



大会

Distr.: General  
9 August 2010  
Chinese  
Original: English

## 人权理事会

## 第十五届会议

## 议程项目 2 和 3

联合国人权事务高级专员的年度报告  
和高级专员办事处及秘书长的报告

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

联合国人权事务高级专员办事处的报告关于加强国际和区域  
增进和保护人权机制之间合作的国际研讨会\* \*\*

## 提要

人权理事会第 12/15 号决议请联合国人权事务高级专员办事处定期举行商讨增进和保护人权问题的区域性安排的研讨会，拟于 2010 年上半年举行一次研讨会，商定联合国与各区域安排之间加强人权领域合作方式与办法的具体提案，并向理事会第十五届会议报告。2010 年 5 月 3 日至 4 日，高级专员办事处(人权高专办)在日内瓦举行了“加强国际和区域人权机制之间合作问题”研讨会。与会者包括来自非洲、美洲和欧洲区域人权机制以及非洲分区域机制的代表。东盟(东南亚国家联盟)政府间人权委员会的印度尼西亚代表出席了会议。来自联合国条约机构和人权理事会特别程序，以及各成员国、国家人权机构、著名国际和国家非政府组织和学术界的独立专家均出席了会议。与会者们认同必须组建加强国际与区域人权机制之间合作的机制。与会者们认定合作机制可实施的主要领域是开展信息交流和联合活动。关于信息交流，与会者们一致认同最佳做法、司法判例、紧急案情和情势，和普遍定期审议是应加以完善的主要领域。与会者们还辨明了国际和区域人权机制可联合开展的活动：国别走访、报告和出版物、新闻稿

\* 迟交。

\*\* 附件未经编辑，仅以提交原文印发。

和声明、提高认识和能力建设活动，以及后续跟进国际和区域人权机制达成的决定和建议。会议还建议每两年举行一次由国际、区域和分区域人权机制、各国政府、国家人权机构和非政府组织出席的会议，探讨以各优先专题为着重点的信息交流、联合活动和后续行动问题。此外，会议同意各个人权机制应指定一个交流中心，以便拟订一项增强国际与区域人权机制之间合作的工作计划，确定每个机制的目标、活动、时限和责任。最后，与会者们促请各国和政府间组织拨出必要的财力和人力资源，以确保研讨会形成的建议得到落实。

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## 一. 引言

1. 继人权理事会关于增进和保护人权的区域性安排第 12/15 决议，并在与美国、比利时、墨西哥、塞内加尔和泰国决议联合提案国磋商之后，联合国人权事务高级专员办事处(人权高专办)于 2010 年 5 月 3 日至 4 日在日内瓦举行了“加强国际和区域人权机制之间合作问题”研讨会。<sup>1</sup> 本报告依照第 12/15 号决议反映了研讨会的讨论情况和执行该决议方面的进展情况。

2. 过去二十年来，人们越来越注重区域与国际人权机制之间的关系。1993 年世界人权会议通过的《维也纳宣言和行动纲领》着重指出了各级区域和分区域政府间体制在增进和保护人权方面发挥的重大作用。世界会议认同要力争加强这些安排的力度并提高其实效，与此同时还强调必须与联合国人权活协合作。

3. 自第 1993/51 号决议以来，人权委员会还通过了若干关于此议题的决议，尤其请那些尚未作出人权领域方面区域性安排地区的国家考虑达成这方面协议，以期在各自的区域内为增进和保护人权建立起相应的区域性机制，并请秘书长继续加强联合国与从事人权事务的区域政府间组织之间的交流。

4. 2007 年 9 月，人权理事会通过了第 6/20 号决议，请人权高专办举行一次研讨会，探讨区域人权机制如何开展关于“良好做法、增值观念和挑战问题的交流”。2008 年 11 月举行此研讨会。会上着重指出各区域机制之间，以及区域与国际机制之间必须增强协调一致和常规合作的力度。秘书长报告(A/HRC/11/3)概述了研讨会期间举行的讨论情况。讨论提出的建议包括在人权高专办内设定一个高级别协调中心，以利今后在人权理事会、区域和分区域人权机制与人权高专办之间形成互相沟通的联络网和信息交流。

5. 高级专员在人权高专办应 2008 年研讨会的建议，设立了一个协调中心，以便高专办全面铺开与各区域人权机制的协作。由于国家机构事务科得到扩大，增列了区域人权机制事务，改组为“国家机构和区域机制事务科”。

6. 人权理事会第 12/15 号决议请高级专员定期举行关于区域性安排问题研讨会，并于 2010 年上半年举行一次研讨会，“邀请来自各不同区域的相关区域和分区域安排的代表、专家，以及相关联合国成员国、观察员国、国家人权机构和非政府组织代表参加，以便就如何加强联合国与人权领域各区域安排之间的合作进一步交流信息并提出具体建议，以确定克服区域和国际各级增进和保护人权工作方面障碍的战略”。<sup>2</sup>

<sup>1</sup> 见附件四，研讨会方案。

<sup>2</sup> 第 4 执行段。

7. 2009 年 11 月和 12 月，人权高专办为筹备研讨会，在非洲亚的斯亚贝巴、美洲的华盛顿特区和欧洲的斯特拉斯堡，与各区域人权机制举行了几次区域性磋商。讨论会的主要重点是探讨联合国人权体制和各区域人权机制的核心职能，及其工作方法和运作程序。磋商的主要目标是确定联合国人权体制与各区域人权机制之间深化合作与对话的现行和潜在领域。

8. 各方在磋商期间确认，区域人权机制发挥了重大作用，推动了人权标准的发展和提高。磋商指出了国家、区域和国际机制之间的相辅相成作用，并确认必须开展有效合作，特别是协助从国家层面实施人权标准。与会者们还得出结论，可从若干领域，尤其是信息交流、可能的联合活动，及后续落实国际和区域人权机制形成的各项决定和建议等方面增强合作。<sup>3</sup>

9. 本报告概要介绍了 2010 年 5 月研讨会期间举行的讨论情况，包括基于讨论要点形成的结论和建议，旨在加强国际、区域和分区域人权机制之间的合作。

## 二. 国际与区域人权机制之间的合作

10. 出席研讨会的与会者包括非洲人权和人民权利委员会(非洲人权委)、非洲人权和人民权利法庭、南部非洲发展共同体法庭(南部非经共体)、西非国家经济共同体(西非经共体)法庭、美洲人权委员会(美洲人权委)、美洲人权法庭、欧洲委员会、欧洲联盟基本权利署(欧盟)、欧洲安全与合作组织(欧安组织)民主制度和人权办公室(民权办)的代表，和东盟政府间人权委员会的印度尼西亚代表。强迫或非自愿失踪问题工作组主席、移徙工人问题委员会主席、禁止酷刑小组委员会副主席、人权事务委员会的一位委员，和人权捍卫者境况问题特别报告员代表联合国人权体制出席了会议。会议还邀请了各成员国、国家人权机构，包括国家人权机构的区域网络机构主席和秘书处，以及著名国际和国家非政府组织。

11. 会议盘查了区域和国际人权机制之间合作的发展势态，包括区域磋商的结果，以及包括东盟政府间人权委员会和阿拉伯国家联盟人权机构等在内一些新兴人权机制的贡献。国家人权机构和非政府组织交流了各自与国际和区域人权机制互动的经验，并确定了各自可为促进增进合作采取的方式。会议透彻地探讨了关于信息交流、联合活动和后续履行区域和国际人权机制形成的决定和建议等具体合作提案。

12. 研讨会着重指出必须加强现行合作，以巩固人权的普遍性、个体性和相互依存性的原则，并且既要避免重叠，同时还得促进国际人权标准与判例法的协调。

13. 会议一致认同，人权合作的最终目的是从国家层面确认个体性的积极作用。这样的合作将有助于加强国家人权保护体制，包括国家法庭、国家人权机构

<sup>3</sup> 见附件一、二和三所载的非洲、美洲和欧洲区域磋商会议讨论摘要。

和民间社会组织，以确保实现所有人权。全国众多利益攸关方应广泛积极地参与合作进程。

14. 会议还指出，各人权机制之间的合作，应考虑到国际、区域、分区域和国家各级现况和优先事项，从而可更好地处置每个层面一系列开展更广泛合作的可能因素，避免发出自相矛盾的信息。

#### A. 同类职能人权机制之间的合作

15. 与会者们指出，各个同类职能和主管职权的国际、区域和分区域人权机制之间的合作应加以完善。

16. 国际和区域司法和准司法性质的人权机构有相当的类同之处。这些机构受理针对其成员国提出的申诉，而且在许多情况下，颁布一些载有各项建议的决定，阐明各国为履行国际人权义务应采取的步骤。这些审理形成的判例可成为推动各类合作的借鉴。例如，联合国人权条约机构与非洲人权委、非洲人权和人民权利法庭、美洲人权委、美洲人权法庭和欧洲人权法庭之间可设立一个判例共享机制。这项合作可加以扩大，同时列入准司法性质的联合国特别程序机制(即，强迫或非自愿失踪问题工作组，和任意拘留问题工作组)。此外，各方应考虑到联合国条约机构<sup>4</sup>正在推行的协调报告程序的进程。

17. 各个同类职能人权机制之间的合作原则也可适用于展开磋商、推广和监督职能。例如，可由欧洲社会权利委员会与联合国经济、社会及文化权利委员会联合开展提高认识的活动。

18. 鉴于普遍定期审议的任务与非洲同侪审议机制任务之间的类同性，这两个机制之间也不妨建立起交流。

19. 至于后续履行国际和区域机构形成的决定和建议，一方面，可在专家机制之间建立起协作，另一方面，不妨建立起国家间机制，即效仿条约机构的建议和普遍定期审议和非洲同侪审议机制依循的特别程序。

#### B. 合作举措

20. 虽然全体与会者都同意必须加强合作，但对待体制化合作的态度却有程度上的不同。非洲和美洲人权体系，以及非洲分区域人权机制以及若干非政府组织和国家人权机构一致认同，联合国体制与区域和分区域机制性必须实现体制化的合作。

21. 欧洲委员会则鼓励采取拓展现行合作举措的务实性做法。民主人权办也主张应当巩固日常的信息交流。

<sup>4</sup> 见 <http://www2.ohchr.org/english/bodies/treaty/CCD.htm>。

22. 会议基本同意，各个人权机制承担不同的任务并不是推进相互间系统化正式合作的障碍。合作所致力于的方向是力争巩固现行合作举措，争取合作举措更大的收效。会议指出，例如，过去三年来美洲人权体制向禁止酷刑小组委员会的国际网页传送资料，便利了该小组委员会做出国别走访的决定。小组委员会借鉴这些资料，确定要走访该区域的哪些国家。广为推行类似的最好做法，意义重大。

## 1. 国际性

23. 国际、区域和分区域人权机制必须达成基本的合作安排。

### (a) 协调中心

大多数与会者同意，为加强国际与区域人权机制之合作迈出的第一步是，在人权高专办和每个区域和分区域人权机制内设定一个高级别的协调中心。这些协调中心相互之间定期联络，包括按特定时限实施一些活动，明确每个机制的目标、活动、时限和责任。工作计划先与所有人权机制进行磋商，而后再同各国、非政府组织和国家人权机构商定。协调中应定期向各自的机制通报其活动和责任。

### (b) 定期会议

国际、区域和分区域机制、各国政府、国家人权机构和非政府组织应每两年举行一次会议，商讨以优先主题为重点的信息交流和联合活动问题。这是一个充满活力的进程，并由所有相关利益攸关方通过为每个合作专题确立的具体目标、时限和预期成果加以推动。例如，各方将讨论，诸如人权捍卫者、歧视以及经济、社会及文化权利方面的信息交流和联合活动问题，从而推进以某个专题为重点的合作。此外，在这些会议期间，各个协调中心应汇报他们开展的活动，阐明他们在实施工作计划方面取得的成就和面临的挑战。会议应在各个不同的区域举行，以便尽可能深入接触更多的区域和国家行为方。人权高专办随时愿意协助配合组办这些定期会议。为了履行这项工作，应为人权高专办拨出充分的人力和财力资源。

## 2. 具体情况

24. 人权机制可在考虑到每个人权机制需求和发展的情况下，以双边或多边方式确定建立高于国际商定最低限度的合作安排。

## C. 区域人权机制之间的合作

25. 联合国可通过人权高专办提供全球视角并分享所汲取的教益和最好做法，促进区域与分区域人权机制之间的对话。此外，人权高专办可以技术援助方式支

持合作进程。区域人权机制的合作可促进拟订国际、区域和分区域机制之间的合作战略。

#### D. 国家人权机构和非政府组织的作用

26. 国家人权机构和非政府组织发挥了重大的作用，推动监督国际人权标准的适用情况，并跟进执行联合国和区域人权机制形成的裁判、决定和建议。国际和区域人权机制均鼓励国家人权机构与之开展定期互动。<sup>5</sup> 国家人权机构和非政府组织还促进增强了各国确保执行国际人权准则的能力。因此，国家人权机构和非政府组织必须被列为人权机制之间合作的全面参与方。

#### E. 挑战问题

##### 1. 资源不足

27. 国际、区域和分区域人权机制以及国家人权机构和非政府组织的人力和财力资源极为有限。

28. 合作战略应考虑到利益攸关方资源有限的问题。联合国、区域组织和各国政府应拨出资源以利国际、区域和分区域人权机制之间开展有效且可持续的合作。捐助方给予的支助可促进实现这个目标。

##### 2. 缺乏对国际和区域人权机制的了解

29. 与会者们共同认为，一些区域和国家层面的相关行为方和广大公众对国际、区域和分区域人权保护体制一无所知。因此，人们提出，国际和区域人权机制，应与国家人权机构和非政府组织一起采取行动，提高公众对人权机制和国际人权标准的认识。各方必须广泛宣传关于国际、区域、分区域和国家机制的运作情况，以及如何诉诸这些机构的资讯。官方文件和判例法转译为各种地方语言，将有助于这项宣传工作，以及有益于人权机制与其他利益攸关方，包括各国政府、非政府组织、国家人权机构和广大公众之间技术层面的合作。

##### 3. 保密问题

30. 一些人权机制受保密原则的制约，可能会使这些机制之间合作复杂化。人们提出，经各个所涉机制之间开展磋商之后，将协调今后的保密做法。

<sup>5</sup> 见下文第 47 段。

### 三. 国际与区域人权机制之间合作的具体提案

31. 国际研讨会形成了合作的具体提案，主要是各人权机制之间的信息交流和联合活动。

#### A. 促进顺利合作的手段

##### 1. 技术手段

32. 与会者们一致认同，信息的提供和获取不仅对个人是一个问题，而且对人权机制本身也是一个问题。技术手段可为信息分享提供便利。

33. 会议向国际和区域人权机制推荐的一个备选方案是创建储存最新资料的中央数据库。中央数据库应储存可供公众查阅的缔约国报告、结论、建议、意见、报告和见解。数据库只要恪守保密原则，还可储存个人申诉。为此，人们提议，数据库内应设有限级查阅制，以保存这类情况的保密资料。人们还提议探讨可否列入一些有关就建议采取的后续行动以及落实这些建议情况方面的资料。数据库应存有与这些国际、区域和分区域人权机制进行联系的详情，且可供这些人权机制的成员和秘书处检索。数据库应依据各相关机制全体通过的准则实行管理。

34. 电子资料的检索应加以完善。所有人权机制的网站应设置便利使用者检索其它人权机制网页的链接，以期分享报告、观点、见解、判例等资讯。此外，人权高专办的网站应创建网络链接，以便检索关于人权机制之间合作的信息，包括会议、协调中心、联合活动等资料。

35. 此外，可通过“资讯通报”交流国际、区域和分区域人权机制目前和今后活动的信息。这些信息包括已颁布或发表的报告、紧急事务、判例、聚焦特定的国家和问题、民间社会和国家人权机构提供的资料等。

##### 2. 举行会议

36. 研讨会期间，与会者们举行了一些会议，开展了双边和多边、一般或专题性、定期或临时性的交流。

37. 会议具体推出了举行一些专题会议的建议，包括关于种族主义和不容忍问题；经济、社会、文化权利问题；以及贩运问题。会议赞赏举行专题论坛会议的做法，如，人权理事会设立的少数群体问题论坛(第 6/15 号决议)

38. 与会者们还提议，定期举行双边和多边会议，以探讨判例、出版物、报告、指导准则、技术合作、后续行动等问题。会议推举欧盟基本权利机构举行机构间年度会议的做法，在联合国、欧安组织、欧洲委员会出席的情况下确定协同行动和可能的联合活动以及专题协作。会议提议联合国儿童权利委员会与非洲儿童权利和福利问题专家委员会间定期举行会议的做法应推广至其它履行类似任务的人权机制。

39. 此外，会议提议国际和区域人权机制的特别报告员与联合国人权条约机构和特别程序任务负责人之间应定期举行会议。美洲、非洲和欧洲体制的代表可出席条约机构主持的年度会议。同样，区域人权机制的报告员可出席理事会特别程序任务负责人年度会议。

40. 另一个应设想是，能否举行由国际和区域人权机制、国家法院的法官、国家人权机构和非政府组织出席的司法问题座谈会，以期加深法官们对人权机制的了解，并鼓励法官将国际人权标准融入他们的裁决。

41. 最后，会议提议请区域人权机制成员参与人权理事会的互动对话并提交编撰的文件。

### 3. 秘书处之间的合作机制

42. 人权高专办与人权理事会之间的工作层面联络，亦称为“案头业务协作”，为国际人权体制与欧洲人权体制之间觅寻合作领域，尤其为诸如移徙、任意拘留和儿童权利等专题上的合作提供了便利。与会者们建议其他区域也应推行这样的做法。此外，会议提议不妨探讨国际与区域人权机制之间的工作人员交流。

43. 此外，会议确认，国际与区域人权机制之间签署意向书和谅解备忘录可促进和达成正式的合作。

44. 通过国际与区域人权机制的实地派驻机构也可促进信息的分享。例如，欧安组织实地派驻机构可与联合国条约机构和特别程序开展信息交流。人权高专办实地派驻机构与联合国国别工作队和区域人权机制之间可加强合作。

## B. 主要合作领域

### 1. 信息交流

45. 与会者们一致认同国际与区域人权机制之间必须设立起充分的渠道以便开展定期和系统的信息交流，并确定通过信息交流可提高人权保护实效的领域。

#### (a) 最佳做法

(一) 分享增进和保护人权方面最佳做法和所汲取教益的信息，是合作的支柱之一。国际与区域人权机制将推行其它机制取得过圆满成果的政策。例如，国际机制可设立由非洲和美洲区域机制开创的变革性做法；

(二) 此外，各个人权机制之间应交流工作方法、议事规则和报告程序，以辨明可行的合作领域。另一个提案是，交流后续履行和执行区域和国际人权机制建议方面所汲取教益和最佳做法的信息。

**(b) 判例**

(一) 司法和准司法人权机制应设立一个判例定期交流制度。交流应包括报告、结论性意见、一般性评论、见解、意见、建议、专家向政府发送的来文、裁定、决定和建议。此外，与会者们一致认同，信息交流还应包括，报告审议前的资料以及关于后续执行国际和区域人权机制建议的情况。与会者们提议发表，判例汇编、资料文献、定期电子公告，包括特定时期的主要裁决等资料。这些出版物既可以联合方式发表，也可在某个机制，如人权高专办、欧洲委员会、美洲国家组织和非洲联盟的主持下发表；

(二) 另一项提案是举行定期会议，讨论相关的具体议题，即，生命权；强迫失踪；经济、社会、文化权利等的判例。这些会议情况记录应予以公布并广为宣传。此外，会议提议，每个机制都可向其它机制提出意见书。

**(c) 紧急案情和情势**

(一) 国际与区域人权机制之间应设有就紧急案情和情势进行交流的具体安排，以确保采取迅速且有效的应对措施。例如，区域和国际机制的报告员可就侵犯人权情况采取联合新闻发布的做法。为此，会议着重阐述了，联合国与美洲言论自由权问题报告员采取联合新闻发布的现行做法；

(二) 此外，会议还提及，可就个人或群体身处可能蒙受无法挽救损害危境的个体案情向政府联合发出紧急呼吁。例如，联合国、美洲和非洲报告员以及欧洲委员会的人权事务专员和欧安组织人权捍卫者问题协调中心，可设立一个可交流各自区域侵犯人权案情的体制。各个人权机制秘书处，由在许多情况下可成为消息来源的非政府组织参与下，通过“案头业务合作”推进这样的信息交流。

**(d) 普遍定期审议**

(一) 区域机制为普遍定期审议程序提供书面汇编资料。为此，会议提议，基于欧洲委员会和美洲人权体制目前提交汇编资料的良好做法，区域人权机制提供的文件越来越多地成为人权理事会的正式文件；

(二) 此外，与会者们一致认同，普遍定期审议与区域人权机制相互利用各自发表的建议，形成了双方呼应的优势。例如，普遍定期审议可指出未得到落实的区域人权机制的决定或建议，而反之亦然。这将促进加强所有人权机制的实效。

(三) 会议还提议，鉴于普遍定期审议与非洲同侪审议机制之间的相同性，双方之间应建立起系统的合作和信息交流渠道。

## 2. 联合活动

46. 研讨会期间，各方确定区域和国际人权机制之间业已设立了某些联合活动。然而，这也表明，许多实际困难依然存在。例如，许多倡议计划仍属孤立的举措，往往依附于有利的环境。另外，繁琐的官僚手续可阻碍，甚至窒息合作。因此，联合活动必须实现体制化，才可取得较佳的结果。与会者们辨明了国际与区域人权机制可开展联合活动的某些领域。

### (a) 国别走访

(一) 国际和区域人权机制的独立专家应在逐案考虑开展更频繁的走访，从而通过提高知晓度和更重视这些人权机制的建议，做出最佳的努力。会议建议，各方应考虑到由业已进行的联合走访形成的最佳做法和汲取的教益，例如，(2008 年)联合国和非洲人权委的人权捍卫者问题报告员联合走访了多哥，然而，不久将要进行这样的走访，例如，(2010 年 8 月)联合国和非洲人权委言论自由问题报告员即要对墨西哥进行联合走访；

(二) 与会者们提议设立长期走访计划，包括各类人权机制六个月期间拟走访国家名单。这将有利于推动信息交流，特别是关于拟走访国家的信息交流。至于处置限制性信息的人权机制，——例如，欧洲防止酷刑问题委员会、禁止酷刑问题小组委员会和国家预防机制(往往是国家人权机构)，会议提议，与其开展联合走访，不如在各机制之间展开磋商，商讨相关走访战略，交流相关规划信息和将要走访国家的问题。

### (b) 报告和出版物

(一) 国际和区域人权机制之间应扩展的其它一些联合活动是，编撰，不论是专题性，还是关于需要特别情势关注的联合报告。会议提及美洲人权委、联合国儿童基金会(儿童基金)和人权高专办联合编撰公民人身安全和人权问题的报告<sup>6</sup>，不失为良好做法的实例之一。主管范围相仿的人权机制，例如，联合国儿童权利委员会与非洲儿童权利和福祉问题专家委员会，可就共同关注的问题编撰联合报告；

(二) 与会者们还着重指出，采用联合原则和指导准则的好处是，推进人权普遍性与国际人权标准保持一致。例如，区域和国际人权机制可共同促进正在更新补充囚犯最低限度待遇标准规则的进程；

<sup>6</sup> 可查阅：<http://cidh.org/pdf/%20files/SEGURIDAD%20CIUDADANA%202009%20ENG.pdf>。

(三) 编辑联合出版物构成了增强合作的另一个可能因素。非政府组织和国家人权机构在宣传和发表这类出版物，遍及广大对话者和读者方面所发挥的作用无可估量。

(c) 新闻发布和联合声明

(一) 研讨会期间，讨论阐明以联合新闻发布方式增强人权机制的实效，既提高了知晓度，又加大了对传媒的影响力。与会者们一致认同应建议主管同样任务或行动范畴的区域或国际人权机制，例如，关于境内流离失所者问题的专家与土著人民权利问题专家扩大向新闻界发布联合信息的数量；

(二) 另一个提案是推广发布联合声明和表态的做法。与会者们提及联合国、美洲人权委和非洲人权委言论自由问题报告员，以及欧安组织负责传媒自由问题的代表，每年就与言论自由权相关的关键问题发表联合声明的良好实例。这些声明均列入增进和保护言论和见解自由权问题特别报告员提交理事会的年度报告。<sup>7</sup> 另一些负有同样任务的人权机制应效仿这种做法，定期发布与侵犯人权行为或其它隶属其任务范畴的重要问题相关的联合声明或表态。

(d) 提高认识和技术合作活动

(一) 与会者们着重指出必须提高尽可能多的行为方，特别是国家层面行为方的认识，悉知各个国际和区域人权机制以及这些机制力争实现的标准。为此，各方应在一些专门的领域采取联合行动，诸如由各类人权机制派出的专家和工作人员联手举行研讨会和各届培训。这些不妨包括保护人权捍卫者问题；任意拘留问题和经济、社会、文化权利问题等方面的联合行动。此外，各人权机制的文件应转译成尽可能多的语言。这将确保尽可能多数量的个人得以阅读到这些文件。各国应协助筹措翻译这类文件的经费。会议异口同声地重视非政府组织发挥的作用，原因在于非政府组织对人权机制的了解，以及这些组织与国际、区域、国家各层众多数量利益攸关方之间的互动能力。因此，非政府组织应从规划阶段起即参与这些活动；

(二) 会议还提议开展技术合作活动，以便人权机制可互相得益于各方掌握的相关专题专业知识，并且拓宽相互对对方最佳做法、判例、工作方法和议事规则的了解。例如，欧洲人权机制，诸如欧洲反种族主义和不容忍现象委员会，可协助区域和国家专门机构加强他们对其任务所涉问题的立场和活动。联合国人权机制也可在考虑到各区域人权机制特别需求的情况下，协助增强他们的能力。例如，特别程序任

<sup>7</sup> 见，例如，A/HRC/14/23/Add.2。

务负责人或条约机构成员可就一些具体专题问题提供咨询意见，譬如，当代形式种族主义、种族歧视、仇外心理和相关不容忍现象特别报告员，即可就设立一位种族主义问题报告员向美洲体制提供相关的专业性知识；

(三) 会议还强调，各国必须共同加强提高支持合作的努力。这类努力可包括采取联合培训和方案的方式，增强社会各级，特别是加强国家人权机构、法官、民间社会、地方政府、议会，及治安和执法机构的人权标准

(四) 与会者们一致认同能力建设必须是可持续且真正有助益的活动。会议还着重强调要确保获得充分的资源。

#### (e) 后续执行

(一) 国际与区域人权机制之间的主要合作领域是，后续实施各项决定和建议。研讨会表明，尽管国际和区域各级设有后续执行机制，但是，对所有人权机制后续执行各项建议、判决和意见，仍是一个重大的挑战问题。与会者们一致认同必须在各人权机制、国家人权机构和非政府组织的参与下，开展后续联合执行活动；

(二) 会上推出了若干个提案。第一，国际和区域人权机制应联合开展国别走访，以跟进落实他们的各项建议。<sup>8</sup> 此外，国际和区域人权机制可利用其本身的国别走访，跟进落实各自的建议，并将各自的调研结果列入本机制的报告；

(三) 各国际和区域人权机制可联合举行会议或研讨会，拟在由各国政府、国家人权机构和非政府组织参与下，跟进执行这些机制的决定和建议。选择好专题重点便于履行任务；

(四) 各方也可设立一个秘书处之间的合作机制，以形成一个为跟进执行建议，相互提供更佳支持的体制。譬如，联合国各条约机构主管后续执行问题的特别报告员<sup>9</sup> 可向相关区域人权机制征集相关信息，以评估各国落实各类委员会结论性意见和建议的程度；

<sup>8</sup> 见第 46(a)段。

<sup>9</sup> 人权事务委员会、禁止酷刑委员会、消除种族歧视委员会和消除对妇女歧视委员会都设立了同样的程序，以监督各自在结论性意见所载建议的执行情况。议事规则的前三项任务是，指定一位或若干位委员任特别报告员，或设立一个工作组，负责跟进对结论性意见和意见的后续执行。总之，特别报告员要确定各国采取了落实各个委员会建议或意见的措施。特别报告员为了切实履行该执行的后续任务，可酌情核实联系或采取核实行动。他或她也可视必要就各委员会今后的行动提出建议，并定期向委员会报告后续活动。各委员会可将后续活动情况编入各自提交大会的年度报告。

(五) 会议还提议利用普遍定期审议作为后续跟进举措。与会者们一致认同，普遍定期审议应就各个国际和区域机制的建议，采用更系统的交叉比照方式，而各个人权机制则应更系统地落实普遍定期审议的建议；<sup>10</sup>

(六) 最后，与会者们一致认同，国家人权机构和非政府组织在后续执行国际和区域人权机制形成的裁定、决定和建议方面发挥了重大的作用。会议建议，各方机制应拟定合作安排，以便相互间进行系统的合作，例如，各人权机制、国家人权机构和非政府组织之间应就后续履行专题重点，定期进行交流信息和举行会议。

#### 四. 与国家人权机构的合作

47. 与会者们一致认同，国家人权机构与国际和区域人权机制之间必须加强合作。若干关于国家人权机构与人权机制之间的合作决议，形成了迈向这个正确方向的第一步。美洲国家组织 AG/RES. 2421(XXXVIII-O/08)和 AG/RES. 2448(XXXIX-O/09)号决议承认，经国际协调委员会(际协委)认证的各个国家人权机构做出了重大贡献，促进了美洲国家组织增进人权的工作，并决心促进为所有国家人权机构参与该组织机关、机构和实体的人权活动提供便利。同样，《非洲人权和人民权利宪章》称，各缔约国应允许建立和完善国家人权机构(第 26 条)。大会第 60/251 号决议称，人权理事会应与区域组织和国家人权机构密切合作。<sup>11</sup>

48. 研讨会期间，讨论提议建立某种机制以推动国家人权机构与国际和区域人权机制之间的体制性合作。上述双方应开展诸如：提高认识、支持合作和人权教育等领域的合作。国家人权机构应在国际和区域人权机制、国家当局和非政府组织派代表出席的情况下，举行人权机制问题座谈会，包括探讨有关这些机制的职能、工作方法、判例和最佳做法的情况，以利用国家人权机构有关能力建设的专业知识，并以利于构建各相关利益攸关方之间的网络。此外，国家人权机构可促进增强国家对联合国和区域人权机制两方面的参与。

49. 与会者们还一致认同，那些还尚未建立国家人权机构的国家，必须建立起这样的机构；那些尚未涵盖所有人权问题的机构必须扩大其任务范畴，并确保遵循关于国家人权机构地位的《巴黎原则》，使这些机构既有独立性，又拥有广泛的实权。与会者们还鼓励尚无区域秘书处的(欧洲和美洲)区域着手进行创建，从而区域秘书处可作为协调中心行事，为国际和区域人权机制的参与提供便利。

<sup>10</sup> 见上文第 45(d)段。

<sup>11</sup> 第 5(h)执行段。

## 五. 与非政府组织的合作

50. 非政府组织是促进人权机制之间合作的重要行为方。非政府组织可从多方面增强区域与国际人权机制之间的协作。国际研讨会期间辨明的与非政府组织合作领域，包括提高意识和能力建设活动，以及交流关于国别走访、最佳做法、个体案情、紧急情势的信息，并促进批准国际和区域人权文书。

51. 会议着重指出人权机制与非政府组织之间必须加强信息交流。会议提议确定长期共同战略，包括关于每个区域最重大问题和议题的路线图。为此，与会者们一致认同，非政府组织发挥了重大的作用，协助确定了国际与区域人权机制之间可能的合作领域，并提出了落实这些领域合作的方式。非政府组织洞察性的分析，一直是发展国际和区域人权机制之间合作的关键要素。因此，只要各机制之间拟建立起合作，就应考虑各非政府组织的意见。

## 六. 结论

52. 国际、区域和分区域人权机制就确认加强合作的重要性和统一性达成了共识。他们还一致认同，这类合作的最终目标是，在国家层面形成真正的影响力，为每个人都带来改观。

53. 与会者们还同意，国际与区域人权机制之间必须建立起增强相互合作的机制。与会者们确认，上述机制之间可实施合作的主要领域是，信息交流和联合活动。与会者们辨明了，在每个主要领域内可设立的合作安排，并确立实现此类合作的具体提案。至于信息交流，与会者们同意，最佳做法、判例、紧急案情和情势，以及普遍定期审议均系各个应增进信息交流的主要领域。与会者们还辨明了国际和区域人权机制也许可联合开展的一些活动：国别走访、报告和出版物、新闻发布和声明、提高意识和能力建设活动，以及履行国际和区域人权机制决定和建议的后续行动。

54. 人权理事会正在进行的审议<sup>12</sup> 提供了与区域人权机制加强互动的机会。出于增进与区域人权机制合作的考虑，可考虑逐步允许把这些区域人权机制的文件，例如，国家报告和专题报告，列为人权理事会的正式文件。这将促进消除联合国与各类区域人权体制之间现行本位主义的现状，使人权理事会有益于这些机制的专业知识且更深入了解区域层面的人权问题。

55. 会议还重新确认，国际和区域人权机制、各国政府、国家人权机构和非政府组织必须派代表举行定期会议。定期会议应每两年举行一次，而且讨论应旨在探讨以各专题为优先重点的信息交流和联合活动。此外，每个人权机制都应设定

<sup>12</sup> 见 [http://www2.ohchr.org/english/bodies/hrcouncil/HRC\\_review.htm](http://www2.ohchr.org/english/bodies/hrcouncil/HRC_review.htm)。

协调中心，以保持机制之间的定期联络，并利于制订出开展国际与区域人权机制之间合作将参照的工作计划。

56. 最后，会议着重指出必须提供能够开展合作的充分资金。为此，与会者们促请各国和政府间组织拨出必要的财力和人力资源，确保合作努力的成功。

## 七. 建议

### A. 国际与区域人权机制之间的合作安排

57. 每个人权机制，包括国际、区域和分区域机制都得设定协调中心。国家人权机构和区域机制科是人权高专办主管区域机制的协调中心，应负责协调各类国际人权机制协调中心的奉献。协调中心将负责总体规划一项增强国际与区域人权机制之间合作的工作计划，划定每个机制的目标、活动、时限和责任。各类机制之间应先就工作计划展开磋商，随后再与各国、国家人权机构和非政府组织商定。协调中心本身应定期掌握各自机制的活动情况。

58. 国际、区域和分区域人权机制、各国政府、国家人权机构和非政府组织派代表出席每两年举行一次的会议。两年期会议的要旨是讨论以优先专题为侧重点的信息交流、联合活动和履行决定和建议的后续行动。在这些会议期间，各协调中心应汇报其活动，阐明所取得的成就以及履行协调职责时遇到的困难。

59. 区域和分区域人权机制应能出席与各自关注领域相关的人权理事会届会，参与互动对话，并有权提交编撰的文件和书面发言。人权理事会应向各成员国系统地分发这些机制的报告，至少分发上述机制的报告摘要。区域人权机制的文件应逐步列为人权理事会正式文件。

60. 政府间组织的实地办事处，特别是那些属国际和区域人权机制，以及联合国国别工作队和联合国开发计划署(开发署)所辖事务涵盖领地的实地办事处，应加强与各人权机制，特别应与其活动范畴内的一些驻地区域和分区域人权机制协调配合。

61. 各国和政府间组织应在政治上和资金上支持由国际、区域和分区域人权机制之间正在开展的合作所形成的合作举措。为履行这些建议必须拨出充分的资源。

### B. 促进顺利合作的举措

62. 国际和区域人权机制必须创建一个储存累积资料的中央数据库。中央数据库应存储包括国家报告、结论、建议、意见、报告和见解，以及联络信息，甚至可能的个体案件在内的资料。

63. 各类国际和区域人权机制的网站应设置检索各自网页的链接，以期向各相关利益攸关方，特别是国际和区域人权机制的使用方，包括各国政府、受害者、非政府组织和国家人权机构传播和交流信息。

64. 人权高专办应列入一个与其网站的连接，以便检索其网站所载的信息，了解与国际和区域人权机制的合作情况，包括会议、联合活动、协调中心、信息交流机制等相关情况。

65. 国际和区域人权机制都应编撰“资讯通报”，每两个月相互进行通报，以便通告各自目前和即将开展的活动。

66. 国际、区域和分区域人权机制之间应举行不论定期，还是临时，不论一般还是专题性的双边和多边会议，以便商讨具体的专题或情势、判例、出版物、报告、指导准则、技术合作、后续行动等问题。国际和区域人权机制的特别报告员，以及联合国人权条约机构和特别程序的成员之间应定期举行会议。

67. 国际、区域和分区域人权机制之间的合作机制应予以加强；倘若未设立，则应予以设立。在工作层面应建立起合作安排，而且应考虑可否设立一个工作人员交流制度。

68. 国际、区域和分区域人权机制之间可签置谅解备忘录和意向书，以便加强体制化的合作。

### C. 信息交流

69. 国际与区域人权机制之间应设立一个旨在交流做法和所汲取教益的制度。

70. 司法与准司法人权机制之间应设有定期交流判例的安排。这类安排可包括专题会议，以及判例汇编、电子公告和文献。通过诸如在各自相关网站上发表专题会议情况记录、上载判例汇编、电子公告和文献等方式，确保广泛宣传人权机制之间关于判例的交流。

71. 各方应设立就紧急案情和情势进行信息交流的举措。在往往提供有关紧急案情信息的非政府组织全面参与下，各个人权机制秘书处可通过“案头业务协作”促进交流举措。

72. 人权理事会和参与普遍定期审议的国家应日趋将区域人权机制为审议提供的文件视为正式文件。反之，区域人权机制亦应越来越趋于事先向人权理事会提交涉及普遍定期审议拟审议国家的文件。此外，普遍定期审议可将批准区域人权文书和执行区域人权机制决定和建议的情况列入考虑，反之亦然。联合国和国际社会应酌情视区域人权机制为协助各国落实普遍定期审议结果的相关合作机构。

## D. 联合活动

73. 国际和区域人权机制的独立专家应考虑更定期地开展联合走访。国际与区域人权机制应设立一个长期共同走访规划的制度，包括各类人权机制六个月期间拟走访国家的清单。

74. 撰写联合编撰报告、出版物、标准和指导准则的做法应加以推广。鉴于非政府组织和国家人权机构在向一系列广泛的利益攸关方传播和宣传联合活动方面发挥的重大作用，非政府组织和国家人权机构应参与有关此类计划活动的讨论。

75. 承担相同任务的国际和区域人权机制应就一些与其任务相关的关键问题或重大情势，共同举行新闻公布、发表声明和表态。

76. 各方应采取联合行动以期在国际、区域和分区域及国家各个层面上，争取增强尽可能多的行为方对国际和区域人权机制的认识。

77. 为各国提供的技术援助应予以加强。为加深对国际、区域和分区域人权机制的了解，应设立联合培训和方案。

78. 各机构应开展联合后续活动，包括国别走访、举行会议和秘书处之间的相互合作机制。

## E. 与国家人权机构和非政府组织的合作

79. 国家人权机构和非政府组织应全面参与国际与区域人权机制之间的合作进程。

80. 国家人权机构与国际和区域人权机制之间必须设立起拓宽相互合作的机制，尤其是提高认识、能力建设和监督活动，以及后续履行国际和区域人权机制决定和建议的机制。

81. 非政府组织与国际和区域人权机制之间应建立起加强合作的安排，包括增进信息交流的机制，例如，(未来的)数据库要收存非政府组织提供的关于各具体区域人权问题、双边会议、共同战略等方面的资料。

## Annex I

### Regional consultation for Africa

#### Summary of discussions

Human Rights Council resolution (A/HRC/RES/12/15) called for the High Commissioner for Human Rights to hold workshops on regional arrangements for the promotion and protection of human rights to allow sharing of information and concrete proposals on ways to strengthen cooperation between the United Nations and regional arrangements, including sub-regional human rights mechanisms.

In this context a Regional Consultation for Africa on *Enhancing Cooperation Between Regional and International Mechanisms for the Promotion and Protection of Human Rights* was held in Addis Ababa Ethiopia, 30 November to 2 December 2009, under the auspices of the Office of the High Commissioner for Human Rights (OHCHR), in cooperation with the African Union Commission - Department of Political Affairs,

Participation was drawn from representatives from: Governments, the African Union Commission; the African Court on Human and Peoples Rights; the African Committee of Experts on the Rights and Welfare of the Child; the Southern African Development Community (SADC) Court of Justice, the ECOWAS Community Court of Justice; United Nations experts and committee members; as well as OHCHR and other UN agencies; national human rights institutions (NHRIs), the Secretariat of the Network of African NHRIs, the Secretariat of the African Human Rights NGO Forum; civil society organizations and academia. Participants also expressed appreciation to the Government of the Federal Republic of Ethiopia for hosting the Regional Consultation.

Participants recognized that in Africa the human rights protection and promotion framework is at four levels: national, sub-regional, regional and international, utilizing different charter based and treaty based normative frameworks, standards and systems; and that the African regional system facilitates the contextualization of international human rights standards at the regional level and development of human rights principles, useful and relevant to Africa. They recognized that the African human rights system has played a significant role in the development and advancement of human rights norms in Africa and noted the complementarity between all the systems and the need to have adequate cooperation, especially in the implementation of human rights norms at the national level.

They recognized the importance of cooperation with NHRIs and civil society organizations in implementation of human rights norms at the national level, and further indicated the importance of establishing NHRIs where they do not exist, in compliance with the Paris Principles.

Participants noted that the Human Rights Strategy for Africa (General Assembly Resolution 61/296 (2007)) to be developed under the leadership of the African Union Commission, in the context of the UN-AU 10 year capacity building framework, constitutes a good framework for strengthened cooperation between the two systems.

Participants put forward the following recommendations in relation to strengthening cooperation between the regional (African) and international human rights systems:

1. A system of cooperation/collaboration should be institutionalized or formalized between the two human rights systems, under the auspices of the OHCHR and AUC to facilitate such cooperation and interaction.

2. Regular meetings or forums for collaboration between the UN and Africa human rights mechanisms should be encouraged starting for instance with the attendance of the African human rights mechanisms in annual meetings of Special Procedures Mandate Holders (SPMHs) , and Chairpersons of Treaty Bodies, as well as at sessions of the Human Rights Council (HRC) and vice versa.

3. An institutionalized system for exchange of information and documentation between the two systems should be developed. Information sharing may be on various areas including:

I. Jurisprudence on the normative content of human rights instruments: e.g. the African human rights mechanisms could consult jurisprudence of treaty bodies on individual communications, concluding observations/comments, and general comments that provide guidance on the content of civil and political rights, and economic social and cultural rights and relevant obligations of States parties and vice versa.

II. Soft law: exchange of information in areas where norms, principles and guidelines have been developed;

III. Information from Special Procedures mechanisms and their methods of work and findings, including on individual cases, country visits and follow-up, as well as research on thematic human rights issues;

IV. Exchange of information and experience regarding rules of procedures, working methods and reporting procedures, including working methods with different partners e.g. NGOs, NHRIs and international agencies, as well as guidelines for reporting with a view to facilitate States parties' fulfillment of reporting obligations.

V. Seek to harmonize working methods, where possible, with full respect of the independence of all mechanisms.

VI. Share good practices related to follow up and implementation of views, opinions and recommendations of international and regional mechanisms by the State parties.

4. Encourage provision of information on the different processes of the respective mechanisms, including by providing information prior to the consideration of reports, disseminating the conclusions and recommendations of the respective systems and ensuring collaboration in the follow-up to their recommendations.

5. An electronic data base could be created to share information including State parties' reports, conclusions, recommendations, individual complaints, views, reports and opinions of UN human rights mechanisms and regional mechanisms which are available and accessible, information could also be placed on CD roms.

6. A link from the OHCHR website to websites of the African human rights mechanisms should be created to facilitate information sharing and vice versa.

7. Documents from the African mechanisms could be submitted as official documents of the UN Human Rights Council, by Governments and NHRIs accredited with A-status.

8. Facilitate cooperation with institutions with complementary jurisprudence and thematic focus(opportunities):

I. The African Peer Review Mechanism (APRM) and Universal Peer Review Mechanism (UPR) could cooperate and learn from each other.

II. Members of African mechanisms could be invited to attend the Human Rights Council sessions and participate in interactive dialogues, as well as to participate in human rights Treaty Body sessions regarding country considerations and thematic discussions

III. The Human Rights Council may invite for cooperation appropriate African and sub regional human rights mechanisms to carry out monitoring and follow up activities regarding countries reviewed, at the request of and on behalf of the HRC

IV. Joint field missions with African and UN mechanisms e.g. the African Committee of Experts on the Rights and Welfare of the Child and the UN Committee on the Rights of the Child should further explore the conduct of field visits to follow up on recommendations and holding joint meetings to discuss areas of mutual cooperation.

V. The Human Rights Council Open-ended Working Group to explore the possibility of elaborating on an Optional Protocol to the Convention on the Rights of the Child will hold its first meeting in December 2009, and may benefit from the experience of the African Committee of Experts on the Rights and Welfare of the Child that already has this procedure.

VI. Thematic areas for mutual cooperation between special procedures mandate holders that have a similar mandate, e.g. The Special Rapporteurs on Human Rights Defenders: both UN and African SRs conducted joint missions and issued joint press releases, which led to greater visibility and gave more weight to their recommendations.

VII. Cooperate with Special Procedures mechanisms to receive communications and send joint appeals.

VIII. The Protocol for women's rights under the African system and the complementarities with CEDAW could be further explored.

IX. Cooperate in strengthening the participation of NHRIs and NGOs in regional and international human rights mechanisms.

9. Jointly carry out promotional and sensitization activities; disseminate, publicize and popularize jurisprudence, mechanisms and procedures in collaboration with relevant partners.

10. Discuss ways to cooperate to ensure greater access of individuals, civil society and NHRIs to the regional and African human rights mechanisms; ensure ratification of human rights instruments by States and fewer reservations, and encourage reporting and greater implementation of international obligations

11. Identify strategies to support follow up and implementation of all views, findings, conclusions and recommendations by international and regional mechanisms by State parties.

Participants at the Regional Consultation:

12. Encouraged States parties to commit to providing sufficient support to the African regional human rights mechanisms; to fulfill their reporting obligations; and commit to implementing their human rights obligations at the national level, including by developing rules of procedures on the implementation of decisions and recommendations and identifying focal points for different ministries to follow up the same.

13. Encouraged States parties, regional and international human rights mechanisms to continue to enhance cooperation with NHRIs, human rights NGOs, civil society and the media.

14. Called on UN mechanisms to assist in strengthening the capacity of the African mechanisms especially with regard to implementation of human rights norms at all levels but especially at the national level.

15. Agreed to promote a human rights culture in their countries through promotion of human rights education at all levels of society, and specifically human rights programs for security and law enforcement agencies, the judiciary as well as parliamentarians.

16. Welcomed the UN-AU cooperation, and called for regular meetings on thematic and procedural issues concerning their respective mechanisms to be convened between the two organizations.

Participants agreed to contribute these recommendations to the next international meeting to be held in Geneva in May 2010.

Addis Ababa, 30 November to 2 December 2009

## Annex II

### Regional consultation for the Americas

#### Summary of discussions

Experts from the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights, the United Nations (UN), representatives of Governments, national human rights institutions (NHRIs) and non-governmental organizations (NGOs) from the region as well as staff from the OAS and OHCHR participated in the above-mentioned consultation. They underlined the need for an institutionalized cooperation between the Inter-American and the UN human rights systems. Such cooperation would entail regular exchanges between the two systems at various levels and greater opportunities for consultation, joint actions, country visits, as well as regular sharing of information and documentation. Participants recognized that it would be important for the OAS to designate a high-level focal point for this purpose and/or a Unit that could follow-up on the recommendations formulate by this meeting. Such cooperation, which could be formalized through a Memorandum of Intent or a Memorandum of Understanding, could start immediately and be gradually expanded, taking into account the proposals discussed during the meeting.

1. It is important that both systems develop internal coordination mechanisms in order to facilitate enhanced cooperation.

2. Subject to availability of resources, the two systems should hold thematic discussions on priority issues, such as the prevention of torture and the protection of human rights defenders. Further opportunities for cooperation at different levels (international, regional and national) should be considered and modalities of cooperation developed accordingly, taking into account the important role that NHRIs and NGOs could play in strengthening the national human rights protection systems.

3. Regarding jurisprudence, the Inter-American system has been regularly consulting the jurisprudence developed by the UN human rights system. A more formalized system of interaction is required. For instance, both systems could exchange and circulate an electronic biannual bulletin which could include the main decisions adopted during that period. Information and data can be made available through user-friendly web-links.

4. A main area of cooperation is the following-up on decisions and recommendations that are of mutual concern to both systems. Except for the hearing procedure of follow-up by the Inter-American Court, as a priority other follow-up mechanisms need to be improved. The international system recognizes that despite the existence of follow-up mechanisms, the implementation of recommendations and views remains a great challenge. It would be welcomed to develop possibilities for joint follow-up of decisions and recommendations resulting from both systems.

5. Both systems should meet periodically in order to discuss possible strategies of cooperation including specific objectives, timelines and expected outcomes.

6. Mechanisms of cooperation/collaboration in specific areas could be institutionalized or formalized through:

- The strengthening of coordination and planning with respect to country visits of Special Rapporteurs, including consideration of the possibility to carry out joint visits and joint follow-up actions;

- The preparation of joint reports on situations that require special attention;
- The reports from the regional human rights mechanisms could be increasingly submitted –as official documents- to the UN Human Rights Council (i.e. country reports), so that they could be referred to the Universal Periodic Review (UPR) (i.e. OHCHR’s compilation);
- The presentation of technical briefs on cases that are before either system. For instance, a Special Rapporteur of either system could present an *amicus curiae* brief before the system that hears a case, provided it is relevant to the mandate in question;
- Both systems could make reference and consult each other’s jurisprudence, including in relation to the non-implementation of the decisions or recommendations. For example, the compilation prepared by OHCHR for the UPR could refer to the non-implementation of a decision or recommendation from the Inter-American Commission or the Inter-American Court;
- Regular meetings should be held between Special Rapporteurs of both systems, members of the Inter-American Commission and the Inter-American Court and members of UN human rights treaty bodies. For example, members of the Inter-American Commission and the Court could participate in the annual meeting of treaty bodies’ chairpersons. Similarly, Rapporteurs from the Inter-American Commission could join the Annual Meeting of UN special Rapporteurs, Representatives, Independent Experts and Chairpersons of Working Groups of the Human Rights Council;
- Issuing joint press releases, by UN and Inter-American System’s Special Rapporteurs;
- Conducting workshops and training sessions with the participation of experts and staff from both systems on specific thematic areas, such as the protection of human rights defenders, arbitrary detention, etc;
- The creation of an electronic database and user-friendly web links available on the respective web-pages, with a view to sharing information, including State parties’ reports, conclusions, recommendations, individual complaints (confidentially), views, reports and opinions from the UN and regional human rights mechanisms.

7. On the issue of collaboration and advice on specific thematic issues, the UN system could –for instance- provide expertise to the Inter-American System in the establishment of a Special Rapporteur on racism.

8. NHRIs could explore the possibility of working in a more coordinated manner with NGOs, especially on the interaction with the UN and the regional human rights systems.

9. The important role played by NGOs in following up decisions and recommendations resulting from both human rights systems was highlighted. NGOs and NHRIs could jointly ensure greater accountability and monitor closely the required follow up by the Government to the decisions and recommendations resulting from the international and regional human rights systems. NHRIs and NGOs could also actively contribute to the strengthening of the Government’s capacity to ensure the implementation of international human rights norms.

10. In the future, members of the constitutional courts of the OAS region could be invited to participate in meetings between the two systems, to deepen their understanding of the two systems and also to encourage them to incorporate international human rights standards in their decisions.

11. Coordination with sub-regional mechanisms (such as the existing and emerging mechanisms of South America) should be established to contribute to the work already undertaken by the regional mechanism itself.

12. It is important to strengthen the role of both systems in the elaboration and implementation of national human rights action plans.

Washington DC, 8 and 9 December 2009

## Annex III

### Regional consultation for Europe

#### Summary of discussions

Experts from the Council of Europe (CoE), including members of different Committees and Groups of Experts, representatives of the European Court of Human Rights, the Directorate General of Human Rights and Legal Affairs and the Office of the CoE Commissioner for Human Rights, the European Union Agency for Fundamental Rights (FRA), the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), as well as United Nations human rights experts, representatives of Governments, National Human Rights Institutions (NHRIs) from the region, NGOs, and staff of the Office of the High Commissioner of Human Rights (OHCHR) discussed existing ways and means of cooperation and new approaches to developing and deepen them.

Participants recognized the importance of cooperation between the UN human rights system and the various European human rights mechanisms, for the purpose of better promoting and protecting and enhancing universality of human rights.

Participants also noted the complementarity between the international, regional and national human rights systems and the need to have effective cooperation, especially in the implementation of human rights norms at the national level.

They also highlighted the importance of cooperation with NHRIs and civil society organizations in the implementation of human rights norms at the national level, and further indicated the importance of establishing NHRIs where they do not exist, expanding their mandates when these do not cover all human rights issues and ensuring their independence and that they have a broad range powers, in compliance with the Paris Principles.

The following recommendations were discussed:

1. Both systems should build upon their existing means of cooperation from the planning stage onwards.
2. The strengthening of the regular exchange of information between the UN and the European mechanisms could include:
  - Developing a more regular and formalized system of exchange of jurisprudence, which could be facilitated through improvements to websites and databases. Judicial colloquia could also be organized, with the active participation of NGOs and NHRIs, in order to exchange experiences and jurisprudence.
  - More reciprocal use made of findings and recommendations by European and UN human rights mechanisms, thereby contributing to the universality of human rights and the coherence of international human rights case law.
3. Joint efforts to follow up judgments, decisions and recommendations resulting from the UN and European mechanisms would be a welcome development since, even though there are already some mechanisms for follow-up, implementation of judgments, recommendations and views still remains a great challenge.
4. Existing cooperation with NHRIs should be enhanced so as to facilitate their role in monitoring the application of international human rights standards and in following-up on the implementation of judgments, decisions and recommendations resulting from UN

and European human rights mechanisms. This could be assisted by the establishment of a secretariat for the NHRIs Network in Europe and inviting NHRIs to be observers in meetings and consultations.

5. Civil society, including international and local NGOs, should be encouraged to actively participate in the process of enhancing cooperation between the UN and the European human rights systems, given their knowledge of the functioning of both systems.

6. More specific means of cooperation could include:

- Meetings between members of the European human rights mechanisms and members of UN Special Procedures and Treaty Bodies
- Conducting joint missions, taking into account specific criteria to determine its convenience in each concrete case.
- Exchanging information and experience regarding rules of procedures, working methods and reporting procedures, in order to better define cooperation and to learn from best practices.
- Keeping under review thematic areas and issues for mutual cooperation, for instance building upon the experience of the CoE Commissioner for Human Rights, the OSCE focal point on Human Rights Defenders and the UN Special Rapporteur on Human Rights Defenders.
- Reciprocal sharing of best practices and lessons learned in the promotion and protection of human rights.
- Taking systematically into account of reports from the European human rights mechanisms by the UN Human Rights Council in the UPR.
- Reviewing the status of regional systems within the UPR.
- Continuing exchanges between the OHCHR and the CoE (desk to desk cooperation) and possibly developing similar exchanges with other European institutions.
- Examining the possibility of exchanging staff between European and UN mechanisms.
- Strengthening joint efforts to provide technical cooperation to States. This could include training for judges, civil society, local governments and Parliaments.
- Expanding the development and use of joint publications, as well as the possible adoption of joint standards and guidelines.

7. Cooperation between European human rights mechanisms and OHCHR field presences in the region should also be enhanced and the possibilities of effective collaboration with UN Country Teams and UNDP Regional Offices should be explored.

8. The possibility of OHCHR and ODIHR becoming involved in FRA's management board should be explored.

9. Joint efforts should be undertaken by European and UN human rights mechanisms, together with NHRIs and NGOs, to achieve a greater understanding by the general public of both these mechanisms and the standards that they seek to secure. This should include efforts to expand the translation of official documents and case law from official languages.

10. The financing of European and UN human rights mechanisms should take due account of the costs involved in securing effective cooperation between them.

Strasbourg, 16 and 17 December 2009

## Annex IV

### Enhancing cooperation between regional and international mechanisms for the promotion and protection of human rights

International Workshop Geneva, Switzerland – 3 to 4 May 2010  
Palais des Nations – Room XIX

#### Programme

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##### Day 1 (3 May 2010)

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#### **“Developments regarding the cooperation between the international human rights system and regional human rights mechanisms”**

**Objective:** *Representatives of the existing regional human rights mechanisms in Africa, the Americas and Europe will share the results of the regional consultations, held in November – December 2009, and will discuss lessons learned and proposals for enhanced cooperation between the international human rights system and their respective mechanisms. Subsequently representatives from the new human rights bodies in ASEAN (AICHR) and LAS (Arab Human Rights Committee - TBC), and the emerging mechanism of the OIC will present contributions from their respective human rights mechanisms. Participants will discuss ways in which proposals made during the consultations could be implemented and to what extent they could be adapted to other regional human rights mechanisms. Background documents will be provided to the participants containing an overview of international and regional human rights mechanisms.*

09:00 – 10:00      **Registration**

10:00 – 10:30      **Opening session**

Ms. Navanethem Pillay, High Commissioner for Human Rights, and  
Mr. Carlos Portales, Vice- President of the Human Rights Council

#### **Chair: Belgium**

10:30 – 12:00      **Existing regional human rights mechanisms: lessons learned and proposals for enhanced cooperation between regional human rights mechanisms and the UN human rights system**

#### **New and emerging human rights mechanisms: contributions from AICHR –ASEAN and LAS**

Panelists: Ms. Reine Alpini- Gansou (Chairperson African Commission of Human and Peoples’ Rights); Mr. Santiago Canton (Executive Secretary Inter-American Commission of Human Rights); Mr. Jean François Kammer (CoE SRSG in Geneva); Mr. Douglas Wake – (Deputy Director ODIHR); Mr. Rafendi Djamin (Indonesian Commissioner of the AICHR) and Mr. Frans Viljoen (expert on LAS mechanisms)

12:00 – 13:00      **Discussion**

13:00 – 15:00      *Lunch break*

**“National Human Rights Institutions (NHRIs) and Non-Governmental Organizations (NGOs)’s role in interacting with international and regional human rights mechanisms”**

**Objective:** *National Human Rights Institutions and Non-Governmental Organizations will share their experience on their interaction with international and regional human rights mechanisms. Possible ways in which NHRIs and NGOs could contribute to further enhancing the cooperation between international and regional human rights mechanisms will also be discussed.*

15:00 – 16:30	<p><b>Chair: Senegal</b></p> <p><b>The experience of National Human Rights Institutions (NHRIs) and Non-Governmental Organizations (NGOs) in interacting with international and regional human rights mechanisms: lessons learned and proposals</b></p>
	<p><u>Panelists:</u> Representative NHRI Morocco (Chair of the NHRI African Network); Representative NHRI Ireland (Chair of European Network); Representative NHRI Venezuela (Chair of the Americas Network); Representative NHRI Jordan (Chair of Asia Pacific Network); Ms. Hannah Forster (The African Center for Democracy and Human Rights Studies); Ms. Ariela Peralta (Center for Justice and International Law – CEJIL); and Mr. Jamil Dakwar (American Civil Liberties Union).</p>
16:30 – 17:30	<p><b>Discussion</b></p>
17:30 – 18:00	<p><b>Wrap-up of Day 1 including suggestions for Day 2 of the programme</b></p> <p><u>Panelists:</u> Mr. Frans Viljoen (expert on the African human rights mechanisms); Ms. Catalina Botero (expert on the Inter-American human rights system – IACHR’s Special Rapporteur for freedom of expression); and Mr. Jeremy McBride (expert on the European human rights mechanisms)</p>

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**Day 2 (4 May 2010)**

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**“Enhancing cooperation between the international human rights system and existing regional human rights mechanisms: concrete proposals”**

**Objective:** *Representatives of the existing regional human rights mechanisms and of the international human rights system will discuss channels and ways of enhancing cooperation, focusing on the specific areas of their various functions. This will allow the formulation of concrete proposals for institutionalized cooperation between them. Representatives from new and emerging human rights mechanisms, Governments, NHRIs and NGOs will actively participate in the discussions.*

10:00 – 11:00	<p><b>Chair: Armenia</b></p> <p><b>Information sharing between existing regional human rights mechanisms and the international human rights system</b></p> <p>Including among others, sharing of jurisprudence; best practices; lessons learned; rules of procedure; working methods; reporting procedures; databases; websites; exchanges of staff and possible regular meetings.</p>
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	<p><u>Panelists:</u> Mr. Jeremy Sarkin (Chairperson – Rapporteur UN Working Group on Enforced disappearances); Mr. Michael O’Flaherty (Member UN Human Rights Committee); Mr. Manuel Ventura (Judge Inter-American Court of Human Rights); and Mr. Mauro Palma (President European Committee for the Prevention of Torture and Inhuman or Degrading treatment or Punishment).</p>
11:00 - 12:00	<b>Discussion</b>
	<b>Chair: Thailand</b>
12:00 - 13:00	<p><b>Possible joint activities between existing regional human rights mechanisms and the international human rights system</b></p> <p>Including among others, complaint mechanisms, advisory functions, thematic coordination, promotional and monitoring activities, (e.g. technical assistance, visits in situ etc).</p> <p>Panelists: Mr. Mario Coriolano (Vice-President UN Subcommittee on Prevention of Torture); Ms. Margaret Sekaggya (UN Special Rapporteur on the situation of Human Rights Defenders); Ms. Catalina Botero Special Rapporteur for freedom of expression Inter-American Commission of Human Rights; Ms. Polonca Koncar (President European Committee of Social Rights) Mr. Stephanos Stavros (Executive Secretary European Commission against Racism and Intolerance), John Kellock (Fundamental Rights Agency) and Mr. Feyi Ogunade (African Commission of Human and People’s Rights).</p>
13:00 – 15:00	<i>Lunch break</i>
15:00 – 15:45	<b>Discussion</b>
	<b>Chair: México</b>
15:45 - 16:45	<p><b>Enhanced follow up to decisions and recommendations of existing regional human rights mechanisms and the international human rights system</b></p> <p>A main area of cooperation is the following-up on decisions and recommendations of the international human rights system and the existing human rights mechanisms. Participants will discuss how to develop possibilities for joint follow-up activities.</p> <p><u>Panelists:</u> Mr. Michael O’Flaherty (Member UN Human Rights Committee); Ms. Reine Alpin-Gansou (Chairperson African Commission of Human and Peoples’ Rights); Mr. Santiago Canton (Executive Secretary Inter-American Commission of Human Rights); and Mr. Alan Phillips (President Advisory Committee of the Framework Convention on Protection of National Minorities)</p>
16:45 – 17:30	<b>Discussion</b>
17:30 – 18:00	<p><b>Conclusions</b></p> <p>High Commissioner for Human Rights and the President of the Human Rights Council</p>

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