

DECLARATION OF THE FOCUS GROUP ON HUMAN RIGHTS AND THE LAW

Human Rights, Humanitarian Law and the Rule of Law in Regional Integration

African States and peoples are committed to the promotion and protection of human and peoples' rights through national, regional and international instruments. The basic foundational values of the African Union are respect for good governance, human and peoples' rights and the rule of law as contained in Article 4 of the Constitutive Act and the provisions of the NEPAD and CSSDCA. Consequently the constitutional order of the AU must incorporate the African Human and Peoples' Rights instruments, system and institutions including those relating to the promotion and protection of children's, women's and refugees rights and humanitarian laws.

In this regard, the process of strengthening regional integration through the mechanism of transforming the OAU into the AU and the implementation of the regional economic and social plan of action, NEPAD, provides a historic opportunity for African states and peoples to reinforce the African regional human and peoples rights system and make it a necessary and essential resource institution for sustainable development, human security, social justice, and adherence to good governance and the rule of law. In the spirit of genuine ownership by Africans, supported by strategic partnerships with the sub-regional institutions and the UN agencies responsible for the promotion and protection of human rights, refugees and humanitarian affairs, participants at the ADF III have adopted by broad consensus the following key priority issues and areas for immediate attention and action:

1. Human rights must be mainstreamed within the sub-regional and regional organisations that make up the building blocks of the African Union with special emphasis on gender and refugee issues. The Regional Economic Communities (RECs), must establish consultative fora and mechanisms to facilitate discourse on Human rights and the rule of law in their member states and adopt a rights-based approach to programming.
2. Criteria for continued membership of the African Union should include a commitment to respect human rights, democracy and the rule of law.
3. Speedy signing and ratification by all African States of basic international and regional human rights, humanitarian and refugee instruments and their incorporation into national legal systems.
4. Immediate ratification of the Protocol on the establishment of an African Court on Human and Peoples' Rights followed by immediate establishment of the Court.
5. Ensure that existing human rights institutions and the proposed African Court on Human and Peoples' Rights form an integral part of the principal constitutional organs of the Constitutive Act of the African Union.
6. In view of the limited resources and the need for greater efficiency, there is need to consolidate and rationalise the existing implementation institutions for the various regional human rights instruments. In the process, the African Commission and the consolidated structures must be strengthened by ensuring that the AU gives them the necessary financial, technical and human resources.
7. The African Commission on Human and Peoples' Rights must be given adequate power to observe, monitor and provide adequate indicators which will guide the production of an annual report on the human rights situation in Africa.

8. Ensure that in their operation, the African Commission and Court on Human and Peoples' Rights are composed of experts with professional competence, integrity and independence in accordance with the provisions of the Charter.
9. Urge the African Commission and Court on Human and Peoples Rights to prioritise serious and endemic human rights issues and problems, especially those affecting physical integrity, women, children and the youth, refugees and internally displaced persons as well as to take a balanced approach to human rights (economic, social, cultural, civil, political and developmental).
10. Demonstrate commitment to the rule of law by ensuring the adoption of national, sub-regional and regional good laws that are effectively implemented without discrimination and selectivity by the national courts, sub-regional courts and the African Court of Justice.
11. Assure direct and effective access by people to the human and peoples' rights adjudication institutions as well as the African Court of Justice and facilitate effective remedies to victims of injustice, human rights violations as well as the violation of humanitarian laws and rights enshrined in other regional and sub-regional legal instruments and policies.
12. Encourage and support increased regional co-operation between legislatures, the judiciaries, law enforcement agencies and organs of civil society, particularly in the promotion of human rights, humanitarian law and the rule of law.
13. Ensure speedy finalisation, adoption and implementation of the Protocol on Women's rights.
14. Introduce human rights, refugee and humanitarian law as well as peace education at all levels of formal and informal education.