



UNHCR Engagement with National Human Rights Institutions for IDP Protection



A CHECKLIST FOR FIELD OFFICES ON ENGAGING WITH NHRIS

In order to fulfill its responsibility to coordinate and deliver protection in situations of internal displacement, UNHCR has come to employ a range of interrelated strategies, one of which involves engaging in strategic partnerships with national human rights institutions (NHRIs). These human rights institutions are state bodies, funded by governments but with independent mandates to protect and promote human rights. As such, they are natural partners for UNHCR in its role to promote the protection of and assistance to IDPs.

In an effort to bring together different UNHCR expertise and experience in collaborating with NHRIs, UNHCR has undertaken a stock-taking study entitled '*UNHCR Engagement with National Human Rights Institutions for IDP Protection: A Stocktaking Exercise*'. The study collects the experiences of UNHCR in its engagement with NHRIs in five different countries (Afghanistan, Colombia, Nigeria, Kenya, and the Philippines) as a means to support a broader and more consistent institutional effort by the organization to work with NHRIs on issues of IDP protection. Given the nascent efforts of UNHCR in its engagement with NHRIs, the study provides an initial stock taking of the diverse experiences of UNHCR in its collaboration with NHRIs thus far.



The stock-taking exercise revealed that with the support of UNHCR, NHRIs have become active in protection clusters and in national level working groups for IDPs. They have established institutional IDP focal points and IDP units. They have also expanded the strength of their presence in provinces for IDP protection monitoring which, in turn, has allowed them to gather systematic data on IDPs that can influence the actions of government and non-government actors.

Based on the lessons learned in the stock-taking exercise as well as other UNHCR experiences working with NHRIs as described in, and with a view to provide support to UNHCR country operations that can benefit from a strategic engagement with NHRIs on IDP protection, the checklist below on engaging with NHRIs has been elaborated. The objectives of the checklist are two-fold:

- To highlight some of the key issues to be considered throughout the whole process of collaborating with NHRIs, from initiating engagement through implementation to disengagement;
- To outline some of the key activities that UNHCR country offices can engage in when collaborating with NHRIs and how to maximize their impact on the protection of IDPs.

Whilst a helpful tool, the checklist is neither meant to be exhaustive nor prescriptive in nature. As such, the final decision on when and how to engage with NHRIs will depend on the operational context in the different country operations.

INITIATING ENGAGEMENT WITH NHRIS

Learn about the history, mandate and personality (ies) of the ombudsman or commissioners and their operational priorities.

Understand the political context in which the NHRI operates and its relationship with the different government and executive bodies.

Map the capacities of the NHRI, including an inventory of field presence.

Create a list of government agencies with whom UNHCR should also partner or collaborate, together with the NHRI, for IDP protection.

Develop a clear strategic goal for engagement with NHRI based on a well-defined timeline and communicate it to all relevant stakeholders.

If engagement requires budgetary commitments, ensure that this is discussed internally and approved and that a phase-out/ exit strategy is agreed upon from the outset.

Identify other UN agencies that may already be engaged with the NHRI and explain to them UNHCR's specific engagement for IDP protection, ensuring that UNHCR's engagement creates synergy and does not duplicate efforts by other humanitarian actors.

Explain UNHCR's engagement with the NHRI to the UNCT/HCT and ensure that it is understood.

Balance the partnership with the NHRI with parallel engagements with other relevant government entities for a multi-institutional approach.

If necessary, liaise with the Division of International Protection (DIP) at UNHCR HQ for guidance and support or to request good practices from other operations.

DETERMINING THE MODALITIES OF ENGAGEMENT WITH NHRIS

Develop and sign an MOU outlining clear roles and responsibilities for the partnership and an articulation of the autonomy of the NHRI.

If financial support to the NHRI is envisaged, ensure that the MOU clearly outlines the objectives, timeline, and expected outcomes of the activities that NHRI will conduct.

In designing your engagement with the NHRI, consider funding an IDP focal point or unit to support IDP protection activities. It is important that a phase-out/exit strategy is planned for such engagement from the outset.

Identify other areas where UNHCR resources can help to build up the capacities of the NHRI such as in-kind donations of vehicles or equipment.

PROMOTING IDP PROTECTION THROUGH THE ENGAGEMENT WITH NHRIS

Collaborate with other protection partners to provide training and capacity building to NHRI staff on IDP protection, either through country-level workshops or by sending staff to regional or global workshops.

If appropriate and following consultation with the Protection Cluster members, consider invite the NHRI to participate in the Protection Cluster at national and subnational levels.

Following consultations with the Protection Cluster members, decide whether the nationalization of the Protection Cluster with NHRI as a co-lead may be a more effective tool for IDP protection and propose it to the NHRI and government counterparts.

Consider requesting the support of a ProCap deployee or HQ support for training as required.

Nurture strong links between the NHRI and civil society organizations through the Protection Cluster or other forums.

Leverage the institutional relationship developed with the NHRI through the partnership to undertake advocacy with the different government and executive bodies to enhance IDP protection.

PROMOTING THE DEVELOPMENT OF NATIONAL LAW AND POLICY ON INTERNAL DISPLACEMENT THROUGH ENGAGEMENT WITH NHRIS

Determine whether the NHRI has the legal authority to review and comment on human rights and IDP-related legislation and policy in the country.

If so, work with the NHRI to ensure that laws and policies are in alignment with international standards on IDP protection, including the IDP Guiding Principles.

If not, consider whether UNHCR might be able to invite the NHRI to participate in a technical drafting group, together with UNHCR and other government and non-government stakeholders.

Suggest the explicit articulation of the NHRI or a multi-stakeholder committee of which the NHRI is a member as an overseer of the implementation of the IDP law or policy.

In all cases, work in tandem with the NHRI to promote the adoption of the law and/or policy with parliamentarians through the facilitation of bilateral meetings and/or small workshops on IDP protection.

Support the NHRI in developing its own capacity to assess and, where necessary, comment on State's draft reports to Treaty monitoring bodies and Universal Periodic Review.

Work in tandem with the NHRI to support Government, Parliament and the Judiciary's implementation of recommendations, concluding observations and other outcomes of the UN human rights system (Human Rights Council, Universal Periodic Review, Special Procedures Mandate Holders, and Treaty monitoring bodies) and promote a change in policy, legislation and programming affecting IDPs.

ENGAGING IN JOINT PROTECTION ACTIVITIES WITH NHRIS

Assess the capacity and suitability of the NHRI's involvement in operational protection activities, such as protection monitoring.

If deemed appropriate, conclude an Implementing Partner agreement with the NHRI outlining the scope and nature of protection monitoring activities to be conducted by the NHRI.

Consider the possibility of supporting a regional NHRI office in instances where the national NHRI and its existing antennae offices are not particularly operational and where internal displacement is concentrated in a specific area of the country.

Support the NHRI in its hiring and training of protection monitors and region-wide supervisors.

Design and establish a database for the collection of IDP protection monitoring information that can facilitate real-time reporting on protection concerns, while strictly adhering to confidentiality principles.

Collaborate with other organizations that may have technical expertise in developing data sets and maintaining databases for protection and/or human rights monitoring.

Collaborate with NHRI for the development of advocacy material based on the data collected through protection monitoring such as early warning reports, contextual analyses, or advocacy messages.

If appropriate, consider the possibility of launching a joint website with the NHRI to highlight IDP protection concerns.

DISENGAGING RESPONSIBLY

Consider whether the time/effort/resources invested by UNHCR in its engagement with the NHRI is generating an appropriate level of ownership of IDP protection issues. Do not substitute indefinitely.

Determine whether the NHRI and civil society organizations are sufficiently strong to carry on IDP protection work on their own.

Consider developing a tripartite agreement with the NHRI and UNDP, OHCHR, the World Bank or other development actors for projects promoting durable solutions that can be continued after UNHCR's disengagement.

Liaise with Senior Management and UNHCR HQ to ensure continued funding of the IDP operations where necessary or, at the very least, to provide ample time for the country office to disengage responsibly.

In instances where UNHCR will disengage but IDPs continue to exist without durable solutions, solicit donors and other partners to maintain NHRI funding and, in particular, to support the IDP focal points or units that were previously funded by UNHCR.

Explore whether the hosting of a consultant from the Office of the Special Rapporteur on Human Rights of IDPs might support the NHRI immediately following UNHCR's disengagement.

Document the engagement with key lessons learned and share it with HQ for internal use by UNHCR.

MAIN PHASES OF ENGAGEMENT AND KEY ACTIVITIES

