



人权理事会

第二十三届会议

议程项目 2 和 3

联合国人权事务高级专员的年度报告以及 高级专员办事处的报告和秘书长的报告

增进和保护所有人权——公民权利、政治权利、 经济、社会和文化权利，包括发展权

关于增进和保护人权区域安排的研讨会

联合国人权事务高级专员的报告* **

概要

人权理事会第 18/14 号决议请联合国人权事务高级专员组织一次关于增进和保护人权区域安排问题研讨会，评估 2010 年 9 月举办的同一议题的研讨会以来取得的进展。理事会还请研讨会包括根据区域机制的具体实用的经验召开的专题讨论会，交流最佳做法、经验教训和可能采取的新合作方式。理事会在第 18/14 号决议内要求人权事务高级专员在理事会第二十二届会议上提交一份报告载入上述研讨会的讨论情况概要和在实施该决议方面所取得的进展。

自 2012 年 12 月 12 日至 14 日，人权事务高级专员办事处在日内瓦组织了专题为“加强联合国与区域人权机制之间合作”的研讨会，参加人员有：成员国、联合国人权机制、非洲、美洲、欧洲、亚洲和中东的区域机制。国家人权机构、国家防范机制和非政府组织也参加了讨论。与会者对若干旨在加强联合国与区域人权机制合作的具体提案和建议达成一致意见，特别在有关增强信息、联合活动、实施联合国与区域人权机制提出的各项建议方面达成一致意见。

本报告载有研讨会期间举行的讨论概要和结论与建议清单。还概述了 2012 年 12 月 14 日在研讨会之后紧急举行的合作联络点首次会议的讨论。

* 本报告附件以来文语文原件照发。

** 迟交。

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一. 导言

1. 人权理事会在第 18/14 号决议请联合国人权事务高级专员举办一次关于增进和保护人权区域安排的研讨会，评估自 2010 年 9 月举办同一论题研讨会以来的发展情况。理事会还请研讨会根据区域机制的具体实用经验召开专题讨论会，交流最佳做法、经验教训和可能采取的新合作形式。理事会在第 18/14 号决议请高级专员向理事会第二十二届会议提交一份报告，概述研讨会讨论情况以及执行该项决议的进展情况。¹

2. 因而人权高专办从 2012 年 12 月 12 日至 14 日在日内瓦举行了关于“加强联合国与区域人权机制合作”的专题研讨会(见附件一)。报告反映了研讨会的讨论情况以及实施第 18/14 号决议的进展。

3. 人权理事会承认次区域和区域间人权安排在若干场合发挥了重要的作用。理事会在第 6/20 号决议和第 12/15 号决议内请人权高专办举行一次国际研讨会提出在人权领域内联合国与区域安排之间加强合作的方式方法的具体建议。因而在 2008 年 11 月和 2010 年 5 月举行了研讨会。^{2 3}在这两次会议上，与会者承认需要通过建立具体的机制加强联合国与区域人权机制之间的合作。在 2010 年举行的研讨会上，与会者确认分享信息、联合活动和实施联合国与区域人权机制的各项建议是得以加强此类合作的主要领域。人权高专办在人权理事会第十五届会议上提交了关于研讨会结论与建议的报告。⁴

4. 人权高专办在人权理事会通过第 18/14 号决议之后与区域人权机制举行了三次磋商会议，各国人权机构、非政府组织和学术界参加了这三次磋商会议，这些磋商会议的目的是确认 2012 年将举行的和今后可能每两年举行的研讨会的专题：

- 2011 年 11 月在华盛顿特区举行研讨会，与会者是美洲间人权委员会
- 2011 年 12 月在日内瓦举行研讨会，与会者是欧洲理事会、欧洲联盟基本权利机构、欧洲安全与合作组织民主机构与人权办事处(东南亚国家联盟政府间人权委员会也受得到邀请)
- 2012 年 2 月在亚的斯亚贝巴举行的研讨会，由非洲人民和人民权利委员会和非洲人民和人民权利法院参加

¹ 由于讲习班推迟至 2012 年 12 月 12 日至 14 日举行，秘书处通报人权理事会关于讲习班的报告将向理事会第二十三届会议提交(见 A/HRC/22/68)。

² 见 A/HRC/11/3。

³ A/HRC/15/56。

⁴ 同上。

5. 参加这些磋商会的与会者建议防止酷刑是 2012 年举行的研讨会期间将要讨论的专题之一，区域人权机制对这个跨领域问题已积累了实际经验。他们还建议了其他专题，如妇女权利、土著人权利、人权捍卫者、儿童权利、残疾人权利、贩运人口和境内流离失所者与难民的权利。⁵

6. 2012 年 4 月，人权高专办在日内瓦向联合国成员国进行了简单介绍，通报了在上述磋商中区域人权机制所提议的专题。

7. 本报告概述了 2012 年 12 月 12 日至 14 日举行的研讨会期间进行的讨论，以及研讨会的结论与建议。报告还概述了 2012 年 12 月 14 日下午在研讨会之后立即召开的首次合作联络点会议的讨论情况与建议。

二. 联合国与区域人权机制之间的合作进展情况

8. 根据人权理事会第 18/14 号决议，研讨会第一次会议专用于评估 2010 年研讨会以来联合国与区域人权机制之间合作的进展情况。与会者包括联合国人权条约机构和特别程序秘书处的代表、非洲人民和人民权利委员会的代表、美洲间人权委员会的代表、欧洲理事会的代表、东南亚联盟政府间人权委员会的代表和伊斯兰合作组织独立常设人权委员会。

A. 与联合国人权机制的合作

9. 与会者交流了经验和良好做法，包括合作机制的其他价值以及其在运用中所面临的各种挑战。

1. 特别程序

10. 为了加强对其各自组织机构和工作方式的理解，于 2007 年举行了一次会议。支持联合国特别程序的高专办工作人员、美洲间人权委员会、非洲人民和人民权利委员会和欧洲理事会的代表参加该次会议。

11. 2012 年 1 月在亚的斯亚贝巴举行了联合国特别程序与非洲人民和人权权利委员会之间的对话，会议结果通过了一项附有加强协作建议的合作路线图。已建立了联合国和非洲委员会特别程序代表的联合工作组来监督路线图的实施情况。进行对话的基础是双方都有肩负专题任务的独立专家，这些专家开展国事访问、起草专题报告、进行实质性的研究和制订与解释人权标准。亚的斯亚贝巴路线图建议建立常规和系统的方式，用于分享信息，开展联合访问和实施各自的建议。

⁵ 在每次磋商会议期间，与会者通过了一份载有按顺序排列的拟议专题的议定书。

12. 研讨会上提到的亚的斯亚贝巴路线图产生的良好做法包括由联合国和非洲人民与人民权利委员会专家参加的联合新闻发布会、各种会议与研讨会，以及联合国与非洲委员会人权捍卫者特别程序任务负责人于 2012 年 9 月对突尼斯进行的联合访问。此外，联合国特别程序任务负责人参加了 2012 年 10 月非洲委员会的第五十二届会议。委员会的成员参加了 2012 年 6 月举行的联合国特别程序第十九届年度会议。

13. 在秘书一级，正在加紧交流信息。人权高专办与非洲人民与人民权利委员会每周更新与宣布与该区域有关的各项活动。为了加强非洲人民和人民权利委员会的后续活动，与该委员会分享联合国特别程序通过的各项建议。例如，非洲防止酷刑委员会采取措施实施当代形式奴役问题包括其原因和后果问题特别报告员访问毛里塔尼亚时提出的各项建议。⁶ 还与该委员会分享了联合国特别程序访问结束后的声明，委员会也作出了反应。

14. 民间社会组织和国家人权机构在实施路线图方面发挥了重要的作用，例如提议了联合国与非洲人权机制可以联合开展的各种活动。

15. 联合国与非洲人民与人民权利委员会任务负责人的丰富专长知识和坚定的承诺积极地加速了路线图的实施。此外，为监督实施建立的联合工作组也发挥了推动作用。然而，仍然存在的各种挑战，例如缺乏资源、各种行政障碍和任务负责人对具体问题采取不同的方针。为克服这些挑战，两方面都需要寻找一个协调方式，使其能够在不影响各自独立性的方面加强合作。

16. 联合国特别程序还与其他区域机制进行了互动，例如 2011 年 10 月，增进和保护意见与言论自由权利特别报告员与美洲间人权委员会的同行对墨西哥进行了联合访问。2010 年，贩运人口，特别是妇女与儿童问题特别报告员在其年度报告中着重论述了区域和次区域组织在打击人口贩运方面所发挥的作用。⁷

2. 条约机构

17. 近年来，世界人权条约机构与区域人权机制之间加强了合作。以下各方之间举行了会议：

- 人权事务委员会和欧洲人权法院
- 儿童权利委员会与非洲儿童权利与福利专家委员会
- 消除种族歧视委员会与欧洲反对种族主义和不容忍委员会
- 消除歧视妇女委员会与东南亚联盟促进与保护妇女儿童权利委员会

⁶ A/HRC/15/20/Add.2.

⁷ A/HRC/14/32.

- 残疾人权利委员会、美洲间消除所有形式歧视残疾人委员会与欧洲理事会残疾人权利专家委员会

18. 此外，条约机构在审查各国履行情况时考虑区域人权机制提出的建议。条约机构的秘书处在有关个人申诉方面还与各区域人权机制进行联络，确保同样的申诉没有同时由不同的机制予以处理，确保判例法的一致性。

19. 2012 年 6 月，人权高专办在亚的斯亚贝巴主办了联合国人权条约机构与非洲人权机制主席之间的对话。会上，与会者强调需要承认这些机制之间的相辅相成性，这些机制包括非洲人民和人民权利委员会，非洲人民和人民权利法院、西非国家经济共同体法院和东非法庭。与会者在对话期间通过了一套旨在加强合作的建议。⁸

20. 关于报告程序问题，建议如同两个系统的国家联络点与国家报告员之间有系统地进行交流那样，在条约机构会议召开之前尽早交流信息，包括分享各自有关国家的结论性意见，实施状况；相互参照各自的建议；相互跟踪国家建议的实施情况。关于个别来文问题，建议在秘书处一级定期进行联络确保有关程序问题、司法问题和工作方法的信息交流。还建议考虑和参照各自的判例法。

21. 人们还提出联合国条约机构所面临的各种挑战可能也是区域机制所面临的共同问题，例如各国履行汇报义务、迟交报告、不予以报告或者报告堆积等困难。因此，联合国人权事务高级专员就条约机构加强程序的提议可能有益于这些机构和区域人权机制之间的合作。⁹

22. 高级专员提议根据五年的周期，建立一个全面汇报日期表。在五年的时间里，作为所有条约的缔约国的国家每年最多提交两份报告。¹⁰ 这将有益于区域人权机制，因为它们能够跟踪各缔约国履行国际人权汇报义务的情况：例如，当具体缔约国应该提交专题报告时它们能够跟踪，致使它们能够确认与区域汇报义务的协同增效。这还将减轻缔约国的汇报负担。

3. 普遍定期审议

23. 2008 年，当普遍定期审议建立时，高级专员曾致函区域组织，邀请它们向审议程序提供资料，包括利益攸关者的报告。在每届普遍定期审议之前，人权高专办致函区域组织，要求它们提交将纳入利益攸关者报告之内的信息。

24. 欧洲理事会定期提交有关其成员国的资料。人权高专办和欧洲理事会之间逐岗位合作有助于精减所提交的资料。自 2009 年以来，美洲间人权委员会定期

⁸ 见 A/67/222, 附件二。

⁹ A/66/860。

¹⁰ 同上，第 4.1 节。

提交美洲国家组织成员的国家资料。非洲人民和人民权利委员会也提交非洲联盟成员国的资料，但并不经常这么做。

25. 在其他情况下区域人权机制也与人权理事会进行互动。例如，在理事会第二十届会议期间，理事会主席举行了有关加强与区域人权合作的会外活动。

26. 区域人权机制的代表越来越积极地参加人权理事会的讨论。在第十九届会议上，欧洲理事会、非洲人民和人民权利委员会和美洲间人权委员会参与了关于性取向、《在民族或族裔、宗教和语言上属于少数群体的人的权利宣言》的小组讨论和关于妇女权利的年度讨论。

B. 合作工具

27. 与会者确认了他们认为成功加强联合国与区域人权机制之间合作的一些合作工具。

1. 联络点

28. 在 2010 年举行的研讨会上，与会者强调为有效地分享信息和促进联合活动，需要在每个人权机制中设立联络点。¹¹ 2012 年 5 月，高级专员致函区域人权机制鼓励它们委任合作联络点。区域机制积极予以响应。人权高专办还在条约机构、特别程序、普遍定期审议机制与地域部门设立了联络点。联络点定期与国家机构与人权高专办的区域机制部门进行联系。人权高专办区域机制部门负责协调联合国与区域人权机制之间合作的各项工作。

29. 与会者强调了联络点在加强合作方面所发挥的重要作用。例如，非洲人民和人民权利委员会在秘书处内委任了一个联络点，负责在专员与工作人员之间分发与人权高专办分享的资料，包括每周更新的有关条约机构和特别程序的资料。该联络点还负责交换有关委员会即将举行的活动、接受访问的声明、新闻发布会和决议等信息。在欧洲理事会内，已委任了联络点负责人权与法治局、欧洲人权法院和欧洲人权专员办公室之间的合作。

30. 在人权机制本身内委任联络员也被认为是一个良好的做法。例如，美洲间人权委员会定期与联合国防止酷刑小组委员会美洲地区的联络点进行联系。非洲人民和人民权利委员会与非洲小组委员会联络点一起工作，参加了 2011 年在达喀尔举行的关于塞内加尔全国防范机制有效运作的研讨会。

31. 2012 年 12 月 14 日，人权高专办在研讨会之后立即召开了首届合作联络点会议。与会者概述了加强联合国与区域人权机制之间合作的工作计划(见附件二)。

¹¹ A/HRC/15/56, 第 23 和 57 段。

2. 逐岗位合作

32. 人们强调了逐岗位合作的附加值。自 2007 年以来，人权高专办和欧洲理事会举行年度协调会议，会议的目的是讨论共同感兴趣的问题和加强工作层次的联系。2012 年 12 月 11 日在日内瓦举行了第六届协调会议。

33. 逐台会议的主要结论之一是近年来大大地加强了合作，尽管还需要进一步改进。与会者一致认为主要的挑战之一是实施联合国与各个区域人权机构提出的各项建议方面的差距。加强合作将能够解决这一挑战，特别是在两个组织之间进行工作层次的交流将可以解决这一问题。在这方面，人们认为缔结双边协定是一个良好的做法。

34. 逐岗位合作的另一个范例是 2012 年人权事务委员会秘书处(人权高专办请愿与调查科)与欧洲人权法院登记处缔结了一项协议，协议的目的在于交换工作人员和增进两个系统判例法方面的知识。

3. 专题会议

35. 与会者强调需要在联合国和区域人权机制之间加强专题问题的交流，包括标准、判例法和保护具体人权的问题。人们提到了一些良好的做法。

36. 2011 年 11 月、12 月和 2012 年 2 月，人权高专办在非洲、美洲和欧洲分别汇集联合国和区域机制举办了关于防范酷刑和保护酷刑受害者的区域磋商会议。与会者讨论了建立体制性渠道的可能性，这些体制性渠道将用来分享信息、确认预期举行的联合活动的优先领域、如何制定一个各个机制更为战略地实施各项建议的方式，以及如何确保保密性。在这方面还讨论了国家防范机制和非政府组织的作用。在每次区域磋商会议之后通过了一份产出文件(见附件三、四和五)。

37. 在区域磋商会议上，确认了具体的举措，例如联合国与美洲间人权机制关于酷刑的协调机构，该机构将定期举行会议交流信息，确认共同专题优先事项，讨论战略与确定互补领域。另一项举措是起草一份实施 2007 和 2010 年期间两个系统提出的建议的联合报告。在欧洲的区域磋商中，人们建议联合国与欧洲的酷刑机制应该协调其对国家防范机制的援助，以避免重复。在这方面，人们强调了欧洲理事会欧洲国家防范机制项目所发挥的作用。在对非洲的磋商方面，人们建议，联合国与非洲的酷刑机制应该相互进行磋商，在战略规划、规划和实施各项活动以及后续行动各个阶段分享信息。为此目的，人们建议在联合国和非洲关于酷刑机制之间以一般谅解备忘录或具体备忘录的形式建立一个体制性的合作框架。

38. 继非洲区域磋商之后，于 2012 年 8 月在约翰内斯堡举行了非洲加强防范酷刑的会议，纪念《非洲禁止和防止酷刑、残忍、不人道或有辱人格的待遇或处罚方针和措施》(《罗班岛准则》)十周年，这是防范酷刑的一项主要区域文书。与会者包括防范酷刑小组委员会、非洲人民和人民权利委员会、国家人权机制、国家防范机制和非政府组织的代表。会议结束时通过了《非洲酷刑防范与定罪约翰内斯堡宣言与行动计划》，该项文件包括将要实施的措施与建议。

39. 与会者还提到了 2010 年举行的非洲儿童权利与福利专家委员会与儿童权利委员会举行的联合工作会议。在会上，决定为确认减缓两个条约缔约国汇报负担的方式方法建立一个工作组。还通过了加强两个机构之间合作的建议，这些建议包括分享信息和参与对方机构的各项活动。

40. 暴力侵害妇女及其原因与结果问题特别报告员利用 2011 年 6 月举行了关于暴力侵害妇女区域标准的会外活动。来自非洲、美洲、欧洲和东南亚人权机制代表参加了小组讨论，代表们讨论了区域人权机制设想的保护程度，仍然存在的差距与挑战，以及与联合国程序之间进行合作的可能领域。

4. 研究访问、研讨会和培训方案

41. 人们认为某些能力建设活动是良好的做法，特别是为新设的区域人权机制开展的那些能力建设活动是良好的做法：例如，2010 年 12 月，人权高专办和联合国开发计划署在雅加达组织了一个关于加强秘书处对东南亚政府间人权委员会支助的研讨会。2011 年，人权高专办为伊斯兰会议组织独立常设人权委员会举办了同样的研讨会。

42. 人们提到东南亚政府间人权委员会 2011 年对欧洲和美利坚合众国进行的学习访问是良好的做法。在那次访问期间，委员会成员与美洲间人权委员会、基本人权机构、民主机构和人权组织办事处以及包括欧洲人权法院在内的欧洲理事会举行了会议。

43. 2011 年 1 月，人权高专办、联合国性别平等和赋权妇女实体和联合国儿童基金会为东盟促进和保护妇女与儿童权利委员会组织了到日内瓦与斯特拉斯堡的学习访问，帮助其成员和工作人员制定工作方式、确定优先事项以及与联合国人权机制与机构的合作方式。委员会的代表会见了人权高专办的工作人员、消除对妇女歧视委员会的工作人员、儿童权利委员会的工作人员、欧洲理事会和欧洲人权法院的工作人员。

44. 2012 年 7 月，人权高专办为了使伊斯兰会议组织独立常设人权委员会组织了一次学习访问，帮助其专员获得联合国人权机制的知识和探讨两者之间可能的合作方式，为伊斯兰会议组织独立尝试人权委员会组织了一次学习访问。他们还出席了人权理事会第二十届会议。2012 年 12 月，一些专员对联合国总部进行了一次学习访问。

三. 加强联合国与区域人权机制之间的合作

45. 研讨会着重于 2010 年举行的研讨会上确认的三大合作领域：信息分享、联合活动和实施联合国与区域人权机制的建议。在每一个领域内，讨论的重点专题使与会者能够进行具体的讨论和产出实质性的建议。根据人权理事会第 18/14 号决议，在选择这些专题时考虑了区域机制的具体实际经验，并以区域人权机制和成员国进行的磋商为基础(见上文第 5 和第 6 段)。重点专题如下：

- 信息分享：防止酷刑
- 联合活动：妇女权利
- 实施各项建议：儿童权利

A. 信息分享

1. 良好做法与挑战

46. 来自禁止酷刑小组委员会、欧洲禁止酷刑和不人道或有辱人格待遇或处罚委员会、禁止酷刑委员会、非洲人民和人民权利委员会、美洲间人权委员会、各国人权机制、国家防范机制和非政府组织的与会者一致认为分享信息对国际人权标准与判例法的连贯一致具有重要的意义，并能够防止重复与矛盾。

47. 保密性被认为是信息分享的主要挑战之一。与会者都认为，一些信息可以便利地分享，例如法律框架、趋势、工作方法、日历、访问与活动方案、联系细节与公共报告。他们也一致认为需要在每个人权机构议事规则所规定的限制范围之内最大限度地分享信息，同时牢记他们的共同目标是保护受害者。例如，欧洲禁止酷刑和不人道或有辱人格的待遇或处罚委员会提议国际和区域公约的缔约国应同意委员会的访问报告及其各国对此类报告的答复应该在保密基础上系统地与防止酷刑小组委员会分享。同样，人们提议防止酷刑小组委员会考虑在保密基础上与该委员会系统地分享其报告。

48. 人们还认为缺乏能力和人权机制之间的不同也是挑战。人们提议，世界和区域机制应定期交流标准、经验和意见，特别为新建立的区域人权机制利益这么做，他们能够向更加成熟的机制学习经验。在这方面，人们建议，进行专题交流，例如监狱过分拥挤和不驱回问题的专题交流。人们希望这样的交流将使人权机制实施一致的标准方式，例如，会见被剥夺自由者和探访拘留场所标准方面采取一致的标准方式。

49. 行为者之间分享信息的信任和分享信息的意愿被认为是关键因素。在这方面，人们指出国家人权机构，国家防范机制和非政府组织的独立性是加强合作的基础，因为它们是联合国和区域人权机制的重要信息来源。它们在散布信息和反对酷刑的宣传中发挥重要的作用。人们还指出，国际和区域人权机制提出的建议可被所说的行为者用来作为有利的宣传工具。例如，在乌干达，一个由国家人权机制和非政府组织组成的联盟于 2012 年促使通过了一项将酷刑以罪论处的法律。

2. 具体提议

50. 与会者为加强联合国与区域人权机制分享信息提出了如下提议：

- 为现有和将来的联络点有效地执行其各项任务向其提供必要的方式方法

- 通过联络点系统地交流日程安排和各项活动，访问方案，秘书处和产出报告的清单
- 通过联络点加速逐岗位合作
- 开展定期的标准、判例法、意见和经验的专题交流
- 制定一个载有联合国与区域人权机制的建议以及国家信息的模式
- 特别就紧急状况在非政府组织和人权实地机构之间进行交流
- 制定一个数据库，集中提供的调查结果、决定和建议，以及其实施情况的资料，数据库向以下各方开放：受害者、缔约国和其他利益攸关者(在这方面普遍定期人权指数被确定为第一步，但需要包括区域机制的决定与建议)
- 在每个机制的网页上创建一个与其他人权机制网页相连接的网站链接，并在区域人权机制上创建一个人权高专办的网页；¹² 向人权机制提供诸如信息技术工具的资源

51. 关于联合国和区域人权机制防范酷刑的合作问题，与会者建议：

- 制定一项协议，将在华盛顿特区、日内瓦和亚的斯亚贝巴举行的区域防止酷刑磋商会议的建议纳入联合国和区域人权机制每日工作之内(见上文第 39 和 40 段和附件二、三与四)
- 确认最大限度交流非保密信息的工具
- 磋商与交流将由联合国与区域人权机制访问的国家和地方的信息
- 在起草专题报告时进行磋商
- 在国家防范机制和关于酷刑的机制之间，特别是在防范酷刑小组委员会和欧洲防止酷刑和不人道或有辱人格待遇或处罚委员会之间更好地进行通讯交流和有系统地交流信息
- 在联合国和区域机制进行访问时邀请国家防范机制参加(如果不可能，应事先与上述机制分享信息)
- 在国家防范机制之间交流观点和经验；欧洲理事会国家防范机制项目被认为是一个良好的做法可以在其他地区举一反三
- 为了避免报复，与国家防范机制、国家人权机构和非政府组织分享信息跟踪与这些组织合作的人的状况

¹² A/HRC/15/56, 第 63 至 64 段。

B. 联合活动

1. 良好做法与挑战

52. 与会者讨论了联合国与区域人权机制之间的联合活动，将妇女权利作为重点专题。消除对妇女歧视委员会、禁止在法律与做法上歧视妇女问题工作组、欧洲理事会、非洲人民与人民权利委员会、东盟促进和保护妇女与儿童权利委员会、国家人权机构和非政府组织的代表参加了讨论。

53. 与会者一致同意交换参照其判例法与建议的重要性。人们提到美洲间人权法庭在有关在墨西哥 Ciudad Juarez 妇女遭到杀害的 *González* 及其他(*Campo Algodonero*)诉墨西哥的案件的裁决中引用了消除对妇女歧视委员会和关于暴力侵害妇女，其根源与后果问题特别报告员的话。反之，委员会在对墨西哥的建议中引用了同样的裁决。¹³ 人们强调将联合国与区域人权之间的交流体制化将能够定期地进行相互参照。

54. 与会者确认相互矛盾的人权标准是进行合作的一项挑战。与会者一致认为区域标准不能损害国际标准。各缔约国应遵循它们已批准的国际条约与习惯国际法所规定的国际义务。因而人们认为有必要加强合作避免相互矛盾的人权准则。与会者强调他们认为新建立的人权机制在处理可能出现的矛盾时，应该利用较成熟的机制的经验。例如，人们建议，较成熟的机制可以从人权方面帮助新机制解决宗教和文化问题。

55. 与会者还认为，合作将有利地解决人权机制目前所面临的财政约束因素。进行联合访问、汇报和能力建设活动可以节省资源。人们列举了联合国特别程序和非洲人民与人民权利委员会之间的路线图(见上文 11 和 12 段)是使各个机制更有效合作的工具。

56. 非政府组织和联合国与区域机制之间的伙伴关系被认为是一个良好的做法。例如，非洲人民和人民权利委员会与非政府组织已经制定了一份如何将关于妇女权利的案件提交非洲人权系统的手册。为人权捍卫者举办了联合培训，在培训中，消除对妇女歧视委员会、非洲人民和人民权利委员会和其他区域机制审议的重要的妇女权利案件。

2. 具体提议

57. 与会者提议改进联合国与区域人权机制之间的联合活动可采取以下方式：

- 为了确保与国际人权法保持连贯一致，相互交流其判例法与建议
- 确认共同的优先事项
- 为联合活动，分享规划信息和确认共同议程，包括时间表与各项责任

¹³ CEDAW/C/MEX/CO/7-8, 第 18 段(c)和第 19 段(f)。

- 成熟的联合国和区域人权机制在研讨会和学习访问的框架内向新建立的区域人权机制传授它们的专长知识
- 其他地区推广良好做法，如联合国特别程序和非洲人民与人民权利委员会之间的路线图
- 发展与加强国家利益优先者的能力，特别是法官、律师、国家人权机构和非政府组织在实施国际人权准则与标准方面的能力
- 增进国家人权机构和非政府组织之间的联合活动，例如能力建设活动、宣传人权机制提出的建议、进行监督、包括促进受害者求助于联合国与区域人权机制的便利。

58. 具体提议.与会者提议联合国与区域人权机制应加强关于妇女权利的联合活动：

- 为进一步保护妇女权利界定有关具体专题共同议程，例如诉诸司法，并寻找侵犯妇女权利的原因
- 参加整天的人权理事会妇女权利问题年度讨论
- 讨论向联合国从事妇女权利工作的机构，例如妇女地位委员会转达联合信息的方式方法

C. 联合国与区域机制实施建议的情况

1. 良好做法与挑战

59. 与会者根据专门从事儿童权利的机构的范例讨论了改进实施联合国与区域人权机制提出的各项建议的方式方法。儿童权利委员会、美洲人权法院、欧洲理事会‘非洲人民和人民权利委员会、非洲儿童权利与福利专家委员会、国家人权机构和非政府组织的代表参加了这一项讨论。

60. 人们认为，普遍定期审议是联合国和区域人权机制获得信息的良好来源，因为其清楚地表明缔约国愿意实施哪些建议，以及哪些建议它们仅仅注意了。人们建议，普遍定期审议建议应作为后续行动的工具。一些与会者指出，国家人权行动计划如果反映了国际和区域人权机制的建议将提供一个深入合作的机会。人们还提议联合国和区域人权机制应组成伙伴关系向缔约国提供实施建议的技术合作。

61. 人们还认为人权机制之间的伙伴关系是良好做法，例如欧洲理事会在儿童权利领域内制订的一项战略其参与者有欧洲联盟基本权利机构、儿童基金会、人权高专办和联合国难民高级专员办事处。该项战略的目的在于实施儿童权利的标准，重点是保护儿童免遭暴力侵害、提供有益于儿童的服务与系统、保护脆弱状况下的儿童和儿童参与，该项战略采用了由联合国和区域人权机制制定的标准。

62. 人们提到将实施建议与每日的各项活动连接起来是一个节省资源的方式。例如，非政府组织在它们的宣传活动中采用了人权机制的建议，包括那些旨在使国家立法与国际人权标准相符的活动。

63. 人们还强调重要的是要联络诸如媒体、议会议员、司法和学术界等利益攸关者。

2. 具体提议

64. 与会者建议联合国和区域人权机制：

- 实施各自的建议(例如，美洲间人权法院议事规则第 69.2 条指示其要求其他人权机制提供资料，以便监督实施法庭裁决的情况)
- 为制定国家人权行动计划提供联合支助
- 为在国家一级实施人权建议建立协调机制提供联合支助
- 建立伙伴关系通过技术合作支持实施人权机制的建议
- 规划在各机制之间实施建议的最好做法

四. 联络点会议

65. 2012 年 12 月 14 日，人权高专办主办了联合国人权机制联络点首次会议，这些联络点包括非洲、美洲、欧洲、亚洲和中东区域人权机制委派的联络点，以及支助条约机构、特别程序和普遍定期审议机制的高专办工作人员。

66. 2010 年和 2012 年举行的加强联合国与区域人权机制之间合作的研讨会讨论了今后实施这些建议的联合活动。联络点讨论了各项建议顺序安排方式方法以便审议一项界定将在近期、中期和长期实施建议的工作计划，并界定相应的责任(附件二)。

五. 结论

67. 加强联合国与区域人权机制合作的研讨会产生了旨在加强联合国与区域人权机制之间合作的富有价值的建议和提案，特别提出了有关分享信息、开展联合活动和实施建议的富有价值的提案与建议。

68. 研讨会与会者强调了继续加强联合国与区域人权机制之间的合作的重要性。为此目的，应继续举行两年度的研讨会，并要继续举行合作联络点的年度会议。

69. 人们确定支持和赞同联合国与区域组织政治机构对有效加强合作至关重要。与会者鼓励政府间组织与各缔约国为确保有关合作的建议得以实施调拨必要的财政和人力资源。

70. 与会者承认人权高专办在促进国际和区域人权机制合作方面发挥了至关重要的作用。然而，人权高专办作为两个机制之间的合作联络点的运作能力，特别是促进联络点网络继续开展各种活动的的能力因其所受到的财政制约因素而受到了负面影响。

71. 人权机制之间的合作被确认为在财政拮据时节省资源的一个方式。鼓励联合国和区域人权机制进一步制定联合活动和交流信息。

六. 建议

A. 缔约国与联合国与区域人权机制

72. 联络点对加强联合国与区域人权机制之间的合作至关重要。应该向联络点提供足够的资源使其能够有效地实施其工作计划所论述的各项活动。应每年举行合作联络点会议。

73. 应系统地在联合国与区域人权机制之间分享信息，特别要分享活动日程安排、访问项目、秘书处和报告的清单等资料。联络点应负责确保定期的信息分享。

74. 应制定一项国际和区域人权机制分享的活动议程，内容包括共同的近期和中期规划。应举行由专家参加的专题会议。

75. 至今，人权高专办通过提供预算外资源支持联合国与区域人权机制之间的合作。然而由于人权高专办面临的财政约束，此类安排不再可行。通过人权高专办联络点定期开展双向联合活动和后续行动的信息交流与通信的初步网络需要给予充分积极推动与发展。此外，人权高专办将继续举行两年度的研讨会和联络点年度会议。支持此类重要任务所需的工作至少要求有一名额外的专业工作人员和一名额外的一般事务工作人员。

76. 逐岗位合作与亚的斯亚贝巴合作路线图这类良好做法应该作为其他区域的榜样。

77. 联合国与区域人权机制应该系统地相对参照其判例法与建议。应创建一个具有联合国和区域人权机制调查结果、决定与建议的数据库。这一工具应该向受害者、缔约国和其他利益攸关者开放。

78. 应制定一个含有联合国与区域人权机制提出的各项建议的模式。所说机制应系统地紧随各方的建议，应标明和归类跨机制紧随各项建议的最佳做法。

79. 区域人权机制应为普遍定期审议提供信息。此外，联合国和区域人权机制应一起支持国家人权行动计划的制定，支持建立实施普遍定期审查建议的全国协调机制。

80. 应该在每个机制的网站上建立与其他人权机制网页相联系链接。人权高专办的网页应包括与区域人权机制合作的信息。应向人权机制提供安置此类技术工具的资源。

81. 应创建一个由联合国和区域人权机制成员组成的工作组执行 2012 年研讨会产生的各项建议。

82. 联合国与区域人权机制应确保特别是法官、律师、国家人权机构和非政府组织等国家利益攸关者的能力得到建设与加强，包括建设与加强其实施国际人权标准与建议的能力。

B. 特别包括国家人权机构和非政府组织在内的其他利益攸关者

83. 联合国和区域人权机制提出的各项建议应成为所有利益攸关者日常工作的一部分，从而促进和加强其实施。

84. 应进一步发展联合国与区域人权机制，以及相关利益攸关者之间的合作，支持由国家人权机构和非政府组织提出的个别申诉的后续工作。

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 Crombrugghe, 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 Kaggwa, 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 Dumitru, 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 Ouguergouz, 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 (IACourtHR), 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, CESC, 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 ^P could advocate with States to share relevant reports of the CPT with the SPT and vice-

^P

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

versa in a 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^q 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

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

ratify the United Nations the Convention against Torture and Other Cruel, Inhuman 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 interface 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.
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