



COMPILATION OF GOOD PRACTICES

on Engaging with Human Rights Systems

February 2022



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ACRONYMS

CEDAW	-	Committee on Elimination of Discrimination against Women
CRC	-	Committee on the Rights of the Child
CRPD	-	Convention on the Rights of Persons with Disabilities
CF	-	Consultative Forum on Fundamental Rights
DBS	-	Descent-based slavery
EASO	-	European Asylum Support Agency
ECtHR	-	European Court of Human Rights
EU	-	European Union
FARDC	-	Forces armées de la République Démocratique du Congo
FRA	-	EU Fundamental Rights Agency
FRONTEX	-	European Border and Coast Guard Agency
HCT	-	United Nations Humanitarian Country Team
HRLU	-	Human Rights Liaison Unit, Protection Policy and Legal Advice Section, Division of International Protection
LGBTIQ+	-	Lesbian, Gay, Bisexual, Transgender, Intersex, Queer and Others
MARA	-	Monitoring, Analysis and Reporting Arrangements
MCO	-	Multi-country Office
MINUSMA	-	United Nations Multidimensional Integrated Stabilization Mission in Mali
ICCPR	-	International Covenant on Civil and Political Rights
ICESCR	-	International Covenant on Economic, Social and Cultural Rights
IDP	-	Internally Displaced Person
NGO	-	Non-governmental Organisation
NHRI	-	National Human Rights Institution
OHCHR	-	Office of the High Commissioner for Human Rights
OSCE	-	Organization for Security and Co-operation in Europe
PNC	-	Police Nationale Congolaise
RPR	-	Refugee Policy Review
RSD	-	Refugee Status Determination
SDP	-	Statelessness Determination Procedure
SOGIESC	-	Sexual orientations, gender identities or expressions, and sex characteristics
SR	-	Special Rapporteur
UNCT	-	United Nations Country Team
UNICEF	-	United Nations Children's Fund
UPR	-	Universal Periodic Review
WGEID	-	Working Group on Enforced and Involuntary Disappearances

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I. INTRODUCTION

- This *Compilation of Good Practices on Engaging with Human Rights Systems* has been developed by the Human Rights Liaison Unit (HRLU) in UNHCR's Division of International Protection. It serves to complement and update UNHCR's internal *UN Human Rights Mechanisms in Practice – A Good Practice Guide*,¹ issued in 2019.

While the 2019 Good Practice Guide was a strictly internal UNHCR document, this *Compilation of Good Practices* has been specifically designed as a stand-alone document **with practices that can be shared externally**. It only contains practices that can be shared publicly, or which have been anonymized to remove sensitive information. It also includes, for the first time, examples of good practices by Protection Clusters in situations of internal displacement.

This *Compilation of Good Practices* represents an effort to collect examples of situations where engagement with human rights systems has contributed to the improvement of the protection environment in various countries around the world.

They illustrate how colleagues have developed various ways to translate the commitments States undertake at the international and regional level into concrete actions for the realization of human rights of displaced and stateless persons at the national level. We hope that it can inspire the thinking of other UNHCR operations, Protection Clusters and UNHCR partners on how they can do the same.

The *Compilation* is first and foremost the product of the work of colleagues in UNHCR's field operations and/or working with Protection Clusters who have shared these examples with the HRLU. We are grateful to these field colleagues for their continuous engagement, collaboration and for all their efforts to bring the human rights norms to life for the benefit of displaced and stateless persons.

If you have any questions about this *Compilation of Good Practices*, or about how your operation or your partners can engage with human rights systems, please do not hesitate to contact the HRLU.

¹ UNHCR, [UN Human Rights Mechanisms in Practice – A Good Practice Guide \[Internal document\]](#), 2019 (also available in [Arabic](#), [French](#) and [Spanish](#)). The Good Practice Guide is one of UNHCR's core resources on human rights engagement. UNHCR staff should consider this *Compilation of Good Practices* as a supplementary resource to the internal Good Practice Guide.



II. ACHIEVING POSITIVE IMPACT THROUGH ENGAGING

with the human rights mechanisms





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1. ADVOCACY AND DIALOGUE WITH THE GOVERNMENT

Good Practice:

Ensuring access to birth registration and combatting discrimination against women

Where: Liberia

Human rights mechanism(s): Universal Periodic Review (UPR); Radio/Media

- UNHCR's operation in Liberia identified a number of risks of statelessness, which stemmed from Liberia's nationality laws and lack of access to birth registration and documentation.

The right to Liberian nationality is governed by Article 28 of the 1986 Liberian Constitution and the Aliens and Nationality Law of Liberia. Several aspects of the law raise human rights concerns as individuals born abroad of a non-Liberian father are at risk of losing their right to a Liberian nationality as they are requested to go through swearing of an oath of allegiance prior to their 23rd birthday. Additionally, Liberian women who have children with foreign nationals or who have children abroad

are prevented from passing on their nationality automatically to their children on the same terms as Liberian men. These provisions may result in a form of discrimination when it comes, for instance, to access to education where children are considered as foreigners and have to pay expensive schooling fees at (public universities) to access the Liberian educational system. In a country with a history of armed conflict and porous borders, a lot of Liberian children are born abroad and Liberia does not recognize dual nationality.

Furthermore, persons born in Liberia who are not of African descent cannot acquire Liberian nationality at birth or through naturalization.

Likewise, spouses of non-African descent cannot naturalize as Liberians. Discrimination on grounds of race in nationality laws has increased the risk of creating stateless populations, especially among minority communities perceived not to originate from the country. Additionally, birth certificates were not systematically issued to children born in remote areas outside the capital which prevented travel (birth certificates are used to obtain travel documents).

UNHCR has worked with various stakeholders including the Liberia Refugee Repatriations and Resettlement Commission (LRRRC) and Liberian Immigration Service (LIS) since late 2015 to build capacity, debate on, and amend the Aliens and Nationality Law.

UNHCR has also used the opportunity of the 36th session of the UPR Working Group, held in November 2020, to make a standalone submission in which UNHCR made several recommendations including regarding the right to nationality and the right to free birth registration. These recommendations were reflected in the recommendations made by several States in the process and they were supported by the Government of Liberia during the adoption of the Working Group Report at the Human Rights Council in March 2021.

The UPR process thus highlighted issues within the Liberian society and facilitated dialogue on the issues of statelessness and access to

documentation. UNHCR Liberia followed-up with the Government on the recommendations of the UPR and, with concerted efforts from all stakeholders, all former refugees and refugee children born in Liberia are now given a birth certificate and a meeting was organized with the National Identity Registry to issue ID cards to all persons of concern to UNHCR in Liberia. UNHCR also organized a talk show on the national radio to increase awareness on the need to have proper documentation and, as a result, several families were able to register and obtain documentation for travel.

Regarding the UPR recommendations to remove the discriminatory provisions from the Aliens and Nationality Law, they have provided a basis for more closely coordinated advocacy from UNHCR together with members of the civil society and other UN agencies. Government counterparts have been found to be more receptive to the issues. Although a referendum will have to take place to modify the law (a project on which UNHCR Liberia was consulted and is now under consideration by the Ministry of Justice for submission to the President), UNHCR is still following up and continuing to monitor the situation.

Good Practice:

Engaging on issues of forced relocation of internally displaced persons (Protection Cluster)

Where: Anonymized country

Human rights mechanism(s): Special Rapporteur on the human rights of internally displaced persons, Universal Periodic Review (UPR) and Human Rights Committee

➤ Over the past few years, an African country has evolved from a climate-induced displacement situation into a conflict-based displacement situation and the UN Country Team was largely dominated by development actors who have been providing assistance for several years but had little experience in analyzing human rights violations.

Parts of the country have increasingly been targeted by non-state armed groups, resulting in forced displacement and serious protection incidents affecting civilians. This phenomenon prompted a military response by the State, accompanied by forced relocations from certain areas of conflict. As a result, displacement has increased to unprecedented

levels, with IDPs facing protection concerns from the moment of flight, throughout their displacement and upon arriving in areas of displacement.

The Protection Cluster which, had been newly set up in the country, decided to engage with human rights mechanisms to highlight issues relating to IDPs and increase the visibility of protection issues and its advocacy. With an upcoming UPR session, a review of the State's ICCPR commitments by the Human Rights Committee and the fact that the Special Rapporteur on the Human Rights of IDPs was informed on the matter, the Protection Cluster seized this opportunity to provide confidential comments and submissions to the various human rights mechanisms.

Several issues were brought to the attention of the human rights mechanisms such as the importance

of the voluntary aspect of relocations, the dignified transportation of IDPs, the preservation of family units and the need to provide civil documentation to IDPs who may have lost them in the displacement. Those concerns raised by the protection cluster were taken up by the mechanisms and translated into recommendations. These recommendations provided significant support to the Protection Cluster's advocacy on these issues.

Through its ongoing work, the Protection Cluster observed that IDPs were more involved in relocation decisions, that ultimately forced relocations stopped and that the majority of IDPs were able to access civil documentation obtain new birth certificates and/or ID cards.

Good Practice:

Ending enforced disappearances and abductions in refugee camps

Where: Anonymized country

Human rights mechanism(s): Working Group on enforced or involuntary disappearances

➤ A country in Africa had a long-standing history of welcoming and providing asylum to refugees and displaced persons from the neighboring countries plagued by decades of armed conflicts. In recent years, however, the country progressively transferred the responsibilities related to refugee questions to members of the government coming from the police or the military.

Following a visit from the Chief of Police of a neighboring country, UNHCR's operation was informed of disappearances of refugees in several refugee camps. The operation documented 24 cases of persons of concern to UNHCR being abducted at night, taken across borders and sent back to their country of origin. The matter was brought to the attention of the several local authorities and central authorities which promised to investigate. Despite repeated follow-up from the operation, UNHCR did not receive any conclusions of the investigation.

The UN Working Group on enforced or involuntary disappearances was contacted both by the

relatives of the missing refugees and as well as UNHCR. UNHCR provided information on the situation on a confidential basis. The following year, the Working Group on enforced or involuntary disappearances, the Working Group on arbitrary detention, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, jointly sent an official allegation letter to the country requesting the authorities to investigate and provide information regarding the disappearances. This communication became public after 60 days.

Although the authorities have still yet to produce a report of their investigations, as a result of this human rights engagement and sustained advocacy with the Government at several levels, there were no more reports of enforced disappearances and the UNHCR operation has noted a relatively more secure environment in the camps. UNHCR remains vigilant on the issue and has been following-up with the authorities and the donor community in the country.

Good Practice:

Ensuring fair and efficient asylum procedures and improving reception conditions

Where: Georgia

Human rights mechanism(s): Universal Periodic Review (UPR)

➤ Georgia ratified the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol in 1999 and acceded to the 1954 Convention Relating to the Status of Stateless Persons in 2011 and to the 1961 Convention on the Reduction of Statelessness in 2014. Georgia has also acceded to various international human rights instruments including ICCPR, ICESCR, CRC, and CEDAW.

As of 2018, concerns had been raised as UNHCR observed high numbers of rejections, on national security grounds, of asylum applicants of a certain nationality who would otherwise meet eligibility criteria.

In 2020 and early 2021, UNHCR also observed a trend of non-issuance or non-extension of ID cards for newly registered asylum-seekers or asylum-seekers already in the procedure, for reasons not provided to them and thus in contravention with national legislation. The lack of IDs hindered the access of asylum-seekers to many rights provided by the national legislation, leaving them in a very precarious situation.

While reception conditions in Georgia have generally improved, investment in relation to effective access to rights to achieve self-reliance, including specialized procedures, referral and assistance for persons with specific needs, remained needed. There was also a need to raise awareness among service providers, asylum-seekers and refugees on related rights.

In the context of an upcoming UPR session, UNHCR's operation used the possibility to address the above-mentioned concerns as part of its UPR submission. The operation also participated in a Human Rights Theme Group set up by OHCHR to coordinate human rights related issues in Georgia and for the purpose of contributing as a UN Country Team to the UPR and, in parallel, prepared also its own submission. Several of the recommendations for which UNHCR

advocated were picked up and three of the key recommendations were also later accepted by the Government and could thereby be used to strengthen UNHCR's advocacy.

Additionally, UNHCR had frequent contact with OHCHR on the common way forward regarding the implementation of the UPR recommendations. Regular meetings of the Human Rights Theme Group were also scheduled to coordinate the implementation, the advocacy and the consultative process on the human rights action plan designed by the government of the host country.

The engagement of UNHCR with the other UN agencies and partners on the one hand, and with the human rights mechanisms on the other, allowed for more proactive action on human rights, reinforcing messaging in favour of asylum-seekers and refugees and adding an additional layer of advocacy at the government level which helped promoting and finding solutions to a range of issues pertaining to asylum-seekers and refugees, such as prevention of statelessness, right to education for stateless persons, protection of children and female asylum-seekers and better reception conditions for those with specific needs.

UNHCR has also developed a good working relationship with the Human Rights Secretariat under the Office of the Prime Minister of Georgia, the mechanism that has the overall responsibility for drafting the Human Rights Strategy in the country and that also reflects on the recommendations of treaty bodies and their implementation. In addition to this mechanism, UNHCR engages with the Human Rights Committee of the Parliament of Georgia, given their oversight functions as a legislative body. Furthermore, UNHCR enjoys strong partnership with the Office of the Public Defender of Georgia (NHRI) that represents another valuable advocacy avenue in support of UNHCR groups of concern through their broad human rights mandate and competences in Georgia.

Good Practice:

Protecting of the rights of refugees and asylum-seekers with disabilities

Where: Anonymized country

Human rights mechanism(s): Committee on the Rights of Persons with Disabilities

➤ In one of UNHCR's country operations, the Refugee Law expressly guarantees refugees the right to receive the same treatment as that accorded to the citizens of the Republic under the relevant laws and regulations relating to financial support, in addition to any other necessary assistance in terms of social welfare, as well as adequate health care to those with special needs.

Nevertheless, in practice, refugees, asylum-seekers, as well as beneficiaries of subsidiary protection with disabilities have been denied access to disability support schemes and benefits (wheelchairs and other mobility aids and equipment) that are otherwise available to nationals. UNHCR has brought this matter to the attention of the Committee on the Rights of Persons with Disability. The Committee issued its Concluding Observations which were broadly aligned with those submitted by UNHCR and recommending the Government to ensure an adequate standard of living, including access to

disability support schemes and allowances in law and in practice for all non-citizens with disabilities on an equal basis with citizens.

The Committee also advised the Government to incorporate disability and a human-right-based approach to disability in the Refugee Law and all other relevant refugee and asylum legislation, policies and programmes. On the basis of the recommendations given by the CRPD, the authorities issued a decision to extend the disability assistance schemes to refugees, and the refugee legislation was amended accordingly in 2018. UNHCR continues to advocate for the inclusion of asylum-seekers and beneficiaries of subsidiary protection into the purview of these amendments, including through judicial engagement.

Ensuring access to disability assistance and schemes for refugees constitutes a major step forward, to which the recommendations of the CRPD were a key contribution.

Good Practice:

Advocating for the human rights of refugees and asylum-seekers who have been victims of human trafficking

Where: Israel

Human rights mechanism(s): Trafficking in Persons Report, United States State Department

➤ Partly due to its complex relationship with Palestine, Israel has not been very collaborative or receptive to recommendations of UN human rights mechanisms over the past years. Although UNHCR does not work on Palestinian issues, the advocacy tools usually provided by the UN mechanisms are, nonetheless, less effective when it comes to UNHCR's operation in Israel.

Given the close relationship between Israel and the United States, the Trafficking in Persons Report,² an annual publication by the State Department, has been used as a human rights-related advocacy medium by UNHCR's operation to increase the awareness raising on the protection needs and human rights of asylum-seekers and refugees, who are often victims of trafficking. Together with

² US State Department, 2021 [Trafficking in Persons Report](#), June 2021.

partners, UNHCR in Israel is at the forefront of the identification and protection of asylum-seekers and refugees who are victims of human trafficking and has been working with members of the State Department to provide accurate trends and statistics on those issues.

Thus, in the 2021 Trafficking in Persons Report, it was highlighted that despite progresses made on the difficult situation faced by Eritrean and Sudanese migrants and asylum-seekers who are highly vulnerable to sex and labor trafficking, since the Covid-19 pandemic more and more have resorted to survival sex. The report also made recommendations on measures for Israel to implement such as: proactively screening irregular African migrants and foreign workers to ensure trafficking victims among these populations are not penalized for unlawful acts traffickers compel them to commit, such as immigration violations; substantially increasing anti-trafficking awareness and victim identification trainings for law enforcement, including police officers and prison officials, at regional and local levels; and, providing access to the national healthcare system, including shelter and medical and psycho-social treatment, for victims of all forms of trafficking for the duration of their presence in Israel.

Additionally, the report classifies countries in four tiers: tier 1, tier 2, tier 3 and tier 4 based on their compliance and advancement when it comes to anti-trafficking regulations and protection of victims. In the 2021 report, Israel was placed in tier 2. This means that the country does not fully meet the minimum standards but is making significant efforts to bring itself into compliance with those standards. If a country is placed in tier 3, there are some funding restrictions attached, which could be a powerful compliance incentive for a country depending on funding or doing business with the US.

Following this report, the authorities tasked UNHCR to provide training and conduct outreach sessions with Israeli authorities on how to identify and protect potential victims of human trafficking amongst the refugee and asylum-seeking population. This initiative, which primarily stemmed from the willingness of the Israeli authorities to comply with their commitments regarding combatting trafficking in persons, ultimately led to better screening and protection of asylum-seekers and refugees in Israel.

image: © UNHCR/Jiro Ose



Good Practice:

Working jointly with human rights mechanisms to oppose legislation aimed at restricting the rights of refugees and asylum-seekers

Where: Anonymized country

Human rights mechanism(s): Working Group on arbitrary detention

- In 2021, a country in which UNHCR was operating submitted legislation to the parliament regarding the legal status of refugees and asylum-seekers as well as the management of asylum claims. Members of the civil society, lawyers, media and key stakeholders shared their comments expressing fears that it would worsen conditions for asylum-seekers.

UNHCR provided extensive comments to the Government on this piece of legislation as it had several concerns over amendments that were at variance with international refugee law standards.

In addition to directly advocacy, UNHCR responded to an inquiry from the Working Group on arbitrary

detention, which sought to ensure the technical accuracy over its own comments on the situation, which highlighted several issues in relation to the proposed piece of legislation in accordance with their mandate.

As a result of advocacy efforts by all parties, a few months later, the Government decided not to pursue the legislative proposal. This extraordinary move followed vocal criticism and concerns from civil society, the public, international community (including UNHCR and UN human rights mechanisms) and opposition parties.

Good Practice:

Advocating for the implementation of universal birth registration to reduce statelessness

Where: Republic of Korea

Human rights mechanism(s): Multiple

- The Republic of Korea (“RoK”) has ratified the 1954 Convention and has in place some ad hoc systems for documentation of those identified as a stateless person. However, there is no systematic procedure for determining statelessness status (Statelessness Determination Procedure, SDP) in the RoK nor a systematic process for documentation. This situation may at times be a source of challenges for stateless persons in RoK, especially if undocumented, as they may fear approaching the authorities for fear of being detained.

Over the years, UNHCR has been in regular communication with the Ministry of Justice (“MOJ”) in this regard, as well as with civil society actors and legal practitioners advocating for the establishment

of SDP, encouraging the ratification of the 1961 Convention, and calling attention to current gaps through submissions to relevant human rights mechanisms in the context of periodic reviews. UNHCR supported researchers who completed a mapping of statelessness in RoK and conducted research on SDP in other countries to advise the authorities on a possible way forward.

Birth registration is a key consideration in the prevention of statelessness. In RoK, the current system in place (which is based on family relationships) does not allow for birth registration of children born in RoK when both parents have foreign nationality(ies). Instead, parents with foreign nationality(ies) are expected to register the birth of

their children at the embassies of their nationality(ies). This situation constitutes a challenge for some population, notably refugees and asylum-seekers, as well as undocumented migrants, and other groups of migrants who may be unwilling to approach their embassies, for protection related reasons, or those who are unable to register their children's birth or are faced with practical obstacles that prevent them from doing so, including gaps in the legislation of their countries of origin or lack of their countries' embassy in the RoK.

UNHCR has been actively involved in civil society's advocacy efforts to implement universal birth registration for children born to parents with foreign nationalities ("Universal Birth Registration Network of the Republic of Korea") and has provided submissions to human rights treaty bodies mechanisms in regards

thereto, along with other actors. The civil society and UNHCR have also developed various communication materials in Korean to sensitize the public on various issues surrounding birth registration.

In December 2021, UNHCR hosted a "Symposium on Prevention of Statelessness and Implementation of Universal Birth Registration" which featured the findings of both the statelessness mapping and the SDP research, as well as a draft legislation on birth registration which is being prepared by MOJ with contributions from the civil society. Highlighting the role of the active civil society advocacy and the continued treaty body recommendations in its decision-making process, the MoJ announced its plan to propose a new law that would allow birth registration for children born to parents with foreign nationality(ies).

Good Practice:

Cooperating with and supporting governmental authorities on the implementation of Universal Periodic Review recommendations

Where: Bulgaria

Human rights mechanism(s): Universal Periodic Review (UPR)

- UNHCR Bulgaria undertakes regular advocacy to ensure refugees, asylum-seekers and stateless persons have access to protection mechanisms and are able to enjoy basic human rights.

Bulgaria has traditionally been considered a transit country used by persons on the move to reach other countries in the EU thus resulting in stricter entry conditions and enhanced border control measures in the recent years. This, in turn, has increased the risks of alleged abuse of force, lack of access to territory, detention and refoulement. In order to address these concerns, UNHCR applied multifaceted approach including strategically engaging both at the national level with the relevant authorities, also using the UPR mechanism to draw attention to these issues and the need to protect rights of displaced and stateless persons. Bulgaria was among the countries reviewed during the 36th session of the UPR Working Group, held in November 2020. During its 46th Session, the Human Rights Council adopted the final report from the UPR of Bulgaria in March 2021.

During the adoption session, Bulgaria expressed support for 138 recommendations. Out of the recommendations that enjoyed support of Bulgaria, 9 were linked to issues included in UNHCR's UPR submission, which could thereby serve as a basis for strengthened cooperation between UNHCR and the State.

UNHCR Bulgaria is intensively pursuing its advocacy efforts and offering assistance to state institutions in the implementation of the UPR recommendations. This also includes capacity building on refugee law and human rights for relevant government institutions, such as border police and judiciary, as well as legal practitioners in areas highlighted in the UPR recommendations such as on access to territory and procedure, use of detention and alternatives to detention, and the identification, reception and care of unaccompanied children. In this regard, UNHCR is considered as a trustworthy partner and often consulted by the authorities on issues affecting refugees, asylum-seekers and stateless persons including on legislative amendments and the application of international refugee law instruments.

Good Practice:

Strengthening UNHCR's advocacy by providing systematic comments to human rights mechanisms

Where: Anonymized country

Human rights mechanism(s): Multiple mechanisms

UNHCR operations in the field are often at the frontline when it comes to witnessing human rights abuses and analyzing systemic issues affecting displaced and stateless persons. Due to its unique position and field presence, UNHCR's role in engaging with human rights mechanisms by providing inputs to inform their reports is highly valued.

In that context, UNHCR may decide to strategically engage with a human rights mechanism by either making a joint submission with other agencies, providing separate inputs, or both. The manner of engagement may be determined by the nature of the relationship with the host country and the diplomatic approach chosen by UNHCR.

One operation in particular, in the Americas, has regularly taken the opportunity to provide public or confidential information to the various mechanisms on human rights issues affecting displaced and stateless persons. Consistency in providing comments to human rights reports has been considered a powerful advocacy tool which has helped bring issues to light in several fora,

including in sensitive contexts. For instance, in the context of a new piece of legislation introducing restrictive and regressive migration measures in the country which was highly contested due to the facilitation of the expulsion orders and the limitation of the due process guarantees, and which was considered violating the best interests of the child and principle of non-refoulement, UNHCR's operation provided extensive confidential comments to the Committee on Migrant Workers as well as to other mechanisms over the years every time the country was under review. UNHCR's systematic observations and comments, which were taken up by the Committee and reflected in their recommendations to the State, led the country to reassess and eventually repeal the impugned legislation.

This example illustrates that when an operation starts consistently engaging with human rights mechanisms, its advocacy is multiplied through the various human rights mechanisms' reports, recommendations or press releases, which can support UNHCR's advocacy.



image: © UNHCR/Susan Hopper

2. PARTNERSHIP BUILDING

Good Practice:

Increasing the efficiency of the Consultative Forum on Fundamental Rights to FRONTEX

Where: Frontex Consultative Forum on Fundamental Rights, Poland

Human rights mechanism(s): Universal Periodic Review (UPR), The Voluntary Fund for financial and technical assistance in the implementation of the Universal Periodic Review

Frontex is the European Border and Coast Guard Agency. Frontex Regulation (2019/1896, art. 108) provides for a Consultative Forum (CF) on Fundamental Rights. The role of the CF is to provide independent advice to the European Border and Coast Guard Agency, FRONTEX, on fundamental rights, including FRONTEX's fundamental rights strategy, complaints mechanism, codes of conduct, training curricula and any other human rights matters.

The members of the CF are: UNHCR, IOM, UN Human Rights, regional organizations (Council

of Europe Commissioner for Migration, OSCE/ODIHR), EU Agencies (EU Fundamental Rights Agency - FRA, European Union Agency for Asylum - EUAA), the Red Cross and a selected number of NGOs such as Amnesty International, Save the Children, Jesuit Refugee Council (JRS), Churches Commission for Migrants in Europe (CCME), International Commission of Jurists (ICJ), the Council of Bars and Law Societies of Europe (CCBE). The members contribute their time voluntarily in addition to their respective duties. UNHCR and the FRA are the current Co-Chairs of the CF. In the challenging context surrounding

asylum and migration issues in Europe, the CF has a vested interest in making sure that FRONTEX meets its obligations and does not undermine States' commitments to the implementation of human rights recommendations under the UPR. This requires full compliance of FRONTEX activities with human rights and refugee law.

During the 38th UPR cycle, countries made a series of recommendations with respect to the human rights of migrants and asylum seekers such as the investigation of police violence incidents in relation to migrants and asylum seekers or the treatment of minor unaccompanied migrants.

In that context, the CF under the leadership of UNHCR and OHCHR decided to apply to the Voluntary Fund for the implementation to the UPR in order to finance a consultant position which would assist the CF. The Voluntary Fund is administered by OHCHR and provides financial and technical assistance to help countries implement recommendations emanating from the UPR in consultation with, and with the consent of, the country concerned.

The consultant worked to organize periodic CF meetings and to support the CF's contribution to FRONTEX Steering Group and Management Board meetings; support the preparation of the CF Annual Reports; map all UPR recommendations that are relevant in the context of EU border management/ Frontex activities per EU Member States; contribute to the advancement of the implementation of child-specific UPR recommendations in the context of EU border management by highlighting the relevant commitments and good practices from several EU Member States; organize a workshop on the UPR with Frontex CF members and staff of the Frontex Fundamental Rights Office (FRO) to raise awareness about relevant UPR recommendations and set up a roadmap to mainstream these into the work of the CF.

A year later, the consultancy position has proven to be extremely valuable in achieving the objectives of the CF. The CF has decided to extend the mandate of the consultant for another year and has requested additional funding from the Voluntary Fund.

Good Practice:

Engaging on the eradication of descent-based forms of slavery

Where: Mali

Human rights mechanism(s): Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Special Rapporteur on human rights of internally displaced persons, and Independent Expert on the situation of human rights in Mali

➤ Descent-based slavery (DBS) describes a situation where slave status is ascribed to some people because their ancestors were allegedly enslaved by the families of the so-called “masters”. People who are were born into slavery work without pay and are deprived of basic human rights and dignity. Those who reject the “slave” designation and try to stand up for their rights, as well as anti-slavery organizations, are regularly violently attacked by traditional or religious leaders and their allies.

DBS is an extraordinarily complex phenomenon that manifests differently according to factors such as ethnicity and geographic region. Despite slavery being outlawed in 1905, DBS still persists

throughout Mali and much of the Sahel, and persons born into DBS continue to face serious discrimination and human rights abuses.

While DBS is hard to quantify in Mali, including due to a lack of data, which is compounded by prevailing violence in certain regions, it is clear that there are several links between displacement and DBS. In particular, DBS may be a cause of internal or trans-border displacement, as persons born into DBS flee to escape violence or because they lose access to livelihoods and essential services as a result of discrimination. In addition, DBS is often replicated in IDP and refugee settings where people have been displaced as a result

of conflict or other reasons unrelated to DBS. Unless UNHCR and other humanitarian actors take DBS into account in our protection response, we risk exacerbating existing vulnerabilities and contributing to the perpetuation of the harmful structures that enable the continued existence of this practice.

Given the importance of slavery for UNHCR's mandate, UNHCR organized, in August 2021, a webinar for colleagues with the Special Rapporteur on contemporary forms of slavery to explore possible opportunities for collaboration. UNHCR Mali gave a short presentation on DBS during this event, highlighting the complexity of the problem, the impact it has on IDPs and refugees, as well as

the links between slavery and displacement, which are often ignored or misunderstood.

Following this webinar, UNHCR organized further focused exchanges with the SR Slavery, SR IDPs and the office of the IE on Mali to discuss concrete ways to address DBS in Mali and throughout the Sahel. Following these discussions, UNHCR provided training to protection monitors throughout Mali to better equip them to identify and record protection incidents relating to DBS, and initiated discussions on how best to take into account the international protection needs of persons born into DBS through RSD processes. UNHCR is also looking into financing an independent study to better understand this issue.

Good Practice:

Monitoring human rights through the protection cluster and through collaboration with Special Procedures (Protection Cluster)

Where: Mali

Human rights mechanism(s): Independent Expert on the situation of human rights in Mali

> The political and human rights situation in Mali and more generally in the Sahel region has been complex and volatile recently. There is a multiplicity of protection issues involved, such as mixed migration flows, internal displacement, refugee situations, armed conflict and presence of a UN peacekeeping mission (MINUSMA), and the coexistence of several dedicated human rights mechanisms. UNHCR, leading the Protection Cluster with the Norwegian Refugee Council (NRC), had to adopt a strategic yet holistic approach when it came to human rights engagement.

The Protection Cluster, in addition to monitoring protection concerns, also identified human rights violations in relation to all affected populations, including those involving internally displaced persons such as forced displacement or forced return. Violations were identified in a grid containing 6 categories of violations and 33 types of violations in the conflict-affected regions of Mali. The Protection Cluster provides a protection analysis, based on the results of the protection monitoring, in each of its monthly meetings – to inform protection partners about existing trends.

The human rights section of the MINUSMA is an active member of the Protection Cluster, participates in meetings, and contributes to the discussion and joint analysis. When needed, more confidential or ad-hoc discussion/sharing of information has taken place. This initiative has been extremely useful to trigger discussions around protection issues, to strengthen the Humanitarian Country Team's collective advocacy, and to shift the narrative from what was mainly seen as a conflict and food crisis to a human rights protection crisis.

A second area of engagement has been around strengthening the relationship between the Protection Cluster and the OHCHR office in Mali which is embedded in the MINUSMA operation. As the OHCHR team is quite large, the first step was to identify the key stakeholders and partners to communicate on protection issues. While there may have been some resistance and misunderstanding in the past, the development of a stronger working relationship helped building expertise on both sides and the Protection Cluster conducted training and shared information on protection-related issues. This approach allowed the Protection

Cluster to bring focus on issues under-reported such as slavery and trafficking and have more targeted engagement with relevant human rights mechanisms.

Finally, the Protection Cluster also engaged with the Commission Nationale des Droits Humains (National Human Rights Institution) which is now a

full member of the Protection Cluster and has been a key interlocutor on human rights issues affecting displaced persons such as descent-based slavery for instance. The Committee is also the relay with the authorities in Mali and has access and influence over certain parts of government thereby increasing the efficiency of the Protection Cluster's advocacy.

Good Practice:

Engaging with UN treaty bodies to enhance mutual cooperation and strengthen advocacy on thematic issues

Human rights mechanism(s): UN treaty bodies

➤ Every year, the UN treaty bodies have scope to hold thematic sessions, beyond their usual periodic review of States Parties' reports. For the past several years, UNHCR has seized the opportunity to engage with the Committees in this capacity, beyond our traditional engagement in the context of State reviews. UNHCR has provided briefings on thematic issues relevant to the work of the Committees, providing them with information which can assist them in taking more consistent

approach issues of displacement and statelessness and to create a longer-term impact on their work with respect to the human rights of displaced and stateless persons. For example, UNHCR has provided annual thematic briefings for the CRC and for the Committee on the Rights of Persons with Disabilities (CRPD), not only on the work UNHCR has been doing in the areas of child protection and the protection of persons with disabilities, but also on the systemic protection issues observed in field operations.

image: © UNHCR/Valerie Svobodova



On another occasion, UNHCR provided a briefing on child protection for the CRC on the Dublin III Regulation returns as the CRC was having a consultation on this issue. HRLU reached out to colleagues in the Europe Bureau to present on the specific situation of asylum-seeking children when it came to the application of the regulation and provided insights on how the Committee should assess those concerns when they were reviewing States in the region that apply the regulation. This approach also helped the CRC to understand UNHCR's concerns and see the interactions between the work of the CRC and UNHCR's mandate.

In addition, HRLU has also endeavored to bring colleagues from UNHCR operations directly into briefings for the Committees to give them the occasion to present the issues faced in their country operations and also strengthen the working relationship between colleagues and members of the committees and provide the Committees the opportunity to have more direct access to our field colleagues.

These initiatives have helped UNHCR develop a more proactive approach to engaging with committees and to use those mechanisms to the fullest to strengthen its advocacy on all aspects of human rights of displaced and stateless persons.

Good Practice:

Coordinating with Special Procedures in complex humanitarian situations

Where: Multiple countries

Human rights mechanism(s): Special Procedures Mandate Holders

UNHCR is involved in many complex crises, which touch on a wide range of human rights issues affecting displaced and stateless persons. Therefore, UNHCR's work in the field interrelates with numerous Special Procedures Mandates, depending on the crisis and the human rights at stake.

Until recently, UNHCR was interacting with Special Procedures predominantly on an ad hoc basis and one of the challenges was for UNHCR to be able to communicate with all of the relevant mandates that were implicated in these crisis situations in an effective and efficient way.

On the occasion of a crisis involving the detention of children in an Asian country, UNHCR brought together all the mandates that were relevant to the question as well as relevant stakeholders within UNHCR to discuss from a strategic viewpoint, how the mandates could support UNHCR's work in certain regions, as opposed to sharing information on an ad hoc basis. This fostered enhanced communication, and strategic and consistent joint advocacy on these important human rights issues.

UNHCR has since adopted this approach with several recent humanitarian crises so as to

enhance the effectiveness and efficiency of its communication and advocacy with the Special Procedures. More specifically, in line with UNHCR's position to adopt a regional solution to refugee crises, discussions often take place between UNHCR operations in the affected country, in the neighbouring countries, and with regional bureaus and DIP prior to engaging Special Procedures. When a crisis is identified where Special Procedures Mandates could be of support, or when UNHCR starts receiving several requests from Special Procedures, HRLU then coordinates with relevant stakeholders and seeks to develop an overall strategy, taking a broader approach to the issues and the crisis so as to have a holistic view of the situation and to engage more efficiently with the Special Procedures.

Given the positive experience with this practice (including positive responses from the Special Procedures Mandate Holders on the values of this kind of engagement), operations, regional bureaus or other colleagues within UNHCR can reach out to the HRLU to facilitate similar confidential exchanges with Special Procedures where the need arises.

Good Practice:

Preventing child marriage and protecting adolescent refugees and asylum-seekers through raising the age of legal consent

Where: Anonymized country

Human rights mechanism(s): Committee on the Rights of the Child and Committee on Economic, Social and Cultural Rights

- UNHCR was operating in a country where the legal age of consent was set at 13. Over time there was a strong public push to raise of the minimum age considering that parental consent was needed for marriage below 19.

The minimum age of sexual consent is the age from which someone is deemed capable of consenting to sexual activity. The objective of the minimum age of sexual consent is to protect adolescents from sexual abuse and from the consequences of early sexual activity on their rights and development. There are currently no international standards which indicates what the minimum age for sexual consent should be and there are great geographical disparities in the setting of a minimum age. However, the age of consent is most frequently established between the ages of 14 and 18.

Through confidential comments submitted to the Committee on Economic, Social and Cultural Rights and subsequently to the Committee on the Rights of the Child, UNHCR raised concerns about the age of consent and issues around civil registration of marriage with respect to refugees and asylum-seekers. With growing numbers of asylum-seekers and refugees in the country, there have been

increasing concerns about arranged marriages in some refugee communities involving adolescent girls as young as 13. This practice was a result of both cultural traditions and the dire financial situation of many refugee families, which they may have sought to alleviate through early marriage of adolescent daughters. UNHCR argued that raising the age of sexual consent and establishing the access of refugees and asylum-seekers to the domestic procedures for civil registration of marriages would strengthen the protection afforded to adolescent girls including against early pregnancy and other well-established risks of early marriage.

Eventually the age of sexual consent was raised to the age of 16 and the country criminalized any sexual activity with children under the age of 16. The main actor of change was a healthy and active civil society which had spent years of challenging advocacy on many fronts, including engaging with UN human rights mechanisms. UNHCR's support of these efforts expressed in its submissions to UN human rights mechanisms may have helped in raising the profile of the issue in the resulting recommendations, which was in turn used for advocacy by stakeholders to bring about change and raise the minimum age of consent.

Good Practice:

Establishing a legal framework on internal displacement

Where: Honduras

Human rights mechanism(s): Special Rapporteur on the human rights of internally displaced persons

- In 2013, the State of Honduras officially recognized forced displacement as a matter of concern that required urgent action. Upon this recognition, the Government created the Interinstitutional Commission for the Protection of People Displaced

by Violence (CIPPDV) as the institutional focal point in charge of designing and promoting the adoption of policies and response measures on prevention, protection and durable solutions for IDPs.



image: © UNHCR/Ruben Salgado Escudero

In 2015, the Special Rapporteur on the human rights of IDPs visited Honduras and his mission report³ highlighted the impact of violence and internal displacement on the most affected groups of population and communities and recommended the adoption of a legal framework on internal displacement. In response to this recommendation, the CIPPDV began the formulation of a draft bill.

The Human Rights Secretariat of the CIPPDV led the process by carrying out a comparative analysis of internal displacement frameworks in the region and reviewing the relevant international human rights and humanitarian law instruments, protection tools such as the Handbook for the Protection of Internally Displaced Persons⁴, as well as the Special Rapporteur's report. When a new mandate-holder was appointed, she visited Honduras and continued to advocate for progress on the legislative front. She also supported these efforts through capacity-building of key government representatives, who participated in the 2017 San Remo Course on Internal Displacement co-organized by the Special Rapporteur with the San Remo Institute for Humanitarian Law and UNHCR.

Throughout the law-making process, UNHCR provided technical support in the design and implementation of consultation methodologies, working sessions with the Human Rights Secretariat

to outline the bill's structure and review the drafting process, and engaging with other relevant actors such as the Interamerican Commission on Human Rights, the International Committee of the Red Cross and the Norwegian Refugee Council to join the consultations, as well as advocacy efforts.

By 2019, the draft bill for the prevention, assistance and protection of internally displaced persons was completed, and the Human Rights Secretariat handed it to the National Congress' Human Rights Commission as the first step to reach its final adoption. Several recommendations made by the Special Rapporteur were included in the draft bill.

However, the process was stalled until October 2020 when the draft bill was finally introduced to the legislative agenda and the draft bill is still pending discussions. In order to support these efforts, the Special Rapporteur published a joint press release⁵ with the Inter-American Commission on Human Rights. In 2020, key national and local government representatives from Honduras were also invited to participate (along with their counterparts from Mexico, El Salvador and Guatemala) in the first San Remo Course on Internal Displacement held in Spanish, course supported by UNHCR. UNHCR, together with the Special Rapporteur, continue to closely follow developments around the adoption of the law in Honduras.

3 UN Human Rights Council, [Report of the Special Rapporteur on the human rights of internally displaced persons on his mission to Honduras](#), A/HRC/32/35/Add.4, 5 April 2016.

4 Global Protection Cluster (GPC), [Handbook for the Protection of Internally Displaced Persons](#), June 2010.

5 OAS, Honduras: [UN and IACHR Experts Urge Immediate Adoption of Law to Protect Internally Displaced People](#), 27 January 2021.

Good Practice:

Monitoring human rights at the European Union's external borders

Where: Greece

Human rights mechanism(s): National Human Rights Institutions, national monitoring mechanisms

- In September 2020, the European Commission presented the EU Pact on Migration and Asylum. It includes a proposal to require EU Member States to establish “independent national monitoring mechanisms,” as a measure to promote respect for European Union fundamental rights law. This is contained in Article 7(2) of the proposed Screening Regulation.⁶

The European Commission encouraged some EU Member States, including Croatia and Greece, to start setting up such a mechanism. This occurred against the background of credible and repeated allegations of serious human rights violations against migrants and refugees at Greece's borders.

To guide the establishment of such a monitoring mechanism in Greece, In September 2021 UNHCR consulted key human rights actors such as National Human Rights Institutions, the Council of Europe, the EU Fundamental Rights Agency and other expert bodies. The consultations resulted in a set of “Ten Points”⁷ jointly published by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the European Network of National Human Rights Institutions (ENNHRI) and UNHCR.

The ten points intend to support the Greek Government when discussing the parameters and safeguards for the establishment of an independent national border monitoring mechanism further to the recommendations under the EU Pact on Migration and Asylum. To be independent and effective, the domestic legal provisions establishing the monitoring mechanism should ensure that any authority entrusted with this task has experience in international human rights as well as EU fundamental rights law, has institutional independence and operational autonomy, adopt appropriate standards of transparency and accountability and have the power to conduct visits and access documentation and communicate with the authorities in charge of investigations.

By end 2021, the Greek authorities had not assigned such monitoring tasks to a specific body. It entrusted, however, the National Transparency Authority, to investigate specific instances of alleged rights violations at borders. At the same time, the Greek Ombudsman, continues to carry out its functions, based on its pre-existing mandate, which may also cover investigations into allegations of abuses by law enforcement at borders.

Good Practice:

Tackling sexual and gender-based violence against women and girls through a human rights approach (Protection Cluster)

Where: Democratic Republic of Congo

Human rights mechanism(s): Mainstreaming human rights in a protection strategy

- In the province of Tanganyika in Eastern Congo (DRC), the inter-ethnic clashes between the Twa and Bantu, the armed conflict between militias, armed groups and the regular army has fueled a protracted situation

of violence and has led to the displacement of large groups of the population. In that context, violence against women and girls was particularly acute and the Protection Cluster designed a comprehensive

⁶ <https://europe.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=2596&LangID=E>

⁷ UNHCR and ENNHRI, [Ten points to guide the creation of an Independent National Border Monitoring Mechanism in Greece](#), 9 September 2021.



image: © UNHCR/Samuel Otieno

strategy to tackle this issue, using the human rights framework and institutions in the province.

The key feature of this holistic approach is the coordination with local actors when it comes to conducting prevention and capacity building activities. Thus, protection activities and missions are conducted jointly between the government, civil society actors and humanitarian organizations for maximum efficiency and cooperation. Protection activities include joint evaluations in the field, joint advocacy and most importantly, designing targeted solutions for victims of human rights violations. In addition, the protection cluster regularly engage with key stakeholders such as members of the National Assembly and key ministers when it comes to advocating in favour of displaced persons facing human rights issues and does not hesitate to also engage with donors for securing funding to develop human rights and protection activities.

Amongst the numerous activities undertaken by the Protection Cluster in the field of human rights, one of the main issues handled by the Protection Cluster is access to land for women returnees. The cluster has engaged in long term advocacy with the authorities both at a local and national level and has advocated strongly for the eradication of customary survival sex for land, involving in the change process the local civilian and religious leaders.

Additionally, the Protection Cluster regularly cooperates with OHCHR to ensure proper and systematic documentation of human rights violations and has put in place an alert system that ensures prompt reporting of human rights violations. Following the example of the MARA system (Monitoring, Analysis and Reporting Arrangements)⁸, ensured by UN Joint Human Rights Office colleagues who collaborate with protection and human rights actors in the systematic collection of timely, accurate, reliable and objective information on conflict-related sexual violence against women and girls.

Establishment of a joint strategy against sexual violence with the regular armed forces of the DRC and the national police, and the signing of an action plan by the Congolese armed forces (FARDC) and the national police (PNC), also ensures effective legal and judicial follow-up so that perpetrators are held accountable for their actions according to the law. This initiative has resulted in a reduction of more than 50% in the number of incidents of sexual violence committed by the FARDC and PNC in 2021 compared to the previous year 2020.⁹

Finally, the Protection Cluster is heavily involved in the preparation of senior representatives' missions such as Humanitarian Coordinator or Special Procedures Mandate Holders, providing comprehensive briefings to them in advance and facilitating missions in the field while advocating for issues affecting internally displaced persons.

⁸ For more information, see: <https://www.un.org/sexualviolenceinconflict/tools-for-action/mara/>

⁹ Protection monitoring data and GBVIMS 2020-2021.

Good Practice:

Cooperating with human rights mechanisms and other agencies to enhance access to safe drinking water and sanitation

Where: Multiple

Human rights mechanism(s): Special Rapporteur on the human rights to safe drinking water and sanitation

➤ *“Water, sanitation, and hygiene (WASH) are the cornerstone of all aspects of life. [Persons of concern to UNHCR often] live in harsh environments that make access to WASH difficult. Untreated water and lack of proper sanitation and hygiene put refugee health, education and livelihoods at risk.”¹⁰*

The mandate of the Special Rapporteur on the human rights to safe drinking water and sanitation is threefold: promote democratic water and sanitation governance, further the realization of the human rights to safe drinking water and sanitation and promote water as a key to collaboration and peace.¹¹

In that context, the Special Rapporteur and UNHCR, through the Technical Support Section and the HRLU, have organized cooperation meetings to further advocacy on behalf of displaced persons and for UNHCR to share its expertise on emergency response in protracted contexts and the challenges faced by displaced persons in settlement situations. Several exchanges took place with the Special Rapporteur and UNHCR provided extensive documentation. Subsequently, the Special Rapporteur issued a thematic report in 2020 and UNHCR made a video statement¹² at the Human Rights Council for the release of the report.

The fruitful collaboration between UNHCR and Special Rapporteur further grew in the following year. In September 2021, in his report on partnering with organizations, the Special Rapporteur stated that:

“in the first 3 years of my mandate, I plan to focus on the impact of climate change on the human rights to water and sanitation. Access to water and sanitation for displaced persons, including those displaced by climate change and disasters, will be at the center of my work. Related to this topic, I would like to have a permanent dialogue with UNHCR.”¹³

A two-page summary of UNHCR’s work in relation to the mandate of the Special Rapporteur “Who’s who in WASH?” is featured on his webpage.¹⁴

This cooperation with the Special Rapporteur is supporting UNHCR’s work and its advocacy for access to water and sanitation for displaced and stateless persons. In addition, a human rights-based approach will be fully integrated in the upcoming UNHCR Refugee WASH Strategy 2025.

¹⁰ UNHCR, [Water, Sanitation and Hygiene Page](#).

¹¹ UN Human Rights Council, [Partnering with organizations - Report of the Special Rapporteur on the human rights to safe drinking water and sanitation](#), A/HRC/48/50.Add.1, 13 September 2021.

¹² Recording available on UN Web TV, <https://media.un.org/en/asset/k13/k1380go2kk>.

¹³ Idem.

¹⁴ [OHCHR two-pager summaries](#): Who’s Who in WASH? UNHCR.



image: © UNHCR/Susan Hopper

3. PLANNING PROTECTION ACTIVITIES

Good Practice:

Planning a comprehensive advocacy strategy around a visit of the Special Rapporteur on the human rights of internally displaced persons (Protection Cluster)

Where: Niger

Human rights mechanism(s): Special Rapporteur on the human rights of internally displaced persons

Since 2015, there has been a significant increase in internal displacement situations in Niger. The displacement has been the result of Boko Haram insurgencies, as well as the ongoing conflict at the border with Mali, creating numerous and intertwined human rights and protection issues. In this context, as the internal displacement was rather new for the country, the Government and key stakeholders, including the Protection Cluster led by UNHCR, was facing several challenges in terms of capacity of the Government as well as local actors around internal displacement and protection issues, including when it came to acknowledging

the existence of an IDP issue. Therefore, the Protection Cluster felt that there was a need to have a more comprehensive strategy at the level of the Humanitarian Country Team as well as a solid legal framework around internal displacement.

The Protection Cluster got in touch with the Special Rapporteur on the human rights of IDPs, Cecilia Jimenez, for a possible country visit to Niger, which was approved by the Government and scheduled for April 2018. Ahead of the visit, the humanitarian community, led by the Protection Cluster, worked very closely together to have a

shared understanding of the key protection issues and put forward priority advocacy messages. The Protection Cluster also organized several series of trainings to different stakeholders, including Government, humanitarian country team or cluster members.

The visit was used to create momentum, building awareness and on the importance of protection in internal displacement which would be used beyond the term of the visit.

Ahead of the visit, the Protection Cluster put together a series of points on complex issues that could be reinforced through the Special Rapporteur's advocacy messages. During her visit, the Special Rapporteur met with a broad spectrum of stakeholders such as the different government counterparts, but also with the Humanitarian Country Team, representatives of the security forces, local governments and the IDPs themselves.

She was able to make use of the points raised by the Protection Cluster in the course of her meetings.

As a result of this visit and the engagement of the Protection Cluster, several concrete outcomes and impacts were observed.

As one of the key outcomes, the Governor of one of the affected areas in Niger acknowledged officially that there was an internal displacement situation in the region and started to work more collaboratively with humanitarian actors on a response plan.

Another concrete outcome was that the Humanitarian Country Team committed to translating the recommendations which came out of the Special Rapporteur's visit into a concrete action plan which was connected to the HCT protection strategy.

Good Practice:

Linking Universal Periodic Review recommendations with Refugee Policy Reviews and Policy Dialogue in the context of the UNHCR-World Bank partnership for refugee hosting States

Where: Multiple countries

Human rights mechanism(s): Universal Periodic Review (UPR)

➤ The International Development Association (IDA) is the World Bank's development fund for the poorest countries. Acknowledging that some of the poorest countries in the world host significant refugee populations, the IDA created the Window for Host Communities and Refugees (WHR) to support and fund the creation of medium- to long-term development opportunities for both the refugees and their host communities. In this context, and as requested by IDA donor governments, UNHCR and the World Bank (WB) are closely collaborating to pursue policy dialogues with refugee hosting States to inform WHR investments and to support policies and practices that foster such development opportunities.

UNHCR produces Refugee Policy Reviews (RPRs) to inform such policy dialogues for the fourteen¹⁵ countries that are eligible to receive financing from the IDA WHR. The RPRs provide a comprehensive analysis of policies and practices relevant to refugees against 19 policy priority orientations (e.g. registration, freedom of movement, right to work, education etc.). The RPRs are publicly available and as such offer an opportunity to engage a broader range of stakeholders in policy discussions with the Government.

The UPR is a dialogue amongst States to review and provide recommendations to improve the human rights records of all 193 UN member

¹⁵ Bangladesh, Burkina Faso, Burundi, Cameroon, Chad, Congo, Democratic Republic of Congo, Djibouti, Ethiopia, Mauritania, Niger, Pakistan, Rwanda, Uganda.

states. The “outcome report”, provides a summary of this discussion including whether the State under review ‘supports’ or ‘takes note’ of the recommendations. The reviewed State is responsible for the implementation of the recommendations and has to report on this at the follow up review.

An analysis of UPR recommendations made over three UPR cycles for each of the 14 eligible WHR countries identified 250 recommendations that could be matched with the policy priority orientations of the RPRF. The recommendations give insights on existing *de jure* or *de facto* policy gaps in relation to the RPRF policy orientations; which of such gaps the responsible States are willing to address and

which of such gaps other States (including WB IDA 19 WHR donors) would strongly recommend and support addressing. While this exercise was made in the context of the UPR, it could clearly be applied to other human rights mechanisms and recommendations made in that context.

Some RPRs reflected relevant UPR recommendations and the State’s response. For instance, the Ethiopia RPRF highlights Ethiopia’s support to the UPR recommendation to improve the birth registration of refugee children from single-parent households. This can usefully inform policy dialogue and could facilitate support from the WB or other partners to address this policy gap and implement the UPR recommendation.

Good Practice:

Designing a human rights engagement strategy

Where: The Philippines

Human rights mechanism(s): Multiple

➤ The Philippines has ratified the vast majority of international human rights and humanitarian instruments. In that context, UNHCR Philippines operates in a very rich human rights ecosystem which has been conducive for advocating on human rights issues affecting displaced and stateless persons. The operation has been strategically using available human rights mechanisms to promote key initiatives designed to improve the situation of refugees, asylum-seekers, stateless persons, populations at risk of statelessness, and internally displaced persons (IDPs) in the Philippines.

As part of this human rights engagement, UNHCR Philippines submits regular comments to the UPR process and actively follows up on UPR recommendations in its advocacy. For instance, on the Philippines’ accession to the 1961 Convention on the Reduction of Statelessness or on the Philippines’ efforts to remove gender discrimination in nationality laws. Additionally, the UNHCR systematically monitors and supports the implementation of the outcomes of UN treaty bodies. For example, supporting awareness raising amongst State security forces about displaced and

stateless persons, as related to recommendations of the Committee against Torture, or supporting efforts to enhance IDP protection and enhance its refugee and stateless status determination procedures in line with the recommendations of the Human Rights Committee. UNHCR also engages regularly with Special Procedures Mandate Holders in relation to the situation of displaced and stateless persons in the Philippines.

On all of these issues, UNHCR Philippines has also worked closely with the UN Country Team as well as the Commission on Human Rights to strengthen joint engagement, especially on IDP issues in the context of climate change. At the subnational level, UNHCR works with the Bangsamoro Human Rights Commission in the Bangsamoro autonomous region in the monitoring and advocacy for the protection of the human rights of IDPs.

UNHCR Philippines regularly monitors activities undertaken in the field of human rights, detailing the type of engagement and the impact on displaced and stateless persons, so as to analyze gaps and design a strategy on future engagement.



image: © UNHCR/Zikrea Saleah

4. CAPACITY BUILDING, TRAINING AND TECHNICAL ASSISTANCE

Good Practice:

Partnerships to develop human rights curriculum and to enhance access of refugees to tertiary education

Where: Vienna, Austria

Human rights mechanism(s): Educational institutions

➤ The Vienna Master of Arts in Applied Human Rights of the University of Applied Arts¹⁶ was established in Spring 2020 to address present-day challenges generated by digitalization, globalization and neoliberalism. Given the close linkages between human rights and refugee protection, the UNHCR Liaison Office to the OSCE and Vienna-based UN Agencies (UNHCR LOV) and the Master started a partnership in 2021. The goal of the partnership is to foster policy dialogue and raise awareness amongst students on topics of relevance to UNHCR, to get an understanding of UNHCR's work,

and to showcase how UNHCR addresses human rights challenges in its work around the globe.

In this context, UNHCR agreed to assist in the development of the curriculum on issues related to forced displacement, refugee protection, and climate change, and to provide UNHCR resource persons for teaching courses. In turn, the Master Program agreed to reserve one or two places out of five of their tuition-waver program every year to persons with asylum or subsidiary protection status in Austria. By granting scholarships, access

¹⁶ University of Applied Arts [Vienna, Vienna Master of Arts in Applied Human Rights Page](#).

of students with refugee background to tertiary education will be enhanced.

Furthermore, to gain practical experience in project management, UNHCR will offer students the possibility to prepare an awareness-raising event

on refugee-related matters for the annual Long Day of Flight,¹⁷ an initiative by UNHCR Austria offering hundreds of different events for schools and the public at large on one day in autumn all over the country.

Good Practice:

Joint UNHCR-OSCE webinars on combating intolerance and discrimination against migrants and refugees for field staff

Where: UNHCR Liaison Office to the OSCE and Vienna-based UN Agencies, Austria

Human rights mechanism(s): Human rights education

➤ The Organization for Security and Co-operation in Europe (OSCE) is an organization with 57 participating States encompassing three continents - North America, Europe and Asia - which addresses a wide range of security-related concerns across all dimensions, including the human dimension. The Organization addresses among others human rights and fundamental freedoms, migration, tolerance and non-discrimination, national minorities, statelessness, hate crimes, and hate speech. In that context, the UNHCR Liaison Office to the OSCE and Vienna-based UN Agencies (UNHCR LOV) engages in particular with the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the OSCE High Commissioner on National Minorities, and the OSCE Representative on Freedom of the Media (RFoM).

Of relevance to the work of UNHCR are field contributions to the annual OSCE Hate Crime reporting¹⁸ which collects statistics on hate crimes committed against individuals, including displaced and stateless persons, in the entire OSCE region.

A noteworthy initiative from UNHCR LOV is the organization of a series of five webinars together with the OSCE Secretariat, ODIHR, and RFoM in 2020-21 on Combating Intolerance and Discrimination against Migrants and Refugees aimed at increasing awareness and exchanging good practices for OSCE and UNHCR field staff on issues related to hate speech, social media, changing the narratives and shaping positive perceptions by host societies, and access to and use of media by migrants and refugees. The outcomes of the fruitful discussions and the importance of alliances and consolidated approaches were presented to the 57 OSCE participating States and the general public in December 2021. In light of the success of the first series of webinars, UNHCR LOV and its OSCE partners will look into the possibility of organizing new webinars on other related topics in the course of 2022 and beyond.

¹⁷ UNHCR Global Compact on Refugees Platform, [Good Practices: Long Day of Flight](#), 12 March 2020.

¹⁸ OSCE, [Hate Crime Reporting page](#).

Good Practice:

Training NGO partners on engagement with human rights mechanisms to enhance the protection of displaced and stateless persons

Where: Anonymized UNHCR country operation in Africa

Human rights mechanism(s): Multiple

➤ A UNHCR country operation in Africa had witnessed widespread instances of refoulement affecting asylum-seekers and refugees in the country as well as significant issues directly affecting the human rights of refugees, such as a lack of access to livelihoods and the right to work, hindered freedom of movement, lack of access to education, and a domestic legal framework which did not offer sufficient protection against statelessness, including complex access to birth registration for refugee children born in the country of asylum.

Acknowledging that humanitarian actors in the country had limited experience in engaging with UN human rights mechanisms and knowledge on how to leverage on those mechanisms to increase advocacy for the rights of displaced and stateless persons, the protection team of UNHCR's Regional Bureau decided to organize a training session for UNHCR and NGO staff.

The objectives of the training were to: i) provide an overview of the UN human rights mechanisms which could be used to advocate for the rights of displaced and stateless persons in the country and to address human rights violations; ii) to raise awareness on the importance of those mechanisms for the respects and realization of the rights of displaced and stateless persons;

and, iii) to position UNHCR and civil society organizations in the country as strong advocates for improving the human rights of displaced and stateless persons.

The webinar was organized in March 2021 and involved 23 participants working for local and international NGOs as well as UNHCR staff working in the country. Aside from a noticeable interest by all actors involved on the issue of human rights engagement, the training program sparked interesting discussions on the definition of refoulement and other specific concerns infringing the rights of asylum-seekers and refugees such as access to fair and efficient RSD processes, the right to an effective remedy and appeal, and protection against arbitrary detention.

It also served as a channel to provide direct assistance to NGOs on how to articulate their contributions to the UPR for the country with a specific attention for refugees and other displaced and stateless persons. Additionally, it created opportunities to find complementary ways for civil society and UN actors to collaborate on human rights engagement and to develop country strategies aimed at strengthening the rights and protection of refugees, asylum-seekers, and stateless persons as well as persons at risk of statelessness.

Good Practice:

Translating Universal Periodic Review recommendations for UNHCR operational purposes

Where: Global

Human rights mechanism(s): Universal Periodic Review (UPR)



image: © UNHCR/Mark Henley

➤ The UPR is a unique process which involves a review of the human rights records of all UN Member States. The UPR is a state-driven process which provides the opportunity for each State to declare what actions they have taken to improve the human rights situations in their respective countries.

When a country is up for a review cycle, comments on the situation of human rights in the country are being requested from various stakeholders. UNHCR operations regularly provide submissions, either individually or jointly with other agencies in the UN country team, during each UPR cycle. Those comments are an important way to bring to light human rights issues affecting displaced and stateless persons and the recommendations made are often raised during the reviews.

However, one of the main challenges is that the recommendations, although public, are not systematically analyzed or used by UNHCR operations in their advocacy. The database of all UPR recommendations was not necessarily matching the needs of UNHCR operations and there was a need for a more tailored solution to make the best use of UPR recommendations.

Therefore, UNHCR designed the [UPR Dashboard](#) which gathers relevant recommendations for UNHCR and translated them into a form which allow operations to use them more effectively. The UNHCR database is searchable by keywords, regions, countries and topics which are specific to UNHCR, allowing colleagues to have an operational overview in the field, at regional level or at HQ. The Dashboard gives operations an additional tool in developing their protection strategies, highlighting human rights gaps in a given country or region. It also supports colleagues engaged in providing comments for forthcoming UPR sessions, giving a picture of the recommendations made in previous reviews, against which progress can be assessed and priority issues for the next review can be identified. Colleagues have found numerous other ways of using the data in the UPR Dashboard, ranging from extracting relevant recommendations¹⁹ to support judicial engagement efforts, to identifying partner or donor states who share similar concerns about the human rights of displaced or stateless persons in a particular country or region.

¹⁹ Note: While all of the data in the UNHCR UPR Dashboard is public, for technical reasons UNHCR staff who wish to extract data out of the Dashboard should access the [internal version](#).



image: © UNHCR/Ibrahima Diane

5. RAISING AWARENESS ON HUMAN RIGHTS ISSUES

Good Practice:

Promoting safe relocation for internally displaced persons (Protection Cluster)

Where: Nigeria

Human rights mechanism(s): Special Rapporteur on the human rights of internally displaced persons and the High-Level Panel on Internal Displacement

Since 2009, there has been a protracted conflict in Northeast Nigeria between the Government's armed forces and Boko Haram and other armed groups. The hostilities have led to widespread internal displacement in the conflict-affected states. While in 2015 the Government's armed forces regained control of certain part of the territory previously controlled by Boko Haram, the population is still under frequent attacks which have caused further displacement within Government control areas and relocation of the population to IDP camps guarded by Nigerian forces. In 2020, the authorities encouraged the population to return to their place of origin while

facing challenges to provide adequate services such as security, clean water and food, and promoting return to areas which are inaccessible to humanitarian actors.

The sub-national Protection Cluster is co-led in this region by UNHCR, the International Rescue Committee and representatives of the Nigerian authorities. The cluster facilitated submissions on issues such as housing, land and property rights, as well as trafficking in persons, as part of consultations held by the respective Special Rapporteurs. Although there were other significant protection issues which would need

to be addressed in the context of the cluster, the sensitivity around the actions of the Government led a group of NGO protection experts from the cluster to create an informal sub-forum, the “protection collective”, which started to explore significant engagement with UN human rights mechanisms.

The “protection collective” provided comments and recommendations to a joint submission, coordinated by OCHA, to the annual Report of the UN Secretary-General on the Protection of Civilians in Armed Conflict. The collective also made detailed confidential submissions to the Special Rapporteur on the human rights of IDPs and to the UN High-Level Panel on Internal Displacement, highlighting the necessity for the Nigerian Government to be accountable for services and security in the Northeastern region, especially in locations identified for the return of IDPs. Such submissions would have been considered too sensitive to make in the

context of the Protection Cluster and therefore the protection experts decided to be more creative in their approach and utilize human rights mechanisms.

While it is not necessarily easy to identify the direct impact of such initiatives, engagement with human rights mechanisms helped in creating a common narrative among members of the “protection collective” and other protection actors, shed light on the issue and changed perceptions – including of donors and the humanitarian leadership in country – when it came to handling the relocation of IDPs. It might have contributed to triggering a visit of the UN Secretary General which would take place next year in Northeast Nigeria. The protection collective acted as a parallel structure to the official protection cluster to foster dialogue and address sensitive issues together with human rights mechanisms.

Good Practice:

Advocating for the rights of persons with disabilities in displacement and conflict situations

Where: Multiple countries

Human rights mechanism(s): Committee on the Rights of Persons with Disabilities

➤ According to the Committee on the Rights of Persons with Disabilities (CRPD):

“with persons with disabilities making up about 15 per cent of the world’s population,²⁰ estimates suggest that, of the 235 million people who need humanitarian protection and assistance in 2021, 35 million are persons with disabilities. Of the 82.4 million people who have been forcibly displaced as a result of conflict, persecution and human rights violations, approximately 12 million are persons

with disabilities.²¹ For persons with disabilities who are living in, or fleeing from, conflict zones, displacement is a complicating factor that poses numerous threats to their physical and mental health and well-being, further aggravating existing disabilities or leading to secondary ones.”²²

In June 2021, UNHCR joined the 14th Session of the Conference of State Parties to the Convention on the Rights of Persons with Disabilities. The Assistant High Commissioner for

19 World Health Organization (WHO) and World Bank, World Report on Disability 2011 (WHO, 2011), p. 30. This percentage is likely to be much higher in crisis-affected countries. For example, 27 per cent of the population in the Syrian Arab Republic (aged 12 years and above) have a disability and up to 80 per cent of the population surveyed in Afghanistan (aged 18 years and above) have some form of disability, see Humanitarian Needs Assessment Programme, “Disability: prevalence and impact – Syrian Arab Republic”, 2019; and Asia Foundation, Model Disability Survey of Afghanistan 2019 (2019).

21 UNHCR, [Global Trends - Forced displacement in 2020](#) (Copenhagen, 2021).

22 Conference of State Parties to the Convention on the Rights of Persons with Disabilities, Protecting the rights of persons with disabilities in armed conflict and humanitarian emergencies, Note by the Secretariat, 30 March 2021.



image: © UNHCR/Mahmoud Al Falastiny

Protection presented UNHCR's work to support the implementation of the Convention at the Interactive dialogue among States parties, the United Nations system and other stakeholders on the implementation of the Convention.

UNHCR provided an important contribution to a background paper on protecting the rights of persons with disabilities in armed conflict and humanitarian emergencies.²³ The background paper analyzed the effects of displacement on persons with disabilities and explored solutions for a disability-inclusive humanitarian assistance in COVID-19 response and for a meaningful participation and leadership of persons living with disabilities. This paper served also as support for discussion at a high-level roundtable in the context of the Conference of State Parties, raising specific issues of displaced and stateless persons living with disabilities.

In that context, UNHCR also co-organized side events on climate change and disability (see UNHCR - Disability, Displacement and Climate Change factsheet)²⁴ and on youth with disabilities, where a group of activists launched a Call to Action on meaningful participation of young persons with disabilities.

All these interventions shed light on the specific issues faced by displaced and stateless persons living with disabilities and the need to adopt a more inclusive approach to humanitarian assistance, which takes into account the unique needs and the serious protection challenges faced by this population.

UNHCR collaborated with the International Disability Alliance, a global network of organization of persons with disabilities, for the development of these updates to the CRPD Committee. This collaboration took place in the framework of an institutional agreement that includes collaboration in the area of monitoring the implementation of the CRPD. These interventions contributed to strengthen the objectives of this collaboration, in particular to “ensure that the UN human rights monitoring bodies, in particular the CRPD Committee, have access to firsthand information about human rights situations of statelessness and forcibly displaced persons with disabilities”.²⁵

Engaging with the CRPD has thus been an important tool to raise awareness on persons with disabilities and increase the level of advocacy to ensure better protection of displaced and stateless persons with disabilities.

²³ Conference of States Parties to the CRPD, [Protecting the rights of persons with disabilities in armed conflict and humanitarian emergencies](#), CRPD/CSP/2021/2, 30 March 2021.

²⁴ UNHCR, IDMC and IDA, [Disability, Displacement and Climate Change](#), April 2021.

²⁵ Briefing on the collaboration between IDA and UNHCR - [Refugees and Internally Displaced Persons with Disabilities | International Disability Alliance](#).

Good Practice:

Bringing focus on internally displaced persons and climate change through the protection cluster

Where: Chad

Human rights mechanism(s): Special Rapporteur on the human rights of internally displaced persons

- On World Humanitarian Day 2021, the Special Rapporteur on the human rights of IDPs and the Global Protection Cluster Coordinator issued a joint statement which stressed that:

*“the outlook for countries burdened by conflict, violence, poverty and underdevelopment includes dangerous compounded effects related to extreme and sudden events as well as slow-onset adverse effects of climate change. Tensions and conflict over land and natural resources are likely to heighten and exacerbate existing disputes and inequalities, drive inter-communal violence and increase displacement”.*²⁶

Climate change and its consequences on displaced persons are currently at the heart of UNHCR’s and the Global Protection Cluster’s strategy and advocacy.

In that context, the Protection Cluster in Chad was asked by the Special Rapporteur to contribute to consultations on the effects of climate change on the rights of IDPs by way of a presentation to a side event of the UN General Assembly. As the situation of IDPs in Chad is not only caused by climate change but also by the conflicts in the region, the Protection Cluster also worked with the Special Rapporteur on the issue of arbitrary displacement in the context of armed conflict. The Protection Cluster was asked to respond to specific questions on how arbitrary displacement was defined, how to prevent it and how this was defining both theory and practice in the Chad context.

These interventions were used by the Protection Cluster in developing its protection strategy and, guided by some of the recommendations included in the report issued by the Special Rapporteur, the Protection Cluster streamlined those aspects into its work plan. With the advice of HRLU, through the Global Protection Cluster Task Team on Human Rights Engagement, the Protection Cluster also worked on building capacity of its members on what the different UN human rights mechanisms are and how they can be used to leverage and promote respect for human rights at country level.

The interventions and the UN Secretary General’s Call to Action for Human Rights issued in 2020 also provided a global platform to raise visibility to the internal displacement crisis in Chad and gained traction in discussions within the Humanitarian Country Team. They fostered discussion with the National Human Rights Commission and even members of civil society on how the responses to internal displacement could be operationalized. The Protection Cluster came up with a number of activities that it could work on with the National Human Rights Commission, such as joint protection, monitoring, fact finding missions, joint advocacy messages as well as a review of the national legal framework related to prevention of internal displacement and support to the Government on the domestication of the Kampala Convention.

While the impact of such activities and advocacy is hard to measure as they are still ongoing, the main outcome was to bring more focus on the protection situation of IDPs in Chad and reinforce the advocacy message on consequences of climate change and conflicts when it comes to internal displacement.

²⁶ [Humanitarians protecting people in the climate change emergency](#). Joint statement by the Special Rapporteur on the Human Rights of Internally Displaced Persons and the Global Protection Cluster Coordinator on World Humanitarian Day 2021, 19 August 2021.

Good Practice:

Promoting the rights of LGBTIQ+ persons in forced displacement situations

Where: Multiple

Human rights mechanism(s): Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (IE SOGI)

➤ In situations of forced displacement, individuals who are lesbian, gay, bisexual, transgender, intersex, queer and other diverse identities (LGBTIQ+) have the same rights and basic needs as, and face the same challenges as, other displaced persons. In addition, they encounter distinct protection risks because their real or perceived sexual orientation, gender identity, gender expression and/or sex characteristics (SOGIESC) do not conform to prevailing sociocultural norms. Exclusion, stigmatization, discrimination, violence, exploitation and abuse in countries of origin drive many LGBTIQ+ persons, including adolescents and older persons, into situations of forced displacement. These challenges often persist in asylum countries, as they are frequently excluded from traditional support networks among both displaced and host communities and may continue to experience stigmatization and abuse.²⁷

In 2019, UNHCR and the Mandate of the United Nations Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity (IE SOGI) issued a joint statement²⁸ urging States and other refugee protection actors to recognize and respond appropriately to the unique vulnerability and specific needs of LGBTIQ+ refugees, asylum-seekers and other forcibly displaced persons.

From 2019, UNHCR launched a series of regional and global consultation to take stock of the current challenges, good practices, progress and gaps in the protection of LGBTIQ+ people who are forcibly displaced or stateless. The findings of those consultations were captured in a comprehensive discussion paper which formed the basis of the discussion at a UNHCR and IE SOGI co-convened Global Roundtable on Protection and Solutions for Lesbian, Gay, Bisexual, Transgender, Intersex, and Queer People in Forced Displacement which took place in June 2021. The preparations of the

roundtable were informed by the inputs of a core group of key stakeholders including OHCHR.

The roundtable took place over a month with over 600 participants from throughout the world joining as representatives of humanitarian, human rights and development organizations at every scale, including civil society organizations led by LGBTIQ+ people with lived experience of forced displacement and/or statelessness; community-based, national and international non-governmental organizations; philanthropic and private sector entities; members of UN agencies; and selected States active in supporting forcibly displaced and stateless LGBTIQ+ persons.

The summary conclusions²⁹ published at the end of the roundtable presented a series of recommendations addressed to international organizations, states and actors of the civil society to improve the inclusiveness and better protect LGBTIQ+ displaced and stateless persons. As a follow up to the roundtable, UNHCR is working on the recommendations addressed to the organization and liaising with other stakeholder where appropriate to implement the aspects related to UNHCR.

In the context of that roundtable, IE SOGI and his office provided expert advice in developing the modalities of the roundtable and its themes, support in establishing connection with OHCHR regional offices and key LGBTIQ+ actors, supported in note taking during the thematic sessions, co-chaired the opening and closing plenaries and plays a fundamental role in advancing the recommendations addressed to his mandate.

Such an engagement with the IE SOGI illustrates UNHCR's commitment to the protection of all displaced and stateless persons and fostered new partnerships with states and civil society actors to improve the situation of LGBTIQ+ people in forced displacement situations.

²⁷ UNHCR, [Need to Know Guidance: Working with Lesbian, Gay, Bisexual, Transgender & Intersex Persons in Forced Displacement](#), 2021.

²⁸ OHCHR, [UN rights experts urge more protection for LGBTI refugees](#), 1 July 2019.

²⁹ UNHCR, [2021 Global Roundtable on Protection and Solutions for LGBTIQ+ People in Forced Displacement - Summary Conclusions](#), June 2021.

Good Practice:

Tackling racism and discriminatory treatment of refugees and asylum-seekers

Where: Morocco

Human rights mechanism(s): Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

➤ Morocco is a multi-ethnic and multicultural society. However, like many other countries, it faces the problem of racial discrimination, which prevents some segments of the population, particularly refugees and asylum-seekers, from enjoying their human rights on an equal and non-discriminatory basis. “Along with historically rooted forms of inequality and discrimination, changing migration patterns mean that Morocco is now confronted with additional challenges relating to racial inequality and xenophobia due to its status as a country of origin and transit, as well as of destination, for migrants”.³⁰

For the past few years, Morocco has been under significant pressure to prevent migration from Africa to Europe and while the Government has clearly rejected warehousing migrants in detention centers, it has engaged in forced relocation of migrants, and sometimes asylum-seekers from Northern to Southern regions of the country.

In that context, UNHCR had raised on several occasions the discriminatory treatment faced by displaced persons who were, in certain parts of the country, systematically detained and being mistaken for migrants even though they were holders of asylum-seeker certificates.

When the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance scheduled a country visit in December 2018, UNHCR Morocco provided a briefing note on the issues faced by displaced persons and worked closely with the Special Rapporteur’s team on the program of the visit and organized several meetings with partners and displaced persons. Those meetings with displaced persons allowed the Special Rapporteur to better understand the situation and have first-hand evidence of the discriminatory treatment faced by asylum-seekers and refugees. The Special Rapporteur acknowledged in her report the importance of the testimonies she received which then served as a basis for her recommendations to safeguard the human rights of migrants and displaced persons.

The report of the Special Rapporteur published in 2019 brought light to human rights issues faced by refugees and asylum-seekers and, together with advocacy from UNHCR and partners, eventually led to a decrease in the number of forced relocations as well as fewer instances of detention of persons holding an asylum-seeker certificate.

³⁰ UN Human Rights Council, [Visit to Morocco, Report Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance](#), A/HRC/41/54/Add.1, 28 May 2019, para. 6.

Good Practice:

Bringing attention to the situation of poverty affecting displaced and stateless persons

Where: Malaysia

Human rights mechanism(s): Special Rapporteur on extreme poverty and human rights

- Malaysia has, over the past few years, experienced very fast economic development that translated into a reduction of poverty that benefited many layers of the population. However, several groups, especially migrant workers and persons of concern to UNHCR, are still facing extreme poverty and dire conditions due to their precarious status in Malaysia.

In 2019, UNHCR Malaysia was informed by the Resident Coordinator's office of the upcoming visit of the Special Rapporteur on extreme poverty and human rights and saw this visit as an opportunity to highlight the difficult situation faced by refugees and stateless persons who are particularly affected by extreme poverty.

The operation worked together with the Special Rapporteur to organize visits to areas with high numbers of stateless populations as well as refugee communities who are living in extreme poverty in Malaysia, in order to provide briefings and arrange meetings with NGOs who had a field knowledge of the situation. UNHCR also gave answers and information to follow-up questions and feedback on various drafts of the report.

In his report on the country visit to Malaysia,³¹ the Special Rapporteur, while noticing the considerable efforts made by Malaysia, dedicated a section to populations of concern which included, amongst others, indigenous populations, migrant workers, refugees and stateless persons and particularly highlighted the concerns UNHCR had mentioned in its briefings. The Special Rapporteur noted the difficulty for stateless persons to obtain citizenship and their *de facto* exclusion from the society as they are not allowed to access education nor social services. He also remarked that refugee children were facing difficulties in getting secondary and high-level education due to their refugee status, which prevented them from ever breaking the poverty cycle.

Despite a subsequent change in Government and a more restrictive approach to human rights which ensued, UNHCR's advocacy and cooperation with the Special Rapporteur brought much needed light to the difficult situation of displaced persons who are living in extreme poverty and helped furthering UNHCR's agenda on those issues.

³¹ Human Rights Council, [Visit to Malaysia: Report of the Special Rapporteur on extreme poverty and human rights](#), A/HRC/44/40/Add.1, 6 April 2020.



image: © UNHCR/Hannah Macdonald

6. INSTIGATING COUNTRY VISITS

Good Practice:

Advocating for the protection of refugee and asylum-seeking children in Malaysia and reducing the risk of child abuse and sexual exploitation

Where: Malaysia

Human rights mechanism(s): UN Special Representative of the Secretary-General on Violence against Children; Special Rapporteur on the sale and sexual exploitation of children including child prostitution, child pornography and other child sexual abuse material, Special Rapporteur on minority issues; Special Rapporteur on the right to education; Special Rapporteur on the human rights of migrants; Special Rapporteur on contemporary forms of slavery, including its causes and consequences; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Special Rapporteur on trafficking in persons, especially women and children; Special Rapporteur on violence against women, its causes and consequences and Working Group on discrimination against women and girls

➤ Under Malaysian immigration law, any person entering the country illegally can be prosecuted and detained. At the end of 2020, Myanmar nationals constituted the majority of registered refugees and asylum-seekers in Malaysia. However, they often end up in immigration

detention for having entered and/or remained in the country without a valid document. Since August 2019, UNHCR in Malaysia has been denied access to all asylum-seekers and refugees detained in Immigration Detention Centers (IDCs) in peninsular Malaysia. Many children are

detained merely due to their or their parents' migration status and continue to be subjected to prolonged and indefinite detention and without access to an asylum procedure in line with international protection standards.

Additionally, refugee and asylum-seeking children are also at heightened risks of abuse and exploitation including trafficking, sexual exploitation, forced marriage and forced labour upon arrival in Malaysia. Access to asylum-seeking and refugee child victims and survivors of trafficking, sexual exploitation and abuse has been challenging due to restricted movements posed by the Movement Control Orders, the lack of child-sensitive and gender-responsive services and limited in-person assistance. Accessing State social protection services has also been challenging due to fear of arrests, rising xenophobia in the context of the pandemic, and inaccessible support services to non-Malaysian children and families. Information dissemination on assistance and services depends largely on male leadership structures, SMS and web-based notices, which due to literacy and language gaps prevent women and children from adequately accessing information on services available.

As all local avenues for advocacy had been exhausted on behalf of refugees and asylum-seekers, in March 2021, the UN Special Representative of the Secretary-General on Violence against Children and several Special Procedures Mandate Holders have joined advocacy efforts against violence against refugee women and children and immigration detention of asylum-seekers and refugees in Malaysia by engaging and consulting with partners to gather relevant information on refugees and asylum-seekers including issues faced by children such as sexual abuse and exploitation, detention with adults and lack of adequate care for children. This advocacy effort led to the issuance of a joint communication by special mandate holders to the Government of Malaysia. Although the Government has yet to responded to the communication, the communication shed light on the difficult situation of refugee and asylum-seeking children in Malaysia and opened the door to more advocacy where most efforts at the local level had not yielded sufficient results.



image: © UNHCR/Jiro Ose

7. URGENT ACTION

Good Practice:

Preventing extradition through advocacy and legal human rights remedies

Where: Morocco

Human rights mechanism(s): Individual complaints procedure of the Committee against Torture

➤ An asylum-seeker registered with UNHCR Morocco was arrested by the Moroccan authorities on the basis of an extradition request from a third country. The Cour de Cassation (Supreme Court) of Morocco authorized the extradition request, which is a decision that is not subject to appeal.

As Morocco has accepted the individual complaints procedures of UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, following the decision of the Cour de Cassation the asylum-seeker filed an individual complaint to the UN Committee

Against Torture. The application asserted that the asylum-seeker feared that he would be tortured in the third country, and that he could be extradited or deported to his country of origin where he would be tortured. UNHCR Morocco worked with the asylum-seeker's legal representatives to provide support and information on the potential risks of harm in the third country.

The asylum-seeker's complaint requested that the CAT call on the State to take 'interim measures' to prevent his deportation while the Committee was considering the case. The CAT agreed with this argument and sent a request for interim

measures to the Moroccan authorities. The Moroccan authorities implemented this request, and the asylum-seeker's extradition was halted. This instance demonstrates that international human rights law and mechanisms can provide a complementary protection framework for

asylum-seekers. They can be an alternative (and sometimes more effective and efficient) channel to realize the rights of displaced and stateless persons and can be strategically leveraged on complex individual cases.

Good Practice:

Preventing deportations through Interim Measures of UN treaty bodies (1)

Where: Anonymized country

Human rights mechanism(s): Individual complaints procedure of the UN treaty monitoring bodies

➤ In the context of a political crisis in their country of origin, a number of asylum-seekers living in a country in Africa suddenly received deportation orders issued by the authorities. The government of their country of origin was using its diplomatic influence to encourage the return of asylum-seekers who were perceived to be political opponents. Concomitantly with the deportation orders, individuals also had their work permits revoked and/or their place of work was forcibly closed by authorities. Some individuals also had their passports apprehended by the local authorities during police raids. At the peak of the political pressure, shortly after the deportation orders were issued, the population of concern was constantly harassed by authorities. Some also reported that they were being followed.

Given the risk that the return may have constituted refoulement, and put the individuals at risk of human rights violations, UNHCR tried several high-level interventions with the host state in order to encourage the Government not to deport the asylum-seekers. Despite UNHCR's efforts, diplomatic channels were blocked when it came to this issue of perceived political opponents and all attempts at a resolution failed. Resettlement to a third country would ordinarily be one possible option in such cases, but due to the diplomatic and economic pressure of the country of origin, very few countries were open to resettlement.

In light of the risk of refoulement, UNHCR's operations conducted detailed protection interviews and assessed the personal situations of the group of asylum-seekers, preparing a complete background. Together with the HRLU in Geneva, the office provided advice and guidance to the individuals on how to draft an individual complaint to a UN treaty body and to request interim measures to prevent their imminent deportation.

As the asylum-seekers had filed their applications on their own behalf, they were each individually notified of the granting of the interim measures by the Committee, which requested the Government to halt their deportation while the Committee considered their case. UNHCR used the decision of the Committee to advocate with the Government of the host country. Following the issuance of the interim measures, pressure by the authorities started to reduce. Some of the individuals were allowed to work again, albeit in an irregular manner. Although the expulsion order was technically never revoked, the authorities had largely turned a blind eye to the affected individuals. However, due to the problems with their country of origin, the individuals have been unable to renew their passports and have expired documents. Although this had further complicated any attempt to leave the country or regularize their stay, they were no longer at risk of deportation and efforts could continue to regularize their status.

Good Practice:

Preventing deportations through Interim Measures of UN treaty bodies (2)

Where: Anonymized country

Human rights mechanism(s): Individual complaints procedure of the Human Rights Committee (Optional Protocol to the International Covenant on Civil and Political Rights)

➤ A national of Venezuela was denied asylum in a European country and was at risk of arbitrary deportation to Venezuela. After exhausting all domestic remedies with suspensive effect, the applicant's counsel under UNHCR's legal assistance project submitted a request for urgent interim measures under Rule 39 with the European Court of Human Rights (ECtHR) to prevent his deportation. The request was denied by the ECtHR. As the ECtHR did not provide reasoning for its decision and as the deportation was still imminent and ongoing, the counsel filed an individual communication and sought interim measures before the UN Human Rights Committee under rule 94 under the Optional Protocol to the International Covenant on Civil

and Political Rights. In principle, duplication of procedures before international and/or regional courts are prohibited but in this particular case, a full application was not yet introduced with the ECtHR.

The Committee issued a request for interim measures, asking that the individual not be deported to Venezuela during consideration of the individual communication as well as to provide him access to domestic asylum procedures and basic necessities and to ensure that his life, physical and mental integrity were safeguarded. The authorities complied with the request and stayed the deportation.

Good Practice:

Preventing deportations through Interim Measures of UN treaty bodies (3)

Where: Anonymized country

Human rights mechanism(s): Individual complaints procedure of the UN treaty monitoring bodies

➤ A refugee from a country in the Great Lakes region applied for asylum in a European country. Prior to leaving his country of origin, he had been interviewed by OHCHR as he had been arbitrarily detained and tortured.

Early 2021, pursuant to the laws of the country of asylum, he was denied asylum and given a date to leave the country back to his country of origin. As the asylum-seeker feared persecution because of his political opinions, together with the assistance of OHCHR, UNHCR and one of UNHCR's legal partner's, he filed an individual complaint with a UN treaty body and requested interim measures

to prevent his deportation. UNHCR acted as a liaison between the Committee and the individual complainant, keeping him updated on the proceedings and advising together with the NGO partner.

The interim measures were granted allowing the individual complainant to stay in the country of asylum and providing him with financial and housing assistance until the final decision by the Committee.

The decision is still pending and UNHCR is still monitoring the situation.







Compilation of Good Practices on
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