STRENGTHENING HUMAN RIGHTS AND LEGAL ANALYSIS

7 March 2024

Objectives

- Better ground protection analysis in human rights and legal frameworks
- Contribute to improved HNO/HRPs, PAUs and other key documents
- Enhanced advocacy at country, regional and global levels
- Introduction of the Protection Risk and Human Rights Matrix

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What are Human Rights?

- Universal **legal** guarantees protecting **individuals and groups** against **actions** and **omissions** that interfere with fundamental freedoms, entitlements and human dignity.
- Human rights are **universal**, **inalienable**, **interrelated**, **interdependent** and **indivisible**.

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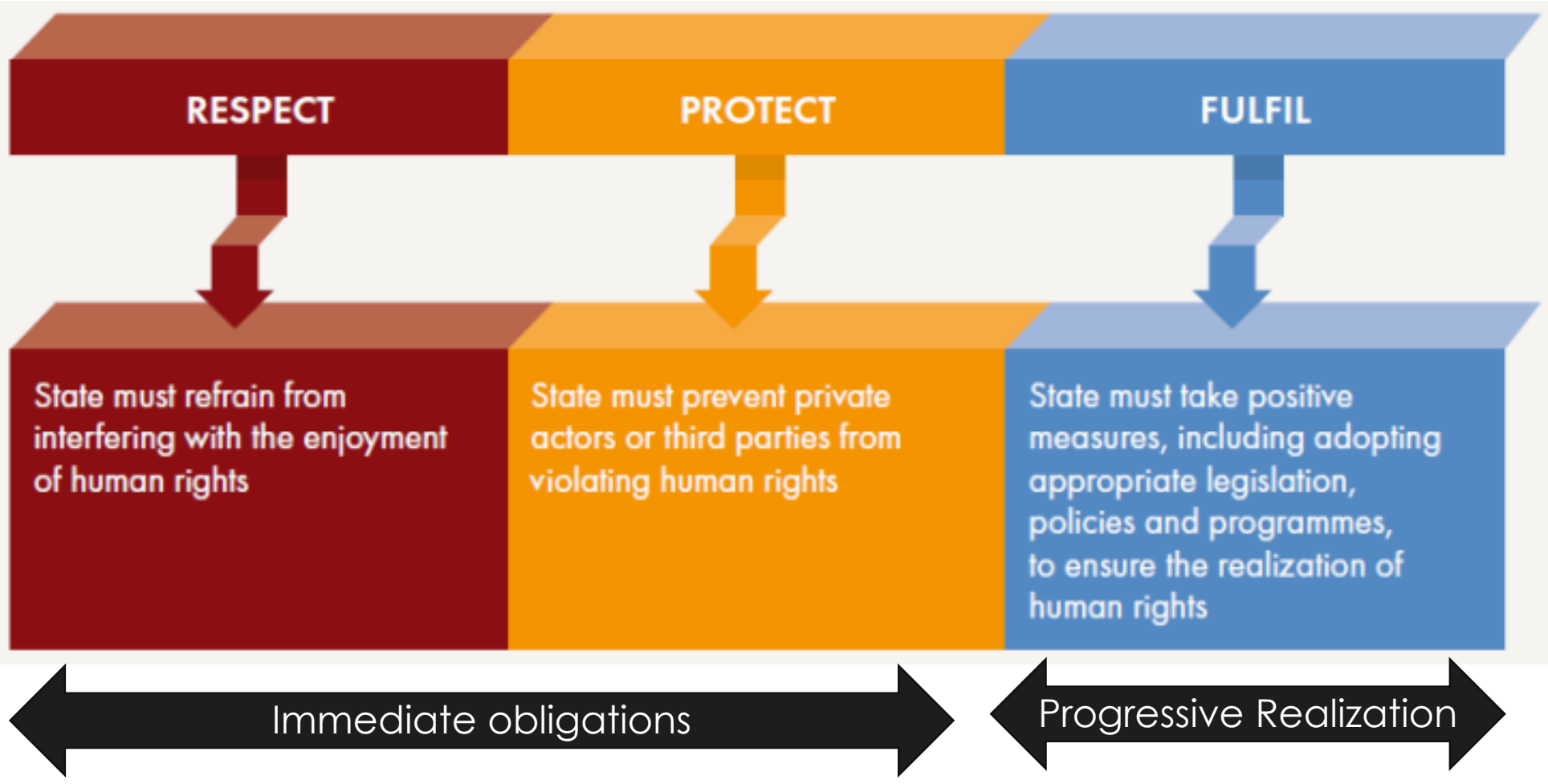
Scope of State Human Rights Obligations



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Rights-based Protection Analysis

- Analyse protection risks through the normative frameworks (IHRL and IHL).
- Identify direct and indirect violations and abuses of human rights related to the protection risks.
- Examine the human rights standards and principles relevant to the protection risk using the legal instruments.
- Consider instruments and standards relating to protection of specific groups.

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RIGHTS-BASED PROTECTION ANALYSIS

Analyse the **BEHAVIOR** or **CHARACTER** of perpetrators, institutions, or structures responsible for the violation

Analyse **IDENTITY**, **SITUATION**, **CHOICES** or **ACTIONS** of the victims

$$RISK = \frac{Threat \times Vulnerability}{Commitment \times Capacity}$$

Analyse the **WILL** of the State and other actors to address or stop a violation

Analyse the **STRATEGIES** and **ASSETS** of duty bearers to address the problem and the strategies of rights holders in their possession to reduce the threats and vulnerabilities

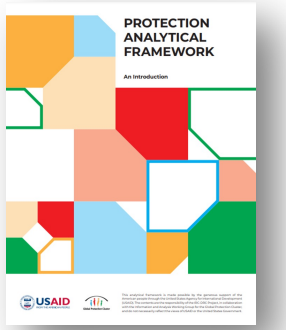
Practice from Protection Clusters

THE PAF and DEFINITIONS ARE USED TOGETHER TO ORGANIZE DATA, INFORMATION AND FINDINGS

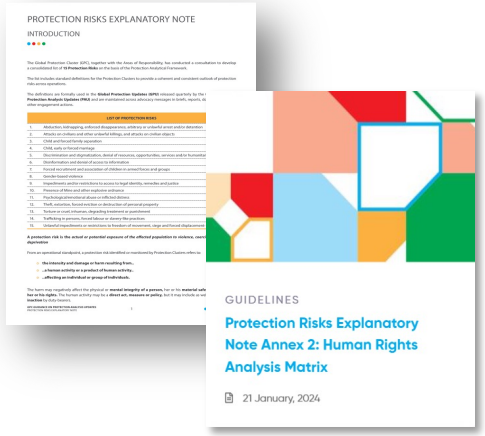
AoRs and PARTNERS SPECIFIC FRAMEWORKS

- ✓ GBV analytical framework
- ✓ CP need identification and analysis framework
- ✓ Mine action analytical framework
- ✓ Other sectors (IPC Food Security)
- ✓ Protection Monitoring

PROTECTION ANALYTICAL FRAMEWORK



PROTECTION RISKS DEFINITIONS + HUMAN RIGHTS MATRIX



MULTIPLE APPROACHES

1. **MAPPING INFO AND DATA** against the PAF → **PRIORITIZATION USING 15 PROT. RISKS**
2. **PRIORITIZATION USING 15 PROT. RISKS** → **TAGGING/MAPPING INFO AND DATA** against the PAF
3. **TAGGING INFO AND DATA** against the PAF → **IDENTIFICATION OF GAPS** using 15 protection risks.

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Rights-based Protection Analysis

1. Relevant legislation or policies (including gaps).
2. Measures taken by the State to ensure protection of individuals/groups from threats, and everyone seek, impart, and receive information on protection issues.
3. Whether protection and support services are available, acceptable, of good quality, physically and economically accessible to all without discrimination.
4. Which persons or groups in vulnerable situations or at risk and those who do not have access.
5. Any available remedies, appropriate specific arrangements or procedures to protect specific groups.

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Forced Recruitment and Association of Children in Armed Forces and Armed Groups (Mozambique PAU)

Good practice

- Maps responsible non-state actors
- Gaps of understanding of recruitment
- State legalization and support of non-state actors
- Lack of age verification processes
- Reference to CAAC reporting
- Victimization and rejection, detention, harassment
- Recommendations: handover and age verification protocol, prevention plan, stop prosecution and roll out of support services.

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Discrimination & stigmatization, denial of resources, opportunities, services &/or humanitarian access (South Sudan PAU Oct. 2023)

Good practice

- Constitutional guarantees of rights of people with disabilities
- Signature of UNCRPD in Feb 2023. National disability and inclusion policy. Disability action plan
- African Union Policy Framework and the Plan of Action on Ageing
- Gaps in national disability and inclusion policy
- Stigma and discrimination, lack of mobility aid
- Challenges in accessing justice and addressing Housing, Land, and Property issues.

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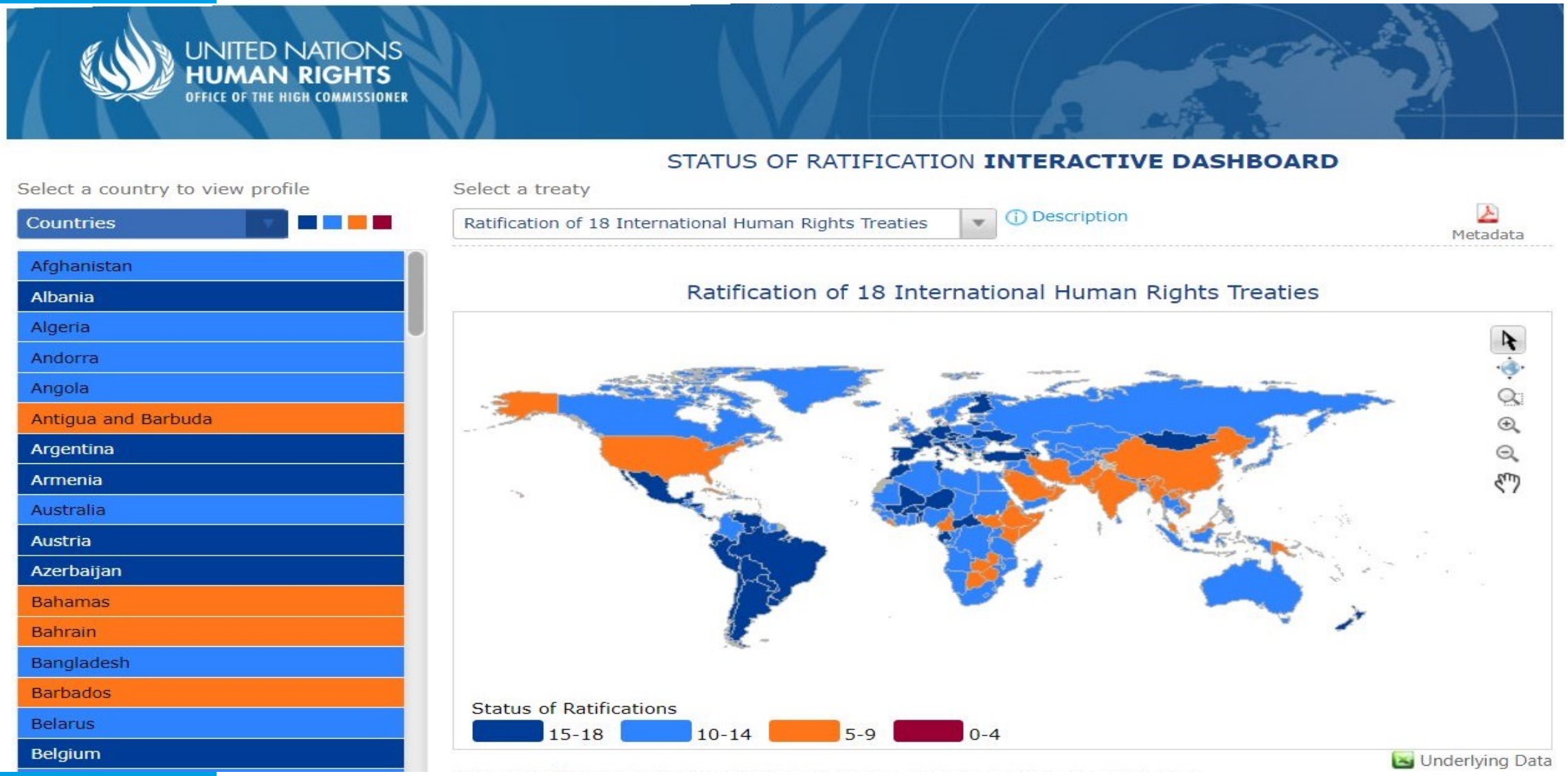
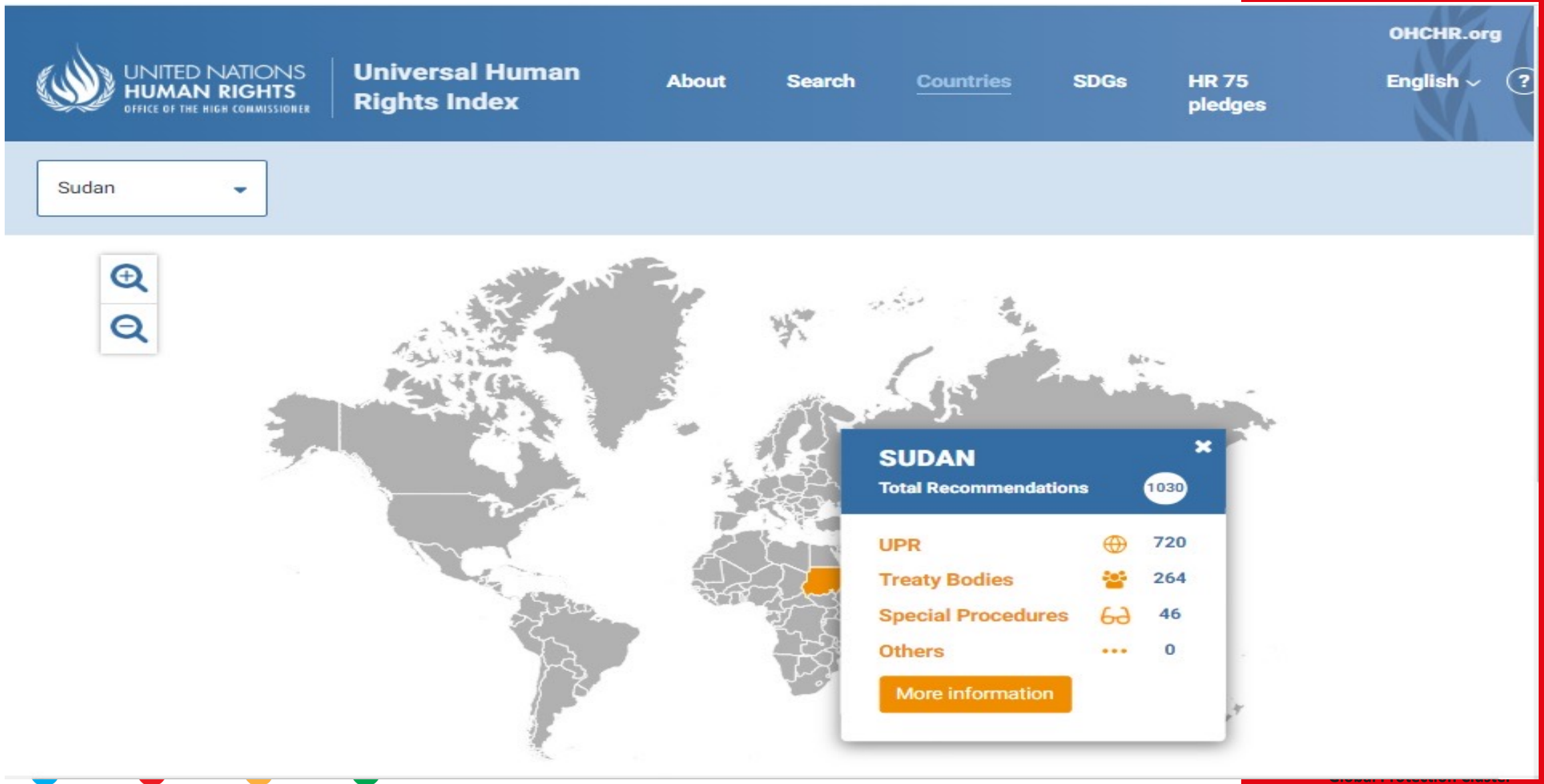
Human Rights Tools and Mechanisms

HRs Treaties Status of Ratification Interactive Dashboard



Universal Human Rights Index



Human Rights Council

List of reports:

- **Universal Periodic** Review (Burkina Faso, Colombia, Cameroon, etc.)
- **Other OHCHR mandated reports** (Guatemala, Honduras, Colombia, oPt, Sudan, etc.)
- **Reports of UN experts/mandate holders** (Country visits, thematic areas, country mandates e.g. Myanmar, oPt, Afghanistan, etc.)
- **Human Rights Experts/Commissions reports** (Colombia, and South Sudan)

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Human Rights Council Universal Periodic Review

Recent UPRs Countries reviewed

- **44th session** (6 – 17 Nov 2023): Burkina Faso, Colombia, Cameroon.
- **45th session** (22 Jan – 2 Feb 2024): Nigeria, Central African Republic, Chad.

Upcoming UPRs Countries to be reviewed

- **46th session** (29 Apr – 10 May 2024): Afghanistan, Yemen, Eretria.
- **47th session** (4 – 15 Nov 2024): DRC, Ethiopia,
- **48th session** (Jan - Feb 2025): El Salvador, Madagascar, Iraq,

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Treaty Bodies and HRs Committee

- **Enforced Disappearances**: findings on Burkina Faso and Honduras
- **CEDAW Committee**: findings on CAR and Niger
- **Torture**: Mission to DR Congo, Honduras and Nigeria in 2nd half of 2024.
- **Human Rights Committee**: Regular review of implementation of ICCPR of Somalia

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Key Messages

- We SHARE a common ground. Humanitarian work is also human rights work.
- Human rights law is the critical normative guide for protection. The law on its own does not offer immediate operational solutions; it suggests approaches.
- Human rights open the door to partnerships and collaborative advocacy.

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Use of Human Rights Matrix – Danish Refugee Council

Suggested Taxonomy to organize data and information	Possible relati
CONCEPT	Threa
(Forced) family separation	Threa
(Forced) internal displacement	Threa
Abduction, kidnapping or enforced disappearance	Threa
Arbitrary denial or deprivation of nationality	Threa
Arbitrary or unlawful arrest and/or detention	Threa
Child labour	Threa
Child trafficking, abduction or sale	Threa
Children associated with armed forces or armed groups	Threa

3

ABDUCTION, KIDNAPPING OR ENFORCED DISAPPEARANCE

3

Possible relation between concept and protection risk

THREAT

Type of protection Threat

COERCION **VIOLENCE**

Definition:

Unlawful taking or detention of one person by another. Enforced disappearance occurs when the deprivation of liberty is carried out by State agents, or by persons or groups of persons acting with the State's support or acquiescence or by a non-state armed group. Those responsible refuse to acknowledge the detention or they conceal the concerned person's fate and whereabouts, which places the person outside the protection of the law.

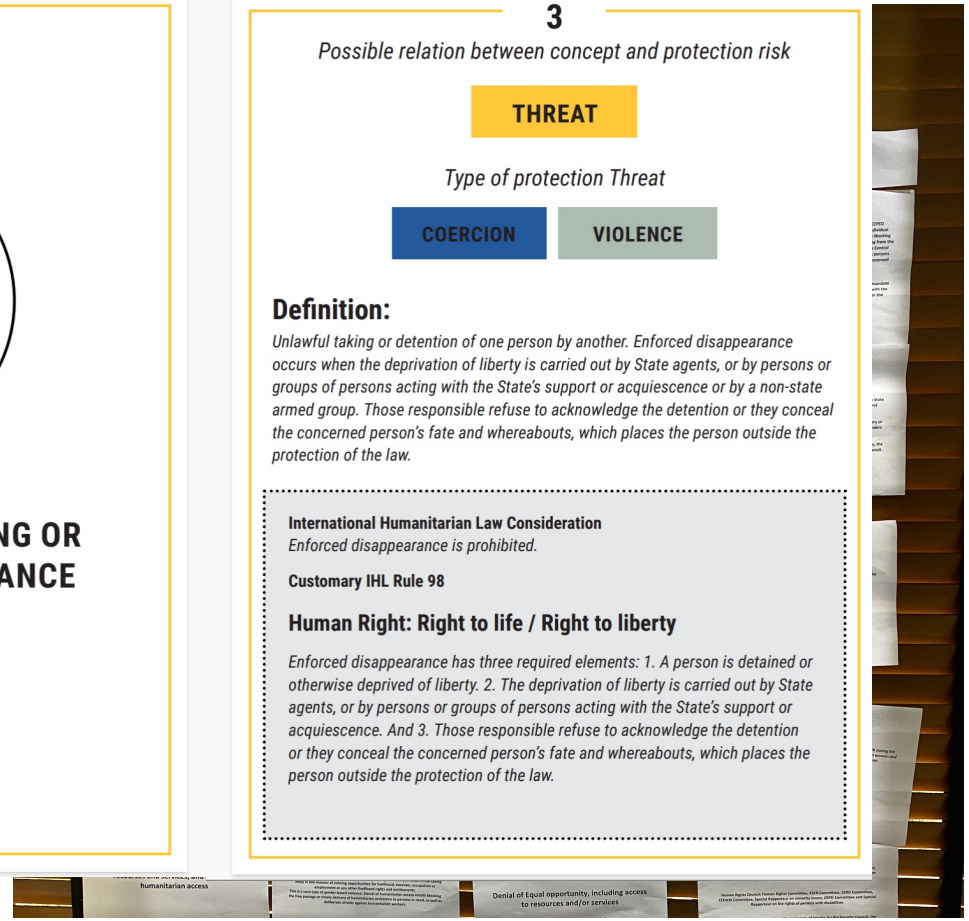
International Humanitarian Law Consideration

Enforced disappearance is prohibited.

Customary IHL Rule 98

Human Right: Right to life / Right to liberty

Enforced disappearance has three required elements: 1. A person is detained or otherwise deprived of liberty. 2. The deprivation of liberty is carried out by State agents, or by persons or groups of persons acting with the State's support or acquiescence. And 3. Those responsible refuse to acknowledge the detention or they conceal the concerned person's fate and whereabouts, which places the person outside the protection of the law.



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- Protection Risk and Human Rights Matrix
- Training Series on Human Rights Engagement

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