Global Protection Cluster Human Rights Engagement Task Team

Report of the consultations with the field to identify areas of future HRE TT support

February 2021

Context

Established in May 2020, the Task Team on Human Rights Engagement has been refining its work plan and identifying areas of support it can provide to protection clusters in the field. Accordingly, the online survey conducted in August 2020, followed by series of consultations that took place between 30 December 2020 and 22 January 2021 aimed at finding precise information on areas, topics, and issues on which the Task Team can provide support and in what way.

Consultations: modality, length and objectives

The consultations were conducted remotely, via Microsoft Teams and each call lasted 90 minutes. Participants in the consultations were further contacted by email as needed.

The aim of the consultation/interview was to:

- Identify commonalities among the challenges and constraints protection clusters face in their inclusion of human rights in forced displacement contexts;
- Recommend practical support the HRE TT can provide to field operations, whether in the form of templates, briefings, capacity building etc.;
- Collect information about experiences that can inform reflection and engagement, for example in webinars, capacity building initiatives as case studies, etc.

The following protection clusters participated in the exercise:

1. Niger
2. Chad
3. Mali
4. Nigeria
5. Mozambique
6. Syria (Whole of Syria)
7. Venezuela
8. Burkina Faso

The consultations took the form of a conversation and represented an occasion for exchange. The list of areas of enquiry around which the conversation revolved was elaborated collaboratively by the Task Team following a first draft submitted by the consultant, Caterina Luciani. The full list of questions is available in the annex to this report.

9 areas of enquiry	Inputs to HRM
	Advocacy strategy around human rights engagement
	Racism and Xenophobia
	HCT and protection strategies and human rights
	Protection monitoring and information sharing
	Engagement with NHRI
	Engagement with human rights actors
	Engagement with NGOs
	Capacity Building

The interviews were conducted by Caterina Luciani, consultant with the HRE TT, and Valerie Svobodova (Human Rights Engagement chair). For each cluster, at least one coordinator and/or co-coordinator was present, in addition to other members of the cluster in some instances. The other Task Team co-chairs, as well as staff from the Global Protection Cluster, the Task Team on Law and Policy, and OHCHR took part in some of the conversations.

In addition to the qualitative analysis that will be provided, the findings of this exercise will be used to establish the baseline for the following indicators:

Indicator #	Description	Current status
Indicator #1	# of protection clusters amongst pilot countries that had a strategic interaction with Special Procedure Mandate holders in the past year	3x Special Rapporteur on IDPs ▪ Chad ▪ Niger ▪ Nigeria 4x other Special Procedures ▪ Mali (independent expert on human rights for Mali) ▪ Nigeria (Special rapporteur on adequate housing) ▪ Syria (Special rapporteur on situation of human rights in the Syrian Arab Republic) ▪ Venezuela (Special rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights) Have not engaged with Special Mandate Holders in the past year: ▪ Burkina Faso, Mozambique
Indicator #2	# of protection clusters amongst pilot countries that shared information with human rights mechanisms (other than Special Procedures Mandate Holders) in the past year	4x have: Chad, Nigeria, Venezuela, Syria 4x haven't: Burkina Faso, Mali, Niger and Mozambique
Indicator #3	# of protection clusters amongst pilot countries that have a consolidated and continuous engagement with national human rights institution	4x have: Nigeria, Burkina Faso, Venezuela, Niger 4x haven't: Chad, Mali, Syria, Mozambique
Indicator #4	# of protection clusters amongst pilot countries that have used practical tools developed by the HRE TT or received dedicated support	4x have: Nigeria, Mozambique, Niger, Mali 4x haven't: Chad, Burkina Faso, Venezuela, Syria

Summary of findings

The eight protection clusters that participated in the exercise vary greatly in their operational context and characteristics. Likewise, their set-up, ability and opportunity to use human rights language and tools differ along a rather wide spectrum. This report aims at, on the one hand, identifying the commonalities among the challenges and constraints protection clusters face in their inclusion of Human Rights in forced displacement contexts, all the while providing an insight and related recommendations for the issues faced by specific clusters individually. This approach is meant to allow the Task Team on Human Rights Engagement to determine the practical support (whether in the form of tools or procedures) it can provide to protection clusters, based on which additional individual tailored support will be built.

This report will not address all the areas of enquiry listed above, as information collected in one or more areas helped uncover patterns of practices, opportunities and challenges, that are broader than one single area of enquiry and often overlap with one another. As a consequence, based on the answers collected through the questionnaire that informed the phone calls, this report analyses the information in the following five sections:

1. Engagement with international human rights bodies and mechanisms
2. Engagement with national human rights institutions
3. Advocacy and inclusion of human rights
4. Protection cluster protection monitoring activities and human rights information
5. Capacity building

1. Engagement with international human rights bodies and mechanisms

Engagement with international human rights bodies and mechanisms by protection clusters is sporadic and on an ad-hoc basis, and generally of a reactive nature (i.e. the protection cluster responds to externally generated requests to engage). Moreover, it appears to be propelled by the knowledge and/or previous experience of the protection cluster leadership rather than taking the shape of a standard, planned, and intentional initiative. As a consequence, engagement with human rights bodies and contribution to human rights mechanisms ebbs and flows with staff turnover.

All protection clusters that participated in the exercise are aware of the existence of human rights mechanisms and understand that an interaction with such procedures and bodies can have an impact on the work of the protection cluster. At the time of the consultations, four out of eight reported having engaged with human rights mechanisms directly or indirectly[1]. Two protection clusters recognized the implicit advocacy opportunity that engagement with human rights offers and detailed in the ways in which they are planning to or are interested in obtaining support in order to seize such opportunity.

The past/ ongoing modalities of clusters engagement that were mentioned are:

- Visit of the Special Rapporteur on the rights of internally displaced persons (IDPs): provision of information ahead of the visit; organization of field visits; meetings with the special rapporteur to brief her on specific subjects; participation in meetings the Special Rapporteur held with counterparts in the country
- Visits of other special rapporteurs (primarily thematic, and some country-specific)
- Transmission of information that has been fed into human rights special procedures mechanisms
- Submission of information to human rights treaty bodies procedures (directly or indirectly)
- Delivery of oral statements at the human rights council
- Contribution of information to HQ for the organization of side events at the human rights council

The four protection clusters that reported having contributed to human rights mechanisms provided a picture of ad-hoc engagement, and one that has been initiated outside the protection cluster. The

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[1] Chad, Nigeria, Venezuela and Syria. See indicators table.

respondents concurred in recognizing the desirability of a sustained a strategic engagement with human rights bodies and mechanisms, and put forward examples of reasons why this has not been the case so far.

It is to be noted that, regardless of whether they have engaged, they are planning to engage, or have not yet started planning engagement with international human rights bodies and mechanisms, all protection clusters mentioned specific obstacles and/or challenges which can be summarized in **three interlinked type of challenges and obstacles**.

Structural challenges

The first is **structural**, with protection clusters indicating a lack of structured information around the calendar of human rights bodies and mechanisms relevant for their operation makes the cluster rather react and respond to externally originated initiatives rather than adopting a planned and therefore proactive approach. In this regard, the calendar of human rights bodies and mechanisms sessions and reviews that the Task Team on Human Rights Engagement has started sharing with operations was welcome as a very useful tool that can help the protection cluster organize it's work and advance on a more planned engagement.

Another aspect is the lack of clarity around the role and responsibility of the protection cluster in the engagement with human rights bodies and mechanisms. The importance of human rights and their central role in protection was not questioned, rather the protection clusters raised the issue of the place and lack of guidance on how to engage in a systematic manner within an interagency system that steps outside the IASC cluster approach - with its own structures, roles, and responsibilities.

Moreover, while it is clear to protection clusters that human rights are within their mandate, it is less clear to what extent the protection cluster is autonomous or independent in its engagement with human rights mechanisms and how inclusive the process should be. To use the words of the Nigeria protection sector,

> *does the HCT need to be informed or consulted? Is engagement by the Sector subject to the HCT prior approval? Similarly, are Sector coordinators required to obtain the Sector's members approval before engaging and their sign-off for specific submissions? In practice, it is not always easy to have members formally endorse proposed interventions. Protection specialists from individual organizations are happy to discuss and contribute but more hesitant to make decisions without involving their Country Director or HQ colleagues who are not necessarily familiar with the context and/or HR mechanisms. As a result, engagements are likely to be ad-hoc advocacy initiatives led by the Sector's coordinators and/or like-minded members.*

It is important to note that the relationship with, as well as the capacity and engagement of the relevant OHCHR office with a protection cluster, appears to be an important factor in making this type of challenges more or less acute. Half of the protection clusters that participated in the exercise consulted the relevant OHCHR office ahead of the call in order to gather and provide information. At the time of the interviews, OHCHR was a member of the protection cluster in 6 out of the 8 protection clusters that participated in the exercise – namely Chad, Nigeria, Mozambique, Syria, Venezuela and Burkina Faso - with a varying level of engagement due to operational size or other operational characteristics (for example, whether OHCHR has a standalone presence or is part of a peacekeeping mission).

Operational challenges

The second set of obstacles is **operational** and pertains to the multifaceted and complex contexts in which protection clusters are activated. In situations where humanitarian space is shrinking as a result of the political and/or conflict dynamics, cluster coordinators and/or coordination teams deem engagement with human rights too dangerous – a risk that could imperil the already fragile operational setting.

Moreover, even in situations where the protection cluster leadership may assess that the protection benefits stemming from engagement with HRM are worth the potential operational risks, "there is not much appetite in the humanitarian community for this type of engagement, due to the perceived operational downfalls" as one cluster coordinator put it. This concern ties back to the structural challenge of understanding roles and responsibilities within the cluster approach in relation to human rights, and the uncertainties regarding what is expected in terms of human rights engagement activities coordination at the various levels.

Knowledge and capacity challenges

The third type of obstacles pertains to lack **knowledge and** the need for **capacity building**. Even in the case of protection clusters that have engaged with human rights mechanisms, the point was made that the level of understanding of what human rights mechanisms are, how they can be used, and why remains limited among protection cluster members. More proactive protection clusters in the domain of human rights engagement clearly benefited from the expert knowledge and/or previous human rights mechanisms engagement experience of their coordinator, co-coordinator or SAG members. Moreover, the gap in human rights knowledge becomes even more profound when moving outside the protection cluster and into other clusters or the humanitarian country team (HCT).

As far as the knowledge of the specific and relevant human rights mechanisms is concerned, it was clear that current engagement with human rights mechanisms is often limited to the Human Rights Council and/or the UPR, and the Special Rapporteur on the Human Rights of IDPs. With the exception of one protection cluster, which had been recently asked to provide information for the visit of the Special Rapporteur on Negative Impact of Unilateral Coercive Measures on the Enjoyment of Human Rights[2], the other protection clusters were either not aware or not involved in past or future visits or reports of other special procedures. As per the information provided by OHCHR in relation to the activities in Syria, human rights advisors have been engaging in capacity building activities with humanitarian partners and civil society organisations in the three Syria cluster hubs on human rights and engagement with UN human rights mechanisms since 2016.

In addition to human rights mechanisms as per the OHCHR list, operations have also contributed information to other human rights monitoring mechanisms, such as:

- The monitoring, analysis and reporting arrangements (MARA) on conflict-related sexual violence, including rape in situations of armed conflict, post-conflict and other situations of concern;
- The Monitoring and Reporting Mechanism (MRM) on grave violation against children in situations of armed conflict;
- Human Rights monitoring mechanisms established under the human rights component of a peacekeeping mission;
- Independent Commissions of Enquiry.

These mechanisms not being human rights mechanisms strictu sensu (see OHCHR list), no detailed quantitative or qualitative information was collected – with the exception of the challenges that the presence of multiple monitoring mechanisms pose to information management and sharing (See section 4).

Recommendations:

a) Create, disseminate and regularly update country-specific calendars with the most important dates (reports due, submissions, consultations, country visits, related events) on opportunities of engagement with international human rights bodies and mechanisms.
b) Inform about the support role of the HRE TT, provide guidance, and share experiences on the various ways in which a protection cluster can engage with international human rights bodies and use HRM: directly or indirectly, openly or confidentially. To achieve this, two specific measures are recommended:
   i. Create a one-pager detailing the support the HRE TT can provide in all the instances of engagement with HR bodies and mechanisms
   ii. Create a space for live peer exchange in a safe and confidential environment, for example through regular webinars open only to cluster coordinators, co-coordinators, and other members of the cluster invited by the coordinators and co-coordinators.
c) The Global Protection Cluster (GPC) should clarify the role of the protection cluster in the human rights architecture, in particular what is expected of clusters as far as submission and contribution to HRM within the context of their responsibility vis a vis human rights, with a specific attention to the risk analysis needed in difficult operational contexts. The GPC should issue guidance to protection cluster coordinators on how to include engagement with human rights in cluster activities, protection cluster strategies, as well as mainstreaming it into HCT protection strategies.

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[2] Country visit in Venezuela in 2021

d) In collaboration with OHCHR Geneva and the relevant OHCHR office in the country, support protection clusters to map special procedures that are particularly relevant for the cluster's protection strategy, along with the identification of issues of common interest and a plan of action for engagement.

e) In collaboration with OHCHR Geneva review cases of good cooperation between protection cluster and OHCHR field, including human rights advisers deployments, in relation to engagement on human rights and contributions to HRM. When relevant, include examples of engagement with clusters other than protection that may have contributed to HRM through OHCHR, in order to better understand synergies that can be built among several clusters (e.g. education, health, etc.) and OHCHR.

f) The above measures should be complemented with a regular check-in/briefing between cluster leadership, OHCHR in the country, HRE TT and OHCHR Geneva to discuss upcoming HRM appointments and coordinate contributions.

g) Analyze learning needs, assess the relevance of existing resources, and collaborate with OHCHR on capacity building of cluster members and HCT members.

h) Collect good practices on engagement with human rights mechanisms and share them with field protection clusters

i) Work together with the **Venezuela protection cluster**, UNHCR in Venezuela and OHCHR to identify opportunities for confidential submissions to and information sharing with HRM

j) Support the **Mozambique protection cluster** in view of the upcoming visit of the Special Rapporteur on the human rights of IDPs as well as the upcoming UPR cycle

k) In support to the **whole of Syria protection cluster**, the GPC, HRE TT and OHCHR should discuss and clarify the role and responsibility of the protection cluster vis a vis the Commission of Enquiry and provide clear guidance. Likewise, in order to ensure that the protection cluster can avail itself of the expertise and position of the human rights advisors, there must be a clarification on the roles and responsibilities as well as information and feedback loops when it comes to advocacy and advocacy strategic decisions

l) Work with each protection cluster individually to identify specific issues and themes around which to engage with special procedures on a yearly basis, including but not limited to the special rapporteur on the human rights of IDPs

2. Engagement with national human rights institutions[3]

Engagement with national human rights bodies is determined by contextual, structural, capacity, and funding constraints.

Three protection clusters that participated in the exercise do not have a continuous, or long standing and robust relation with a relevant national human rights institution (NHRI). This is primarily due to the one or more of the following reasons:

- There is no NHRI in the country, or it is not independent enough to qualify as a NHRI as opposed to a government body that also has a human rights mandate
- Linked to the reason above, the presence of the NHRI perceived as not independent or of the government body with human rights mandate in the protection cluster would entail the withdrawal of other members
- The relation with the NHRI is very recent or not built yet
- Funding and capacity constraints make it difficult for the NHRI to contribute effectively to the protection cluster activities

Five protection clusters (Niger, Nigeria, Burkina Faso, Mozambique and Venezuela) reported having a consolidated relation with the NHRI, which is also a member of the protection cluster (with the exception of Burkina Faso). In Mozambique, the protection cluster had good coordination in place with the national human rights commission, although deeper engagement is hampered by the lack of capacity and

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[3] This includes ad hoc national bodies responsible for engagement with human rights mechanisms and treaty bodies.

understanding, on the one hand, and the presence of the political element within the commission. In the case of Nigeria, it was mentioned that the main issue with the country NHRI is one of knowledge and understanding of their role, within and outside the cluster system. In the instance of Niger, where the engagement of the relevant NHRI was deemed of very good quality, the issue of funding was reported as the main obstacle to a broader scope on activities and more strategic engagement on the NHRI side with the cluster, including cluster co-coordination. In Venezuela, for example, the *Defensoria del Pueblo* has no capacity to receive case referrals and respond to human rights violations.

It must be noted that all protection clusters mentioned that, even where the NHRI is active and engaged, knowledge and engagement of the NHRI with international human rights bodies and mechanisms is very limited if non existing to their knowledge. This was notably mentioned by the colleagues of the Burkina Faso protection cluster, where the NHRI as well as several national and local NGOs that are members of the protection cluster are the representation of a rich and human rights-favorable landscape. Yet, their ability to go beyond local advocacy and their influence remains very limited. The issue of including NHRIs in capacity building efforts aimed at making NHRI a primary actor in submissions to HRM was raised.

NHRI are an important counterpart of several international human rights organizations and are often part of the development coordination mechanisms. It appears, though, that protection clusters rarely have an understanding of such coordination structures, of the role NHRIs play in it, of the activities NHRIs carry out in such context and what support is available. For example, when asked whether UNDP rule of law programmes or other development counterparts were approached to broach the subject of capacity building and funding, the protection clusters that participated in the exercise could not provide any information in this regard.

Recommendations:

a) Several guidance documents have been realized over the years on how to engage NHRI in internal displacement contexts. Two of the most recent examples are the 2019 report of the Special Rapporteur on the rights of IDPs on "Internal displacement and the role of national human rights institutions" (A/HRC/41/40), and the 2020 UNHCR Guidance on engagement with national human rights institutions, among others. The level of awareness of these various reports, though, is rather low and, as it appears, does not translate into action. The content of these guidance tools needs to be refreshed, summarized, made cluster-specific, as well as transformed into check-lists and action plans protection cluster can use to set up or enhance their engagement with NHRIs.

b) Support protection clusters in exploring development connections and especially rule of law programs for support of national human rights bodies. Efforts in this regard should be pursued at global and local level, so to ensure consistency, efficiency and engagement that reflects and adapts to the specific context on the ground. In particular, it is important that the HRE TT establishes contact with UNDP rule of law, justice, security and human rights in coordination with OHCHR to identify the common areas of interest and the windows of opportunity for tripartite collaboration.

c) The HRE TT should invite the Global Alliance of National Human Rights Institutions to become a member and together HRE TT and GANHRI could collaborate to identify joint support measures for cluster and relevant NHRIs.

d) The role of and relationship with the NHRI in the protection cluster is one that needs to be a focus of attention of all protection clusters, with a view of a future handover of humanitarian coordination, including protection, to national institutions. Accordingly, all clusters must regularly explore opportunities for NHRI as active and engaged members.

e) **Mali protection cluster**: In collaboration with OHCHR, support the Mali protection cluster to establish a plan of action for the engagement of the Mali national human rights commission, encompassing a review of ways in which human rights commissions in the region are engaged in protection activities and a list of suggestions of engagement measures (what level of officials is best suited to take part in the cluster meetings, how to ensure continuous participation, what type of capacity building and resources are available for the Mali national human rights commission within and outside the cluster...)

f) **Chad protection cluster**: In collaboration with OHCHR, support the Chad protection cluster to establish a plan of action for the engagement of the Chad national human rights commission,

encompassing a review of ways in which human rights commissions in the region are engaged in protection activities and a list of suggestions of engagement measures (what level of officials is best suited to take part in the cluster meetings, how to ensure continuous participation, what type of capacity building and resources are available for the Mali national human rights commission within and outside the cluster…)

3. Advocacy, protection strategies and the inclusion of human rights

When it comes to advocacy and the inclusion of human rights, many similarities with the challenges and factors that have been analysed for the contribution to HRM can be detected. In particular, structural and environmental factors (lack of clarity over roles and responsibilities as well as reluctance to engage on human rights at the higher coordination levels), as well as operational considerations play a major role in the extent to which protection clusters integrate human rights in their advocacy.

While no protection cluster has a stand-alone advocacy strategy, the Mali and Chad protection cluster strategies contain a section on advocacy or specific advocacy messages, including on human rights. Mali HCT Protection Strategy also includes high-level human rights advocacy as a primary objective.[4] The Burkina Faso protection cluster is working on a revised protection strategy that will include an advocacy component. The Nigeria protection sector is in the process of elaborating an advocacy strategy for the Humanitarian Country Team. A similar high-level approach was reported for the whole of Syria, where specific issues (standing and ad-hoc ones) were brought to the attention of the Senior Strategic Group, and an experience that is projected to be continued albeit in a partially different format. Moreover, Syria has an HC protection advocacy plan which was being revised by the WoS Protection sector with OHCHR Human Rights Advisors support at the HCs and RHCs' request at the time of the interview.

It is worth noting that in the case where advocacy and advocacy messaging is formulated or brought to the attention of the higher level, both operations expressed a lack of clarity as to roles and responsibilities in relation to protection and human rights advocacy: who should lead? How to discern between the issues to bring at the higher level and the issues to keep at lower level?

It is important to note that, to date, the HCTs in Venezuela and Mozambique have not adopted a protection strategy. This situation appears to stem from a rather difficult environment, not favorable to protection and even more human rights discourse and work. It is clear that the reluctance of the HCTs in Mozambique and Venezuela to adopt an HCT protection strategy has a major impact on the ability of the protection cluster to advocate for protection and for human rights. In one instance (Venezuela), this has even led the protection cluster to take the decision to adopt a needs-based approach, rather than a human rights approach, for its protection strategy.

While the level of knowledge and ease with advocacy, advocacy design and messaging, varies from one protection cluster to the other, all protection clusters agreed on the need to provide additional resources on the topic – from the basics of what advocacy is and how is advocacy done, to more in-depth and granular peer exchange on how to address and overcome structural and operational constraints.

Recommendations:

a) In collaboration with the TT on Advocacy and OHCHR, elaborate guidance and tools on how to design advocacy messages around human rights in humanitarian context, with examples of do's and don'ts.
b) Organize peer exchange webinars for protection cluster coordinator to explore the challenges and opportunities arising from engaging in advocacy on human rights, and ensure that OHCHR is an active promoter of these initiatives, including participation of HQ and field presence to provide technical support on HR advocacy.
c) Share examples of public advocacy messages and products elaborated by protection clusters among cluster coordinators in order to inspire and provide examples;

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[4] From the Mali HCT Protection Strategy: « Axe Prioritaire 1: Prévenir et faire cesser les violations récurrentes via un engagement du leadership et un plaidoyer axés sur les droits humains ».

d)   Elaborate a mini session/learning bites on the steps for the creation of an advocacy message and plan of action

e)   The Global Protection Cluster must take action in relation to the issue of the Venezuela and Mozambique HCT's lack of a protection strategy

f)   Since the Mozambique protection cluster is going to review its protection strategy in 2021, it is recommended that the HRE TT and the advocacy TT actively support the drafting of a strategy that includes a section or specific advocacy messages on human rights. Protection cluster protection monitoring activities and human rights information

4. Protection cluster protection monitoring activities and human rights information

All protection clusters that participated in the consultations include human rights violations in their protection monitoring activities. Differences between clusters and areas of challenges are along two main axes:

1)   The level of information that is collected (broad strokes vs in-depth incidents monitoring)

2)   The ability to analyse, follow-up and scale-up the information

The former aspect brings up on the one hand the issue of what constitutes a human right violation, and on the other the complementarity of protection monitoring with human rights monitoring done by human rights organisations, specifically OHCHR, and other human rights reporting mechanisms, especially those established by Security Council resolutions (e.g. the monitoring and reporting mechanism (MRM) on grave violation against children in situations of armed conflict, and the monitoring, analysis and reporting arrangements (MARA) on conflict-related sexual violence, including rape in situations of armed conflict, post-conflict and other situations of concern).

As far as the analysis is concerned, in most protection clusters the human rights violations recorded are not matched with relevant international human rights instruments. This is not the case for Chad, where the protection cluster uses the legal framework to engage in advocacy based on state's legal responsibility and on the human rights law concept of duty bearer. To do this, the Chad protection cluster avails itself of the expertise and experience of a local law clinic.

The COVID crisis has certainly created additional challenges for all protection clusters that participated in the exercise. Among the constraints mentioned are: decrease of the number of staff members; mistrust towards international staff in particular, perceived as "vehicles of contagion"; coordination and logistical delays. That said, all protection clusters concurred in their assessment that the current sanitary crisis did not bring about a sizeable number of discrimination or xenophobia cases. Rather, they all agreed that the protection cluster had to intervene vis à vis the marginalization and stigmatization of persons who contracted the virus. For example, the Mali protection cluster elaborated a strategy for the operational response to the COVID situation focused on preventing and responding to the marginalization and stigmatization of the persons affected by the virus, with a local organization engaged in a sensitization and communication campaign to fight rumors and disinformation.

Recommendations:

1)   Together with the information management working group, review the situation in Nigeria and support their efforts in the setting-up of the cluster's monitoring tools by making explicit from the beginning how to connect monitoring with analysis with advocacy.

2)   In addition to strengthening the resort to OHCHR's field presence and human rights advisers's expertise, The HRE TT should further explore the possibility of using law clinics for a more in-depth analysis and advocacy around the legal responsibility of the duty bearers.

3)   The complementarity between protection monitoring and human rights monitoring (specifically OHCHR's) should be explored and explained to protection clusters, especially in relation to if and how protection monitoring information can feed into HRM, how the analysis can be strengthened by OHCHR expertise, especially in situations where grave situations need to be brought to a higher level of attention (for example, HCT)

4) Together with the Information Analysis Working Group, ensure dissemination, understanding and use of the Protection Analysis Framework, stressing the importance of using this tool and its language to analyze and use information about human rights violations.

5. Capacity building (recap of the capacity building info/requests in the other sections)

All interviewed protection clusters expressed the need to strengthen the knowledge and capacity of multiple actors in the respective operations in relation to human rights, protection and human rights mechanisms. An important aspect of the information collected is that, even in contexts where the knowledge of human rights is considered good and the pertinence of human rights to protection work not contested, the knowledge of human rights mechanisms and the ability to seize them is very limited. This is true at all levels and across the spectrum of stakeholder and actors in the humanitarian response.

Some of the topics and skills where gaps were identified by protection clusters may be addressed through learning interventions (training, webinar series, self-study resources, …). In addition to that, it was clear that the lack of a dimension of exchange and sharing of practices is particularly felt by cluster coordinators and the other cluster members that participated in the conversations. An ulterior challenge that results from the lack of knowledge about HRM at the broader level on the one hand and the shortage of avenue for peer exchange is the inability of the protection clusters as organizations to consolidate their institutional knowledge and capacity to engage with HRM in a strategic and continuous manner. As noted in the section "Engagement with international human rights bodies and mechanisms" of this report, the ability of a given protection cluster to engage with HRM rests on the knowledge, previous experience, and initiative of few individuals, often times international staff. Given the high rate of staff turnover in IDP operations and in cluster positions, this creates an ebb and flow motion in the protection cluster's ability to engage with HRM, undermining the potential beneficial outcomes deriving from longer-term engagement with the same.

A more comprehensive learning needs analysis should be carried out within each protection cluster (and beyond) in order to identify the exact interventions needed, with a view to either share existing materials and resources, adapt them, or create new ones. That said, at this stage, in the following lists summarize information about main target groups and main subject areas collected through the interviews:

Target groups
- Humanitarian country team
- Protection cluster members
- National human rights institutions
- National and local humanitarian organizations
- National and local human rights organizations

Main subject areas
- Responsibility of humanitarian actors vis a vis human rights (law, institutions, mechanisms)
- Human rights international bodies and mechanisms
- How NHRIs and national NGOs can engage with HRM

Recommendation

1) Conduct a learning needs assessment with each protection cluster to identify the specific gaps and needs, on the basis of which a cluster learning plan with existing resources, partners to collaborate with, and potential new developments needed.
2) Ask all HRE TT members to share their knowledge of existing resources and learning materials (produced by their respective organizations or other organizations) relevant to the knowledge and skills gaps identified through the learning needs assessments (or, in the interim, along the subject areas identified above). Establish a simple database/repository of existing resources with links to all the free resources, organized by topic and target audience, to make available on the HRE TT website and share with protection clusters.
3) Create online, live, confidential spaces for peer exchange among cluster coordinators and members to share practices, present their experiences and voice their challenges and concerns. Invitiations

should be sent to protection cluster coordinators and co-leads and, in turn, they will be able to extend them at their discretion to cluster members they deem can benefit from and contribute to the discussion. The discussions should be held under Chatham House rule. The HRE TT should provide guiding questions to frame the discussion but leave as much room as possible to field colleagues. These online gatherings should remain primarily at the use of cluster coordinators and members, with HQ colleagues taking in information, rather than using them to showcase tools or explain new guidance (unless requested, and in that case, it is recommended to use a different format).

4) Elaborate good practices and guidance documents on how to practically engage in HRM based on the information that will be shared by protection clusters in the peer exchange webinar series, as well as through research conducted by other partners (for example, ODI). Showcase the experiences (where possible) and celebrate results through the GPC website and other available communication channels, and consider having a dedicated session at the GPC Forum.

Conclusions

The exercise provided a wealth of information not only regarding the current status quo in relation to the engagement the 8 interviewed protection clusters have had so far, but, most importantly, also on what they perceive as the most important obstacles on the one hand, and the tools and support they need on the other. It is important to note that all protection clusters showed a strong interest and willingness to enhance their knowledge and use of human rights mechanisms for protection purposes and they welcomed the consultation as the opportunity to receive dedicated support to them to do so.

The findings and the related recommendations highlight some key areas of work, as much for the Task Team on Human Right, as for the Global Protection Cluster, the Task Team on Advocacy, the Information Analysis Working Group, and OHCHR – as the primary agency within the cluster architecture with expertise and technical know-how on human rights and human rights mechanisms.

Making engagement with human rights mechanisms strategic and long lasting is fundamental for protection cluster to reap its benefits. And to do so, it is necessary that the protection clusters can move away from a model where engagement with HRM is dependent on given individuals, with their knowledge, experience and understanding of the important of this type of work. Using human rights mechanisms for protection outcomes must become systemic. To achieve this, a mindset shift is required to make engagement with human rights a common practice. The recommendations aiming at clarifying the grey areas about the responsibility of the various actors of the cluster architecture at field level, as well as the capacity building of the international and of the national/local actors are geared towards this shift in mindset.

Annex

Guiding questions for the exchanges with field protection clusters

When answering the following questions, we would be grateful if you could answer in relation to the experience of the cluster as a whole. At the same time, if you have knowledge of a cluster member having a different experience (for example, engaging as a single organization in an area where the cluster is not active as a whole), please do let us know.

1. Inputs to HRM

   - What is the overall understanding and actionable knowledge of the cluster as a whole on human rights mechanisms? And of HRM relevant for the specific cluster?
   - Has the cluster engaged with HRM by providing inputs to, or collaborating with any of the following:
     o Thematic rapporteurs
     o Special rapporteurs (e.g. support to country visits…)
     o UPR
     o Treaty bodies
     o Human rights council (statements, side events,…)
     o Regional mechanisms
   - If yes, was that ad hoc or regular? If regular, with what frequency?
   - If any submissions have been done, what were the:
     o The challenges
     o The opportunities
     o Outcome
     o Impact
   - If there has been so far no engagement with HRM (or very limited), what are the constraints?
   - What support could your cluster/sector benefit from in relation to knowledge and use of HRM?

2. Advocacy strategy around human rights

   - Does the cluster have an advocacy strategy?
   - Does it include human rights (protection, advancement and realization)?
     o If so, are there any specific human rights risks/violations that the cluster is trying to address as part of its advocacy strategy? any success/progress/ key challenges
   - Does it address directly primary duty-bearers (governments and other relevant authorities on human rights issues?)
   - Does it include engagement with national and/or regional and/or global human rights institutions and mechanisms?
     o Yes: which ones? How? Details
     o No: what are the reasons?
   - Does it include engagement with other stakeholders within and outside the humanitarian system to address actual or potential human rights violations?
     o Specifically: other sectors/clusters?
   - What support could your cluster/sector benefit from in relation to advocacy strategy and influencing duty bearers and other stakeholders on human rights?
   - Is the cluster working on law and policy initiatives on internal displacement?
     o Stage of the process?
     o Stakeholders?
        Role of the cluster?
     o Challenges and opportunities?
     o Support needed?

3. Racism and xenophobia

- Is the cluster active on the subjects of racism and xenophobia, in terms of prevention and response? How has the COVID-19 context modified, if at all, the racism and xenophobia situation?
- Have any activities been pursued regarding intolerance and discrimination?
  o If yes: please provide details, challenges and opportunities, outcomes and impact
  o If no: is there any specific reason?
- Are indicators concerning intolerance and discrimination included in monitoring activities?
  o If yes: please provide details, challenges and opportunities, impact on overall protection monitoring
  o If no: is there any specific reason?
- What support could your cluster/sector benefit from in relation to racism and xenophobia?

4. HCT and protection strategies and human rights

- How is the human rights-based approach reflected in the protection cluster strategy?
- What elements related to human rights are reflected in your protection cluster strategy?
- If there is a HCT protection strategy in your operation, how are human rights reflected in it?
- What support could your cluster/sector benefit from in relation to HCT and/or cluster protection strategy and human rights?
- Does the Protection Cluster work with other sectors/clusters to tackle human rights issues? Which ones? On what issues? How?

5. Protection monitoring and HR and information sharing

- Are human rights included in the cluster's protection monitoring activities?
- In what way?
- What are the challenges? Opportunities ?
- How do you use the information collected?
- How do you share information with human rights actors who have not signed the protection cluster information sharing protocol?
- What support could your cluster/sector benefit from in relation to protection monitoring, information sharing and human rights?

6. Engagement with HRI

- What is the cluster's knowledge of existing national human rights institutions? How was the knowledge acquired? Was a mapping ever done?
- Is there any engagement with national human rights institutions ongoing?
  o Yes:
    ▪ Which ones
      • Children?
      • Women? GBV?
      • HLP?
      • Mine Action?
    ▪ Quality of the relation
    ▪ Process
    ▪ Outcomes
  o Impact
    ▪ No:
    ▪ What are the constraints
    ▪ Any previous experiences
- Is NHRI part of the cluster?
  o Yes:
    ▪ National/ local
    ▪ Level and quality of engagement

- What can be done to strengthen the engagement?
  - o No:
    - Was interest gauged? Was it ever actively pursued?
    - What are the constraints?
    - Would the cluster actively want to pursue this? If not, why
- What support could your cluster/sector benefit from in relation to engagement with NHRI?
- Are there are other HRIs (for example subnational ones)? What is the knowledge of the cluster about them and is there any engagement? Are they part of the cluster? What is the impact of the engagement with these entities?

7. Engagement with NGOs and other stakeholders

- o To what extent are NGOs involved in the cluster? Details on:
  - National NGOs
    - Level of engagement
    - Dynamics over time
    - Added value
    - Constraints/limitations
    - Areas of enhancement
    - Opportunities to leverage engaging with them
  - Faith-based NGOs
    - Level of engagement
    - Dynamics over time
    - Added values
    - Constraints/limitations
    - Areas of enhancement
    - Opportunities to leverage engaging with them
  - Local and Community-based organisations
    - Level of engagement
    - Dynamics over time
    - Added value
    - Constraints/limitations
    - Areas of enhancement
    - Opportunities to leverage engaging with them
- Can you describe what are the criteria for NGO membership in the cluster?
  - If not addressed in the answer, is there any criteria specifically in relation to PSEA and code of conduct?
- o Does the cluster engage with stakeholders other than NGOs and local CSOs? For example, academia, private sector…?
  - Level of engagement
  - Dynamics over time
  - Added value
  - Constraints/limitations
  - Areas of enhancement
  - Opportunities to leverage engaging with them
- What support could your cluster/sector benefit from in relation to engagement with NGOs and other stakeholders?
  - And specifically in relation to human rights issues?

8. Engagement with Human Rights Actors

- What are the main human rights actors the cluster/sector interacts with?
  - o Which ones
  - o Quality of the relation
  - o Process

- o   Outcomes
- o   Impact
- Are they members the cluster? If not, in what capacity do they interact with the cluster/sector?
- For what type of activities/work/work streams do cluster and human rights actors collaborate on?
- Are there human rights actors the cluster is not interacting with? What are the constraints and limitations? Any opportunities?
- [If there is a peacekeeping mission] How do you engageme with the human rights unit of the PK mission? Challenges/opportunities
- What is your current level of interaction with human rights advisors of the Resident Coordinators? Challenges/opportunities?
- Does the UNCT have specific interagency bodies or mechanisms on human rights?
- What support could your cluster benefit from in relation to engagement with human rights actors?

9. Capacity building

- What do you think the cluster and its members miss in terms of knowledge or skills to be able to engage on HR and with HRI and HRM?
- Does the cluster have access to learning resources on HR, HRI and HRM?
- Have capacity building initiatives been undertaken (specifically on engagement with human rights systems)? Details
- What are the gaps? What is their impact on the cluster's ability to include HR in its work?
- What support could your cluster/sector benefit from in relation to capacity building and human rights?

What other support would you need from the TT on HRE?