OPENING SPEECH BY MRS MARGARET SEKAGGYA, CHAIRPERSON UGANDA HUMAN RIGHTS COMMISSION

14TH AUGUST 2002

The President of the Republic of Uganda, H.E Yoweri Kaguta Museveni
The Minister of Justice and Constitutional Affairs, Hon Janat Mukwaya,
The Representative of the High Commissioner for Human Rights,
The Chairperson of the African Commission on Human and People’s Rights
The President of the African Coordinating Committee of National Human Rights Institutions, Mr. Gnondoli Komi
Chairpersons of National Institutions for the Protection and Promotion of Human Rights
Representatives of the United Nations Agencies,
Ambassadors and Heads of Missions
Government dignitaries,
All protocol observed,
Ladies and Gentlemen,

It is a great honour and privilege for the Uganda Human Rights Commission to be hosting the 4th Conference of African National Institutions in Kampala. I wish to welcome you all to Uganda and to the Conference.

Background to the idea of national human rights institutions

National human rights institutions are an integral part of the complex and comprehensive system of human rights machinery that have been developed for the protection and promotion of human rights in order to fulfill the aspirations of the Nations of the world as contained in the UN Charter and the extensive international rules and standards. The concept of national institutions is as old as or even older than the Universal Declaration of Human Rights, which we all know and recognise as “a common standard of achievement for all peoples and for all nations. The form in which this concept is manifested in the present period is a result
of a long evolutionary history. National institutions were embraced as bodies that could assist in the effective implementation of international standards on human rights, in appreciation the reality that the task of promoting and protecting human rights is not one that can be undertaken by a single organisation. The legal existence for the idea today is found in the Principles Relating to the Status of National Institutions commonly known as “The Paris Principles” which were endorsed by the General Assembly of the UN in resolution 48/134 of 20th December 1993. The Paris Principles prescribe among others the competence and responsibilities of national institutions, the composition and guarantees of independence and pluralism and the methods of operation.

The Vienna Declaration and Programme of Action that followed the 1993 World Conference on Human Rights encouraged the establishment and strengthening of national institutions in line with the Paris Principles. As a result several national institutions have grown in the African region as in other regions. The challenge still remains to make these institutions as effective as they were initially conceived within the meaning of the Paris Principles. Effectiveness of National Institutions is to be attained with the capacity of national institutions to always act independently of governments, of party politics, and all other entities that may be in position to compromise their work; through clearly defined jurisdiction; by being readily accessible to the individuals and groups they are established to protect or whose interests they are required to promote; through cooperation with the United Nations and any other organisation in the UN system, the regional institutions and the national institutions of other countries with competence in the promotion and protection of human rights; by maintaining operational efficiency and the development of systems to ensure accountability in executing their work.

Over the years, the Office of the High Commissioner for Human Rights has put extensive efforts into realising the place of national institutions through resource and moral support for their establishment and strengthening. National Institutions in Africa have used the opportunity of meeting in conference to network and exchange ideas and information in order to strengthen their capacity. These conferences have been greatly supported by the Office of the High Commissioner for human rights, including this 4th conference. The first conference of African National Institutions was held in Yaounde, Cameroon. The second was held in Durban, South Africa in 1998 and the third conference was in Lome, Togo in 2001.
Since the 3rd Conference of African National Human Rights Institutions that took place in Lome March 2001 a lot has taken place in the field of protecting and promoting human rights, which gives national institutions quite some work in fulfilling our mandates to the people. Most remarkable of all was the World Conference Against Racism that took place in Durban South Africa and its importance to us as we strive to ensure that human rights are accorded to all peoples without distinction or preference. You also recall the 6th International Conference of National Institutions in Copenhagen, Denmark and most specifically how it intended to put into practical terms the outcomes of the Durban Conference in as far as National Human Rights Institutions are concerned.

The Uganda Human Rights Commission is most privileged to host the 4th Conference of African National Institutions and to take advantage of the high level of discourse that characterised the above-mentioned gatherings, and the momentum that they have provided towards making the existence of National Human Rights Institutions relevant to the life experience of all people. Today, we are well aware that there are lots of problems that face the world which have human rights implications, although interventions so far taken have not acknowledged the human rights components of the sought-after solutions. Problems such as internal conflict, inter-state conflict, corruption, insecure national economies, famine, HIV/AIDS, among others. Such processes have in effect subjected our nations to negative development as a result of the gruelling poverty which the people are made to endure. The poverty has been very dehumanising to the extent that it is very difficult to uphold the human dignity of the people. As National Institutions for human rights we have therefore gathered together to discuss development as a human rights issue. As we look to a human rights based approach to development, we are well aware that the civil and political rights and the economic, social and cultural rights are inter-related and inter-dependent. This fact has been emphasized at several international meetings beginning with the Human Rights Conference in Vienna in 1993. The same was noted during the 3rd Conference of African National Institutions in Togo, in the Lome Declaration and national institutions were encouraged to “strive further towards the strengthening of fragile social, economic and cultural rights”. Addressing these rights as a block would be addressing the development needs of the people in a holistic manner. It is therefore without any doubt that the national institutions for human rights would have a role to play in bringing to light the important regulatory role and responsibility of States to ensure that economic policies rather than conflict with their human
rights commitments serve to adhere to their commitments in a way that improves the people’s social and economic well being.

As we venture into fostering development through the rights-based approach we must also be appreciative of the challenges that have dogged the implementation and enforcement of state obligations under the Convention on Economic, Social and cultural rights. More attention therefore should be addressed to efforts of developing enforcement approaches that can give people standing to claim the realisation of these rights in juridical processes. It should therefore be the ultimate vision of national institutions, especially in the African region, to enhance the juridical approach for the implementation of human rights by ensuring that every body can lay claim to his or her rights whether civil, economic, political or cultural before courts of law and before international legal fora. This will give people the ability to take hold of their rights and have them implemented by those who hold the responsibility. How this is to be done is quite a challenge for us as National Institutions and we hope to be able to understand the undertones of the rights-based approach to development at this conference.

Discussion of the rights-based approach to human rights is a good step towards drawing national institutions in the African region into the central arena of participation in development issues that affect the people. This integrative approach I am sure will help us to understand better the challenges that the State in Africa faces towards progressively implementing the rights contained in the Covenant on Economic, Social and Cultural rights in the obvious resource-constrained setting. However, our ambition should be towards getting the State to truthfully commit itself to implementing these rights through partnership with other partners and national human rights institutions. It is also foreseen that the role of national institutions in development will be clearly understood and appreciated in a way that will foster positive collaboration with the State, development partners and the community and not be mistaken as ill intentioned.

In conclusion, I wish to draw the attention of this conference to part VI of the Lome declaration in which National Institutions were urged in consultation with relevant partners to address the problem of HIV/AIDS in order to ensure of respect human rights in policies, laws and practices; to promote effective prevention programmes; ensure effective programmes for care and support for persons infected and affected by HIV/AIDS; and together with the Joint United Nations Programme on HIV/AIDS (UNAIDS) and OHCHR to strengthen their capacity to deal
with HIV/AIDS; intensify research for a cure of AIDS; and to have HIV/AIDS on the standing agenda for this conference.

You may wish to note that HIV/AIDS is only a part of the problems that threaten the development process in Africa. As you will note from the deliberations, this conference intends to give prominence to such issues as managing conflicts, the rights of vulnerable groups such as persons with disabilities, civil society and good governance, as determining areas in strategising for sustainable development in Africa.

The practice over the last years has been that the Chair of the Coordinating Committee of the National Institutions has revolved at the sitting of the conference. Indeed as we expect new office bearers to be elected in this conference, I wish to call on all National institutions in the Africa continent to strive towards establishing greater collaboration in a way that will enable all institutions to attain the standards expressed in the Paris Principles and to have these principles promoted in the whole continent.

Appreciation

On behalf of the African Human Rights Institutions and on behalf of the Uganda Human Rights Commission, I wish to thank His Excellency the President of the Republic of Uganda, Mr. Yoweri Kaguta Museveni for gracing the opening of this conference with your personal attendance. I also wish to thank you and the Government of Uganda for the support extended to the Uganda Human Rights Commission and mostly towards making it a viable mechanism for the protection and promotion of human rights in the terms of the Paris Principles.

I thank the Office of the High Commissioner for Human Rights for the support in term of capacity development given to the Uganda Human Rights Commission, and for sponsoring preceding and the current conference of African National Institutions and the guidance that we have enjoyed through the capable leadership of Mrs. Mary Robinson, the Human Rights Commissioner.
I do extend our gratitude to the Minister of Justice and Constitutional Development of Uganda, Mrs. Janat Mukwaya, for the counsel we have shared in implementing our mandate; all development partners who have heeded the call for cooperation and have made their resources accessible for the Commission to carry out its mandate
I also thank the members and staff of the Uganda Human Rights Commission for making this conference happen. To all the participants here thank you for finding time to participate in this conference.

I THANK YOU ALL