

Special procedures and regional human rights systems: Areas for strengthening cooperation¹

The issue of cooperation with regional human rights mechanisms was examined by the 14th Annual Meeting of Special Procedures. The subject was introduced by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen, who presented a paper to help facilitate the Special Procedures' collective reflection on possible means of strengthening the interaction and cooperation with regional mechanisms, by putting together a number of experiences from the work of special procedures' mandate holders.

At the 14th annual meeting, mandate holders noted that there had been limited capacity for the Special Procedures to co-operate with regional human rights mechanisms² regarding specific instances of human rights violations. They agreed that one way to advance in this direction would be developing closer working relationships between the Special Procedures and the Secretariats of these regional mechanisms. Mandate holders therefore recommended that representatives of key regional mechanisms should be invited to participate in future annual meetings. Similarly, it was decided that ways to increase and strengthen cooperation with regional bodies should be explored³.

The present note reports about the main activities undertaken by the Special Procedures since June 2007 as a follow-up to the recommendations of the 14th annual meeting to develop enhanced cooperation with regional human rights mechanisms in three main areas, i.e. technical expertise and general exchange of information, country visits, and protection mechanisms⁴. It also proposes future avenues for cooperation.

¹ The present note is an update to the paper prepared in June 2007 by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Mr. Rodolfo Stavenhagen

² Paragraph 67 of the report to the Human Rights Council of the 14th annual meeting of Special Procedures identified that regional human rights mechanisms relevant to the work of Special Procedures included, inter alia, the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights, affiliated with the Organization of American States (OAS) and which include several thematic rapporteurs; the African Union's (AU) African Commission on Human and Peoples' Rights and its system of thematic special mechanisms; the Council of Europe's treaty bodies, including the European Court of Human Rights and the Committee for the Prevention of Torture, the European Committee of Social Rights and the Advisory Committee of the Framework Convention on the Protection of National Minorities, and other specialized mechanisms, particularly the Council's Human Rights Commissioner; the Organization for Security in Europe (OSCE) High Commissioner on National Minorities, the Representative on Freedom of the Media, and the Special Representative and Co-ordinator for Combating Trafficking in Human Beings; and the European Union's Working Party for Human Rights and other European Union expert bodies

³ See paragraphs 67 to 75 of the report the Human Rights Council of the 14th annual meeting of Special Procedures (A/HRC/7/29)

⁴ These areas were identified as priorities by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people in his 2007 note on special procedures and regional human rights systems.

Three missions were carried out by staff members of the Special Procedures Division at the end of 2007 to meet with representatives of regional human rights organizations. In October 2007, an inter-Branch OHCHR mission traveled to the Inter-American Commission on Human Rights (IACHR) to identify ways to improve coordination between the Inter-American Human Rights System and UN human rights mechanisms. SPD staff members participated in the 42nd ordinary session of the African Commission on Human and Peoples' Rights (ACHPR) which took place from 15 to 28 November 2007 in Brazzaville in the Republic of the Congo. The main objective of SPD's participation into this session was to identify concrete areas for effective cooperation between OHCHR and the Secretariat of the ACHPR, as well as with NGOs. In November 2007, a group of OHCHR representatives from all branches, including SPD, undertook a mission to the Council of Europe in Strasbourg, France, to examine possible ways of increasing cooperation and making use of synergies in the work of the respective organizations.

The three meetings between OHCHR and regional organizations were considered as beneficial as they provided participants with a better understanding of each organizational structures, objectives and activities. They also gave SPD the opportunity to brief key staff members of the Inter-American Commission on Human Rights, the African Commission on Human and Peoples' Rights and the Council of Europe about the Special Procedures and their working methods.

While each regional organization visited has its own network of norms and institutions with diverging levels of institutional capacity, participants reviewed existing ad hoc practices of cooperation and identified new avenues for further strengthening it.

With regard to the Inter-American Commission on Human Rights, it was suggested that exchange of information on communications and country visits be strengthened between the Special Procedures and the "rapporteurships" of the IACHR specialized on the following thematic areas: Freedom of Expression; Women's Rights; Migrant Workers and Members of their Families; Human Rights Defenders; Human Rights of Indigenous People; and Human Rights of Persons Deprived of Liberty.

In relation to communications, it was suggested that IACHR staff be encouraged to suggest, for rejected cases that do not fulfill admissibility criteria such as the need to exhaust domestic remedies, the possibility of contacting the UN Special Procedures. Likewise, for coordination purposes, OHCHR could supply information on individual cases (with due respect to the confidentiality requirement pertaining to communications sent by the Special Procedures) upon IACHR request. Other suggestions included reinforcing the exchange of information in relation to precautionary measures adopted by the IACHR. The objective would be to verify, if necessary by having a mandate holder sending a communication to a Government, whether appropriate follow-up is provided.

As to country visits, both organizations were encouraged to use and compile each others' information (relating to individual cases, reports and recommendations), when

preparing their country assessments so as to reflect a comprehensive picture of a regional or country reality. It was suggested that identification and choice of mandate holders' visits be coordinated in advance with the IACHR. Due to its regional position, it was proposed that the IACHR push forward relevant recommendations of Special Rapporteurs' country visits. It was also stressed that referring to IACHR information and jurisprudence in special procedures reports made them more solid.

During the November 2007 meeting between the Special Procedures and the African Commission on Human and People's Rights, it was recommended that cooperation could be reinforced in relation to the special mechanisms of the ACHRP whose areas of work are similar to those of the Special Procedures), namely the Special Rapporteur on the Rights of Women; the Special Rapporteur on Prisons and Conditions of Detention; the Special Rapporteur on Refugees, Asylum Seekers, Migrants and Internally Displaced Persons; the Special Rapporteur on Human Rights Defenders; the Working Group on Specific Issues Related to the work of the African Commission; the Working Group on indigenous populations/communities; the Working Group on Economic, Social and Cultural Rights; and the Working Group on Death Penalty.

Cooperation between the two mechanisms should focus on exchanging information in relation to communications, in order to avoid duplication and increase possibilities of follow-up by liaising on specific cases with the African Commission on the ground. Participants also welcomed the possibility of joint missions, which are currently considered by several Rapporteurs⁵, and encouraged future similar initiatives as well as enhanced coordination in relation to preparation of country missions and follow-up. During the mission to the ACHPR, special procedures staff members also attended the African Commission Forum of NGOs: it was agreed that the Forum appoint one focal point for each of the sub-African region to regularly liaise with SPD in order to exchange briefing material on how to use the Special Procedures.

The OHCHR's visit to the Council of Europe allowed discussing various areas for cooperation, based on already existing ad hoc practices. Three thematic areas were identified as specifically relevant to the Special Procedures: (1) torture: information and good practices, in particular with regard to working methods while carrying out country missions, could be regularly exchanged between the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (CPT) and the Special Rapporteur on torture; (2) racism and intolerance: based on existing practices, cooperation between the European Commission against Racism and Intolerance (ECRI) and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance should be continued. Exchange of information in relation to country visits and the drafting of reports recommendations were considered as extremely important. It was envisaged that the

⁵ The Representative of the Secretary-General on the human rights of internally displaced persons and the African Commission's Special Rapporteur on refugees and internally displaced persons are currently planning a joint mission to Sudan. The Special Representative of the Secretary General on Human Rights Defenders and the Special Rapporteur on human rights defenders in Africa are considering to undertake a joint mission to Togo.

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance could be invited to a session of the European Commission against Racism and Intolerance; (3) human rights defenders: based on past exchanges of experience between the Special Representative of the Secretary-General on the situation of Human Rights Defenders and the Commissioner for Human Rights of the Council of Europe, the Council of Europe is planning to set up its own Human Rights Defenders Special Representative, which will help developing future joint activities.

Conclusions and issues for discussion

Recent experience has shown that the cooperation with regional human rights bodies is becoming a crucial component of special procedures' activities. The missions carried out in 2007 by OHCHR/SPD staff members to the Inter-American Commission on Human Rights, the African Commission on Human and People's Rights and the Council of Europe build upon Special Procedures' ad hoc activities and constitute an attempt to streamline future cooperation in the fields of technical expertise and general exchange of information, country visits, and protection mechanisms.

Given their protection mandate and in view of the current limited exchanges between regional organizations and the Special Procedures in the area of responses to human rights violations, mandate holders might wish to discuss –based on the proposals above- how to strengthen regional cooperation in relation to exchanging information, sending communications and ensuring adequate follow-up. Based on recent experiences, participants could explore whether they should develop comprehensive strategies for enhanced overall coordination of their policies and activities with a view to strengthen the linkages between, and the joint impact of, the international and regional human rights systems.