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International Justice Resource Center

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Workshop on Enhancing Cooperation between UN and Regional Human Rights Mechanisms

Panel 4: Cooperation in relation to minorities, refugees, migrants, persons of African descent & Indigenous peoples

ACCESS, PARTICIPATION & FRAGMENTATION

BARRIERS TO HUMAN RIGHTS PROTECTION

OVERVIEW

- ▶ 3 Challenges:
 - ▶ Access to information
 - ▶ Access to participation
 - ▶ Silos and fragmentation
- ▶ Groups in focus particularly impacted
- ▶ Consequences for human rights bodies' effectiveness

ACCESS TO INFORMATION : WHAT INFORMATION?

- ▶ The **law** (and soft law)
 - ▶ Treaties and other legal instruments
 - ▶ Declarations and principles
 - ▶ Intergovernmental bodies' resolutions
- ▶ Its application in specific **cases**
 - ▶ Judgments, decisions
 - ▶ Interim measures, allegation letters, urgent appeals
- ▶ Its application to specific **countries**
 - ▶ Concluding observations
 - ▶ Country visit reports

USER-CENTERED DESIGN

- ▶ Publication or disclosure that is:
 - ▶ Proactive, timely, comprehensive, consistent, digital
- ▶ Access that is:
 - ▶ Guaranteed, public, free, equal, open, secure, private, anonymous, secure, permanent, transparent
- ▶ Content that is:
 - ▶ Available in multiple formats, searchable, shareable, multi-lingual, accessible to persons with disabilities
- ▶ Organization of information that is:
 - ▶ Interlinked, searchable, with metadata

NARROW YOUR SEARCH

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French (19354)	3 (31820)
English (19354)	2 (15469)
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Romanian (2291)	(8753)
More...	1 (5165)
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STATE	ARTICLE
Turkey (10183)	41 (31348)
Italy (5765)	6 (31228)
Russia (5249)	6-1 (26584)
Romania (3614)	35 (13003)
More...	More...

NON-VIOLATION	VIOLATION
6 (4144)	6 (24644)
6-1 (3470)	6-1 (20270)
3 (2741)	3 (7409)
8 (2426)	5 (6969)
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KEYWORDS

- (Art. 41) Just satisfaction-(general) (31347)
- (Art. 6) Right to a fair trial (31142)
- (Art. 35) Admissibility criteria (13003)
- (Art. 6-1) Reasonable time (10590)
- More...

MORE FILTERS

DOCUMENT TYPE	DATE
Judgment (Merits)	Last Week (20)
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new CASE OF MEHMET ALİ ESER v. TURKEY
 1399/07 | Available only in [English](#) | Judgment (Merits and Just Satisfaction) | Court (Second Section) | 15/10/2019
 No violation of Article 6+6-3-c - Right to a fair trial (Article 6 - Criminal proceedings Article 6-1 - Fair hearing) (Articl... [more...](#)
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 21998/14 | Available only in [English](#) | Judgment (Merits and Just Satisfaction) | Court (Third Section) | 15/10/2019
 Violation of Article 6 - Right to a fair trial (Article 6 - Civil proceedings Article 6-1 - Fair hearing Equality of arms)
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 Violation of Article 6 - Right to a fair trial (Article 6 - Enforcement proceedings Article 6-1 - Access to court Reasonable ... [more...](#)
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 44690/09 | Available only in [English](#) | Judgment (Merits and Just Satisfaction) | Court (Second Section) | 15/10/2019
 Violation of Article 8 - Right to respect for private and family life (Article 8-1 - Respect for private life)
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 45668/05 2292/06 | Available only in [French](#) | Judgment (Just Satisfaction) | Court (Third Section) | 15/10/2019
 Pecuniary damage - award (Article 41 - Pecuniary damage Just satisfaction)
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 45668/05 2292/06 | Available only in [French](#) | Judgment (Just Satisfaction) | Court (Third Section) | 15/10/2019
 Dommage matériel - réparation (Article 41 - Dommage matériel Satisfaction équitable)
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 1399/07 | Available only in [English](#) | Judgment (Merits and Just Satisfaction) | Court (Second Section) | 15/10/2019
 Non-violation de l'article 6+6-3-c - Droit à un procès équitable (Article 6 - Procédure pénale Article 6-1 - Procès équitable... [more...](#)
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 44690/09 | Available only in [English](#) | Judgment (Merits and Just Satisfaction) | Court (Second Section) | 15/10/2019
 Violation de l'article 8 - Droit au respect de la vie privée et familiale (Article 8-1 - Respect de la vie privée)
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 Violation de l'article 6 - Droit à un procès équitable (Article 6 - Procédure d'exécution Article 6-1 - Accès à un tribunal D... [more...](#)
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 21998/14 | Available only in [English](#) | Judgment (Merits and Just Satisfaction) | Court (Third Section) | 15/10/2019
 Violation de l'article 6 - Droit à un procès équitable (Article 6 - Procédure civile Article 6-1 - Procès équitable Égalité d... [more...](#)
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CASE OF BATIASHVILI v. GEORGIA
 8284/07 | Available only in [English](#) | Judgment (Merits and Just Satisfaction) | Court (Fifth Section) | 10/10/2019
 Remainder inadmissible (Art. 35) Admissibility criteria (Art. 35-1) Exhaustion of domestic remedies (Art. 35-3-a) Manifestly ... [more...](#)
[Case Details](#) [Legal Summary](#) [Press Release](#) [Related](#)

CASE OF LEWIT v. AUSTRIA
 4782/18 | Available only in [English](#) | Judgment (Merits and Just Satisfaction) | Court (Fifth Section) | 10/10/2019
 Preliminary objections dismissed (Art. 35) Admissibility criteria (Art. 35-1) Exhaustion of domestic remedies (Art. 35-1) Eff... [more...](#)
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CASE OF O.D. v. BULGARIA
 34016/18 | Available only in [French](#) | Judgment (Merits and Just Satisfaction) | Court (Fifth Section) | 10/10/2019
 Violation of Article 2 - Right to life (Article 2 - Execution) (Conditional) (Crisis) Violation of Article 2 - Prohibition of... [more...](#)



Countries

Legal Instruments

Keywords

Documents

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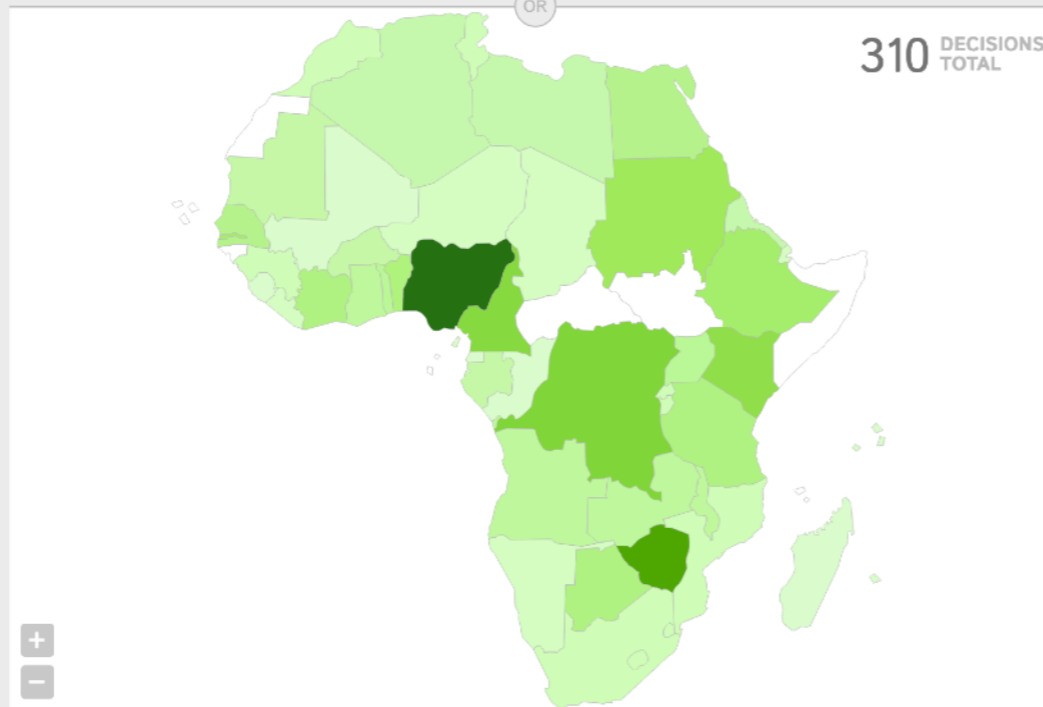


Document name

SEARCH

I.e. Sir Dawda K. Jawara / Gambia (The)

OR



Treaty bodies



African Commission on Human and Peoples' Rights

235 Documents



African Committee of Experts on the Rights and Welfare of the Child

3 Documents



African Court on Human and Peoples' Rights

30 Documents



ECOWAS Community Court of Justice

20 Documents



SADC Tribunal

15 Documents



East African Court of Justice

7 Documents

Legal Instruments

QUESTIONNAIRE

Latest documents

 **346/07 Mouvement du 17 Mai v Democratic Republic of Congo**

ACmHPR · July 7, 2017 · Congo, the Democratic Republic of the


 **433/12 Albert Bialufu Ngandu v. Democratic Republic of Congo**

ACmHPR · February 25, 2016 · Congo, the Democratic Republic of the

 **Interights & Ditshwanelo v. The Republic of Botswana**

ACmHPR · November 18, 2015 · Botswana

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ACCESS TO PARTICIPATION

Factors to consider:

- ▶ Scope and nature of possible participation
- ▶ Selectivity and competition for slots
- ▶ Notice and timing
- ▶ Language requirements or limitations
- ▶ Privacy and security
- ▶ Risk of reprisals?
- ▶ Risk of discrimination?
- ▶ Resource requirements
- ▶ Travel requirements and authorization
- ▶ Consultative status or accreditation
- ▶ Responsiveness of mechanisms





Reminder: Some participants at [#RightsCon](#) do not want to be photographed. Please respect their wishes. Red lanyard = do not photograph



SILOS & FRAGMENTATION

▶ Problems

- ▶ Scope of authority limited to specific rights, groups, or forms of discrimination
- ▶ Ignoring multiple discrimination and intersectionality = incomplete human rights protection
- ▶ Focusing on “core” rights violations without regard to discrimination

▶ Solutions

- ▶ Recognize allegations of discrimination
- ▶ Include recommendations and reparations that address systemic, historical, or structural discrimination and its consequences
- ▶ Refer to the findings and doctrine of human rights bodies focused on discrimination

Police Violence Against Afro-descendants in the United States



314. The Commission recalls that the guarantee and enjoyment of economic, social, cultural, and environmental rights is indivisible from the guarantee and enjoyment of civil and political rights. In this regard, the Commission has considered that discrimination against African Americans in policing and the criminal justice system is necessarily linked to the structural situation of racialized poverty in which many African Americans live. In this sense, any policy or initiative intended to mitigate police violence against African Americans should be paired with policies designed to remedy the disparity in access to health, housing, education, work, and other rights that has historically been fomented through structural discrimination. The Commission reiterates the need for the State to adopt prompt measures to address obstacles to the exercise, respect for, and guarantee of all human rights of Afro-descendants in the United States.

AN EXAMPLE OF COOPERATION & HARMONIZATION



Committee against Torture

Concluding observations on the seventh periodic report of Canada*

1. The Committee against Torture considered the seventh periodic report of Canada (CAT/C/CAN/7) at its 1695th and 1698th meetings, held on 21 and 22 November 2018 (see CAT/C/SR.1695 and 1698), and adopted the present concluding observations at its 1715th and 1716th meetings, held on 5 December 2018.

A. Introduction

2. The Committee expresses its appreciation to the State party for accepting the simplified reporting procedure, which allows for a more focused dialogue between the State party and the Committee.

3. The Committee appreciates having had the opportunity to engage in a constructive dialogue with the State party's delegation, and the responses provided to the questions and concerns raised during the consideration of the report.

Right to health: UN expert to visit Canada

French

OTTAWA/GENEVA (1 November 2018) – The United Nations Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health will visit Canada from 5 to 16 November 2018.

Dainius Pūras has been invited by the Government to look at moves to achieve the right to physical and mental health, including progress made and challenges remaining.

"I look forward to engaging with the Canadian authorities, civil society and other stakeholders to assess the enjoyment of the right to health, including availability, accessibility, acceptability and quality of healthcare," he said.



Involuntary sterilization of indigenous women

50. The Committee is concerned at reports of extensive forced or coerced sterilization of indigenous women and girls dating back to the 1970s and including recent cases in the province of Saskatchewan between 2008 and 2012. According to the information before the Committee, at least 55 women have contacted lawyers representing indigenous women who have filed a pending class action lawsuit against doctors and health officials at a Saskatchewan public hospital for undergoing tubal ligation procedures without proper consent. The Committee takes note of the information provided by the delegation on the external review on this matter launched by Saskatoon Health Region (which later became part of the Saskatchewan Health Authority) in January 2017, but remains concerned at the lack of information regarding the implementation of the calls of action included in the final report, especially those related to reparation (arts. 2, 12, 13, 14 and 16).

51. **The State party should:**

(a) **Ensure that all allegations of forced or coerced sterilization are impartially investigated, that the persons responsible are held accountable and that adequate redress is provided to the victims;**

(b) **Adopt legislative and policy measures to prevent and criminalize the forced or coerced sterilization of women, particularly by clearly defining the requirement for free, prior and informed consent with regard to sterilization and by raising awareness among indigenous women and medical personnel of that requirement.**



59. During the visit the Rapporteur was also informed of several alleged cases of forced sterilization of Indigenous women in the country.³⁷ After several women, Indigenous in particular, reported having been victims of this practice, some official recognition of such episodes of gender-based violence has taken place.

60. In this regard, also the Saskatoon Health Region apologized to the Indigenous women who were coerced into surgery that prevented them from bearing more children, and acknowledged through its spokesperson that “racism exists within our health care system and we as leaders acknowledge this”.

61. The Rapporteur believes that the practices of forced sterilization should be investigated and addressed in the context of systemic discrimination against Indigenous peoples, particularly Indigenous women, as well as comprehensive information on consent instituted while victims of such violence should receive full remedy including compensation.³⁸



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83. An additional remaining challenge relates to the forced or coerced sterilization of indigenous women. In 2017, a report of the Saskatoon Regional Health Authority documented 16 such cases between 2005 and 2010. Since then, at least 60 indigenous women in Saskatchewan, Alberta, Manitoba and Ontario³² have made similar allegations, including that their “consent” to be sterilized had been obtained during or immediately after giving birth, through coercive means and often without information about alternative birth-control methods.

84. The Special Rapporteur endorses the recommendations made in December 2018 by the Committee against Torture that Canada ensure that all allegations of forced or coerced sterilization are impartially investigated, that responsible persons are held accountable and that adequate redress is provided to victims. Furthermore, he urges Canada to adopt legislative and policy measures to prevent and criminalize the forced or coerced sterilization of women, particularly by clearly defining the requirement for free, prior and informed consent with regard to sterilization and by raising awareness among indigenous women and health-care personnel of that requirement.³³

“We join the United Nations Committee Against Torture in calling on the State of Canada to ensure that all allegations of forced or coerced sterilizations are impartially investigated,” stated Commissioner Flávia Piovesan, Country Rapporteur for Canada at the IACHR. “All the persons responsible have to be held accountable, and adequate reparations ought to be provided to the victims in compliance with Canada’s international commitments in line with its obligation of due diligence to protect, prevent and sanction violence against women” she concluded.

In addition, the Commission urges the State of Canada to put an end to the practice of forced sterilizations by adopting legislative and policy measures to prevent and criminalize the forced sterilization of women. In particular, the Commission urges the State to clearly define the requirements of consent with regard to the procedure of sterilization, in line with the Inter-American standards on the matter; to maintain public and periodically updated records on reports of forced sterilizations, duly disaggregated by gender, ethnicity and other relevant criteria; to provide comprehensive training to health practitioners; and to raise awareness among Indigenous communities on their sexual and reproductive rights.

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IJRC RESOURCES



Uruguay

Uruguay is a Member State of the Organization of American States (OAS) and of the United Nations (UN), and has human rights obligations at both the regional and universal levels.

Regional: Inter-American System



As a Member of the OAS, Uruguay is held to the American Declaration of the Rights and Duties of Man and its human rights policies and practices are monitored by the Inter-American Commission on Human Rights. The Commission may decide [complaints](#) against the State and may also hold [hearings](#) or issue [reports](#) on the human rights situation there. Uruguay has accepted the jurisdiction of the Inter-American Court of Human Rights, which may issue binding [judgments](#) concerning alleged abuses.

Individuals and groups have submitted complaints of human rights violations committed by Uruguay to the [Inter-American human rights system](#). For example, the Court found that Uruguay was responsible for numerous rights violations in relation to the enforced disappearance of María Claudia Gelman and the suppression and substitution of the identity of her daughter at birth, which took place in the context of Operation Cóndor, a State campaign of repression. See I/A Court H.R., [Gelman v. Uruguay](#), Merits and Reparations. Judgment of February 24, 2011. Series C No. 221.

The Commission has also issued [precautionary measures](#) to protect individuals in urgent situations of risk in Uruguay.

Uruguay has ratified the following regional human rights treaties:

- American Convention on Human Rights
- Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights ("Protocol of San Salvador")
- Inter-American Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities
- Inter-American Convention on the Forced Disappearance of Persons
- Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women ("Convention of Belem do Pará")
- Inter-American Convention to Prevent and Punish Torture
- Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance
- Inter-American Convention on Protecting the Human Rights of Older Persons

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Inter-American Commission on Human Rights



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