



# General Assembly

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## Human Rights Council

Twenty-eighth session

Agenda items 2 and 3

**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General**

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

## **Workshop on regional arrangements for the promotion and protection of human rights**

### **Report of the United Nations High Commissioner for Human Rights\***

#### *Summary*

In its resolution 24/19, the Human Rights Council requested the United Nations High Commissioner for Human Rights to organize a workshop on regional arrangements for the promotion and protection of human rights to take stock of developments since the workshop held in December 2012 on the same subject. The Council requested that the workshop include three thematic discussions on: the mainstreaming of economic, social and cultural rights; the economic, social and cultural rights of persons with disabilities; and the economic, social and cultural rights of women. The Council further requested the High Commissioner to present to the Council, at its twenty-eighth session, a report containing a summary of the discussions held at the workshop and on the progress towards the implementation of resolution 24/19.

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\* The annex to the present report is circulated as received, in the language of submission only.

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Accordingly, the Office of the High Commissioner (OHCHR) organized a workshop on the theme “Enhancing cooperation between United Nations and regional human rights mechanisms”, on 8 and 9 October 2014, in Geneva. Participants included Member States and representatives of United Nations human rights mechanisms, regional mechanisms in Africa, the Americas, Europe, Asia and the Middle East. National human rights institutions and non-governmental organizations (NGOs) also took part in the discussions. Participants agreed on a number of concrete proposals and recommendations aimed at enhancing cooperation between United Nations and regional human rights mechanisms, with regard to mainstreaming economic, social and cultural rights, in particular those of persons with disabilities and of women.

The present report contains a summary of the discussions held during the workshop as well as its conclusions and recommendations.

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## **I. Introduction**

1. The Human Rights Council has, on several occasions, recognized the important role played by regional, subregional and interregional human rights arrangements. In its resolutions 6/20, 12/15, 18/14 and 24/19, it requested the United Nations High Commissioner for Human Rights to hold international workshops to put forward concrete proposals on ways and means to strengthen cooperation between United Nations and regional arrangements in the field of human rights.

2. The Office of the United Nations High Commissioner for Human Rights (OHCHR) thus organized such workshops in November 2008 (A/HRC/11/3), May 2010 (A/HRC/15/56), and December 2012 (A/HRC/23/18). Participants consistently stressed the need to strengthen cooperation between United Nations and regional human rights mechanisms through the establishment of specific mechanisms.

3. At the workshop held in December 2012, participants further discussed cooperation mechanisms, including focal points; systemized information sharing; cross-referencing of jurisprudence and recommendations of human rights mechanisms; replication of best practices; and enhanced cooperation with other relevant stakeholders, including national actors such as national human rights institutions and non-governmental organizations (NGOs). OHCHR submitted a report (A/HRC/23/18) on that workshop, including its conclusions and recommendations, to the Human Rights Council at its twenty-third session.

4. In its resolution 24/19, the Human Rights Council requested the High Commissioner to hold a workshop on regional arrangements for the promotion and protection of human rights to take stock of developments since the 2012 workshop. The Council requested that the workshop include three thematic discussions on: the mainstreaming of economic, social and cultural rights; the economic, social and cultural rights of persons with disabilities; and economic, social and cultural rights of women. The Council also requested the High Commissioner to present to it, at its twenty-eighth session, a report containing a summary of the discussions held at the workshop and on the progress towards the implementation of resolution 24/19.

5. OHCHR therefore organized the workshop on 8 and 9 October 2014 in Geneva (see agenda in annex I). Based on the concrete and practical experience of the regional mechanisms, the workshop was aimed at sharing information on best practices and lessons learned, and new possible forms of cooperation. Participants included representatives of the secretariats of United Nations human rights treaty bodies and special procedures, the African Commission on Human and Peoples' Rights, the Inter-American Commission on Human Rights (IACHR), the Inter-American Court of Human Rights, the Council of Europe, the Association of South East Asian Nations (ASEAN) Intergovernmental Commission on Human Rights, the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children and the Independent Permanent Human Rights Commission of the Organization of Islamic Cooperation (OIC). The present report summarizes the discussions held during the workshop and includes its conclusions and recommendations.

## **II. Progress in cooperation between United Nations and regional human rights mechanisms**

6. In accordance with Human Rights Council resolution 24/19, the first session of the workshop was devoted to taking stock of developments since the 2012 workshop, namely,

measures aimed at systematizing information sharing; development of a shared agenda of activities; provision of information for the Universal Periodic Review; cross-referencing jurisprudence and recommendations; and development of a matrix containing the recommendations made by United Nations and regional human rights mechanisms.

7. Participants shared information on progress made in implementing the recommendations of the 2012 workshop, highlighting challenges and presenting best practices, and made suggestions to enhance cooperation.

## A. Special procedures

8. There was a substantial increase in the exchange of information and cooperation between the special procedures of the United Nations and IACHR since the 2012 workshop, including the issuance of nine joint statements, mainly on freedom of expression; testimony of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment before IACHR in a hearing on solitary confinement in the Americas; the organization of a side event on the Standard Minimum Rules for the Treatment of Prisoners<sup>1</sup> by the Special Rapporteur on torture, with the participation of IACHR, in October 2013; meeting between IACHR Special Rapporteur on the Rights of Women and the Special Rapporteur on violence against women, its causes and consequences, in October 2013, and increased exchange of information.

9. The Inter-American Commission and the Inter-American Court on Human Rights found the United Nations human rights standards very important and useful when dealing with cases where there was no established case law within the Inter-American system. Support from United Nations special procedures and the exchange of information had been extremely useful, particularly for the preparation of country visits. The exchange of information with the Sub-Committee on Prevention of Torture prior to a country visit to Paraguay in 2014 was mentioned as an example. The Inter-American Commission stated that it was setting up a specialized section to act as focal point for enhancing cooperation with other human rights mechanisms.

10. The joint working group of representatives of United Nations and African Commission on Human and Peoples' Rights special procedures reviewed the implementation of the Addis Ababa road map on cooperation,<sup>2</sup> in 2013 and in 2014, and further reaffirmed their commitment to continued cooperation. Several joint activities were conducted within the framework of the road map, such as the issuance of five joint statements; joint conferences and seminars on human rights defenders, peaceful protests and business and human rights; expert meetings on the use of force by law enforcement agencies; and regular exchange of information.

11. The African Commission identified the primary challenge in the implementation of the Addis Ababa road map as being the insufficient budget for cooperation activities. The need to raise awareness among special procedures on proper implementation of the Addis Ababa road map, annual consultations and a sufficient budget were recognized.

<sup>1</sup> Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Geneva in 1955, and approved by the Economic and Social Council in its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977.

<sup>2</sup> Adopted in January 2012, in Addis Ababa, by the dialogue between the special procedures of the United Nations and the African Commission on Human Peoples' Rights, with a view to enhancing mutual collaboration.

12. An example of inter-regional cooperation among human rights mechanisms was the workshop on indigenous peoples' rights, held in Banjul, the Gambia, in April 2013, in which IACHR, the ASEAN Intergovernmental Commission on Human Rights, the African Commission on Human and Peoples' Rights and the Special Rapporteur on the rights of indigenous peoples participated.

13. The Special Rapporteur on trafficking in persons, especially women and children, participated in a workshop on human rights-based approaches to combat trafficking in persons, organized by the ASEAN Intergovernmental Commission on Human Rights in the Philippines, in November 2013, in which she dwelled, in particular, on the human rights aspects of trafficking, and on her mandate, in general. An exchange of views also took place between the Special Rapporteur on trafficking in persons and the Council of Europe Group of Experts on Action against Trafficking in Human Beings, in 2013. Information was exchanged with the United Nations special procedures prior to the visit of the Council of Europe Commissioner for Human Rights to Spain, in 2013, particularly regarding the impact of austerity measures on social protection and on the right to health of children and migrants.

14. The European Committee on Social Rights frequently referred to the work of the United Nations special procedures, in particular to the conclusions of the Special Rapporteur on the right to adequate housing as a component of the right to an adequate standard of living.

15. The Office for Democratic Institutions and Human Rights (ODIHR) of the Organization of Security and Cooperation in Europe (OSCE) maintained close contact with United Nations special procedures, including the Special Rapporteurs on the rights to freedom of peaceful assembly and of association and on the situation of human rights defenders.

16. The European Commission against Racism and Intolerance was invited to speak at a meeting of the United Nations Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action, in October 2013.

17. Representatives of five regional mechanisms participated in a meeting with the United Nations Working Group on Discrimination against Women in Law and in Practice, in Geneva, on 1 October 2013. They discussed progress and challenges in relation to women's rights and explored avenues of cooperation.

18. The United Nations special procedures found the cooperation with regional mechanisms very useful, including in terms of substantive inputs for their thematic reports; it helped them to better understand the regional aspects of certain issues, resulting in an enhanced acceptance of their findings and recommendations.

19. The signing of a joint declaration between OSCE-ODIHR and OHCHR, in 2014, was mentioned as a best practice for increased exchange of information and expertise, joint advocacy and cross-referencing. Furthermore, it was noted that the annual OSCE Human Dimension Implementation Meeting was a good opportunity for Member States, international organizations and civil society to take stock of the implementation of the human dimension commitments and make recommendations for further development.

## **B. Treaty bodies**

20. Cooperation between United Nations human rights treaty bodies and regional human rights mechanisms has been increasing in recent years.

21. The European Commission against Racism and Intolerance contributed, with its expertise, to the work of the Committee on the Elimination of Racial Discrimination on hate speech and on the role of anti-discrimination bodies.

22. Experts of the Committee on the Rights of the Child, IACHR Rapporteur on the Rights of the Child, the Special Representative on violence against children, representatives of OHCHR, the United Nations Development Programme (UNDP) and the United Nations International Children and Education Fund (UNICEF) participated in a meeting in Panama, from 6 to 19 May 2013, to strategize about joint actions. They also held a public event to promote the ratification of regional and international treaties relating to the rights of the child.

23. The Council of Europe has promoted the signature and ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. Reference to the United Nations standards on child rights and the general comments of the Committee on the Rights of the Child were included in the Council of Europe Strategy on the Rights of the Child (2012-2015). In turn, the Committee on the Rights of the Child, in its concluding observations, referred to Council of Europe instruments and underlined the added value of the child rights standards set by the Council of Europe.

24. The African Committee on the Rights and Welfare of the Child participated in the meeting of the Committee on the Rights of the Child, in May 2013.

25. Treaty bodies reported that they took the recommendations of regional human rights mechanisms into consideration in their reviews. The secretariats of the treaty bodies liaise with regional human rights mechanisms regarding individual complaints in order to ensure that the same complaints are not dealt with at the same time by other mechanisms and to safeguard jurisprudential coherence.

26. It was suggested that in view of the substantial body of jurisprudence developed by the judicial organs of regional human rights mechanisms, especially the African Court on Human and Peoples' Rights, cooperation between treaty bodies and regional mechanisms should be further enhanced for mutual benefit.

### **C. Universal periodic review**

27. In 2008, when the Universal Periodic Review (UPR) was established, the High Commissioner addressed letters to regional organizations inviting them to submit information to the process for the stakeholders report. OHCHR sent communications to regional organizations before every UPR session, inviting them to submit information for inclusion in the stakeholders' report prepared by OHCHR.

28. The Council of Europe submitted information on its member States that were being reviewed through the desk-to-desk cooperation between OHCHR and the Council of Europe. IACHR submitted input for the UPR of Chile, Costa Rica, Dominica, the Dominican Republic, Nicaragua and Uruguay, in 2013, and for Bolivia (Plurinational State of), El Salvador, the United States of America, Jamaica, Panama and Honduras, in 2014.

## **III. Thematic discussions**

29. In accordance with Human Rights Council resolution 24/19, the second session of the workshop was devoted to discussions about economic, social and cultural rights. The first panel focused on strengthening cooperation between international and regional human rights systems to mainstream economic, social and cultural rights, while the second panel

discussed the role of United Nations, regional and subregional judicial and quasi-judicial organs in promoting and protecting economic, social and cultural rights.

30. The third session of the workshop was devoted to the economic, social and cultural rights of persons with disabilities and women. The first panel of that session focused on cooperation in promoting and protecting the economic, social and cultural rights of persons with disabilities, while the second panel discussed cooperation in promoting and protecting the economic, social and cultural rights of women.

## **A. Strengthening cooperation between international and regional human rights systems to mainstream economic, social and cultural rights**

### **1. Best practices**

31. Panellists from the Committee on Economic, Social and Cultural Rights, the European Committee on Social Rights, the African Commission on Human and Peoples' Rights, the Inter-American Commission on Human Rights, the Indonesian NGO Coalition for International Human Rights Advocacy and the Centre for Economic, Social and Cultural Rights acknowledged the increasing cooperation among human rights mechanisms at the international, regional and national level with regard to sharing and using jurisprudence.

32. The Committee on Economic, Social and Cultural Rights noted that its membership enjoyed a balanced representation of all regions and drew on the practice of regional human rights protection systems and their jurisprudence when conducting dialogues with State parties. The Committee also indirectly supported regional mechanisms by encouraging State parties to implement the International Covenant on Economic, Social and Cultural Rights in cooperation with regional mechanisms, and by recommending the ratification of regional instruments, dissemination of publications as well as compliance with rulings of regional human rights courts. Regional mechanisms reported that they referred to the work of the Committee on Economic, Social and Cultural Rights. The African Commission on Human and Peoples' Rights principles and guidelines on economic, social and cultural rights (2011), which refer to the Committee's concluding observations and general comments, were cited as an example.

33. The European Committee on Social Rights stated that it recognized the complementarity between international and regional human rights instruments and referred to the international instruments when interpreting the European Social Charter. For example, in a case concerning restrictions on the entitlement of illegal immigrant minors to medical treatment and shelter, the European Committee referred to the provisions of the Convention on the Rights of the Child. It had also referred to general comments No. 4 (1992) on the right to adequate housing and No. 7 (1997) on forced evictions of the Committee on Economic, Social and Cultural Rights in deciding important cases, such as the decisions of 5 December 2007 on complaints No. 33/2006, *International Movement ATD Fourth World v. France* and No. 39/2006, *European Federation of National Organisations Working with the Homeless (FEANTSA) v. France*. The European Committee had also taken into account important contributions from other regional mechanisms, such as the concepts of "aggravated violation" and "aggravated responsibility" used by the Inter-American Court of Human Rights, in cases involving Roma rights.

34. The Inter-American Commission on Human Rights reported that, in 2013, it had established a special unit to deal with economic, social and cultural rights and that it would have a Special Rapporteur on economic, social and cultural rights by December 2015.



35. Participants identified national human rights institutions and civil society organizations as important stakeholders in mainstreaming economic, social and cultural rights. Reference was made to the level of engagement of civil society organizations and, in particular, the Indonesian NGO Coalition for International Human Rights Advocacy, which comprises 60 NGOs actively engaged with the Committee on Economic, Social and Cultural Rights. The coalition submitted a parallel report on Indonesia to the Committee; it also responded to the Committee's list of issues and attended the Committee's examination of Indonesia in 2012. It also played an important role in the follow-up to the recommendations at the national level by disseminating the recommendations in the local languages, and holding seminars and workshops. The coalition also closely worked with the United Nations Special Rapporteurs on the human rights of migrants and on the right to adequate housing during their visits to Indonesia in 2008 and 2013 respectively.

## **2. Challenges and lessons learned**

36. Participants shared the view that 21 years after the Vienna Declaration and Programme of Action, which highlighted the importance of cooperation between the United Nations and regional human rights mechanisms, such cooperation had not yet reached the desired level.

37. One of the main challenges to cooperation, highlighted across the regions, was financial constraints. In that regard, participants noted the need to think more of an "alliance of minds", rather than an "alliance of structures", as a cost-saving measure by enhancing methods of mutually benefiting from expertise, such as regular exchange of information on major thematic concerns. Reference was made to the bi-monthly OHCHR ESCR Bulletin, which provides an update on economic, social and cultural rights.

38. Referring to the "emergency doctrine" developed by the Committee on Economic, Social and Cultural Rights to address the consequences of the economic and financial crisis in 2012, the participants felt that more concerted action by international and regional mechanisms was needed to disseminate and promote the doctrine among governments, international organizations and civil society.

39. Participants noted the general lack of implementation of recommendations of international and regional human rights mechanisms at the national level. Reference was made to the need for a higher commitment by States parties as well as other national stakeholders, including national human rights institutions. Concerns were expressed by national human rights institutions and NGOs about the lack of openness on the part of regional mechanisms, in general, and limited available access to engage with regional mechanisms.

## **3. Forms of cooperation**

40. Participants proposed several options for strengthening cooperation among international and regional mechanisms, national human rights institutions and civil society:

- Strengthening general interaction and sharing of information on best practices and expertise among mechanisms at the international, regional and national level;
- Promoting advocacy activities for the ratification of human rights conventions at the international and regional level;
- Developing data and evidence on particular issues and highlighting areas that need attention;
- Facilitating further engagement of national human rights institutions and civil society groups with international and regional mechanisms, and reinforcing

partnerships in order to overcome implementation gaps in the area of economic, social and cultural rights;

- Engaging with judges and lawmakers who are in a position to implement decisions and recommendations, in addition to engaging with executive authorities.

## **B. Role of United Nations, regional and subregional judicial and quasi-judicial organs in promoting and protecting economic, social and cultural rights**

### **1. Best practices**

41. Panellists from the Inter-American Court of Human Rights, the African Court of Human and Peoples' Rights and the International NGO Coalition for an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR) acknowledged the importance of regional and subregional judicial and quasi-judicial organs in promoting and protecting economic, social and cultural rights.

42. The Inter-American Court of Human Rights indicated that it had overcome the formal limitation in the 1988 Protocol of the American Convention on Human Rights which allowed individual complaints only in respect of the right to education and the right to join unions. The Court has decided cases regarding other economic, social and cultural rights, such as the rights of indigenous people to land, which also affects the rights to life, health, housing, food, water and cultural identity. In 2012 and 2013, the Court's jurisprudence in cases related to gender discrimination, sexual discrimination and discrimination against persons with disabilities contributed significantly to influencing public policies. The case of *Furlan and family v. Argentina* was cited as an example, in which the Court found that the omissions and deficiencies in the medical care provided to a 14-year-old boy who had a disability hindered his access to social security benefits. The Court held that the State had violated the provisions of the American Convention on Human Rights to the detriment of the victim.

43. Under the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, the applicable law in deciding cases is not only the Charter, but also other international human rights instruments to which member States are party. Therefore, in the case of economic, social and cultural rights, the Court would refer to the relevant international treaties. It was flagged that the Court had both contentious and advisory jurisdiction, and its decisions were binding on the parties and not subject to appeal. Out of the 29 contentious matters that the Court has dealt with since it became operational in 2006, four pertained to economic, social and cultural rights, such as right to work and health care.

44. The International NGO Coalition for an OP-ICESCR, which comprises more than 250 NGOs worldwide, highlighted its advocacy for the ratification of the 2008 Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which came into force in 2013.

### **2. Challenges**

45. The low level of ratification of the Protocol to the African Charter establishing the African Court of Human Rights, coupled with an even lower number of declarations recognizing its competence to consider cases from NGOs and individuals, was cited as a major challenge. Lack of visibility of the Court in the African continent and lack of political will to enforce the decisions of the Court were other challenges. There was a need to promote the ratification of the Optional Protocol to the International Covenant on

Economic, Social and Cultural Rights in Africa, so that persons, groups and communities could submit individual complaints of violation of their economic, social and cultural rights to the Committee on Economic, Social and Cultural Rights.

46. Another challenge noted by participants was the low level of cooperation by public institutions with human rights mechanisms, especially with regard to submission of statistical data and human rights indicators necessary for the monitoring of public policies.

### **3. Forms of cooperation**

47. Since the African Court of Human and Peoples' Rights also applied relevant United Nations human rights instruments as regards economic, social and cultural rights, it was suggested that cooperation with regard to interpretation and application of human rights norms could be enhanced through dialogue and exchange between the Court and the Committee on Economic, Social and Cultural Rights.

## **C. Economic, social and cultural rights of women**

### **1. Best practices**

48. Panellists from the Working Group on Discrimination against Women in Law and in Practice, the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children, OSCE-ODIHR, the Democratic Association of Women of Morocco, the Council of Europe Equality Division as well as the African Commission for Human and Peoples' Rights Special Rapporteur for Women agreed on the importance of gender mainstreaming in respect of economic, social and cultural rights.

49. Interacting with civil society organizations in order to better understand the situation of women in the national context was identified as one of the best practices. The ASEAN Commission on the Promotion and Protection of the Rights of Women and Children stated that direct access to civil society and grass root organizations was one of its main strengths, which helped it to advocate for gender mainstreaming in the ASEAN community.

50. Access to justice was considered key for protecting and promoting the economic, social and cultural rights of women and combating violence against women. The Council of Europe highlighted that access to justice was one of the focus areas of its strategies to combat gender inequality.

51. The adoption of guidelines on reporting obligations of States under international instruments was described as a good practice in Africa; the reporting guidelines under the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol) served as a barometer to assess the implementation of the Protocol. The African Commission on Human and Peoples' Rights has also adopted general comments on sexual and reproductive rights and HIV/AIDS.

### **2. Challenges and lessons learned**

52. Participants emphasized that economic recession and austerity measures disproportionately affected women, and critically undermined their enjoyment of economic, social and cultural rights as well as civil and political rights. Furthermore, women from vulnerable groups were more acutely impacted by economic crises.

53. It was noted that, although the proposed Sustainable Development Goals included a stand-alone gender goal and some gender mainstreaming, they called for equity and not equality; they do not call for accountability in relation to respect, protection and fulfilment of international human rights obligations, nor do they refer specifically to women's reproductive rights under access to health care. Likewise, some discussions related to the

economic, social and cultural rights of women, such as protection of the family by the Human Rights Council, failed to articulate women's right to equality and its incorporation in protection of the family.

54. The need for a balance between freedom of expression and the promotion of gender equality in the media was also discussed. Messages conveyed by the media were decisive in shaping perceptions of roles and relations and in combating gender stereotypes and discrimination against women. Cooperation in that field was of utmost importance.

55. Another challenge noted by participants was the issue of some contradictory human rights standards among regional mechanisms, combined with limited and disproportionate accessibility by women to those protection systems in order to address human rights violations against them.

### **3. Forms of cooperation**

56. Participants put forward proposals for cooperation between regional mechanisms and different stakeholders, with the aim of mainstreaming economic, social and cultural rights of women:

- Forging partnerships among the regional mechanisms and developing joint interventions to build expertise and maximize their impact, in the light of scarce resources;
- Strengthening cooperation with international mechanisms through submission of general comments, observations and reports by regional mechanisms;
- Consolidating information on the economic, social and cultural rights of women;
- Developing guidelines/templates for reporting obligations of member States;
- Exchanging information on good practices between regional and United Nations mechanisms, specifically on women's economic, social and cultural rights;
- Working together with media and media regulatory bodies to combat stereotyping and promote gender equality.

## **D. Economic, social and cultural rights of persons with disabilities**

### **1. Best practices**

57. Panellists from the Committee on the Rights of Persons with Disabilities, the African Commission on Human and Peoples' Rights, the Qatar National Human Rights Committee, the Kenya National Commission on Human Rights, the International Disability Alliance and the Human Rights and Disability Adviser to OHCHR acknowledged the importance of involving civil society in the implementation of the Convention on the Rights of Persons with Disabilities.

58. Specific actions of the Committee on the Rights of Persons with Disabilities were referred to, namely, the development of a comprehensive approach to the rights of persons with disabilities, in order to avoid a "clustered" vision of disability in the field of human rights. The Committee also held a meeting with national monitoring mechanisms in order to discuss cooperation opportunities and strategies for the monitoring of the implementation of the Convention. It was flagged that in 2015, the Committee will have a focal point for interaction with national monitoring mechanisms.

59. The Convention on the Rights of Persons with Disabilities obligates State parties to take measures with a view to achieving progressively the full realization of economic, social and cultural rights (art. 4, para. 2). However, according to specific jurisprudence, the

Committee has concluded that reasonable accommodation in the area of education was of immediate application and not subject to progressive realization. It was also noted that the Convention clearly states that denial of reasonable accommodation to persons with disabilities amounts to discrimination (art. 2).

60. Participants welcomed the appointment of the Human Rights Council Special Rapporteur on the rights of persons with disabilities.

61. Reference was made to the African Commission on Human and Peoples' Rights Working Group on the Rights of Older Persons and Persons with Disabilities that was currently drafting a Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa. The Protocol is intended to address Africa-specific issues, such as the protection of parents, guardians and caregivers from discrimination on the basis of their association with persons with disabilities or the protection of persons with disabilities from harmful practices.

62. Participants recognized the important role played by national human rights institutions in encouraging States to ratify and adhere to international human rights instruments relating to the rights of persons with disabilities,.

## **2. Challenges and lessons learned**

63. Participants agreed on the importance of civil society participation, particularly persons with disabilities and their representative organizations, in the design, implementation and monitoring of legal instruments, public policies and other measures relating to the full enjoyment of human rights and fundamental freedoms by all persons with disabilities.

64. The impact of austerity measures and the growing need to guarantee that the rights of persons with disabilities would be met, even in times of economic crisis and austerity, were discussed.

65. It was noted that regional mechanisms had a major role to play in overcoming inconsistencies in terms of language and cultural approaches to the human rights relating to persons with disabilities which were leading to different conceptions in the implementation of the Convention on the Rights of Persons with Disabilities in different regions.

66. In the case of the African continent, it was flagged that the effectiveness of the framework to protect the rights of persons with disabilities showed a deficit and faced normative and practical challenges because much of the disability-specific content in African human rights instruments was understood in a medical, rather than a social rights, perspective; core disability rights concepts, such as reasonable accommodation, legal capacity and independent living, remain on the normative fringes of regional human rights instruments; disability-specific interventions by the African Commission on Human and Peoples' Rights and other regional human rights institutions were scarce.

## **3. Forms of cooperation**

67. Participants put forward proposals for cooperation between United Nations, regional human rights mechanisms, national human rights institutions, civil society and persons with disabilities through:

- Promoting close consultations with, and active involvement of, persons with disabilities in formulating policies and approaches on disability issues;
- Bridge building between civil society and people with disabilities by way of awareness-raising, accessibility, empowerment and rehabilitation;

- Reinforcing partnerships between regional mechanisms and national human rights institutions, independent monitoring mechanisms, organizations of persons with disabilities and State parties in order to overcome gaps in the implementation of the Convention on the Rights of Persons with Disabilities;
- Strengthening general interaction, dialogue and sharing of best practices between international human rights mechanisms and regional mechanisms so as to achieve a common approach on disability issues;
- Developing and sharing social development indicators concerning the human rights of persons with disabilities and increasing the production of relevant statistics and disaggregated data;
- Standardizing and simplifying the procedures to be followed by member States with regard to reporting to regional and international human rights mechanisms;
- Issuing reminders to State parties about their commitments at the treaty body reporting stage.

#### **IV. Conclusions**

68. **The workshop on enhancing cooperation between United Nations and regional human rights mechanisms generated valuable proposals and recommendations, in particular with regard to mainstreaming economic, social and cultural rights, and more specifically those of persons with disabilities and of women.**

69. **Support to United Nations and regional organizations from intergovernmental bodies was identified as crucial for the effective enhancement of cooperation. Participants encouraged intergovernmental organizations and States to allocate sufficient financial and human resources to facilitate effective cooperation.**

70. **Participants recognized the critical role played by OHCHR in advancing cooperation between international and regional human rights mechanisms. However, it was noted that the capacity of OHCHR to operate as a facilitator and coordinator of cooperation, including through the focal points network, was affected by financial constraints.**

71. **Cooperation between human rights mechanisms was identified as a way to save resources for the United Nations and regional human rights mechanisms. The need to further develop joint activities and exchange of information was underlined.**

#### **V. Recommendations**

72. **The universality and indivisibility of all human rights should be the common factor guiding the promotion and protection of human rights by international and regional human rights mechanisms.**

73. **The biennial workshops and annual meetings of the focal points on cooperation should be continued. It was proposed that the next meeting of the focal points on cooperation be held in 2015, and the next workshop be held in 2016.**

74. **Cooperation should be strengthened between the United Nations human rights system and regional human rights mechanisms, under the auspices of OHCHR. Staff should be allocated to coordinating interaction between United Nations and regional human rights mechanisms and facilitating cooperation among focal points.**

75. Information sharing between the United Nations human rights system and regional human rights mechanisms should be continuous, consistent and systematically channelled through the OHCHR focal point coordinator, in order to share, inter alia, decisions, recommendations, best practices, reports, calendars of activities and programmes of visits. Alignment of processes and cross-referencing would result in more coherent and targeted decisions and recommendations being addressed to States.
76. There is a need to enhance cooperation between the special procedures of the United Nations and of the African Commission for Human and Peoples' Rights for optimum exploitation of the opportunities provided by the Addis Ababa road map. There should be annual consultations between the two bodies to assess the implementation of the road map.
77. Good practices, such as desk-to-desk cooperation and the Addis Ababa roadmap on cooperation, should be used as examples for other regions.
78. Annual meetings and monthly teleconferences between focal points would enable exchange of information and facilitate the planning of common activities. Focal points should be provided with adequate resources to effectively carry out their tasks.
79. The United Nations human rights system and regional human rights mechanisms should encourage the gathering of statistics for monitoring human rights at the national level. Such statistics, particularly human rights indicators, would help the human rights mechanisms to formulate concrete and measurable recommendations, particularly with regard to the economic, social and cultural rights of women and persons with disabilities.
80. Implementation of decisions and recommendations emanating from the United Nations human rights system and regional human rights mechanisms, including regional judicial and quasi-judicial bodies, should be followed up and shared through the focal points on cooperation. To that end, meetings of regional and subregional human rights courts should be held periodically. The first such meeting should be convened by OHCHR in 2015, with the participation of regional courts and the United Nations treaty bodies, on the enforcement of judgements, access to courts, human rights defenders, deprivation of liberty and freedom of expression.
81. Regional human rights mechanisms should advocate increased mainstreaming of the economic, social and cultural rights of women, and insist on the obligation of States to respect, protect and fulfil women's right to equality in the Sustainable Development Goals.
82. Regional human rights mechanisms should advocate the elimination of legislation that is discriminatory to women, in order to secure the opportunity of women to fully and meaningfully participate in all aspects of economic and social life, and tackle structural barriers which restrict women's lives and choices.
83. The United Nations human rights system and regional human rights mechanisms should engage in joint activities to sensitize States about ratifying international and regional human rights instruments and to promote access to judicial and quasi-judicial bodies. National human rights institutions and civil society should be considered as reliable partners in assessing and reporting on the human rights situation in their respective countries.
84. There should be more cooperation and interaction between United Nations treaty bodies and regional bodies including judicial mechanisms. Some sessions of the treaty bodies, particularly the Committee on Economic, Social and Cultural Rights, should be held in different regions in order to facilitate interaction and give visibility.

## Annex

[English only]

## Programme of the workshop on enhancing cooperation between United Nations and regional mechanisms for the promotion and protection of human rights

Geneva, 8 and 9 October 2014

### Day 1 (8 October 2014)

#### “Enhancing cooperation between United Nations and regional human rights mechanisms”

*Objective:* To develop concrete proposals to strengthen cooperation between United Nations and regional human rights mechanisms in promoting and protecting economic, social and cultural rights with a focus on persons with disabilities and women

09:00 – 10:00 Registration

10:00 – 10:30 Opening session

Speaker 1: Mr. Anders Kompass, Director, FOTCD, OHCHR

Speaker 2: H.E. Ambassador Dilip Sinha, Vice-President, Human Rights Council

Speaker 3: H.E. Ambassador Bertrand de Crombrughe, Permanent Representative of Belgium to the United Nations Office at Geneva

10:30 – 12:30 Session I: “Taking stock of developments in cooperation between United Nations and regional human rights mechanisms”

*Objective:* This session will allow participants to share experiences and best practices in relation to cooperation initiatives/activities between United Nations and regional human rights mechanisms, including their added value and challenges encountered in the implementation of these initiatives. Discussions will be informed by the 13 recommendations made during the 2012 workshop and will also aim at identifying ways and means to replicate best practices in other mechanisms involved in promoting and protecting economic, social and cultural rights.

Discussions will focus on the following issues: What progress has been made in implementing the recommendations of the 2012 workshop? What were the challenges and implementation gaps? What are the key lessons learned?

Chair: Mr. Anders Kompass, Director, FOTCD, OHCHR

Rapporteur: Mr. Srinivasa Kammath, NIRMS, OHCHR

10:30 – 12:30 Panel 1:

*Notes:* Panel duration: 2 hours. Time allocation: approx. 10 minutes per panellist.

Panellists: Panellist 1: Mr. Christof Heyns, Special Rapporteur on extrajudicial, summary or arbitrary executions and Chairperson of the Joint Working Group of Special Procedures of HRC and ACHPR

Panellist 2: Mr. Mohammed Bechir Khalfallah, Commissioner, African Commission on Human and Peoples’ Rights



Panellist 3: Ms. Tracy Robinson, Chairperson and Special Rapporteur on the Rights of Women, Inter-American Commission on Human Rights

Panellist 4: H.E. Ambassador Murat Adali, Permanent Observer of the Council of Europe to the United Nations

Panellist 5: Mr. Kyaw Tint Swe, Chairperson, ASEAN Intergovernmental Commission on Human Rights (AICHR)

Panellist 6: H.E. Ambassador Mostafa Alaei, Member, Organisation of Islamic Cooperation Independent Permanent Commission on Human Rights

Panellist 7: Ms. Kamala Chandrakirana, Member, United Nations Working Group on Discrimination against Women in Law and in Practice

Panellist 8: Ms. Beatriz Balbin, First Deputy Director, OSCE Office for Democratic Institutions and Human Rights

12:30 – 13:00 Discussion

13:00 – 15:00 Lunch break

15:00 – 17:40 Session II: “Mainstreaming economic, social and cultural rights”

*Objective:* This session is divided into two main panel discussions. The first panel discussion (Panel 2) will allow participants to share methods of work, best practices and lessons learned and standards developed by each mechanism to mainstream economic, social and cultural rights in their work, so as to identify common priorities, challenges, synergies and possible complementarities.

The panellists will seek to address the following concerns: What does mainstreaming economic, social and cultural rights mean at the United Nations and regional levels? What are the key strategies used by United Nations and regional mechanisms to mainstream economic, social and cultural rights? How can United Nations and regional mechanisms complement each other in mainstreaming economic, social and cultural rights? What is the role of other actors in strengthening mainstreaming of economic, social and cultural rights?

In the second panel discussion (Panel 3), participants will discuss the role of regional and subregional courts as well as that of other stakeholders, including NHRIs and non-governmental organizations, in promoting economic, social and cultural rights. Some of the questions that participants will explore are: What standards on economic, social and cultural rights have been developed by United Nations and regional judicial and quasi-judicial mechanisms? What are the challenges faced by United Nations and regional judicial and quasi-judicial mechanisms in enforcing economic, social and cultural rights? How can these challenges be overcome?

Chair: Ms. Beatrice Balbin, First Deputy Director, OSCE Office for Democratic Institutions and Human Rights

Rapporteur: Ms. Nosy Ramamonjisoa, HRTD, OHCHR

15:00 – 16:00 Panel 2: Strengthening cooperation between international and regional human rights systems to mainstreaming economic, social and cultural rights

*Notes:* Panel duration: 1 hour. Time allocation: approx. 8 minutes per panellist.

- Panellists: Panellist 1: Mr. Zdzislaw Kedzia, Chairperson, United Nations Committee on Economic, Social and Cultural Rights
- Panellist 2: Mr. Luis Jimena, Chairperson, European Committee of Social Rights
- Panellist 3: Mr. Mohammed Bechir Khalfallah, Commissioner, African Commission on Human and Peoples' Rights
- Panellist 4: Mr. Emilio Alvarez Icaza, Executive Secretary, Inter-American Commission on Human Rights
- Panellist 5: Mr. Rafendi Djamin, Executive Director, Coalition for International Human Rights Advocacy
- Panellist 6: Ms. Allison Corkery, Centre for Economic, Social and Cultural Rights
- 16:00 – 16:30 Discussion
- Chair: Justice Emmanuel Ugirashebuja, President, East African Court of Justice.  
Rapporteur: Collins Omondi, NIRMS
- 16:30 – 17:25 Panel 3: Role of United Nations, regional and subregional judicial and quasi-judicial organs in promoting and protecting economic, social and cultural rights
- Panellists: Panellist 1: Mr. Carlos Gaio, Senior Lawyer, Inter-American Court of Human Rights
- Panellist 2: Justice Augustino S. L. Ramadhani, Judge, African Court of Human and People's Rights
- Panellist 3: Ms. Alejandra Umpierrez, International NGO Coalition for an OP-ICESCR
- 17:25 – 18:00 Discussion

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## Day 2 (9 October 2014)

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- 10:00 – 13:00 Session III: Economic, Social and Cultural Rights of Persons with Disabilities and Women

*Objective:* This session will allow participants to share methods of work, best practices, lessons learned and standards developed by each United Nations and regional mechanisms in promoting and protecting economic, social and cultural rights of persons with disabilities and women, so as to identify common priorities, challenges, synergies and possible complementarities. The first panel discussion (Panel 4) will focus on economic, social and cultural rights of persons with disabilities.

The second panel discussion (Panel 5) will focus on economic, social and cultural rights of women. In each panel discussion, the participants will explore the following issues: How effective are the current framework for protecting economic, social and cultural rights of persons with disabilities and women in United Nations and regional human rights systems? What are the gaps and opportunities in the existing framework of cooperation between United Nations and regional human rights mechanisms in promoting and protecting economic, social and cultural rights of persons with disabilities and women? How can United Nations and regional mechanisms make better use of other key stakeholders, including NHRIs and non-governmental organizations, in promoting and protecting economic, social and cultural rights of persons with disabilities and women?

Chair: Mr. Jorge Araya, OHCHR

Rapporteur: Ms. Liza Sekaggya, NIRMS, OHCHR

- 10:00 – 11:00 Panel 4: Strengthening cooperation in promoting and protecting economic, social and cultural rights of persons with disabilities
- Notes:* Panel duration: 1 hour. Time allocation: 9 minutes per panellist.
- Panellists: Panellist 1: Ms. María Soledad Cisternas Reyes, Chairperson, United Nations Committee on the Rights of Persons with Disabilities
- Panellist 2: Mr. Facundo Chávez Penillas, Human Rights and Disability Advisor, OHCHR
- Panellist 3: Mr. Lawrence Murugu Mute, Commissioner, African Commission on Human and Peoples Rights
- Panellist 4: Dr. A. B. Al Marri, Chairperson, National Human Rights Committee of Qatar
- Panellist 5: Ms. Evelyne Samba, Head of Programmes, Kenya National Commission on Human Rights
- Panellist 6: Prof. Gabor Gombos, International Disability Alliance
- 11:00 – 11:20 Discussion
- Chair: Mr. Emilio Alvarez Icaza, Executive Secretary, Inter-American Commission of Human Rights
- Rapporteur: Ms. Federica Donati, SPD, OHCHR
- 11:20 – 12:40 Panel 5: Strengthening cooperation in promoting and protecting economic, social and cultural rights of women.
- Notes:* Panel duration: 1 hour 20 minutes. Time allocation: approx. 10 minutes per panellist.
- Panellists: Panellist 1: Ms. Frances Raday, Chairperson, United Nations Working Group on Discrimination against Women in Law and in Practice
- Panellist 2: Mr. Ahmad Taufan Damanik, Indonesia Representative, ASEAN Commission on the Promotion and Protection of the Rights of Women and Children
- Panellist 3: Ms. Beatriz Balbin, First Deputy Director, OSCE Office for Democratic Institutions and Human Rights
- Panellist 4: Ms. Yamina Lamrini, Democratic Association of Women of Morocco/Moroccan Organisation for Human Rights
- Panellist 5: Ms. Raluca Popa, Programme Advisor, Equality Division, Council of Europe
- Panellist 6: Ms. Soyata Maiga, Commissioner and Special Rapporteur for Women, African Commission on Human and Peoples' Rights
- 12:40 – 13:00 Discussion
- 13:00 – 15:00 Lunch break

15:00 – 17:00 Session IV: Way forward and recommendations on cooperation between United Nations and regional human rights mechanisms

*Objective:* This session will define a way forward on cooperation between United Nations and regional human rights mechanism in promoting and protecting economic, social and cultural rights, using the thematic discussions as a tool to develop specific and succinct cooperation proposals. Participants will adopt recommendations on these issues at the end of the workshop, which will be included in the report to be submitted to the Human Rights Council in 2014.

Chair: Mr. Vladlen Stefanov, Chief, NIRMS, OHCHR

15:00 – 16:00 Panel 6: Way forward on strengthening cooperation between United Nations and regional human rights mechanisms to mainstream economic, social and cultural rights

The rapporteurs of each panel will present the recommendations emanating in each panel/working session, which will be followed by a discussion to allow participants to include additional recommendations

*Notes:* Panel duration: 1 hour. Number of panellists: 5. Time allocation: 10 minutes per panellist.

Panellists: Rapporteur 1: Mr. Srinivasa Kammath, OHCHR

Rapporteur 2: Ms. Nosy Ramamonjisoa, OHCHR

Rapporteur 3: Mr. Collins Omondi, NIRMS

Rapporteur 4: Ms. Liza Sekaggya, OHCHR

Rapporteur 5: Ms. Federica Donati, OHCHR

16:00 – 17:00 Discussion

17:00 – 17:30 Closing session

Speaker: Mr. Anders Kompass, Director, FOTCD, OHCHR

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