

THE DURBAN DECLARATION

The Second Conference of African National Institutions for the Promotion and Protection of Human Rights was held in Durban, South Africa, 1-3 July 1998. The Conference was convened by the Coordinating Committee of African National Institutions with the support of the Office of the High Commissioner for Human Rights. The Conference was hosted by the South African Human Rights Commission with the assistance of the Commission on Gender Equality and the Public Protector.

Some 110 participants from twenty national institutions, State and non-governmental observers from Africa attended. The Conference benefited from the active support and participation of the International Coordinating Committee of National Institutions for the promotion and protection of human rights. Guests and representatives of national institutions from Europe, Asia and Central America attended as observers.

President Mandela of South Africa officially opened the Conference. Mrs Mary Robinson, the United Nations High Commissioner for Human Rights, and Mr Justice Youssoupha Ndiaye, Chairman of the African Commission on Human and Peoples' Rights, gave keynote addresses. Dr Solomon Nfor Gwei of the Cameroon, Convenor of the Coordinating Committee of African National Institutions, presided.

Having considered the addresses given, surveyed the state of human rights in Africa, and deliberated upon some key themes central to the work of national institutions;

The Conference:

Affirms its attachment to the principles enshrined in the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights as well as in other relevant international human rights instruments;

Recalls the Principles on the Status Relating to National Human Rights Institutions (The Paris Principles) adopted by the United Nations General Assembly (Resolution 48/134 of 20 December 1993);

Bearing in mind the Vienna Declaration and Programme of Action (1993) and the progress made by the workshops of National Institutions for the Promotion and Protection of Human Rights held in Paris in 1991, Manila in 1995 and Merida in 1997;

Welcomes the growing interest shown world-wide in the creation and strengthening of independent and pluralistic national institutions for the promotion and protection of human rights, especially in Africa;

Reaffirms the important role that national institutions must play, both with regard to their responsibilities vis-à-vis governments, and their responsibility to promote human rights and provide effective redress when those rights are violated;

Stresses the indivisibility, universality and interdependence of human rights, pursuant to the provisions of the Vienna Declaration and Programme of Action;

Emphasises the need for regional co-operation among national institutions with a view to strengthening their activities and thus enabling them to benefit from their respective experiences;

Re-affirms the principles enshrined in the Yaounde Declaration (1996) and;

Recognises the need to bring the collective voice of Africa to the promotion and effective use of African human rights instruments for the enforcement of human rights;

Therefore adopts the following Declaration:

***On the Paris Principles
The Conference:***

1. Reiterates the importance of creating and developing national institutions in African countries in conformity with the Paris Principles in order to ensure their credibility, integrity, independence and effectiveness.

2. Affirms the principle that the composition of national institutions should be representative of the broader population, with particular regard to race and gender.

3. Encourages those countries that do not have national institutions to establish such institutions in conformity with the Paris Principles.

4. Affirms the importance of each country adopting a National Action Plan for Human Rights, and emphasises that national institutions should play a co-ordinating and consultative role in the formulation of such National Action Plans.

***On National Institutions
The Conference:***

5. Affirms the universal principle that the primary responsibility for the protection of human rights lies with the State. It is the duty of States, therefore, to establish national institutions for the protection and promotion of human rights and to ensure that such institutions are adequately funded from state funds and guaranteed independence and impartiality in order to carry out their mandate.

6. Recognises that the effectiveness of national institutions is enhanced when they function within the framework of an enabling environment that includes, amongst other things, a working democracy, good governance and an independent judiciary.

7. Encourages greater human rights awareness through the adoption of practical, appropriate and effective education strategies aimed at the general public with special focus on law enforcement institutions, such as the police, the justice system and the military.

8. Stresses the desirability of greater co-operation between national institutions and organs of civil society, such as non-governmental organisations and community-based organisations, in order to enhance the promotion and protection of human rights while observing the independence of the institutions.

9. Urges national institutions to pay special emphasis to the attainment of economic, social and cultural rights including the right to development; to the eradication of poverty; and to ensuring the effective monitoring of the States' compliance with those rights as envisaged in international treaties.

10. Affirms the principles of good governance and urges States to take decisive measures to deal with corruption, nepotism and maladministration.

***On International Cooperation
The Conference:***

11. Underlines the importance of strengthening national institutions through international, regional and sub-regional exchanges of expertise, resources and information and encourages the establishment of sub-regional fora to facilitate such exchanges.

12. Calls upon existing national institutions, the Office of the United Nations High Commissioner for Human Rights and other relevant bodies to render the necessary support and advice to those States in the process of establishing national institutions.

13. Urges States to increase their contributions to the Voluntary Fund for Technical Cooperation of the Office of the United Nations High Commissioner for Human Rights.

***On African Developments
The Conference:***

14. Urges the African Commission for Human and Peoples' Rights in its next session to adopt an appropriate resolution on the effective participation of national institutions in the work of the Commission.

15. Encourages the ratification of the Additional Protocol to the African Charter on Human and Peoples' Rights on the establishment of the African Court of Human Rights before 10 December 1998.

16. Urges the OAU Secretariat to increase the allocation of resources to the African Commission on Human and Peoples' Rights, to guarantee the independence of the African Court and to ensure that it is adequately resourced.

17. Urges States to support measures aimed at establishing an independent and effective International Criminal Court that would ensure accountability and put an end to impunity for perpetrators of gross human rights violations,

18. Welcomes the adoption of the UN Declaration on the Protection of Human Rights Defenders¹ by the 53rd session of the United Nations Human Rights Commission and calls upon African States to take appropriate steps towards the implementation of the Declaration in Africa. The Conference further calls upon national institutions to disseminate the Declaration and communicate its contents to African governments.

19. Mindful of the 50th Anniversary of the Universal Declaration of Human Rights, notes with concern the on-going human rights violations in some parts of Africa and calls upon national institutions to rededicate themselves to seeking just and lasting solutions in order to end these violations.

20. Notes and supports recent initiatives towards the process of democratisation in some parts of Africa, including Nigeria; and, while welcoming the release of some political detainees in Nigeria, calls for the release of all political prisoners still incarcerated in violation of the rule of law.

21. Taking cognizance of the numerous incidents of armed conflict in some parts of Africa and the resultant gross violations of human rights, calls for peaceful resolutions of these conflicts.

***Follow up
The Conference:***

22. Requests the Coordinating Committee of the African National Institutions to transmit this Declaration to the United Nations Commission on Human Rights in Geneva; the African Commission on Human and Peoples' Rights in Banjul, The Gambia; and to the Ministerial Conference on Human Rights in Africa to be held in Luanda, Angola in October 1998.

23. Further requests the Coordinating Committee of the African National Institutions to submit a report to the third Conference of African National Institutions on the progress made in the implementation of the provisions of this Declaration.

Adopted in Durban, South Africa on 3 July 1998.