders and human rights defenders. Among the roles that NHRIs can play at the national level are the following:
  - Providing advice to national and local governments, rights-holders and other actors, to promote a human rights-based approach to implementation and measurement of the Agendas, including by assessing the impact of laws, policies, programmes, national development plans, administrative practices and budgets on the realization of all human rights for all.
  - Development and strengthening partnerships for national implementation of the 2030 Agenda and Agenda 2063 through promotion of transparent and inclusive processes for participation and consultation with rights-holders and civil society at all stages of their

implementation, including in, for example, development of national and sub-national strategies to achieve the SDGs, and reaching out to those who are furthest behind.

- Engagement with duty-bearers, rights-holders and other key actors, including government agencies, parliaments, the judiciary, local authorities, national statistical offices, civil society, major groups, marginalised groups, mainstream and social media, the UN and other international and regional institutions, to raise awareness and build trust and promote dialogue and concerted efforts for a human rights-based approach to implementation and monitoring of the Agendas, and safeguarding space for engagement of rights-holders and civil society.
- Assisting in the shaping of national indicators and sound rights-based data collection systems to ensure the protection and promotion of human rights in the measurement of the Agendas, including through seeking collaboration with national statistical offices, where appropriate, and other relevant national institutions, and by building on existing international and regional human rights mechanisms.
- Monitoring progress in the implementation of the Agendas at the local, national, regional and international levels, to disclose inequality and discrimination in this regard, including through innovative approaches to data-collection and partnerships with rights-holders, vulnerable and marginalized groups for participatory and inclusive monitoring, taking into consideration the recommendations of the human rights monitoring system and by identifying obstacles as well as actions for accelerated progress.
- Promoting and protecting a safe and enabling environment for civil society and human rights defenders; as well as expanded democratic space
- Responding to, conducting inquiries into, and investigating allegations of human rights violations in relation to SDG implementation, including in relation to discrimination and inequality that can erode the trust between the State and the people.
- Facilitating access to justice, redress and remedy for those who experience abuse and violation of their rights in the process of development, including by handling complaints, where NHRIs have such functions.

16. Participants called on all states in Africa to establish NHRIs where they do not yet exist, and strengthen National Human Rights Institutions in line with the Paris Principles, whilst ensuring that they are vested with the mandate, functions and budget to ensure they can implement their mandate effectively, and ensure that they can work in a free, safe and enabling environment. In view of the fact that the landscape of African NHRIs is varied, and includes NHRIs with A and B accreditation in line with the Paris Principles, participants also acknowledged the need for continued capacity building to NHRIs to enable them to fulfil their potential to support a Human Rights-Based Approach to these two agendas.

17. Participants welcomed that the African Union Commission and NANHRI have within their core mandate, the promotion and protection of human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other human rights related instruments. This is given meaning within the memorandum of understanding which was signed between the African Union Commission and NANHRI on 08 March 2016 to promote the strategic priorities of the Commission including human rights, justice and rule of law ensuring a peaceful and secure

continent, good governance, transparency, inclusive growth and promotion of free and fair elections and to act together towards the common objectives of NANHRI and the Commission.

18. Participants welcomed the ongoing discussion on the evolving Commission's Action Plan of the Human and Peoples' Rights Decade in Africa (2017 - 2026) which aims to entrench and reinforce deeper understanding of and commitment to the culture of human and peoples' rights and recognizes the role of NHRIs and the complementarity between NHRIs and other national-level bodies involved in the promotion and protection of human and peoples' rights, including the security sector and judiciary. Participants welcomed the emphasis on the need to ensure institutional strengthening of Member States' National Human Rights Institutions. Participants recalled the role of Regional Economic Commissions in development on the continent.
19. Participants highlighted the role of NANHRI in supporting capacity-building, sharing of experiences and good practices, as well as knowledge management with and among NHRIs in relation to the 2030 and 2063 Agenda, and mobilising resources to that effect. Participants further acknowledged that building on the UNDP-OHCHR-GANHRI Tripartite Strategic Partnership is important to provide support to NHRIs, regional networks and the GANHRI in this regard.
20. The Conference endorsed the establishment of a NANHRI Working Group on the 2030 Agenda and Agenda 2063, with a view to enhancing use of NHRI functions to support a human rights-based approach to sustainable development through engagement at national, regional and international levels, and ensuring region-wide collaboration in this area. This Working Group would be composed of members from African NHRIs, and affiliated to NANHRI. The Working Group would be expected to define its governing rules and regulations further. Close coordination with the GANHRI Working Group on the 2030 Agenda is encouraged.
21. The Conference further recommended that the Working Group focus on a number of tasks and areas at international, regional and national levels, including, but not limited to:

General tasks:

- Defining a detailed plan of action to be implemented by NANHRI and its members at national, regional and international levels to promote a Human Rights-Based Approach to the 2030 Agenda and Agenda 2063, in collaboration and with the support of partners.
- Engagement with bilateral and multilateral partner institutions to generate financial and technical support for the work of the Working Group.

International and regional levels:

- Providing analysis, advice, guidance, tools and capacity building for NHRIs throughout the African region on a Human Rights-Based Approach to the 2030 Agenda and Agenda 2063.
- Supporting the capacity of all NHRI to link systematically the recommendations of the human rights monitoring system with the ongoing SDG monitoring activities.
- Promoting and facilitating the sharing and dissemination of experiences and good practices.

- Facilitating coordination among African NHRIs at regional and international levels in their engagement with the 2030 Agenda and Africa Agenda 2063 and their key implementing agencies.
- Coordinating with GANHRI and its Working Group on the Agenda 2030, particularly in relation to international level engagement, development of tools, and advocacy for the independent participation of NHRIs in relevant UN mechanisms and processes, including in the Follow-up and Review Processes of the Agenda, such as the High-Level Political Forum.
- Supporting the work of regional and international human rights and labour law mechanisms to inform the implementation of SDGs and Agenda 2063 frameworks across the continent through reporting to them on human rights issues of relevance, and through making strategic use of their recommendations to inform national and regional level strategies, plans and programmes for sustainable development.
- Providing advice and support to regional bodies responsible for SDG and Agenda 2063 implementation on how to concretize human rights potential of the two agendas.

The Conference decided that the next Biennial Conference of NANHRI will be held in Egypt in 2019.

Adopted on November, 9 2017 in Kigali, Rwanda.