



Webinar – Launch of the Practical Guide for Field Protection Clusters on Engagement with National Human Rights Institutions

Tuesday, 31 August 2021

- A recording of the webinar is accessible to UNHCR staff [here](#)
- The Guide is available at the following [link](#)

Short Presentation of the Guide (Lobna Abdelhadi)

NHRIs are a unique partner for PCs in four different ways:

1. Protection: the broad mandate that NHRIs have to promote and protect the human rights of all persons on the territory is very compatible with the mandate and objectives of PCs.
2. Access: wider geographical reach and develop sustainable protection strategies.
3. Mandate: NHRIs' unique position as State institutions that function in an independent manner is a strategic asset for PCs.
4. Competence: NHRIs frequently have the competence to, inter alia, handle individual cases, monitor cases of detention, facilitate access to redress mechanisms and monitor the protection issues faced by IDPs.

Areas of possible collaboration between PCs and NHRIs include:

- Data collection and monitoring the human rights situation of affected populations;
- Strengthened capacity to conduct monitoring of places of deprivation of liberty;
- Monitoring- including cases of voluntary return and sensitive cases;
- Advancing legislation and policies related to internal displacement;
- Facilitating access to justice for affected populations;
- Strengthening the protection of crisis affected populations;
- Ensuring an age, gender and diversity approach in engagement with NHRIs;
- Strengthening the protection of persons forcibly displaced in the context of climate change;
- PCs can advocate for the establishment of a NHRI in the country or strengthen the institutions' capacity to address issues related to protection of crisis affected populations;
- PCs can strengthen and mutually benefit from NHRIs' role in mainstreaming human rights in state emergency preparedness.

PCs should keep two key considerations in mind when engaging with NHRIs:

- Formalized channels of collaboration between PCs and these institutions could set out the common areas of work, roles and responsibilities, working methods, data protection considerations and confidentiality concerns as well as the “do no harm” principle.
- Implementation of activities jointly with NHRIs may require building the capacity of the institutions on the international standards for the protection of affected persons, and equally fall within the scope of engagement of NHRIs.



GANHRI Representative (Katharina Rose)

GANHRI is the global network bringing together NHRIs from all parts of world. GANHRI works closely with partners from the UN, civil society and regional networks to serve as a platform for NHRIs to share experiences and expertise and to ensure strong and independent institutions. In many places around the world, members and staff of NHRIs have demonstrated the contributions they can make in monitoring violations, challenging authorities, and offering protection to individuals.

All NHRIs have monitoring mandates. They monitor situations on the ground with special attention to vulnerable populations, including women, children, persons with disabilities, etc. Many have investigative mandates, and some have mandates to monitor places of deprivation of liberty. They handle individual complaints and facilitate access to justice for victims. NHRIs also have a strong advisory mandate, where they advise states on the ratification of international instruments and on legislative reform to ensure compliance with international human rights norms. Based on their monitoring activities, they report their findings and recommendations to national, regional and international bodies such as governments, treaty bodies and UPR submissions.

In past months, chair of AFG NHRI has provided critical information to the UN Security Council on the situation of human rights on the ground and has made recommendations on protection policy.

The UN has a critical role in supporting states to build strong and independent NHRIs, which is recognized in SDG 16 as one of the indicators of progress.

NHRIs need full responsiveness from states, authorities and other actors, as well as strong mandates and efficient funding for them to fulfil their objectives effectively.

There is worrying trend of members being subject to threats and other acts of intimidation due to the activities they conduct (investigations, reporting on human rights violations, etc.).

With that in mind, GANHRI welcomes the Guide, which clearly sets out the mandate of NHRIs and offers concrete suggestions on how field PCs can engage with NHRIs.

Protection Cluster Philippines (Lindsey Atienza and Alpha Carole Pontanal)

At the national level, the Commission on Human Rights (CHR), a national human rights institution in the Philippines, entered into a project partnership agreement with UNHCR to strengthen its mandate in IDP protection in its identified core areas, the Mindanao regions, and the Region VIII in Visayas. At the subnational (autonomous region) level, the Bangsamoro Human Rights Commission (BHRC) has jurisdiction over the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) in the Philippines. It was created under the Bangsamoro Organic Law and institutionalized by virtue of Bangsamoro Autonomy Act No. 4 which was signed into law on 14 January 2020. It succeeded the Regional Human Rights Commission (RHRC) of the now-abolished Autonomous Region in Muslim Mindanao (ARMM).

Regarding engagement of the PC with NHRIs, the PC has four main areas of focus.



- The first is on legislative advocacy. At the national level, CHR has partnered with the PC on implementing advocacy activities in the passage of an IDP Protection Bill at the national and regional (BARMM) levels.
- The second is on protection monitoring and reporting. The CHR conducts monitoring missions to assess the protection situation of IDPs in displacement camps and host communities. The findings of the CHR are included in the reports and thematic bulletins of the PC.
- The third is on capacity building development. CHR provides support to trainings on human rights issues in the context of displacement and advocacy strategies on the passage of the bill.
- The fourth is on coordination. CHR has been participating in the Mindanao virtual protection coordination platform, where it provides updates on IDPs that have been displaced due to armed conflict and natural disasters in the five non-BARMM regions.

Regarding engagement at the sub-national (autonomous region) level, the RHRC was the institution previously mandated for overseeing the protection of human rights in the autonomous region. Between 2012 and 2019, the RHRC participated in the established inter-agency protection coordination mechanisms, such as the BARMM Protection Working Group and the Mindanao Virtual Protection Coordination Platform. It also participated in other protection mechanisms to raise sector-specific human rights concerns. The RHRC was dissolved upon the ratification in 2019 of the Bangsamoro Organic Law, which establishes a new government in the BARMM. Although the BHRC is at its very early stages, the PC is organizing a three-part training series for BHRC staff, while other areas of engagement are still at a planning stage.

Key takeaways:

- Challenges
 - o Quarantine restrictions amidst the pandemic limit the mobility of the Focal points, the NHRI: (1) utilizes secondary data from official sources for purpose of baseline data; (2) refers cases or concerns with concerned agencies or organizations; and (3) makes use of its community-based networks that were organized under the UNHCR-CHR IDP Protection Project since 2018.
 - o At the moment, only one of the three BHRC Commissioners has been appointed
- Opportunities
 - o In the BARMM, agencies with protection mandate are open and receptive to external support from protection agencies / PC
 - o Ensuring productive partnership between the BARMM government and external actors is part of the 10 point agenda of the Chief Minister
- Lessons learned
 - o Always align the support and messaging with the mandate of the organization (e.g. IDP protection is human rights protection)
 - o Have a shared understanding of terminologies used, and be aware of language of the NHRI (e.g. transitional justice, human rights violations vs. protection issues)



NHRC Philippines (Commissioner Karen)

The NHRC in Philippines is particularly strong because it is enshrined in the constitution, which contains a specific chapter on human rights.

Regarding engagement with the PC, the NHRC is mandated to monitor state compliance with international treaty obligations. Because there is no treaty on the protection of IDPs, the NHRC relies on UN Guiding Principles to provide protection. CHR adopts a human rights-based approach to humanitarian protection. Unlike other humanitarian actors, the NHRI has the power to hold the government accountable for its actions or inactions.

The CHR conducts protection monitoring activities in the field, particularly in Regions VIII and Mindanao regions. It takes on a collaborative role with BARM, including conducting investigations of alleged human rights violations against IDPs and displacement camp visits. Advocacy building and information dissemination is also key focus area of the CHR's work. It reports on the general situation of IDPs. These reports often find their way to many fora such as Parliament, treaty body submissions, and diplomatic briefings at the national level. The CHR sees the PC as a venue to mainstream their advocacy. The CHRP is included in different subclusters of the PC (Protection, Children, Women, GBV).

Opportunities for NHRI-PC collaboration include joint monitoring in IDP areas, a formalized referral structure between the CHRP and the Department of Social Welfare and Development (DSWD), and independent investigations of human rights issues in displacement areas.

Protection Cluster Niger (Claudine Nzuba Ndabarinze)

The protection environment in Niger is characterized by strong activism from armed non-state actors that commit gross human rights violations such as enforced disappearances and assassinations. This situation causes a state of panic in civilian population areas and leads to large IDP returnee movements.

The PC's engagement with the NHRI in Niger is focused on four areas:

1. Participation in meetings and regular consultations
 - The NHRI is an active player in meetings on the protection situation of IDPs with other protection actors. There is a regular exchange of protection monitoring reports and quick emergency reports, where the concerns of the population are shared.
 - As an example, when the PC was alerted of 102 disappearance cases in 2020, it directly seized the National Human Rights Commission. The Commission conducted an investigation and confirmed the reported allegations. Their findings were included in the PC's annual reports on the situation of human rights.
2. Support and follow up on advocacy
 - The PC can engage the Commission either directly, or through other partners such as OHCHR. With their advocacy, they have been able to get investigations launched which amounted to admissions of facts on the ground.
 - As an example, there were allegations of acts of GBV by the military group deployed in the context of G5 Sahel. The PC prepared advocacy notes for OHCHR, which investigated the allegations. Following the investigation, G5



Sahel and the minister of foreign relations admitted to the crimes committed by the military. Measures were also taken to sanction the guilty parties.

3. Capacity building

- A capacity building workshop for protection actors from 24 to 26 August 2021 was organized in Tillabéri.
- The PC included the NHRI's focal point at the 5th class on internal displacement of the Sanremo Institute.

4. Joint Action Plan

- A joint action plan is being considered for collaboration between the PC and NHRI.

Two main challenges have arisen in the course of engagement between the PC and the NHRI. It has been difficult to engage the NHRI on the practices perpetrated by the authorities in violation of national law. It was particularly difficult in the case of IDP returns for the NHRI to get engaged and the efforts did not yield good results. Moreover, internet connectivity issues have made virtual meetings more difficult since the start of the pandemic.

Questions

For colleagues in Philippines, could you give examples of joint initiatives in the area of advocacy?

- **Commissioner Karen:** With legislation, joint advocacy efforts were made but failed as the IDP bill was vetoed by the president. The reason for the bill being blocked was that the lobby of the security sector was very strong. The NHRI was given the ability to compensate affected communities, but this was found to be in violation of the constitution. The humanitarian community was very disappointed by this outcome. The good practice to follow is to form dynamic teams, which is valuable on the ground. It is not enough to simply work with NHRIs, it must be a good relationship.
- **Lindsey Atienza:** Even if the IDP bill was vetoed, the PC is still advocating for the passage of the bill even during the next Congress (the current Congress will adjourn mid 2022). They also conducted a webinar on strategies to get the bill passed.

Is it possible to share materials on support in capacity building?

- **Commissioner Karen:** Training modules on capacity building and IDPs are being developed for NHRI staff and partners on the ground.
- **Lindsey Atienza:** The PC in Philippines held a webinar on strategies to get the IDP bill passed.

What are some key challenges to collaboration between PCs and NHRIs?

- **Katharina Rose:** NHRIs must have the mandate, capacities and resources to implement their mandate effectively and independently from state interference. This requires advocacy and support from partners on the ground and at the national level. The guide sets out ways for PC to engage in support of NHRIs. Another challenge is that some NHRIs face security issues and threats as a result of their activities. When



these situations happen, actors on the ground must come together and devise a strategy on how to address the situation while ensuring humanitarian principles are respected. Finally, GANHRI has been advocating for the UN to open a meaningful space for NHRIs. They are beholders of critical, authoritative and evidence-based information which UN agencies can act upon. The question remains as to where the voices of NHRIs should be heard at the global level.

- **Alpha Carole Pontanal:** New commissioners of NHRI are not as interested in protection of IDPs, so it can be difficult because they are sometimes convinced that IDP protection is not part of their mandate.

Were there any negative fallouts for protection cluster partners due to their close collaboration with NHRI in the Philippines, or vice versa? If no negative fallout for either of them, then how were they avoided? What conscious choices were made while deciding the collaboration to avoid these?

- **Lindsey Atienza:** None have been observed so far. Efforts are being focused on the protection of IDP communities.
- **Alpha Carole Pontanal:** The absence of negative fallouts can be attributed to the low profile of the collaboration. Furthermore, there is a different way to deal with humanitarian situations compared to how other human rights issues are dealt with. Humanitarian emergencies do not create contexts of objection.

Additional Remarks (Valerie Svobodova)

- A handbook for NHRIs will be published soon. It was drafted jointly between OHCHR, UNDP, GANHRI and the SR on IDPs.
- Human Rights Engagement Task Team are developing modules on human rights engagement for Field PCs. They are being piloted before the end of the year and will help colleagues in their engagement and advocacy with NHRIs.