

Sana'a Declaration on Democracy, Human Rights and the Role of the International Criminal Court

10-12 January 2004

At the conclusion of the Sana'a Inter-Governmental Regional Conference on Democracy, Human Rights and the Role of the International Criminal Court formed by Governmental and Parliamentary Delegations from all the Arab and neighbouring African and Asian countries, organised by the Government of Yemen and the non-governmental organisation No Peace Without Justice, with the participation of 820 participants from 52 countries and representatives from regional and international organisations, as well as representatives of civil society and political parties;

the Conference represented a forum for bringing together representatives of governments, parliaments and legislative bodies to talk about issues related to Democracy and Human Rights issues, the role of civil society, the rule of law and the International Criminal Court, in an open dialogue that is furthering democracy and protecting human rights in the Arab and surrounding countries and underlining achievements in the region in those areas, which is emerging from their social and cultural realities and their heritage and political practice;

during two days of fruitful and profound discussion between participants on those topics, as an inseparable element to reach a consensus of understanding towards questions of the rule of law, democracy and human rights and a common endeavour to reach a common understanding of their dimensions, their interdependency and their repercussions;

Delegations hereby declare they have reached the following principles:

- a) Democracy and human rights, which have their origins in faith and culture, are interdependent and inseparable;
- b) Cultural and religious diversity is at the core of universally recognised human rights, which should be observed in a spirit of understanding in the application of democratic and human rights principles; this diversity should not be a source of confrontation or clashes but should be a source of dialogue and building bridges of understanding between religions and cultures;
- c) Democratic systems protect the rights and interests of everybody without discrimination, especially the rights and interests of disadvantaged and vulnerable groups;
- d) Democracy is achieved not only through institutions and laws but also through the actual practice of democratic principles, which should be measured by the degree to which these principles, norms, standards and values are actually implemented and the extent to which they advance the realisation of human rights;
- e) The basics of democratic systems is reflected in periodically elected legislatures, representing the citizens in a fair way and ensuring their full participation, in

executive bodies that are responsible and committed to principles of good governance and in an independent judiciary that guarantees fair trial rights and protects the rights and freedoms of the people; these principles are the guarantors of good governance, which ensures the protection of human rights;

f) Efforts to ensure a forum for discussion and dialogue must be encouraged in order to exchange ideas, experiences and expertise and to promote participation and political and democratic development among participating countries;

g) The practice of democracy and human rights and enhancing their understanding require overcoming potential threats to the form and substance of democracy, including foreign occupation, imbalances in participation in the international justice system, the concentration and abuse of power, ineffective and unaccountable civil service, poverty, inadequate education, corruption, crimes under international law and discrimination;

h) The effective application of the rule of law is vital to protect democracy and human rights and is the foundation for judicial independence and the application of the separation of powers;

i) A free and independent media is essential for the promotion and protection of democracy and human rights. Pluralism in the media and its privatisation are vital for contributing to the dissemination of human rights information, facilitating informed public participation, promoting tolerance and contributing to governmental accountability. The media should contribute effectively and responsibly towards the strengthening of democracy and human rights knowledge;

j) Proper democratic governance and respect for human rights require a freely functioning, well-organised, vibrant and responsible civil society and a legal framework within which civil society can operate in a spirit of partnership and participation; Civil society should play its role responsibly within the framework of law and the principles of human rights and democracy;

k) The private sector is a vital partner in strengthening the foundations of democracy and human rights; It has a responsibility to work with governments and civil society to enhance progress;

l) The developments in international relations, the increasing international interest in issues of human rights and the rule of law and the serious efforts to stop violations of international law require strong international judicial institutions to prosecute those who commit crimes under international law, in full respect for fundamental fair trial guarantees and the rights of the accused.

The participants therefore agree to:

1. Work seriously in order to fulfil the above-stated principles;
2. Strengthen and protect human rights, including people's fundamental rights to express their views and adhere to their religious beliefs and ethnic identity;
3. Occupation is contrary to international law and basic human rights; there should be an end to the occupation of Arab territories and all holy Islamic and Christian sites as well as an end to all violations of human rights, in particular in Palestine, and the civil and political rights of the Palestinian people should be ensured, including their right to self-determination and their right of return according to international resolutions;
4. Empower the role of women and their participation, protecting women from all

forms of exploitation and any reduction of women's rights;

5. The establishment of an independent and fair judiciary and the separation of powers;

6. Ensure equality before the law, equal protection under the law and fundamental fair trial guarantees;

7. Support efforts towards sustainable development, which is necessary for the building and strengthening of democracy, including democratic institutions within the State, and for promoting and protecting human rights;

8. Strengthen the role of international judicial institutions, as an important element towards promoting respect for international law and human rights law, including the International Criminal Court;

9. Strengthen democracy and pluralism and the establishment of elected legislative bodies to represent popular will and ensuring the fair representation of all sectors of society;

10. Work towards future modalities of democratic consultation and cooperation among themselves, including civil society, and the establishment of an Arab Democratic Dialogue Forum as an instrument for the promotion of dialogue between diverse actors, for strengthening democracy, human rights and civil liberties, especially freedom of opinion and expression, and strengthening the partnership between public authorities and civil society.

Done in Sana'a, 12 January 2004.