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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**

**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 18/14, 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 September 2010 on the same subject. The Council also requested that the workshop include a thematic discussion, based on concrete and practical experience of regional mechanisms, to share information on best practices, lessons learned and new possible forms of cooperation. In resolution 18/14, the Council requested the High Commissioner to present to the Council, at its twenty-second session, a report containing a summary of the discussions held at the workshop and of the progress towards the implementation of that resolution.

From 12 to 14 December 2012, the Office of the High Commissioner (OHCHR) organized the workshop on the theme “Enhancing cooperation between United Nations and regional human rights mechanisms” in Geneva, with the participation of Member States, United Nations human rights mechanisms, regional mechanisms in Africa, the Americas, Europe, Asia and the Middle East. National human rights institutions, national preventive

* The annexes to the present report are circulated as received, in the language of submission only.

** Late submission.

mechanisms and non-governmental organizations 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, in particular with regard to sharing information, joint activities and following up on recommendations made by United Nations and regional human rights mechanisms.

The present report contains a summary of the discussions held during the workshop and lists its conclusions and recommendations. It also summarizes the discussions of the first meeting of focal points for cooperation, held immediately after the workshop, on 14 December 2012.

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I. Introduction

1. In its resolution 18/14, the Human Rights Council requested the United Nations High Commissioner for Human Rights to hold a workshop on regional arrangements for the promotion and protection of human rights to take stock of developments since the workshop held in September 2010 on the same subject. The Council also requested that the workshop include a thematic discussion, based on concrete and practical experience of regional mechanisms, to exchange information on best practices and lessons learned and discuss new possible forms of cooperation. In resolution 18/14, the Council requested the High Commissioner to present to the Council, at its twenty-second session, a report containing a summary of the discussions held at the workshop and of the progress towards the implementation of that resolution.¹

2. The Office of the High Commissioner (OHCHR) accordingly organized a workshop on the theme “Enhancing cooperation between United Nations and regional human rights mechanisms”, in Geneva, from 12 to 14 December 2012 (see annex I). The present report reflects the discussions held at the workshop and progress in the implementation of resolution 18/14.

3. The Human Rights Council has recognized the important role played by subregional and interregional human rights arrangements on several occasions. In its resolutions 6/20 and 12/15, it requested OHCHR to hold an international workshop to put forward concrete proposals on ways and means to strengthen cooperation between United Nations and regional arrangements in the field of human rights. Workshops were thus held in November 2008² and May 2010.³ At both meetings, participants recognized the need to strengthen cooperation between United Nations and regional human rights mechanisms through the establishment of specific mechanisms. At the workshop held in 2010, participants identified information-sharing, joint activities and follow-up to recommendations from United Nations and regional human rights mechanisms as the main areas in which such cooperation could be enhanced. OHCHR submitted a report on the conclusions and recommendations of the workshop to the Human Rights Council at its fifteenth session.⁴

4. Following the adoption of Human Rights Council resolution 18/14, OHCHR held three consultations with regional human rights mechanisms, attended also by national human rights institutions, non-governmental organizations and academics, aimed at identifying the themes of the workshop held in 2012 and possible future biennial workshops:

- In Washington, D.C., in November 2011, with the participation of the Inter-American Commission of Human Rights
- In Geneva, in December 2011, with the participation of the Council of Europe, the European Union Fundamental Rights Agency, and the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (the Intergovernmental Commission on Human Rights of the Association of Southeast Asian Nations (ASEAN) was also invited)

¹ Owing to the postponement of the workshop to 12 to 14 December 2012, the secretariat informed the Human Rights Council that the report on the workshop would be submitted to the Council at its twenty-third session (see A/HRC/22/68).

² See A/HRC/11/3.

³ A/HRC/15/56.

⁴ Ibid.

- In Addis Ababa, in February 2012, with the participation of the African Commission on Human and Peoples' Rights and the African Court on Human and Peoples' Rights

5. Participants in the consultations recommended prevention of torture as one of the themes to be addressed during the workshop held in 2012 as a cross-cutting issue on which regional human rights mechanisms had accumulated practical experience. They also suggested other themes, including women's rights, indigenous peoples' rights, human rights defenders, the rights of the child, the rights of persons with disabilities, trafficking in persons and the rights of internally displaced persons and refugees.⁵

6. In April 2012, OHCHR held a briefing for States Members of the United Nations in Geneva to inform them on the themes proposed by regional human rights mechanisms at the above-mentioned consultations.

7. The present report summarizes the discussions held during the workshop held from 12 to 14 December 2012, including its conclusions and recommendations. It also summarizes the discussions and recommendations of the first meeting of focal points for cooperation, held immediately after the workshop on the afternoon of 14 December 2012.

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

8. In accordance with Human Rights Council resolution 18/14, the first session of the workshop was devoted to taking stock of developments in cooperation between United Nations and regional human rights mechanisms since the workshop held in 2010. Participants included representatives of the secretariats of United Nations human rights treaty bodies and the special procedures, the African Commission on Human and Peoples' Rights, the Inter-American Commission on Human Rights, the Council of Europe, the ASEAN Intergovernmental Commission on Human Rights and the Independent Permanent Human Rights Commission of the Organization of Islamic Cooperation (OIC).

A. Cooperation with United Nations human rights mechanisms

9. Participants shared experiences and good practices, including the added value of cooperation mechanisms, as well as challenges encountered in their application.

1. Special procedures

10. In 2007, a meeting attended by OHCHR staff supporting United Nations special procedures and representatives of the Inter-American Commission of Human Rights, the African Commission on Human and Peoples' Rights and the Council of Europe was held in order to enhance the understanding of their respective organizational structures and working methods.

11. A dialogue between special procedures of the United Nations and the African Commission on Human and Peoples' Rights was held in January 2012 in Addis Ababa, which led to the adoption of a road map on cooperation with recommendations to enhance collaboration. A joint working group of representatives of United Nations and African Commission special procedures was established to oversee the implementation of the road

⁵ At each consultation, participants adopted a protocol containing the proposed themes in order of preference.

map. The dialogue was built on the fact that both systems involve independent experts with thematic mandates who conduct country visits, draft thematic reports, undertake substantive research and develop and interpret human rights standards. The Addis Ababa road map recommended the establishment of regular and systematic modalities for sharing information, joint visits and follow-up on respective recommendations.

12. Good practices resulting from the Addis Ababa road map mentioned at the workshop included joint press releases, conferences and seminars, with the participation of United Nations and African Commission on Human and Peoples' Rights experts, and a joint visit of the United Nations and the African Commission special procedures mandate holders on human rights defenders in Tunisia, in September 2012. Furthermore, United Nations special procedures mandate holders participated in the fifty-second session of the African Commission, in October 2012. Commission members took part in the nineteenth annual meeting of United Nations special procedures, held in June 2012.

13. At the secretariat level, the exchange of information has been intensifying. OHCHR shares with the African Commission on Human and Peoples' Rights weekly updates and forecasts of activities which are relevant to the region. Recommendations adopted by United Nations special procedures are shared with the Commission in order to enhance their follow-up. For instance, the Committee for Prevention of Torture in Africa took measures to implement the recommendations of the Special Rapporteur on contemporary forms of slavery, including on its causes and its consequences, on his visit to Mauritania.⁶ End of mission statements by United Nations special procedures are also shared with the Commission, which reciprocates.

14. Civil society organizations and national human rights institutions play an important role in the implementation of the road map, including by means of proposals on activities that could be undertaken jointly by United Nations and African human rights mechanisms.

15. The high degree of expertise and the commitment of the mandate holders of both the United Nations and the African Commission on Human and Peoples' Rights have been instrumental in accelerating the implementation of the road map. In addition, the joint working group created to oversee its implementation has served as its driving force. There have been challenges, however, including the lack of resources, various administrative obstacles and differences between the approaches of mandate holders to specific issues. To overcome these challenges, both systems need to find a compromise that allows them to enhance their cooperation without affecting their independence.

16. United Nations special procedures have also interacted with other regional mechanisms. For instance, in October 2011, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and his counterpart from the Inter-American Commission of Human Rights conducted a joint mission to Mexico. In 2010, the Special Rapporteur on trafficking in persons, especially women and children, devoted her annual report to the role of regional and subregional organizations in the fight against trafficking.⁷

2. Treaty bodies

17. Cooperation between universal human rights treaty bodies and regional human rights mechanisms has increased in recent years. Meetings have been held between:

- The Human Rights Committee and the European Court of Human Rights

⁶ A/HRC/15/20/Add.2.

⁷ A/HRC/14/32.

- The Committee on the Rights of the Child and the African Committee of Experts on the Rights and Welfare of the Child
- The Committee on the Elimination of Racial Discrimination and the European Commission against Racism and Intolerance
- The Committee on the Elimination of Discrimination against Women and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children
- The Committee on the Rights of Persons with Disabilities, the Inter-American Commission for the Elimination of all Forms of Discrimination against Persons with Disabilities and the Council of Europe Committee of Experts on the Rights of People with Disabilities

18. Furthermore, treaty bodies take the recommendations of regional human rights mechanisms into consideration in their review of implementation by Member States. The secretariats of the treaty bodies also 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 different mechanisms and to safeguard jurisprudential coherence.

19. In June 2012, OHCHR organized a dialogue between the chairpersons of United Nations human rights treaty bodies and African human rights mechanisms, in Addis Ababa. At the meeting, participants highlighted the need to recognize the complementarity of these mechanisms, including the African Commission on Human and Peoples' Rights, the African Court on Human and Peoples' Rights, the Court of Justice of the Economic Community of West African States and the East African Court of Justice. Participants in the dialogue adopted a set of recommendations aimed at enhancing cooperation.⁸

20. With regard to the reporting procedure, an exchange of information well in advance of treaty body sessions was recommended, as were systematic exchanges between country focal points and country rapporteurs of both systems, including sharing the respective country-based concluding observations and status of implementation; cross-referencing of each other's recommendations; and mutual follow-up on the implementation of country-based recommendations. On individual communications, regular contacts at the level of secretariat were recommended in order to ensure the exchange of information on issues of procedure, jurisprudence and methods of work. It was also recommended that the respective jurisprudence be taken into consideration and referenced.

21. It was suggested that many of the challenges that the United Nations treaty bodies face might be common to regional mechanisms, including difficulties of States in meeting reporting obligations, late reporting, non-reporting and report backlogs. Therefore, the proposals made by the United Nations High Commissioner for Human Rights with regard to the treaty bodies strengthening process⁹ may benefit the cooperation between them and regional human rights mechanisms.

22. The High Commissioner proposed a system that would establish a single comprehensive reporting calendar, based on a periodic five-year cycle. Within that five-year period, a maximum of two reports per year would be due from a State that is a party to all treaties.¹⁰ This would be beneficial to regional human rights mechanisms because they would be able to keep track of international human rights reporting obligations of States: for example, they would be able to track when specific States were due to submit thematic

⁸ See A/67/222, annex II.

⁹ A/66/860.

¹⁰ *Ibid.*, sect. 4.1.

reports, which would allow them to identify synergies with regional reporting obligations. This would also alleviate the reporting burden of States.

3. Universal periodic review

23. In 2008, when the Universal Periodic Review was established, the High Commissioner addressed letters to regional organizations inviting them to submit information to the process, including the stakeholders report. Communications are addressed by OHCHR to regional organizations before every session of the universal periodic review, inviting them to submit information to be included in the stakeholders' report.

24. The Council of Europe submits information on its member States on a regular basis. Desk-to-desk cooperation between OHCHR and the Council of Europe has been instrumental in streamlining the information submitted. Since 2009, the Inter-American Commission of Human Rights has regularly submitted information on countries that are members of the Organization of American States. Less frequently, the African Commission on Human and Peoples' Rights also submits information on States members of the African Union.

25. Regional human rights mechanisms interact with the Human Rights Council in other contexts. For example, the President of the Council convened a side event on enhancing cooperation with regional human rights during the Council's twentieth session.

26. Representatives of regional human rights mechanisms have increasingly addressed the Human Rights Council. At its nineteenth session, the Council of Europe, the African Commission on Human and Peoples' Rights and the Inter-American Commission of Human Rights participated in panels on sexual orientation, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and the annual discussion on women's human rights.

B. Cooperation tools

27. Participants identified some cooperation tools that they deemed successful in enhancing cooperation between United Nations and regional human rights mechanisms.

1. Focal points

28. At the workshop held in 2010, participants highlighted the need for focal points in each human rights mechanism in order to ensure effective information-sharing and to facilitate joint activities.¹¹ In May 2012, the High Commissioner addressed letters to regional human rights mechanisms, encouraging them to appoint focal points on cooperation. Regional mechanisms responded positively. OHCHR also designated focal points in the secretariats of treaty bodies, the special procedures, the universal periodic review mechanism and geographic sections. Focal points regularly liaise with the National Institutions and Regional Mechanisms Section of OHCHR, which is responsible for coordinating efforts on cooperation between United Nations and regional human rights mechanisms.

29. Participants underscored the important role played by focal points in strengthening cooperation. For example, the African Commission on Human and Peoples' Rights appointed a focal point within the secretariat responsible for circulating among the

¹¹ A/HRC/15/56, paras. 23 and 57.

commissioners and staff the information shared by OHCHR, including weekly updates on treaty bodies and special procedures. The focal point is also in charge of exchanging notes on the Commission's forthcoming activities, end of mission statements, press releases and resolutions. In the Council of Europe, focal points have been appointed to address cooperation within the Directorate on Human Rights and Rule of Law, the European Court of Human Rights and the Office of the European Commissioner for Human Rights.

30. The appointment of focal points within human rights mechanisms themselves was also considered as a good practice. For instance, the Inter-American Commission of Human Rights regularly liaises with the focal point for the Americas region of the United Nations Subcommittee on Prevention of Torture. The African Commission on Human and Peoples' Rights works with the Subcommittee focal point for Africa, who took part in a workshop on the effective functioning of the national preventive mechanism of Senegal, held in Dakar in 2011.

31. On 14 December 2012, OHCHR organized the first meeting of focal points on cooperation immediately after the workshop. Participants outlined a work plan for enhancing cooperation between United Nations and regional human rights mechanisms (see annex II).

2. Desk-to-desk cooperation

32. The added value of desk-to-desk cooperation was highlighted. Since 2007, OHCHR and the Council of Europe have held annual coordination meetings aimed at discussing topics of common interest and at strengthening working-level contacts. The sixth coordination meeting was held in Geneva on 11 December 2012.

33. One of the main conclusions of the desk-to-desk meeting was that cooperation had significantly increased in recent years, even though there was room for improvement. Participants agreed that one of the main challenges was to address the gaps in the implementation of recommendations made by the various United Nations and regional human rights bodies. Strengthened cooperation would help to tackle this challenge, in particular by means of working-level exchanges between the two organizations. In this regard, the conclusion of bilateral agreements was cited as a good practice.

34. Another good example of desk-to-desk cooperation was the agreement between the secretariat of the Human Rights Committee (OHCHR Petitions and Inquiries Section) and the Registry of the European Court of Human Rights, concluded in 2012, aimed at exchanging staff and at increasing the knowledge of the jurisprudence of both systems.

3. Thematic meetings

35. Participants underscored the need to increase exchanges on thematic issues between United Nations and regional human rights mechanisms, including on standards, jurisprudence and challenges in protecting specific human rights. Some good practices were mentioned.

36. In November and December 2011, and in February 2012, OHCHR organized separate regional consultations gathering United Nations and regional mechanisms in Africa, the Americas and Europe on the prevention of torture and the protection of victims of torture. Participants discussed the possibility of establishing institutional channels to share information and to define priority areas in which joint activities could be envisaged, how to develop a more strategic approach in follow-up to recommendations by different mechanisms, and how to ensure confidentiality. The role of national preventive mechanisms and non-governmental organizations was discussed in that context. An outcome document was adopted at the end of each regional consultation (see annexes III, IV and V).

37. At the regional consultations, specific initiatives were identified, such as a coordination body of United Nations and Inter-American human rights mechanisms on torture, which would hold periodic meetings to exchange information, identify common thematic priorities, discuss strategies and identify complementary areas. Another initiative was the drafting of a joint report that would follow up on the recommendations made by both systems between 2007 and 2010. At the regional consultation in Europe, it was recommended that United Nations and European mechanisms on torture should coordinate their assistance to national preventive mechanisms so as to avoid duplication. In that regard, the role played by the European national preventive mechanisms project of the Council of Europe was underscored. At the regional consultation for Africa, it was recommended that United Nations and African mechanisms on torture should consult each other and share information at the stages of strategic planning, planning and implementation of activities, and follow-up. To that end, the establishment of an institutional framework on cooperation was suggested in the form of a general memorandum of understanding or of specific memorandums between United Nations and African mechanisms on torture.

38. In follow-up to the regional consultation in Africa, a meeting on enhancing prevention of torture in Africa was held in Johannesburg, in August 2012, to commemorate the tenth anniversary of the Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (the Robben Island Guidelines), the main regional instrument on the prevention of torture. Participants included representatives of the Subcommittee on Prevention of Torture, the African Commission on Human and Peoples' Rights, national human rights institutions, national preventive mechanisms and non-governmental organizations. The Johannesburg Declaration and Plan of Action on the Prevention and Criminalization of Torture in Africa, which included measures and recommendations to be implemented, was adopted at the end of the meeting.

39. Participants also referred to the joint working group meetings of the African Committee of Experts on the Rights and Welfare of the Child and the Committee on the Rights of the Child, held in 2010. At the meetings, the decision was made to create a task force to identify modalities of reducing the reporting burden on States parties to the two treaties. Recommendations to enhance cooperation between the two bodies were adopted, including on the sharing of information and on participation in the activities of the other body.

40. On the margins of the seventeenth session of the Human Rights Council, in June 2011, the Special Rapporteur on violence against women, its causes and consequences convened a side event on regional standards on violence against women. The panel included representatives from African, Inter-American, European and ASEAN human rights mechanisms, who discussed the levels of protection envisaged by regional human rights instruments, remaining gaps and challenges, as well as possible areas of cooperation with the United Nations special procedures.

4. Study visits, workshops and training programmes

41. Certain capacity-building activities were cited as good practices, in particular those for emergent regional human rights mechanisms: for example, in December 2010, OHCHR and the United Nations Development Programme organized a workshop on strengthening secretariat support for the ASEAN Intergovernmental Commission on Human Rights, in Jakarta. A similar workshop was organized in 2011 by OHCHR for the secretariat of the OIC Independent Permanent Human Rights Commission.

42. A study visit conducted in 2011 by the ASEAN Intergovernmental Commission on Human Rights to Europe and the United States of America was mentioned as a good practice. During that visit, commissioners held meetings with the Inter-American

Commission on Human Rights, the Fundamental Rights Agency, the Office for Democratic Institutions and Human Rights and the Council of Europe, including the European Court of Human Rights.

43. In January 2011, OHCHR, the United Nations Entity for Gender Equality and the Empowerment of Women and the United Nations Children's Fund (UNICEF) organized a study visit to Geneva and Strasbourg for the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children in order to assist its members and staff in developing working methods and identifying priority issues and ways to cooperate with United Nations human rights mechanisms and bodies. Commission representatives met with staff from OHCHR, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child, the Council of Europe and the European Court of Human Rights.

44. In July 2012, OHCHR organized a study visit for the OIC Independent Permanent Human Rights Commission for its commissioners to gain knowledge of United Nations human rights mechanisms and to explore possible ways of cooperation between them. They also attended the twentieth session of the Human Rights Council. In December 2012, some commissioners carried out a study visit to United Nations Headquarters.

III. Enhancing cooperation between United Nations and regional human rights mechanisms

45. The workshop focused on the three main areas of cooperation identified at the workshop held in 2010: information-sharing, joint activities and follow-up to recommendations of United Nations and regional human rights mechanisms. For each of these areas, an underlying theme of discussion allowed participants to hold concrete discussions and to produce solid recommendations. In accordance with Human Rights Council resolution 18/14, the themes were selected taking into account concrete and practical experience of regional mechanisms and based on the consultations held with regional human rights mechanisms and Member States (see paragraphs 5 and 6 above). The underlying themes were:

- For information-sharing: prevention of torture
- For joint activities: women's rights
- For follow-up to recommendations: the rights of the child

A. Information-sharing

1. Good practices and challenges

46. Participants from the Subcommittee on Prevention of Torture, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Committee against Torture, the African Commission on Human and Peoples' Rights, the Inter-American Commission on Human Rights, national human rights institutions, national preventive mechanisms and non-governmental organizations agreed on the importance of sharing information for the coherence and consistency of international human rights standards and jurisprudence, as well as to avoid duplication and contradictions.

47. Confidentiality was identified as one of the main challenges to information-sharing. Participants shared the view that there was information that could be easily shared, such as the legal framework, trends, methods of work, calendars, programmes of visits and

activities, contact details and public reports. They also agreed on the need of maximising sharing of information within the limits provided by the rules of procedure of each human rights body, bearing in mind that their common goal was the protection of victims. For example, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment proposed that States parties to the international and the regional conventions agree that Committee visit reports and their responses to such reports be systematically shared with the Subcommittee on Prevention of Torture on a confidential basis. In a similar way, it was proposed the Subcommittee on Prevention of Torture consider sharing systematically its reports with the Committee on a confidential basis.

48. Lack of capacity and differences between human rights mechanisms were also identified as challenges. It was proposed that universal and regional mechanisms regularly exchange standards, experiences and views, in particular for the benefit of emergent regional human rights mechanisms that can learn from more developed mechanisms. In that regard, it was suggested that thematic exchanges be held on such issues as prison overcrowding and non-refoulement. These exchanges were expected to allow human rights mechanisms to apply coherent standard methodology protocols, for example with regard to interviews with persons deprived of their liberty and criteria for visiting places of detention.

49. Trust between actors sharing information and the willingness to share it were identified as crucial factors. In that context, it was pointed out that the independence of national human rights institutions, national preventive mechanisms and non-governmental organizations was fundamental for enhanced cooperation, as they were important sources of information for United Nations and regional human rights mechanisms. They also played an important role in disseminating information and advocating against torture. It was noted that recommendations made by international and regional human rights mechanisms could be used by the said actors as a powerful advocacy tool. For instance, in Uganda, a coalition comprising the national human rights institution and non-governmental organizations allowed for the adoption of a law criminalizing torture in 2012.

2. Concrete proposals

50. Participants made proposals to enhance the sharing of information by United Nations and regional human rights mechanisms, by means of:

- Existing and future focal points provided with the necessary means for carrying out their tasks effectively
- Systematized exchange, through focal points, of calendars and activities, programmes of visits, list of secretariats and outcome reports
- Desk-to-desk cooperation facilitated by focal points
- The development of regular thematic exchanges of standards, jurisprudence, views and experiences
- The development of a matrix containing recommendations by United Nations and regional human rights mechanisms, including information by country
- Communication and exchanges between non-governmental organizations and human rights field presences, in particular with regard to urgent situations
- The development of a database centralizing findings, decisions and recommendations by United Nations and regional human rights mechanisms, as well as information on their implementation, to be accessible to victims, States and other stakeholders (the Universal Human Rights Index was indicated as a first step in that direction, but needed to include the decisions and recommendations of regional mechanisms as well)

- The creation of weblinks on each mechanism's website leading to the webpages of other human rights mechanisms, and the development of an OHCHR webpage on regional human rights mechanisms;¹² resources, such as information technology tools, should be made available to human rights mechanisms

51. With regard to cooperation between United Nations and regional human rights mechanisms for the prevention of torture, participants suggested:

- The establishment of protocols allowing for the incorporation of recommendations from regional consultations on the prevention of torture held in Washington D.C., Geneva and Addis Ababa into the day-to-day work of United Nations and regional human rights mechanisms (see paragraphs 39 and 40 above and annexes II, III and IV)
- Identifying tools to maximise the exchange of non-confidential information
- Consultations and the exchange of information on countries and places to be visited by United Nations and regional human rights mechanisms
- Consultations when drafting thematic reports
- Better communications and systematic exchange of information between national preventive mechanisms and mechanisms on torture, in particular the Subcommittee on Prevention of Torture and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
- Involving national preventive mechanisms in visits by United Nations and regional mechanisms (if this is not possible, information should be shared with the said mechanisms in advance)
- Exchanging views and experiences among national preventive mechanisms; the Council of Europe national preventive mechanism project was mentioned as a good practice that could be replicated in other regions
- In order to avoid reprisals, sharing information with national preventive mechanisms, national human rights institutions and non-governmental organizations to follow up on the situation of persons who have collaborated with them

B. Joint activities

1. Good practices and challenges

52. Participants discussed joint activities between United Nations and regional human rights mechanisms, with women's rights as the underlying theme. Representatives of the Committee on the Elimination of Discrimination against Women, the Working Group on the issue of discrimination against women in law and in practice, the Council of Europe, the African Commission on Human and Peoples' Rights, the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children, national human rights institutions and non-governmental organizations took part in the discussions.

53. Participants agreed on the importance of cross-referencing their jurisprudence and recommendations. Reference was made to the Inter-American Court of Human Rights quoting the Committee on the Elimination of Discrimination against Women and the Special Rapporteur on violence against women, its causes and consequences, in a ruling on the case of *González y otras ("Campo Algodonero") v. México* regarding the killing of

¹² A/HRC/15/56, paras. 63-64.

women in Ciudad Juarez, Mexico. Conversely, the Committee quoted the same ruling in its recommendations to Mexico.¹³ It was highlighted that the institutionalization of exchanges between United Nations and regional human rights mechanisms would permit regular cross-referencing.

54. Contradictory human rights standards were identified as a challenge to cooperation. Participants agreed that regional standards could not derogate international standards. States should comply with international obligations resulting from the international treaties that they have ratified and from customary international law. It was therefore deemed necessary to strengthen cooperation to avoid contradictory human rights norms. Participants highlighted the view that emergent human rights mechanisms should use the experience of established mechanisms when addressing possible contradictions. For example, it was suggested that developed mechanisms could assist newer ones in addressing religious and cultural issues from a human rights perspective.

55. Participants were also of the view that cooperation could be instrumental in dealing with financial restrictions currently faced by human rights mechanisms. Joint visits, reports and capacity-building activities could help to save resources. The road map between the special procedures of the United Nations and the African Commission on Human and Peoples' Rights (see paragraphs 11 and 12 above) was cited as a tool that had enabled mechanisms to cooperate in a more efficient way.

56. Partnerships between non-governmental organizations and United Nations and regional mechanisms were referred to as a good practice. For example, the African Commission on Human and Peoples' Rights and non-governmental organizations had produced a manual on how to bring cases on women's rights to the African human rights system. Joint training was provided to human rights defenders at which key women's rights cases considered by the Committee on the Elimination of Discrimination against Women, the African Commission on Human and Peoples' Rights and other regional mechanisms were discussed.

2. Concrete proposals

57. Participants proposed the improvement of joint activities between United Nations and regional human rights mechanisms, by means of:

- Mutual cross-reference to their jurisprudence and recommendations in order to ensure consistency and coherence with international human rights law
- The identification of common priorities
- The sharing information on planning, and the definition of a common agenda for joint activities, including timelines and responsibilities
- Well-established United Nations and regional human rights mechanisms sharing their expertise with emergent regional human rights mechanisms in the framework of workshops and study visits
- Replication in other regions of such good practices as the road map between United Nations special procedures and the African Commission on Human and Peoples' Rights
- Building and enhancing the capacity of national stakeholders, in particular judges, lawyers, national human rights institutions and non-governmental organizations in the implementation of international human rights norms and standards

¹³ CEDAW/C/MEX/CO/7-8, paras. 18 (c) and 19 (f).

- Increased joint activities by national human rights institutions and non-governmental organizations, such as capacity-building activities, the dissemination of the recommendations made by human rights mechanisms and monitoring, including facilitating the access of victims to United Nations and regional human rights mechanisms

58. To enhance joint activities on women's rights, participants also proposed that United Nations and regional human rights mechanisms:

- Define a common agenda to further protect women's rights, on specific themes, for example access to justice, and looking into the causes of women's human rights violations
- Participate in the annual full-day discussions of the Human Rights Council on women's human rights
- Discuss ways and means to convey joint messages to the United Nations bodies working on women's rights, for example the Commission on the Status of Women

C. Follow-up to recommendations by United Nations and regional human rights mechanisms

1. Good practices and challenges

59. Participants discussed ways and means to improve follow-up to recommendations made by United Nations and regional human rights mechanisms based on the example of the bodies specialized in the rights of the child. Representatives of the Committee on the Rights of the Child, the Inter-American Court of Human Rights, the Council of Europe, the African Commission on Human and Peoples' Rights, the African Committee of Experts on the Rights and Welfare of the Child, national human rights institutions and non-governmental organizations participated in the discussion.

60. It was observed that the universal periodic review was a good source of information for United Nations and regional human rights mechanisms, since it made clear which recommendations States were willing to implement and the ones that they only noted. It was suggested that universal periodic review recommendations should be used as a follow-up instrument. Some also noted that national human rights plans of action provided an opportunity for greater cooperation if they reflected recommendations of international and regional human rights mechanisms. It was also proposed that United Nations and regional human rights mechanisms should form partnerships to provide technical cooperation to States for the implementation of their recommendations.

61. Partnerships between human rights mechanisms were also cited as a good practice, for instance, as a strategy in the area of the rights of the child developed by the Council of Europe, with the participation of the European Union Fundamental Rights Agency, UNICEF, OHCHR and the Office of the United Nations High Commissioner for Refugees. This strategy was aimed at the implementation of standards on children's rights, focusing on the protection of children from violence, child-friendly services and systems, the protection of children in vulnerable situations and child participation, using standards developed by United Nations and regional human rights mechanisms.

62. Linking the follow-up on recommendations to day-to-day activities was mentioned as a way to save resources. For example, non-governmental organizations used the recommendations of human rights mechanisms in their advocacy activities, including those aimed at harmonizing national legislation with international human rights standards.

63. The importance of reaching out to stakeholders such as the media, parliamentarians, the judiciary and academia, was highlighted.

2. Concrete proposals

64. Participants suggested that United Nations and regional human rights mechanisms:
- Follow up on each other's recommendations (for instance, article 69.2 of the rules of procedure of the Inter-American Court of Human Rights direct it to request information from other human rights mechanisms in order to monitor the implementation of the Court's decisions)
 - Provide joint support for the development of national human rights plans of action
 - Provide joint support for the establishment of coordinating mechanisms to implement human rights recommendations at the national level
 - Establish partnerships to support the implementation of recommendations of human rights mechanisms through technical cooperation
 - Map best practices on follow-up to recommendations across mechanisms

IV. Meeting of focal points

65. On 14 December 2012, OHCHR hosted the first meeting of focal points in United Nations human rights mechanisms, including focal points designated by regional human rights mechanisms in Africa, the Americas, Europe, Asia and the Middle East, as well as OHCHR staff supporting the treaty bodies, the special procedures and the universal periodic review mechanism.

66. Future joint activities were discussed aimed at implementing the recommendations made at the workshops held in 2010 and the 2012 on enhancing cooperation between United Nations and regional human rights arrangements. The focal points discussed ways and means to prioritize recommendations in order to elaborate a workplan defining the recommendations to be implemented in the short, medium and long term, with corresponding responsibilities (see annex II).

V. Conclusions

67. The workshop on enhancing cooperation between United Nations and regional human rights mechanisms generated valuable proposals and recommendations aimed at enhancing cooperation between United Nations and regional human rights mechanisms, in particular with regard to the sharing of information, conducting joint activities and follow-up to recommendations.

68. The participants in the workshop highlighted the importance of pursuing the process of enhancement of cooperation between United Nations and regional human rights mechanisms. To that end, biennial workshops should continue to be held, as well as the annual meetings of focal points on cooperation.

69. The support and endorsement of United Nations and regional organizations political bodies were identified as crucial for the effective enhancement of cooperation. Participants encouraged intergovernmental organizations and States to allocate the financial and human resources necessary to ensure that recommendations on cooperation were implemented.

70. Participants recognized the critical role played by OHCHR in advancing cooperation between international and regional human rights mechanisms. The capacity of OHCHR to operate as focal point of cooperation between the two mechanisms, and in particular to facilitate the continuous activities of the focal points network, had however, been adversely affected by the financial constraints placed upon it.

71. Cooperation between human rights mechanisms was identified as a way to save resources in times of financial constraint. United Nations and regional human rights mechanisms were encouraged to further develop joint activities and the exchange of information.

VI. Recommendations

A. States and United Nations and regional human rights mechanisms

72. Focal points are fundamental for enhancing cooperation between United Nations and regional human rights mechanisms. They should be provided with adequate resources to carry out effectively the tasks outlined in their workplans. Meetings of focal points on cooperation should be held annually.

73. Information-sharing between United Nations and regional human rights mechanisms should be systematized by, inter alia, the exchange of calendars of activities, programmes of visits, list of secretariats and reports. Focal points should be responsible for ensuring regular information-sharing.

74. A shared agenda of activities of international and regional human rights mechanisms should be developed, including common short- and mid-term planning. Thematic meetings should be convened with the participation of experts.

75. To date, OHCHR has supported the mandate of cooperation between United Nations and regional human rights mechanisms by means of extrabudgetary resources. Owing to the financial constraints faced by the Office, however, such an arrangement was no longer feasible. The nascent network of two-way exchange of information and communications on joint activities and follow-up regularly channelled through the OHCHR focal point required adequate facilitation and development. Furthermore, OHCHR would continue to be the convener of biennial workshops and annual meetings of focal points. The work required to support such an important mandate demanded at least one additional Professional staff member and one additional General Service staff member.

76. Such good practices as desk-to-desk cooperation and the Addis Ababa road map on cooperation should be used as examples for other regions.

77. United Nations and regional human rights mechanisms should systematically cross-reference their jurisprudence and recommendations. A database containing the findings, decisions and recommendations of United Nations and regional human rights mechanisms should be created. This tool could be accessible to victims, States and other stakeholders.

78. A matrix containing recommendations made by United Nations and regional human rights mechanisms should be developed. The said mechanisms should systematically follow up on each other's recommendations. Best practices on follow-up on recommendations across mechanisms should be mapped and clustered.

79. Regional human rights mechanisms should provide information for the universal periodic review. In addition, joint support from United Nations and regional human rights mechanisms should be provided for the development of human rights national plans of action and for the establishment of national coordinating mechanisms to implement universal periodic review recommendations.

80. Weblinks on each mechanism's website with links to the webpages of other human rights mechanisms should be created. The OHCHR website should include information on cooperation with regional human rights mechanisms. Resources should be made available to human rights mechanisms to put such technological tools in place.

81. A working group comprising members of United Nations and regional human rights mechanisms should be created to follow up on recommendations resulting from the workshop held in 2012.

82. United Nations and regional human rights mechanisms should ensure that the capacity of national stakeholders, in particular judges, lawyers, national human rights institutions and non-governmental organizations, is built and enhanced, including on the implementation of international human standards and recommendations.

B. Other stakeholders, in particular national human rights institutions and non-governmental organizations

83. Recommendations by United Nations and regional human rights mechanisms should be part of the day-to-day work of all stakeholders so as to facilitate and enhance their follow-up.

84. Cooperation between United Nations and regional human rights mechanisms, and relevant stakeholders, should be developed further, including in support for the follow-up on individual complaints by national human rights institutions and non-governmental organizations.

Annex I

[English only]

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

Geneva, 12 to 14 December 2012

Day 1 (12 December 2012)

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

Objective: Discussions will aim at identifying concrete means and tools of cooperation between United Nations (United Nations) and regional human rights mechanisms on three key areas identified during the international workshop on cooperation between international and regional human rights mechanisms held in Geneva in 2010 (A/HRC/15/56): sharing of information, possible joint activities, and follow up to recommendations of United Nations and regional human rights mechanisms.

As recommended by the 2010 workshop and in accordance with Human Rights Council (HRC) resolution 18/14, there will be an underlying theme of discussion for each of these areas of cooperation which will allow participants to hold targeted discussions and to produce practice-oriented recommendations.

The workshop will also take stock of developments related to cooperation between United Nations and regional human rights mechanism, in particular since the 2010 workshop.

The discussions will help to ensure coherence, avoid gaps and overlaps, as well as strengthen complementarity and increase the impact of actions by United Nations and regional human rights mechanisms. In addition, the workshop will aim at identifying concrete commitments for both United Nations and regional human rights mechanisms.

09:00 – 10:00 Registration

10:00 – 10:30 Opening session

Ms. Kyung-wha Kang, Deputy High Commissioner for Human Rights

H.E. Laura Dupuy Lasserre, President of the Human Rights Council

H.E. Bertrand de Crombrughe, Permanent Representative of Belgium to the United Nations

“Tacking stock of progress 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 between United Nations and regional human rights mechanisms, including their added value and challenges encountered in their implementation. Discussions will also aim at identifying ways and means to replicate best practices in other mechanisms and/or areas of cooperation.

Chair: Mexico

10:30 – 12:00 Taking stock of developments in the cooperation activities between United Nations and regional human rights mechanisms, in particular after the 2010 international workshop

Panellists: Vladlen Stefanov, Chief OHCHR National Institutions and Regional Mechanisms Section
Ms. Wan-Hea Lee, Human Rights Treaties Division
Ms. Federica Donati, Special Procedures Branch
Mr. Med Kagwa, African Commission of Human and Peoples’ Rights
Mr. Emilio Alvarez Icaza, Inter-American Commission of Human Rights
Mr. Daniele Cangemi, Council of Europe
Mr. Rafendi Djamin, ASEAN Intergovernmental Commission Human Rights
Ambassador Abdul Wahab, OIC Independent Permanent Human Rights Commission

12:00 – 13:00 Discussion

13:00 – 15:00 Lunch break

15:00 – 17:40 Session 1

“How to improve information sharing between United Nations and regional human rights mechanisms on the example of prevention of torture mandates and activities”

Objective: This session will allow participants to share methods of work, best practices and lessons learned; information on strategy and planning, as well as jurisprudence and standards developed by each mechanism, so as to identify common priorities, challenges, synergies and possible complementarities. The role of NHRIs, NPMs and NGOs with regard to information sharing will also be discussed.

In addition, this session will focus on issues raised at the regional consultations held in 2011 and 2012 with Inter-American, European, ASEAN and African regional human rights mechanisms: Should institutional channels be established in order to exchange information? If yes, what kind? How to implement them? What are the key areas of collaboration which will allow overcoming information sharing obstacles? How to better share United Nations and regional human rights mechanisms’ information on planning of visits, preparation of reports, actions on individual cases, methods of work, and good practices? What will be the role of the mechanisms’ secretariats in an enhanced cooperation?

Chair: Belgium

15:00 – 15:45 Information sharing between United Nations and regional human rights mechanisms

Panellists: Mr. Zbigniew Lasocik, United Nations Subcommittee on Prevention of Torture
 Mr Lətif HÜSEYNOV, President European Committee on Prevention of Torture
 Mr. Med Kaggwa, African Commission of Human and Peoples' Rights
 Ms. María Claudia Pulido, Inter-American Commission of Human Rights
 Mr. Fernando Mariño, Committee against Torture

15:45 – 16:30 Discussion

Chair: Mr. Gerald Staberock, OMCT

16:30 – 17:00 The role of NHRIs, NPMs and NGOs in information sharing

Panellists: Ms. Ruth Ssekindi, NHRI Uganda
 Ms. Ofelia Titelbaum NPM Costa Rica
 Ms. Barbara Bernarth Association for Prevention of Torture

17:00 – 17:40 Discussion

17:40 – 18:00 Wrap-up of Day 1 including suggestions for Day 3 of the programme

Panellists: Mr. Mohamed Amin Al-Midani
 Mr. Santiago Canton

Day 2 (13 December 2012)

10:00 – 13:00 Session 2

“Joint activities between the United Nations and regional human rights mechanisms on the example of mandates and activities related to women’s rights”

Objective: This session will allow participants to discuss best practices and lessons learned with regard to joint activities, as well as to identify common priorities and challenges.

This session will also try to find answers to the following questions: When joint activities could be envisaged and when they would bring an added value? What would be the criteria for joint activities? How to identify priority areas for joint activities? How to make better use of existing resources? How to make better use of mechanisms’ secretariats?

Furthermore, discussions on possible initiatives will be held, including joint press releases; joint visits; joint capacity building activities; joint reports (including both thematic and country reports); joint publications; joint policy guidance and exchange of staff. The role of NHRIs, NPMs and NGOs will also be discussed.

Chair: Thailand

10:00 – 11:00 Joint activities between United Nations and regional human rights mechanisms

Panellists: Ms. Line Barreiro, United Nations Committee on the Elimination of Discrimination against Women
Ms. Frances Raday, United Nations Working Group on Discrimination against Women in Law and Practice
Mr. Petro Dumitiru, on behalf of the Unit - Violence Against Women and Domestic Violence Council of Europe
Ms. Soyata Maiga, African Commission of Human and Peoples' Rights
Ms. Kanda Vajrabhaya, ASEAN Commission on the Rights of Women and Children

11:00 – 11:45 Discussion

Chair: Armenia

11:45 - 12:15 The role of NHRIs and NGOs in joint activities

Panellists: Ms. Arimbi Heroepoetri, Indonesian Commission on Violence against Women
Ms. Faiza Jama Mohamed, Equality Now
Ms. Elizabeth Placido, Cladem; Ms. Nyaradzayi Gumbonzvanda, YWCA

12:15 – 13:00 Discussion

13:00 – 15:00 Lunch break

15:00 – 17:45 Session 3

“How to improve follow up action to recommendations issued by United Nations and regional human rights mechanisms on the example of mandates and activities related to children’s rights”

Objective: This session will allow participants to share best practices and lessons learned in relation to follow-up. Participants will identify common recommendations as well as main challenges in implementing each mechanism’s recommendations. A discussion on ways and means to overcome challenges in implementing recommendations through follow-up to each other’s recommendations will also be held. Specific examples will be given on successful engagement by regional mechanisms and the United Nations in the implementation of recommendations.

In addition, this session will aim at identifying elements to respond to the following questions: How to improve complementarity of United Nations and regional human rights mechanisms to strengthen follow-up actions? How to better benefit from recommendations formulated by other mechanisms? How to develop a more strategic approach in the follow up to the recommendations from various mechanisms? Should institutional follow-up channels be established? Which ones? How to establish them? The role of NHRIs, NPMs and NGOs will also be discussed.

Chair: Mexico

15:00 – 16:00 Follow-up to decisions and recommendations of United Nations and regional human rights mechanisms

Panellists: Mr. Jean Zermatten, United Nations Committee on the Rights of the Child
Mr. Christophe Peschoux, Universal Periodic Review
Regina Jensdottir Head of the Children's Rights Division Council of Europe
Mr. Carlos Gaio, Inter-American Court of Human Rights
Justice Fatsah Ouguerouz, African Court of Peoples' and Human Rights
Ms. Imma Guerras-Delgado, OHCHR Advisor on Child Rights
Ms. Fatema Sebaa, Committee of Experts on the Rights and Welfare of the Child

16:00 – 16:45 Discussion

Chair: Mr. Michael Ineichen, International Service for Human Rights

16:45 – 17:15 The role of NHRIs and NGOs in follow up to decisions and recommendations of United Nations and regional human rights mechanisms

Panellists: Mr. Mykhailo Chaplyga, NHRI Ukraine
Ms. Lisa Myers, NGO Group for the Convention on the Rights of the Child

17:15 – 17:45 Discussion

17:45 – 18:00 Wrap-up of Day 2 including suggestions for Day 3 of the programme

Panellists: Mr. Mohamed Amin Al-Midani
Mr. Santiago Canton

Day 3 (14 December 2012)

“A way forward on cooperation between United Nations and regional human rights mechanisms”

Objective: This session is aimed at defining a way forward on cooperation between United Nations and regional human rights mechanism, using the thematic discussions as a tool to develop specific and succinct proposals of cooperation on three areas: sharing of information, possible joint activities, and follow up to recommendations. Participants will adopt recommendations on these issues at the end of the workshop which will be contained in the report to be submitted to the Human Rights Council in 2013.

Chair: Mr. Ibrahim Salama, Director OHCHR Human Rights Treaty Bodies Division

10:00 – 10:20 Way forward on information sharing between United Nations and regional human rights mechanisms

Panellists: Mr. Paulo David OHCHR – HRTD
International Service of Human Rights

10:20 – 10:50 Discussion

Chair: Ms. Mara Bustelo, OHCHR Special Procedures Branch

10:50 – 11:10 Way forward on joint activities between United Nations and regional human rights mechanisms

Panellists: Ms. Federica Donati, OHCHR – SPB
Ms. Soyata Maiga, African Commission on Peoples’ and Human Rights
Ms. Hannah Forster, African Centre for Democracy and Human Rights studies

11:10 – 11:40 Discussion

Chair: Mr. Gianni Magazzeni, Chief OHCHR Americas, Europe and Central Asia Branch

11:40 – 12:00 Way forward on follow-up to decisions and recommendations of United Nations and regional human rights mechanisms

Panellists: Ms. María Clara Martin, OHCHR- FOTCD
Ms. Dinah Shelton, Inter-American Commission of Human Rights
Ms. Alejandra Vicente, Center for Justice and International Law (CEJIL)

12:00- 12:30 Discussions

Annex II

[English only]

Outcome of the first meeting of focal points for cooperation between United Nations and regional human rights mechanisms

Geneva, 14 December 2012

Participants in the first Meeting of Focal Points for Cooperation between United Nations and Regional Human Rights Mechanisms (RHRMs) included representatives from the African Commission on Human and Peoples' Rights (ACHPR), the African Court on Human and Peoples' Rights (AfHPR), the Economic Community of West African States' (ECOWAS) Court of Justice, the Inter-American Commission of Human Rights (IACHR), the Inter-American Court of Human Rights (IACtHR), the Council of Europe's (CoE) Directorate General of Human Rights and Rule of Law, the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the ASEAN Intergovernmental Commission of Human Rights (AICHR), the Chair of the ASEAN Commission on the Promotion and Protection of the rights of Women and Children (ACWC), the Organization of Islamic Cooperation (OIC) Independent Permanent Human Rights Commission (IPHRC), and the League of Arab States (LAS) Arab Human Rights Committee (AHRC). Focal points for cooperation of the Office of the High Commissioner for Human Rights (OHCHR) also participated, including the Field Operations and Technical Cooperation Division (FOTCD), the Special Procedures Branch (SPB), the Universal Periodic Review (UPR) Section, the Human Rights Treaties Division (HRTD) and the Research and Right to Development Division (RDD).

Participants discussed ways and means to implement the recommendations resulting from the 2010 and 2012 international workshops on "Enhancing cooperation between United Nations and regional human rights mechanisms."¹⁴ Short, medium and long term recommendations were agreed upon.¹⁵ Ways to prioritize the recommendations, to enable their effective implementation, were also identified. Focal points also defined their responsibilities in implementing each recommendation.

1. Short term recommendations

Creation of an **emailing list** of focal points for cooperation between United Nations and RHRMs

Implementation: focal point OHCHR NIRMS

Information on **current and future activities** of United Nations and RHRMs should be regularly **shared** through the emailing list, including forecasts of country visits, end of visit's statements, calendars of activities, etc.

¹⁴ The 2010 workshop was held in Geneva from 3 to 4 May 2010, in accordance with the Human Rights Council resolution 12/15 (A/HRC/15/56). The 2012 workshop was held in Geneva from 12 to 15 December 2012, following the Human Rights Council resolution 18/14.

¹⁵ See concept note of the First Focal points meeting.

Implementation: focal points of all RHRMs and focal points of OHCHR NIRMS, SPB, UPR and HRTD

Regular meetings should be held between United Nations and regional **special rapporteurs** and members of RHRMs and United Nations human rights **treaty bodies**. Representatives from RHRMs could participate in the annual meeting of treaty body chairs and in the annual meeting of the Special Procedures mandate holders.

Implementation: all focal points RHRMs, in particular ACHPR, AfHPR, ECOWAS CJ, IACHR, IACourtHR, CoE, ODIHR, and focal points OHCHR NIRMS, SPB, HRTD.

Information regarding countries to be reviewed during the **UPR** should be regularly **submitted** to the UPR Secretariat. RHRMs should be **informed in advance** about **UPR calendar** and deadlines for submissions.

Implementation: focal points all RHRMs, in particular ACPHR, IACHR, CoE, ODIHR and focal points OHCHR UPR.

Joint press releases, declarations and statements, regarding key issues or situations should become more systematic.

Implementation: focal points ACHPR, IACHR, CoE, ODIHR and focal points SPB, HRTD.

Thematic reports should be regularly **shared**, i.e., United Nations Secretary General's reports. In addition, **thematic areas** which could be jointly addressed should be **identified**.

Implementation: focal points all RHRMs except the AfHPR and focal points OHCHR, RDD, SPB, HRTD (i.e. General Observations).

A **portal page** containing information on cooperation between United Nations and RHRMs should be created.

Implementation: focal point OHCHR NIRMS.

Technological tools such as Skype, teleconferences should be used to maintain a permanent contact between secretariats.

Implementation: focal points all RHRMs and focal points OHCHR.

Exchange of lists of Secretariat staffs and other information material to facilitate desk-to-desk exchanges and coordination.

Implementation: focal points of all RHRMs and focal points.

2. Mid-term recommendations

User-friendly **web links** leading to the web pages of other human rights mechanisms should be available on the websites of all human rights mechanisms to the extent possible

Implementation: focal points all RHRMs.

Regular thematic meetings to share information and discuss substantive issues should be held.

Implementation: focal points all RHRMs and focal points OHCHR RDD, HRTD and SPB.

Staff exchanges **between secretariats** of United Nations and RHRMs should be encouraged. The establishment of MoUs can contribute to this endeavour.

Implementation: focal points CoE, ODIHR, ACHPR, IACHR, IACourtHR, AfHPR, ECOWAS CJ and focal points OHCHR HRTD and SPB.

A **matrix** containing the joint activities between United Nations and RHRMs should be created.

Implementation: OHCHR focal points, in particular NIRMS with the collaboration of all focal points RHRMs and OHCHR focal points.

In accordance with their respective mandates, RHRMs should **follow up on United Nations (Treaty bodies, Special Procedures, UPR)** recommendations and **vice-versa**.

Implementation: focal points all RHRMs, in particular CoE, ODIHR, ACHPR, IACHR, IACourtHR, ECOWAS CJ and focal points OHCHR HRTD, SPB, UPR.

The practice of elaborating **joint reports** (including thematic and country reports) and **publications, standards and guidelines** should be expanded.

Implementation: focal points CoE, ODIHR, ACHPR, IACHR and OHCHR focal points FOTCD, RDD, SPB.

Increase the number of **joint country visits**.

Implementation: focal points ACHPR, IACHR, CoE, ODIHR, and OHCHR focal points SPB, FOTCD.

Joint promotional activities should be undertaken. In addition, **joint advocacy efforts** should be made in order to increase the number of **ratifications** of United Nations and regional human rights instruments.

Implementation: focal points ACHPR, AfHPR, IACHR, IACourtHR, AICHR, ACWC, IPHRC, AHRC, ECOWAS CJ and focal points OHCHR HRTD, FOTCD, SPB.

Meetings on **new developments**, including new instruments, standards and jurisprudence should be held regularly.

Implementation: focal points all RHRMs, in particular ACHPR, AfHPR, IACHR, CoE, ODIHR and OHCHR focal points HRTD, UPR, SPB, RDD, FOTCD.

Cooperation between **RHRMs and OHCHR field presences**, in particular regional offices should be reinforced.

Implementation: focal points all RHRMs and OHCHR focal points FOTCD.

Periodic reports of United Nations and RHRMs should be regularly exchanged.

Implementation: CoE, ODIHR, ACHPR, IACHR, AHRC and OHCHR focal points HRTD, FOTCD.

The **list of issues** prepared before the review of States by the Treaty Bodies should be shared with RHRMs.

Implementation: focal points OHCHR HRTD.

Regional meetings in which joint planning is discussed should be held.

Implementation: CoE, ODIHR, IACHR, ACHPR and OHCHR focal points FOTCD.

3. Long term recommendations

A centralized **database** containing updated information (reports, decisions, recommendations, etc.) from United Nations and RHRMs should be created.

Implementation: focal points all RHRMs and OHCHR focal points NIRMS, HRTD, SPB, UPR, RDD

Contributions from RHRMs to the **UPR** should be increasingly considered as **official documents** by the Human Rights Council and States participating in the review. In addition, the UPR **could take into account the ratification of regional human rights instruments and implementation** of the decisions and recommendations of RHRMs, and **vice versa**. RHRMs should be considered by the United Nations and the international community as relevant partners in assisting States in implementing the outcome of the UPR, as appropriate.

Implementation: focal points CoE, IACHR, ACHPR, ODIHR and OHCHR focal points UPR.

The **field presences** of **regional intergovernmental organizations**, United Nations **country_teams** and the regional offices of the United Nations Development Programme (UNDP) should reinforce their collaboration. OHCHR should facilitate this collaboration.

Implementation: all focal points RHRMs and OHCHR focal points FOTCD.

Technical assistance to States should be enhanced. **Joint training programmes** and projects to improve the knowledge of United Nations and RHRMs should be put in place.

Implementation: focal points all RHRMs, in particular CoE, IACHR, IACourtHR, ACHPR, AfHR, ODIHR, ECOWAS CJ and OHCHR focal points HRTD, SPB, RDD, UPR, and FOTCD.

Annex III

[English only]

Regional consultation for the Americas on enhancing cooperation between United Nations and regional human rights mechanisms on prevention of torture and protection of victims of torture, in particular persons deprived of their liberty

Washington D.C., 29 and 30 November 2011

Conclusions

The President of the United Nations Committee Against Torture, the Vice-president of the United Nations Sub-committee on the Prevention of Torture, the United Nations Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, the Inter-American Commission of Human Rights (IACHR)'s Rapporteur on detainees' rights, IACHR's President, IACHR's Executive Secretary, professional Staff from the IACHR and the Office of the High Commissioner for Human Rights (OHCHR), as well as representatives of National and Local Preventive Mechanisms of Torture (NPMs) from the region, National Human Rights Institutions (NHRIs) and civil society organizations met to identify concrete ways and means to enhance cooperation between the United Nations and Inter-American human rights mechanisms on the fight against torture and other ill treatment, taking into account key working areas identified during the International workshop on cooperation between international and regional human rights mechanisms held in Geneva in 2010 (A/HRC/15/56), namely: exchange of information, possible joint activities and follow-up to recommendations, as well as NPMs' and Civil Society Organizations' role.

Participants suggested to further developing the following concrete means and ways of cooperation:

1. United Nations and Inter-American Human Rights mechanisms coordination body

In 2011, representatives of the United Nations and the Inter-American Human Rights mechanisms against torture met twice to coordinate their activities and to identify areas of cooperation. In order to formally establish this coordination body, it was agreed:

- To hold periodic meetings -twice per year- in order to, among others, coordinate activities, exchange information, identify common thematic priorities, analyze substantive issues, discuss strategies and priorities, identify complementary areas so as to avoid duplicity, as well as exchange work plans and calendars.
- The work of this coordinating body should be public and transparent. The participation of civil society organizations, NPMs, and NHRIs, among others, will be promoted so as to report on its progress.

2. Exchange of information

To promote exchange of information between the Secretariats of the IACHR and OHCHR, including the CAT, the SPT and the United Nations Special Rapporteur against Torture on the following issues:

- Preparation of country missions in the region: country information, including the human rights situation, list of places to visit, discussion on strategies for visits and recommendations previously issued for possible follow-up, as well as the mission's terms of reference.
- Jurisprudence, standards and statements on general issues and individual cases, including precautionary measures, urgent appeals, allegation letters and statistical data.
- Work plans, agendas and timeframes, for example, countries to be examined by the Treaty Bodies, guidelines for NPMs (SPT), countries to visit, undergoing general observations and thematic reports.
- Working methods, experiences and best practices.
- Sharing more protective standards, for instance on the rights of persons with disabilities. Recognize the development of these standards and make possible that both United Nations and Inter-American human rights mechanisms on torture refer to the Convention on the Rights of Persons with Disabilities.

3. Joint Activities

Proposals to overcome challenges related to joint activities were discussed, including specificities of each mandate, confidentiality and available resources. The possibility of undertaking the following joint activities was discussed:

- Press releases and public statements on specific cases and/or special dates (Human rights day, international day in support of victims of torture - June 26, International women's day, etc.).
- Staff exchanges to strengthen mutual institutional knowledge and participation and/or assistance from United Nations and Inter-American mechanisms' members and secretariats in each other's periodic activities (hearings, working sessions, annual meetings, etc.).
- Joint visits: when appropriate, convenient, and feasible, conduct joint visits (for example, following the model used by the joint visit of the United Nations and Inter-American Rapporteurs on the right to freedom of expression to Mexico). In addition, support and/or involvement of mechanisms' members and secretariats in each other's visits may be considered.
- Joint reports, such as thematic reports and reports on specific issues.
- As a follow up to the meeting between mechanisms held on 28 November 2011, it was decided to draft a joint report. It will follow up to recommendations issued by United Nations and Inter-American mechanisms on torture adopted between 2007 and 2010. The report will include inputs from relevant States, NHRIs, NPMs and civil society organizations. It was suggested to consider the possibility of incorporating other Treaty Bodies as well as other regional and international human rights mechanisms. This report would be the first step of a cooperation process between mechanisms aimed at identifying common thematic priorities as well as possible future joint reports and joint actions.

- Joint precautionary measures and urgent actions, including joint letters for urgent cases as well as simultaneous letters on the same case.
- Promote the ratification of both systems' human rights instruments. Furthermore, joint promotion and joint support to the creation and appointment of members of NPMs. Once NPMs are established, to promote and support their strengthening in accordance to the OPCAT.
- Joint raising awareness, capacity building and advocacy activities.

4. Coordination with other human rights mechanisms

- Promote further coordination with other mechanisms, such as the Treaty Bodies (CCPR, CRC, CRPD, CEDAW, CMW, CED, CESCR, CERD) and Special Procedures (Special Rapporteur on Terrorism, Migrants, Transitional Justice, Violence against Women, among others) taking into consideration that torture is a cross-cutting issue.
- Participation of these mechanisms in the exchange of information and joint activities.

5. Follow-up to recommendations

- Recognize the importance of recommendations issued by other mechanisms and use them as working tools.
- Elaborate joint strategies aimed at following up to recommendations.

6. Review process of the United Nations Standard Minimum Rules for the Treatment of Prisoners

- Request that United Nations and Inter-American human rights mechanisms, as well as civil society organizations, NPMs and NHRIs are involved in the review process of the United Nations Standard Minimum Rules for the Treatment of Prisoners, given their experience and their deep knowledge of the rights of persons deprived of their liberty.

7. Universal Periodic Review

- Promote the formal recognition of regional mechanisms' submissions to the UPR, in particular those provided by the IACHR (possibility to include regional mechanisms' submissions in a separate section within the relevant stakeholders' summary).
- Improve communication channels and exchange of information between the IACHR and the UPR Secretariat.

8. Role of the National Preventive Mechanisms (NPMs)

- Promote holding thematic hearings on the fight against torture before both the United Nations and the Inter-American human rights systems, in particular in relation to the situation of NPMs in the region, with the participation of NPMs, NHRIs and NGOs.
- Provide joint support to NPMs in the follow-up to their recommendations.
- Jointly promote the creation and establishment of NPMS in those countries which in spite of having ratified the OPCAT, have not established a NPM within the deadline

set by it (one year). Promote the ratification of the OPCAT by those States which have not ratified it yet.

- Identify synergies between the United Nations and the Inter-American human rights systems and reinforce their support to NHRIs so as to make them Paris Principles complainant, in particular those which have been designated as NPMs.
- Disseminate State obligations in the fight against torture, especially those assumed by ratifying the OPCAT.
- Find opportunities for discussion and for exchange of information between NPMs. These meetings should also include discussions on the challenges they face (mandate, working methods, lack of response from the State, among others).
- Promote cooperation between United Nations and regional human rights mechanisms with regard to the monitoring of detention places for persons with disabilities and related programmes, taking into account the Convention on the Rights of Persons with Disabilities, in particular its article 16.3 which establishes State's obligations to monitor those places of detention and related programmes through independent authorities.

9. Role of Civil Society Organizations

- Actively participate in the ratification process of the OPCAT, as well as in the creation and establishment of NPMs where they do not exist yet, with the view that they comply with the SPT guidelines and the Paris Principles.
- Follow up to and dissemination of recommendations made by the two human rights systems on torture through various means, including mapping of compliance with recommendations, reports and follow up to recommendations on individual cases.
- Discuss with States and among themselves the actions to be undertaken to ensure that recommendations are implemented. Participants highlighted the role that civil society organizations play in the analysis of national situations, as well as in identifying the most appropriate means to elaborate the above mentioned mapping.
- Request that thematic hearings aimed to developing standards on prevention and protection against torture are held; and promote the participation of NGOs in SPT sessions and in IACHR hearings.
- Work along with the United Nations and Inter-American human rights mechanisms in activities allowing the exchange of views on strategies and priorities to fight torture in the region, including countries to be visited and definition of thematic priorities, as occurred in the 2011 regional consultations carried out by the United Nations Special Rapporteur on torture. Furthermore, to open spaces allowing the involvement of civil society organizations in SPT's (sessions) and IACHR's (hearings) discussions on key issues, as well as in the establishment of NPMs and actions aimed at improving them.
- Strategic and complementary use of United Nations and Inter-American human rights mechanisms through provision of information, requests for urgent appeals, allegation letters and precautionary measures, as well as active participation in the preparation, development and follow up to visits of the SPT, CAT, United Nations and IACHR Rapporteurs on torture. In addition, to provide information for thematic reports and submit shadow reports to these mechanisms, among others.
- Strategic litigation before both human rights systems in order to obtain concrete results, for instance the closure of a detention centre.

- Use United Nations and Inter-American human rights mechanisms' statements as tools for advocacy regarding States' public policy planning.
- Strengthen a regional NGO platform on the fight against torture in order to articulate the strategies to be followed by civil society organizations in this field. Some participants suggested that the APT lead this initiative.
- Discuss ways to improve the OPCAT Contact Group which is strategic to interact with the SPT and other regional bodies, as well as to jointly assess the implementation of the OPCAT.
- Trying to replicate in the negotiation of other treaties the important role played by civil society organizations in the adoption of the Convention on the Rights of Persons with Disabilities. It was also proposed to seek the creation of communication channels between NGOs specialized on torture and NGOs specialized on disability rights.

Annex IV

[English only]

Regional consultation for Europe on enhancing cooperation between United Nations and regional human rights mechanisms on prevention of torture and protection of victims of torture, especially people deprived of their liberty

Geneva, 15 and 16 December 2011

Conclusions

Participants to the regional consultation included a member of the Committee Against Torture, a member of the Sub-committee on the Prevention of Torture, the United Nations Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the President, as well as the Deputy Executive Secretary of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the manager of the NPM European Project of the Council of Europe's (CoE) Directorate General of Human Rights and Rule of Law, a representative of the European Union's Fundamental Rights Agency (FRA), the Head of the Human Rights Department of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the Indonesia Representative and Chair of ASEAN Intergovernmental Commission of Human Rights (AICHR), staff of the Office of the High Commissioner for Human Rights (OHCHR), representatives of National Preventive Mechanisms (NPMs), National Human Rights Institutions (NHRIs) from the region, and civil society organizations. The aim of the regional consultation was to identify concrete means and ways of cooperation between the United Nations and European Human Rights Mechanisms on the fight against torture and other ill treatment, taking into account key areas identified during the International workshop on cooperation between international and regional human rights mechanisms held in Geneva in 2010 (A/HRC/15/56), namely: sharing of information, possible joint activities and follow-up on recommendations by human rights mechanisms, as well as the role of NPMs and civil society organizations.

Participants discussed and suggested to develop means and tools of cooperation including:

1. Information sharing

- Considering the importance of access to information for the prevention of torture and the protection of victims of torture, the participants discussed and to a large extent agreed on the need to share information between United Nations and European mechanisms on torture, taking into account their respective confidentiality clauses, if applicable.
- United Nations and European human rights mechanisms on torture^a could advocate with States to share relevant reports of the CPT with the SPT and vice-versa in a

^a The term "human rights mechanisms on torture" used in this document includes mechanisms related to the protection of the rights of persons with disabilities.

systematic manner immediately upon receipt, provided that they are treated as confidential.

- United Nations and European human rights mechanisms on torture could advocate with States to invite NPMs to the meetings between authorities and SPT/CPT at the end of visits.
- Regular contact between secretariats of different mechanisms could also be established in order to share plans of work, contact details, calendars, methods of work etc. This also includes other relevant mechanisms, for instance the United Nations Working Group on Arbitrary Detention and the Committee on the Rights of Persons with Disabilities (CRPD).
- Thematic meetings could be organized between United Nations and European human rights mechanisms on torture so as to make progress in both the standard setting and to discuss substantial topics, such as pre-trial detention, solitary confinement, detention of migrants, secret detention, persons with disabilities deprived of their liberty, including in health care institutions and social care homes, etc.
- Participants endorsed the proposal made during the regional consultation in the Americas on the need that United Nations and regional human rights mechanisms on torture, the CRPD as well as NPMs, NHRIs and NGOs^b working on the issue be involved in the process of review of the Standard Minimum Rules for the Treatment of Prisoners which is currently taking place under the auspices of UNODC.
- It was highlighted that there is information related with both United Nations and European human rights mechanisms on torture, in particular the SPT and the CPT, which is not confidential and can be shared. For instance, methods of work, experiences, contact details of interlocutors, criteria to interview detainees, criteria to visit places of deprivation of liberty, etc.
- A global strategy against torture could be developed in order to avoid duplication and overlaps. Every mechanism should have a role in the development of this strategy.
- The CoE's European NPM Project will continue to facilitate a forum whereby international, regional and national torture prevention bodies can meet in thematic and country workshops so as to continue to share good practices and methodologies.

2. Possible joint activities

- Arrangements of cooperation could be established between United Nations and European human rights mechanisms on torture, for example working groups on issues such as development of common standards, including evolving standards relevant to torture developed by other bodies, such as the CRPD, implementation of recommendations of different mechanisms, joint trainings, especially to the police and the judiciary, etc. NHRIs, NPMs and NGOs should be involved as much as possible in such joint initiatives.
- It was suggested that European and United Nations human rights mechanisms could encourage the ratification of treaties adopted within each other's intergovernmental organizations. For instance, the CPT could encourage the CoE's member States to ratify the United Nations the Convention against Torture and Other Cruel, Inhuman

^b The term "NGOs" used in this document includes Disabled People Organizations (DPOs).

or Degrading Treatment or Punishment, the OPCAT and the United Nations Convention on the Rights of Persons with Disabilities.

- The possibility of inviting countries outside the European region to ratify the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment was flagged, in particular in the context of the evolving situation in North Africa.
- Endeavours could be made for joint advocacy to encourage States to extend standing invitations to United Nations mandate holders and also to accept requests for visits from them, especially the United Nations Special Rapporteur on Torture.
- It was proposed that regular meetings between United Nations and European human rights mechanisms on torture be held in which expertise on issues in relation to torture, best practices and lessons learned could be shared. NHRIs, NPMs and NGOs should be involved as much as possible in such meetings.
- Joint press releases could be issued by several human rights mechanisms only for specific situations or events in order to preserve their exceptional character.
- Joint capacity building activities may also be carried out, in particular with regard to the protection of the rights of persons with disabilities deprived of their liberty and CPRD standards.
- Bearing in mind the public SPT Guidelines on NPMs, both United Nations and European human rights mechanisms on torture could assist States in the establishment of NPMs and could jointly provide technical assistance to them, once they are established United Nations and European mechanisms would try to coordinate their assistance to NPMs so as to avoid overlaps and duplication.
- Participants highlighted the significant impact of joint activities at the local level. They suggested increasing the number of joint activities of United Nations and European human rights mechanisms on torture.
- Cooperation between CAT and CPT could be strengthened and expanded to United Nations mechanisms, such as the CRPD, and other regional mechanisms.
- Cooperation with United Nations relevant agencies should also be strengthened, for instance with the World Health Organization's in the framework of the Quality Rights Project
- Participants expressed the view that there could be a need in specific cases to keep track of persons or groups of persons who have cooperated with United Nations and European mechanisms to ensure their protection from reprisals.
- Participants mentioned the importance for the Human Rights Council Special Procedures to act in accordance with their Code of Conduct when interacting with their colleagues from other mechanisms.

3. Follow up to recommendations

- It was suggested that a working group between United Nations and European human rights mechanisms on torture be established to discuss concrete ways of cooperation with regard to follow up on recommendations made by different bodies.
- Regular contact between United Nations and European human rights mechanisms on torture should be increased to follow up on the implementation of their recommendations. Videoconferences could contribute to a better coordinated follow up.

- National actors, including NPMs, NHRIs, and NGOs should be encouraged to follow up on international and regional recommendations, taking into account the fact that they are closer to the ground and thus in a better position to do the follow-up.
- Participants have expressed the view that joint advocacy with States aimed at implementing common recommendations of United Nations and European human rights mechanisms on torture could be conducted.
- Regional workshops and national round tables, including regional and national stakeholders, could be held to review implementation of recommendations from different mechanisms.
- Follow up visits by both United Nations and European human rights mechanisms on torture could be undertaken to States in need of assistance for implementation of recommendations.
- It was agreed that NPMs can play a key role in the follow up to recommendations resulting from United Nations and European human rights mechanisms on torture and should be encouraged to do so. For example, NPMs can follow up on CAT and CPT recommendations. It was also proposed that NPMs follow up on CRPD recommendations when relevant.
- Participants expressed the view that intergovernmental bodies, like the Human Rights Council and the Council of Europe Committee of Ministers play an important role in persuading States to implement recommendations. For instance, during the Universal Periodic Review, the Human Rights Council can add recommendations to this effect. Similarly, the Committee of Ministers of the Council of Europe could follow up on the CPT's public statements.
- It was suggested that recommendations should be structured in the order of priorities to facilitate their prompt implementation, as it is being done by CAT.
- Given the importance of access to information in the context of prevention of torture and protection of victims of torture at national level, reports from United Nations and European human rights mechanisms on torture could be made available in national languages and accessible formats.
- It was proposed that contributions from regional human rights mechanisms to the UPR could be included as a separate section in OHCHR's summary of stakeholder's information, similarly to the contributions from A status NHRIs.

4. Role of NPMs

- Participants expressed the view that NPMs should increase the exchange of experiences, best practices, lessons learned and methods of work among them. The important role played by the CoE European NPM Project in this regard was underscored.
- The NPMs' role in the follow up to recommendations resulting from both United Nations and European human rights mechanisms on torture was highlighted. Participants encouraged them to always take these recommendations into account in their day-to-day work.
- It was proposed that both the CPT and the SPT share internal tools on methodology with different actors working on torture, including NPMs and NGOs, provided that they are not confidential. CPT's practice of declassifying internal documents was welcomed and other mechanisms were encouraged to do so.

- Participants expressed the view that NPMs' members could be invited as experts to visits undertaken by both the CPT and SPT. Some challenges were highlighted, including the fact that the SPT can only invite experts who are on the SPT's roster of experts, as well as that the CPT can only invite NPMs' members if they are not nationals from the country where the visit is going to take place.
- It was proposed that NPMs' members take part in trainings of new members conducted by both the SPT and the CPT.
- Participants expressed the view that a way to maximize and share with other regions the results of the European NPM Project is inviting NPM's members from other regions to its workshops and visits. In this regard, it was mentioned that the European NPM Project is looking to expanding the Project to facilitate sharing of methodological tools and NPM reports, as well as reaching out to share the European NPM Network's experience with other regions and new NPMs.
- Discussions also touched upon how international and regional torture prevention bodies can help NPMs with any serious systemic issue, such as lack of budgetary resources, and raise this with the relevant State.

5. Role of NGOs

- Participants proposed that NGOs actively participate in the establishment of NPMs. The process of establishment of NPMs should be open, transparent and inclusive.
- It was suggested that focal points or working groups can be established in States in order to develop a strategy on NPM budget, legislation, with the participation of NGOs.
- It was proposed that other international and regional actors, such as OHCHR, ODIHR, OSCE field missions, CoE field offices, and international NGOs are invited to take part in the process of establishment of NPMs.
- It was highlighted that NGOs can play an active role in the monitoring activities of NPMs. Examples were given of several countries where such a collaborative model can be found.
- Participants expressed the view that NPMs should engage more with NGOs in their day-to day work. NGOs could provide information, as well as technical assistance to NPMs through joint projects, training of NPMs' staff, advising the NPMs on their methods of work, etc.
- NGOs play an important role in disseminating NPMs' work, including through distribution of NPM's reports, monitoring the implementation of their recommendations by the States authorities and conducting awareness-raising activities about the work of NPMs.
- The NGOs' role as watchdog of the NPMs' performance was highlighted. It was suggested that they actively monitor NPM's work through reports, statements, etc.
- Participants agreed on the important role played by NGOs in identifying best practices developed by both United Nations and European human rights mechanisms on torture as well as key areas of concern. Tools and arrangements to share these best practices should be put in place.
- The key role played by NGOs with regard to follow up to recommendations resulting from both United Nations and European mechanisms was underscored. It was mentioned that they can undertake visits to follow up on recommendations from

United Nations and regional human rights mechanisms on torture. Participants encouraged NGOs to keep making efforts in this regard.

- Participants noted that NGOs have the skills and focus to raise awareness about SPT and CPT activities and recommendations, in particular with regard to visits.
- It was mentioned that there is room for more collaboration between the SPT and NGOs. Participants encouraged both to go further in their cooperation.
- NGOs can play an important role in convening and facilitating constructive dialogues among international, regional and domestic bodies relevant to torture so they can share information about each other's standards and best practices. NGOs having expertise and experience working with specific groups deprived of their liberty can feed into the information sharing process and convene relevant stakeholders.

Annex V

[English only]

Regional consultation for Africa on enhancing cooperation between United Nations and regional human rights mechanisms on prevention of torture and protection of victims of torture, especially people deprived of their liberty

Addis Ababa, 6 and 7 February 2012

Conclusions

Participants to the regional consultation included a member of the United Nations Committee Against Torture (CAT), a member of the United Nations Sub-committee on the Prevention of Torture (SPT), the Special Rapporteur on Prisons and Conditions of Detention in Africa, representatives of the Secretariat of the African Commission on Peoples' and Human Rights (ACHPR), a Judge of the African Court on Peoples' and Human Rights, staff of the Office of the High Commissioner for Human Rights (OHCHR), representatives of National Preventive Mechanisms (NPMs), National Human Rights Institutions (NHRIs) from the region, and civil society organizations. The aim of the regional consultation was to identify concrete means and ways of cooperation between the United Nations and African human rights mechanisms on the fight against torture and other ill treatment, taking into account key areas identified during the International workshop on cooperation between international and regional human rights mechanisms held in Geneva in 2010 (A/HRC/15/56), namely: sharing of information, possible joint activities and follow-up on recommendations by human rights mechanisms, as well as the role of NPMs, NHRIs and civil society organizations.

Participants discussed and suggested to develop means and tools of cooperation including:

1. Information sharing

- It was agreed that it is necessary to share information between United Nations and African mechanisms on torture in order to avoid overlaps and duplication, as well as to improve their effectiveness.
- Some challenges were highlighted with regard to information sharing, including the lack of institutionalization of ways and means to share information, internal communication problems, the principle of confidentiality of some mechanisms, the lack of trust and the competition between different actors. All these factors prevent the establishment of a regular exchange of information based on reciprocity.
- The role of NGOs, NHRIs and NPMs in relation to information sharing between mechanisms was highlighted as well as the importance of building trust between mechanisms.
- It was highlighted that each mechanism has a different nature and mandate. Therefore, those differences should be taken into account when sharing information. For instance, the SPT and the CPTA have similar but not identical mandates and should share information, provided that confidentiality is respected.

- Participants agreed that there is information that is public and can be easily shared. For instance, methods of work, contact details of interlocutors, criteria to interview detainees, criteria to visit detention places, etc. However, it was agreed that not all kind of information should be shared and confidentiality should still be respected, especially for the sake of protection of victims. At the same time, confidentiality should not hamper the implementation and follow up of recommendations. Thus, participants agreed that different institutional channels should be established in order to share information while respecting its different nature.
- It was suggested that mechanisms on torture should consult each other and share information at different stages in conformity with its working methods: strategic planning, planning of activities, implementation of activities and follow up.
- It was proposed that United Nations and African mechanisms on torture share strategy plans, plans of work, contact details, calendars, urgent appeals sent to the country where the activity is going to take place, i.e. visits, relevant mechanisms' decisions, reports and recommendations, i.e., UPR, CAT, CRPD, ACPHR, the African Court on Peoples and Human Rights, reports from NHRIs and NGOs, etc.
- The importance of designating focal points in each mechanism aimed at enhancing cooperation, in particular information sharing, was underscored. It was proposed that focal points are designated as soon as possible. OHCHR should follow up on this issue.
- United Nations and African mechanisms on torture should ensure that their reports, decisions and recommendations are easily accessible by other mechanisms. This could be facilitated by focal points and by technological means, i.e., websites, mailing lists etc. OHCHR's potential role in facilitating exchanges between mechanisms was highlighted.
- It was suggested to incorporate to this outcome document the recommendations made during the dialogue between United Nations and African Special Procedures Mandate Holders, held in January 2012. For instance, the exchange of the lists of Secretariat staffs responsible for supporting the thematic and geographic mandate-holders or the creation of an email list and other information material to facilitate desk-to-desk exchanges and coordination.
- The role of NGOs with regard to information sharing was highlighted. NGOs ensure that United Nations and African mechanisms on torture have access to good quality information, including information concerning persons with psycho-social disabilities. However, NGOs should not be seen and used only as service providers. Some participants mentioned the challenge of having different NGOs speaking different voices.
- Thematic meetings could be organized between United Nations and African mechanisms so as to make progress in both the standard setting and to discuss substantial topics, including for instance, monitoring psychiatric and social care institutions and CRPD standards. In this connection, it was suggested that for example the CPTA who will start undertaking studies on substantive issues, builds on those developed by United Nations mechanisms.

2. Possible joint activities

- Arrangements of cooperation could be established between United Nations and African mechanisms on torture, for example joint missions, joint press releases, joint urgent appeals, joint seminars and joint capacity building activities. However, some

challenges were mentioned, including limited capacity and resources, different working methods and lack of an institutional framework.

- It was recommended that an institutional framework on cooperation between United Nations and African mechanisms on torture is developed, so as to define the kind of joint activities that could be undertaken, as well as to define responsibilities of each mechanism. It was recommended to reflect on the form that this institutional framework could take, either a general memorandum of understanding (MoU), or specific MoUs between United Nations and African mechanisms on torture, building on the 10 year capacity building programme (TYCBP) for the AU and on the existing MoU between the AU and OHCHR (2010), or a roadmap to concretely address the way forward on cooperation between United Nations and African human rights mechanisms.
- It was also proposed that an amendment is made to the African Charter, in particular to the article 5 by including a specific definition of torture, so as to standardize both United Nations and African norms on the fight against torture. This will allow both mechanisms to enhance their cooperation.
- Alternatively, it was also suggested to amend the rules of procedure of both United Nations and African mechanisms on torture, so as to facilitate cooperation through the definition of a clear institutional framework.
- United Nations and African mechanisms on torture should get more involved in each other's activities and make sure that they involve NHRIs, NPMs and NGOs as much as possible. For instance, they can invite members from other mechanisms to their activities as observers or resource persons, including country visits and sessions in conformity with its working methods.
- Joint publications could be issued by United Nations and African mechanisms on torture, including an annual bulletin containing main activities and best practices on cooperation.
- Joint capacity building activities could also be carried out. In particular, it was suggested to enhance the knowledge of both United Nations and African mechanisms on instruments against torture, including the Robben Island Guidelines and United Nations principles and guidelines.
- It was proposed that exchanges of staff take place in order to share best practices and to allow a better knowledge of each other's working methods.
- It was suggested to submit the recommendations resulting from this regional consultation to the annual meetings of United Nations mechanisms (Treaty Bodies and Special Procedures), as well as to the ACPHR plenary. For instance, it was suggested to use the forthcoming annual meeting of the Treaty Bodies' Chairpersons, which is scheduled to be held in June 2012 in Addis Abba.
- United Nations mechanisms on torture and OHCHR should be invited to participate as a partner in the expert workshop to commemorate the 10th anniversary of the Robben Island Guidelines which will be held later in 2012 in South Africa.
- A joint press release of both United Nations and regional mechanisms, including African mechanisms mandated to fight against torture should be issued on the occasion of the international day in support of victims of torture (26 June).

3. Follow up to recommendations

- United Nations and African mechanisms on torture should use their country visits to follow up on each other's recommendations. Both mechanisms should acknowledge

and facilitate the key role of national actors, including NPMs, NHRIs, and civil society organizations in relation to follow up on their recommendations. Feedbacks after country missions are essentials.

- It was proposed that contributions from regional human rights mechanisms to the UPR be included as a separate section in OHCHR's summary of stakeholder's information, similarly to the contributions from A status NHRIs. OHCHR's role in this regard was highlighted. At the same time, African mechanisms should commit to prepare the reports to be submitted.
- United Nations and African mechanisms should encourage States to incorporate United Nations and regional treaties on torture into their domestic legislation and ensure its effective implementation, so recommendations can be more effectively and promptly implemented. In this regard, it was proposed that both mechanisms provide support to the CPTA in the elaboration of the model law on criminalization of torture, and in its wide dissemination once finalized.
- There was also a debate on the issue that laws providing for the detention of persons with psycho-social disabilities must be reviewed so as to be complainant with CRPD standards. In addition, monitoring of centers of detention for persons with psycho-social disabilities should include monitoring of the legality of the detention.
- It was suggested that a mechanism to follow up on the recommendations resulting from this regional consultation is established. Further discussions between United Nations and African mechanisms on torture should be held so as to define possible modalities of this follow up mechanism.
- The African Union Member States may want to consider to ratifying the Convention on the Rights of Persons with Disabilities, as the EU did. Furthermore, the African Union should encourage African States which have not ratified the CRPD and its Optional Protocol, to do so.
- It was recommended that speeding up the procedures of the ACHPR would facilitate follow up.
- It was suggested that a better quality of recommendations would have a positive effect on the effectiveness of their follow up.

4. Role of NPMs

- Participants expressed the view that NPMs should increase the exchange of experiences, best practices, lessons learned and methods of work among them, especially within Africa. In this regard, it was recommended that synergies between the ACPHR and the Network of African National Human Rights Institutions (NANHRI) are established.
- The European NPM project was highlighted as a good practice and opportunity for cross regional exchange. It was proposed that African NPMs officially request to participate in meetings organized by the European NPM Project.
- NPMs' role in the follow up to recommendations resulting from both United Nations and African mechanisms on torture was highlighted. Participants encouraged them to take these recommendations into account in their day-to-day work.
- The relationship between NPMs and the SPT should be further developed. Cost-effective ways of communication should be sought, including conference calls and more direct exchanges.

- An interfaced between African NPMs, the SPT and the CPTA should be established. The idea of a regional NPM network should be further explored.
- National actors such as NHRIs and NGOs should cooperate more with NPMs, in order to complement and reinforce each other. They can for example, jointly organize thematic seminars to which the SPT and the CPTA could be invited to participate.
- On the other hand, NPMs should engage more with NGOs in their day-to-day work. Legal obstacles to this collaboration should be removed.
- With respect to the ACPHR, it was suggested the creation of a permanent platform between African NPMs and the ACPHR, in particular to enhance engagement with the Special Rapporteur on prisons and conditions of detention in Africa and the CPTA.
- A call to the CPTA was made in order to define a strategy of engagement with NPMs outside ACPHR's sessions. It was also suggested that the CPTA shares its strategic plan with NPMs, as well as that it develops a gap analysis project aimed at evaluating NPMs' effectiveness.
- With regard to United Nations mechanisms, it was recommended that the SPT and OHCHR, in collaboration with the CPTA develop a relationship of proximity with African NPMs aimed at assessing their effectiveness, as well as to build their capacities.
- United Nations and African mechanisms should encourage States to take commitments to establish NPMs and to strengthen the existent ones, including their legal framework, their independence as well as their human and financial resources. It was mentioned that this is already an existing practice of CAT when reviewing State parties' periodic reports.
- A call to the United Nations was made so as to assess its technical support to NPMs, as well as to create innovative ways to facilitate NPMs' access to it.
- NPMs should engage with subregional human rights mechanisms, including ECOWAS and East Africa Courts of Justice.

5. Role of NGOs

- The key role played by NGOs with regard to follow up to recommendations resulting from both United Nations and African mechanisms was underscored. This monitoring function should be based on constructive dialogue and cooperation with Governments. However, their independence should be preserved. It was mentioned that NGOs can undertake visits to follow up on recommendations from United Nations and regional human rights mechanisms on torture. Participants encouraged NGOs to keep making efforts in this regard.
- It was recommended that United Nations and African mechanisms on torture reports are made public as much as possible, so as to allow NGOs to follow up on them. For instance, the reports of the forthcoming "NPM focused" missions of the SPT.
- NGOs role in the establishment of NPMs was highlighted. It was suggested that NGOs continue to form coalitions that help in the process of establishment of NPMs, as well as with regard to their functioning by contributing to make them complainant with OPCAT and SPT guidelines on NPMs.
- The NGO's role as watchdog of the NPMs' performance was highlighted. It was suggested that they actively monitor NPM's work through reports, statements, etc.

- NGOs play an important role in disseminating information on African and United Nations mechanisms on torture, as well as on NPMs' work, including through distribution of reports and awareness-raising activities. The importance that NGOs receive feedback and information from these mechanisms was highlighted.
 - Participants agreed on the important role played by NGOs in identifying best practices developed by both United Nations and African human rights mechanisms. Tools and arrangements to share these best practices should be put in place.
 - NGOs' capacities should be reinforced. United Nations and African mechanisms on torture should conduct capacity building activities aimed at facilitating NGOs' access to information on their functioning.
 - With regard to victims and witness protection, it was highlighted that confidentiality and other protection mechanisms should be put in place so as to enhance NGOs' role in the fight against torture.
 - The role that NGOs can play in bringing up the specificities of human rights situations in various African countries was highlighted. NGOs can facilitate a focused approach of United Nations and African mechanisms on torture in their engagement.
 - NGOs can play an important role in convening and facilitating constructive dialogues among regional, international and domestic mechanisms on torture so they can share information about each other's standards and best practices. NGOs having expertise and experience working with specific groups deprived of their liberty can feed into this information sharing process and convene relevant stakeholders.
-