



Human Rights Engagement Strategy

The case for inclusion

2020 - 2023

FRONT COVER

05 March 2019

Bangladesh. Rohingya refugees collecting
drinking water at the communal taps in Teknaf

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1.

CONTEXT AND CENTRAL ROLE OF HUMAN RIGHTS IN UNHCR

1.1 Relevance of Human Rights Engagement to UNHCR's Protection and Solutions Mandate

At the end of 2019, persecution, conflict or violence had driven more than [79 million persons](#) to leave their homes in search for safety and protection internally or across borders. The majority of refugees live in countries neighbouring their own, many of which have limited resources to respond to the challenges of displacement and are struggling to advance their own development. Shrinking asylum space, discrimination and xenophobia, poverty and exclusion leave many refugees without solutions, prospects or the resources necessary to live in safety and dignity.

These negative impacts are compounded for children, persons with disabilities and other vulnerabilities who have been forced to flee their homes. Internally Displaced Persons (IDPs) may face additional or unique protection challenges in some contexts. Moreover, statelessness constitutes a key concern for UNHCR as the phenomenon remains unaddressed in many parts of the world and continues to create protection risks for affected individuals.

The adoption of the Global Compact on Refugees in 2018, together with the ongoing process of regionalization, aims to reinforce the way in which UNHCR discharges its protection and solutions

mandate to the benefit of persons of concern. The first Global Refugee Forum (GRF) was held in December 2019, with the objective of fostering inclusive societies, where persons under UNHCR's mandate and host communities know and exercise their human rights and can therefore thrive and reach their full potential.

In addition to the GRF, the 20th anniversary of the Guiding Principles on Internal Displacement has built momentum around the implementation of a GP20 Plan of Action. In parallel, States' commitment to the 2030 Agenda and the Sustainable Development Goals occupies a central place in international cooperation. Key to these frameworks and processes is inclusion, proximity to persons in need of protection and ensuring that the concerns of all relevant actors/stakeholders are considered. In line with its Strategic Directions 2017-2021, UNHCR *will act as a strong, principled and persuasive advocate for the rights and needs of forcibly displaced persons and of stateless persons.*



A young girl stands outside her family shelter in Kutupalong refugee settlement in Cox's Bazar.

Bangladesh
2 February 2019

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o Escobar-Jaramillo

Human rights are universal, inalienable and indivisible.

All persons are entitled to the enjoyment of human rights. The experience of displacement or statelessness enhances the need for protection under international, regional and national human rights frameworks. These human rights frameworks complement and strengthen the protection of persons under UNHCR's mandate.

Disaster displaced people face numerous protection challenges during their displacement. As recognized by the IASC Operational Guidelines on the Protection of Persons in Situations of Disaster, these protection challenges relate to the short-term needs protected by human rights, including the right to protection of life or the right to access life-saving food, water, shelter or health services for wounded people.

During climate-related disaster displacement, pre-existing weaknesses of the rule of law and patterns of human rights abuses might impact victims of such violations more seriously in disaster situations than in a context where their resilience or the possibility to receive family and community support would be higher.

Displacement, protection and human rights considerations are not yet comprehensively mainstreamed in disaster risk reduction laws and policies. The Strategic Framework on Climate Action sets out UNHCR's overall ambition, priorities and response for a climate action response that protects and assists persons of concern in this context.

The UN human rights treaties and instruments prescribe a wider range of human rights and establish a variety of supervisory mechanisms that foster the creation of an accountability and implementation space that gathers multiple stakeholders, including States, civil society organizations, national human rights institutions, development actors, academia, persons of concern and UNHCR operations.

1.2 Impact on Persons Under UNHCR's Mandate

Concrete examples collected from the field operations demonstrate that UNHCR's engagement with human rights initiatives and human rights mechanisms have yielded positive protection outcomes that have improved the lives of persons of concern¹. These results have been obtained through, *inter alia*:

- UNHCR's engagement with the UN human rights system and mechanisms, based on which UNHCR's advocacy has resulted in changes in national legislations, policies and practices, with a positive impact on the degree to which persons under UNHCR's mandate are able to enjoy their fundamental rights;²
- Improved coordination and programming/planning with counterparts (e.g. UNCT) around the protection of persons of concern;³
- Providing useful information and tools which have enriched UNHCR thinking and protection/operations planning at the country level;⁴
- Working with the human rights mechanisms, to develop the

¹ UNHCR, *UN Human Rights Mechanisms in Practice: A Good Practice Guide*, 2020, available at: <https://intranet.unhcr.org/content/dam/unhcr/intranet/protection-operations/human-rights/documents/english/UN%20Human%20Rights%20Mechanisms%20in%20Practice%20-%20A%20Good%20Practice%20Guide.pdf>.

² See e.g., *Id* at page 11, "Pressing for enactment of legislation concerning internal displacement".

³ See e.g., *Id* at page 15, "Joint follow-up by UNCT".

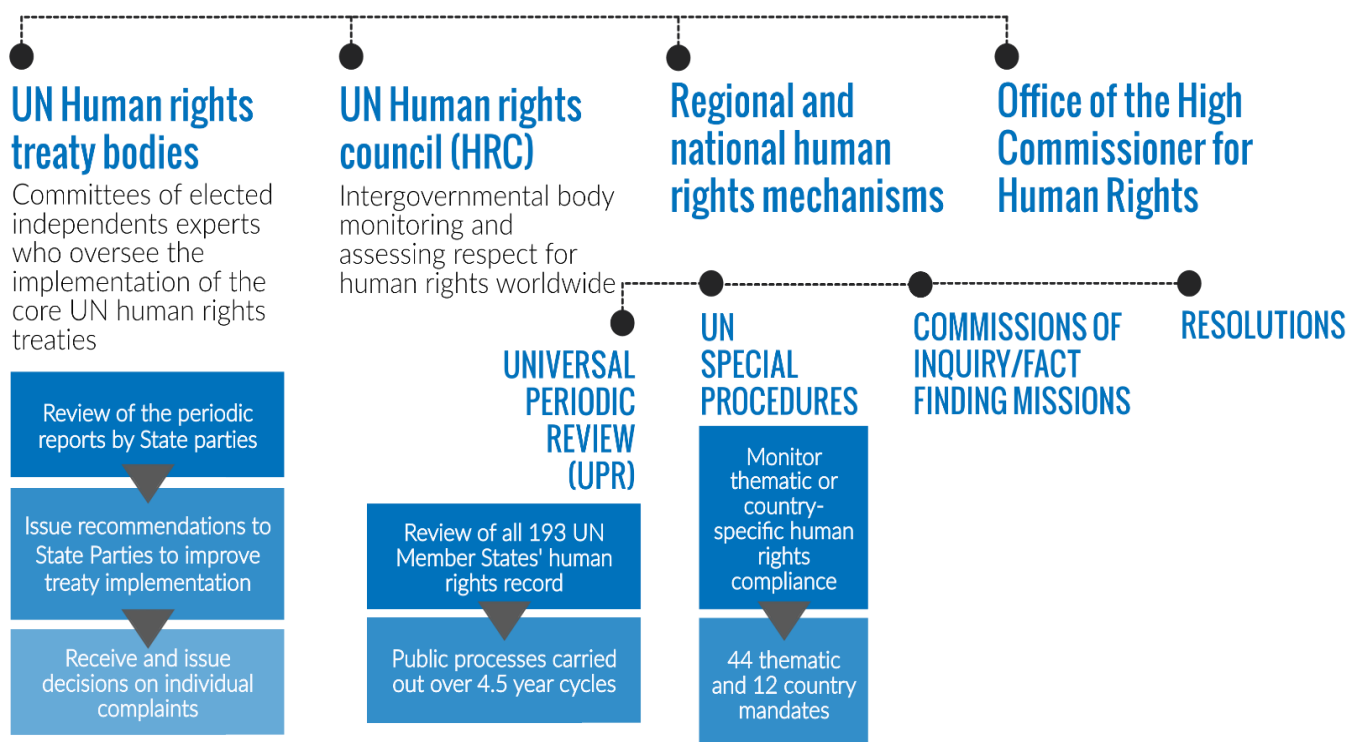
⁴ See e.g., *Id* at page 18, "Strategic annual regional planning".

interpretation and application of human rights norms and standards in ways that include the concerns of persons under UNHCR’s mandate.⁵ The UN human rights mechanisms have recognized a broad range of forced displacement and statelessness issues as falling within the human rights framework under their specific mandates⁶;

- Following up on individual cases, including by intervening through the human rights complaint procedures⁷; and

- Contributing to the periodic review processes undertaken by the human rights mechanisms, which result in recommendations that encourage States to take measures including in areas of relevance to UNHCR, such as accession to the *1951 Refugee Convention*, the *1954 and 1961 Statelessness Conventions*, RSD, protection of IDPs, SGBV, child protection, detention of asylum-seekers, respect for the principle of *non-refoulement*, universal birth registration and prevention of statelessness.⁸

KEY ACTORS AND MECHANISMS IN HUMAN RIGHTS ENGAGEMENT⁹



⁵ See e.g., UN Committee on the Elimination of Discrimination Against Women (CEDAW), *General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women*, 5 November 2014, CEDAW/C/GC/32, available at: <https://www.refworld.org/docid/54620fb54.html>, for which UNHCR provided extensive inputs.

⁶ UNHCR and the Human Rights Mechanisms: Assessing Impact, September 2014.

⁷ For further information on complaint procedures of the UN Human Rights treaty bodies, UNHCR staff are encouraged to consult the "General guidance on engaging United Nations human rights complaint procedures", available at: https://intranet.unhcr.org/content/dam/unhcr/intranet/protection-operations/human-rights/documents/english/Individual_Complaints_General_Guidance.pdf

⁸ See e.g., note 1 at page 12, "Opening up dialogue on statelessness" and page 13 "Lobbying for ratification of statelessness instruments and review of nationality law".

⁹ For further information on Commissions of Inquiry and Fact-Finding Missions, UNHCR Staff are encouraged to consult the "General guidance on requests for engagement with United Nations Commissions of Inquiry and Fact-Finding Missions", available at: https://intranet.unhcr.org/content/dam/unhcr/intranet/protection-operations/protection-policy-and-legal-advice/documents/english/protection-and-national-security-section/Commissions_of_Inquiry_General_Guidance.PDF.

1.3 How Does UNHCR Engage with the Human Rights Mechanisms?

Engaging with the human rights system is a two-tiered process that requires an institutional approach to ensure consistency and coherence with UNHCR's advocacy at international level, but also integration of human rights outcomes in planning, implementation, follow-up and monitoring systems at national level. On one hand, engaging with the human rights mechanisms is one of the tools available to field operations to advance protection objectives at national level. On the other hand, engaging with the human rights mechanisms can also serve as an advocacy space for UNHCR to promote its global objectives, foster international cooperation on issues relevant to persons of concern and obtain States' commitment on issues that can support UNHCR's work internationally and nationally.

UNHCR is able to leverage the mandates of these mechanisms to ensure the rights of people of concern are respected, protected and fulfilled. The main ways UNHCR engages with these processes are as follows:

- Human Rights Council

UNHCR can: deliver oral statements during interactive dialogues, general debates and the UPR segments; provide input on the drafting of HRC Resolutions; and, host side-events on specific issues.

- The Universal Periodic Review

UNHCR can: provide public, written country-specific reports on the enjoyment of human rights by persons of concern in States under review; contribute to the drafting of States' national reports to the UPR; encourage States and other

stakeholders to reflect displacement- and statelessness-related issues in their recommendations; engage confidentially with States Parties; and, deliver oral statements in relation to the review.

- UN Special Procedures

UNHCR may provide confidential information and meet with Special Procedures during country visits; contribute to or comment on thematic reports; bring human rights situations to Special Rapporteurs' attention for urgent action; and, support individuals under UNHCR's mandate in filing individual complaints.

- UN Treaty Monitoring Bodies

UNHCR may submit confidential country-specific reports on States' compliance with their treaty obligations; brief the committees in advance of review sessions; provide inputs supporting the interpretation of human rights treaty provisions; and, support persons of concern in filing individual communications.

- Office of The United Nations High Commissioner for Human Rights (OHCHR)

UNHCR and OHCHR have always had a special relationship given the complementarity of our mandates. The collaboration includes joint advocacy efforts, operational complementarity in the field, standard setting, mechanisms that enable more predictable and systematic consultations, information sharing, and capacity building.

- National Human Rights Institutions

UNHCR can work closely with independent national monitoring and oversight

mechanisms, including National Human Rights Institutions and Ombudspersons to ensure respect for the human rights of persons of concern in host and transit countries, but also in countries of return in situations of *refoulement*, forced returns, or other situations requiring transborder collaboration.

1.4 Coordination within UNHCR

UNHCR as a whole is the owner of human rights engagement with different drivers. As part of this institution-wide effort, the Human Rights Liaison Unit (HRLU) in DIP can support the field and lead on international advocacy initiatives; field operations can lead on engagement geared at national objectives; and regional bureaux, Divisions, Senior Management and other can provide critical support for both.

Seizing opportunities and maximizing the effectiveness of human rights engagement requires institutional engagement by UNHCR, involving various stakeholders with different but interlinked functions and responsibilities as follows:

- Persons of Concern to UNHCR

Asylum-seekers, refugees, internally displaced persons and stateless persons play a key role in the human right engagement strategy and are an active player in the area- holding UNHCR and other actors accountable for their actions and programs and ensuring that the humanitarian and development interventions contribute to strengthening the human rights and enjoyment of human rights in practice by persons under UNHCR's mandate.

It is crucial that refugees, IDPs, stateless persons and asylum seekers play an active role in the feedback mechanisms and they drive UNHCR's programs to ensure highest

possible positive impact of the interventions on their lives.

- UNHCR's Field Operations

Field operations lead UNHCR's human rights engagement aimed at advancing national protection objectives. They: a) prioritize issues to be raised through human rights interventions, including *inter alia* through country-specific reports submitted to the UPR and Treaty Bodies, information shared with Special Rapporteurs and use of individual complaint procedures, b) use human rights outcomes to advance in their own planning, implementation, follow up and monitoring strategies and systems; and c) use human rights outcomes in discussions with national authorities and other stakeholders to achieve protection and inclusive solutions for persons of concern.

UNHCR team travel long distances to newly accessible areas to reach the most vulnerable in Aleppo.

Syria, 29 August 2019

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Antwan Antwannkdji



- UNHCR Senior Management

Senior management provides the endorsement, support and championing of human rights engagement necessary for it to have the maximum impact possible on UNHCR's activities and on the lives of persons of concern.

- Global Learning and Development Centre (GLDC)

The GLDC, which is responsible for coordinating internal learning activities agency-wide, ensures that training

initiatives linked to human rights engagement, including learning design, delivery, and evaluations, have the highest substantive and methodological integrity, and that our learning activities closely reflect institutional priorities; and that human rights considerations are mainstreamed throughout other UNHCR trainings, as relevant.

- **Regional Bureaux**

Regional Bureaux support field operations, including through helping to identify opportunities and to utilise the human rights mechanisms to promote protection objectives, working in coordination with DIP and other stakeholders (including regional human rights mechanisms).

Together with the Division of International Protection, the Bureaux also use the outcomes of these mechanisms to compile Country of Origin Information for refugee status determination purposes.

- **Other Divisions at Headquarters**

The Divisions across UNHCR work to ensure that human rights and the application of a rights-based approach are crosscutting considerations in all areas of UNHCR mandate (including, for example, climate action, shelter, WASH, livelihoods, health sectors etc.). For effective protection mainstreaming a whole of UNHCR approach is necessary in order to fully tackle the human rights challenges faced by persons of concern.

- **DIP-PPLA Human Rights Liaison Unit**

The HRLU leads UNHCR's engagement with the UN human rights mechanisms overall. In particular, the HRLU:

- (a) In support of bureaux and operations, and following their lead, contributes to different processes of the UN human rights machinery with a view to promoting the progressive development of human rights standards and international refugee law, so as to enhance the protection of persons under UNHCR's mandate;
- (b) Contributes to the mainstreaming of human rights into all relevant areas of UNHCR's work, including through raising awareness of human rights protection¹⁰, and supports protection staff throughout the organization, notably in the field, in interacting with these mechanisms and in providing protection and solutions to persons under UNHCR's mandate;
- (c) In support of bureaux and operations, and following their lead, works in collaboration with OHCHR, the UN human rights machinery, key UN entities, NGOs, civil society and Permanent Missions in Geneva to strengthen human rights approaches and share information on the situation of refugees and others of UNHCR's concern - including violations and limits on the exercise of rights - affording them scope to document and call for measures to address these concerns where needed; and
- (d) Leverages global human rights initiatives and synergies to improve the protection situation of persons under UNHCR's mandate.

¹⁰According to the Inter-Agency Standing Committee (IASC) protection is defined as: "... all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. human rights law, international humanitarian law, refugee law).

2. THE HUMAN RIGHTS LIAISON UNIT (HRLU)

2.1 The Vision for HRLU Support

The vision of the Human Rights Liaison Unit is to support UNHCR in making the best use of the human rights mechanisms to effectively advance the protection of persons of concern, including by enabling the integration of human rights approaches into UNHCR's protection and solutions strategies and other operational engagements; and to promote the strategic use of international human rights law and the UN human rights system to ensure the inclusion and protection of persons of concern to UNHCR. Building strong partnerships around human rights is at the heart of UNHCR's human rights engagement strategy.

The HRLU aims to carry out its liaison mandate in full respect for UNHCR's protection objectives at national and international level, with clear understanding of confidentiality concerns and sensitive political contexts. The Unit follows the field operations' decisions on engagement in relation to human rights in line with their priorities.

The HRLU also seeks to integrate the age, gender and diversity approach and commits to reflect and address all geographic regions equally in all its outputs and tools.

The HRLU aims to support, advise and equip UNHCR operations, regional bureaux and divisions by promoting trust and proactivity around human rights

engagement, and to serve as a reliable partner for external stakeholders in the promotion of the human rights of persons of concern.

In pursuit of its vision, the HRLU promotes and strengthens UNHCR's engagement with human rights mechanisms (at the UN, regional and national levels), expands and enhances UNHCR's participation in a wide range of global and regional human rights initiatives, development initiatives, and other relevant multi-stakeholder initiatives, and fosters closer collaboration with key stakeholders and actors that can reinforce UNHCR's efforts in this regard.

Human rights mechanisms represent an important focus of the HRLU's work as they bring together State authorities, independent experts, civil society organizations, and various UN entities.

As vehicles for States' commitment, cooperation but also for investigation and follow-up, the human rights mechanisms offer a unique opportunity to raise the profile of UNHCR's work and address concerns relating to persons under its mandate.

These mechanisms are critical protection partners for UNHCR as their outcomes can be used to advocate for changes in national legislation and

practices that affect persons of concern, ensure accountability for the implementation of States' obligations regarding persons of concern, and support UNHCR's global advocacy priorities.

UNHCR is recognized as one of the most active UN contributors to the human rights mechanisms¹¹, and its direct knowledge of human rights issues on the ground is highly valued by states in the Human Rights Council and UPR context, as well as by the experts of the Treaty Bodies and Special Procedures Mandate Holders. Its extensive field network not only puts UNHCR in a unique position to gather and provide information regarding persons of concern to the UN human rights machinery but also to monitor and support the implementation of their outcomes to achieve desired changes to the protection environment, national legislations and practices that affect persons under its mandate.

More robust advocacy efforts at global level, systematic integration of engagement with the human rights mechanisms (including mechanisms at the UN, regional, and national level) in the planning activities of country/regional offices, and more targeted interventions would contribute to the overall effectiveness of UNHCR's human rights engagement.

Moreover, limited awareness of the role and benefits of these mechanisms on the part of many protection, program and

management staff, as well as limited knowledge of good practices in incorporating the processes and outcomes of these bodies into protection activities, signal that their potential is yet to be fully exploited in many country operations. This came out strongly through the HRLU survey conducted in July and August 2019. The survey report has been made available on UNHCR's Human Rights Community of Practice¹².

The HRLU acknowledges that UNHCR colleagues or persons who collaborate with UNHCR may be subject to threats, harassment, or any other form of reprisals in relation to such collaboration or their work to defend the rights of persons of concern.

The UN system and the human rights mechanisms strongly condemn acts of reprisals and have established a system of focal points to respond to such incidents.

The HRLU stands ready to advise colleagues on how to use the human rights mechanisms to prevent and respond to cases of reprisals.

The HRLU will also mobilize these mechanisms to consider and respond to acts of reprisals against persons defending the rights of refugees, asylum-seekers, stateless persons and IDPs.

2.2 How Does the HRLU Support UNHCR Work Concretely?

In order to enhance the protection of our persons of concern, the HRLU provides support for UNHCR to take full advantage of many opportunities that human rights

¹¹ Based on a series of bilateral consultations held in mid-2019 between the HRLU and OHCHR Secretariat staff supporting the UPR process, UN treaty monitoring bodies, and a number of the special procedures mandate holders of key relevance to UNHCR.

¹² The Human Rights Community of Practice is an internal tool for colleagues to share experiences and exchange on issues related to human rights engagement. If you are interested in joining the Community of Practice, please contact the HRLU.

engagement provides. The HRLU's support includes, for example:

- Informing colleagues of upcoming opportunities for engagement with the UN human rights mechanisms;
 - Advising on timelines, procedures and issues that can be raised with each human rights mechanism;
 - Coordinating and supporting the drafting of written contributions;
 - Reviewing and submitting UNHCR contributions to the human rights mechanisms;
 - Delivering oral statements;
 - Triggering human rights mechanisms at the request of the field, including in cases related to *refoulement*;
 - Providing feedback on the outcomes of the human rights mechanisms of relevance to UNHCR;
 - Sharing examples and good practices highlighting how engagement with the human rights mechanisms can yield more impactful protection outcomes;
 - Providing capacity building in the field of human rights;
 - Mainstreaming human rights in the work of UNHCR;
- Producing research and evidence-based policy documents supporting UNHCR's human rights advocacy;
 - Developing advocacy and communication tools on human rights of persons of concern;
 - Mobilizing UN Agencies, UN Networks, NGO networks and other stakeholders to raise UNHCR's issues of concern in publications, policy documents, meetings, joint initiatives, statements, capacity-building exercises and tools;
 - Organizing events and fostering debates on the role of human rights in advancing the protection for persons of concern.

Palais des Nations,
 The Human Rights
 and Alliance of
 Civilizations Room.

Switzerland,
 18 October 2019

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 Hans Park

