



GUIDANCE FOR FIELD PROTECTIONS CLUSTERS ON ENGAGEMENT WITH NATIONAL HUMAN RIGHTS INSTITUTIONS

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Executive Summary

Protections Clusters (PCs) can strategically engage with **national human rights institutions (NHRIs)** to enhance the protection of crisis affected populations. NHRIs are a unique partner for PCs for the following key reasons:

- PCs can leverage the broad mandate that NHRIs have to promote and protect the human rights of all persons on the territory or under the jurisdiction of the State concerned, including persons who are in need of protection, such as persons affected by humanitarian crises.
- NHRIs' unique position as State institutions that function in an independent manner is a strategic asset for PCs, not least in light of the accountability schemes attached to it vis-à-vis the authorities.
- NHRIs can implement activities agreed jointly with PCs or independently as they may have a wider geographical reach and develop sustainable protection strategies, notably where they might be dedicated strategies, action plans, or presence in particular areas of the NHRIs.
- NHRIs' standing, expertise and competences are valuable strengths that PCs can use to advance legislation that protects and promotes the human rights of the population during and post emergency.
- NHRIs frequently have the competence to, inter alia, handle individual cases, monitor cases of detention, facilitate access to redress mechanisms and monitor the protection issues faced by internally displaced persons.
- NHRIs publicize their findings and recommendations to authorities and the communities at large, which can increase the visibility of issues of relevance to PCs and provide further basis for advocacy at local level.

Several key considerations should guide PCs' engagement with NHRIs:

- Formalized channels of collaboration between PCs and these institutions could set out the common areas of work, roles and responsibilities, working methods, data protection considerations and confidentiality concerns as well as the "do no harm" principle.
- Implementation of activities jointly with NHRIs may require building the capacity of the institutions on the international standards for the protection of affected persons, and equally fall within the scope of engagement of NHRIs.

Table of Contents

I. National Human Rights Institutions.....	3
1. <i>What is a NHRI?</i>	3
2. <i>The mandate and competences of NHRIs</i>	4
II. Relevance of NHRIs for PCs	5
7 <i>key reasons why PCs should engage with NHRIs</i>	5
III. What PCs can achieve by collaborating with NHRIs	9
1. <i>Data collection and monitoring the human rights situation of affected populations</i>	9
2. <i>Strengthened capacity to conduct monitoring of places of deprivation of liberty</i>	10
3. <i>Monitoring- including cases of voluntary return and sensitive cases</i>	10
4. <i>Advance legislation and policies related to internal displacement</i>	11
5. <i>Facilitate access to justice for affected populations</i>	11
6. <i>Strengthen the protection of crisis affected populations</i>	12
7. <i>Ensure an age, gender and diversity approach in engagement with NHRIs</i>	14
8. <i>Strengthen the protection of persons forcibly displaced in the context of climate change</i>	15
9. <i>PCs can advocate for the establishment of a NHRI in the country or strengthen the institutions' capacity to address issues related to protection of crisis affected populations</i>	16
10. <i>PCs can strengthen and mutually benefit from NHRIs' role in mainstreaming human rights in state emergency preparedness</i>	17
IV. Conclusion	17
1. <i>Considerations prior to engagement with NHRIs</i>	17
2. <i>Considerations during engagement with NHRIs</i>	18
3. <i>Evaluation and follow-up to engagement with NHRIs</i>	18

I. National Human Rights Institutions

1. What is a NHRI?

A national human rights institution (NHRI) is a State-established institution by law or constitution with a broad human rights mandate which functions with independence and meets cumulatively two key roles expressly stipulated in the Paris Principles relating to the status of national institutions (Paris Principles) adopted by the General Assembly in 1991: it protects human rights, including by receiving, investigating and resolving complaints, mediating conflicts and monitoring activities; and it promotes human rights, through education, outreach, media, publications, training and capacity-building, and advice to the Government¹. Various other bodies, organizations and institutions with a human rights mandate may function at national level. They can be human rights committees within parliaments, mechanisms to monitor the respect of human rights by certain categories of persons, national mechanisms for reporting and follow-up of implementation of recommendations coming from the international and regional human rights mechanisms. These institutions are not NHRIs within the meaning of the Paris Principles, though their work may be important and effective in other ways.

An institution cannot proclaim itself as a Paris Principles-compliant NHRI. The compliance of NHRIs with the Paris Principles is periodically assessed by the Global Alliance of National Human Rights Institutions (GANHRI), Sub Committee on Accreditation (SCA) in an internationally recognized accreditation process².

However, it should be noted that there are different models of NHRIs. Not all of them have applied for accreditation and therefore have not undergone a formal process to assess their compliance with the Paris Principles. This includes, Gender Commissions, Disability commissions, Equal opportunities bodies etc. It is advisable to work with these categories too, just making a clear distinction between those NHRIs that are accredited by the SCA and those that are not.



The Accreditation process is supported and serviced by the United Nations through the OHCHR. However, decisions are made by the SCA, that is composed of A- status NHRI representatives from each regional group of the GANHRI. Following the accreditation process, NHRIs are recognized as follows:

- A status: a NHRI fully compliant with the Paris Principles;
- B status: a NHRI that partially meets the Paris Principles.

As of January 2021, there are 127 accredited NHRIs around the world, of which:

- 84 institutions are in full compliance with the Paris Principles,
- 33 are partially compliant with the Paris Principles, and
- 10 institutions are not compliant with the Paris Principles³.

2. The mandate and competences of NHRIs

NHRIs have a broad mandate to protect and promote the human rights of all persons in the territory and/or under the jurisdiction of a State. NHRIs discharge their **protection mandate** by undertaking to:

- Monitor the realization of human rights at country level, including the situation of crisis affected populations;
- Carry out investigations and monitoring activities, either at their own initiative or request, on the human rights situation in the country, including with respect to affected populations;
- Receive and handle complaints from individuals;
- Coordination and proper referral of cases to relevant authorities;
- Investigatory functions;
- Facilitate access to justice for victims, through courts;
- Publish annual and thematic reports with recommendations to national authorities.

NHRIs discharge their **promotion mandate** by undertaking to:

- Advise State institutions on the ratification of international instruments and adoption or amendment of national legislation and other programmatic recommendations to ensure compliance with international human rights norms; NHRIs could also remind the government of non-derogable human rights when necessary including on humanitarian law, the rights of displaced persons, and particular situations, e.g sexual assault, etc.
- Provide legislative and policy advice to ensure compliance with international human rights norms of both existing and laws and policies in the making;
- Support training and capacity-building on human rights issues, for national authorities or the general public;
- Increase public awareness on human rights.

II. Relevance of NHRIs for PCs

The functions of NHRIs can align with the protection egg model under all types of interventions: responsive, remedial and environment building.

7 key reasons why PCs should engage with NHRIs

1. PCs can leverage the fact that NHRIs are independent and trusted institutions by individuals and a bridge between rights-holders, civil society organizations, Government, Parliament and the judiciary.

NHRIs have had a long tradition of promoting and protecting human rights. Their independence from any interference, their direct contact with individuals, advice and expertise have won them the trust of individuals even in contexts where there are incidents of weak rule of law or general distrust of public authorities.

- The fact that NHRIs function with independence from any interference makes them a unique partner for PCs;
- NHRIs must have a diverse and pluralistic composition which makes them an institution with high standards of expertise and representation of all segments of society;
- Importance of NHRIs in also bridging relations and fostering engagement with civil society organizations towards a whole-of-society approach;
- The State is under the obligation to allocate adequate resources to its NHRI in order to guarantee its independence as well as its autonomy in deciding its priorities and implementation of activities⁴.

2. Services and programmes implemented by NHRIs for the benefit of affected populations are assumed as part of the mandate of NHRIs, thus triggering the accountability of the State in terms of respect of human rights, effectiveness and quality.

As an institution of the State, all the activities undertaken by the NHRI entail the State's accountability. Unlike collaborations with other partners who may be donor-driven or dependent on funding, NHRIs are State institutions, and the State has to ensure adequate resources for their effective functioning. However, oftentimes, NHRIs do not have sufficient adequate resources from their respective Governments. Nonetheless, they support States to meet their human rights obligations and increase States' accountability in that regard.

NHRIs have broad national outreach. A number of them have regional offices or focal points throughout the country, and therefore can reach a broader constituency.

NHRIs also collaborate with CSOs when conducting their activities and have widened their outreach in this way as well.

3. PCs can contribute to and benefit from NHRIs' broad competences which include investigation, advice, counselling, legal aid, protection monitoring, capacity-building or handling individual complaints.

PCs can strategically use the various competences that NHRIs have in order to enhance the protection of the human rights of affected populations. In addition, national authorities can also use NHRIs as an intermediary in collaborations with UN entities, civil society organizations or marginalized populations and communities. At the same time, NHRIs themselves may collaborate with PCs so as to strengthen their capacity to deliver their protection and promotion mandate.



4. NHRIs have a strong and broad advisory function to support public authorities' efforts to prevent human rights violations, ensure human rights-based approaches and compliance with international and regional human rights standards, and promote the full enjoyment of human rights by affected populations.

NHRIs not only can denounce such violations, but they also have a strong advisory function which permits them to provide recommendations to the Government and other institutions of the State on how to improve its human rights record - and to whom the State is accountable. PCs can discuss the situation with NHRIs on the situation of human rights of persons of concern and discuss amendments or developments in law and policy that would contribute to improve the protection of persons of concern. In this regard, thematic and situations reports prepared by NHRIs that include protection assessments and recommendations addressed to key stakeholders constitute a valuable tool for PCs⁵.

5. NHRIs publicize the findings of their investigations and the recommendations made to the Government.

Unlike other actors that maintain their findings and recommendations confidential, NHRIs make public the reports of their investigations and the recommendations they addressed to the Governments, often for transparency and accountability. They also submit annual and thematic reports before parliaments. Where appropriate, PCs and partner organizations can discuss and provide information to NHRIs in relation to the human rights situation of persons under its mandate, so that these issues be publicly reported on, including before national parliaments. This should not preclude collaboration with NHRIs on sensitive issues that require maintaining confidentiality. Confidentiality and “do no harm” principles and protection of rights-holders are often embedded in the NHRIs’ mandate and working methods.

6. PCs can leverage the different platforms of cooperation among NHRIs at regional and international levels.

The Paris Principles require NHRIs to cooperate with each other in the fulfilment of their mandate. NHRIs have developed several platforms of collaboration, including bilateral cooperation agreements, national, local, and regional networks and partnerships, and the Global Alliance of National Human Rights Institutions at global level to share best practice and knowledge on different subject areas.

7. PCs can leverage the fact that NHRIs collaborate with the UN system and regional platforms.

NHRIs play a fundamental role in the international human rights system by cooperating not only with the human rights mechanisms, but also by participating in UN processes and engaging with all of the UN entities:

- NHRIs can engage with the UN human rights mechanisms;
- NHRIs submit information to the UN human rights mechanisms and represent a counterpart for the mechanisms;
- NHRIs can attend the sessions of the UN human rights mechanisms;
- NHRIs can advise the Governments on the implementation of the recommendations issued by the human rights mechanisms;
- NHRIs can advise the Governments in the preparation of their reporting to the human rights mechanisms;
- NHRIs participate in national monitoring and follow-up mechanisms in their independent capacity;
- NHRIs may assist alleged victims in engaging with these mechanisms’ protection and communication systems, as appropriate.

The PC or UNCT/HCT can engage in may different ways with NHRIs:

- NHRIs can be members of PCs (e.g. the Niger Commission of Human Rights, South Sudan National Human Rights Commission);
- PCs can approach NHRIs and encourage them to join the PC. E.g. NHRIs might be fit to participate in a working group for legal aid or as a guest speaker to cluster meetings;
- Ensure international norms are incorporated into domestic legal and policy frameworks;

- Identify and advise on overcoming gaps in the national human rights protection framework;
- Work together UNCTs/HCTs in raising human rights concerns;
- Prepare joint submissions to the UN human rights mechanisms;
- Contribute to the preparation of Common Country Assessments and of the UN Sustainable Development Cooperation Frameworks, as well as HNOs and HRPs⁶;
- In cases where peace treaties or agreements prescribe a particular role for NHRIs, they should be enabled to support peace-building efforts;
- UNCTs/ HCTs can advocate for the establishment or strengthening of NHRIs;
- UNCTs/ HCTs can provide technical assistance to strengthen the NHRIs.



To clarify the role of NHRIs in relation to the implementation of the 2030 Agenda, GANHRI adopted in 2015 the Merida Declaration. This instrument outlines the various roles and functions that NHRIs can play to provide advice on how to promote a human rights-based approach in the implementation of the 2030 Agenda⁷. In addition to this, measures taken by States to establish or strengthen NHRIs constitute an indicator to monitor the implementation of Sustainable Development Goal 16a.i on access to justice.

NHRIs can benefit from agreements of collaboration with UN entities in order to strengthen their capacity, such as the tripartite partnership established by OHCHR, UNDP and GANHRI to build the technical capacity and strengthening the independence of NHRIs⁸.

III. What PCs can achieve by collaborating with NHRIs

PCs can establish collaborations with NHRIs around the world. Such collaborations can yield positive protection outcomes for affected populations. Some of these key protection outcomes are outlined below:

1. Data collection and monitoring the human rights situation of affected populations

In discharging their protection mandate, NHRIs can undertake the following activities, namely:

- Regularly collect, document, analyse and disseminate data on the situation of human rights of persons of concern;
- Handle individual complaints, including from persons under PCs' mandate, holding the State accountable;
- Seek redress or remedies through the judicial system and extrajudicial mechanisms;
- Monitor, investigate and report on the human rights situation in the country, including by focusing on:
 - Monitoring thematic issues affecting persons of concern to PCs;
 - Monitoring progress in the realization of certain rights;
 - Undertaking public inquiries into particular human rights issues.

Key aspects for PCs to consider:

- PCs and NHRIs should work together to inform affected populations of the existence and functions of NHRIs in a specific country as well as of modalities to contact the NHRIs;
- Where desirable, PCs could establish collaboration agreements with NHRIs in order to collect and share data regarding persons of concern as well as monitor the human rights situation of persons of concern;
- PCs could hold periodic discussions with NHRIs about the human rights situation of affected populations (e.g. absence of specific legislation or policies, problematic legislative provisions or practices that result in limitations in terms of access to rights and essential services) in order to trigger an investigation;
- PCs could ensure the participation of representatives from NHRIs during visits to IDP camps/ settlements, detention facilities, in workshops or various events;
- PCs could leverage NHRIs' expertise in monitoring the realization of civil and political rights, as well as economic, social and cultural rights, such as the right to education, adequate standard of living, health, work, or housing, in order to advocate for the inclusion of affected populations national policies, plans, programmes and services⁹.

2. Strengthened capacity to conduct monitoring of places of deprivation of liberty

Visiting places of deprivation of liberty often falls within the protection mandate of NHRIs. In addition, in circumstances where the NHRI also assumed the mandate or is part of the national preventive mechanism under the Optional Protocol to the Convention against Torture, or the National Monitoring Mechanism of the Convention on the Rights of Persons with Disabilities, NHRIs have a stronger responsibility to monitor detention places. The NHRIs' mandate to conduct detention monitoring is not limited to detention under criminal law, but it encompasses immigration detention as well as other forms of administrative detention, such as detention in cases of public health situations. NHRIs can conduct announced as well as unannounced periodic visits to all places where persons of concern may be detained;

- NHRIs must have unrestricted access to all persons, places and documentation during their visit;
- NHRIs can engage with security and law enforcement forces and provide training on human rights standards related to detention, arrest procedures, collection of evidence, access to asylum procedures and preparation of reports;
- NHRIs can receive and handle individual complaints from persons deprived of liberty;
- NHRIs provide recommendations to prison authorities as well as relevant national authorities on improving detention conditions and inmates' rights, including with regard to IDPs.

Key aspects for PCs to consider:

- NHRIs can conduct joint monitoring missions together with PCs in places of detention;
- PCs can strengthen the capacity of NHRIs to conduct detention monitoring visits, for example with regard to monitoring certain human rights of affected populations;
- PCs can work together with NHRIs in advocating for the implementation of alternatives to detention.¹⁰

3. Monitoring- including cases of voluntary return and sensitive cases

PCs have a mandate to ensure that decisions to return displaced persons are taken on a voluntary and informed basis and monitor the situation of returnees in order to establish that conditions in the country of origin are stable, national protection is available, and returnees are reintegrated. PCs should be given direct and unhindered access to returnees to be able to monitor that the conditions for return are met, including that returnees enjoy their human rights on an equal footing with fellow citizens¹¹. NHRIs represent a key partner for PCs to monitor the situation of respect of human rights of returnees and their reintegration.

Good Practices

The National Human Rights Commission of Niger is a member of the Protection Cluster which results in cooperation with regard to sharing of information and alerts about human rights violations.

4. Advance legislation and policies related to internal displacement¹²

NHRIs can advocate for legislative and policy amendments to ensure respect for the human rights of persons under PCs' mandate. Advising national authorities implies:

- Conducting periodic reviews of and advise on draft legislation and policies;
- Ensuring compliance of national frameworks with international human rights norms; Communicating findings and conclusions with national authorities and the public;
- Promoting the ratification and domestication, as relevant, of international treaties of relevance to PCs and encouraging the removal of reservations;
- Advocating the development of normative frameworks of relevance to PCs - or even drafting them directly, as the National Human Rights Commissions in Mexico and in the Philippines did in relation to draft laws on internal displacement.

Key aspects for PCs to consider:

- In addition to informing national authorities, the reports and recommendations addressed by the NHRIs can also be a valuable source of information for PCs with regard to standards in policy-making;
- NHRIs' participation in law and policy-making is not limited to their advisory functions. NHRIs can also foster dialogue and facilitate collaborations among different branches of government;
- Where PCs supports a Government in developing a law or a policy, it could ensure that the NHRI is also adequately informed about and involved in the process as relevant and feasible;
- NHRIs are strong advocates for the realization of economic, social and cultural rights, including the rights to housing, food, health, education and labour rights. PCs could encourage and support NHRIs to promote the enjoyment of these rights by persons of concern and ensure their inclusion in national human rights action plans, national programmes and services regarding health, housing, education, labour and social security.

5. Facilitate access to justice for affected populations

NHRIs' mandates with regard to handling individual complaints differ. Some NHRIs have quasi-judicial mandates and can initiate legal proceedings by submitting cases before regular courts, constitutional courts and specialized tribunals. Some have an ombudsperson, whose role is to investigate complaints and attempt to resolve them, usually through recommendations (binding or not) or mediation. Other NHRIs may have a mandate to intervene in court proceedings as "friends of the court" in cases that carry significant human rights implications and have the potential to lead to changes in the country's legal and policy framework in line with international and regional standards. PCs can collaborate with NHRIs and support NHRIs in developing legal arguments and interpretation of international and regional standards for the protection of persons of concern.

Additionally, some NHRIs also have a mandate to refer individual complaints to the judicial system or to seek remedies before courts. NHRIs may be the only recourse to access justice for persons under PCs' mandate especially in countries where they lack legal status. PCs can collaborate with

NHRIs to ensure persons of concern have access to free and quality legal aid throughout the asylum process and in other legal procedures.

Key aspects for PCs to consider:

- Generally, courts and judges are exempt from oversight by NHRIs in order to preserve the independence of the justice system. NHRIs can monitor and report on the right to due process, access to justice;
- NHRIs may act on behalf of a complainant or on behalf of public interest, depending on their mandate. Some NHRIs can use class actions in order to seek remedies on issues that affect more than one individual;
- NHRIs have strong expertise in the domestic legal system, and their members can provide quality legal aid free of charge to persons of concern whether in relation to asylum procedures or other legal procedures. They may also refer such cases to relevant government agencies extending similar assistance/support.



6. Strengthen the protection of crisis affected populations

There are several avenues within NHRIs' mandate that can be utilized in order to prevent and respond to situations of internal displacement:

- NHRIs can play a bridging role at several levels:
 - Between international, national, regional, and local human rights and humanitarian protection systems;
 - Between national authorities, civil society and internally displaced persons.
- Monitoring and reporting on internal displacement:
 - Collecting data on the situation of internally displaced persons, including in post-conflict situations;

- Monitor the human rights situation of IDPs, including access to housing, land and property, livelihoods or essential infrastructure, essential conditions for safe return and life in dignity or protection of IDPs from other arbitrary or discriminatory practices by authorities;
- Support IDPs' access to information regarding options and conditions for return, and that return is fully voluntary;
- Monitor IDP camps or sites, including IDPs in host families as well as in urban settings;
- Keep track of internal displacement trends;
- Publish reports and provide recommendations to Government, humanitarian agencies and donors on realization of civil, political, social, economic and cultural rights of the displaced population with the aim to achieve durable solutions in line with international standards.
- Handling individual cases submitted by IDPs:
 - Investigate individual cases involving violations of the human rights of IDPs;
 - Engage in litigation processes on behalf of IDPs' rights;
 - Provide legal aid to IDPs;
 - Support IDPs to secure personal documentation;
 - Register IDPs to vote.
- Conducting advocacy and awareness raising on internal displacement:
 - Advocate for the official recognition of internal displacement by the government when this is missing;
 - Advise national authorities on the development or reviews of national legal frameworks to address internal displacement in line with international and regional norms and standards;
 - Advise and support national authorities in the development of national policies or plans of action to address internal displacement;
 - Ensure the participation of IDPs in decision-making and monitoring and evaluation processes;
 - Cooperate with international and regional organizations in order to address the problems posed by internal displacement.
- Strengthen the capacity of national authorities to address internal displacement:
 - Conduct training for national authorities on the protection of internally displaced persons;
 - Establish focal points on internal displacement within the structure of the NHRIs;
 - Work together with civil society and other stakeholders to ensure the rights of IDPs¹³.

Specific aspects for PCs to consider:

- There are at times difficulties to convince governments to recognize internal displacement as a human rights issue within the mandate of NHRIs; joint strategies to address this could be pursued;

- A longer-term commitment and/or multi-year planning/strategy development can support PCs' collaboration with NHRIs in this field, provided such a partnership is deemed opportune for the protection of IDPs;
- Some difficulties to conduct monitoring in certain areas for various reasons including lack of access due to political or logistical constraints or in areas not controlled by government authorities might be too difficult to overcome¹⁴;
- NHRIs could be supported in their efforts to monitor UN country-specific recommendations regarding internal displacement, and in their efforts to persuade the Government to collaborate with and accept country visits by the mandate of the Special Rapporteur on the human rights of IDPs as well as other international and regional human rights mechanisms;
- GANHRI is a member of a GPC Task Team on Human Rights Engagement;
- NHRIs can be supported in ensuring that age, gender and diversity perspectives are included in the NHRIs' action plan as well as in national policies and plans of action (for IDPs and otherwise);
- The capacity of NHRIs to identify causes of internal displacement can be strengthened, in support of PCs' work, as could their knowledge on the existing standards and frameworks to address internal displacement¹⁵;
- Monitoring of grave child rights violations in situations of armed conflict.

7. Ensure an age, gender and diversity approach in engagement with NHRIs

PCs can ensure that, irrespective of the project, NHRIs monitor the human rights situation of boys, girls, women and men, persons with specific needs, including persons with disability or LGBTI persons, ethnic, political, religious or other minorities, as well as to ensure disaggregation of data and that vulnerability needs assessments or risks assessments are conducted. This approach is also in line with "leave no one behind" of the Agenda for Humanity as well as with standards developed by human rights mechanisms about the role of NHRIs in supporting and monitoring the implementation of human rights obligations. For instance, the UN Committee on the Rights of the Child highlighted in its General Comment No. 2 several aspects of NHRIs work that make the institutions relevant for PCs¹⁶:

- NHRIs should be geographically and physically accessible to all children. In line with the Convention on the Rights of the Child, NHRIs should proactively reach out to all groups of children, including children in care or detention, children from minority and indigenous groups, children with disabilities, children living in poverty, unaccompanied minors, child headed households, street children and children with special needs in areas such as culture, language, health and education;
- NHRIs should take into account situations where children's rights are violated across borders, such as trafficking, child pornography, child soldiers, child labour, child abuse;
- NHRIs to take into account the cases of Grave Child Rights Violations (GCRVs) such as killing and maiming of children; recruitment or use of children as soldiers; sexual violence against children; abduction of children; attacks against schools or hospitals; and denial of humanitarian access for children.

NHRIs can undertake the following activities in relation to the rights of girls, boys, women and men, of diverse backgrounds who are of concern to PCs:

- Undertake investigations into any situation of violation of human rights of these categories of persons upon complaint or on their own initiative, mindful of cultural dynamics as well as specific needs and rights regarding age, gender, disability or sexual orientation and gender identity;
- Prepare opinions, recommendations, reports to inform national authorities and the public on any matter related to the promotion and protection of the rights of these persons;
- Review and propose legislative amendments as necessary, taking into account social dynamics related to violence against girls and women particularly, including domestic violence, perceptions of and definition of disability, or instances of criminalization of homosexuality;
- Ensure the best interest of the child is of primary consideration in all Government actions concerning children who are forcibly displaced;
- Ensure that these categories of persons participate directly and meaningfully in the activities undertaken by the NHRIs¹⁷;
- Monitor access to the asylum procedures for unaccompanied and separated children, survivors of trafficking in persons, survivors of sexual and gender-based violence, persons with disabilities and LGBTI persons;
- Ensure that migratory and asylum procedures respect guarantees of due process and procedural considerations to ensure effective access to women, girls, boys, LGBTI persons, and persons with disabilities.



8. Strengthen the protection of persons forcibly displaced in the context of climate change

Forced displacement caused by the adverse effects of climate change is a fast-evolving challenge requiring a contextualized response depending on each particular situation. Climate change has implications on the realization and enjoyment of all human rights, including the right to seek and enjoy asylum as highlighted in the decision of the UN Human Rights Committee in the *Teitiota v. New Zealand* case¹⁸.

Consequently, the needs of international protection of persons forcibly displaced in the context of climate change must be carefully scrutinized and the principle of nonrefoulement must be respected when applicable¹⁹. Importantly, support can and should be provided to States to prevent and/or mitigate risks associated with adverse effects of climate change, enabling effective State protection. PCs can leverage the mandate of NHRIs to assist and advise governments in this regard as well as advocate on the importance of prevention and mitigation measures, such as infrastructure improvement, urban planning, land reform, disaster risk reduction and climate change adaptation to prevent displacement caused by climate change. NHRIs could also play a key role in documenting and reporting on the impact of the climate crisis on the enjoyment and realization of human rights.

9. PCs can advocate for the establishment of a NHRI in the country or strengthen the institutions' capacity to address issues related to protection of crisis affected populations

PCs' collaboration with NHRIs can go both ways. To support its own protection efforts, PCs may need to consider activities to strengthen the NHRI at country level. Moreover, recognizing that the establishment of a Paris Principles compliant NHRI is an indicator under Sustainable Development Goal 16 for progress under the Agenda 2030, PCs could also consider undertaking the following actions:

- Encourage the State to ensure full compliance of the NHRI with the Paris Principles, including by providing broad mandate and functions, adequate budget and independence;
- Promote implementation of recommendations deriving from the NHRIs' accreditation process (issued by the Sub Committee on Accreditation), both with the NHRI and the State;
- Support NHRIs when under threat and/or subject to acts of intimidation as a result of their mandated activities, including on close coordination with GANHRI, NHRI regional networks and UN partners;
- Encourage the State to provide NHRIs with unhindered access to places of deprivation of liberty, IDP camps or settlements, borders, conflict areas or other places when persons that fall under PCs' mandate are located, and ensure that NHRIs are protected when such visits are being conducted;
- Contribute to capacity building of NHRIs on the basis of needs assessments.

10. PCs can strengthen and mutually benefit from NHRIs' role in mainstreaming human rights in state emergency preparedness

Government/line ministries develop contingency and emergency preparedness plans for emergencies. In country inter-agency forums often contribute to build contingency plan of state response. PCs can identify key gaps, issues or human rights concerns in the context of state emergency preparedness and flag these to NHRIs.

NHRIs can analyze relevant legal or administrative frameworks on emergency response and identify shortfalls and propose amendments/changes as required.

Joint advocacy by NHRIs and PCs with authorities can also be implemented with regard to all aspects of emergency preparedness and response, to ensure the rights of IDPs are protected in this context.

IV. Conclusion

Key considerations for PCs when engaging with NHRIs



Collaborating with NHRIs can present many advantages and can lead to concrete positive impact for the protection of affected population. Several key considerations should be taken into account whenever PCs plan to engage with these institutions. Similarly, to collaborating with other actors, it is important to keep in mind that as contexts evolve, the relationship with NHRIs may change.

1. Considerations prior to engagement with NHRIs

- Formalized channels of collaboration with NHRIs, such as memoranda of understanding, could usefully set out the framework of PCs engagement with NHRIs. However, even without a formal MoU, collaboration can still be beneficial;

- MoUs or similar framework agreements should define the specific activities on which PCs and NHRIs collaborate, the tasks for each party, the information that needs to be shared, the principle and working methods guiding the collaboration;
- Confidentiality of information regarding persons of concern and the principle of “do no harm” should be of paramount consideration;
- Pay attention to the relationship between the Government and the NHRI- including independence, as well as whether government is responsive to NHRI and implement their recommendations;
- Situations where it may be too sensitive for PCs to intervene, but where the mandate of the NHRI could be of support, could usefully be identified;
- Building the capacity of NHRIs on issues related to forced displacement and vulnerabilities of other people of concern may be a starting point for collaborating with NHRIs;
- Accreditation status of the NHRIs.

2. Considerations during engagement with NHRIs

- In addition to signing a MoU or other forms of collaboration agreements, PCs and NHRIs could also agree on work plans with concrete activities and responsibilities;
- In certain cases, NHRIs may be able to provide a faster protection response than humanitarian actors, in terms of responding to individual cases, investigations or interventions in key judicial cases. States are under the obligation to provide NHRIs full and unrestricted access to information, people and places to support NHRIs’ investigations or procedures for individual complaints;
- The dialogue between PCs-NHRI-Government does not happen only in one direction. The Governments may sometimes use the NHRIs as intermediary in their relationship with UN entities, including PCs;
- PCs can work together with NHRIs to conduct joint monitoring missions;
- Regular briefings between PCs and NHRIs can support NHRIs in better promoting and protecting the human rights of persons of concern;
- The services and advice provided by NHRIs to persons of concern need to be free of charge;
- In certain contexts, NHRIs could face reprisals for carrying out their mandate, something which PCs should be cognizant of. Due diligence should be exercised and support should be extended to NHRIs, in coordination with the Resident Coordinators / UNCT/ HCT, when reprisals are the result of engagement with the UN system;
- In situations where PCs consider options for transitioning the country-level protection cluster to national authorities in IDP situations, NHRIs could be a reliable counterpart in order to continue the protection work.

3. Evaluation and follow-up to engagement with NHRIs

- PC operations could consider developing an evaluation tool to monitor and follow-up on its engagement with NHRIs;
- Working with NHRIs may ensure that protection activities are carried out even without PCs’ presence or support;
- NHRIs’ findings and recommendations to national authorities are public. PCs can use these resources to advance its own advocacy and protection efforts.

Endnotes

¹ UN General Assembly, Resolution 48/134 on National institutions for the promotion and protection of human rights, A/ RES/48/134, 20 December 1993.

² For more information about the GANHRI accreditation process, you may wish to refer to GANHRI's Manual on the accreditation process: <https://ganhri.org/accreditation/>

³ Global Alliance of National Human Rights Institutions, Chart of the Status of National Institutions Accredited by the Global Alliance of National Human Rights Institutions, 20 January 2021, available here <https://ganhri.org/wp-content/uploads/2021/01/Status-Accreditation-Chart-as-of-20-01-2021.pdf>

⁴ For a detailed understanding of the Paris Principles, see: Gauthier de Beco and Rachel Murray, A Commentary on the Paris Principles on National Human Rights Institutions, Cambridge University Press, 2014.

⁵ Defensoria del Pueblo de Colombia, Informe defensorial sobre las zonas de frontera, 2017, available only on Spanish here: www.acnur.org/fileadmin/Documentos/Publicaciones/2016/10953.pdf

⁶ For more details, see: UNDP-OHCHR Toolkit, pp. 109-119

⁷ Merida Declaration, <https://nhri.ohchr.org/EN/ICC/InternationalConference/12IC/Background%20Information/Merida%20Declaration%20FINAL.pdf> See also: UNDP, OHCHR, GANHRI, Global Principles for Capacity

Assessments of NHRIs, available here: https://www.undp.org/content/undp/en/home/librarypage/democratic-governance/access_to_justiceandruleoflaw/global-principles-for-the-capacity-assessment-of-national-human-.html;

UNDP, OHCHR, Toolkit on NHRIs, available here:

https://www.undp.org/content/undp/en/home/librarypage/democratic-governance/human_rights/NHRIToolkit.html

⁸ OHCHR, UNDP, GANHRI, Tripartite Partnership to Support NHRIs, 2011, <https://ganhri.org/strategic-partners/>

⁹ UN Committee on Economic, Social and Cultural Rights, General Comment No. 10, The role of national human rights institutions in the protection of economic, social and cultural rights, E/C.12/1998/25. See also: Practices of National Human Rights Institutions in Europe with regard to economic and social rights, <http://ennhri.org/esr-in-europe/>; WaterLex and the Danish Institute for Human Rights, Training Manual on National Human Rights Institutions' Role in Achieving Human Rightsbased Water Governance, 2015, <https://www.waterlex.org/beta/wp-content/uploads/2018/08/NHRI-Water-Initiative.pdf>

¹⁰ National Human Rights Commission of Mexico, Informe Special. Situacion de las estacioner migratorias en Mexico. Hacia un nuevo modelo alternativo a la detención, 2019, available only on Spanish here: <https://www.cndh.org.mx/sites/default/files/documentos/2019-11/Informe-Estaciones-Migratorias-2019.pdf>

¹¹ <https://www.unhcr.org/partners/guides/4c2203309/policy-framework-implementation-strategy-unhcrs-role-supportreturn-reintegration.html>

¹² For more details in relation to the role of NHRIs in the context of internal displacement, see sub-section III.6

¹³ Asia-Pacific Forum of National Human Rights Institutions, Final Report of the Regional Workshop on National Human Rights Institutions and Internally Displaced Persons, 26-28 October 2005. See also: UNHCR, OHCHR, GANHRI, UN Human Rights Special Procedures, Workshop Summary Report on the Role of National Human Rights Institutions in Promoting and Protecting the Human Rights of Internally Displaced Persons, 20 February 2018.

¹⁴ Asia-Pacific Forum of National Human Rights Institutions, Final Report of the Regional Workshop on National Human Rights Institutions and Internally Displaced Persons, 26-28 October 2005.

¹⁵ Key resources: UNHCR, OHCHR, GANHRI, UN Human Rights Special Procedures, Workshop Summary Report on the Role of National Human Rights Institutions in Promoting and Protecting the Human Rights of Internally Displaced Persons, 20 February 2018; Report of the Special Rapporteur on Internally Displaced Persons focusing on the role of NHRIs (https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/41/40); UNHCR's Engagement with NHRIs for IDP protection, 2016(<https://www.refworld.org/docid/571a19194.html>)

¹⁶ UN Committee on the Rights of the Child, General Comment No. 2, CRC/GC/2002/2, 15 November 2002, paras. 15,

29:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fGC%2f2002%2f2&Lang=en

¹⁷ UNICEF, Children's Participation in the Work of NHRIs, 2018, https://www.unicef.org/eca/sites/unicef.org/eca/files/2019-02/NHRI_Participation.pdf

¹⁸ UN Human Rights Committee, *Ioane Teitiota v. New Zealand*, Communication No. 2728/2016, CCPR/C/127/D/2728/2016, 7 January 2020, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/127/D/2728/2016&Lang=en

¹⁹ UNHCR, *In Harm's Way*. International protection in the context of nexus dynamics between conflict or violence and disasters or climate change, 2018, <https://www.unhcr.org/protection/environment/5cac7fda7/harms-way-internationalprotection-context-nexus-dynamics-conflict-violence.html>