



Global Protection Cluster



© UNHCR/Mohammad Hawari

FACILITATORS GUIDE

ONLINE SESSION 1 – BASIC CONCEPTS AND HUMAN RIGHTS ENGAGEMENT AS PROCESS










Kyrgyzstan. Formerly stateless young woman gets citizenship and right to work. © UNHCR/Chris de Bode

SESSION OVERVIEW






Section	Content	Timing (approximate)
Before we start 	<ul style="list-style-type: none"> Welcome participants as they connect 	5 minutes before the start of the webinar
Introductions 	<ul style="list-style-type: none"> Facilitators for this webinar Ground rules for this webinar What topics are covered in this webinar 	10 minutes
Basic concepts and Human rights engagement as process 	<ul style="list-style-type: none"> Present the basic concepts by going through the different mechanisms in place Discuss the notion of process Present the components of human rights engagement as process 	40 minutes
Group discussion/ best practice 	<ul style="list-style-type: none"> Human rights engagement as process 	30 minutes
Closing		5 minutes
Total time 		90 minutes







NOTES FOR FACILITATOR







Section	Content
Slide 1 – cover slide 	<p>Indicate that we are excited to welcome everyone into the session, and will begin now.</p> <p>Introduces the facilitators for this session: The facilitators may also take this time to welcome participants and say a few words about themselves.</p>
Slide 2 – Ground rules 	<p>Remind participants quickly of the ground rules for this webinar.</p> <p>Everybody should be connected with a camera. You have the option to manage the camera yourself. It is important that you see each other.</p>
Slide 3 – Topics covered	<p>Explain that this webinar will start by going over some basic concepts related to human rights systems and then focusing on the topic of human rights engagement as process.</p>
Slide 4 – Why engage in the process 	<p>Discuss with participants the relevance of human rights considerations in humanitarian emergencies, and the added value of engaging in human rights discussions and processes.</p> <p>Establish linkages between human rights and centrality of protection; linkages between UN Human Rights Upfront and IASC protection policy.</p> <p>Ask participants to give examples on how they considered human rights in their work and interactions with stakeholders, and what were the challenges to advocate human rights within the inter-agency system</p> <p>Ask participants what are some of the human rights instruments as well as the national, regional and international mechanisms in place that they are familiar with and whether they have employed them in the course of their work.</p> <p>Also ask participants if they see an added value in engaging with Human Rights actors in the field and what challenges this can pose to them and their work if any. The discussion on challenges may delve into how they have addressed or mitigated such challenges.</p>



<p>Slide 4 – why engage in the process</p> 	<p>Human Rights Mechanisms provide an opportunity for Protection Clusters to:</p> <ul style="list-style-type: none"> ○ Assess the realities of people’s lives on a regular basis, identifying root causes of conflict and violence and groups (at risk of) being left behind. ○ Advocate more forcefully and strategically on issues. The peer element of the UPR means that States may want to show results more actively. With accepted recommendations, there is political will to implement. ○ Engage in dialogue on sensitive issues that may otherwise be delicate to raise (because you can refer to HRM and not to an analysis done by one agency in the country context) ○ Create and mobilize in-country networks and alliances on key human rights, sustainable development and peace and security issues between State entities, civil society and other relevant stakeholders such as national human rights institutions, trade unions, or the media. ○ Raise more awareness around human rights and inequalities in society. ○ Identify protection advocacy priorities for short-medium terms based on HRs recommendations. ○ Showcase the links between human rights recommendations and the 2030 Agenda. Advocate for addressing human rights challenges and the 17 SDGs in a holistic way, as a way to accelerate progress on both agendas and leaving no one behind. Ensure that this approach flows from the Cluster Strategy and results in tailored support for the implementation of national development plans and other relevant policy and programming frameworks and documents. <p>Facilitator should ensure that all mentioned concerns are discussed and clarify that such efforts do not constitute extra work load on cluster members.</p>
<p>Slide 5: Brief overview of the main HRM</p> 	<p>Explain to participants the general overview, starting with the GA, the difference between adopting and creating different resolutions. Also highlight OHCHR’s role as secretariat.</p> <p>Speak about the role of the Human Rights Council and then explain the difference between the UPR, the Special Procedures as opposed to the Treaty Bodies.</p> <p>Take questions and make sure everyone is clear on the overall structure then tell participants that now we will be diving deeper into each of those mechanisms to see their exact role and how we as clusters can engage with each of them.</p>

<p>Slide 6: How can we engage with the HRC?</p> 	<ul style="list-style-type: none"> ○ Attend HRC sessions relevant to the country of operation/ thematic areas relevant for the operation ○ Deliver a short statement at relevant HRC session(s) ○ Stay informed on outcomes from HRC sessions relevant to the country of operation ○ Share with protection cluster members - relevant information from HRC sessions, outcomes, findings of commissions of inquiry or other independent investigations, resulting recommendations and human rights standards. ○ Share confidential information to a Commission of Inquiry or other form of independent investigation, if activated in the relevant country of operation, as per given context through the lead agencies and/or with their endorsement. ○ Consider noted UPR recommendations in order to identify potential risk areas for mediation/preventive action - RMR related discussions. ○ Utilize references to recommendations, reports or other outcomes of the HRC in the protection cluster's advocacy strategy and/or activities
<p>Slide 7: How can we engage with the UPR?</p> 	<ul style="list-style-type: none"> ○ Inter-governmental peer review ○ Each State reviewed in a 4 year cycle ○ Reviews based on: <ul style="list-style-type: none"> ○ National reports from the States under review ○ Compilation report including information from UN experts and bodies ○ Compilation report including information from other stakeholders (NGOs, NHRIs,...) ○ The UPR Working Group issues reports containing recommendations by member states and commitments of the State concerned. The HRC adopts the outcomes of the UPR Working Group session. <p>How can the cluster engage?</p> <ul style="list-style-type: none"> ○ Stay updated when the country of operation is upcoming for review and share the information with PC members, ○ Be familiar with processes on how protection cluster members can contribute to the UPR process, ○ Deliver a session to protection cluster members on the UPR process (HRE TT can assist as needed), ○ Contribute a written submission for the UPR process, ○ Identify relevant UPR recommendations, including IHL recommendations, that were supported by the State during its most recent review, on which the protection cluster can follow up on implementation which can be part of Cluster response framework ○ Undertake activities to support the implementation of relevant UPR recommendations. ○ Consider noted UPR recommendations in order to identify potential risk areas for mediation/preventive action - RMR related discussions. ○ Utilize references to recommendations, reports or other outcomes of the UPR in the protection cluster's advocacy strategy and/or activities.

<p>Slide 8: The UN HR Treaty system</p> 	<p>Explain that each of the HRs treaties provides for the establishment of a Committee of independent expert = a treaty body. In addition, the OPCAT also creates a treaty body. Therefore -> 10 Treaty bodies.</p> <ol style="list-style-type: none"> 1. Committee on the Elimination of Racial Discrimination (CERD) 2. Human Rights Committee (HRC) 3. Committee on Economic, Social and Cultural Rights (CESCR) 4. Committee on the Elimination of Discrimination against Women (CEDAW) 5. Committee against Torture (CAT) 6. Committee on the Rights of the Child (CRC) 7. Committee on Migrant Workers (CMW) 8. Committee on the Rights of Persons with Disabilities (CRPD) 9. Committee on Enforced Disappearances (CED) 10. Subcommittee on Prevention of Torture (SPT)
<p>Slide 9: How we can engage with Treaty Bodies</p> 	<p>Go through each of the bullet points with participants and give examples of any concrete examples of previous Cluster engagement if available</p> <ul style="list-style-type: none"> ○ Submit Confidential Comments for State reviews ○ Provide oral briefings on States under review ○ Provide thematic briefings/meetings for the Committees ○ Participate in thematic discussions ○ Engage Committee Members in cluster events ○ Contribute to General Comments/General Recommendations ○ Support persons of concern to submit complaints to the Treaty Bodies – including requests for interim measures where relevant <p>How can the cluster and cluster members engage?</p> <ul style="list-style-type: none"> ○ Stay informed on the calendar of treaty body reviews for your country of operation ○ Share the calendar with PC members ○ Contribute written information or participate in briefings in relation to treaty bodies' reviews ○ Familiarise protection cluster members with key General Comments issued by the treaty bodies as relevant to the country operation and priority protection concerns (HRE TT can assist as needed) ○ Engage protection cluster members to identify possibilities for referring individuals to submit complaints to the treaty bodies where relevant and appropriate ○ Support and enable individuals who want to submit complaints to the relevant treaty bodies ○ Provide information to the relevant committee when rights contained in a convention monitored by that committee are systematically violated by the country and the country has ratified the appropriate protocol to enable "state inquiries" by the relevant committee ○ Share relevant information with treaty bodies when new General Comments / General Recommendations are being developed ○ Use recommendations in advocacy efforts for change ○ Advocate for and offer technical assistance for the implementation of recommendations ○ Analyse recommendations to see if they are early warning indicators of conflict or crisis ○ Use the reporting process to build relationships and dialogue between State, civil society and humanitarian actors

<p>Slide 9: How we can engage with Treaty Bodies</p> 	<p>Please make sure to highlight that Protection Clusters often do not have the capacity, time and resources to do all. Therefore, the cluster need to have capacity among members that have the legal expertise to use such mechanisms. Participation of HRs organizations in the protection cluster is key to this. Protection Clusters should also consider including legal aid and advocacy in support of victims of HRs\IHL violations within the PC response framework.</p> <p>In some contexts, having regular meetings with HRs to update and exchange information on HRs concerns can help shape and strengthen the PC advocacy and beef its contribution to HC\HCT advocacy.</p>
<p>Slide 10: How we can engage with SPMH</p> 	<p>Highlight the following:</p> <ul style="list-style-type: none"> ○ Special Procedures¹ <ul style="list-style-type: none"> ○ 44 thematic mandates ○ 10 mandates relating to countries or territories ○ Appointed by the Human Rights Council ○ Monitor human rights in different countries or specific issues ○ Research issues of concern ○ Country visits ○ Receive and consider direct complaints ○ Appeal to governments ○ Respond to emergencies ○ Report to the Human Rights Council <p>How can the protection cluster engage?</p> <ul style="list-style-type: none"> ○ Stay up to date in terms of upcoming country visits by Special Procedures ○ Share information about upcoming country visits by Special Procedures with protection cluster members ○ Propose a briefing to a mandate holder ahead of or during a planned country visit ○ Stay up to date in terms of upcoming thematic reports of Special Procedures ○ Share information about upcoming thematic reports of Special Procedures Mandate Holders with protection cluster members ○ Contribute to upcoming thematic reports of Special Procedures Mandate Holders with protection cluster members ○ Propose issues and provide information for ad hoc press communications issued by SPMH to complement or fill the gap of cluster's communication products ○ Prioritize a list of Special Procedures Mandate Holders, based on the context, with which the cluster will systematically engage ○ Proactively share relevant information on confidential basis with the prioritized list of Special Procedures, based on the context. This would include sharing key operational updates to those mandates which have been specified as a priority for the Cluster ○ Refer sensitive individual cases to Special Procedures, where appropriate, for intervention ○ Invite a mandate holder to participate in relevant high level events organized by the cluster ○ Utilize references to recommendations, reports or other outcomes of the SPMHs in the protection cluster's advocacy strategy and/or activities

¹ as of 2021

Slide 11: HRE as a process



State that now that we have covered the basic concepts let's move to the actual process of engagement. In order to do that let's try to better understand the difference between a "procedure" and "process" The facilitator asks participants to brainstorm together and to mention a few words that come to their minds as they think about the word "process". To ease the discussion, the facilitator may use an example and ask the participants what they have to do in order to make coffee or some other beverage. The facilitator gives participants one or two minutes to contribute their ideas.

Bring all the ideas together and summarizes that **a process is a series of actions or steps taken in order to achieve a particular end**. This understanding is also in line with the definition of the word "process" in the Oxford English Dictionary. The facilitator notes that some of the answers provided by the participants also looked at aspects related to how to do a certain action. The facilitator explains that this aspect has more to do with procedures. A procedure is an established or formalized way of doing something. A procedure is very detailed in the way that it needs to be carried out.

The facilitator explains that it is important to **distinguish between processes and procedures**. For instance, each human rights mechanism has its own procedure as to the way that the composition of that mechanism, or its own rules of procedure that govern how many times a mechanism has sessions, how those sessions are carried out, who gets to participate in those sessions etc.

The facilitator continues by explaining that human rights engagement is also defined by **several elements**, namely:

- normative frameworks, such as the regional and international human rights treaties or domestic instruments prescribing human rights.
- Institutional frameworks, such as the human rights mechanisms established at international and regional levels, but also the systems put in place at national level.
- Procedures and requirements related to how to work with the human rights mechanisms, such as what information to submit, deadlines for submission of information, particular criteria for activating a certain procedure, types of outcomes from each mechanism.
- Stakeholders who are active in the space of human rights protection. For instance, NGOs are engaging in particular ways geared towards advocacy and denunciation of human rights violations. This is different from how national human rights institutions exercise their human rights mandate focusing more on advice, investigation of human rights violations.
- Perhaps you can add another element here: Conducive environment for advocating human rights, namely to what extent the authorities are responsive to human rights messaging, and identifying the best way, manner and timing to use national vs. international HRs mechanism.



Slide 11: HRE as a process



The facilitator explains that the participants may be used to drafting or providing inputs to cluster or individual UN agencies' submissions to various mechanisms. And for some of the participants or some colleagues, this is the only time or the only way in which they are involved in this intervention with the human rights mechanisms. **The facilitator explains how cluster members can be sometimes involved in the engagement with the human rights mechanisms.** Some colleagues are in touch with the Human Rights Engagement Task Team to coordinate the submission of that contribution to the human rights mechanism concerned, or to get information about what happened at the session of the mechanism. You may have been involved in all of these steps, or only in some of them. The way you may see the engagement with the human rights mechanisms may be limited to the particular role you played.

But the process of engagement with the human rights mechanisms is broader. We need to look at the bigger picture. We need to look at all the components of the process in order for us to understand how to leverage the outcomes of the engagement and to advise on or to make the best decisions about the actors to engage with and in which way to engage.

The facilitator explains that participants need to broaden the way in which they consider human rights engagement. As mentioned before, you are engaging on human rights if you are using human rights instruments, if you are using the human rights mechanisms, or if you are using stakeholders specific to the human rights field.

The facilitator then turns to explaining what the components of the human rights engagement process are.




The facilitator comes back to the slides and shows slide 11 which is the illustration of the human rights engagement as process in the ideal world.




The facilitator takes the participants through the illustration and presents briefly each of the components.

The facilitator asks participants if they have questions at this stage, or if they want to share any situation from their experience.

The facilitator then invites participants to move forward. The facilitator explains that many actors can engage with the human rights mechanisms and this engagement looks different for each of them.

- Organization level: each organization defines its protection objectives, methods in which they decide to leverage the human rights system, available courses of action;
- State level: the Government prepares its participation in the different human rights mechanisms or is prompted to collaborate with the human rights mechanisms;
- Clusters: NGOs, national human rights institutions, other UN entities, other stakeholders: participate and cooperate with the human rights system.

<p>Slide 11: HRE as a process</p> 	<p>The facilitator summarizes that the process of engaging with the human rights mechanisms can be different for each actor. The facilitator can ask the participants to think of reasons why the engagement looks different for each actor. The facilitator lets two-three participants to respond, after which the facilitator explains that each actor decides how to carry out its human rights engagement depending on its own advocacy objectives, resources, partnerships, context etc. The engagement may also vary depending on timelines (e.g. there are particular rules determining the participation of NGOs, NHRIs, and UN entities in the sessions of the human rights mechanisms).</p> <p>The facilitator stresses that even though these processes of human rights engagement may be different from each other, they are not entirely separate from each other; they intersect in many ways and can influence each other.</p> <p>Moreover, the facilitator indicates that human rights engagement does not happen in a linear way with a single direction. You may need to go back to and forth and reassess the components of your engagement. The facilitator explains that engaging with the human rights mechanisms may require attaching different levels of importance to the different components of the human rights engagement. At a certain point in time, one element (maybe the human rights analysis or the communication aspect) may seem more important than another component in your context. The facilitator stresses that the participants need to remember that all the steps are part of the engagement process.</p> <p>The facilitator then asks the participants how the process of engaging with the human rights mechanisms looks like. The facilitator stresses that this process:</p> <ul style="list-style-type: none"> ○ Is dynamic in the sense that it can be triggered in various ways. ○ Can move in various directions, back and forth. ○ Takes place over time. ○ All the components of the process are engaged continuously. <p>The facilitator may give the participants an example. For instance, a specific cluster may conduct a human rights analysis in order to identify protection concerns and formulate rights-based advocacy interventions. Several months later, when the cluster obtains recommendations from the human rights mechanisms, the cluster may need to look back at its human rights analysis or at its stakeholder analysis and see how the situation has evolved in the past months in order to be able to move to strategizing about the use of the recommendations from the human rights mechanisms.</p> <p>The facilitator asks participants if they have questions.</p>
<p>Slide 12: Optional exercise/discussion</p> 	<p>Depending on time as well as level of experience in the audience decide whether or not to skip this part.</p> <p>If you choose to have the discussion, ask participants in plenary to share their previous experience if they have, or how they think the cluster can start engaging in the future based on the information received today.</p>
<p>Slide 13: Human Rights engagement</p> 	<p>The facilitator concludes that what participants see is that in reality the process of engaging with the human rights mechanisms can take different shapes, it can involve different actors, it depends in each context, it may require adjustments and so on. On that note, the facilitator then turns to the slide 13 in the powerpoint presentation which is the illustration of human rights engagement as process in reality.</p>

<p>Slide 13: Human Rights engagement</p> 	<p>The facilitator explains that this illustrates includes the same components of human rights engagement as slide 11, But in reality, the steps do not follow each other in a strict order – you may need to go back to some components and make necessary adjustments. The cogs show that you may need to trigger different components at a particular time or situation; that some components may carry a stronger importance or influence- this is why the cogs have different sizes. But all of them are part of a whole and each of them contributes to ensure that you work towards the outcomes that you would like to achieve.</p>
<p>Slide 14: Available support</p> 	<p>The facilitator shares with participants the different initiatives and tools/resources available for them and asks if there are any questions.</p>
<p>Slide 15: Key messages</p> 	<p>Go over the key messages and close the session.</p>



Thailand. Portrait of a 15-year-old refugee boy in Mae La Oon refugee camp. © UNHCR/Jerry Redfern



Global Protection Cluster