

Good Practice Guide

Protection Cluster practices

Source: [UNHCR Compilation of Good Practices on Engaging with Human Rights Systems](#) (including Protection Cluster examples).

Engaging with Human Rights Mechanisms on Forced Relocation

Where: Anonymized country

HR Mechanisms: Special Rapporteur on the Human Rights of Internally Displaced Persons, Universal Periodic Review and Human Rights Committee

Over the past few years, an African country has evolved from a climate-induced displacement situation into a conflict-based displacement and the UN country team was largely dominated by development actors who have been providing assistance for several years but had little experience in analyzing human rights violations.

Parts of the country have increasingly been targeted by the actions of non-state armed groups, resulting in forced displacement and serious protection incidents affecting civilians. This phenomenon prompted a military response by the State, accompanied by forced relocations from certain areas of conflict. As a result, displacement has increased to unprecedented levels, with IDPs facing protection concerns from the moment of flight, throughout their displacement and upon arriving in areas of displacement.

The protection cluster which has been newly set up in this country decided to engage with human rights mechanisms to highlight issues relating to IDPs and increase the visibility of protection issues and its advocacy. With an upcoming UPR session, a review of the State's ICCPR commitments by the Human Rights Committee and the fact that the Special Rapporteur on the Human Rights of IDPs was informed on the matter, the protection cluster seized this opportunity to provide confidential comments and submissions to the various human rights mechanisms.

Several issues were brought to the attention of the human rights mechanisms such as the importance of the voluntary aspect of relocations, the dignified transportation of IDPs, the preservation of family units and the need to provide civil documentation to IDPs who may have lost them in the displacement. Those concerns raised by the protection cluster were taken up by the mechanisms and translated into recommendations. These recommendations provided significant support to the protection cluster's advocacy on these issues.

Through its ongoing work, the protection cluster observed that IDPs were more involved in relocation decisions, that ultimately forced relocations stopped and that the majority of IDPs were able to access civil documentation obtain new birth certificates and/or ID cards.

Monitoring human rights through the protection cluster and engaging with the Independent Expert on the situation of human rights in Mali

Where: Mali

HR Mechanism: Independent Expert on the situation of human rights in Mali

The political and human rights situation in Mali and more generally in the Sahel region has been complex and volatile recently. In light of the multiplicity of protection issues involved, such as the mixed migration flow, internal displacement, refugees situations, armed conflict and presence of a UN peacekeeping mission (MINUSMA) and the coexistence of several dedicated human rights mechanisms. UNHCR, leading the protection cluster with NRC, had to adopt a strategic yet holistic approach when it came to human rights engagement. The engagement strategy was developed along three major threads to cover all issues.

The protection cluster, in addition to monitoring protection concerns, also identified human rights violations in relation to all type of population, including those involving internally displaced persons such as forced displacement or forced return, with a grid containing 6 categories of violations and 33 types of violations in the conflict-affected regions of Mali. The Protection Cluster provides a protection analysis, based on the results of the protection monitoring, in each of its monthly meetings – to inform protection partners about existing trends. The HR section of the MINUSMA is an active member of the Protection Cluster, participate in meetings, and contributes to the discussion and joint analysis. When needed, more confidential or ad-hoc discussion/sharing of information took place. This initiative has been extremely useful to trigger discussions around protection issues, to strengthen the Humanitarian Country Team’s collective advocacy, and to shift the narrative from what was mainly seen as a conflict and food crisis to a human rights protection crisis.

The second area of engagement has been around strengthening the relationship between the protection cluster and the OHCHR office in Mali which is embedded in the MINUSMA operation. As the OHCHR team is quite large, the first step was to identify the key stakeholders and partners to communicate on protection issues. While there may have been some resistance and misunderstanding in the past, the development of a stronger working relationship helped building expertise on both sides and the protection cluster conducted training and shared information on protection-related issues. This approach allowed the protection cluster to bring focus on issues under-reported such as slavery and trafficking, and have more targeted engagement with relevant human rights mechanisms.

Finally, the protection cluster also engaged with the Commission Nationale des Droits Humains (National Human Rights Institution) which is now a full member of the protection cluster and has been a key interlocutor on human rights issues affecting displaced persons such as descent-based slavery for instance. The Committee is also the relay with the authorities in Mali and has access and influence over certain parts of government thereby increasing the efficiency of the protection cluster advocacy.

Planning a comprehensive advocacy strategy around the Special Rapporteur for IDP’s visit

Where: Niger

HR Mechanism: Special Rapporteur on the Human Rights of Internally Displaced Persons

Since 2015, there has been a significant increase in the number of internal displacement situations in Niger. The displacement has been the result of Boko Haram insurgencies, as well as the ongoing conflict at the border with Mali, creating numerous and intertwined human rights and protection issues. In this context, as the internal displacement was rather new for the country, the Government and key stakeholders, including the protection cluster, led by UNHCR, was facing several challenges in terms of capacity of the Government as well as local actors around internal displacement and protection issues, including when it came to acknowledging the existence of an IDP issue. Therefore, the protection cluster felt that there was a need to have a more comprehensive strategy at the level of the Humanitarian Country Team as well as a solid legal framework around internal displacement.

The protection cluster got in touch with the Special Rapporteur on the Human Rights of IDPs, Cecilia Jimenez, for a possible country visit to Niger, which was approved by the Government and scheduled for April 2018. Ahead of the visit, the humanitarian community, led by the protection cluster, worked very closely together to have a shared understanding of the key protection issues and put forward priority advocacy messages. The protection cluster also organized several series of trainings to different stakeholders, including government, humanitarian country team or cluster members. The upcoming visit was used to create a momentum building up on awareness and on the importance of protection in internal displacement which would be used beyond the visit.

Ahead of the visit, the protection cluster put together a series of points on complex issues that could be reinforced through the Special Rapporteur's advocacy messages. During her visit, the Special Rapporteur met with a broad spectrum of stakeholders such as the different government counterparts, but also with the Humanitarian Country Team, representatives of the security forces, local governments and the IDPs themselves. She was able to use the points made in the course of her meetings.

As a result of this visit and the preparatory work done by the protection cluster, several concrete outcomes and impacts were observed.

As one of the key outcomes, the Governor of one of the affected areas in Niger acknowledged officially that there was an internal displacement situation in the region and started to work more collaboratively with humanitarian actors on a response plan.

Another concrete outcome was that the Humanitarian Country Team committed to translating the recommendations which came out of the Special Rapporteur's visit into a concrete action plan which was connected to the HCT protection strategy.

Engaging with UN human rights mechanisms – NGO partners perspective

Where: Nigeria

HR Mechanisms: Special Rapporteur on the human rights of internally displaced persons and the High-Level Panel on Internal Displacement.

Since 2009, there is a protracted conflict in Northeast Nigeria between the government's armed forces and Boko Haram and other armed groups. The hostilities have led to widespread internal displacements in the conflict-affected states. While in 2015, the Government's armed forces have regained control of certain part of the territory previously controlled by Boko Haram, the population is still under frequent attacks which have caused further displacement within government control areas and relocation of the population to IDP camps guarded by Nigerian forces. In 2020, the authorities encouraged the population to return to their place of origin while facing challenges to provide adequate services such as security, clean water and food, and promoting return to areas which are inaccessible to humanitarian actors.

The sub-national protection cluster is co-led in this region by UNHCR, the International Rescue Committee and representatives of the Nigerian authorities. The cluster facilitated submissions on issues such as housing, land and property rights, as well as trafficking in persons, as part of consultations held by the respective Special Rapporteurs. Although there were other significant protection issues which would need to be addressed in the context of the cluster, the sensitivity around the actions of the Government led a group of NGO protection experts from the cluster to create an

informal sub-forum, the “protection collective”, which started to explore significant engagement with UN human rights mechanisms.

The “protection collective” provided comments and recommendations to a joint submission, coordinated by OCHA, to the annual Report of the UN Secretary-General on the Protection of Civilians in Armed Conflict. The collective also made detailed confidential submissions to the Special Rapporteur on the human rights of IDPs and to the UN High-Level Panel on Internal Displacement, highlighting the necessity for the Nigerian government to be accountable for services and security in the Northeastern region, especially in locations identified for the return of IDPs. Such submissions would have been considered too sensitive to make in the context of the protection cluster and therefore the protection experts decided to be more creative in their approach and utilize human rights mechanisms.

While it is not necessarily easy to identify the direct impact of such initiatives, the engagement with the human rights mechanisms helped in creating a common narrative among members of the “protection collective” and other protection actors, shed light on the issue and change the perception – including of donors and the humanitarian leadership in country – when it came to handling the relocation of IDPs. It might have contributed to triggering a visit of the UN Secretary General which would take place next year in Northeast Nigeria. The protection collective acted as a parallel structure to the official protection cluster to foster dialogue and address sensitive issues together with human rights mechanisms.

Bringing focus on IDPs and climate change through the protection cluster

Where: Chad

HR Mechanism: Special Rapporteur on the human rights of internally displaced persons

On World Humanitarian Day 2021, the Special Rapporteur on the human rights of IDPs and the Global Protection Cluster Coordinator issued a joint statement which stressed that *“the outlook for countries burdened by conflict, violence, poverty and underdevelopment includes dangerous compounded effects related to extreme and sudden events as well as slow-onset adverse effects of climate change. Tensions and conflict over land and natural resources are likely to heighten and exacerbate existing disputes and inequalities, drive inter-communal violence and increase displacement”*.¹ Climate change and its consequences on displaced persons are currently at the heart of UNHCR’s and the Global Protection Cluster’s strategy and advocacy.

In that context, the protection cluster in Chad was asked by the Special Rapporteur to contribute to consultations on the effects of climate change on the rights of IDPs by way of a presentation to a side event of the UN General Assembly. As the situation of IDPs in Chad is not only caused by climate change but also by the conflicts in the region, the protection cluster also worked with the Special Rapporteur on the issue of arbitrary displacement in the context of armed conflict. The protection cluster was asked to respond to specific questions on how arbitrary displacement was defined, how to prevent it and how this was defining both theory and practice in the Chad context.

These interventions were used as well by the protection cluster in developing its protection strategy and, guided by some of the recommendations included in the report issued by the Special Rapporteur, the protection cluster streamlined those aspects into its work plan. With the advice of HRLU through

¹ [Humanitarians protecting people in the climate change emergency](#), Joint statement by the Special Rapporteur on the Human Rights of Internally Displaced Persons and the Global Protection Cluster Coordinator on World Humanitarian Day 2021, 19 August 2021.

the Global Protection Cluster Task Team on Human Rights Engagement, the protection cluster also worked on building capacity of its members on what the different UN human rights mechanisms are and how they can be used to leverage and promote respect for human rights at country level.

The interventions and the UN Secretary General's Call to Action for Human Rights issued in 2020 also provided a global platform to raise visibility to the internal displacement crisis in Chad and gained traction in discussions within the Humanitarian Country Team. They fostered discussion with the National Human Rights Commission and even members of civil society on how the responses to internal displacement could be operationalized. The protection cluster came up with a number of activities that it could work on with the National Human Rights Commission, such as joint protection, monitoring, fact finding missions, joint advocacy messages as well as a review of the national legal framework related to prevention of internal displacement and support to the Government on the domestication of the Kampala Convention.

While the impact of such activities and advocacy is hard to measure as they are still ongoing, the main outcome was to bring more focus on the protection situation of IDPs in Chad and reinforce the advocacy message on consequences of climate change and conflicts when it comes to internal displacement.