



Global Protection Cluster



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FACILITATOR'S GUIDE

SESSION 5 – INTEGRATING ENGAGEMENT WITH THE HUMAN RIGHTS MECHANISMS IN CLUSTER INTERVENTIONS





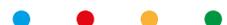
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SESSION 5 – INTEGRATING ENGAGEMENT WITH THE HUMAN RIGHTS MECHANISMS IN CLUSTER INTERVENTIONS



Resources

- Instructions for participants on the group exercise (also available in annex of this document)
- Hand-out No. 1: Fictive protection strategy focusing on internal displacement
- Hand-out No. 2: Fictive calendar of reviews before the UN human rights mechanisms
- [Strategic Framework 2020-2024 of the Global Protection Cluster “Protection in a Climate of Change”](#)



SESSION OVERVIEW



Section	Content	Timing (approximate)
Introductions 	<ul style="list-style-type: none"> Introduce co-facilitators (if they're appearing for the first time) Cover ground rules for the session briefly Go over topics covered in this session 	5 minutes
Discussion 	<p>Guided discussion (to introduce the next steps in the process): What do we do after we conducted the human rights analysis, mapped stakeholders and identified communication opportunities?</p> <ul style="list-style-type: none"> Link to the session on human rights analysis Protection strategy (planning) We work with several processes running in parallel. We need to find points where these processes can intersect and reinforce each other. Link back to the visual representation of the process 	10 minutes
Group exercise: 	<p>Present the fictive Protection Strategy on Internal Displacement in DRC. Introduce the fictive calendar of reviews by human rights mechanisms for DRC.</p> <p>Divide participants in two groups. Instructions for participants (Use three handouts: 1) one handout referring to the Instructions for participants as well as 2) two handouts which contain the details of the exercise).</p> <p>The participants must answer the four questions indicated in the instructions.</p> <p>During the debriefing, each group presents on one of the questions as follows:</p> <ul style="list-style-type: none"> Group 1 : Discuss in your group the context presented in the Strategy and identify possible human rights violations. Group 1: Select two objectives from the Strategy that would respond to some of the human rights violations you identify in the case study. Look at the objectives, which ones would you pick? Group 2: Select two Strategy objectives and discuss what human rights mechanisms you could use to advance towards achieving those objectives. Use the fictive calendar of reviews of the human rights mechanisms. Indicate for each human rights mechanism whether the mechanism is: (a) priority; (b) not a priority; (c) not relevant. Group 2: What concrete actions would you plan to engage one human rights mechanism you identified for the Strategy objective you selected? <p>Identify human rights violations, two Strategy objectives, human rights mechanisms, actions to integrate human rights mechanisms with the Strategy objectives.</p> <p>Take notes of the presentations from the four groups and fill in elements to the respective flip chart (or your personal note pad if its online).</p> <p>At the end of the presentations, present the overall outcome of the exercise which is a plan for implementing the strategy using the human rights mechanisms.</p>	30 minutes



Section	Content	Timing (approximate)
Debrief 	<p>Gather the inputs from the four groups and present the resulting plan to implement the Protection Strategy related to internal displacement in the DRC. Provide feedback on the following aspects:</p> <ul style="list-style-type: none"> ○ Qualification of protection concerns as human rights violations; ○ Assess the Strategy objectives and how those human rights violations could be integrated into those protection objectives; ○ Identify relevant human rights instruments and mechanisms; ○ Discuss how the planned activities include engagement with human rights mechanisms. ○ Point out how the groups used the calendar of reviews before the UN human rights mechanisms. ○ Timelines and prioritization ○ Connections between UN and regional human rights mechanisms. ○ Give as example the Strategic Framework 2020-2024 of the Global Protection Cluster “Protection in a Climate of Change” <p>Ask participants a few more general questions:</p> <ul style="list-style-type: none"> ○ How can the use of human rights mechanisms support the implementation of the protection strategy? ○ When you discussed integrating the human rights mechanisms, what additional steps did you have to consider compared to how you were working before? 	35 minutes
Key messages 	<ul style="list-style-type: none"> ○ The strategic and well-planned use of human rights mechanisms can enhance the protection of affected populations. ○ Engagement with the human rights system is one of the possible responses to address human rights violations and protection risks. ○ Consider the use of the human rights system as an integral part when drafting, applying and implementing protection strategies. 	5 minutes
Closing 	<p>The next virtual session focuses on Implementing Human Rights Engagement (HRE) in Cluster work</p>	5 minutes
Total time 		90 minutes



NOTES FOR FACILITATOR



Slide	FACILITATOR'S NOTES
Slide 1: Cover slide	Welcome participants while waiting for the other participants to join.
Slide 2: Ground rules	Mention that the ground rules remain the same.
Slide 3: What the session is about	Highlight the key topics of this session.
Slide 4: What happens next 	<p>Explain that in the session regarding human rights analysis, we discussed the purpose of conducting a human rights analysis. We may conduct human rights analysis in order to understand power structures, context, causes of human rights violations; to understand ways in which laws and policies are adopted and implemented and with what consequences; to understand how affected populations may be impacted; to assess States' capacity or willingness to redress human rights violations.</p> <p>Once we have uncovered all those elements, the question arises how we integrate them in our interventions. The same goes for the mapping of stakeholders and the communication and advocacy messages we developed.</p> <p>Integrating engagement with human rights mechanisms means having a clear understanding of the international and regional human rights norms applicable in that country. It also requires a thorough understanding of where we are in our protection interventions. It requires also an understanding of what has already been done so that the engagement with the human rights mechanisms catalyses those actions and reinforces the effects of those interventions.</p> <p>We also need to think back at the nature of human rights engagement. The engagement with the human rights mechanisms should not be seen as a process that we carry out in parallel in disconnect from other protection interventions. Rather, human rights engagement needs to be considered as an integral part- in the same reflection that we put when we design protection interventions, we also need to think about what aspects of the protection advocacy can be reinforced through the human rights mechanisms.</p> <p>So, when you plan a protection intervention or you think about ways in which you can implement a protection policy, have in mind also the ways in which the human rights mechanisms can help, whether you consider working with human rights frameworks at national, regional or international level.</p> <p>The diversity in the mandates of the human rights mechanisms and the diversity of procedures available make the human rights mechanisms a strong interlocutor for protection cluster interventions.</p> <p>To see concretely how we can think about integrating engagement with the human rights mechanisms in cluster interventions, we are going to do a group exercise</p>



Slide	FACILITATOR's NOTES
Slide 5: Group Exercise 	<p>Indicate that we will work together on a group exercise.</p> <p>Present the instructions for this exercise. Use slide 5 from the powerpoint presentation on the screen.</p> <p>Remind participants that they received in advance the instructions for this exercise, and two Handouts.</p> <p>Ask if participants have questions about the exercise.</p>
Slide 6: Break out room instructions	<p>Remind participants about the practice of working in breakout rooms.</p>
Slide 7: Debrief 	<p>Inform participants that we will start the debriefing.</p> <p>Explain to participants that we will go through the debriefing question-by-question. Group 1 will present their answers to Question 1 and 3 Group 2 will present their answers to Question 2 and 4</p> <p>Provide comments and invite comments from the other participants after every group presentation.</p> <p>Invite the two representatives from group 1 to debrief on the first question.</p> <p>Once Group 1 finished presenting, ask the other group if they identified other human rights violations.</p> <p>Invite Group 2 to debrief.</p> <p>Ask the other group to add comments depending on time available. The facilitator summarizes the discussions after all the groups have presented their answers.</p> <p>Highlight the key aspects that participants have taken into account throughout this exercise (turns to slide 4):</p> <ul style="list-style-type: none"> ○ Qualification of protection risks as human rights violations; ○ Assess the Strategy objectives and how those human rights violations could be integrated into those protection objectives; ○ Identify of relevant human rights instruments and mechanisms; ○ Discuss how the planned activities include engagement with human rights norms and the human rights mechanisms. ○ Point out how the groups used the calendar of reviews before the UN human rights mechanisms. ○ Timelines and prioritization ○ Connections between UN and regional human rights mechanisms.

Slide	FACILITATOR's NOTES
	<p>Finally, give as example the Strategic Framework 2020-2024 of the Global Protection Cluster "Protection in a Climate of Change".</p> <p>Scroll through the Strategic Framework and highlight a commitment expressed on:</p> <ul style="list-style-type: none"> ○ p. 17 whereby the Global Protection Cluster undertakes to support engagement with human rights mechanisms and special procedures. ○ P. 18 whereby the Global Protection Cluster undertakes to respond to field requests for advocacy on sensitive issues including reported violations of international human rights law. ○ P. 18 where the Global Protection Clusters undertakes to widen advocacy partnerships in order to ensure rights-holders have strategic representation in relevant human rights and protection fora. <p>This is an example of a strategy where engagement with the human rights mechanisms has been taken into account; the purpose is to address and respond to human rights violations; and affected persons are able to participate in relevant human rights fora.</p> <p>Ask participants if they have final questions.</p>
<p>Slide 8: Key messages</p> 	<p>Summarizes the key messages from this session</p>



ANNEX



Group exercise:

Instructions for participants

You will be asked to do a group exercise during the session. You will work in 2 groups.

To do the exercise, you need to read in advance of the session the following two handouts:

- Handout No. 1 contains a fictive protection strategy on internal displacement in the Democratic Republic of Congo
- Handout No. 2 contains a fictive calendar of reviews of the DRC by several human rights mechanisms.

Each group will need to answer the following four questions:

- Discuss in your group the context presented in the Strategy and identify possible human rights violations. Use Handout No. 1.
- Select two objectives from the Strategy that would respond to some of the human rights violations you identify in the case study. Read the objectives indicated in section 3 of the Protection Strategy, which ones would you pick?
- Choose two protection objectives that you consider most relevant from the fictive Protection Strategy for internally displaced persons in Democratic Republic of Congo. Use the calendar of reviews in Handout No. 2 to guide your decisions regarding the selection of human rights mechanisms. Consider the human rights mechanisms listed below and assess whether the engagement with that mechanism could be a priority or not. If you consider the mechanism is not relevant for your protection objective, mark that mechanism as “not relevant”.
- What concrete actions would you plan to engage one human rights mechanisms you identified for the Strategy objective you selected?

Hand-out No. 1: Fictive Protection Strategy for internally displaced persons in Democratic Republic of Congo (DRC)

1. Summary

The DRC has the largest displaced population in Africa with more than 5.3 million internally displaced persons, including more than 2 million children in 2020 (OCHA). In 2020 alone, an estimated total of 2.2 million people were newly displaced. Moreover, population movement dynamics are highly complex in DRC, and marked by recurrent cycles of displacement as well as significant return trends. In early October 2020, more than 400,000 people (according to official government figures) had returned to the provinces of Kasai, Kasai Central, Kasai Oriental, Kwango and Lualaba provinces following the wave of Congolese expelled from Angola.

To respond to the needs of IDPs and Returnees, the Cluster protection strategy is centered on 2 strategic objectives: (1) a protection-centered response to IDPs and Returnees, (2) integration of resilience and solutions approaches into governmental, humanitarian and development response to internal displacement.



2. Situational analysis

Operational context

A wave of violence has transformed the Greater Kasai region into one of the most serious humanitarian crises in the world. The conflict began in August 2016 with the killing of a local chief by the Congolese armed forces. This resulted in generalised unrest flaring throughout the area.

The peak of violence in one of the country's poorest provinces has died down but the humanitarian needs among displaced people and local communities are extremely high. OCHA reports a total of 710,000 returnees in the provinces of Kasai Central, Lomami and Kasai Oriental. Access to the displaced population is constrained by the lack of security and impassable roads.

Protection analysis

- The local population lives in fear of reprisals from both armed groups and the national army. Displacement is particularly frequent when a territory changes hands. There are consistent reports of protection incidents, including sexual violence, forced recruitment and arbitrary killings, looting, and kidnapping.
- Most IDPs live in host families which makes identification difficult. Humanitarian partners mostly direct their assistance to the ones in IDPs sites; thus reaching a minority of affected persons
- With repeated displacements, the capacity of displaced families and communities to cope has weakened considerably. Humanitarian access is very limited, partly as a result of security restrictions. As a result of dwindling resources, many NGOs are no longer operational in the province. Moreover, protection cluster's engagement with IDPs in the past year has been minimal.
- The increased pressure of armed groups who prey on populations has led to secondary displacements of populations who are unable to move freely or have access to their livelihoods.
- As the displacement is prolonged in areas such as North Kivu (approx. 10 years of displacements for some populations), the prospects for return are fading and the means of survival are completely depleted. In a context where 60% of the province (North Kivu) remains inaccessible due to security constraints, few options remain to build the resilience of populations and work on "possible solutions".

3. Strategic objectives

- 3.1. Support national institutions and local structures to enhance their ability to contribute to protection monitoring with the setting/reinforcement (community network-including; committees for protection and mediation, key informants, community and religious leaders and civil society organization).
- 3.2. Identification and reporting of critical protection risks and specific areas on violations of human rights, individuals or groups at risk of abuse and violence (through, for example, monitoring, field missions to displaced and/or enclaved communities, strengthening communication with communities).
- 3.3. Increase engagement with parties to the conflict, stressing the need to protect civilians and comply with basic principles of international humanitarian law, reaffirming that authorities have the primary responsibility for the security, safety and well-being of civilians and displaced persons across the country.
- 3.4. UN human rights reporting mechanisms are more effectively utilized through improved coordination related to monitoring, reporting and follow-up action in response to possible violations.
- 3.5. Advocate for and promote respect for the rights of IDPs to land, housing, property and civil documentation.
- 3.6. Encourage the government to domesticate the AU 2009 Kampala Convention for the Protection of and Assistance to IDPs.

Hand-out No. 2: Fictive calendar of reviews before the human rights mechanisms for the Democratic Republic of Congo

In November 2021 you receive from the Global Protection Cluster Human Rights Engagement Task Team the following fictive calendar of reviews scheduled for 2022 for your country of operation.

Choose two protection objectives that you consider most relevant from the fictive Protection Cluster Protection Strategy in Democratic Republic of Congo. Use the calendar of reviews below to guide your decisions regarding the selection of human rights mechanisms. Consider the human rights mechanisms listed below and assess whether the engagement with that mechanism could be a priority or not. If you consider the mechanism is not relevant for your protection objective, mark that mechanism as “not relevant”.

Indicate protection objective no. 1:

Human rights mechanism:	Schedule of review	Mark if: Priority; not a priority; not relevant
Universal Periodic Review	November 2022	
The Human Rights Committee	March 2022	
The Working Group on Arbitrary Detention	July 2022	
The European Committee on Social Rights	September 2022	
The Committee on Enforced Disappearances	February 2022	
The UN Special Rapporteur on the enjoyment of human rights by older persons	To be determined	
The Committee on the Elimination of Racial Discrimination	June 2022	
African Commission declares 2021 the Year on Internal Displacement and organizes The African Summit on the relevance of the Kampala Convention	Throughout 2021	

Indicate protection objective no. 2:

Human rights mechanism: list all the mechanisms	Schedule of review	Mark if: Priority; not a priority; not relevant
Universal Periodic Review	November 2022	
The Human Rights Committee	March 2022	
The Working Group on Arbitrary Detention	July 2022	
The European Committee on Social Rights	September 2022	
The Committee on Enforced Disappearances	February 2022	
The UN Special Rapporteur on the enjoyment of human rights by older persons	To be determined	
The Committee on the Elimination of Racial Discrimination	June 2022	
African Commission declares 2021 the Year on Internal Displacement and organizes The African Summit on the relevance of the Kampala Convention	Throughout 2021	

Guidance for facilitators on possible answers to the group exercise

Question 1: Identify human rights violations

Excerpts from Handout No. 1 where several protection risks and human rights violations are indicated.

- The conflict began in August 2016 with the killing of a local chief by the Congolese armed forces. This resulted in generalised unrest flaring throughout the area.
- The local population lives in fear of reprisals from both armed groups and the national army. Displacement is particularly frequent when a territory changes hands. There are consistent reports of protection incidents, including sexual violence, forced recruitment and arbitrary killings, looting, and kidnapping.
- Most IDPs live in host families which makes identification difficult. Humanitarian partners mostly direct their assistance to the ones in IDPs sites; thus reaching a minority of affected persons.
- With repeated displacements, the capacity of displaced families and communities to cope has weakened considerably. Humanitarian access is very limited, partly as a result of security restrictions. As a result of dwindling resources, many NGOs are no longer operational in the province. Moreover, the cluster's direct engagement with IDPs in the past year has been minimal.
- The increased pressure of armed groups who prey on populations has led to secondary displacements of populations who are unable to move freely or have access to their livelihoods.
- As the displacement is prolonged in areas such as North Kivu (approx. 10 years of displacements for some populations), the prospects for return are fading and the means of survival are completely depleted. In a context where 60% of the province (North Kivu) remains inaccessible due to security constraints, few options remain to build the resilience of populations and work on "possible solutions".

Question 2: Select two objectives from the Strategy that would respond to some of the human rights violations you identify in the case study. Which ones would you pick and why?

Objectives	Human rights violations
Objective 1 Support national institutions and local structures to enhance their ability to contribute to protection monitoring with the setting/reinforcement	<ul style="list-style-type: none"> ○ killing of a local chief ○ reprisals
Objective 2 Identification and reporting of critical protection risks and specific areas on violations of human rights, individuals or groups at risk of abuse and violence	<ul style="list-style-type: none"> ○ sexual violence, forced recruitment and arbitrary killings, looting, and kidnapping ○ the capacity of displaced families and communities to cope has weakened considerably ○ displacements of populations who are unable to move freely or have access to their livelihoods
Objective 3 Advocate for and promote respect for the rights of IDPs to land, housing, property and civil documentation.	<ul style="list-style-type: none"> ○ the capacity of displaced families and communities to cope has weakened considerably ○ displacements of populations who are unable to move freely or have access to their livelihoods ○ the prospects for return are fading and the means of survival are completely depleted
Objective 4 Encourage the government to domesticate the AU 2009 Kampala Convention for the Protection of and Assistance to IDPs.	<ul style="list-style-type: none"> ○ repeated displacements ○ most IDPs live in host families which makes identification difficult ○ humanitarian partners mostly direct their assistance to the ones in IDPs sites; thus reaching a minority of affected persons ○ prolonged displacement

Question 3: Select one of your Strategy objectives and discuss what human rights mechanisms you could use to advance towards achieving those objectives. Use the fictive calendar of reviews of the human rights mechanisms. Indicate for each human rights mechanisms whether engaging is: (a) priority; (b) not a priority; (c) not relevant. Explain how you reached these decisions.

Objective 1: Support national institutions and local structures to enhance their ability to contribute to protection monitoring with the setting/reinforcement

Human rights mechanism:	Schedule of review	Mark if: Priority; not a priority; not relevant
Universal Periodic Review	November 2022	Priority
The Human Rights Committee	March 2022	Priority
The Working Group on Arbitrary Detention	July 2022	Not a priority
The European Committee on Social Rights	September 2022	Not relevant
The Committee on Enforced Disappearances	February 2022	Priority (kidnappings)
The UN Special Rapporteur on the enjoyment of human rights by older persons	To be determined	Priority
The Committee on the Elimination of Racial Discrimination	June 2022	Priority
African Commission declares 2021 the Year on Internal Displacement and organizes The African Summit on the relevance of the Kampala Convention	Throughout 2021	Priority

Objective 2: Identification and reporting of critical protection risks and specific areas on violations of human rights, individuals or groups at risk of abuse and violence

Human rights mechanism:	Schedule of review	Mark if: Priority; not a priority; not relevant
Universal Periodic Review	November 2022	Priority
The Human Rights Committee	March 2022	Priority
The Working Group on Arbitrary Detention	July 2022	Not a priority
The European Committee on Social Rights	September 2022	Not relevant
The Committee on Enforced Disappearances	February 2022	Priority
The UN Special Rapporteur on the enjoyment of human rights by older persons	To be determined	Priority
The Committee on the Elimination of Racial Discrimination	June 2022	Priority
African Commission declares 2021 the Year on Internal Displacement and organizes The African Summit on the relevance of the Kampala Convention	Throughout 2021	Priority

Objective 3: Advocate for and promote respect for the rights of IDPs to land, housing, property and civil documentation.

Human rights mechanism:	Schedule of review	Mark if: Priority; not a priority; not relevant
Universal Periodic Review	November 2022	Priority
The Human Rights Committee	March 2022	Priority (means of livelihood and the right to life)
The Working Group on Arbitrary Detention	July 2022	Not a priority
The European Committee on Social Rights	September 2022	Not relevant
The Committee on Enforced Disappearances	February 2022	Not priority
The UN Special Rapporteur on the enjoyment of human rights by older persons	To be determined	Priority
The Committee on the Elimination of Racial Discrimination	June 2022	Priority
African Commission declares 2021 the Year on Internal Displacement and organizes The African Summit on the relevance of the Kampala Convention	Throughout 2021	Priority

Objective 4: Encourage the government to domesticate the AU 2009 Kampala Convention for the Protection of and Assistance to IDPs

Human rights mechanism:	Schedule of review	Mark if: Priority; not a priority; not relevant
Universal Periodic Review	November 2022	Priority
The Human Rights Committee	March 2022	Priority
The Working Group on Arbitrary Detention	July 2022	Not a priority
The European Committee on Social Rights	September 2022	Not relevant
The Committee on Enforced Disappearances	February 2022	Not a priority
The UN Special Rapporteur on the enjoyment of human rights by older persons	To be determined	Priority
The Committee on the Elimination of Racial Discrimination	June 2022	Priority
African Commission declares 2021 the Year on Internal Displacement and organizes The African Summit on the relevance of the Kampala Convention	Throughout 2021	Priority

Question 4: Suggested concrete actions to engage with the identified human rights mechanisms

- Cluster's submission to the Universal Periodic Review (through the cluster lead or a member of the protection cluster)
- Confidential comments to the Human Rights Committee, Committee on Enforced Disappearances, Committee on the Elimination of Racial Discrimination, and the Special Rapporteur on the enjoyment of all human rights by older persons
- Oral statements at the Human Rights Council in the context of the Universal Periodic Review and the Interactive Dialogues with the Special Rapporteur on older persons
- Confidential oral briefings with the Human Rights Committee, the Committee on Enforced Disappearances and the Committee on the Elimination of Racial Discrimination
- Briefings with human rights actors on internal displacement and the domestication of the Kampala Convention
- Organize side-event at the Human Rights Council on the importance of ratification and implementation of the Kampala Convention in protracted displacement situations
- Organize conference/ workshop on the right to housing for internally displaced persons.



Global Protection Cluster