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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Office of the United Nations High Commissioner for Human Rights on the international workshop on enhancing cooperation between international and regional mechanisms for the promotion and protection of human rights* **

Summary

In resolution 12/15 the Human Rights Council requested the United Nations High Commissioner for Human Rights to hold a workshop on regional arrangements for the promotion and protection of human rights on a regular basis, and to convene one in the first semester of 2010 to identify concrete proposals on ways and means to strengthen cooperation between the United Nations and regional arrangements in the field of human rights, and report on it to the Council at its fifteenth session. The Office of the High Commissioner (OHCHR) organized an international workshop on “Enhancing cooperation between international and regional human rights mechanisms”, which was held in Geneva, on 3 and 4 May 2010. Participants included representatives of regional human rights mechanisms in Africa, the Americas and Europe, as well as of subregional mechanisms in Africa. The Indonesian representative of the ASEAN (Association of Southeast Asian Nations) Intergovernmental Commission on Human Rights (AICHR) attended. Independent experts from the United Nations treaty bodies and the Human Rights Council special procedures, as well as member States, national human rights institutions (NHRIs), prominent international, and national non-governmental organizations (NGOs) and academics also participated in the workshop. Participants agreed on the need to establish mechanisms to reinforce cooperation between international and regional human rights

* Late submission.

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mechanisms. They identified information sharing and joint activities as the main areas in which such mechanisms can be implemented. Concerning information sharing, participants agreed that best practices, jurisprudence, urgent cases and situations, and the universal periodic review constitute the main fields in which exchange of information should be improved. They also identified possible joint activities by international and regional human rights mechanisms: country visits, reports and publications, press releases and statements, raising awareness and capacity-building activities, and follow-up to decisions and recommendations resulting from international and regional human rights mechanisms. It was also recommended that biannual meetings be convened with the participation of international, regional and subregional human rights mechanisms, governments, NHRIs and NGOs, in order to discuss sharing of information, joint activities and follow-up, focusing on thematic priorities. In addition, it was agreed that focal points should be appointed in each human rights mechanism in order to outline a plan of work on enhancing cooperation between international and regional human rights mechanisms which will identify objectives, activities, timelines and the responsibilities of each mechanism. Finally, participants urged States and intergovernmental organizations to allocate the necessary financial and human resources in order to ensure the implementation of the recommendations resulting from the workshop.

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I. Introduction

1. Following Human Rights Council resolution 12/15 on regional arrangements for the promotion and protection of human rights, and in consultation with the co-sponsors of the resolution, Armenia, Belgium, Mexico, Senegal and Thailand, the Office of the United Nations High Commissioner for Human Rights (OHCHR) organized an international workshop on “Enhancing cooperation between international and regional human rights mechanisms”, which was held in Geneva, on 3 and 4 May 2010.¹ In compliance with resolution 12/15, the present report reflects the discussions held at the workshop and progress in the implementation of the resolution.

2. There has been increasing focus on the relationship between regional and international human rights mechanisms over the past two decades. The Vienna Declaration and Programme of Action, adopted by the 1993 World Conference on Human Rights, highlighted the importance of intergovernmental systems to promote and protect human rights at the regional and subregional level. The World Conference endorsed the efforts to strengthen these arrangements and to increase their effectiveness, while at the same time stressing the importance of cooperation with the United Nations human rights activities.

3. The Commission on Human Rights also adopted a number of resolutions on the subject, starting with resolution 1993/51 which, *inter alia*, invited States in areas where regional arrangements in the field of human rights did not yet exist to consider reaching agreements, with a view to establishing suitable regional machinery for the promotion and protection of human rights within their respective regions, and requested the Secretary-General to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights.

4. In September 2007 the Human Rights Council adopted resolution 6/20 calling on OHCHR to convene a workshop for “an exchange of good practices, added value and challenges” for regional human rights mechanisms. This workshop was held in November 2008. It highlighted the need for more coherent and regular cooperation amongst regional mechanisms and between regional and international mechanisms. The report of the Secretary-General (A/HRC/11/3) summarizes the discussions held during the workshop. The recommendations included the appointment of a high-level focal point within OHCHR to facilitate future networking and information sharing between the Human Rights Council, the regional and subregional human rights mechanisms, and OHCHR.

5. In response to the recommendations of the 2008 workshop, the High Commissioner created a focal point within OHCHR to facilitate office-wide engagement with regional human rights mechanisms. The mandate of the National Institutions Section was expanded to include regional human rights mechanisms, becoming the National Institutions and Regional Mechanisms Section (NIRMS).

6. In resolution 12/15 the Human Rights Council requested the High Commissioner to hold a workshop on regional arrangements on a regular basis and to convene one in the first semester of 2010 to “allow further sharing of information and concrete proposals on ways and means to strengthen cooperation between the United Nations and regional arrangements in the field of human rights and the identification of strategies to overcome obstacles to the promotion and protection of human rights at the regional and international levels, with the participation of representatives of the relevant regional and subregional arrangements from

¹ See annex IV for the workshop programme.

different regions, experts and interested States Members of the United Nations, observers, national human rights institutions and representatives of non-governmental organizations”.²

7. In preparation for the workshop, in November and December 2009 OHCHR organized regional consultations with regional human mechanisms in Africa in Addis Ababa; in the Americas in Washington D.C.; and in Europe in Strasbourg. The discussions mainly focused on the core functions of the United Nations human rights system and the respective regional human rights mechanism, as well as their methods of work and operational procedures. The main objective of the consultations was to identify existing and potential areas for greater cooperation and dialogue between the United Nations human rights system and the regional human rights mechanisms.

8. In the course of the consultations it was recognized that regional human rights mechanisms had played a significant role in the development and advancement of human rights standards. The complementary role between the national, regional and international mechanisms and the need for effective cooperation, especially in the implementation of human rights standards at the national level was noted. Participants also concluded that cooperation could be enhanced in several areas, in particular, in information sharing, possible joint activities and follow-up to decisions and recommendations resulting from international and regional human rights mechanisms.³

9. The present report summarizes the discussions that took place during the workshop held in May 2010, including conclusions and recommendations based on key points of the discussions, aimed at strengthening cooperation between international, regional and subregional human rights mechanisms.

II. Cooperation between international and regional human rights mechanisms

10. Participants in the workshop included representatives of the African Commission on Human and Peoples' Rights (ACHPR); the African Court on Human and Peoples' Rights; the Tribunal of the Southern African Development Community (SADC); the Court of Justice of the Economic Community of Western African States (ECOWAS); the Inter-American Commission on Human Rights (IACHR); the Inter-American Court of Human Rights; the Council of Europe; the Fundamental Rights Agency of the European Union (EU); the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE); and the Indonesian representative of the ASEAN Intergovernmental Commission on Human Rights (AICHR). The United Nations human rights system was represented by the Chair of the Working Group on Enforced or Involuntary Disappearances; the Chair of the Committee on Migrant Workers; the Vice-Chair of the Subcommittee on Prevention of Torture; a member of the Human Rights Committee; and the Special Rapporteur on the situation of human rights defenders. Member States, national human rights institutions (NHRIs), including chairs of regional networks and secretariats of NHRIs, and prominent international and national NGOs were also invited.

11. The meeting took stock of developments regarding cooperation between regional and international human rights mechanisms, including the results of the regional consultations, as well as contributions from emerging human rights mechanisms, including the AICHR and the human rights bodies of the League of Arab States. The NHRIs and

² Operative paragraph 4.

³ See annexes I, II and III which contain summaries of the discussions of the regional consultations in Africa, the Americas and Europe.

NGOs shared their experiences regarding interaction with international and regional human rights mechanisms and set out ways in which they could contribute to improving this cooperation. Concrete proposals of cooperation on information sharing, possible joint activities and follow-up to decisions and recommendations of regional and international human rights mechanisms were thoroughly discussed.

12. The workshop highlighted the importance of enhancing existing cooperation in order to reinforce the principles of universality, indivisibility and interdependence of human rights and to avoid duplication, while contributing to the harmonization of international human rights standards and case law.

13. It was agreed that the ultimate aim of such cooperation was to make a positive difference for individuals at the national level. Such cooperation will contribute to the strengthening of the national human rights protection system, including domestic courts, NHRIs and civil society organizations, to ensure the realization of all human rights. A broad range of national stakeholders should actively participate in the cooperation process.

14. It was also noted that cooperation between human rights mechanisms should take into account the realities and priorities at the international, regional, subregional and national levels, in order to better address a broader array of possibilities of cooperation at every level, and to avoid delivering contradictory messages.

A. Cooperation between human rights mechanisms with similar functions

15. Participants noted that cooperation between international, regional and subregional human rights mechanisms with similar functions or competences should be improved.

16. International and regional judicial and quasi-judicial human rights bodies have much in common. They hear complaints brought against their member States and in many cases issue decisions containing recommendations which indicate steps and measures that States should take in order to fulfil their international human rights obligations. The jurisprudence they have developed could be a means to various kinds of cooperation. For example, jurisprudence sharing mechanisms can be established between the United Nations human rights treaty bodies and the ACHPR, the African Court on Human and Peoples' Rights, the IACHR, the Inter-American Court on Human Rights, and the European Court of Human Rights. This cooperation could be expanded to also involve quasi-judicial United Nations special procedures mechanisms (i.e the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention). The ongoing process of harmonization of reporting procedures of the United Nations treaty bodies⁴ should be taken into account.

17. The principle of cooperation between human rights mechanisms with similar functions could also be applied to consulting, promotional and monitoring functions. Joint awareness-raising activities could be conducted, for instance, by the European Committee of Social Rights and the United Nations Committee on Economic, Social and Cultural Rights.

18. Exchanges could also be established between the universal periodic review (UPR) and the African Peer Review Mechanism (APRM), considering the similarity between their mandates.

19. In terms of follow-up to decisions and recommendations of international and regional bodies, collaboration could be established between expert mechanisms on the one hand, and inter-State mechanisms on the other hand, i.e. the recommendations of treaty bodies and special procedures could be followed up by the UPR and the APRM.

⁴ See <http://www2.ohchr.org/english/bodies/treaty/CCD.htm>.

B. Cooperation tools

20. While all participants agreed on the need to improve cooperation, approaches differed regarding the degree of institutionalization of cooperation. The African and the Inter-American systems of human rights, as well as subregional human rights mechanisms in Africa and several NGOs and NHRIs were in agreement that cooperation between the United Nations system and regional and subregional mechanisms needed to be institutionalized.

21. The Council of Europe encouraged a pragmatic approach that built on existing initiatives of cooperation. Similarly, ODIHR proposed that day-to-day information sharing be reinforced.

22. It was generally agreed that different mandates are not an obstacle for systematic and formalized cooperation between human rights mechanisms. Cooperation should be oriented towards the strengthening of existing cooperation initiatives with a view to making them more efficient. For instance, it was noted that information provided by the Inter-American human rights system to the Subcommittee on Prevention of Torture had been available on the Subcommittee's internal web page for the last three years which facilitated its decisions on country visits. This information was used by the Subcommittee before deciding what visits to conduct in the region. It is important that similar best practices are broadly disseminated.

1. International

23. There is a need for international, regional and subregional human rights mechanisms to agree on basic cooperation arrangements.

(a) Focal points

The majority of the participants agreed that one of the first steps towards enhancing cooperation between international and regional human rights mechanisms is the appointment of high-level focal points in OHCHR and in each regional or subregional human rights mechanism. Focal points will regularly communicate with one another and will outline a workplan, including activities to be implemented in a determined time frame, identifying the objectives, activities, timelines and responsibilities of each mechanism. The workplan will be prepared in consultation with all human rights mechanisms and subsequently with States, NGOs and NHRIs. Focal points should regularly inform their respective mechanisms about their activities and responsibilities.

(b) Regular meetings

International, regional and subregional human rights mechanisms, governments, NHRIs and NGOs should hold biannual meetings to discuss sharing of information and joint activities, focusing on thematic priorities. This process will be dynamic and fed by all relevant stakeholders by establishing specific objectives, timelines and expected outcomes of cooperation on each topic. For instance, sharing of information and joint activities on topics such as human rights defenders, discrimination, and economic, social and cultural rights will be discussed so as to advance cooperation with a thematic focus. In addition, during these meetings focal points should report on their activities indicating results achieved and challenges faced by them in implementing their plan of work. Meetings could be held in different regions in order to reach out to as many regional and national actors as possible. OHCHR stands ready to coordinate the organization of these meetings on a regular basis. Adequate human and financial resources should be allocated to OHCHR for this endeavour.

2. Specific

24. Human rights mechanisms can bilaterally or multilaterally decide to establish cooperation arrangements that go beyond the minimum agreed at the international level, taking into account the needs and development of each human rights mechanism.

C. Cooperation between regional human rights mechanisms

25. The United Nations, through OHCHR, can facilitate the dialogue between regional and subregional human rights bodies by providing a global perspective and sharing lessons learned and best practices. In addition, OHCHR can support the process by providing technical assistance. Cooperation between regional human rights mechanisms can contribute to the elaboration of cooperation strategies between international, regional and subregional mechanisms.

D. Role of national human rights institutions and non-governmental organizations

26. NHRIs and NGOs play an important role in monitoring the application of international human rights standards and following up on the implementation of judgments, decisions and recommendations emanating from United Nations and regional human rights mechanisms. Both international and regional human rights mechanisms have encouraged NHRIs to interact with them on a regular basis.⁵ NHRIs and NGOs also contribute to the strengthening of the capacity of States to ensure implementation of international human rights norms. It is therefore necessary to include them as full participants in the cooperation process between human rights mechanisms.

E. Challenges

1. Insufficient resources

27. International, regional and subregional human rights mechanisms, as well as NHRIs and NGOs have very limited human and financial resources.

28. Cooperation strategies should take into account the limited financial resources of stakeholders. The United Nations, regional organizations and governments, should allocate resources to allow effective and sustained cooperation between international, regional and subregional human rights mechanisms. Donor support initiatives could contribute to the achievement of this goal.

2. Lack of knowledge of international and regional human rights mechanisms

29. The participants shared the view that international, regional, subregional and national human rights protection systems are unknown to some relevant actors and the general public at the regional and national level. It was thus suggested that international and regional human rights mechanisms, together with NHRIs and NGOs, should undertake public awareness-raising about human rights mechanisms and international human rights standards. Information on the functioning of international, regional, subregional and national mechanisms and how to have access to them needs to be broadly disseminated. Translation of official documents and case law into local languages will help this dissemination, as well as cooperation at the technical level between human rights

⁵ See para. 47 below.

mechanisms and other stakeholders, including governments, NGOs, NHRIs, and the general public.

3. Confidentiality

30. Some human rights mechanisms are subject to the principle of confidentiality, which may complicate cooperation between them. It was suggested that confidentiality practices be harmonized in future, after consultations between the mechanisms involved have taken place.

III. Concrete proposals on cooperation between international and regional human rights mechanisms

31. The international workshop brought about concrete proposals for cooperation, mainly in sharing information between, and joint activities by, human rights mechanisms.

A. Instruments that will facilitate smooth cooperation

1. Technical tools

32. Participants agreed that the availability of and access to information is an issue, not only to individuals, but also to human rights mechanisms themselves. Information sharing can be facilitated through technical tools.

33. The creation of a centralized database containing updated information from both international and regional human rights mechanisms was proposed as an option. Such a database should include State party reports, conclusions, recommendations, views, reports and opinions which are available in the public domain. Individual complaints, provided that the principle of confidentiality is respected, could also be included. In this regard, it was suggested that a limited accessibility system be developed within the database in order to include information on such cases. It was also proposed that the possibility of including information on follow-up to recommendations, as well as problems in implementing them, is explored. The database should contain contact details of international, regional and subregional human rights mechanisms, and be accessible to both members and the secretariat of human rights mechanisms. Its administration should be based on guidelines adopted by all mechanisms involved.

34. Electronic access to information should be improved. User-friendly web links leading to the web pages of other human rights mechanisms should be available on the websites of all human rights mechanisms, with a view to sharing reports, views, opinions, jurisprudence, etc. In addition, a web link to information on cooperation between human rights mechanisms, including meetings, focal points, joint activities, etc. should be created on the OHCHR website.

35. Furthermore, information on current and future activities of international, regional and subregional human rights mechanisms can be shared through “info notes”. They can include reports issued and to be published, urgent matters, jurisprudence, focus on particular countries or issues, information from civil society and NHRIs, etc.

2. Meetings

36. During the workshop participants proposed holding meetings to share information on a bilateral and multilateral, general or thematic, regular or ad hoc basis.

37. Concrete proposals for thematic meetings included racism and intolerance; economic, social and cultural rights; and trafficking. The practice of holding thematic forums, e.g. the Forum on Minority Issues established by the Human Rights Council (resolution 6/15), was praised.

38. Participants also suggested that regular bilateral or multilateral meetings be held in order to discuss jurisprudence, publications, reports, guidelines, technical cooperation, follow-up etc. The practice of the Fundamental Rights Agency of the EU in conducting interagency annual meetings with the participation of the United Nations, OSCE and the Council of Europe to identify synergies and possible joint activities and thematic coordination was commended. The meetings regularly held between the United Nations Committee on the Rights of the Child and the African Committee of Experts on the Rights and Welfare of the Child were proposed as a practice which should be expanded to other human rights mechanisms with similar mandates.

39. In addition, it was proposed that regular meetings be held between special rapporteurs of both international and regional human rights mechanisms and members of the United Nations human rights treaty bodies and special procedures mandate holders. Representatives from the Inter-American, African and European systems could participate in the annual meeting of treaty body chairs. Similarly, rapporteurs from regional human rights mechanisms could join the annual meeting of special procedures mandate holders of the Human Rights Council.

40. Another possibility that should be envisaged is the organization of judicial colloquiums with the participation of international and regional human rights mechanisms, judges at national courts, NHRIs and NGOs, with a view to deepening judges' understanding of human rights mechanisms and encouraging them to incorporate international human rights standards in their decisions.

41. Finally, it was proposed that members of regional human rights mechanisms be invited to participate in interactive dialogues of the Human Rights Council and submit documentation.

3. Inter-secretariat cooperation mechanisms

42. Working level contacts also known as desk-to-desk cooperation between OHCHR and the Council of Europe have facilitated finding areas of cooperation between the international and European human rights systems, in particular on topics such as migration, arbitrary detention and the rights of the child. Participants recommended that this practice also be implemented in other regions. In addition, it was proposed that the possibility of staff exchanges between international and regional human rights mechanisms be explored.

43. Furthermore, it was recognized that memorandums of intent or of understanding between international and regional human rights can facilitate and formalize cooperation.

44. Sharing information can also be facilitated through field presences of both international and regional human rights mechanisms. For instance, OSCE field presences can exchange information with the United Nations treaty bodies and special procedures. Cooperation between OHCHR field presences, the United Nations country teams (UNCT) and regional human rights mechanisms can be enhanced.

B. Main areas of cooperation

1. Sharing of information

45. Participants agreed on the need for adequate channels for exchange of information between international and regional human rights mechanisms in a regular and systematic manner, and identified some areas in which sharing of information would contribute to a more effective protection of human rights.

(a) Best practices

(i) Information sharing on best practices and lessons learned in promoting and protecting human rights is one pillar of cooperation. International and regional human rights mechanisms will implement policies, which have produced successful results in other mechanisms. For example, international mechanisms could put in place innovative practices developed by regional mechanisms in Africa or the Americas;

(ii) In addition, working methods, rules of procedure and reporting procedures should be shared among human rights mechanisms in order to identify areas in which cooperation is feasible. Another proposal is to share information on lessons learned and best practices regarding follow-up and implementation of recommendations by regional and international human rights mechanisms.

(b) Jurisprudence

(i) Judicial and quasi-judicial human rights mechanisms should set up a system for regular exchange of jurisprudence. This should include reports, concluding observations, general comments, opinions, views, communications sent by independent experts to States, rulings, decisions and recommendations. In addition, participants agreed that information sharing should also include information prior to consideration of reports, as well as on follow-up to implementation of recommendations of both international and regional human rights mechanisms. Participants proposed the publication of compilations of jurisprudence, bibliographies, regular electronic bulletins, including main decisions adopted during a period of time, etc. These publications can be either jointly produced or under the auspices of one mechanism, i.e., OHCHR, Council of Europe, the Organization of American States (OAS) and the African Union (AU);

(ii) Another proposal is to hold regular meetings to discuss jurisprudence on specific topics, i.e., right to life, enforced disappearances, economic, social and cultural rights, etc. Minutes of such meetings should be published and widely disseminated. Moreover, it was proposed that every mechanism have the possibility to present *amicus curiae* before others.

(c) Urgent cases and situations

(i) Specific arrangements should be established between international and regional human rights mechanisms to share information on urgent cases or situations, in order to ensure a quick and effective response. For instance, rapporteurs of regional and international mechanisms can issue joint press releases on human rights violations. In this regard, the existing practice of joint press releases of the United Nations and Inter-American rapporteurs on the right to freedom of expression was highlighted;

- (ii) In addition, the possibility of sending urgent joint appeals to States on individual cases where an individual or a group of individuals are in danger of suffering an irreparable damage was also mentioned. For example, the United Nations, the Inter-American and the African rapporteurs, as well as the Council of Europe Commissioner for Human Rights and the OSCE focal point on human rights defenders could put in place a system that would allow for cases of violations of human rights in their respective regions to be shared. This information sharing could be facilitated by the secretariats of human rights mechanisms through desk-to-desk cooperation, with the participation of NGOs, which in many cases are the source of information.
- (d) Universal periodic review
 - (i) Regional mechanisms provide written contributions to the to the UPR process. In this regard, it was proposed that based on existing good practices of contributions by the Council of Europe and the Inter-American human rights system, documents from the regional human rights mechanisms be increasingly submitted as official documents to the Human Rights Council;
 - (ii) Furthermore, participants agreed on the advantages that would be implied by the reciprocal use of recommendations issued by both the UPR and regional human rights mechanisms. For instance, the UPR can refer to the non-implementation of decisions or recommendations of regional human rights mechanisms and vice versa. This would contribute to reinforcing the effectiveness of all human rights mechanisms;
 - (iii) It was also proposed that, in view of the similarity between the UPR and the African Peer Review Mechanism, systematic channels of cooperation and exchange of information be established between them.

2. Joint activities

46. During the workshop it was established that some joint activities of regional and international human rights mechanisms are already in place. Nonetheless, it was also demonstrated that many practical difficulties still exist. For example, many of these initiatives remain isolated and often depend on favourable circumstances. In addition, cumbersome bureaucratic procedures may hamper and even stifle cooperation. Therefore, it is necessary to systematize joint activities in order to achieve better results. Participants identified some areas in which joint activities between international and human rights mechanisms could be implemented.

- (a) Country visits
 - (i) On a case-by-case basis, independent experts from international and regional human rights mechanisms should consider conducting joint visits on a more frequent basis, so as to optimize efforts by generating more visibility and giving greater weight to their recommendations. It was recommended that best practices and lessons learned from joint visits already conducted be taken into account, e.g. the joint visit to Togo (2008) by the United Nations and ACHPR rapporteurs on human rights defenders, and visits that will be undertaken in the near future, e.g. the upcoming joint visit to Mexico (August 2010) of the United Nations and IACHR rapporteurs on freedom of expression;
 - (ii) Participants proposed that long-term planning of visits is established, including a list of visits that will be conducted by the various human rights mechanisms over a six- month period. This would facilitate the exchange of

information in advance, in particular on relevant issues in countries to be visited. In relation to human rights mechanisms dealing with restricted information - e.g. the European Committee for the Prevention of Torture, the Subcommittee on Prevention of Torture, and national preventive mechanisms (often NHRIs) - it was proposed that instead of undertaking joint visits, consultations be held among them in order to discuss strategies with regard to visits, and share information on planning and key issues in countries where visits will take place.

(b) Reports and publications

(i) Another joint activity between international and regional human rights mechanisms that should be expanded is the elaboration of joint reports, either thematic or on situations that require special attention. The joint report on citizen security and human rights by IACHR, the United Nations Children's Fund (UNICEF) and OHCHR⁶ was mentioned as an example of good practice. Human rights mechanisms with similar scope can elaborate joint reports on issues of common interest. For instance, the United Nations Committee on the Rights of the Child and the African Committee of Experts on the Rights and Welfare of the Child;

(ii) Participants also highlighted the advantages of adopting joint principles and guidelines which will contribute to human rights universality and the coherence of international human rights standards. For example regional and international human rights mechanisms can jointly contribute to the ongoing process aimed at updating the Standard Minimum Rules for the Treatment of Prisoners;

(iii) Developing joint publications constitutes another possibility for enhancing cooperation. The role played by NGOs and NHRIs in disseminating and publicizing these publications to a vast range of interlocutors and readers cannot be overstated.

(c) Press releases and joint statements

(i) During the workshop, it was demonstrated that the practice of issuing joint press releases reinforces the effectiveness of human rights mechanisms by increasing visibility and generating greater impact on the media. Participants agreed that it is to be recommended that human rights mechanisms, both regional and international, with similar mandates or spheres of action, e.g. independent experts on internally displaced persons and on the rights of indigenous people, increase the number of joint messages delivered to the press;

(ii) Another proposal is to extend the practice of producing joint declarations and statements. Participants mentioned as a good example the joint declaration made every year by the United Nations, IACHR and ACPHR rapporteurs on freedom of expression, as well as the OSCE representative on freedom of the media, on key issues related to the right to freedom of expression. This declaration is included in the annual report to the Human Rights Council of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.⁷ Other human rights mechanisms with similar mandates should follow this practice by

⁶ Available at <http://cidh.org/pdf%20files/SEGURIDAD%20CIUDADANA%202009%20ENG.pdf>.

⁷ See, for example, A/HRC/14/23/Add.2.

regularly issuing joint declarations or statements related to human rights violations, or other important issues within their mandates.

(d) Raising awareness and technical cooperation activities

(i) Participants highlighted the need to promote awareness on international and regional human rights mechanisms and the standards that they seek to secure among as many actors as possible, in particular at the national level. For this purpose, joint actions should be undertaken on specific thematic areas, such as workshops and training sessions with the participation of experts and staff from the various human rights mechanisms. These might include the protection of human rights defenders, arbitrary detention, and economic, social and cultural rights. In addition, documents of the human rights mechanisms should be translated into as many languages as possible. This will ensure that the widest possible number of individuals will be able to access them. States could assist in funding the translation of such documents. The role of the NGOs was unanimously highlighted, given their knowledge of human rights mechanisms and their capacity to interact with a great number of stakeholders at the international, regional and national levels. They should, therefore, take part in these activities from the planning stage onwards;

(ii) Joint technical cooperation activities were also recommended, in order to allow human rights mechanisms to benefit from each other's expertise on specific topics, as well as to expand their knowledge on each other's best practices, jurisprudence, methods of work and rules of procedure. For example, European human rights mechanisms, such as the European Commission against Racism and Intolerance (ECRI) could help specialized regional and national bodies to consolidate their positions and activities on issues related to its mandate. The United Nations human rights mechanisms could also assist in strengthening the capacity of regional human rights mechanisms, taking into account their specific needs. For instance, special procedures mandate holders or treaty body members can provide advice on specific thematic issues, e.g. the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance could provide expertise to the Inter-American system on the establishment of a rapporteur on racism;

(iii) The need to strengthen joint efforts to provide technical cooperation to States was also underscored. Such efforts could include joint training and programmes to promote a human rights culture through promotion of human rights standards at all levels of society, and specifically for NHRIs, judges, civil society, local government, parliaments, and security and law enforcement agencies;

(iv) Participants agreed that capacity-building activities must be sustainable and genuinely helpful. The need to secure adequate resources was also highlighted.

(e) Follow-up

(i) A main area of cooperation between international and regional human rights mechanisms is the follow-up on decisions and recommendations. The workshop showed that despite the existence of follow-up mechanisms at the international and regional levels, the implementation of recommendations, judgments and views remains a great challenge to all human rights mechanisms. Participants agreed on the need to develop joint follow-up

activities, with the participation of the various human rights mechanisms, NHRIs and NGOs;

(ii) Several proposals were made. Firstly, international and regional human rights mechanisms should conduct joint country visits to follow up on the implementation of their recommendations.⁸ In addition, international and regional mechanisms can use their own country visits to follow up on the implementation of each other's recommendations and include their findings into their respective reports;

(iii) Meetings or workshops could be jointly organized by international and regional human rights mechanisms aimed at following up on the implementation of their decisions and recommendations, with the participation of governments, NHRIs and NGOs. Choosing a thematic focus would facilitate the task;

(iv) Inter-secretariat cooperation mechanisms could also be established in order to develop a system to better support each other in following up recommendations. For instance, United Nations treaty bodies special rapporteurs for follow-up⁹ could ask regional human rights mechanisms for relevant information, in order to assess the degree of implementation by States of the concluding observations and recommendations of the various committees;

(v) It was also proposed that the UPR be used as a follow-up tool. Participants agreed that the UPR should make more systematic use of cross references to the respective recommendations of international and regional mechanisms, and more systematic follow-up to UPR recommendations should be undertaken by human rights mechanisms;¹⁰

(vi) Finally, participants agreed on the important role played by NHRIs and NGOs in following up on the implementation of judgments, decisions and recommendations resulting from international and human rights mechanisms. It was suggested that cooperation arrangements be put in place in order to make cooperation between them more systematic, e.g. regular exchange of information and meetings between human rights mechanisms, NHRIs and NGOs on follow-up with a thematic focus.

⁸ See para. 46 (a).

⁹ The Human Rights Committee, the Committee Against Torture, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination Against Women have instituted similar procedures to monitor the implementation of recommendations contained in their concluding observations. The rules of procedure of the first three mandate one or several Committee members to act as Special Rapporteur or as a working group for follow-up on concluding observations and views. In general, the Special Rapporteur ascertains the measures taken by States parties to give effect to the recommendations or views of the respective Committee. The Special Rapporteur may make such contacts and take such action as appropriate for the due performance of the follow-up mandate. He or she also makes such recommendations for further action by the respective Committee as may be necessary and regularly reports to the Committee on follow-up activities. The Committees include information on follow-up activities in their annual reports to the General Assembly.

¹⁰ See para.45 (d) above.

IV. Cooperation with national human rights institutions

47. Participants agreed on the need to strengthen cooperation between NHRIs and international and regional human rights mechanisms. A number of resolutions on cooperation between NHRIs and human rights mechanisms constitute a first step in the right direction. OAS resolutions AG/RES. 2421 (XXXVIII-O/08) and AG/RES. 2448 (XXXIX-O/09) recognized the important contribution that NHRIs accredited by the International Coordinating Committee (ICC) can make to the work of the OAS in the promotion of human rights, and resolved to facilitate the participation of all NHRIs in the human rights activities of the organs, agencies, and entities of the organization. Likewise, the African Charter on Human and Peoples' Rights states that States parties shall allow the establishment and improvement of NHRIs (article 26). General Assembly resolution 60/251 states that the Human Rights Council should work in close cooperation with both regional organizations and NHRIs.¹¹

48. During the workshop it was proposed that some mechanisms be set up in order to systematize cooperation between NHRIs and international and regional human rights mechanisms. They should cooperate in areas such as raising awareness, technical cooperation, and human rights education. Seminars on human rights mechanisms, including information on their functions, methods of work, jurisprudence, and best practices, should be organized by NHRIs, with the participation of representatives of both international and regional human rights mechanisms, national authorities and NGOs, so as to make use of NHRI expertise on capacity-building and facilitating networking between relevant stakeholders. In addition, NHRIs could contribute to strengthening State engagement with both United Nations and regional human rights mechanisms.

49. Participants also agreed on the importance of establishing NHRIs where they do not exist, expanding their mandates when these do not cover all human rights issues, and ensuring their independence and that they have a broad range powers, in compliance with the Paris Principles relating to the status of NHRIs. They also encouraged the creation of regional secretariats where they are not yet established (Europe and the Americas), which could act as focal points to engage with international and regional human rights mechanisms.

V. Cooperation with non-governmental organizations

50. NGOs are key actors in the process of cooperation between human rights mechanisms. They can contribute in many ways to strengthening the collaboration between regional and international human rights mechanisms. Areas of cooperation with NGOs identified during the international workshop included raising awareness and capacity-building activities, as well as information sharing on country visits, best practices, individual cases, urgent situations, and the promotion of ratification of international and regional human rights instruments.

51. The need to improve information sharing between human rights mechanisms and NGOs was highlighted. It was proposed to define long-term common strategies, including a mapping of the most important issues or topics in each region. In this connection, participants agreed that NGOs play an important role in identifying possible areas of cooperation between international and regional human rights mechanisms and in formulating ways to implement them. Their critical analysis has been vital to the development of human rights mechanisms, both international and regional. Thus, their views should be always taken into account when setting up mechanisms of cooperation.

¹¹ Operative para. 5 (h).

VI. Conclusions

52. International, regional and subregional human rights mechanisms are in agreement in recognizing both the importance and utility of strengthening cooperation. They have also agreed that the ultimate aim of such cooperation is to have a real impact at the national level, making a difference for individuals.

53. Participants have also agreed on the need to establish mechanisms in order to reinforce cooperation between international and regional human rights mechanisms. They have identified information sharing and joint activities as the main areas in which such mechanisms can be implemented. Within each of these areas participants identified spheres in which cooperation arrangements can be set up, and set out concrete proposals for achieving this. Concerning information sharing, participants agreed that best practices, jurisprudence, urgent cases and situations, and the UPR constitute the main fields in which exchange of information should be improved. They also identified a number of possible activities that could be jointly undertaken by international and regional human rights mechanisms: country visits; reports and publications; press releases and statements; raising awareness and capacity-building activities; and follow-up to decisions and recommendations emanating from international and regional human rights mechanisms.

54. The ongoing review of the Human Rights Council¹² offers an opportunity for increased interaction with regional human rights mechanisms. Consideration could be given to enhancing cooperation with them, by progressively allowing their documents to be considered as official documents by the Human Rights Council, e.g. country and thematic reports. This would contribute to ending the existing compartmentalization between the United Nations and the various regional human rights systems and would allow the Human Rights Council to benefit from their expertise and gain a better knowledge of human rights issues at the regional level.

55. The importance of holding regular meetings with the participation of representatives of international and regional human rights mechanisms, governments, NHRIs and NGOs was also reaffirmed. Such meetings should be held biannually and discussions should be aimed at discussing sharing of information and joint activities, focusing on thematic priorities. In addition, focal points should be appointed in every human rights mechanism in order to maintain regular communication between mechanisms and facilitate the elaboration of a plan of work which will be a reference for cooperation between international and regional human rights mechanisms.

56. Finally, the need to provide adequate resources to make cooperation possible was highlighted. In this respect, participants urged States and intergovernmental organizations to allocate the necessary financial and human resources in order to ensure the success of this endeavour.

VII. Recommendations

A. Cooperation arrangements between international and regional human rights mechanisms

57. Focal points should be appointed in each human rights mechanism, including international, regional and subregional mechanisms. The National Institutions and

¹² See http://www2.ohchr.org/english/bodies/hrcouncil/HRC_review.htm.

Regional Mechanisms Section (NIRMS), as the OHCHR focal point on regional mechanisms, should be responsible for coordinating the inputs from the focal points of the various international human rights mechanisms. Focal points will be in charge of outlining a workplan on enhancing cooperation between international and regional human rights mechanisms which will identify the objectives, activities, timelines and responsibilities of each mechanism. Consultations on the workplan should take place between the various human rights mechanisms and subsequently with States, NHRIs and NGOs. Focal points should keep themselves regularly informed about the activities of their respective mechanisms.

58. Biannual meetings should be convened with the participation of international, regional and subregional human rights mechanisms, governments, NHRIs and NGOs. Their main objective will be to discuss sharing of information, joint activities and follow-up to decisions and recommendations, focusing on thematic priorities. During these meetings, focal points should report on their activities indicating results achieved, as well as obstacles encountered in the implementation of their responsibilities.

59. Regional and subregional human rights mechanisms should have the possibility of participating in Human Rights Council sessions relevant to their area of interest, intervene in interactive dialogues, and be entitled to submit documentation and written statements. Their reports, or at least the executive summaries thereof, should be systematically circulated among the members of the Human Rights Council. Regional human rights mechanisms documents should progressively become official documents of the Human Rights Council.

60. The field presences of intergovernmental organizations, in particular those which comprise territories covered by international and regional human rights mechanisms, as well as United Nations country teams and the regional offices of the United Nations Development Programme (UNDP), should reinforce their collaboration with human rights mechanisms, in particular regional and subregional human rights mechanisms located in their sphere of activity.

61. States and intergovernmental organizations should politically and financially support cooperation initiatives resulting from the ongoing cooperation process between international, regional and subregional human rights mechanisms. It is crucial that adequate resources be allocated to implement these recommendations.

B. Instruments that will facilitate smooth cooperation

62. A database which centralizes information resulting from both international and regional human rights mechanisms should be created. It should include State party reports, conclusions, recommendations, views, reports and opinions, as well as contact information and information on individual cases if possible.

63. Web links leading to the web pages of various international and regional human rights mechanisms should be available on their respective websites with a view to disseminating and sharing information with relevant stakeholders, in particular the users of international and regional human rights mechanism, including governments, victims, NGOs, and NHRIs.

64. OHCHR should include a web link on its website containing information on cooperation between international and regional human rights mechanisms, including information on meetings, joint activities, focal points, information-sharing mechanisms, etc.

65. Info notes should be prepared by both international and regional human rights mechanisms and distributed every two months among them, in order to circulate information on their current and forthcoming activities.

66. Bilateral and multilateral meetings, either regular, ad hoc, general or thematic, should be held between international, regional and subregional human rights mechanisms, in order to discuss specific topics or situations, jurisprudence, publications, reports, guidelines, technical cooperation, follow-up, etc. Regular meetings should be held between special rapporteurs of both international and regional human rights mechanisms and members of United Nations human rights treaty bodies and special procedures.

67. Mechanisms of cooperation between secretariats of international, regional and subregional human rights mechanisms should be enhanced or established where they do not yet exist. Working level cooperation arrangements should set up and the possibility of putting in place a system for exchange of staff should be considered.

68. Memorandums of understanding or intent can be established between international, regional and subregional human rights mechanisms in order to enhance institutionalized cooperation.

C. Sharing of information

69. A system should be put in place aimed at exchanging best practices and lessons learned between international and regional human rights mechanisms.

70. Arrangements for regular exchange of jurisprudence between judicial and quasi-judicial human rights mechanisms should be set up. Such arrangements can include thematic meetings, as well as compilations of jurisprudence, electronic bulletins, and bibliographies. A wide dissemination of exchanges between human rights mechanisms on jurisprudence should be ensured, e.g. by publishing minutes of thematic meetings, posting compilations of jurisprudence, bulletins and bibliographies on the respective websites etc.

71. Specific tools to share information on urgent cases and situations should be established. This could be facilitated by the secretariats of human rights mechanisms through desk-to-desk collaboration, with the full participation of NGOs, which often provide information on urgent cases.

72. Contributions from regional human rights mechanisms to the UPR should be increasingly considered as official documents by the Human Rights Council and States participating in the review. In return, regional human rights mechanisms should be more proactive in submitting information to the Human Rights Council, regarding countries to be reviewed by the UPR. In addition, the UPR could take into account the ratification of regional human rights instruments and implementation of the decisions and recommendations of regional human rights mechanisms, and vice versa. Regional human rights mechanisms should be considered by the United Nations and the international community as relevant partners in assisting States in implementing the outcome of the UPR, as appropriate.

D. Joint activities

73. Independent experts from international and regional human rights mechanisms should consider conducting joint visits on a more regular basis. A system for sharing long-term planning of visits of international and regional human rights mechanisms

should be put in place, including a list of visits that will be conducted by the various human rights mechanisms over a six- month period.

74. The practice of elaborating joint reports, publications, standards and guidelines should be expanded. NGOs and NHRIs should participate in discussions on such initiatives, given the important role they play in disseminating and publicizing joint activities among a broad range of stakeholders.

75. International and regional human rights mechanisms with similar mandates should issue joint press releases, declarations and statements, regarding key issues or situations related to their mandates.

76. Joint actions should be undertaken in order to promote awareness of both international and regional human rights mechanisms among as many actors as possible at the international, regional and national levels. Given the important role played by NHRIs and NGOs in this matter, they should take part in these actions.

77. Technical assistance to States should be enhanced. Joint training and programmes to improve knowledge of international, regional and subregional human rights mechanisms should be put in place.

78. Joint follow-up activities should be established, including country visits, meetings and inter-secretariat cooperation mechanisms.

E. Cooperation with national human rights institutions and non-governmental organizations

79. Both NHRIs and NGOs should be involved as full participants in the cooperation process between international and regional human rights mechanisms.

80. Mechanisms should be set up in order to increase cooperation between NHRIs and international and regional human rights mechanisms, in particular regarding raising awareness, capacity-building and monitoring activities, as well as on follow-up to decisions and recommendations emanating from both international and regional human rights mechanisms.

81. Arrangements for enhancing cooperation between NGOs and international and regional human rights mechanisms should be established, including mechanisms to improve exchange of information, e.g. inclusion into the (future) database of information provided by NGOs, bilateral meetings, common strategies regarding human rights issues in specific regions, etc.

Annex I

Regional consultation for Africa

Summary of discussions

Human Rights Council resolution (A/HRC/RES/12/15) called for the High Commissioner for Human Rights to hold workshops on regional arrangements for the promotion and protection of human rights to allow sharing of information and concrete proposals on ways to strengthen cooperation between the United Nations and regional arrangements, including sub-regional human rights mechanisms.

In this context a Regional Consultation for Africa on *Enhancing Cooperation Between Regional and International Mechanisms for the Promotion and Protection of Human Rights* was held in Addis Ababa Ethiopia, 30 November to 2 December 2009, under the auspices of the Office of the High Commissioner for Human Rights (OHCHR), in cooperation with the African Union Commission - Department of Political Affairs,

Participation was drawn from representatives from: Governments, the African Union Commission; the African Court on Human and Peoples Rights; the African Committee of Experts on the Rights and Welfare of the Child; the Southern African Development Community (SADC) Court of Justice, the ECOWAS Community Court of Justice; United Nations experts and committee members; as well as OHCHR and other UN agencies; national human rights institutions (NHRIs), the Secretariat of the Network of African NHRIs, the Secretariat of the African Human Rights NGO Forum; civil society organizations and academia. Participants also expressed appreciation to the Government of the Federal Republic of Ethiopia for hosting the Regional Consultation.

Participants recognized that in Africa the human rights protection and promotion framework is at four levels: national, sub –regional, regional and international, utilizing different charter based and treaty based normative frameworks, standards and systems; and that the African regional system facilitates the contextualization of international human rights standards at the regional level and development of human rights principles, useful and relevant to Africa. They recognized that the African human rights system has played a significant role in the development and advancement of human rights norms in Africa and noted the complementarity between all the systems and the need to have adequate cooperation, especially in the implementation of human rights norms at the national level.

They recognized the importance of cooperation with NHRIs and civil society organizations in implementation of human rights norms at the national level, and further indicated the importance of establishing NHRIs where they do not exist, in compliance with the Paris Principles.

Participants noted that the Human Rights Strategy for Africa (General Assembly Resolution 61/296 (2007)) to be developed under the leadership of the African Union Commission, in the context of the UN-AU 10 year capacity building framework, constitutes a good framework for strengthened cooperation between the two systems.

Participants put forward the following recommendations in relation to strengthening cooperation between the regional (African) and international human rights systems:

1. A system of cooperation/collaboration should be institutionalized or formalized between the two human rights systems, under the auspices of the OHCHR and AUC to facilitate such cooperation and interaction.

2. Regular meetings or forums for collaboration between the UN and Africa human rights mechanisms should be encouraged starting for instance with the attendance of the African human rights mechanisms in annual meetings of Special Procedures Mandate Holders (SPMHs), and Chairpersons of Treaty Bodies, as well as at sessions of the Human Rights Council (HRC) and vice versa.

3. An institutionalized system for exchange of information and documentation between the two systems should be developed. Information sharing may be on various areas including:

I. Jurisprudence on the normative content of human rights instruments: e.g. the African human rights mechanisms could consult jurisprudence of treaty bodies on individual communications, concluding observations/comments, and general comments that provide guidance on the content of civil and political rights, and economic social and cultural rights and relevant obligations of States parties and vice versa.

II. Soft law: exchange of information in areas where norms, principles and guidelines have been developed;

III. Information from Special Procedures mechanisms and their methods of work and findings, including on individual cases, country visits and follow-up, as well as research on thematic human rights issues;

IV. Exchange of information and experience regarding rules of procedures, working methods and reporting procedures, including working methods with different partners e.g. NGOs, NHRIs and international agencies, as well as guidelines for reporting with a view to facilitate States parties' fulfillment of reporting obligations.

V. Seek to harmonize working methods, where possible, with full respect of the independence of all mechanisms.

VI. Share good practices related to follow up and implementation of views, opinions and recommendations of international and regional mechanisms by the State parties.

4. Encourage provision of information on the different processes of the respective mechanisms, including by providing information prior to the consideration of reports, disseminating the conclusions and recommendations of the respective systems and ensuring collaboration in the follow-up to their recommendations.

5. An electronic data base could be created to share information including State parties' reports, conclusions, recommendations, individual complaints, views, reports and opinions of UN human rights mechanisms and regional mechanisms which are available and accessible, information could also be placed on CD roms.

6. A link from the OHCHR website to websites of the African human rights mechanisms should be created to facilitate information sharing and vice versa.

7. Documents from the African mechanisms could be submitted as official documents of the UN Human Rights Council, by Governments and NHRIs accredited with A-status.

8. Facilitate cooperation with institutions with complementary jurisprudence and thematic focus(opportunities):

I. The African Peer Review Mechanism (APRM) and Universal Peer Review Mechanism (UPR) could cooperate and learn from each other.

II. Members of African mechanisms could be invited to attend the Human Rights Council sessions and participate in interactive dialogues, as well as to participate in human rights Treaty Body sessions regarding country considerations and thematic discussions

III. The Human Rights Council may invite for cooperation appropriate African and sub regional human rights mechanisms to carry out monitoring and follow up activities regarding countries reviewed, at the request of and on behalf of the HRC

IV. Joint field missions with African and UN mechanisms e.g. the African Committee of Experts on the Rights and Welfare of the Child and the UN Committee on the Rights of the Child should further explore the conduct of field visits to follow up on recommendations and holding joint meetings to discuss areas of mutual cooperation.

V. The Human Rights Council Open-ended Working Group to explore the possibility of elaborating on an Optional Protocol to the Convention on the Rights of the Child will hold its first meeting in December 2009, and may benefit from the experience of the African Committee of Experts on the Rights and Welfare of the Child that already has this procedure.

VI. Thematic areas for mutual cooperation between special procedures mandate holders that have a similar mandate, e.g. The Special Rapporteurs on Human Rights Defenders: both UN and African SRs conducted joint missions and issued joint press releases, which led to greater visibility and gave more weight to their recommendations.

VII. Cooperate with Special Procedures mechanisms to receive communications and send joint appeals.

VIII. The Protocol for women's rights under the African system and the complementarities with CEDAW could be further explored.

IX. Cooperate in strengthening the participation of NHRIs and NGOs in regional and international human rights mechanisms.

9. Jointly carry out promotional and sensitization activities; disseminate, publicize and popularize jurisprudence, mechanisms and procedures in collaboration with relevant partners.

10. Discuss ways to cooperate to ensure greater access of individuals, civil society and NHRIs to the regional and African human rights mechanisms; ensure ratification of human rights instruments by States and fewer reservations, and encourage reporting and greater implementation of international obligations

11. Identify strategies to support follow up and implementation of all views, findings, conclusions and recommendations by international and regional mechanisms by State parties.

Participants at the Regional Consultation:

12. Encouraged States parties to commit to providing sufficient support to the African regional human rights mechanisms; to fulfill their reporting obligations; and commit to implementing their human rights obligations at the national level, including by developing rules of procedures on the implementation of decisions and recommendations and identifying focal points for different ministries to follow up the same.

13. Encouraged States parties, regional and international human rights mechanisms to continue to enhance cooperation with NHRIs, human rights NGOs, civil society and the media.

14. Called on UN mechanisms to assist in strengthening the capacity of the African mechanisms especially with regard to implementation of human rights norms at all levels but especially at the national level.

15. Agreed to promote a human rights culture in their countries through promotion of human rights education at all levels of society, and specifically human rights programs for security and law enforcement agencies, the judiciary as well as parliamentarians.

16. Welcomed the UN-AU cooperation, and called for regular meetings on thematic and procedural issues concerning their respective mechanisms to be convened between the two organizations.

Participants agreed to contribute these recommendations to the next international meeting to be held in Geneva in May 2010.

Addis Ababa, 30 November to 2 December 2009

Annex II

Regional consultation for the Americas

Summary of discussions

Experts from the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights, the United Nations (UN), representatives of Governments, national human rights institutions (NHRIs) and non-governmental organizations (NGOs) from the region as well as staff from the OAS and OHCHR participated in the above-mentioned consultation. They underlined the need for an institutionalized cooperation between the Inter-American and the UN human rights systems. Such cooperation would entail regular exchanges between the two systems at various levels and greater opportunities for consultation, joint actions, country visits, as well as regular sharing of information and documentation. Participants recognized that it would be important for the OAS to designate a high-level focal point for this purpose and/or a Unit that could follow-up on the recommendations formulate by this meeting. Such cooperation, which could be formalized through a Memorandum of Intent or a Memorandum of Understanding, could start immediately and be gradually expanded, taking into account the proposals discussed during the meeting.

1. It is important that both systems develop internal coordination mechanisms in order to facilitate enhanced cooperation.

2. Subject to availability of resources, the two systems should hold thematic discussions on priority issues, such as the prevention of torture and the protection of human rights defenders. Further opportunities for cooperation at different levels (international, regional and national) should be considered and modalities of cooperation developed accordingly, taking into account the important role that NHRIs and NGOs could play in strengthening the national human rights protection systems.

3. Regarding jurisprudence, the Inter-American system has been regularly consulting the jurisprudence developed by the UN human rights system. A more formalized system of interaction is required. For instance, both systems could exchange and circulate an electronic biannual bulletin which could include the main decisions adopted during that period. Information and data can be made available through user-friendly web-links.

4. A main area of cooperation is the following-up on decisions and recommendations that are of mutual concern to both systems. Except for the hearing procedure of follow-up by the Inter-American Court, as a priority other follow-up mechanisms need to be improved. The international system recognizes that despite the existence of follow-up mechanisms, the implementation of recommendations and views remains a great challenge. It would be welcomed to develop possibilities for joint follow-up of decisions and recommendations resulting from both systems.

5. Both systems should meet periodically in order to discuss possible strategies of cooperation including specific objectives, timelines and expected outcomes.

6. Mechanisms of cooperation/collaboration in specific areas could be institutionalized or formalized through:

- The strengthening of coordination and planning with respect to country visits of Special Rapporteurs, including consideration of the possibility to carry out joint visits and joint follow-up actions;

- The preparation of joint reports on situations that require special attention;
- The reports from the regional human rights mechanisms could be increasingly submitted –as official documents- to the UN Human Rights Council (i.e. country reports), so that they could be referred to the Universal Periodic Review (UPR) (i.e. OHCHR’s compilation);
- The presentation of technical briefs on cases that are before either system. For instance, a Special Rapporteur of either system could present an *amicus curiae* brief before the system that hears a case, provided it is relevant to the mandate in question;
- Both systems could make reference and consult each other’s jurisprudence, including in relation to the non-implementation of the decisions or recommendations. For example, the compilation prepared by OHCHR for the UPR could refer to the non-implementation of a decision or recommendation from the Inter-American Commission or the Inter-American Court;
- Regular meetings should be held between Special Rapporteurs of both systems, members of the Inter-American Commission and the Inter-American Court and members of UN human rights treaty bodies. For example, members of the Inter-American Commission and the Court could participate in the annual meeting of treaty bodies’ chairpersons. Similarly, Rapporteurs from the Inter-American Commission could join the Annual Meeting of UN special Rapporteurs, Representatives, Independent Experts and Chairpersons of Working Groups of the Human Rights Council;
- Issuing joint press releases, by UN and Inter-American System’s Special Rapporteurs;
- Conducting workshops and training sessions with the participation of experts and staff from both systems on specific thematic areas, such as the protection of human rights defenders, arbitrary detention, etc;
- The creation of an electronic database and user-friendly web links available on the respective web-pages, with a view to sharing information, including State parties’ reports, conclusions, recommendations, individual complaints (confidentially), views, reports and opinions from the UN and regional human rights mechanisms.

7. On the issue of collaboration and advice on specific thematic issues, the UN system could –for instance- provide expertise to the Inter-American System in the establishment of a Special Rapporteur on racism.

8. NHRIs could explore the possibility of working in a more coordinated manner with NGOs, especially on the interaction with the UN and the regional human rights systems.

9. The important role played by NGOs in following up decisions and recommendations resulting from both human rights systems was highlighted. NGOs and NHRIs could jointly ensure greater accountability and monitor closely the required follow up by the Government to the decisions and recommendations resulting from the international and regional human rights systems. NHRIs and NGOs could also actively contribute to the strengthening of the Government’s capacity to ensure the implementation of international human rights norms.

10. In the future, members of the constitutional courts of the OAS region could be invited to participate in meetings between the two systems, to deepen their

understanding of the two systems and also to encourage them to incorporate international human rights standards in their decisions.

11. Coordination with sub-regional mechanisms (such as the existing and emerging mechanisms of South America) should be established to contribute to the work already undertaken by the regional mechanism itself.

12. It is important to strengthen the role of both systems in the elaboration and implementation of national human rights action plans.

Washington DC, 8 and 9 December 2009

Annex III

Regional consultation for Europe

Summary of discussions

Experts from the Council of Europe (CoE), including members of different Committees and Groups of Experts, representatives of the European Court of Human Rights, the Directorate General of Human Rights and Legal Affairs and the Office of the CoE Commissioner for Human Rights, the European Union Agency for Fundamental Rights (FRA), the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), as well as United Nations human rights experts, representatives of Governments, National Human Rights Institutions (NHRIs) from the region, NGOs, and staff of the Office of the High Commissioner of Human Rights (OHCHR) discussed existing ways and means of cooperation and new approaches to developing and deepen them.

Participants recognized the importance of cooperation between the UN human rights system and the various European human rights mechanisms, for the purpose of better promoting and protecting and enhancing universality of human rights.

Participants also noted the complementarity between the international, regional and national human rights systems and the need to have effective cooperation, especially in the implementation of human rights norms at the national level.

They also highlighted the importance of cooperation with NHRIs and civil society organizations in the implementation of human rights norms at the national level, and further indicated the importance of establishing NHRIs where they do not exist, expanding their mandates when these do not cover all human rights issues and ensuring their independence and that they have a broad range powers, in compliance with the Paris Principles.

The following recommendations were discussed:

1. Both systems should build upon their existing means of cooperation from the planning stage onwards.
2. The strengthening of the regular exchange of information between the UN and the European mechanisms could include:
 - Developing a more regular and formalized system of exchange of jurisprudence, which could be facilitated through improvements to websites and databases. Judicial colloquia could also be organized, with the active participation of NGOs and NHRIs, in order to exchange experiences and jurisprudence.
 - More reciprocal use made of findings and recommendations by European and UN human rights mechanisms, thereby contributing to the universality of human rights and the coherence of international human rights case law.
3. Joint efforts to follow up judgments, decisions and recommendations resulting from the UN and European mechanisms would be a welcome development since, even though there are already some mechanisms for follow-up, implementation of judgments, recommendations and views still remains a great challenge.
4. Existing cooperation with NHRIs should be enhanced so as to facilitate their role in monitoring the application of international human rights standards and in following-up on the implementation of judgments, decisions and recommendations resulting from UN

and European human rights mechanisms. This could be assisted by the establishment of a secretariat for the NHRIs Network in Europe and inviting NHRIs to be observers in meetings and consultations.

5. Civil society, including international and local NGOs, should be encouraged to actively participate in the process of enhancing cooperation between the UN and the European human rights systems, given their knowledge of the functioning of both systems.

6. More specific means of cooperation could include:

- Meetings between members of the European human rights mechanisms and members of UN Special Procedures and Treaty Bodies
- Conducting joint missions, taking into account specific criteria to determine its convenience in each concrete case.
- Exchanging information and experience regarding rules of procedures, working methods and reporting procedures, in order to better define cooperation and to learn from best practices.
- Keeping under review thematic areas and issues for mutual cooperation, for instance building upon the experience of the CoE Commissioner for Human Rights, the OSCE focal point on Human Rights Defenders and the UN Special Rapporteur on Human Rights Defenders.
- Reciprocal sharing of best practices and lessons learned in the promotion and protection of human rights.
- Taking systematically into account of reports from the European human rights mechanisms by the UN Human Rights Council in the UPR.
- Reviewing the status of regional systems within the UPR.
- Continuing exchanges between the OHCHR and the CoE (desk to desk cooperation) and possibly developing similar exchanges with other European institutions.
- Examining the possibility of exchanging staff between European and UN mechanisms.
- Strengthening joint efforts to provide technical cooperation to States. This could include training for judges, civil society, local governments and Parliaments.
- Expanding the development and use of joint publications, as well as the possible adoption of joint standards and guidelines.

7. Cooperation between European human rights mechanisms and OHCHR field presences in the region should also be enhanced and the possibilities of effective collaboration with UN Country Teams and UNDP Regional Offices should be explored.

8. The possibility of OHCHR and ODIHR becoming involved in FRA's management board should be explored.

9. Joint efforts should be undertaken by European and UN human rights mechanisms, together with NHRIs and NGOs, to achieve a greater understanding by the general public of both these mechanisms and the standards that they seek to secure. This should include efforts to expand the translation of official documents and case law from official languages.

10. The financing of European and UN human rights mechanisms should take due account of the costs involved in securing effective cooperation between them.

Strasbourg, 16 and 17 December 2009

Annex IV

Enhancing cooperation between regional and international mechanisms for the promotion and protection of human rights

International Workshop Geneva, Switzerland – 3 to 4 May 2010
Palais des Nations – Room XIX

Programme

Day 1 (3 May 2010)

“Developments regarding the cooperation between the international human rights system and regional human rights mechanisms”

Objective: *Representatives of the existing regional human rights mechanisms in Africa, the Americas and Europe will share the results of the regional consultations, held in November – December 2009, and will discuss lessons learned and proposals for enhanced cooperation between the international human rights system and their respective mechanisms. Subsequently representatives from the new human rights bodies in ASEAN (AICHR) and LAS (Arab Human Rights Committee - TBC), and the emerging mechanism of the OIC will present contributions from their respective human rights mechanisms. Participants will discuss ways in which proposals made during the consultations could be implemented and to what extent they could be adapted to other regional human rights mechanisms. Background documents will be provided to the participants containing an overview of international and regional human rights mechanisms.*

09:00 – 10:00	Registration
10:00 – 10:30	Opening session Ms. Navanethem Pillay, High Commissioner for Human Rights, and Mr. Carlos Portales, Vice- President of the Human Rights Council
10:30 – 12:00	Chair: Belgium Existing regional human rights mechanisms: lessons learned and proposals for enhanced cooperation between regional human rights mechanisms and the UN human rights system New and emerging human rights mechanisms: contributions from AICHR –ASEAN and LAS <u>Panelists:</u> Ms. Reine Alpini- Gansou (Chairperson African Commission of Human and Peoples’ Rights); Mr. Santiago Canton (Executive Secretary Inter-American Commission of Human Rights); Mr. Jean François Kammer (CoE SRSG in Geneva); Mr. Douglas Wake – (Deputy Director ODIHR); Mr. Rafendi Djamin (Indonesian Commissioner of the AICHR) and Mr. Frans Viljoen (expert on LAS mechanisms)
12:00 – 13:00	Discussion
13:00 – 15:00	<i>Lunch break</i>

“National Human Rights Institutions (NHRIs) and Non-Governmental Organizations (NGOs)’s role in interacting with international and regional human rights mechanisms”

Objective: National Human Rights Institutions and Non-Governmental Organizations will share their experience on their interaction with international and regional human rights mechanisms. Possible ways in which NHRIs and NGOs could contribute to further enhancing the cooperation between international and regional human rights mechanisms will also be discussed.

- Chair: Senegal**
- 15:00 – 16:30 **The experience of National Human Rights Institutions (NHRIs) and Non-Governmental Organizations (NGOs) in interacting with international and regional human rights mechanisms: lessons learned and proposals**
- Panelists: Representative NHRI Morocco (Chair of the NHRI African Network); Representative NHRI Ireland (Chair of European Network); Representative NHRI Venezuela (Chair of the Americas Network); Representative NHRI Jordan (Chair of Asia Pacific Network); Ms. Hannah Forster (The African Center for Democracy and Human Rights Studies); Ms. Ariela Peralta (Center for Justice and International Law – CEJIL); and Mr. Jamil Dakwar (American Civil Liberties Union).
- 16:30 – 17:30 **Discussion**
- 17:30 – 18:00 **Wrap-up of Day 1 including suggestions for Day 2 of the programme**
- Panelists: Mr. Frans Viljoen (expert on the African human rights mechanisms); Ms. Catalina Botero (expert on the Inter-American human rights system – IACHR’s Special Rapporteur for freedom of expression); and Mr. Jeremy McBride (expert on the European human rights mechanisms)

Day 2 (4 May 2010)

“Enhancing cooperation between the international human rights system and existing regional human rights mechanisms: concrete proposals”

Objective: Representatives of the existing regional human rights mechanisms and of the international human rights system will discuss channels and ways of enhancing cooperation, focusing on the specific areas of their various functions. This will allow the formulation of concrete proposals for institutionalized cooperation between them. Representatives from new and emerging human rights mechanisms, Governments, NHRIs and NGOs will actively participate in the discussions.

- Chair: Armenia**
- 10:00 – 11:00 **Information sharing between existing regional human rights mechanisms and the international human rights system**
- Including among others, sharing of jurisprudence; best practices; lessons learned; rules of procedure; working methods; reporting procedures; databases; websites; exchanges of staff and possible regular meetings.

Panelists: Mr. Jeremy Sarkin (Chairperson – Rapporteur UN Working Group on Enforced disappearances); Mr. Michael O’Flaherty (Member UN Human Rights Committee); Mr. Manuel Ventura (Judge Inter-American Court of Human Rights); and Mr. Mauro Palma (President European Committee for the Prevention of Torture and Inhuman or Degrading treatment or Punishment).

11:00 - 12:00

Discussion**Chair: Thailand**

12:00 - 13:00

Possible joint activities between existing regional human rights mechanisms and the international human rights system

Including among others, complaint mechanisms, advisory functions, thematic coordination, promotional and monitoring activities, (e.g. technical assistance, visits in situ etc).

Panelists: Mr. Mario Coriolano (Vice-President UN Subcommittee on Prevention of Torture); Ms. Margaret Sekaggya (UN Special Rapporteur on the situation of Human Rights Defenders); Ms. Catalina Botero Special Rapporteur for freedom of expression Inter-American Commission of Human Rights; Ms. Polonca Koncar (President European Committee of Social Rights) Mr. Stephanos Stavros (Executive Secretary European Commission against Racism and Intolerance), John Kellock (Fundamental Rights Agency) and Mr. Feyi Ogunade (African Commission of Human and People’s Rights).

13:00 – 15:00

Lunch break

15:00 – 15:45

Discussion**Chair: México**

15:45 - 16:45

Enhanced follow up to decisions and recommendations of existing regional human rights mechanisms and the international human rights system

A main area of cooperation is the following-up on decisions and recommendations of the international human rights system and the existing human rights mechanisms. Participants will discuss how to develop possibilities for joint follow-up activities.

Panelists: Mr. Michael O’Flaherty (Member UN Human Rights Committee); Ms. Reine Alpini-Gansou (Chairperson African Commission of Human and Peoples’ Rights); Mr. Santiago Canton (Executive Secretary Inter-American Commission of Human Rights); and Mr. Alan Phillips (President Advisory Committee of the Framework Convention on Protection of National Minorities)

16:45 – 17:30

Discussion

17:30 – 18:00

Conclusions

High Commissioner for Human Rights and the President of the Human Rights Council