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**ANNUAL REPORT OF THE UNITED NATIONS HIGH COMMISSIONER  
FOR HUMAN RIGHTS AND REPORTS OF THE OFFICE OF THE HIGH  
COMMISSIONER AND THE SECRETARY-GENERAL**

**Report of the Secretary-General on the workshop on regional arrangements for the  
promotion and protection of human rights, 24 and 25 November 2008\***

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\* Late submission.

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## **Introduction**

1. In its resolution 6/20, the Human Rights Council requested the Office of the High Commissioner for Human Rights (OHCHR) to convene in 2008 a workshop “for an exchange of good practices, added value and challenges” for regional arrangements for the promotion and protection of human rights. The workshop would include the participation of “representatives of the relevant regional and subregional arrangements from different regions, experts as well as all interested United Nations Member States, observers, national human rights institutions and representatives of non-governmental organizations”.

2. In accordance with resolution 6/20, OHCHR duly convened the workshop over one and a half days on 24 and 25 November 2008. Planning of the workshop was undertaken in consultation with the co-sponsors of resolution 6/20, Belgium, Mexico, Armenia and Senegal. Representatives of both existing and emerging regional human rights mechanisms from all regions of the world were invited to participate, as were representatives of regional groupings of national human rights institutions (NHRIs) and prominent civil society organizations from each region. The United Nations human rights system was represented by the Chair of the Committee on the Elimination of Racial Discrimination, representing United Nations treaty bodies, and the Chair of the Working Group on Enforced and Involuntary Disappearances, representing the Human Rights Council special procedures mandate holders. The Deputy High Commissioner for Human Rights provided the opening address and closing remarks were made by the President of the Human Rights Council. The workshop was co-chaired by the Permanent Missions of Belgium and of Mexico. OHCHR acted as Rapporteur.

3. Participants responded positively to the workshop, which was the first time that regional and subregional mechanisms for human rights promotion and protection had been brought together under the auspices of the Human Rights Council. Twenty-eight representatives of regional and subregional mechanisms, NHRIs and non-governmental organizations (NGO) participated in the workshop, which was also attended by a number of permanent missions accredited to the United Nations Office at Geneva. The present report summarizes the information shared and observations made during the course of the workshop. It includes a series of conclusions based on the key points of the discussion, with the aim of strengthening cooperation between regional and international human rights mechanisms.

### **I. HUMAN RIGHTS COMMISSIONS AND SIMILAR MECHANISMS, INCLUDING EMERGING MECHANISMS**

4. Following the inaugural session, the first session of the workshop covered human rights commissions and similar mechanisms, including emerging mechanisms. Representatives of the Council of Europe Commissioner for Human Rights, the Inter-American Commission on Human Rights and the European Union Agency for Fundamental Rights (FRA) addressed the workshop. The African Commission on Human and Peoples’ Rights (“the African Commission”) was unfortunately unable to attend the workshop due to a conflicting schedule of hearings. The absence of the African Commission has impacted on the extent to which its work could be considered during the workshop.

### **A. Mandates of regional commissions and similar mechanisms**

5. In general, regional human rights commissions and similar mechanisms are quasi-judicial in nature although they may also have certain non-judicial functions. The mandate of each mechanism must be clearly established in the original instrument creating the mechanism and may focus on awareness and prevention, or enforcement of human rights standards, or both. In several jurisdictions, the regional organization which creates the human rights mechanism has bestowed additional mandates upon it over time. For example, in the case of the Inter-American Commission, the Organization of American States (OAS) has created a number of mandates for rapporteur, to foster greater awareness of certain critical thematic issues. A special unit has been established in the Commission secretariat to work with human rights defenders. In 2008, the Council of Ministers of the Council of Europe also provided the Human Rights Commissioner with a mandate to work with human rights defenders.

6. The Inter-American Commission receives complaints from individuals and determines whether the member State in question is responsible for the alleged human rights violation. A confidential working meeting (*reunion de trabajo*) with the parties may be held in order to achieve a friendly settlement of the complaint. Should this not be successful, the Commission may conduct a public hearing on the merits and, if the member State is found to have been responsible for a human rights violation, will issue recommendations to the State for reparations. The Commission encourages member States to ratify both regional and international human rights treaties.

7. The Inter-American Commission is linked to the Inter-American Court in that where member States fail to comply with recommendations of the Commission, the complaint will be forwarded to the Court unless a decision is taken not to do so. An extremely important tool of the Commission is the power to order member States to take precautionary measures where the Commission believes there is an urgent and serious situation. This power also exists in the Inter-American Court, which is the only regional court specifically mandated to take such measures by the governing treaty (the American Convention on Human Rights) and where the measures are known as provisional measures.

8. In the European system, where there are a number of human rights organs, a Memorandum of Understanding establishes their respective mandates to avoid duplication of activities. The Council of Europe Human Rights Commissioner focuses on prevention of human rights violations, by promoting awareness of human rights standards and their implementation by the 47 member States of the Council. As a high-level authority, the Commissioner enjoys permanent dialogue with member States at the highest levels and is able to provide advice to Governments regarding legislation and policies. The Commissioner prepares reports, including annual reports and reports for the Parliamentary Assembly. He or she may issue legal opinions to member States, to other European organs and to international bodies, such as the International Criminal Court in order to prevent human rights violations and to promote compliance with human rights standards. The Commissioner does not render determinations of fact in individual cases. In addition to “contact visits” to assess human rights implementation by member States, the Office of the Council of Europe Human Rights Commissioner may also undertake special missions in

response to certain events that raise human rights concerns. The reports of such special missions are published on the Commissioner's website. Field offices representing the Commissioner may be established on an exceptional basis, as in Chechnya. The office of the Human Rights Commissioner is expected also to have the authority to submit written comments and take part in hearings of the European Court.

9. Generally, regional commissions and similar mechanisms will only address issues relating to member States of the regional organization. In the case of the European Union Agency for Fundamental Rights (FRA), the Agency is permitted to deal with countries that have a third-party relationship with the European Union, such as Croatia, Turkey and the former Yugoslav Republic of Macedonia. It is also able to consider human rights implementation in countries which have a stabilization agreement with the European Union, such as States of the former Yugoslavia. FRA focuses on scientific data collection (see below) and can provide any body of European Union with a legal opinion on proposed legislation by any member State.

### **B. Emerging mechanisms**

10. In the case of emerging mechanisms, it was suggested that any new human rights mechanism should have a broad mandate to promote and protect human rights. The importance of adopting a human rights charter that reflects international human rights standards was stressed by workshop participants. Further, existing organs within the organization that have a mandate concerning human rights protection should be subsumed within the mandate of the human rights commission, so as to ensure consistency. The commission or other body established under the charter should have power to mainstream human rights through all other organs of the organization. Concern was expressed that the charters of some emerging mechanisms may not meet international standards and that they should be drafted in such a way as to allow an evolutionary approach to the protection of human rights within the organization, as its capacity and jurisprudence develop. Both representatives of the Association of South East Asian States (ASEAN) Secretariat and the League of Arab States (LAS) Human Rights Department noted that they expected that their respective mechanisms would be further strengthened in the future. Transparency in the establishment process was noted as vital to the subsequent credibility of the human rights mechanism.

### **C. Independence**

11. The speakers stressed the importance of ensuring that the commissioner(s) is independent of his or her own State and of other organs within the regional organization. There are several safeguards that can help achieve this goal. The method of the selection of the commissioner(s) is critical, as is the limit on the number of terms that commissioners may serve. The Council of Europe Human Rights Commissioner is elected by the Parliamentary Assembly of the Council and has a non-renewable mandate of six years. The seven Commissioners of the Inter-American Commission on Human Rights are elected by the General Assembly of the OAS for a four-year term and may be re-elected only once. Candidates are publicly announced in advance, to allow civil society an opportunity to comment on their suitability for the post. During the life of the Inter-American Commission, some Commissioners have stood down when they were appointed

to a public position in their own country. This has reinforced the independent nature of the Commission. Similarly, the members of the FRA management board act independently of their countries.

12. Adequate resourcing of regional commissions is crucial for independence. It was observed that where mechanisms obtain a large proportion of their funds in the form of voluntary contributions from member States, this may obscure the focus of the commission by resulting in a tendency to address the particular concerns of the State involved. Moreover, without adequate resources commissions cannot be as effective as originally intended, due to lack of sufficient staff and facilities.

13. The manner in which the powers of the human rights mechanisms are carried out is also a means of reinforcing institutional independence from member States. For example, the Council of Europe Human Rights Commissioner can visit member States at their request or on his own initiative. FRA seeks information from member States of the European Union and secondary sources but also undertakes its own research to gather information that is as independent as possible. As the reports of FRA are comparative at the European level, they are not subject to review and comment by member States.

14. Independence does not need to be an obstacle to cooperation and coordination between bodies. The Council of Europe is represented on the FRA management board, so as to facilitate greater cooperation. The Council of Europe Human Rights Commissioner sends his reports to the relevant member State before publication but this does not entail that the member State has a *droit de regard* over the final conclusions and recommendations. Reports of the Inter-American Commission are provided to member States for comments and both the OAS Permanent Council and the General Assembly discuss pertinent issues with the Commission. Member States are welcome to participate in public hearings on cases as well as on thematic issues and to defend accusations made against them.

#### **D. Data collection**

15. FRA was created in 2007 to provide institutions and member States with advice and expertise in implementing human rights standards in each country. FRA monitors the implementation of the legislation of member States to see whether national legislation upholds the human rights obligations of the country in accordance with the European Union system. It uses scientific data-collection techniques which enable it to develop representative samples and assess multiple fields of discrimination against rights-holders with certain characteristics. Requests for specific data collection come from the European Commission, the European Council and the European Parliament.

16. The importance of maintaining a comprehensive picture of the human rights situation in each member State was emphasized in the experience of the Council of Europe Human Rights Commissioner. When this post was created, the Office undertook an assessment of the human rights implementation by all member States. Since then, some follow-up missions have been conducted to obtain up-to-date information. Priority issues in each member State are identified on the basis of these assessments and included in memoranda to the State party, to advise them of their human rights obligations.

### **E. Relationship with national human rights institutions and non-governmental organizations**

17. Throughout the workshop, speakers referred to the mutually-supportive relationship between regional commissions and NHRIs and NGOs. Regional mechanisms can support NHRIs to develop their institutional capacity, while NHRIs offer knowledge of the specific in-country situation and can operate more efficiently than regional mechanisms in resolving individual complaints. The effective functioning of NHRIs is crucial to ensure that complaints may be adequately addressed at the national level and that the number of complaints reaching the regional and international forums does not increase at an unsustainable rate.

18. In the case of ASEAN, it was noted that the United Nations and NHRIs in the region were spear-heading international support for the establishment of a regional human rights mechanism. Far from creating any duplication of mandates between NHRIs and a regional mechanism, the national bodies facilitate the sharing of best practice and support the development of regional mechanisms that will play a role distinct from that of the NHRIs. In both the ASEAN and the Pacific regions, it was observed that a number of countries do not yet have NHRIs and that these are an essential component of the human rights protection framework. Regional mechanisms are particularly important in the absence of effective NHRIs. A large number of cases presented to the Inter-American Commission during the 1970s and 1980s arose in countries that afforded no domestic recourse for human rights violations.

19. The Council of Europe Human Rights Commissioner works closely with NHRIs, including through a peer-to-peer project to share information on human rights standards issued by the Council of Europe and the United Nations to ensure that NHRIs are kept up to date on the standards they should apply. FRA works with Governments in some cases to support institutional capacity-building and with civil society to promote increased awareness of human rights standards. While FRA obtains human rights data from NGOs, it works more closely with civil society in the design of research activities by FRA. National reports are also prepared for FRA by contractors. These are published in the interests of transparency. The partnership between civil society and the Inter-American Commission and Court is very important. Regional and national civil society groups are increasingly submitting complaints to the Inter-American Commission. Furthermore, civil society has a vital role to play in the selection process to identify commissioners and judges.

20. The issue of whether formal consultative status is required for NGOs wishing to engage with regional mechanisms is addressed differently from region to region. The Council of Europe Human Rights Commissioner does not set criteria for consultative status and NGOs engage with the Commissioner freely. In the African human rights system, NGOs have established a forum, which meets prior to the African Commission hearings. African NHRIs were granted special observer status with the African Commission in resolution 31 (XXIV) in 1998. This status permits the individual NHRIs to work more closely with the African Commission in the promotion and protection of human rights. The resolution also states that any national institution shall be required to submit reports to the African Commission every two years on its activities in the promotion and protection of the rights enshrined in the Charter, although until now only four have been able to submit a report. It was observed that NHRIs are to some extent half-way between Governments and civil society and thus could act as a bridge to enhance collaboration towards the implementation of decisions of the African Commission.

## **F. Caseload and the use of inter-State complaints**

21. Regional commissions may be able to receive both specific individual cases and complaints of a general nature. Dealing with repetitive cases of a similar nature increases the caseload of the commission without improving efficacy of human rights implementation by States and is beginning to be dealt with in the European system by pilot judgements. The power to provide member States with legal advice on legislation and policy is also extremely important to address issues of concern and prevent them from resulting in human rights violations. It was also observed that regional mechanisms which have a preventative advisory role can draw on their experience addressing human rights complaints brought against a member State to alert other member States to the issue and advise of the appropriate steps to be taken in order to prevent human rights violations from occurring in similar circumstances.

22. The Inter-American Commission can receive inter-State complaints but to date only two have been filed. One of these was declared inadmissible, as it was filed by the member State against itself (Costa Rica). The other, *Nicaragua v. Costa Rica*, was filed only in 2007 and was also declared inadmissible for failure to exhaust domestic remedies. The Inter-American Commission has obtained additional funding to enable it to reduce waiting times for individual complaints from five or six years to two years in the near future.

23. Generally, caseloads in regional mechanisms are increasing, underlining the need for effective NHRIs to ensure that as many cases as possible are resolved at the national level. Other domestic measures can be taken to promote efficiency within the regional mechanism: for example, the promulgation of laws providing that all regional Commission and Court decisions are incorporated into national jurisprudence would facilitate legal reform and address issues on a preventative basis.

24. It was observed that the complaints submitted to the Inter-American Commission reflect an increasing concern with due process of law issues, characteristic of the expansion of democracy amongst the member States of the OAS.

## **G. Compliance by member States with decisions of the Commission and universality of human rights standards**

25. During the workshop, it was noted that compliance by member States is fundamental to the success of regional human rights mechanisms. Compliance is heavily dependent on the degree of political will of the various member States and to overcome this obstacle, the member States should have domestic mechanisms in place, such as NHRIs, with constitutional or legislative powers to ensure that the State upholds the decision of the regional human rights body.

26. The Council of Europe Human Rights Commissioner enjoys a positive interaction with member States. When representatives of the Commissioner travel, they are often met by the President or Prime Minister of the member State. It was reported that member States often establish committees to follow up on the Commissioner's recommendations or develop comprehensive national human rights action plans in response to recommendations. However, it was also noted that regional mechanisms should follow up with member States regarding implementation of the recommendations as in some cases member States have established action



plans but have subsequently not implemented them. By translating its reports into local languages whenever possible, the Human Rights Commissioner ensures accessibility by all actors, thus facilitating greater compliance by member States.

27. The Inter-American Commission has been able to have a significant impact in the region. As a result of its findings and recommendations, member States have amended domestic legislation, established or reopened domestic complaints procedures and amended their constitutions. National courts are beginning to include the decisions of the Commission and Court in their legal analysis and to apply those findings. The decisions of the Inter-American Court have four components: financial compensation for both material and moral damages, a guarantee of non-repetition of the violation, the payment of costs and expenses of litigation at both the domestic and international level and non-pecuniary reparations such as the erection of a monument, publication of the judgement in the national press, an apology, etc. Of these, it appears that member States are most willing to provide the recommended financial compensation and to make other reparations, for example, to erect a monument to mark an incident. Legislative and cultural reform as recommended by the Commission or Court is much harder to achieve at the national level. Member States appear to have particular difficulty in investigating and prosecuting people accused of committing human rights violations.

28. Following the promulgation of a procedural rule in 2001, when member States fail to comply with the recommendations of the Inter-American Commission, the Commission forwards the case to the Inter-American Court unless the Commission takes a decision not to do so. From that point on, the case is addressed in accordance with the Court procedure. The complainant, the member State and the Commission will all be represented in the Court hearing.

29. The discussions looked at the carrot and the stick approach to encouraging compliance by member States with the decisions of regional human rights mechanisms. While it was noted that loss of membership of the regional organization might be the most effective means of ensuring that the member State complied with the relevant decisions, this would be far from the most effective means of fostering the development of a human rights culture in the member State. A high standard of performance by the regional human rights mechanism would also encourage member States to comply with its recommendations and decisions by proving its value to the member States. This can be achieved in part through the production of useful and relevant reports and decisions that offer constructive advice for human rights implementation. However, independence and funding do have an impact on performance. States must be prepared to support regional mechanisms adequately or they will not be capable of fulfilling their mandates for the promotion and protection of human rights.

30. The need for harmony between international, regional and sub-regional human rights standards was highlighted as a key institutional issue. In the Asia Pacific region, concern was expressed that subregional bodies that might be created in the future could operate on the basis of human rights standards that are lower than the regional or international standards. The Charter of the League of Arab States was identified as a regional human rights document that diverges from international human rights standards, including those in treaties ratified by the member States of the League. This challenge notwithstanding, it was observed that the adoption of the Charter represented a significant development in the Arab region and that the standards contained in the Charter may be strengthened through the work of the Arab Human Rights

Committee, which will have broad capacity to set its own rules of procedure. In particular, it was noted that similar weaknesses had been commented upon when the African Charter on Human and Peoples Rights first came into existence and that the African Commission had steadily increased human rights protection through its decisions, including several innovations in the relationship between the Commission and rights-holders.

31. Regional mechanisms, whether commissions or courts, are able to combine national and regional jurisprudence with international standards, to address the particular needs of their respective regions. This does not have to entail a reduction in human rights protection and can even build upon protection provided at the international level.

## **II. HUMAN RIGHTS COURTS**

32. Participants provided an overview of the operations of the Inter-American Court and the European Court. Neither the African Court nor the Inter-American Court could attend the workshop due to their respective hearings schedules. Again, the absence of these bodies from the workshop limited the extent to which their respective experience could be considered in the course of discussions.

### **A. Mandates**

33. The European Court of Human Rights has jurisdiction to hear complaints brought against any of the 47 member States of the Council of Europe. It can receive cases from individual complainants and from member States as inter-State complaints. The Court indicates interim measures, which are binding.

34. The Inter-American Court can provide advice as well as rulings in individual complaints. Its rulings address both specific reparations for the individual complainant(s) and guidelines to the relevant member State to undertake institutional or legal reforms to ensure that the violation is not repeated. In this way, the Inter-American Court is a pedagogical resource for OAS member States and addresses the root causes of human rights violations.

35. Generally, as with commissions, individuals must exhaust domestic remedies before bringing cases to any regional court. However, it was observed that this is not a condition for the submission of cases to the Economic Community of West African States (ECOWAS) Court of Justice or the East Africa Court.

### **B. Independence**

36. The judges of the Inter-American Court do not sit at the Court full-time. They have full-time jobs in their home countries and meet regularly four times per year for hearings, increasingly in different countries of the hemisphere at the invitation of a member State. In the Inter-American Court, the Secretariat staff are the only permanent personnel.

37. Since 1998, the judges of the European Court of Human Rights (now 47) are permanent judges, with no more than one judge elected from any member State. This arrangement was designed to enhance the independence of the Court.

### **C. Relationship with national human rights institutions and non-governmental organizations**

38. NGOs may intervene in cases before the European Court of Human Rights as a third party after seeking leave of the President of the Court. In the Inter-American Court, NGOs generally (or often) may represent the victims of human rights violations.

39. Since September 2008, the European Group of NHRIs, currently chaired by the Irish Human Rights Commission, has developed an internal procedure for the identification of cases before the European Court that would be suitable for intervention. In such cases, the Irish Human Rights Commission seeks leave of the Court to make a third party intervention.

### **D. Caseload, the use of inter-State complaints and obstacles to access**

40. The European Court of Human Rights has a current caseload of approximately 100,000, which poses a significant challenge to the efficiency of the Court. It was observed that 55 per cent of all cases relate to only 4 of the 47 member States: Russia, Turkey, Ukraine and Romania. Although the Court may receive inter-State complaints, these are very rare. Individuals living in the member States are increasingly aware of the existence of the Court and have an expectation that their cases will be heard by it. Around 90 per cent of submitted complaints will not proceed to a hearing due to their inadmissibility. The European Court is considering how to address its caseload through the use of pilot cases. However, it was observed that the usefulness of pilot cases is limited to the extent that they cover the multiple issues stemming from the circumstances of the case.

41. While facilities such as inter-State complaints and pilot cases were considered useful if addressing systematic human rights violations, these measures should not preclude individual victims of human rights violations from being awarded individual reparations, including acknowledgments of the violation suffered and financial or other compensation. The right of individual victims to participate in court proceedings should also be protected.

42. Although the European Court has only two official languages, English and French, correspondence is received in around 35 languages. Where the case is an urgent matter it will be heard regardless of the language of the submitted complaint. Since there is no legal obligation on member States to translate the decisions of the Court into their national language(s), not all States do so, with the result that the Court jurisprudence may not be well known by the judiciary and legal community of some member States.

43. The lack of financial assistance for complainants is a concern in the Inter-American Court, where there is a discussion on the possible establishment of a legal aid fund. Legal aid is available in the European Court of Human Rights but not from the outset of the case. The Inter-American Court faces challenges in recruiting enough staff of high calibre.

44. In regions where there is significant linguistic or cultural disparity between certain geographic areas, it was suggested that the establishment of subregional commissions or courts might be more effective. There are multiple regional groupings in Africa and States may be party to more than one. Harmony of human rights standards and State jurisprudence at the subregional level is then particularly valuable, in order to streamline processes and prevent recourse to inefficient tribunal-shopping by complainants, both individual and State.

### **E. Compliance by member States with decisions of the Courts**

45. Compliance by Council of Europe States with rulings of the European Court of Human Rights was reported to be excellent. The Committee of Ministers keeps the case file open until the judgement of the Court is implemented. However, while compliance with rulings on individual cases may be high, this does not always translate into institutional and legal reforms required to ensure that similar cases do not recur.

46. Membership of the Council of Europe is dependent upon the State agreeing to ratify the Convention for the Protection of Human Rights and Fundamental Freedoms (“the European Human Rights Convention”). The Convention is also incorporated into the domestic legislation of all member States, with the consequence that it is directly enforceable in the domestic courts. In the long-term this should ensure that the rights and freedoms guaranteed by the Convention are increasingly protected at the national level with less need for recourse to the regional Court. However, training for domestic judges on the jurisprudence of the Court and the application of the Convention is essential.

47. Compliance with judgments of the Inter-American Court was noted to be less consistent, with some States requiring additional encouragement to implement the Court rulings. In some countries, the national judiciary incorporate the Court jurisprudence while others are more resistant. An ongoing dialogue is required to bridge this gap.

### **III. RELATIONSHIP OF THE REGIONAL HUMAN RIGHTS MECHANISMS WITH THE UNITED NATIONS HUMAN RIGHTS SYSTEM**

48. Regional mechanisms frequently refer to the international human rights standards in their overall analysis of the human rights conditions in their respective regions. In the Inter-American system, the Commission encourages member States to ratify both the regional human rights treaties and the United Nations treaties.

49. The reports of the Council of Europe Human Rights Commissioner are used in the Universal Periodic Review (UPR) process of the Human Rights Council and the Commissioner intends to assist in the implementation of recommendations made by the UPR Working Group to the member States of the Council of Europe by following up on the pledges those member States made during the Review process. The Commissioner considers the decisions of the United Nations treaty bodies and specialized agencies such as the International Labour Organization (ILO) and United Nations Educational, Scientific and Cultural Organization (UNESCO) when preparing legal opinions. FRA has established a network of liaison officers, which meets several times a year, to facilitate a working relationship with the United Nations bodies, the Organization for Security and Cooperation in Europe (OSCE), the European Parliament and other agencies of the European Union and all member States.

50. From the perspective of the United Nations human rights system, the reports and findings of regional human rights bodies are likely to be consulted when Member States are undergoing examination by the treaty bodies or when cases have been referred to the 38 special procedures mandates of the Human Rights Council. The special procedure mandate holders will consider whether the Member State has been examined by a regional human rights body. Reference to the jurisprudence and other documentation of a regional human rights mechanism can strengthen the

findings of the treaty bodies and special procedures by placing the Member State in its regional context and emphasizing its complimentary set of human rights obligations within its own region.

51. Some initial steps have been taken towards strengthening cooperation between the United Nations human rights system and regional mechanisms, including a joint mission of OHCHR and the Special Rapporteur on the independence of judges and lawyers to the Inter-American Commission in October 2007. In the Inter-American system, there has been cooperation with the Human Rights Council Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the Working Group on people of African descent, and also between the Special Rapporteur on the promotion and protection of the rights to freedom of opinion and expression, the African Union and the Inter-American Commission. Cooperation between special procedures of the Human Rights Council and the African Commission has covered the human rights of internally-displaced people, while there has been cooperation on a wide range of issues between special procedures and the European system. Aside from coordination on thematic issues and the study of jurisprudence from the regional and international systems, cooperation can take more practical forms. Where complaints are deemed inadmissible to regional courts and commissions on technical grounds, they may be remitted to the relevant special procedure mandate holder, since special procedures are not judicial bodies and can be more flexible in the nature of the complaints they pursue with the Member States.

52. Cooperation between OHCHR and the regional human rights organizations in support of emerging mechanisms was also highlighted. In particular, the assistance provided by OHCHR in revising the Arab Charter to improve its compliance with international human rights standards binding on LAS member States was noted as a positive contribution.

53. The United Nations system could also benefit from greater engagement with regional mechanisms in terms of adopting best practices that have emerged at the regional level. It was noted that follow-up to the implementation of decisions by the United Nations treaty bodies could be strengthened by adopting procedures similar to that employed by the European system. The United Nations human rights mechanisms could also be strengthened by adopting selection procedures used successfully by regional mechanisms to enhance the independence of courts and commissions.

54. The benefits of a coordinated regional and international approach to human rights promotion and protection are not limited to efficiency and information-sharing. Regional and subregional mechanisms, which are located geographically closer to the complainant, may be more visible and considered more approachable by the complainant. This could be particularly the case for complainants who lack the resources to direct their case to the international system. At the same time, when cases are reported simultaneously to the regional human rights body and to the relevant United Nations treaty body (where applicable) or the Human Rights Council special procedure, the Member State may be put on notice that it is being scrutinized and this may encourage domestic resolution of the complaint in accordance with international and regional human rights standards.

55. Cooperation between regional mechanisms has increased in the past 10 years but still lacks the efficiency and regularity that would be obtained through systematic exchanges. There was

consensus that inter-regional cooperation is essential to strengthen human rights protection and the institutions themselves. It was suggested that the United Nations should take the lead in organizing coordination activities such as this workshop.

#### **IV. CONCLUSIONS AND RECOMMENDATIONS**

**56. Regional human rights commissions and courts serve an invaluable role in the promotion and protection of international human rights standards and have a symbiotic relationship with the NHRI of their member States and civil society organizations.**

**57. The High Commissioner for Human Rights should be invited to appoint a high-level focal point to facilitate future networking and information-sharing between the Human Rights Council, the regional and subregional human rights mechanisms and OHCHR.**

**58. This focal point should have the capacity to act as a clearinghouse of best practices and lessons learned in the experience of regional and subregional human rights mechanisms, including in the implementation of human rights standards at the regional level. The focal point could also facilitate, upon request, the provision of training to emerging regional and subregional mechanisms, drawing on the experience of regional partners.**

**59. This workshop, which was an initial step in promoting cooperation amongst all regional and international human rights mechanisms, as well as NHRIs and NGOs active in this area, should be held on a regular basis. It should 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 human rights promotion and protection at the regional and international levels.**

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