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

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

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

Report of the United Nations High Commissioner for Human Rights*

Summary

In its resolution 30/3, the Human Rights Council requested the United Nations High Commissioner for Human Rights to organize a workshop on regional arrangements for the promotion and protection of human rights to take stock of developments since the workshop held in 2014, including a thematic discussion on cooperation with human rights defenders and civil society, based on concrete and practical experiences of regional mechanisms, in order to share information on best practices, lessons learned and new possible forms of cooperation, with the participation of relevant experts from international, regional, subregional and interregional human rights mechanisms, as well as Member States, observers, national human rights institutions and non-governmental organizations. The Council also requested the High Commissioner to present to the Council, at its thirty-fourth session, a report containing a summary of the discussions held at the workshop and on the progress towards the implementation of resolution 30/3.

* The present document was submitted after the deadline in order to reflect the most recent developments.



I. Introduction

1. In its resolutions 6/20, 12/15, 18/14 and 24/19, the Human Rights Council recognized the important role played by regional, subregional and interregional arrangements for the promotion and protection of human rights and requested the United Nations High Commissioner for Human Rights to hold international workshops to put forward concrete proposals on ways of strengthening cooperation between the United Nations and regional human rights mechanisms. The Office of the United Nations High Commissioner for Human Rights (OHCHR) therefore organized four such workshops, held in November 2008 (see A/HRC/11/3), May 2010 (see A/HRC/15/56), December 2012 (see A/HRC/28/31) and October 2014 (see A/HRC/28/31).

2. In its resolution 30/3, the Human Rights Council again requested the High Commissioner to hold a workshop on regional arrangements for the promotion and protection of human rights, including a thematic discussion on interactions with civil society and human rights defenders, based on concrete and practical experience of regional mechanisms, in order to share information on best practices, lessons learned and new possible forms of cooperation. The Council further requested the High Commissioner to present to the Council, at its thirty-fourth session, a report containing a summary of the discussions held at the workshop and on the progress towards the implementation of the resolution.

3. OHCHR therefore organized this workshop. It was held in Geneva on 4 and 5 October 2016.¹ The aim of the workshop was to develop specific proposals for joint action by the United Nations, regional human rights mechanisms, civil society and human rights defenders. It focused on sharing information on best practices, lessons learned and new possible forms of cooperation. Participants included experts and representatives of the secretariats of United Nations human rights treaty bodies and special procedures, the African Commission on Human and Peoples' Rights, the African Court on Human and Peoples' Rights, the Court of Justice of the Economic Community of West African States, the East African Court of Justice, the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights, the Council of Europe, the Intergovernmental Commission on Human Rights of the Association of Southeast Asian Nations (ASEAN), the Arab Commission for Human Rights, other regional organizations, national human rights institutions and civil society organizations. The present report summarizes the discussions that took place at the workshop, including its conclusions and recommendations.

4. Before the workshop, OHCHR organized a total of four regional consultations in the Americas, Africa, Asia and Europe to discuss the key human rights challenges facing human rights defenders and civil society and to identify sub-themes for the 2016 workshop. Further, in follow-up to a recommendation of the 2014 workshop on regional arrangements, OHCHR, together with the European Court of Human Rights, organized a workshop for regional and subregional courts in October 2016 in Strasbourg.²

¹ Programme available from www.ohchr.org/EN/Countries/NHRI/Pages/Cooperation.aspx.

² Detailed information available from www.ohchr.org/EN/Countries/NHRI/Pages/Cooperation.aspx.

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

5. In accordance with Human Rights Council resolution 30/3, the first session of the workshop was devoted to taking stock of developments since the 2014 workshop. Participants highlighted challenges and shared best practices in implementing the recommendations of the 2014 workshop.

A. Special procedures

6. Participants noted a substantial increase since 2014 in the exchange of information and cooperation between special procedure mandate holders of the United Nations and the Inter-American Commission on Human Rights. The Inter-American Commission on Human Rights and the Inter-American Court of Human Rights habitually referred to United Nations human rights standards when dealing with cases where there was no established case law in the Inter-American system. The Commission considered the support it received from special procedure mandate holders to be useful, particularly for the preparation of its country visits.

7. A joint working group of representatives of United Nations special procedures and the African Commission on Human and Peoples' Rights had been established to oversee the implementation of the Addis Ababa road map on cooperation.³ A review of the road map took place in Luanda in 2014, and its implementation continued with a number of joint statements, joint visits, conferences and seminars. Thematic workshops on child marriage, women human rights defenders, the right to life and businesses and human rights also took place. The Commission adopted resolutions on reprisals and sexual orientation. It also conducted studies on freedom of assembly and association, and on women human rights defenders.

8. Participants identified insufficient funding for cooperation activities as the primary obstacle to the implementation of the Addis Ababa road map. A suggestion was made to make joint funding proposals and communications efforts and continue improving strategic planning, particularly around country visits, to better follow up on recommendations made by the special procedures of the United Nations and the African Commission. The most recent discussion between the delegation of special procedure mandate holders and members of the African Commission on Human and Peoples' Rights on the status of the implementation of the road map took place in November 2015, during the African Commission's fifty-seventh ordinary session.

9. Work on the right to life was done jointly by the Special Rapporteur on extrajudicial, summary or arbitrary executions and his counterpart in the African Commission's working group on the death penalty and extrajudicial, summary or arbitrary killings in Africa. That particular initiative had led to the development of a general comment on the right to life in accordance with the African Charter. The African Girls' Summit, which promoted efforts to end child marriage and had been held in November 2015, had brought together the Special Rapporteur on violence against women, its causes and consequences, the Special Rapporteur on contemporary forms of slavery, including its causes and its consequences, the Special Rapporteur on rights of women in Africa of the African Commission and the

³ Adopted in January 2012 at Addis Ababa in a dialogue convened between special procedure mandate holders of the Human Rights Council and the African Commission on Human and Peoples' Rights in order to enhance mutual collaboration.

Special Rapporteur on child marriage of the African Committee of Experts on the Rights and Welfare of the Child.

10. Two United Nations Special Rapporteurs and one Commissioner from the African Commission on Human and Peoples' Rights were included in a group of experts appointed by the Human Rights Council to examine the human rights situation in Burundi.

11. The European Union Agency for Fundamental Rights had provided information to the United Nations Special Rapporteur on migration on the situation in the European Union. It had cooperated with the Council of Europe to compile the jurisprudence of the European Court of Human Rights and the Court of Justice of the European Union and provided States members of the European Union with targeted information on European Union and United Nations mechanisms.

12. The ASEAN Intergovernmental Commission on Human Rights had collaborated with a number of Special Rapporteurs of the United Nations, including the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment.

B. Treaty bodies

13. The European Union Agency for Fundamental Rights made submissions to the Committee on the Rights of Persons with Disabilities and the Committee on the Rights of the Child on the situation in 15 European Union member States since 2015. The Agency also chaired the European Union monitoring mechanism under the Convention on the Rights of Persons with Disabilities and provided online tools to raise awareness of matters related to the ratification of international human rights instruments.

14. The ASEAN Intergovernmental Commission on Human Rights indicated that the Convention on the Elimination of All Forms of Discrimination against Women had been ratified by all 10 of the Association's member States.

C. Human Rights Council and universal periodic review

15. Workshop participants were informed that, at its thirty-second session, in June 2016, the Human Rights Council had adopted decision 32/115 on regional arrangements for the promotion and protection of human rights, mandating the Advisory Committee of the Human Rights Council to prepare a report on regional arrangements for the promotion and protection of human rights, in particular on the progress made in the establishment of regional and subregional arrangements for the promotion and protection of human rights, and their achievements in all regions of the world, and on the role played by OHCHR, as well as on the role that it could play in the future in advancing cooperation between international and regional human rights mechanisms, and to identify ways to increase the role that regional arrangements play in promoting and protecting human rights and to reinforce universal human rights standards, including as contained in international human rights instruments, and to submit the report to the Council before its thirty-ninth session (September 2018).

16. The Council also encouraged the Advisory Committee, when preparing the above-mentioned report, to take into account the views of Member States, relevant international and regional organizations, OHCHR, national human rights institutions, non-governmental organizations (NGOs) and other relevant stakeholders. In this context, the Advisory Committee decided, at its seventeenth session, held in August 2016, to establish a drafting group responsible for the preparation of the report. The drafting group was expected to

present a draft progress report in February 2017, at the Committee's eighteenth session. The drafting group had drawn up a questionnaire to seek the views and input of Member States, relevant international and regional organizations, the United Nations High Commissioner for Human Rights and relevant special procedures, national human rights institutions and NGOs.

17. The European Union Agency for Fundamental Rights indicated that, since 2013, it had made formal submissions for the universal periodic review of 23 of the 28 States members of the European Union.

D. Other cooperation initiatives

18. A representative of OHCHR indicated that the Office had filed amicus briefs and provided expert opinions before the European Court of Human Rights and the Inter-American Court of Human Rights.

19. A representative of the European Union Agency for Fundamental Rights indicated that the Agency had produced reports, opinions and handbooks on United Nations standards.

20. A workshop participant from the Inter-American Court of Human Rights provided concrete examples of jurisprudence and cases containing references to the European Court of Human Rights and the African Commission on Human and Peoples' Rights.

21. In accordance with a memorandum of understanding between the Inter-American Court of Human Rights and the European Court of Human Rights, judges from each Court conducted study visits to the other.

22. The ASEAN Intergovernmental Commission on Human Rights stressed that learning from one another was crucial to the development of international dialogue on jurisprudence.

23. Representatives of African regional human rights mechanisms noted that their key challenges included the small number of ratifications of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights and the small number of States that had made declarations under article 34 (6) of the Protocol accepting the competence of the Court to hear cases brought before it by individuals and NGOs. The absence of a clear human rights mandate for the East African Court of Justice was also noted.

24. In June 2016, the African Court on Human and Peoples Rights' had received members of the European Court of Human Rights, who had shared knowledge from their jurisdiction on new information and communication technologies. In November 2015, it had organized a judicial conference in Arusha, United Republic of Tanzania, that had brought together representatives of national, regional and subregional courts in Africa, the Inter-American Court of Human Rights and the European Court of Human Rights to discuss harmonizing the application and interpretation of international human rights norms.

25. A representative of the Council of Europe indicated that the Council cooperated actively with the United Nations — for instance, by holding annual inter-secretariat meetings, issuing biannual resolutions regarding cooperation with the United Nations, organizing regular exchanges of information on thematic issues, making contributions to the universal periodic review of its member States, offering joint training courses with representatives of United Nations agencies and maintaining a permanent delegation to the United Nations Office at Geneva.

26. ASEAN was developing regional human rights indicators for its member States and revising the terms of reference of the ASEAN Intergovernmental Human Rights Commission in order to enhance its mandate. The Commission cooperated with national human rights institutions on irregular migration and cross-border environmental issues.

III. Thematic discussions

27. In accordance with Human Rights Council resolution 30/3, the main focus of the workshop was on interaction with civil society organizations and human rights defenders.

A. Procedural aspects of cooperation among the United Nations, regional human rights mechanisms, civil society organizations and human rights defenders

28. Before the workshop, an update on the four regional consultations organized by OHCHR held in Washington, D.C., Kigali, Bali and Warsaw, was provided. The consultations had focused on the key human rights challenges facing human rights defenders and civil society organizations in those regions and identified sub-themes for the 2016 global workshop.

29. An overview of the legal frameworks and political arrangements set up to promote and enhance the involvement of various stakeholders in the work of the Human Rights Council, the treaty bodies and other mechanisms was provided.

30. A discussion was held on current procedures at the universal and regional level, including the reporting procedures of various United Nations and regional mechanisms, the development of the jurisprudence of the treaty bodies, days of general discussion and the preparation of general comments, the strengthening of the treaty body system and a capacity-building programme that involved consultation workshops with regional organizations, civil society and government authorities.

31. Consideration was given to legal frameworks facilitating the engagement of stakeholders, including the consultative status granted by the Economic and Social Council to civil society organizations and the guidelines for their participation in the universal periodic review.

32. Mention of the guidelines adopted by treaty bodies to facilitate the participation of civil society organizations and national human rights institutions in their processes was also made.

1. Good practices

33. Workshop participants recalled that under article 71 of the Charter of the United Nations and Economic and Social Council resolution 1996/31, NGOs could be given consultative status by the Economic and Social Council to engage with international mechanisms, including the Human Rights Council. Civil society organizations could also participate in the work of OHCHR and cooperate with special procedures and treaty bodies.

34. Several databases had been created by OHCHR for civil society and national human rights institutions, enabling them to subscribe to weekly updates on key human rights events at the United Nations.

35. Mention was made of a number of good practices by treaty bodies. For instance, the persons chairing treaty bodies regularly exchanged information, including on the friendly settlement of individual complaints, with representatives of regional mechanisms of the

Inter-American system, and OHCHR regularly consulted the registries of regional mechanisms to ensure that complaints that had been received were not being handled in another jurisdiction.

36. Treaty bodies also referred to the jurisprudence of regional mechanisms when adopting decisions and views. There had been informal staff exchanges between OHCHR and the European Court of Human Rights.

37. In 2015, OHCHR had set up a programme to support States in building their reporting capacity and conducted training for 177 State officials from five subregions.

38. In addition, all treaty bodies regularly invited national human rights institutions, the Global Alliance of National Human Rights Institutions and civil society organizations to submit information and attend their sessions.

39. The Chairs of the human rights treaty bodies had endorsed the guidelines against intimidation and reprisals in San José, Costa Rica, in 2015 and recommended that they be adopted by all the treaty bodies.

40. The Arab Human Rights Committee engaged with other regional mechanisms to enhance cooperation and share information and good practices. It had issued a manual on the participation of civil society organizations, national human rights institutions and other stakeholders. The manual included information on submitting parallel reports and in-person participation.

41. The European Union Agency for Fundamental Rights held annual meetings with civil society organizations. In close cooperation with OHCHR, it had published a handbook on national human rights institutions and developed an online tool on their engagement with non-judicial mechanisms for the resolution of human rights violations.

42. The Court of Justice of the Economic Community of West African States interacted with and relied on the expertise of civil society organizations and allowed them to submit amicus briefs in some complex human rights cases. The Court, recognizing that access to justice was key to the protection of human rights, held external sessions in the territory of its member States to bring justice closer to the people.

2. Challenges and lessons learned

43. Workshop participants noted that, although the role of civil society and national human rights institutions in the work of human rights mechanisms was recognized under a number of legal frameworks, NGOs were required to be in consultative status with the Economic and Social Council to take part in mechanisms of the Human Rights Council, and obtaining such status could be lengthy and resource intensive.

44. Furthermore, the engagement of civil society organizations with various mechanisms was limited by a lack of resources, a lack of knowledge of the existing procedures, a lack of interpretation into different languages, including sign languages, and procedures for engagement that differed from one mechanism to another.

45. Civil society actors may face reprisals following their engagement with regional and international human rights mechanisms. Participants warned that the intimidation of human rights advocates and defenders was common. Several States had adopted legislation stigmatizing human rights defenders.

3. Forms of cooperation

46. National human rights institutions requested feedback from treaty bodies and other mechanisms on the utility of their input and reports, as such feedback would improve their performance.

47. The four regional consultations had led to recommendations to, inter alia, help victims access human rights systems, reinforce the protection measures taken by human rights mechanisms for human rights defenders, strengthen the role of civil society organizations in submitting amicus curiae and bringing cases before regional human rights courts and focus on common topics of interest, such as the rights of women and minority groups, gender identity and sexual orientation and the rights of children.

48. Workshop participants agreed on the importance of implementing the recommendations made by the United Nations High Commissioner for Human Rights in his report entitled “Practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned” (A/HRC/32/20). In that report, regional and international entities were called on to provide for the participation of civil society on a non-discriminatory basis and expand the transparency of human rights mechanisms by, for instance, webcasting public meetings. The ingredients essential to optimizing civil society’s transformative potential included a robust legal framework compliant with international standards that safeguarded public freedoms and effective access to justice, a political environment conducive to civil society work, access to information, avenues for civil society in decision-making processes and long-term support and resources for civil society.

49. Participants suggested that civil society should contribute to the assessment of the follow-up to the recommendations of the universal periodic review and be involved in the preparation of national reports for that process and national human rights action plans.

50. It was further suggested that civil society should participate in the preparation of the report on the procedures and practices in respect of its involvement with regional and international organizations, requested in Human Rights Council resolution 32/31.

51. Participants recommended that civil society promote strategic management of resources and expectations when engaging with international human rights bodies and mechanisms.

52. Civil society was also called on to engage with the third cycle of the universal periodic review by monitoring the implementation of recommendations and engaging with State institutions, raising awareness among the public of the universal periodic review and engaging with national human rights institutions and other actors to promote the implementation of the recommendations made during the process.

53. Accessibility for persons with disabilities and gender balance were highlighted as two key requirements for United Nations and regional mechanisms.

54. All mechanisms and civil society actors were encouraged to participate in the 2020 review of the treaty body system.

B. Cooperation in relation to promoting women’s rights

55. The members of a panel addressing cooperation in connection with women’s rights discussed the risks faced by women human rights defenders in their daily work. A panellist from the Committee on the Elimination of Discrimination against Women elaborated on the role NGOs played in the individual complaint and inquiry procedures. Experiences were also shared on their participation in the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

1. Good practices

56. The Committee on the Elimination of Discrimination against Women, the Group of Experts on Action against Violence against Women and Domestic Violence and the African Commission on Human and Peoples' Rights had contributed to increasing the visibility of violations of the rights of women human rights defenders and to wider recognition of the gender-specific risks they faced.

57. The Istanbul Convention had been ratified by 22 States, and the Group of Experts had been set up to monitor its implementation, including by ensuring consistent methods of reporting under the Istanbul Convention and the Convention on the Elimination of All Forms of Discrimination against Women.

58. A representative of the Group of Experts indicated that the Group had an inquiry procedure similar to that of the Committee on the Elimination of Discrimination against Women. When reviewing the reports of States parties, the Group considered information from United Nations entities, including the Committee on the Elimination of Discrimination against Women. It also relied on information from civil society partners.

59. A panellist representing the Committee on the Elimination of Discrimination against Women indicated that the Committee's rules of procedure provided for the participation of civil society. The Committee held lunch briefings for civil society a day before its consideration of the report of each State party. Civil society organizations were also invited by the Committee to make oral or written statements and provide information and documentation.

60. The Committee interacted closely with national human rights institutions and had adopted a statement on its relationship with them.

61. The Group of Experts had a website especially for civil society with information on how it could contribute to the review of the reports to be submitted by the States parties. As part of its review procedure, the Group undertook visits to the countries that it was reviewing, meeting with a wide range of stakeholders, including those who may not be able to attend the review.

62. The Golden Grace Association in Cameroon was given as an example of engagement with national civil society organizations. The Association was comprised of young, single women who had personally experienced gender-based discrimination. It developed programmes on female entrepreneurship and education for girls.

63. The African Commission on Human and Peoples' Rights granted observer status to organizations that were unrecognized in their own countries as long as they met the required criteria. NGOs had interacted with the Commission's rapporteur on human rights defenders, provided alternative reports and were consulted during country visits.

64. The African Commission on Human and Peoples' Rights had also produced a publication, as an advocacy tool, on the human rights issues that had emerged from its field visits.

2. Challenges and lessons learned

65. A representative of the Committee on the Elimination of Discrimination against Women expressed concern that women human rights defenders may be subject to gender-specific threats and rights violations.

66. Participants noted that training for NGOs on women's rights was a critical component of the protection and promotion of women's rights.

67. African mechanisms faced challenges when working with particular groups, including women and lesbian, gay, bisexual, transgender and intersex persons.

C. Cooperation in relation to specific groups

68. Participants noted that they cooperated with civil society organizations to protect specific groups in focus: minorities, refugees, migrants, internally displaced persons, children, persons with albinism, persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons.

1. Minorities

(a) Good practices

69. The Special Rapporteur on minority issues indicated that she would be producing a handbook on minorities in Africa and leading follow-up on Roma rights in the Americas.

(b) Challenges

70. As far as minority issues in general were concerned, there was a knowledge gap that should be addressed.

(c) Forms of cooperation

71. The proposals for cooperation between regional mechanisms and relevant stakeholders made by the Special Rapporteur on minority issues included raising awareness on minority rights at the government level, appointing a high-level official with decision-making powers to focus on protection of minority rights and having national human rights institutions create units focused on minorities.

72. She also urged States to adopt an inclusive strategy of teaching minority cultures in schools and make use of the media to promote non-discrimination and equality. In addition, she suggested appointing focal points on minorities in regional human rights mechanisms, who would share information on monitoring and follow-up.

73. Inter-American human rights mechanisms cooperated with the Special Rapporteur on minority issues on Roma rights in the Americas.

2. Persons with albinism

(a) Good practices

74. The Independent Expert on the enjoyment of human rights by persons with albinism identified the Addis Ababa road map on cooperation as a tool with which to ensure that albinism was addressed by regional mechanisms. She conducted joint visits with members of the African Commission on Human and Peoples' Rights and engaged with subregional bodies, including the Court of Justice of the Economic Community of West African States and other courts, on issues connected with albinism.

75. She wrote periodic reports, gave briefings and provided information on albinism to civil society. She was also developing a handbook. A working group on albinism had been established at the African Commission on Human and Peoples' Rights, and a consultative forum on albinism had been held in June 2016 in the United Republic of Tanzania.

3. Children

(a) Good practices

76. A representative of the African Committee of Experts on the Rights and Welfare of the Child indicated that the Special Rapporteurs of the United Nations on situations in specific countries shared information with the Committee. There were similar channels of communication with the Committee on the Rights of the Child.

77. The African Committee of Experts on the Rights and Welfare of the Child and the Committee on the Rights of the Child had conducted a joint investigative mission in the Central African Republic.

(b) Forms of cooperation

78. The following proposals for cooperation between regional mechanisms and a range of stakeholders were made with the aim of enhancing the rights of the child:

(a) Any body receiving an individual communication should check that it had not been submitted to another body and was not being considered by another body at the same time, thereby ensuring consistent jurisprudence;

(b) The African Committee of Experts on the Rights and Welfare of the Child could work more closely with United Nations mechanisms on sensitive issues that Governments chose to ignore, including corporal punishment and abortion;

(c) Greater advocacy efforts to ensure the necessary mainstreaming of child protection in humanitarian response plans should be made. Civil society should be equipped for humanitarian intervention, including in respect of preparing relevant documentation and working with children, women and persons with disabilities. More work should be done to prevent and manage conflict;

(d) African regional human rights mechanisms could work together with the African Committee of Experts on the Rights and Welfare of the Child to encourage ratification of the African Charter on the Rights and Welfare of the Child.

4. Persons with disabilities

(a) Good practices

79. A representative of the ASEAN Intergovernmental Commission on Human Rights indicated that it had established a task force on mainstreaming the rights of persons with disabilities to develop a subregional action plan by 2017.

80. A representative of the International Disability Alliance indicated that the Alliance advocated mainstreaming the rights of persons with disabilities throughout the United Nations and in other processes. The Alliance also helped civil society, including organizations of and for persons with disabilities, participate in the activities of the international human rights system. It worked with other civil society organizations to integrate disability issues into the treaty body strengthening process.

81. The Organization for Security and Cooperation in Europe had established a new programme on persons with disabilities and their participation in public life.

(b) Challenges and lessons learned

82. Since there are conflicting standards on the rights of persons with disabilities, preventing the fragmentation of standards required coherence at the global and regional levels.

(c) Forms of cooperation

83. The following proposals to enhance cooperation on the rights of persons with disabilities were made:

(a) The national human rights institutions that have been designated as national monitoring mechanisms under article 33 (2) of the Convention on the Rights of Persons with Disabilities should continue working with civil society and other actors to monitor the implementation of the Convention. For example, the national human rights institution of El Salvador produced a joint report with civil society organizations;

(b) The establishment by the European Network of National Human Rights Institutions of a working group on the rights of persons with disabilities could be replicated by such networks in other parts of the world;

(c) Regional integration organizations could become parties to the Convention on the Rights of Persons with Disabilities. National human rights institutions and civil society organizations should submit amicus briefs to the Council of Europe;

(d) Civil society and the United Nations and regional human rights mechanisms should participate in the Human Rights Council's annual panel discussion on the rights of persons with disabilities.

5. Lesbian, gay, bisexual, transgender and intersex persons

(a) Good practices

84. The Inter-American Commission on Human Rights indicated that it held public hearings on issues affecting lesbian, gay, bisexual, transgender and intersex persons during its sessions.

85. A special rapporteur on such issues had been appointed by both the Inter-American Commission on Human Rights and the international human rights system.

86. The African Commission on Human and Peoples' Rights indicated that it had adopted a resolution on violence against lesbian, gay, bisexual, transgender and intersex persons. The resolution focused primarily on discrimination and violence and granted observer status to lesbian organizations.

(b) Challenges and lessons learned

87. Discussions revealed that violence against lesbian, gay, bisexual, transgender and intersex persons and the defenders of the human rights of such persons was still widespread.

88. Civil society organizations working on transgender issues emphasized that they feared reprisals when they cooperated with international and regional human rights mechanisms.

(c) Recommendations

89. International and regional mechanisms should work jointly with civil society organizations and national human rights institutions to end violence and promote global initiatives on ending reprisals.

D. Cooperation in relation to specific challenges experienced by civil society and human rights defenders at the national level

90. A panel on cooperation in connection with specific challenges gave members of civil society the opportunity to speak out about such challenges to their work as reprisals, threats, executions, the shrinking of democratic space, restrictions on journalists and the media and the adoption of restrictive legislation.

1. Good practices

91. The Inter-American Commission on Human Rights informed workshop participants of the development of a joint early warning mechanism with the United Nations, as well as joint public hearings and press releases.

92. The Special Rapporteur on human rights defenders of the African Commission on Human and Peoples' Rights indicated that the African Commission had adopted many resolutions on the protection of human rights defenders. The Commission maintained a database with information on reprisals and periodically drafted a sessional report on the situation of such persons.

93. The Uganda Human Rights Commission received complaints from human rights defenders under threat. It had signed a memorandum of understanding with civil society organizations and established a desk to deal with cases involving human rights defenders, providing solutions to their problems and holding regular and consultative meetings.

94. The national human rights institution of Cameroon indicated that it conducted training sessions for civil society organizations. It also monitored the implementation of the recommendations made during the universal periodic review and by special procedure mandate holders. In addition, it monitored conditions in detention centres and cooperated with national committees with a general human rights mandate.

2. Challenges and lessons learned

95. The key challenges noted by the participants included the following:

(a) The frequent use of antiterrorism laws, which restricted the democratic space in which civil society operates, to prosecute political activists, bloggers and journalists who express views critical of Governments;

(b) The lack of political will to adopt legislation and use tools to protect human rights defenders, the frequent delays involved in registering NGOs and restrictive laws on NGO funding;

(c) The lack of long-term support and resources for civil society, including budgetary constraints that affected the participation of civil society in the universal periodic review;

(d) The imposition of criminal penalties on human rights defenders, including for libel, slander and defamation, which hampered their work. It was reported that the number of threats and acts of intimidation and reprisal, including violations of the right to life was rising. In some countries, environmental activists received threats made by persons working for private companies or public authorities involved in illicit activities.

3. Forms of cooperation

96. The suggestions made to enhance the protection of human rights defenders and civil society in general included the following:

(a) Hold States accountable for violations of the rights of human rights defenders and restrictions of the space in which they operate. Press States to adopt legislation and tools to protect human rights defenders;

(b) Make decisions or recommendations made by the United Nations and regional human rights mechanisms accessible to national actors in a user-friendly format and develop joint manuals on monitoring the implementation of human rights recommendations at international and regional levels;

(c) Ensure that counter-terrorism measures comply with relevant international human rights standards and strengthen legal frameworks and access to justice;

(d) Enhance discussion with Governments, resulting in a political environment that would be conducive to civil society work;

(e) Identify best practices for creating mechanisms to protect human rights defenders, including regular monitoring, review and public reporting on issues connected with civic space issues and challenges across systems;

(f) Encourage national human rights institutions to appoint focal points on civil society matters and create desks for human rights defenders;

(g) Expand work on early warning mechanisms and responses to advise on problems affecting a given country thereby contributing to sustainable solutions;

(h) Improve practices for the exchange of information and provide additional support for matters directly related to human rights defenders, including sharing jurisprudence;

(i) Establish closer cooperation among the regional mechanisms that have special mandates on human rights defenders, including staff exchange programmes.

E. Cooperation on freedom of assembly and association

97. A panel whose members discussed cooperation in respect of freedom of assembly and association focused on challenges related to peaceful protest, including the use of force during assemblies. Trends and shared challenges were identified, and ways of tackling that common global problem were proposed.

1. Good practices

98. The Special Rapporteur on the rights to freedom of peaceful assembly and of association indicated that he cooperated on thematic areas of mutual interest with his counterpart from the Inter-American Commission on Human Rights.

99. He also noted that the resolution of the African Commission on Human and Peoples' Rights on issues affecting lesbian, gay, bisexual, transgender and intersex persons was crucial to the support for such persons in Africa.

100. A workshop participant representing CIVICUS — World Alliance for Citizen Participation presented the Alliance's research on peaceful protests and offered an analysis of key challenges to freedom of association, including of the ways Governments and the international community protected the right to protest.

2. Challenges and lessons learned

101. Participants noted that States had been using the global threat posed by terrorism as a pretext for the adoption of legislation that restricted civil society activities and threatened freedom of association. Civil society actors were subjected to physical attack and excessive use of force, and Governments were not fully aware of international standards for peaceful protest.

3. Forms of cooperation

102. The panellists made the following suggestions:

(a) National human rights institutions should be encouraged to act as a bridge between the United Nations and civil society and continue providing information on the human rights situation to all human rights mechanisms;

(b) The independence of national human rights institutions should be recognized at the regional level as well;

(c) International and regional human rights mechanisms should raise awareness of counter-terrorism measures and how they pose a threat to the rights to freedom of assembly and of association and civic space;

(d) International and regional human rights mechanisms should encourage the implementation and incorporation into domestic practice of the set of recommendations on managing assemblies developed by the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions;

(e) Civil society should engage in strategic litigation;

(f) International and regional human rights mechanisms should engage with a more diverse range of civil society actors, not only the traditional organized groups.

F. Cooperation at the country level, including follow-up to recommendations and decisions made by United Nations and regional human rights mechanisms

103. Discussion focused on enhancing cooperation at the country level, including follow-up to recommendations made by United Nations and regional human rights mechanisms. Although it was made clear that States bore primary responsibility for acting on such recommendations, the panellists also highlighted the role of national human rights institutions, civil society organizations and human rights defenders.

1. Good practices

104. It was noted that national human rights institutions with a broad and independent mandate, compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), were instrumental in the follow-up to recommendations made by international and regional human rights mechanisms.

105. The African Commission on Human and Peoples' Rights had produced guidelines on how national human rights institutions could participate in the implementation of its recommendations.

106. It was stressed that there was a need for the establishment of national standing mechanisms for reporting and follow-up to recommendations of the United Nations and regional human rights mechanisms. Focal points in relevant ministries were also proposed.

107. The importance of a broad and transparent consultative process that included civil society and human rights defenders, practitioners and research institutions was highlighted. One civil society representative stressed the importance of art and culture, including music, in the promotion of human rights.

2. Challenges and lessons learned

108. Governments failed to prioritize the implementation of recommendations made by regional and international mechanisms, unnecessary bureaucratic hurdles had to be cleared and there was a lack of resources.

109. Mention was again made of the reprisals taken against human rights defenders and civil society and the shrinking space for human rights defenders in some countries.

110. At the national level, there was a lack of local knowledge about the decisions and recommendations made by regional and international mechanisms.

3. Forms of cooperation

111. The panellists proposed the following initiatives with a view to enhancing cooperation in the country-level implementation of the recommendations made by regional and international human rights mechanisms:

(a) Create databases that could be used to cluster and follow up on recommendations;

(b) Continue using focal points in each organization and improve communication, including the exchange of information and good practices;

(c) Provide capacity-building and technical assistance to national human rights institutions and civil society to follow up on recommendations;

(d) Enable human rights defenders and NGOs to play a more proactive and prominent role in the international and regional human rights systems, including in the implementation of recommendations. Roles should be clarified, and formal links for follow-up should be established;

(e) Adopt national legislation that formalizes the work of NGOs and human rights defenders, and bring national laws into line with international human rights standards;

(f) Translate the recommendations made by international and regional human rights systems into local languages.

IV. Conclusions

112. The workshop on enhancing cooperation between United Nations and regional human rights mechanisms generated valuable proposals and recommendations, in particular with regard to cooperation with civil society and human rights defenders.

113. Participants encouraged intergovernmental organizations and States to allocate the financial and human resources necessary to facilitate effective cooperation. The role of private donors in the promotion and protection of human rights was noted, although some participants cautioned that such donors should not be allowed to

undermine the independence and the impartiality of regional human rights mechanisms.

114. Participants recognized the critical role played by OHCHR in advancing cooperation between international and regional human rights mechanisms. They also noted that the ability of OHCHR to facilitate and coordinate cooperation, including through the focal point network, was affected by financial and human resource constraints. In that respect, the report to be produced by the Human Rights Council's Advisory Committee on cooperation with regional mechanisms was viewed as a way to provide useful recommendations on building the capacity of OHCHR to coordinate cooperation activities.

115. The harmonization and application of human rights norms, including by constant inter-institutional dialogue, was viewed as crucial to the creation of universal human rights jurisprudence.

116. Participants noted that many civil society organizations faced reprisals for their engagement with regional and international human rights mechanisms. Intimidation, arbitrary detention and enforced disappearance were mentioned as common practices. Some States had adopted counter-terrorism legislation that potentially stigmatized human rights defenders. Cooperation was critical to tackling those issues.

117. Cooperation between human rights mechanisms was identified as a way of using the resources of those mechanisms more efficiently. Emphasis was laid on the need to further develop joint activities and exchanges of information.

V. Recommendations

118. Support should be provided to enable victims and specific vulnerable groups to gain access to the international and regional human rights system and mechanisms. States should comply with international and regional protection measures for human rights defenders.

119. The biennial workshops and annual meetings of the focal points on cooperation should continue. It was proposed that the next workshop be held in 2018 and the next meeting of the focal points on cooperation in 2017.

120. Cooperation between the United Nations and regional human rights mechanisms, under the auspices of OHCHR, should be strengthened. OHCHR should be provided with more human and financial resources to coordinate interaction between United Nations and regional human rights mechanisms and facilitate the work of the network of focal points.

121. The sharing of information by the United Nations human rights system and regional human rights mechanisms on decisions, recommendations, best practices, reports, calendars of activities, programmes of visits and other relevant matters should be continuous, consistent and systematically channelled through the OHCHR focal point coordinator. The alignment of processes and cross-referencing would result in more coherent/targeted decisions and recommendations.

122. Periodic teleconferences between focal points would enable the exchange of information and facilitate the planning of mutual activities. Focal points should be provided with adequate resources to effectively carry out their tasks.

123. OHCHR could consider creating a fellowship programme for members or staff of regional human rights mechanisms to increase their knowledge of United Nations human rights mechanisms.

124. The implementation of the recommendations of the report of the United Nations High Commissioner for Human Rights entitled “Practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned” (A/HRC/32/20) is critical. In particular, the High Commissioner recommended: allowing civil society to participate without discrimination; expanding the transparency of human rights mechanisms by, for instance, webcasting public meetings; setting up a robust legal framework compliant with international standards that safeguards public freedoms and effective access to justice; creating a political environment conducive to the work of civil society; and providing access to information and avenues for civil society in decision-making processes.

125. Good practices, such as desk-to-desk cooperation and the Addis Ababa road map on cooperation, should be replicated in other regions.
