**WORKSHOP ON REGIONAL ARRANGEMENTS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS**

**PALAIS DES NATIONS-GENEVA, 21 AND 22 OCTOBER 2019**

**TOPIC: TAKING STOCK OF DEVELOPMENTS BETWEEN THE UNITED NATIONS AND REGIONAL HUMAN RIGHTS MECHANISMS : *PRESENTATION ON THE EAST AFRICAN COURT OF JUSTIC*E**

**By Alain O. Nsengiyumva**

**Personal Assistant to the President**

**East African Court of Justice**

**Ladies and Gentlemen**, ***All protocols observed***

It gives me great pleasure to be part of this Workshop under the auspices of the United Nations and the Office of the High Commissioner for Human Rights.

I wish to commend the OHCHR for the Stewardship in the domain of Human Rights. Let me also single out and profoundly thank Mr. Vladlen Stefanov, Chief National Institutions and Regional Mechanisms Section and his team for organizing this important International Workshop on “ Enhancing cooperation between Regional and international mechanisms for the promotion and protection of human rights”.

***This International Workshop is evidence of the increasing interaction of the United Nations Human rights mechanisms and Regional Human rights mechanisms in the areas which transcend borders such as human rights and humanitarian law*.**

The normative and institutional evolution of international human rights law at the global level played a prominent role in encouraging the creation of Regional Human Rights Mechanisms in Europe, the Americas, Africa and more recently in Asia and Arab States. While in the protection and realization of human rights focus ultimately falls on what happens at the grassroots, the role of Regional human rights mechanisms cannot be overemphasized. Therefore, the U.N’s role in encouraging the creation of Regional Human Rights Mechanisms must be saluted.

Regional Human Rights Mechanisms have served as both institutional and normative building blocks and instruments for the realization of human rights at the grassroots as well.

Regional Human Rights Mechanisms have provided the necessary intermediary between States domestic institutions which violate or fail to enforce human rights and the global human rights system which alone cannot provide redress to all individual victims of human rights violations.

At the global level no permanent human rights Court has thus far been created to allow individual complaints against governments for violation of human rights. ***It was at the regional level, in Europe, that the first system allowing for effective individual complaints against the Governments for violation of human rights was created. This system became the model of human rights realization in the other regional systems such as the Inter-American system which has a regional court, and the African System has a court as well.***

Therefore, Regional Human Rights Mechanisms have served to fill gaps in the global human rights systems. They have fruitfully complemented the global human rights system by impacting and influencing domestic human rights practice in member states.

**Ladies and Gentlemen,**

**At the East African Community**, the issue of human rights is at the very fulcrum of its operations and principles. The fundamental principles that govern the achievement of the objectives of the community succinctly include promotion and protection of human rights. It is important that the closer integration ties that are being forged go hand in hand with enhanced promotion and protection of human rights in the East African region.

Although EAC Treaty and the protocols thereto are not human rights instrument as such, they provide the normative basis for the promotion and protection of human rights in the EA region. The ratification of international human rights treaties by EAC Partner States is fairly impressive. All EAC Partner States have ratified at least seven out of the nine “core international human rights treaties,

Although it lacks an express human rights mandate as yet, **the East African Court of Justice (EACJ**) has applied *judicial activism* to ensure that it takes its rightful place in the protection of human rights. So far, **95% of the cases** handled by the Court are human rights related. The EACJ cases show that the lack of an explicit human rights jurisdiction has not dampened the desire for the court to fully implement the aspirations in the EAC treaty as far as human rights protection is concerned. By so doing, the EACJ has been without a doubt, at the fore front of developing and shaping the human rights jurisprudence in the East African region.

**It is imporant to underscore that the cooperation between the United Nations and regional mechanisms has enabled the East African Community** **to reflect on setting up** **a Forum of National Human Rights Commisions** for the East African region comprising EAC member States such Burundi, Kenya, Rwanda, South Sudan , Tanzania and Uganda. By the same token, a meeting of this Forum was convened and took place from 20th to 21 June 2019 in Arusha –Tanzania. The purpose of that meeting was to delibarate and reflect on harmonizing regional efforts on the best ways of promiting and protecting human rights, and emerging human rights issues in the East African region such violation of the rights of the human rights defenders, human rights violations in the extractive industry, human trafficking and smuggling, and the issue of environmental degradation. Therefore, that Forum directed the Secretariat of the EAC to facilitate the development of collaboration frameworks and regulations on cross-border emerging human rights issues . That Forum also directed the Secretariat of the EAC to facilitate the development of the EAC policy framework for promotion and protection of human rights.

In the same vein , and still in the framework of cooperation between the **UN** human rights mechanisms and regional human rights arrangements , a dedicated program for regional human rights mechanisms was created to gain experience in the **UN** human rights system in order to enhance capacity building and cooperation among them . It is in this regard that from mid June to mid August 2019 we attended a fellowship program at the OHCHR and this was an intensive learning opportunity to deepen our understanding of the United Nations human rights system, instruments and mechanisms. During this Fellowship program , we gained first-hand experience , knowledge and skills in relation to interacting with international human rights mechanisms. This fellowship has also borne fruit as there will be regular information sharing and cross-referencing of jurisprudence of respective human rights mechanisms . In the same vein, we were able to conceive projects for our respective regional human rights mechanisms in the spirit of fostering human rights in our respective regions. It is in this framework that my project is about “**MAINSTREAMING *HUMAN RIGHTS IN ALL POLICIES AND PROGRAMS OF THE EAST AFRICAN COMMUNITY AND THE EAST AFRICAN COURT OF JUSTICE*** **FOR SUSTAINABLE AND PRESPEROUS COMMUNITY” .** Therefore, Meanistream Human rights in all EAC Policies and Programs will advance human righst implementation in the East African Region.

**Ladies and Gentlemen**,

The future and effectiveness of the OHCHR will largely depend on its relationship with Regional and National Human rights mechanisms if this world really aspires the full realization of the principle that” ***All human beings are equal in dignity and rights*”** . It is only jointly that the partners in the human righst chain can develop the potential of human rights promotion and protection, and reap the benefits it offers.

This International Workshop which is an initiative of the OHCHR has provided a forum for cooperation, collaboration, constructive debate and effective interchange of views of UN human rights mechanisms and regional human rights mechanisms and the academia as well as other important stakeholders. The ongoing efforts of this initiative to shape and improve the collaboration and constructive debates on subjects relevant to the promotion and protection of Human Rights are impressive . It is a noble endeavor that the OHCHR team have undertaken and I commend their efforts. I am confident that we—individually and collectively—will come away with valuable lessons.

Before concluding, let me once again reiterate my sincere gratitude and appreciation to the OHCHR. Together, we can give hope to all those who clamor for a world of greater equality, peace and harmonious development.

**Thank you for your kind attention.**

**Je vous remercie de votre aimable attention.**