

Guidance Note on

HUMAN RIGHTS

*for Resident Coordinators
and
UN Country Teams*



**UNITED NATIONS
DEVELOPMENT GROUP**

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FOREWORD

Over 70 years ago, shocked by the horror and mass misery wrought by the Second World War, Member States adopted the Charter of the United Nations. The Charter's Article 1 stipulates one of the UN's purposes as "promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction ..."

In the 2030 Agenda for sustainable development, Member States have reiterated their call for an effective United Nations and a new development agenda which includes the realization of human rights. As international civil servants, it is our duty and our privilege to advance this vision.

Promoting and protecting human rights, especially for those who suffer from discrimination, deprivation, and violence, is important for the sustainability of development, peace-building, and humanitarian work. Resident Coordinators and UN Country Teams are at the forefront of UN actions, leading the UN's engagement with national stakeholders. They are well positioned to support the UN's human rights purpose outlined in the Charter, and to draw on skill, knowledge, and support from across the UN System.

This Guidance Note aims to provide Resident Coordinators and United Nations Country Teams with the tools and resources they need to fulfil their responsibilities. It aims to give practical guidance on supporting human rights at the country level, including by setting out how the UN can operate in facing complex challenges in different country contexts. It also focuses on the support available from the regional and global levels which will be critical in taking this work forward.

As we embark on the implementation of the 2030 Agenda for Sustainable Development, the UN Charter and the Universal Declaration of Human Rights remain our touchstones. We stand ready to support you in this vital task.



HELEN CLARK
Chair, United Nations Development Group



ZEID RA'AD AL HUSSEIN
United Nations High Commissioner
for Human Rights



ABBREVIATIONS AND ACRONYMS

CCA	COMMON COUNTRY ASSESSMENT
CEDAW	COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN / CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN
CRC	COMMITTEE ON THE RIGHTS OF THE CHILD / CONVENTION ON THE RIGHTS OF THE CHILD
CRPD	COMMITTEE ON THE RIGHTS OF PERSONS WITH DISABILITIES / CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES
CSO	CIVIL SOCIETY ORGANIZATION
DPA	DEPARTMENT OF POLITICAL AFFAIRS (UNITED NATIONS)
DFS	DEPARTMENT OF FIELD SUPPORT (UNITED NATIONS)
DPKO	DEPARTMENT OF PEACEKEEPING OPERATIONS (UNITED NATIONS)
DSRSG	DEPUTY SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL
EOSG	EXECUTIVE OFFICE OF THE SECRETARY-GENERAL
FGM	FEMALE GENITAL MUTILATION
HC	HUMANITARIAN COORDINATOR
HRA	HUMAN RIGHTS ADVISER
HRBA	HUMAN RIGHTS-BASED APPROACH
HRC	HUMAN RIGHTS COUNCIL (UNITED NATIONS)
HRDDP	HUMAN RIGHTS DUE DILIGENCE POLICY ON UNITED NATIONS SUPPORT TO NON-UNITED NATIONS SECURITY FORCES
HRUF	HUMAN RIGHTS UP FRONT
IASC	INTER-AGENCY STANDING COMMITTEE
IATF	INTER-AGENCY TASK FORCE
ICCPR	INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS
ICERD	INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION



ICESCR	INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS
IDP	INTERNALLY DISPLACED PERSON
ILO	INTERNATIONAL LABOUR ORGANIZATION
MSM	MEN WHO HAVE SEX WITH MEN
NAP	NATIONAL ACTION PLAN
NGO	NON-GOVERNMENTAL ORGANIZATION
NHRI	NATIONAL HUMAN RIGHTS INSTITUTION
NRA	NON-RESIDENT AGENCY
OCHA	OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS (UNITED NATIONS)
OHCHR	OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS
RC	RESIDENT COORDINATOR (UNITED NATIONS)
RQR	REGIONAL QUARTERLY REVIEW
SAG	SENIOR ACTION GROUP
SRHR	SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS
SRSG	SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL
UDHR	UNIVERSAL DECLARATION OF HUMAN RIGHTS
UNDAF	UNITED NATIONS DEVELOPMENT ASSISTANCE FRAMEWORK
UNDG	UNITED NATIONS DEVELOPMENT GROUP
UNDG HRWG	UNITED NATIONS DEVELOPMENT GROUP HUMAN RIGHTS WORKING GROUP
UNFPA	UNITED NATIONS POPULATION FUND
UNHCR	OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES
UNHQ	UNITED NATIONS HEADQUARTERS
UNICEF	UNITED NATIONS CHILDREN'S FUND
UNODC	UNITED NATIONS OFFICE ON DRUGS AND CRIME
UPR	UNIVERSAL PERIODIC REVIEW



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I. INTRODUCTION

1. Human rights are reflected in the United Nations (UN) Charter as one of the core purposes of the organization. The duties and responsibilities for upholding these universal human rights, values and principles allocated to Resident Coordinators (RC) and UN Country Teams will have a significant bearing on the UN's impact.
2. The three pillars of the UN system—human rights, development, and peace and security—are inter-linked and mutually reinforcing, and RCs and UN Country Teams need to promote all three pillars. UN development cooperation efforts must be built squarely—and explicitly—on the principles set out in the UN Charter and the international human rights instruments, including the Universal Declaration of Human Rights (UDHR). Knowing how to meet these norms and standards, consistently and effectively, in policy, advocacy, programming and engagement with national counterparts, is essential for the success of the UN on the ground. The UN's contribution to protecting and promoting human rights is both a normative duty, and an operational imperative for ensuring more equitable and sustainable development outcomes.
3. The UN's human rights mandate brings opportunities as well as many challenges to the UN country presence. This Guidance Note aims to help the RC system¹ take on these opportunities and challenges. While recognizing the RC's senior leadership role and coordination responsibilities, this Note also addresses the role of the UN Country Team and the entire UN system in upholding the human rights values and principles enshrined in the UN Charter.
4. Finally, the role of senior UN leadership and mechanisms at global and regional levels is also defined as essential for guidance and support to be provided to colleagues at country level, as they discharge their roles and responsibilities.

¹ The term "RC system" is used to denote all organizations of the UN system dealing with operational activities at country level, regardless of their formal presence.



II. PURPOSE AND SCOPE OF THIS NOTE

5. The purpose of this Guidance Note on Human Rights is to guide RCs and UN Country Teams on their roles and responsibilities in meeting the duty under the UN Charter to promote and encourage respect for all human rights for all, without discrimination. The Guidance Note sets out why and how these human rights responsibilities are so central to the work of the UN, what the specific human rights responsibilities of the RC and Country Team are, and how they can meet these responsibilities within the context of support from the whole UN system.
6. This Guidance Note updates the previous Guidance Note adopted by the Administrative Committee on Coordination (ACC) in 2000. It has been prepared by the UN Development Group Human Rights Working Group (UNDG HRWG), led by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Development Operations Coordination Office (UNDOCO), with extensive input from RCs and members of UN Country Teams. It builds on lessons from the field and recent policy guidance, including:
- [UN Resident Coordinator Generic Job Description](#) (Feb 2014)
 - [Guidance Note on UNCT Conduct and Working Arrangements](#) (Feb 2014)
 - [IASC Terms of Reference for Humanitarian Coordinators](#) (2009)
 - [UN General Assembly Resolution on Quadrennial Comprehensive Policy Review](#) (A/RES/67/226)
 - [The Human Rights Based Approach to Development Cooperation: Towards a Common Understanding Among UN Agencies](#) (2003)
 - [Secretary-General letter to all Heads of Departments, Agencies, Funds and Programmes on Human Rights up Front](#) (6 April 2015)*
 - [Deputy Secretary-General and UNDG Chair letter to Resident Coordinators on Human Rights up Front](#) (29 July 2015)*
 - [Joint Letter from the DSG and the UNDG Chair to all RCs on Human Rights up Front](#) (Feb 2014)
 - [“Human Rights Up Front” Detailed Action Plan](#) (updated March 2014)
 - [Overview of Human Rights up Front](#)*
 - [UN Support to the Implementation of the Universal Periodic Review and other Human Rights Mechanisms Recommendations](#) (Policy Committee Decision 2014/5)*
 - [Human Rights Due Diligence Policy](#) (Policy Committee Decision 2013/110)

* To access these documents write to humanrights@undg.org



- [Human Rights and Development](#) (Policy Committee Decision 2008/18)
- [Policy Committee Decision on Human Rights Screening of United Nations Personnel*](#)
- [OHCHR Information Note for UN Resident Coordinators, UN Country Teams, other UN entities](#) (2 March 2015)

7. This Guidance Note is supported by a web page* which will be regularly updated with further guidance materials from different UN entities, along with case studies and lessons learned, and an inquiry or help-desk function to support any queries. RCs and Country Teams are therefore invited to provide the UNDG HRWG, regional UNDG chairs and OHCHR with ongoing feedback as to the type of information and guidance that is most needed at the country level, and are encouraged to share good practices and innovative approaches in tackling opportunities and challenges in implementing human rights.

*For more information on the web page or to to share good practices write to humanrights@undg.org



III. GUIDING PRINCIPLES AND KEY MESSAGES

This Guidance Note builds on the following guiding principles and key messages:

- **The UN system-wide commitment to human rights is grounded in the UN Charter:** Promoting and encouraging respect for human rights, without distinction as to race, sex, language or religion, is one of the core purposes and principles of the UN, and is enshrined in article 1 of the UN Charter. All UN agencies, funds and programmes are governed by, and have a mandate to promote, the principles of the UN Charter.
- **All UN staff members have human rights responsibilities,** irrespective of the entity to which they belong, and are expected to respect, protect and promote the human rights norms, standards and principles in international law, the UN Charter and UN standards and policies. In working with consultants and non-UN partners in implementing programmes, UN staff also need to ensure these project partners are fully aware of and respect the norms and standards of the UN.
- **International law provides the normative framework for the UN's operational work and should guide development programming and humanitarian action:** The work of the UN must comply with international law, including inter alia international human rights law (of which international labour standards form a part²), international humanitarian, criminal and refugee law, and international environmental law.³ The 2012 [quadrennial comprehensive policy review of operational activities for development of the United Nations system](#) encouraged the United Nations system to promote the strengthening of normative and operational linkages.⁴
- **Governments have the primary obligation for the realization of human rights:** All UN Member States have legally binding obligations under international law, including international customary law (which binds all Member States) and all Member States have ratified at least one, and usually several, of the core international human rights treaties. The human rights responsibilities of the RC and UN Country Team should be seen in the context of supporting the Member State in meeting these obligations. While this Note focuses on contexts where the UN has a presence, all governments have human rights obligations and every country faces human rights challenges.
- **Human rights are universal and all people everywhere are entitled to them:** Human rights are universal in the sense that they belong to all human beings by virtue of their common humanity. They are also universal in the sense that human rights problems exist in all countries, including

² Throughout this Guidance Note, the human rights framework is understood to encompass labour rights, international instruments and monitoring mechanisms of the International Labour Organization (ILO) and other relevant specialized agencies.

³ The UN Environmental Programme (UNEP) has developed a "[Compendium on Human Rights and the Environment](#)" on the linkages between international human rights and environmental law.

⁴ A/RES/67/226, Para. 58.

developed and developing countries, which all have human rights obligations. In addition, human rights are enshrined not only in international law but also in national constitutions, bills of rights and laws throughout the world, as well as in regional human rights treaties; therefore, human rights cannot be dismissed as “values imposed from outside”.

- **Human rights should not be seen as imposing “conditionality”** for UN development assistance, but rather as central to what the UN brings and the UN’s value system in all its work. The promotion of human rights is critical for development effectiveness and sustainability.
- **Human rights include economic, social and cultural rights, as well as civil and political rights:** Human rights are often understood as primarily being civil and political rights, but “human rights” refers also to economic, social and cultural rights, including labour rights and the right to development. A holistic approach that promotes all human rights is critical. Even where States may not agree with particular rights (e.g. a State may not have ratified the treaty or may have placed reservations against particular rights) or the rights are not yet of a legally enforceable status (such as declarations, guidelines and principles adopted at the international level), there is a normative expectation on the UN to promote all human rights set out in the international human rights instruments.
- **Human rights require promoting equality for all people and eliminating discrimination, including by taking a gender perspective:** The work of the UN must be solidly grounded in the principles of equality and non-discrimination for all people. From a gender perspective, promoting equality between women and men, and eliminating all forms of discrimination against women, requires developing an understanding of the ways in which women experience discrimination and are denied equality, so as to develop appropriate strategies to eliminate such discrimination. This approach is also necessary for other groups in relation to other forms of discrimination on the basis of other distinctions.
- **The promotion and protection of human rights by the RC and the UN Country Team should be:**
 - *Principled*—based on international human rights standards;
 - *Evidence based*—based on reliable and credible information and drawing attention clearly to the root cause of the problem, even if it is politically sensitive;
 - *People-centred*—empowering those people, whether groups or individuals, who are most marginalized, discriminated against or are in a vulnerable situation;
 - *Participatory*—regularly engaging with all relevant stakeholders including national and local governments, civil society and human rights defenders;
 - *Proactive*—proactively identifying feasible and necessary actions that can be taken by those claiming their rights (rights holders) and those with a duty to respond (duty bearers) to address the identified deficiencies or challenges and prevent potential future violations or crises;
 - *Promoting* accountability and access to justice—ensuring accountability and access to justice, including by working with human rights bodies at national, regional and international levels.

IV. WHY IS THE UNITED NATIONS' HUMAN RIGHTS ROLE SO IMPORTANT?

8. The UN Charter, which establishes the mandate of the UN, sets out that a core purpose of the UN is “promoting and encouraging respect for human rights and for fundamental freedoms for all”, without discrimination (article 1). Meeting this mandate is not optional; it is a duty for the whole UN System.
9. But this is not simply a normative imperative; it is also a practical and operational necessity. Concrete experiences have shown that UN work on the ground has far greater impact and a more powerful and positive legacy on the lives of people when it meets the standards set by the Charter. Lessons from the field have also shown that failing to meet the UN’s human rights responsibilities can seriously threaten lives as well as the legitimacy of the UN. Learning from these lessons has led to an evolution and deepening of the UN policy framework on human rights, which has influenced the roles and responsibilities of the RC and UN Country Team.

MAINSTREAMING HUMAN RIGHTS: ACHIEVING BETTER DEVELOPMENT RESULTS

10. Mainstreaming human rights across the work of the UN has been a feature of UN reform efforts since 1997. Since the adoption of the [The Human Rights Based Approach to Development Cooperation: Towards a Common Understanding Among UN Agencies](#) (2003), UN Country Teams have increasingly applied the human rights-based approach (HRBA) in their programming work, including in common country assessments (CCA) and the UN Development Assistance Frameworks (UNDAF). Human rights is now anchored as one of the UN development system’s five programming principles of strategic engagement at the country level. The evidence suggests that integrating human rights into development programming brings an important new lens for understanding development issues and can help achieve better, more effective and sustainable development results.⁵ Human rights standards also serve as a guide for a common approach of the UN system on specific human rights issues, including for example, when the Country Team has to address practices or entrenched social positions in the country that may conflict with international norms, such as the death penalty and discriminatory attitudes regarding LGBT rights (see Annex D).

⁵ Concrete examples and case studies are available on the [UN HRBA Practitioners' Portal](#).



11. The implementation of the [2030 Agenda for Sustainable Development](#)” and the [Sustainable Development Goals](#) (SDGs) will further deepen the mainstreaming of human rights in development work. The new development framework is grounded in the normative human rights framework of the UN Charter and the UDHR, and many of the goals, targets and indicators are closely aligned with specific human rights. The SDGs also call upon the UN system to place a critical focus on eliminating discrimination in laws, policies and practices and on reducing inequalities within and between States. In its preparations for the 2030 Agenda for Sustainable Development, the UN has underscored its commitment to human rights as both the means and the end of development; central to implementing the new agenda and ensuring a ‘people centred’ model of more sustainable and equitable development that leaves no one behind.

DOING NO HARM AND EXERCISING HUMAN RIGHTS DUE DILIGENCE

12. Lessons from the field have shown that it is critical for the UN’s legitimacy to consistently respect and promote human rights, including with the imperative to ‘do no harm’ guiding the UN’s operational work at all times. Recently, in response to a number of serious cases where the UN was perceived as being complicit in or associated with human rights violations in particular countries, the Secretary-General launched the UN system-wide 2011 [Human Rights Due Diligence Policy](#) (Policy Committee Decision 2013/110) (A/67/775-S/2013/110). This policy specifically applies to due diligence in situations where the UN is providing support to non-UN security forces. However, exercising a human rights due diligence approach, encouraging the respect of and promoting human rights, is critical for the UN’s work with all actors, including partnerships with corporate actors (as outlined in the [UN Guiding Principles on Business and Human Rights](#)). In addition, the UN now has a [UN Policy Committee Decision on Human Rights Screening of United Nations Personnel](#)^{*}, in relation to its own staff.

Adherence to the human rights due diligence policy is important to maintain the legitimacy, credibility and public image of the United Nations and to ensure compliance with the Charter and with the Organization’s obligations under international law.

— Secretary-General’s Human Rights Due Diligence Policy, p. 3

PUTTING HUMAN RIGHTS UP FRONT: PREVENTING HUMAN RIGHTS CRISES

13. In 2013, in direct response to the [Report of the Secretary-General’s Internal Review Panel on United Nations Action in Sri Lanka](#) (2012) the Secretary-General launched the Human Rights

^{*} To access these documents write to humanrights@undg.org



Up Front (HRuF) initiative with a detailed [Human Rights Up Front” Detailed Action Plan](#) (updated March 2014). This calls on the UN system to play a strong role to prevent human rights crises. The IRP report found a “systemic failure” in the UN response during the final months of Sri Lanka’s conflict, evoking comparisons to UN failures in Rwanda in 1994⁶ and Srebrenica in 1995.⁷ It highlighted a “widespread perception that the international human rights and humanitarian law aspects of protection were not a part of UNCT priorities” (p. 110) and a “reluctance among UNCT institutions to stand up for the rights of the people they were mandated to assist” (p. 27). Crucially, it concluded that “the RC did not get the direct management support from UNHQ ... needed to deal with an extraordinarily difficult situation” (p. 23–24). For this reason, the HRuF initiative aims to ensure that all staff are aware of their duty under the UN Charter, and view human rights and protection of civilians as central to the entire purpose of their work, in all countries and in both development and humanitarian contexts.

14. The Human Rights Up Front initiative calls for collective responsibility across the whole UN system to prevent serious human rights violations, identifying risks of human rights violations at an earlier stage, leveraging the wide range of UN mandates and capacities to respond, and ensuring senior officials at the country level are supported and backed by UN Headquarters (UNHQ). The basic principles of the HRuF initiative are not new, but this initiative deepens the commitment to the human rights imperative and calls for cultural, operational and political changes in the way the UN works in order to ensure that the UN does everything in its power to prevent or respond to serious violations of human rights. It aims to make human rights central to the culture and ‘lifeblood’ of the United Nations.

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⁶ [Report of the Independent Inquiry into the actions of the UN during the 1994 genocide in Rwanda](#) (1999).

⁷ See [Report of the Secretary-General pursuant to GA resolution 53/35: The fall of Srebrenica](#) (1999).



V. THE HUMAN RIGHTS RESPONSIBILITIES OF THE RC AND UNITED NATIONS COUNTRY TEAM

There is virtually no aspect of our work that does not have a human rights dimension.

— Ban Ki-moon UN Secretary General

15. All UN entities and all UN staff are required to consistently uphold human rights, as part of meeting the core mandate of the UN set out under the UN Charter. However, the RC bears particular responsibility to lead the UN Country Team in ensuring that all operational activities of the UN at the country level are consistent with the purposes and principles of the UN and the policy framework on human rights. The RC, with the support of the Country Team, must play a critical role in strategically positioning the UN system at country level through supporting national efforts, upholding the rule of law⁸ and contributing to the full realization of human rights.

THE RESIDENT COORDINATOR: REVISED JOB DESCRIPTION

16. The core human rights responsibilities of the RC are set out in the [RC Job Description](#) which was revised in 2014 to take account of new policy developments with respect to the mainstreaming of human rights, the exercise of human rights due diligence and the priorities set out in the Secretary-General's HRuF initiative.
17. The role of the UN on the ground is not simply to support the government of the country where it is operating but to consistently uphold and promote the values and principles enshrined in international law, including international human rights law. Governments should always be aware that the UN will not contravene its own principles in any circumstances. Playing this role is not easy—as one RC has pointed out, it “takes determination and quite some courage to take the human rights message forward when facing challenging violations”.⁹ Yet, despite the challenges, many RCs have shown great leadership in standing up for these values and supporting their staff in doing so.

⁸ The “rule of law” in this Guidance Note is understood as “a principle of governance in which all persons, institutions and entities, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards”, as defined in the Secretary-General’s 2004 report ‘[The rule of law and transitional justice in conflict and post-conflict societies](#)’ (S/2004/616).

⁹ This quotation is drawn from feedback in 2014 from RCs to the individualized letters to RCs from the UNDG HRWG co-chairs setting out upcoming opportunities to engage with human rights mechanisms in their country.

2014 RESIDENT COORDINATOR JOB DESCRIPTION

Extract of key human rights responsibilities in the job description

The RC:

- Coordinates the work of the UN Country Team in: a) mainstreaming international human rights norms and standards into operational activities for development; b) facilitating access to knowledge and expertise on international human rights norms and standards available in the UN system; and c) ensuring a coordinated UN approach, in accordance with the relevant mandates and at the request of the government, to building national capacity to implement human rights and other universal UN norms and standards to which the government has committed itself;
- In situations of risk or actual serious violation of human rights and humanitarian law, in countries where there is no UN peacekeeping or special political mission/office, leads and coordinates the UN Country Team in developing and implementing a strategy to address such risks or violations, with support from OHCHR and, where present, the Protection Cluster, the Office for the Coordination of Humanitarian Affairs (OCHA), the Inter-agency Task Force (IATF) and the Situation Response Coordinator;
- Ensures effective advocacy of human rights and other UN system values, standards, principles and activities on behalf of the UN Country Team with the highest level of government:
 - Advocates fundamental UN values under its Charter, including respect for and protection of human rights;
 - Promotes international human rights standards and principles and advocates for international human rights norms and standards as a common UN value in dialogue with national actors;
 - Considers and acts upon information and analysis of principal human rights concerns and risk of serious violations provided by OHCHR as well as from other sources;
 - Communicates, coordinates and promotes consistency in the implementation of the [Human Rights Due Diligence Policy](#) (Policy Committee Decision 2013/110) across the UN in-country.

18. **In non-mission settings**, the RC will usually constitute the first line of UN action at country level, engaging every day with national authorities, civil society and rights holders. As such, he or she is in a unique position to recognize changing events on the ground, to use their effective working relationships and alliances to understand and address the political context and the concerns of national counterparts, and to recognize the signs of human rights violations that might serve as early indicators of a deteriorating situation. RCs are thus a critical part of the UN system's capacity not only to promote the realization of human rights but also to identify, prevent and respond to potential crises. The RC



should seek support from UNHQ if the situation in the country is likely to deteriorate, as emphasized in the Secretary-General's HRuF initiative. The RC also plays a crucial role in encouraging and coordinating the whole UN Country Team to take up this responsibility.

19. **In countries where international humanitarian assistance is required**, the RC may wear a “double hat” by also acting as the Humanitarian Coordinator (HC), or even a “triple hat” by further acting as Deputy Special Representative of the Secretary-General (DSRSG) if a Special Representative of the Secretary-General (SRSG) is appointed.¹⁰ In these contexts, the RC/HC retains important human rights responsibilities, including the duty to promote the respect of international human rights and humanitarian law by all parties, including non-state actors where relevant. The protection of human rights is the ultimate aim of humanitarian action and this purpose should be central to the humanitarian strategy.¹¹

2009 HUMANITARIAN COORDINATOR TERMS OF REFERENCE

Human rights responsibilities

The HC:

- Is guided by international humanitarian and human rights law, and by the humanitarian principles of humanity, neutrality, impartiality and independence;
- Ensures that a common strategic plan for realizing this vision (Common Humanitarian Action Plan [CHAP] or equivalent) is articulated, based on documented needs and integrating cross-cutting issues (e.g. age, gender, diversity, human rights, HIV/AIDS and the environment) and activities in support of early recovery, by leading and coordinating its development;
- Promotes the respect of international humanitarian and human rights law by all parties, including non-state actors, by coordinating the advocacy efforts of relevant organizations and using private and/or public advocacy as appropriate.

10 The RC's role in coordinating humanitarian assistance is outlined in Section II and III.6 of the [UN Resident Coordinator Generic Job Description](#) (Feb 2014).

11 “Protection” in the humanitarian context is defined as encompassing “activities aimed at obtaining full respect for the rights of all individuals in accordance with international law – international humanitarian, human rights, and refugee law – regardless of their age, gender, social, ethnic, national, religious, or other background” (Inter-Agency Standing Committee [IASC]). See also the [IASC Principals' statement on the “Centrality of Protection” in humanitarian action](#).

20. **In mission settings**, senior mission leaders also have specific human rights responsibilities.

2011 OHCHR/DPKO/DPA/DFS* Policy on Human Rights in United Nations Peace Operations and Political Missions

Senior mission leaders must:

- Uphold international human rights law in the implementation of peace operations and political missions' mandates;
- Ensure that the promotion and protection of human rights is instilled as a fundamental principle of peace operations and political missions;
- Ensure that all UN staff of peace operations or political missions—whether military, police or civilian—are aware of and abide by international human rights and humanitarian law;
- Demonstrate by word and deed commitment to human rights and its implementation.

*Office of the UN High Commissioner for Human Rights/Department of Peacekeeping Operations/Department of Political Affairs/Department of Field Support

THE HUMAN RIGHTS RESPONSIBILITIES OF THE UN COUNTRY TEAM AND THE BROADER UN SYSTEM

21. Carrying out the UN's role and responsibility within its human rights mandate is not a task for the RC alone. The RC must be supported in this task by an engaged and supportive UN Country Team as well as by the UNDG regional team and relevant UNHQ entities. Ensuring coherent and coordinated responses to country-level challenges is critical, as fragmented approaches risk losing the UN's legitimacy—which is based on upholding international norms, standards and principles—and consequent loss of credibility *vis-à-vis* national stakeholders. The UN Country Team has clear human rights responsibilities.

2014 GUIDANCE NOTE ON UNITED NATIONS COUNTRY TEAM CONDUCT AND WORKING ARRANGEMENTS

The UN Country Team's human rights responsibilities:

- UN Country Team members represent and advocate the goals, norms and standards of the UN system, including the promotion, protection and advocacy of human rights standards and principles, internationally agreed treaty obligations and development goals;



- UN Country Teams together with RCs, uphold and promote the UN’s responsibilities with regard to preventing and responding to serious violations of international human rights and humanitarian law;
- In situations of risk or actual serious violations of human rights and humanitarian law, in countries where there is no UN peacekeeping or special political mission / office, UN Country Team members support the RC in developing and implementing a strategy to address such risks or violations.

22. All UN entities—including the Secretariat, agencies, funds and programmes—have a duty to uphold the UN Charter and its commitments to human rights. Many UN entities have already developed their own guidance, tools and training on human rights-related aspects of their work at the country level. At the inter-agency level, UNDG HRWG provides coordinated and consistent support to RCs and UN Country Teams on human rights across agencies and between regional and UNHQ levels. It is critical that all members of a UN Country Team are aware of the latest policy guidance and available tools from their own HQ as well as from UNDG HRWG.

23. UN entities play distinct, but complementary, roles on human rights. OHCHR is the lead entity within the UN system for the promotion and protection of human rights. It coordinates all human rights-related actions under its broad mandate on human rights monitoring and technical assistance. OHCHR Human Rights Officers and UNDG Human Rights Advisers can provide assistance to UN Country Teams. Many other UN entities also have mandates focused on specific issues or improving the rights of particular groups. For example, UN Women works to promote gender equality and women’s rights, the UN Children’s Fund (UNICEF) works to protect the rights of children, UNAIDS works to promote human rights-based responses to HIV and AIDS and to address human rights violations that increase vulnerability to HIV, and the International Labour Organization (ILO) focuses on labour rights. The UN High Commissioner for Refugees (UNHCR) leads the Global Protection Cluster and works to protect refugees, asylum seekers, internally displaced persons (IDPs) and stateless persons. Other entities similarly integrate and address human rights in their work. Other agencies also play an important role through their presence and activities on the ground aimed at respecting, protecting or fulfilling human rights, for example the right to adequate food, acting in accordance with their mandate, capacities and operational needs.

24. While each agency will develop its own approach in accordance with its specific mandate, joint analysis and strategic planning through a human rights lens is critical to ensure approaches that are complementary rather than competitive or contradictory. The aim should be to maximize agencies’ comparative advantages and enable the UN system to respond in a flexible, context-specific fashion, to maximize overall effectiveness. A conscious and strategic division of labour, and the use

of a range of different tools in different contexts, can amplify the UN's collective strength and moral authority, while avoiding negative impacts on any one agency.

25. The UN system as a whole also bears a collective responsibility towards upholding the UN Charter. The shared responsibility of all UN entities to prevent serious human rights violations is at the heart of the Secretary-General's HRuF initiative. HRuF calls on all UN entities to contribute under their individual mandates to prevent or respond to serious violations, which are often too complex for a single UN entity to address on its own. A range of mechanisms and tools has been put in place to support the RC and UN Country Team. This includes support for analysis, planning and advocacy at the country level. If the situation escalates beyond the capacity of the RC and Country Team to address it, and the complexity of the situation requires the involvement of UN actors at the regional or global level, the RC should refer to the established support mechanisms, including the Regional Quarterly Review (RQR). The [Joint letter from the Deputy Secretary-General and the UNDG Chair addressed to RCs](#) clarifies that the responsibility to address the risk of serious violations will not fall on RCs and UN Country Teams alone.

If a situation becomes more complex, Rights Up Front ensures that UNHQ shares the burden for meeting the moral and political responsibilities of the United Nations and ensures that a United Nations system-wide strategy to address potential or actual serious violations leverages the combined capacities of the United Nations System. Its intention is to ensure RCs and [UN Country Teams] facing complex situations on the ground receive the full support from UNHQ. Support from headquarters can include assuming accountability for the overall UN response, deploying additional field staff such as Human Rights Advisers and Peace and Development Advisors to support the UN [Country Team] with analysis, taking on the burden of raising serious concerns with the State authorities, and the design and implementation of a strategy of engagement with member States.

— Joint letter from the Deputy Secretary-General and the UNDG Chair addressed to RCs, p 2



VI. WHAT TO DO TO MEET THESE HUMAN RIGHTS RESPONSIBILITIES

26. This section sets out a brief checklist with concrete actions that the RC and UN Country Team can undertake to meet the human rights responsibilities set out above. This checklist was developed from RCs' suggestions, based on their experiences. Where relevant, more detailed guidance on *how* to address these matters is provided in the following section.

What to do first

A Checklist for Resident Coordinators

WHAT TO DO	WHERE TO FIND INFORMATION
1. UNDERSTAND THE HUMAN RIGHTS SITUATION IN THE COUNTRY	
a) Understand the normative framework and identify human rights opportunities and challenges for working with the government (most of this can be done before you arrive to the country)	
FIND OUT which core human rights instruments were ratified by the country, what reservations the country may have made, and their reporting status.	Status of ratification—Interactive dashboard ; Status of reporting
IDENTIFY what the government has committed to, in terms of the recommendations in the previous UPR cycle that the government has either supported or noted, and any voluntary commitments it has made.	UPR 'outcome of the review' report ; Universal Human Rights Index ; UPR-info database (not official)
IDENTIFY critical recommendations of treaty bodies in their concluding observations to the country, as well as any follow-up by the government.	Concluding observations of treaty bodies Universal Human Rights Index ; UPR 'compilation of UN information' reports
FIND OUT whether the country has issued a standing invitation to special procedures, which special procedures have visited the country, the recommendations they have made, and any follow-up by the government.	Reports of the country visits of special procedures ; Universal Human Rights Index ; UPR 'compilation of UN information' reports
ANALYSE any national human rights action plans (NAPs) adopted by the government (if such exist), and any reports on follow-up of accepted UPR recommendations, as well as recommendations by treaty bodies and special procedures (if such exist).	Discuss with the relevant government authority and the NHRI; Web-based Guide on Strengthening Engagement with the International Human Rights Machinery (<i>forthcoming</i>); UPR implementation information provided by States to OHCHR
IDENTIFY upcoming opportunities to engage with international human rights mechanisms (upcoming UPR and treaty body reviews and visits of Special Rapporteurs) and use these opportunities for leverage.	Yearly letter from the Co-Chairs of the undg HRWG to RCs; OHCHR - Human rights by country



b) Analyse the human rights situation	
<p>CARRY OUT a quick analyses of the human rights situation, including mapping key challenges and identifying the most marginalized rights holders and the most powerful/ crucial duty bearers.</p> <p>Thereafter, carry out regular country analyses to stay attuned to the human rights situation in the country, as required by HRuF, including through holding at least two full UN Country Team meetings per year on the human rights situation.</p>	<p>Discuss with agency representatives, the in-country Human Rights Adviser (if any), OHCHR field presence (if any), or OHCHR HQ desk officer;</p> <p>Review the latest UPR background reports on the country (three reports by national, UN and other stakeholders);</p> <p>Review the latest concluding observations of treaty bodies and special procedures (Universal Human Rights Index)</p>
<p>ASSESS the level of civil society engagement, public participation, voice and media freedom in the country.</p>	<p>Discuss with agency representatives, the in-country Human Rights Adviser (if any), OHCHR field presence (if any), or OHCHR HQ desk officer;</p> <p>Review NGO submissions by NGOs to Treaty Bodies;</p> <p>Review the 'NGO submissions to UPR' and 'Mid-term implementation assessments' at UPR-info (not official)</p>
<p>CONDUCT mapping/rapid assessment of international partners and donors who support ongoing human rights-related programmes and projects, and identify possible areas of cooperation.</p>	<p>Discuss with agency representatives, the in-country Human Rights Adviser (if any), OHCHR field presence (if any), or OHCHR HQ desk officer;</p> <p>Review UPR-info's database of UPR recommendations made by recommending country (including donors) (not official)</p>
<p>IDENTIFY key and potential champions for human rights within the government.</p>	<p>Discuss with agency representatives, the in-country Human Rights Adviser (if any), OHCHR field presence (if any), or OHCHR HQ desk officer;</p>
<p>If there is one, ASSESS the strength of the national human rights institution (NHRI), its mandate and status of accreditation.</p>	<p>Accreditation status can be found on the website of the ICC Sub-Committee on Accreditation</p>
<p>REVIEW national, regional and international reports of the country on human rights issues, including reports of non-governmental organizations (NGOs), whether present in or outside the country.</p>	<p>Reports of national, regional and international NGOs</p>
<p>CONTACT OHCHR to find out the background of individual complaints to treaty bodies and special procedures of the UN Human Rights Council (HRC).</p>	<p>OHCHR HQ desk officer</p>
<p>COMMISSION the monitoring of news media to collect and analyse patterns of human rights incidents.</p>	<p>Work with UN Country Team's media unit/spokesperson and Human Rights Adviser (if present) to analyse patterns</p>
<p>REVIEW legislation to assess the extent to which national laws are harmonized with international human rights standards and to assess whether law enforcement practices are in compliance with both national legislation and international law.</p>	<p>Discuss with agency representatives the in-country Human Rights Adviser (if any), OHCHR field presence (if any), or OHCHR HQ desk officer;</p> <p>UPR 'compilation of UN information' report;</p> <p>Review the latest concluding observations of treaty bodies and recommendations of Special Procedures</p>



2. ASSESS CAPACITIES AND FRAMEWORK FOR HUMAN RIGHTS WITHIN AND LINKED TO THE UN COUNTRY TEAM

- **IMMEDIATE EXPERTISE:** Is there an in-country Human Rights Adviser, OHCHR field presence, or human rights component of a UN Peacekeeping Mission?
- **OTHER IN-HOUSE EXPERTISE:** Is there a thematic group within the UN Country Team focusing on human rights? Are there human rights focal points within the UN agencies? Are there agencies in the country or non-resident agencies (NRAs) that have a specific normative mandate or “governance” focus that could contribute to human rights analysis and work?
- **REGIONAL EXPERTISE:** What is the nature of cooperation with regional OHCHR offices? Is there a Regional Human Rights Adviser as part of the UNDG regional team?
- **INTERNATIONAL SUPPORT:** Is there cooperation with UNHQ entities, e.g. OHCHR desk officers, UNDG mainstreaming support, Executive Office of the Secretary-General (EOSG) for HRuF support? Has the country situation been referred to the RQR or Senior Action Group (SAG)?
- **REVIEW** how human rights are incorporated into the implementation of the UNDAF and whether there are any support structures available to support the process.
- **MAP** geographical representation of UN agencies with expertise on human rights and how this expertise can contribute to a shared analysis on human rights.

3. BUILD A COMMON STRATEGY AND MOVE TOWARDS COORDINATED ACTION AND ADVOCACY

- **FORM** a team of local and international experts to support and advise the UN Country Team on human rights analysis, interventions and mainstreaming initiatives; this may include NRAs.
- **INTRODUCE**/institutionalize periodic UN Country Team discussions and information sharing on human rights in order to stay attuned to the human rights situation in the country (as required under HRuF) and to coordinate UN Country Team activities on mainstreaming, advocacy and protection where necessary.
- **IDENTIFY** and discuss with the UN Country Team the possible immediate and longer term actions the UN could take to seize human rights opportunities and tackle challenges from a development perspective.
- **REVIEW** the previous and current UNDAF to identify any previous and outstanding development interventions on human rights and how these can be incorporated as part of an overall human rights strategy.
- Where the UN Country Team is in the UNDAF implementation stage, **ARRANGE** HRBA training for UN staff and national partners (this is most effective at the analysis stage of the implementation process), to ensure the HRBA is applied from the country analysis through to the UNDAF, and to sensitize partners.
- **DEVELOP** a relationship with the government and other counterparts, arranging courtesy introduction meetings with key duty bearers mapped against the critical challenges in human rights areas.
- **IDENTIFY** key human rights issues for which the UN needs to communicate with one voice and develop common statements on key policy positions.
- If the UN Country Team identifies major risks or actual serious violations of international human rights and humanitarian law, **DEVELOP** a strategy for addressing the situation at the country level and/or escalate the issue up to UNHQ by referral to the RQR, in consultation with OHCHR and the UNDG regional team.
- In humanitarian and mission settings, **ENSURE** that the protection of civilians and human rights is a central priority for integrated assessment and planning and all humanitarian action.

27. The previous checklist applies to all settings. However, the RC and UN Country Team will be working in very different contexts—in situations of development, or of escalating crisis, full-blown armed conflict or post-conflict—and this will have a determining impact on the kinds of human rights activities that they can engage in at different points.
28. The following checklist gives a brief overview of the types of activities that the RC and Country Team can carry out in particular contexts, and indicates where to find additional information and guidance. The activities, issues, examples and additional sources shown are not ONLY relevant to the context in which they are shown; rather, this is the context in which these are likely to be MOST relevant.

What to do next

A Checklist for Resident Coordinators – Working in Different Contexts

Working in different contexts	Activities on human rights that could be undertaken by the UN Country Team	Relevant examples (see following section also)	Additional sources of reference and guidance
Development, non-conflict or protracted conflict	<ul style="list-style-type: none"> • Taking the HRBA to long-term development planning • Addressing structural human rights challenges in laws, policies and social practices • Strengthening national human rights protection systems and the rule of law • Promoting human rights culture and human rights education • Staying constantly attuned to the human rights situation through periodic situation analysis (HRuF) • Positioning the UN Country Team on human rights challenges • Responding to individual cases of human rights violations • Protecting human rights defenders • Combating impunity and supporting the rule of law 	<ul style="list-style-type: none"> • Delivering more equitable and sustainable development results through the HRBA • Ensuring the active and meaningful participation of the most marginalized in development policies • Using the UN’s authority to promote necessary institutional and social reforms and counter social positions that conflict with human rights norms • Applying the Guiding Principles on Business and Human Rights • Taking collective responsibility to advocate for human rights • Protecting human rights defenders from reprisals for cooperating with the UN • Responding to individual complaints of human rights violations 	<p>Human Rights and Development (Policy Committee Decision 2008/18);</p> <p>Guidance Note on Application of the Programming Principles to the UNDAF;</p> <p>HRBA Common Learning Package;</p> <p>Guiding Principles on Business and Human Right;</p> <p>Overview of Human Rights up Front*</p> <p>Web-based Guide on Strengthening Engagement with the International Human Rights Machinery (<i>forthcoming</i>)</p>

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Working in different contexts	Activities on human rights that could be undertaken by the UN Country Team	Relevant examples (see following section also)	Additional sources of reference and guidance
Escalating tensions	<ul style="list-style-type: none"> • Assessing risks of human rights violations • Positioning the UN Country Team on human rights challenges • Responding to individual cases of human rights violations • Protecting human rights defenders • Combating impunity and supporting the rule of law 	<ul style="list-style-type: none"> • Joint analysis of situations to identify possible crises and help prevent them from occurring • Taking collective responsibility to advocate for human rights, and prevent or respond to serious human rights violations • Protecting human rights defenders from reprisals for cooperating with the UN • Responding to individual complaints of human rights violations 	<p>Human Rights Up Front* Detailed Action Plan (updated March 2014);</p> <p>Guidance Note on UNCT Conduct and Working Arrangements (Feb 2014);</p> <p>Overview of Human Rights up Front*;</p> <p>Web-based Guide on Strengthening Engagement with the International Human Rights Machinery (<i>forthcoming</i>)</p>
Conflict or humanitarian crisis	<ul style="list-style-type: none"> • Responding to widespread human rights violations • Protecting civilians in a humanitarian crisis • Supporting accountability efforts 	<ul style="list-style-type: none"> • Establishing facts in a crisis situation to defuse tensions and prevent violence • Vetting peace/security forces to prevent those complicit in human rights abuses from participating • Developing and implementing humanitarian response strategies that place protection of human rights at the centre, including in the delivery of humanitarian assistance • Establishing procedures to monitor the conduct of recipient entities in humanitarian assistance 	<p>Human Rights Due Diligence Policy (Policy Committee Decision 2013/110);</p> <p>UN Policy Committee Decision on Human Rights Screening of United Nations Personnel* (Policy Committee Decision);</p> <p>OHCHR/DPKO/DPA/DFS Policy on Human Rights in UN Peace Operations and Political Missions;</p> <p>IASC Terms of Reference for Humanitarian Coordinators (2009);</p> <p>Centrality of Protection In Humanitarian Action;</p> <p>Growing the Sheltering Tree: Protecting Rights through Humanitarian Action</p>
Post-conflict or in transition to peace and development	<ul style="list-style-type: none"> • Supporting transitional justice, including advocating for accountability for past human rights violations • Supporting constitutional and legal developments in line with human rights standards • Re-establishing the rule of law and strengthening the role of NHRIs • Programming to address the root causes of conflict and re-establish social cohesion 	<ul style="list-style-type: none"> • Incorporating human rights standards in peace agreements and transitional justice institutions • Jointly taking a stance to protect the rights of victims to justice and reparations • Supporting civil society efforts to rebuild social cohesion and combat discrimination • Ensuring human rights considerations are duly considered in international financing of development plans 	<p>Human Rights and Development (Policy Committee Decision 2008/18);</p> <p>Guidance Note on the UN Approach to Rule of Law Assistance;</p> <p>UN Peacebuilding: An Orientation;</p> <p>OHCHR's Rule of Law Tools for Post-Conflict States</p>

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VII. HOW TO MEET THESE HUMAN RIGHTS RESPONSIBILITIES

29. The previous sections provide an overview of the core policy framework guiding the UN's human rights role, the specific responsibilities of the RC and UN Country Team at the country level, and a brief indication of concrete actions they can take to meet these responsibilities. This section addresses how to do so in more detail, providing guidance and concrete examples on why and how particular activities can be undertaken.

UNDERSTANDING THE HUMAN RIGHTS SITUATION ON THE GROUND

30. Key tools for understanding the human rights situation on the ground include information gathering, human rights analysis and the mapping of relevant actors.

- **Human rights information gathering:** The very first step in understanding the human rights situation in the country is the collection of relevant information. Information on the human rights situation in the country should be collected from **reliable, accurate and credible sources**. Key sources of existing human rights information on all countries include the reports from the UN human rights mechanisms, including the UPR, the special procedures of the HRC, the human rights treaty bodies and the supervisory bodies of specialized agencies (see Annex C for a list of these bodies). Other sources of human rights information include national, regional and international human rights mechanisms, national courts, NHRIs, and national and international civil society organizations (CSOs), including women's associations, indigenous peoples' organizations, organizations of people living with HIV, and trade unions, as well as the media. Information sources should be considered, cross-checked and verified regularly. Data collected by national statistical offices through censuses and surveys, including those supported by the UN (such as UNICEF's Multiple Indicator Cluster Survey) will also illuminate key issues. In a humanitarian context, other sources of human rights information will include the humanitarian Country Team, as well as the protection cluster and other clusters.

KEY RESOURCES

- The [Universal Human Rights Index](#) allows searches by country, which provides easy access to the recommendations of all the UN human rights mechanisms, including the UPR, treaty bodies and special procedures;
- The [UPR 'compilation of UN information' report](#) compiled for the UPR, contains summary human rights information, analysis and recommendations, including UPR-specific submissions from UN Country Teams and other UN entities;
- OHCHR country analyses: Under the "[Human Rights Up Front](#)" [Detailed Action Plan](#) (updated March 2014), OHCHR is to regularly share with the respective UN Country Team (and humanitarian Country Team, if one exists) a summary analysis of principal human rights concerns and risks of serious violations;
- UNHCHR's [Refworld](#) provides detailed country information;
- **Human rights analysis:** After collecting relevant information, the next step is to analyse that information through a human rights lens. A human rights analysis begins with assessing the gap between the specific human rights commitments undertaken by the state (according to the national, regional and international agreements which it has signed up to) and the actual level of enjoyment or deprivation of the identified rights by the individuals or groups in question, whether in law or practice. This should identify the root causes of such gaps, and include assessing whether they are due to a lack of knowledge, capacity or commitment. The human rights analysis should encompass the situation with respect to the full range of human rights—civil and political rights, as well as economic, social and cultural rights, and rights at work—and include analysis of patterns of discrimination in the society, with respect to all grounds of discrimination prohibited under human rights law, including race, colour, sex, language, religion, age, political or other opinion, national or social origin, property, birth, disability, health status (including HIV/AIDS) or sexual orientation, or migration, indigenous, civil, political or other status. The analysis of disaggregated data, including sex-disaggregated data, can help to identify gaps for particular population groups, which may signal discrimination.¹² In addition to looking at disaggregated data, it is also important to examine particular human rights relevant to specific groups (e.g. to consider the distinct rights of indigenous peoples with respect to education, or the particular needs of women in detention centres). A gender perspective also means looking not only at gender-specific violations (in particular those that affect women and girls) but also at the different impacts of any violation on men, women and others. An analysis of patterns of resource distribution (e.g. a human rights-based analysis of national budgets¹³) can also be used to assess possible discrimination in the allocation of

¹² There are international standards for the collection of disaggregated data by national statistical offices and other bodies, including that such data should be gathered using a transparent methodology consistent with international standards on privacy protections, including inter alia informed consent and adherence to ethical standards. National legislative frameworks should also provide for an effective data protection system to ensure that data are not misused to violate rights.

¹³ See OHCHR Guide on Human Rights and Budget Analysis (*forthcoming*).

resources, as well as inadequacy of resources for the progressive realization of economic and social rights.¹⁴ This analysis should assess the extent to which state authorities are implementing their obligations to respect, protect and fulfil their human rights obligations.

KEY RESOURCES

- The [UN Common Learning Package on HRBA to Programming](#).
- **Human rights situation analysis for early warning:** Human rights analysis requires analysing not only patterns related to the realization or non-realization of people's enjoyment of human rights, but also patterns of incidents and cases of potential human rights violations. Shifting trends in human rights violations can serve as early warning signs of crises. The "[Human Rights Up Front](#)" [Detailed Action Plan](#) (updated March 2014) requires all RCs and UN Country Teams to be constantly attuned to the human rights situation in every country (not only those countries that are already in crisis), so that the UN can act early to prevent a situation escalating into serious violations, mass atrocities or armed conflict. For the UN to achieve the goal of prevention, early warning signs of crises need to be identified, communicated and acted upon, using the full range of UN entities' combined mandates, resources and capacities. The RC and UN Country Team play a critical role as the UN's eyes and ears on the ground. Staying attuned to the human rights situation can be achieved through carrying out regular, frequent "scans" of the human rights situation in the country and institutionalizing regular meetings with the UN Country Team to draw on the information on emerging trends that is available to different UN entities. Experience has shown, for example, that rising levels of inequality and the deterioration of human rights, including women's human rights, can be both factors and early warning signs of conflict and crisis. It is imperative to incorporate a human rights and gender analysis into early warning systems by looking at early warning indicators (discriminatory propaganda, hate crimes, increasingly fundamentalist discourse, discriminatory displacement, sudden declines in access to food, health or education, etc.), including collecting information through CSOs and human rights defenders, as well as from the UN human rights mechanisms that often forewarn in their reports and recommendations of the potential for serious violations or emerging crisis.

¹⁴ See OHCHR [Fact Sheet 33: Frequently Asked Questions about Economic, Social and Cultural Rights](#), for an explanation of "progressive realization" of these rights.

WHY IS INTEGRATING INFORMATION AND ANALYSIS FROM THE UN HUMAN RIGHTS MECHANISMS IMPORTANT?

FOR EARLY WARNING: In the past, reports made within the UN's human rights system have predicted the potential for serious violations before they occurred:

- In 1993, the Special Rapporteur on extrajudicial, summary or arbitrary executions issued a country report warning that genocide was unfolding in Rwanda. But there was no meaningful international response—the full horror of the catastrophe erupted a few months later;
- In 2007, the report of the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons predicted the main risks in the north of Sri Lanka, one year before they occurred—but there was an insufficient UN response;
- In 2010, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health issued a report on the relationship between this right and the criminalization of forms of private, adult, consensual sexual behaviour—including same-sex conduct and sex work, which might result in HIV transmission—and of sexual orientation, forewarning of massive abuses of the rights of LGBT communities, which has taken a turn for the worse in countries such as the Gambia, Nigeria and Uganda.

AS AN ENTRY POINT AND ROADMAP FOR ENGAGING WITH GOVERNMENTS: The recommendations of the UN human rights mechanisms can provide an overview of the most important human rights issues. They can also underpin the efforts of UN Country Teams to address particular issues, by providing an authoritative analysis of issues, gaps in implementation and government commitments. In Uruguay, for example, the UN Country Team used the analysis and recommendations of the Special Rapporteur on torture on the criminal justice system as a basis for a far-reaching, integrated penal reform programme, ensuring that the joint programme was based on human rights standards. This reform also included a special labour law for prisoners formulated in accordance with ILO standards.

- **Stakeholder and role mapping:** A critical next step in understanding the human rights situation on the ground in terms of the realization of rights or their violation, involves the mapping of stakeholders, with an in-depth analysis of the relevant actors and their roles in influencing or impacting the situation. This should include the roles of the various government counterparts, including local governments and municipal authorities, parliamentarians, NHRIs, representative bodies of indigenous peoples and minorities, civil society (with a guide to engagement), trade unions, employers' organizations, the private sector, international

financial institutions, religious leaders, the media, etc. It may be important to go beyond traditional partners to engage with other actors—such as international or regional human rights mechanisms, national CSOs working on human rights or women’s human rights or freedom of expression—to gain a better understanding of the situation. It is critical to analyse the political dynamics, allies and reformers in relation to the particular issue at hand, including any unequal power relations, including gender inequalities.

KEY RESOURCE

- Additional guidance on stakeholder mapping can be found in chapter 8 of [OHCHR’s Manual on Human Rights Monitoring](#).

BUILDING STRATEGIES FOR IMMEDIATE AND LONGER TERM PRIORITIES

31. Once the information is collected and analysis is complete, the next step is to develop a strategy that leverages the different roles and responsibilities of the UN Country Team to address human rights issues in the country. RCs have a strategic coordination role and, drawing on the expertise and capacities of the wider UN Country Team, are expected to coordinate an integrated strategy as part of their One Leader, Communicating as One and One Programme responsibilities. Taking action to address human rights issues and ensure the protection of people from violations involves longer term work to build and strengthen laws, institutions and capacities that protect rights, within states and at the global level, and more immediate responses where people are at risk of, or subject to, serious violations of international human rights or humanitarian law. These actions and responses include:

- **A strategy for long term engagement and advocacy:** A common strategy for engagement on human rights issues, led by the RC, should be a core part of the UN Country Team’s work at the country level, with priorities identified through human rights analysis and stakeholder mapping, as well as analysis of the key entry points, opportunities and challenges likely to be faced by the Country Team. These core priorities should be built into CCA, UNDAFs and other longer term, joint UN development programmes and processes and advocacy strategies. This should recognize that encouraging the respect, protection and fulfilment of human rights issues requires consistent engagement with the state authorities and local organizations on the ground, and will depend on long-term processes of change (see Section on Acting to Advance Human Rights — Programming, advocacy and engaging with the human rights mechanisms.)
- **A strategy for immediate response to prevent or address potential or actual human rights violations:** In all countries, the RC and UN Country Team are expected to stay attuned to the human rights situation, to engage in thorough inter-agency discussion of any concerns, and to address concerns through adjusting activities and programming and through advocacy with state authorities. Where a country is at risk or subject to serious violations of international human



rights and humanitarian law, or when violations are ongoing, the [HRuF Action Plan](#) and the [RC Job Description](#) call on the RC (or RC/HC where the RC has been so designated) to lead the UN Country Team in developing a system-wide strategy. The emphasis of the "[Human Rights Up Front](#)" [Detailed Action Plan](#) (updated March 2014) is on the prevention of violations, so the development of a strategy will ideally be undertaken at an early stage. In developing a strategy, the RC will be supported by OHCHR and he or she should contact OHCHR in-country, if it is present, or at its Geneva HQ, and also seek the support of the protection cluster and OCHA, if it is present. When comprehensive, proactive responses are challenging at country level, or the complexity of the situation requires the involvement of UNHQ, the RC and UN Country Team should raise the situation to the regional or UNHQ level through the HRuF support mechanisms—the RQR or SAG for the most serious, urgent or complex situations (see Annex B for more on these support mechanisms). If, for example, an RC considers that it is not possible to develop a country-level strategy for reasons of political sensitivity or security, this immediately suggests that the concerns need to be taken up at UNHQ level.

DEVELOPING A STRATEGY FOR PREVENTING AND RESPONDING TO SERIOUS HUMAN RIGHTS VIOLATIONS

If the human rights situation deteriorates, the RC should engage all relevant UN actors to develop a strategy, identifying clearly and objectively the main human rights issues and populations at risk, and specifying necessary protection measures that should be put in place to prevent and respond to violations. The strategy should define: a) priority UN objectives; b) actions to be taken by specific UN political, human rights, humanitarian and development entities at the national, regional and UNHQ levels to achieve these objectives; and c) any gaps in the operational or political capacities required at the country level to take these actions.

The "[Human Rights Up Front](#)" [Detailed Action Plan](#) (updated March 2014) aims to ensure that RC/HCs and UN Country Teams have the capacity to address such situations, and UNHQ is responsible for trying to fill capacity gaps. At a minimum, HRuF provides extra capacity support through short-term visits or remotely from UNHQ. Much of HRuF is about ensuring that RCs and UN Country Teams are not alone in dealing with early warning signs and that UNHQ assumes some of the responsibility for taking action.

HUMAN RIGHTS UP FRONT IN PRACTICE: PROTECTING THE RIGHT TO HEALTH

HRuF helped frame UN Country Team responses during a 2014 crisis in one country, with the World Health Organization (WHO) taking a lead role on the protection of the right to health. Key violations of the right to health included health facilities being attacked, health personnel threatened or forced to resign, and health services denied to IDPs and marginalized groups. The WHO Deputy Representative acted as a focal point to link with OHCHR and OCHA and designed a strategy to take action on human rights and international humanitarian law violations related to the right to health. The strategy included the training of WHO health monitors, compulsory reporting (using an online tool) of health violations in conflict zones, setting up a casualty reporting mechanism, and developing mobile clinics and outreach programmes to reach affected populations being denied the right to health. Information on violations was shared with OHCHR and OCHA to strengthen the UN's collective response.

Key lessons learned included understanding that human rights protection involves all agencies collectively preventing and responding to violations of all human rights, including economic, social and cultural rights. Training is necessary, but so is strong leadership from the RC and UN Country Team leaders to support staff in speaking out and enforcing monitoring of violations. The priority placed by WHO on protecting the right to health was critical in addressing violations and saving people's lives during the crisis.

KEY RESOURCE

- [Overview of Human Rights up Front](#)* provides further guidance on producing a strategy at the country level for preventing and responding to serious violations, and on escalation to the RQR or SAG support mechanisms.

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ACTING TO ADVANCE HUMAN RIGHTS

PROGRAMMING AT THE COUNTRY LEVEL

32. Adopting a human rights-based approach to programming is a critical part of UN activities that can be taken to meet the responsibilities to promote the respect, protection and fulfilment of human rights. This in-line with the [The Human Rights Based Approach to Development Cooperation: Towards a Common Understanding Among UN Agencies](#) (2003), which called for the HRBA to be integrated into all programming work, including CCA and UNDAFs, and with the [2010 Guidance Note on Application of the Programming Principles to the UNDAF](#) which sets out human rights as one of the five core UN programming principles.¹⁵ Adopting the HRBA:

- Offers a distinct human rights lens through which to analyse a situation;
- Focuses on the most marginalized groups and individuals whose rights are regularly denied or ignored or violated;
- Seeks to bring laws, policies and social practices into line with international standards, addressing structural inequalities and patterns of discrimination;
- Encourages governments and other actors as duty bearers to meet the obligations they have voluntarily committed to under human rights law;
- Pays attention to not only the results of development but also the process of development through the principles of participation, non-discrimination, empowerment, transparency and accountability;
- Provides a set of international standards that helps ensure a consistent one-UN approach to sensitive issues, with a normative grounding in international standards.

33. Drawing on the reports and recommendations of the human rights mechanisms can help to identify priorities at the national level and provide a basis for an agreed framework for joint action by governments, UN agencies, NGOs and other partners, since governments have already committed to taking action. As experience from the field is demonstrating, UN Country Teams are increasingly using human rights commitments as an entry point and basis for setting strategic priorities, advocacy and capacity development and programming in a coordinated manner, across different country contexts and settings.¹⁶

KEY RESOURCES

- [The UN HRBA Practitioners' Portal on Human Rights-Based Approaches to Programming](#), includes country examples on integrating human rights into [CCA and UNDAFs](#) (UNDG);

¹⁵ Environmental sustainability, like HRBA, is one of the five programming principles that should be applied for effective UN-supported country programming that balances the pursuit of international norms and standards with the achievement of national development priorities. It is important to take account of environmental dimensions, including the duty to ensure the environmental protection needed to enable the fulfilment of human rights, particularly the rights to food, safe water, sanitation, housing and health. Procedural rights, such as access to information, participation in decision-making and access to justice in environmental matters, are essential. The intersection of these concerns means that development processes must pay attention to the legal, policy and institutional processes that determine access to, and control of, ecosystem resources, especially for vulnerable, excluded groups.

¹⁶ [ECOSOC Dialogue on the "longer-term positioning of the UN development system"](#), [UNDG Perspectives on Functions](#), 20 March, 2015.

- [A Human Rights-Based Approach to Programming: Practical Information and Training Materials](#) (UNFPA);
- [Human Rights Indicators: A Guide to Measurement and Implementation](#) (OHCHR);
- [Guidance Note on the Application of the Programming Principles to the UNDAF](#) (UNDG);
- [Mainstreaming Human Rights in Development - Stories from the Field](#) (UNDG).

ADDRESSING DISCRIMINATION: INCORPORATING A HUMAN RIGHTS ANALYSIS INTO THE DESIGN OF UNDAFS

“Departing from a traditional common country assessment, which is organized around sectors or themes, the UN Country Team prepared a country analysis with people at its core,” says Robert Piper, the RC/HC in one country. The analysis found that in that country “the most fundamental sociocultural root cause of vulnerability is the structural discrimination emanating from sociocultural traditions, norms and practices developed over centuries”. The UN Country Team found that discrimination, and the related issue of stigma, has produced widespread social exclusion, highlighting the need for more inclusive development, in line with the Comprehensive Peace Agreement, the country's Interim Constitution, the Three Year Plan, and the national Peace and Development Strategy.

The UNDAF used the HRBA to identify key outcome areas. One of the outcome areas is focused on addressing discrimination, and seeks four outputs:

- Vulnerable groups and those who discriminate against and stigmatize them are progressively engaged and challenged on their own assumptions, understanding and practices that result in stigma and discrimination;
- Non-discriminatory policies and procedures are progressively implemented in institutional contexts such as schools, health facilities and workplaces;
- Political participation in institutions and society of vulnerable groups, and their capacity to organize and mobilize themselves, are progressively strengthened;
- Media, religious institutions, labour unions and CSOs are progressively engaged in the development by challenging assumptions, understanding and practices resulting in stigma and discrimination.

The UN Country Team acknowledges that it will take more than five years to address the issue of stigma and discrimination. Even with dedicated resources, tangible results will take time. However, the UN Country Team is positioning itself to play its part in working with national counterparts to achieve a longer term goal: progressively ending long-standing disadvantage by addressing the deep-rooted causes of stigma and discrimination in the country, and making the HRBA central to its interventions.



ADVOCACY WITH GOVERNMENTS AND OTHER ACTORS

34. Advocacy for improving the promotion and protection of human rights on the ground is also a key responsibility of the RC under the [current RC Job Description](#). Advocacy activities can range from written communications and discreet engagement with governments to more public advocacy, depending on the situation and the best means to raise issues and concerns with authorities. Advocacy can be strengthened through the coordination of activities and engaging with a common perspective and common objectives.

A UNITED NATIONS COUNTRY TEAM “COMMON VIEWPOINT” ON EVICTIONS AND RESETTLEMENT

In mid-2008, in light of human rights violations linked to the controversial issue of land tenure and forced evictions in one country, the UN Country Team came together to build a common understanding of the issues of land tenure, forced evictions and resettlement, and to strategize how to address them. The “UN Common Viewpoint on resettlements and evictions” was developed for this purpose with guidance from the OHCHR country office, setting out a clear framework for policy actions as well as advocacy in specific cases of evictions based on international human rights treaty standards. The Common Viewpoint proved an effective tool for dialogue with the government and other partners and raised awareness among diverse stakeholders of the relevant national and international laws and standards underpinning land and housing issues.

The UN Country Team’s joint advocacy had important impacts. A joint public statement on 16 July 2009, signed by 16 development partners, called for a halt to evictions of the country’s urban poor and urged equal recognition of the rights of all citizens. Partly as a result of this coordinated advocacy, the Government developed a Circular setting out minimum procedures governing resettlements in urban areas. In 2009, the UN Country Team also advocated and intervened in response to the eviction of a community of persons living with/affected by HIV, from the capital to a remote area with very poor living conditions on the outskirts of the city. The intervention of the UN Country Team (led by the RC, UNAIDS and OHCHR) turned the situation around. A resettlement plan was developed in cooperation with NGOs, the National AIDS Authority and the municipality of the Capital. UN agencies and NGOs supported the delivery of food and health care. With extra land donated by the Municipality, adequate housing was built, and the community was included in a larger community development plan. The UN Country Team acted as a principled advocate (behind closed doors as well as publicly) and convener of the parties involved, as well as service provider. In providing services and funding, the UN made it clear that it in no way condoned the evictions, and reiterated the human rights principles stated in the Common Viewpoint.

35. If difficult decisions have to be taken regarding whether or not to speak out publicly about particular human rights issues, the RC should seek support and advice from the Regional UNDG and OHCHR's field presences or UNHQ if none is present. Where a strategic decision is taken to not speak out publicly on a sensitive issue at country level, the RC and UN Country Team should request support from UNHQ to address the issue. For example, it may be useful for the UN Secretary-General or High Commissioner for Human Rights to raise public attention to an issue from outside the country, accompanied by and complemented with quiet diplomacy and strategic national and local programmatic interventions by the RC and UN Country Team at country level. Alternatively, the Country Team could also engage with the international human rights mechanisms, including the [UPR](#), the [treaty monitoring bodies](#) and the [special procedures \(Special Rapporteurs\)](#) (see Annex C for an overview of these bodies).¹³ For example, Special Rapporteurs can be strategic allies and can support advocacy by publicly speaking and reporting on sensitive situations and concerns when RCs and Country Teams might, at a given moment, determine this not to be the best approach for them to take themselves. By virtue of their legitimacy and special status, Special Rapporteurs may draw the authorities' attention to sensitive political issues, without incurring political repercussions or impacting negatively on the relationship of the UN Country Team with the government. This can also help to build on the strengths and complementarities of different parts of the UN system, as RCs and UN Country Teams in turn can follow up on the recommendations of special procedures and offer any necessary support to national authorities.

BUILDING ON THE VISIT OF A UNITED NATIONS SPECIAL RAPPORTEUR TO ADVANCE WORK ON SENSITIVE ISSUES

In one instance, the RC and UN Country Team made strategic use of a country visit of the UN Special Rapporteur on violence against women to bring public attention to a very sensitive issue: the high rates of rape of a large proportion of girls in the country. The Special Rapporteur addressed this within the context of comparative experience gained from 30 other countries, emphasizing the widespread, universal nature of the problem and depoliticizing the issue in the local context. This created political momentum to confront the issue at the country level, and the RC and UN Country Team were able to use the political opening strategically to offer concrete support to the government to address the situation in line with international standards.

36. The UN's role is to sensitively, but always consistently, promote the norms and standards established in international law, even if this appears to conflict with the position of the government or with locally distinct social and cultural attitudes, norms and values. The RC should lead on the common

¹³ Seeking alliances with regional organizations and their human rights bodies could also be effective.



messaging of the UN system and encourage the UN Country Team to consistently promote international standards. Annex D provides some brief guidance on a catalogue of often sensitive and specific human rights issues, to help guide a common UN position that is grounded in the international normative framework.

CULTURALLY SENSITIVE APPROACHES IN ADVOCACY ON SEXUAL AND REPRODUCTIVE HEALTH RIGHTS

Sexual and reproductive health and rights (SRHR) remain a sensitive issue in many countries, often as a result of ideological or religiously conservative influence. This requires a non-traditional approach and new partnerships when pursuing advocacy for their fulfilment. For many years, international development has been a field dominated by largely “secular” agents of development, with a preference for keeping faith and faith-related matters out of the picture. However, there is now more awareness of the need, within advocacy strategies, to engage directly in dialogue with traditional and religious leaders, as one community among many critical agents of change. If faith-based organizations and religious leaders are well sensitized and trained and are engaged in partnerships, they can have major social, behavioural and political impact. They can also foster an enabling environment for social change. They have the capacity to reach right down to the grassroots levels to deliver messages to change people’s lives, particularly those of groups most at risk. There is a growing number of successful partnerships with faith-based organizations, customary chiefs and religious leaders as an integral part of efforts to end violence against women and girls, child marriage, female genital mutilation (FGM), etc.

ENGAGING WITH THE UNITED NATIONS HUMAN RIGHTS MECHANISMS

37. All Member States are required to report regularly to the UN human rights mechanisms on their progress in meeting their human rights obligations, giving an important opportunity for public scrutiny of government progress on the implementation of the human rights treaties. The RC and UN Country Team should engage with these UN human rights mechanisms, as a strategic entry point for engaging in dialogue with governments on human rights issues. UN Country Teams can also make strategic use of recommendations emerging from the UN human rights mechanisms to support and strengthen their own positions when advocating for policy change with governments. This can be a particularly effective strategy where the government has voluntarily accepted to follow up on specific recommendations. The recent Secretary-General’s [Policy Committee Decision on UN support to the UPR and Human Rights Mechanisms](#)* also sets out the important role the RC and UN Country Team has to play in advocating and tracking at the national level the follow-up to recommendations of the international human rights mechanisms.

* To access this document write to humanrights@undg.org

38. The relevant UN human rights mechanisms include the [UPR](#), the human rights [treaty bodies](#) and the [special procedures \(Special Rapporteurs, Independent Experts and Working Groups\)](#) (see Annex C for an overview of these bodies). These mechanisms all have different mandates, procedures and activities in which they engage, which will shape the ways in which the UN Country Team, in turn, engages with them. Some deal with early warning and urgent actions on imminent threats of human rights violations (e.g. rapid communications with governments to prevent or respond to violations), while regular reporting processes aim to contribute to encouraging longer term changes in legal frameworks and policies to create an enabling environment for the protection of human rights.
39. The preparation and follow-up at the national level of the regular reporting processes of the human rights mechanisms can help to generate powerful momentum to address difficult issues, with enormous potential to bring Member States, civil society and other stakeholders together around the same table to discuss human rights concerns. The UN Country Team can exercise its **convening role**, creating a **platform for a national dialogue on human rights** at the country level, bringing together various stakeholders, including different government agencies, line ministries, state entities, regional and local authorities, parliament, the justice sector, the media, NHRIs, ombudspersons, NGOs, representatives of minorities, traditional and religious leaders, and CSOs, among others. This can be a critical first step to bringing about legislative, policy and programmatic change. It can be useful to set up a national coordination mechanism for reporting and following up recommendations with the involvement of all key stakeholders. The government can also be encouraged to draw up a national human rights action plan to address the recommendations of the human rights bodies, setting out specific timelines, indicators and benchmarks for success.

EXPERIENCES ENGAGING WITH THE UNIVERSAL PERIODIC REVIEW

In one country, following a request for technical and financial assistance by the government to engage in the UPR reporting process, the RC and UN Country Team made a strategic decision to use this opportunity to support an inclusive and transparent process with the full engagement of all stakeholders. Organizing consultative workshops through CSOs in the preparatory phase of the UPR, the UN used its convening role to ensure dialogue and feedback from civil society to the government on its national report and key issues facing the communities represented by the different CSOs. This permitted open discussion of long-standing issues of concern, such as freedom of the media and the abolition of the death penalty. Issues not traditionally perceived as human rights issues, including indirect discrimination, the right to an adequate standard of living, labour issues and the rights of indigenous peoples, were also discussed in a consultative, non-confrontational manner. These consultations influenced the national report, as well as the UPR discussion in Geneva and the follow-up at the national level, including informing the design and activities of the UN Development Assistance Plan.

In another country, engaging with the government on human rights issues had historically been difficult and attempts to do so by the UN Country Team had not been welcomed. However, when the country was reviewed under the UPR, the government accepted to take action on half of the 200 recommendations received. This provided a critical opportunity for the UN Country Team to constructively engage on human rights with the government, to assist it in meeting these recommendations.

As a first step to foster the government's trust, the RC proactively engaged with the relevant government agencies and the NHRI to initiate a discussion on the UPR recommendations. The UN Country Team mapped all the human rights support being provided by the international community, which it then shared with the government. As a result of this proactive engagement, the government requested the UN to coordinate the international community's assistance in strengthening the country's NAP for supporting implementation of the UPR recommendations.

Under the lead of the RC, the UN Country Team began a process of substantive engagement with the NAP. First, drawing on its convening role, it organized consultations on the NAP with the participation of the international community and government representatives. The RC co-chaired round tables, which ensured high participation and visibility in the dialogues. This helped build trust among these new partners working together on human rights. As the next step, the UN, working closely with OHCHR, provided analytical and substantive inputs to the NAP. It clustered the recommendations into a few key areas to help focus the efforts of the government into achievable objectives. It worked to strengthen the "results-based" focus and, drawing on [OHCHR's Indicator Framework](#), identified baselines and indicators for the design of a joint (government and UN) national monitoring mechanism for the NAP. The UN also carried out studies examining the deep patterns of discrimination that lay behind some of the major issues raised by the UPR, to ensure that key institutional and long-term changes needed were identified, with the assistance of national human rights experts.

At the end of this process, the RC's Office consolidated the inputs and comments from the UN agencies and international community agencies into a single set of inputs to the government on the NAP. In response, the UN received a stern letter from the NHRI, stating that its suggestions had been too far reaching. Nonetheless, the revised draft that was later released had incorporated many of the UN's suggestions. This included creating a joint monitoring mechanism on human rights (to be carried out every six months) and 45 key areas of work for which the UN's support was requested. The UN was now formally engaged, on a continuous basis, with the government on supporting the country's human rights agenda.

40. While OHCHR has the main responsibility to support the human rights mechanisms (and can provide UN Country Teams with more information on their distinct roles and mandates), the Country Team itself can play a critical role in providing relevant information, facilitating the engagement of national stakeholders and facilitating inclusive national dialogue and collaboration on human rights. Such engagement can transform the regular reporting process into a dynamic tool for assessment and dialogue between Member States, the UN and civil society, and can provide an important entry point for dialogue and accountability with authorities. Engaging with the mechanisms can also provide a space for the UN Country Team to reflect on its own role in contributing to the respect, protection and fulfilment of human rights. In 2014, the UNDG HRWG, under the leadership of OHCHR, sent the first of what is intended to be an annual letter to each RC, outlining the upcoming opportunities to engage with the international human rights mechanisms—the UPR, treaty bodies and special procedures—in their country of residence, to facilitate the engagement of the UN Country Team.
41. The international human rights mechanisms (like the regional and national mechanisms, as well as OHCHR itself) can provide inputs and be key sources of guidance and support that can help to refine the UN Country Team’s strategy on the ground, including by providing technical advice. They can help to draw the attention of local and international media to particular situations and this, if used strategically, could help support the overall UN Country Team strategy.

ENGAGING WITH SPECIAL RAPPORTEURS FOR GUIDANCE ON CHANGES TO NATIONAL LAWS

In one country, a new draft law on peaceful assembly was inconsistent with the human right to freedom of assembly. The RC, in preparing a public statement for Human Rights Day, benefited from advice on the core elements of this right from the Special Rapporteur on the freedom of assembly, as well as from another public statement on the issue published by several UN Special Rapporteurs. Publicly raising this issue generated national dialogue over the new law, informed by international human rights standards and other countries’ experiences.

42. Because the UN human rights system is made up of various bodies with their own specific procedures, it can be useful to understand the human rights system as being comprised of different mechanisms that are complementary and mutually reinforcing, in that they can build on the work of one another. The timing and sequencing of interaction with the different bodies can therefore be a key component of a successful engagement strategy. For example, the raising of a particular human rights issue during the UPR process could generate an invitation from the country concerned for a Special Rapporteur to visit the country to conduct a more in-depth examination of the issue (which would provide important and deeper information for country analysis and programming), and this in turn could be followed up by the UN Country Team tracking subsequent progress on the issue.



UN WOMEN, UNICEF AND UNDP WORKING TOGETHER WITH CEDAW TO CHALLENGE DOMESTIC VIOLENCE

In one country, the UN Country Team was confronted with the challenge of tackling sensitive human rights issues such as birth registration and domestic violence. The RC and Country Team had reached a deadlock in trying to tackle these issues. Engaging with the country's regular reporting process to the UN Committee reviewing the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the RC led a national preparatory process bringing together concerned agencies (in this instance UN Women, UNICEF and UNDP) to identify the key issues of concern, supporting the government to engage in the process and presenting the UN Country Team's position clearly to the government and CEDAW experts. This had important impacts, with the Committee's issuance of clear recommendations to the government on domestic violence. This subsequently opened the door for capacity development assistance from the UN Country Team. Similarly, the CEDAW dialogue opened up space that led to the invitation of a Special Rapporteur to move the human rights agenda further forward.

KEY RESOURCES

- [UN Support to the Implementation of the Universal Periodic Review and other Human Rights Mechanisms Recommendations](#) (Policy Committee Decision 2014/5);*
- Web-based Guide to Strengthening Engagement with the International Human Rights Machinery (forthcoming).

BUILDING STRATEGIC PARTNERSHIPS AT THE NATIONAL LEVEL

43. As well as engaging with the government, effective human rights work will require building strategic partnerships with other relevant counterparts at the national level, including parliamentarians, the judiciary, NHRI, civil society, the most marginalized or affected communities, trade unions, traditional and religious leaders, the private sector and the media. This might mean reaching out beyond the partners the UN Country Team usually works with, to engage with other counterparts, e.g. national human rights organizations and human rights defenders. Building new partnerships can ensure that the UN Country Team has a fuller understanding of the human rights situation on the ground, and that it has more effective entry points for its work. For example, building partnerships with non-state actors (while exercising due diligence), whether they be in civil society or the private sector, can also

* To access these documents write to humanrights@undg.org

provide important opportunities to raise awareness, build capacities and promote a more enabling environment for the respect of human rights by all actors.

44. **National human rights institutions** (NHRIs) have been established in many countries to promote and monitor the effective implementation of international human rights standards at the national level, including through working with the parliament, civil society and the media. An accreditation system is in place for NHRIs to ensure they comply with the principles relating to the status of national institutions, commonly referred to as the [Paris Principles](#), which define the role, composition, status and minimum standards for the functioning of NHRIs, to ensure inter alia their independence from government and effective working methods (an institution with “A” status is in full compliance with these standards). NHRIs with “A” status provide reports on changing patterns of human rights issues, as well as on the complaints that they have handled, which can provide a key source of information on human rights trends in the country. UN Country Teams should also work with NHRIs to support them to become effective and independent in their contribution to the protection and promotion of human rights at the national level - to achieve “A” status.

KEY RESOURCE

- [A full list of NHRIs and their accreditation status.](#)

45. **CSOs, organizations working with indigenous peoples or minorities, and other groups and individuals working to protect human rights:** Engaging with these actors will be a key component of any strategy to promote and protect human rights. This means going beyond working with CSOs as service providers for development, towards supporting and building on their role as human rights advocates, given their closer links with people on the ground and greater awareness of changing patterns of violations, intercommunity tensions or emerging themes warranting attention. Building the capacities of these organizations to engage with the UN human rights mechanisms can also be a powerful strategy to link national and international actors, in ways that empower rights holders and may provide some response and redress when advocacy at national level is insufficient.

KEY RESOURCES

- [OHCHR's series of practical guides for civil society;](#)
- [Working with the United Nations Human Rights Programme: A Handbook for Civil Society;](#)
- Various funding sources support and facilitate the participation of CSOs or individuals in human rights work, e.g. [the UN Voluntary Fund for Indigenous Peoples](#), [UN Voluntary Trust Fund on Contemporary Forms of Slavery](#), [UN Voluntary Trust Fund for Victims of Torture](#), [UN Democracy Fund](#).



46. **The humanitarian Country Team, including the protection and other clusters**, will provide a platform for key strategic partnerships beyond the UN system to include national and international civil society actors, and national state and non-state actors, as well as the affected communities themselves.

RESPONDING TO INDIVIDUAL PETITIONS

47. The RC and UN Country Team might receive urgent actions, petitions or complaints from individuals or their representatives regarding possible violation(s) of human rights. In such an instance, the first step should be to transmit the petition or complaint to OHCHR, which has a special mandate to advise RCs and UN Country Teams on how to deal with human rights cases. OHCHR can advise the RC and Country Team whether the complaint(s) should be passed to a particular Special Rapporteur or human rights treaty body, or requires another type of intervention. Special Rapporteurs, for example, can respond to urgent situations instantly, by sending an urgent appeal or allegation letter to the state concerned. They can also issue public statements, which, in some cases, can prevent a human rights violation from occurring. OHCHR should ensure that the RC is kept fully informed of any follow-up measures taken by special procedures. OHCHR can also advise the RC and UN Country Team on procedures for submitting complaints to Special Rapporteurs or treaty bodies.

SUBMITTING PETITIONS OR COMPLAINTS

OHCHR can provide advice on the submission of petitions and complaints. The requirements are:

- The complaint should not be anonymous;
- It should present a clear and sufficiently detailed statement of the author's claim;
- It should not contain abusive language;
- It should clearly indicate the country against which the complaint is made;
- It should explain how domestic remedies have been exhausted, or, alternatively, how they are unavailable, demonstrated to be ineffective, or represent unreasonable delay;
- If redress is expressly sought under a particular human rights treaty mechanism, (a) the author must be either the victim, or an authorized representative of the victim; (b) the country in question must be a party to the treaty and must have accepted the competence of the treaty body in question to deal with individual complaints; and (c) in principle, the right contained in the treaty alleged to have been violated should be cited.

48. **Principles of accessibility, confidentiality and promptness:** A key aspect, of which all members of a UN Country Team should be aware, is the need to ensure the principles of accessibility (i.e. channeling communications to the appropriate recipient), confidentiality (i.e. not revealing the identity of the complainant, or the existence and content of a communication) and promptness (i.e. avoiding

delay). Following up individual cases, and the responses obtained, can together provide a useful entry point for the RC and UN Country Team, subject, of course, to the confidentiality of the information and taking account of lessons and guidance on the handling of sensitive information. Changing patterns in the nature of petitions might also be an indicator of escalating crisis and, thus, the number and types of petitions should also be taken account of in the human rights analysis carried out on the ground.

RESPONDING TO PROTECT INDIVIDUALS IN THE CONTEXT OF REPRISALS AND INTIMIDATION

49. Civil society actors and human rights defenders around the world face risks of threats, reprisals and even killings in speaking up on human rights or cooperating with the UN, including providing information to the UN human rights mechanisms. Addressing the risk of reprisals and protecting the safety of individuals requires a coordinated and unified response by the RC and the UN Country Team, including calling on the UNDG and OHCHR where necessary to raise attention to the issue. This response should take account of the operational capacity of agencies to respond, as there may be protection-mandated actors present on the ground who could undertake rapid intervention in specific cases to ensure a person's safety.

A COORDINATED RESPONSE TO REPRISALS

In recent years, cases have been documented of alleged harassment, intimidation of, and reprisals taken against, human rights defenders, CSOs and others for submitting information, providing testimony and participating in meetings of the UN human rights mechanisms. These have included a journalist murdered for defending the rights of LGBT persons, a blogger whose site was shut down, an NGO prohibited from receiving funding, a whistleblower imprisoned for revealing corruption, students forbidden from peacefully demonstrating against misrule, and human rights activists spied on or having their computers confiscated (see [A/HRC/27/38](#)).

The Secretary-General, the High Commissioner for Human Rights, the President of the HRC, and various UN human rights mechanisms, including Special Rapporteurs, have consistently raised concerns about reprisals and intimidation and called on the international community to ensure a stronger and more coordinated response. The HRC has adopted a series of resolutions to reinforce the importance of a positive, enabling environment for civil society and to urge States to prevent acts of intimidation or reprisal and ensure accountability for any that occur.

50. When the UN speaks up about human rights concerns, there may be implications for the safety and security of its own staff and their dependents. All UN staff should be mindful of their own security and safety at all times, as well as that of all those who come into contact with them. This necessitates their taking commonsense security measures and abiding by UN security rules, including country-specific rules established by the UN Department of Safety and Security (UNDSS). Particular attention needs



to be paid to the safety and security of national staff, who are often more exposed than international staff to threats and reprisals as a result of their work. The RC and senior leaders should be aware that, every time circumstances evolve or the political and security environments change, the safety of national staff may be affected and thus their exposure and the nature of their work may need to be reviewed, taking into consideration the capacity of the UN to ensure their protection. This consideration should be built into the development of strategies to prevent and respond to human rights violations, including within the HRuF framework.

RESPONDING TO HUMAN RIGHTS CRISES

51. RCs and UN Country Teams might be confronted with such a situation as a sudden upsurge in violations or an acute crisis that requires immediate prevention and protection activities, including urgent intervention with the authorities or other actors.¹⁸ Addressing these politically sensitive issues with the government can be a challenge for the UN Country Team, particularly when programming is highly dependent on good relations and/or the national resources controlled by the government. The experiences of RCs in these situations have highlighted the following useful strategies:

- Identifying and engaging with key national actors, including within government, that might be open and willing to address the issues or engage in reform with UN technical assistance and/or advocacy support, and adjusting programming priorities and activities as appropriate;
- Creating an inter-agency “crisis response group” to coordinate the UN Country Team’s response, ensuring a shared analysis of the human rights situation and common messages through Communicating as One. This should include UN entities with normative mandates, including non-resident entities;
- Seeking advice from lead agencies and agreeing on appropriate divisions of roles between agencies, taking account of different agencies’ mandates and comparative advantages. This should include, for example, calling on non-resident agencies, the Secretary-General or the High Commissioner for Human Rights to speak out publicly on the human rights issues, and coordinating with OHCHR and DPA where necessary to ensure coherence in public messaging and coordination of the response in the field with UNHQ priorities.

¹⁸ Human rights crises might also emerge in specific areas, such as access to health or the prevalence of HIV. For specific advice in relation to such crises, see *Preventing and Responding to HIV-related Human Rights Crisis: Guidance for UN Agencies and Programmes* (forthcoming).

RAPID ACTION BY THE RESIDENT COORDINATOR AND UNITED NATIONS COUNTRY TEAM DURING A CRACKDOWN ON PUBLIC PROTEST

In one country, during a crackdown on protestors, the RC took a number of quick actions. First, the RC supported urgent visits by the Secretary-General's Special Envoy and a Special Rapporteur to engage directly with the authorities. Second, after consulting with OHCHR and other UN system counterparts on procedures for responding to human rights abuses and handling sensitive information, the UN Country Team established a hotline for victims and families of missing persons. This provided a basic but critical level of information and support to those affected and was carried out in consultation with relevant national authorities. Notwithstanding the difficult confidentiality constraints, the hotline soon evolved into a vital source of data on detentions, disappearances and extrajudicial killings, and served to anchor the establishment of a "protection" working group in the UN Country Team.

52. As outlined in the Secretary-General's ["Human Rights Up Front" Detailed Action Plan](#) (updated March 2014) if the situation deteriorates or human rights risks or violations call for a comprehensive response—going beyond adjusting programming and advocacy at the country level—the RC is expected to lead the development of a strategy to prevent and respond to violations, seeking support and referring the situation to regional HQ or UNHQ where necessary. With support from UNHQ and the HRuF support mechanisms, the RC should contribute to the development of a system-wide response, leveraging the capacities of the entire UN system, not only at the country level. This will include the UN and humanitarian Country Teams, as well as the broader humanitarian community. The UN Country Team might also consider working to the [Programme Criticality Framework](#) to ensure the UN's ability to stay on the ground and deliver on human rights and protection priorities.

STRATEGIES FOR GAINING ACCESS FOR HUMAN RIGHTS MONITORING AND REPORTING

In one country, the UN was prevented from access to a specific area where violent attacks infringed on the right to education. However, the advocacy of an external human rights mechanism—the SRSG on children and armed conflict, who made reference to this situation in her public report to the UN General Assembly as part of her regular monitoring of all country situations—facilitated a change in the dynamics within the country. The public advocacy in the form of the SRSG's report, opened up space for the UN on the ground to push further at the national level. The UN managed to obtain access to the area to verify the accuracy of the allegations, opening up the area to international scrutiny and technical support.

MAINTAINING FOCUS ON THE PROTECTION OF HUMAN RIGHTS IN HUMANITARIAN CRISES

53. In situations that deteriorate into crisis or conflict, simultaneously ensuring humanitarian access in order to provide life-saving assistance, and promoting and protecting human rights, can raise serious challenges for the UN on the ground—and are sometimes perceived as conflicting priorities. While humanitarians are negotiating access to areas where there are people with urgent humanitarian needs, human rights actors might be simultaneously trying to access the same areas to monitor and investigate human rights violations, and this can lead to the perception of a stark choice between these priorities. It is critical, however, not to draw such a stark dichotomy between human rights and humanitarian access, as human rights protection should be at the core of all humanitarian action. The provision of life-saving assistance can, in and of itself, contribute to the protection of human rights. A whole-of-system approach, carefully coordinated, and fully human rights-based, offers the best hope for marshalling the comparative strengths of the UN system to act together to ensure the protection of human rights at all times.
54. Guidance on this issue is provided in the [IASC Human Rights Guidance Note for Humanitarian Coordinators](#) (2009). Following up the [Report of the Secretary-General's Internal Review Panel on UN Action in Sri Lanka](#) (2012), OHCHR and UNHCR prepared a [Joint Background Paper on The Protection of Human Rights in Humanitarian Crises](#). This reiterates that the IASC definition of protection (see footnote 10) places the protection of human rights at the centre of humanitarian action. It also highlights that the monitoring of the human rights of affected persons in humanitarian crises, including root causes of violations, is critical to inform and contextualize humanitarian strategies and responses. A core principle is that humanitarian actors should regularly share information with other relevant actors, while fully respecting principles of confidentiality and the safety of the people involved. In 2013, IASC Principals agreed to develop further guidance, through a 'Comprehensive policy on protection in humanitarian crisis, including with a view to preventing and responding to international human rights and humanitarian law violations'.
55. It is critical that all UN entities work together to ensure that they can meet their mandates while maintaining the centrality of the protection of human rights. There are a number of practical options by which this focus can be maintained, even though particular strategies agreed upon will always depend on the particular context. These options include entities' sequencing interventions or creating divisions of labour, and potentially relying on external pressure to shift the dynamics of the situation and facilitate access to areas for humanitarian purposes.

LEVERAGING COMPARATIVE ADVANTAGES FOR REFUGEES: A CREATIVE DIVISION OF LABOUR

In one country in 2008, UNHCR and OHCHR developed a joint strategic intervention plan, with a division of labour that leveraged the comparative advantage and mandate of each agency to address key human rights and humanitarian concerns regarding the arrest, detention, ill-treatment and non-refoulement of refugees. While UNHCR ensured access and assistance to refugees, it provided real-time information on numbers of refugees and conditions to OHCHR, which in turn made the information and analysis available to the special procedures (the Working Group on Arbitrary Detention and the Special Rapporteur on torture). Under its mandate, OHCHR used the information to remind the national authorities of their international treaty obligations, including issuing a public statement by the UN High Commissioner for Human Rights. This helped to ensure the better protection of refugees in very difficult circumstances.

ENSURING THE UNITED NATIONS IS EXERCISING DUE DILIGENCE

56. In all its operational work, the RC, UN Country Team and entire UN system must always exercise appropriate due diligence to avoid actual or perceived complicity or association with human rights violations and to promote compliance with human rights standards. There is a need to consider engagement with the full range of other actors and stakeholders, including, for example:

- **The private sector:** When engaging directly with private sector enterprises, or engaging with governments responsible for appropriate regulatory frameworks for business enterprises, the UN should take due account of the [Guiding Principles on Business and Human Rights](#). RCs and UN Country Teams may use their convening power to enter into dialogue with national and transnational corporations to advocate the corporate responsibility to respect human rights, including core labour rights, and carry out human rights due diligence in accordance with the Guiding Principles.
- **Private security companies:** The UN must also consider human rights risks if it engages with private security companies, some of which have been implicated in serious human rights abuses, or observes a Government's engagement with or lack of appropriate regulation of such companies. In 2010, the HRC established the [Open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies](#), taking into account the earlier recommendations of the Working Group on the use of mercenaries.

- **De facto authorities:** Before engaging with de facto authorities, guidance should be sought from UNHQ - if no guidance is already in place.
- **Individuals accused of serious human rights violations:** Before engaging with any person accused of serious human rights violations, including genocide, war crimes or crimes against humanity, it is essential to seek guidance from UNHQ to ensure a common UN position, in liaison with the Office of Legal Affairs (OLA) and EOSG.
- **Non-state armed groups:** While the state has the primary responsibility to prevent and protect human rights, it may be necessary to engage with non-state armed groups, notwithstanding that they are not formally bound by human rights treaty law (although they are bound by international humanitarian law, international customary law and international criminal law). There are many examples of armed factions agreeing to respect human rights standards, either generally or in respect of specific groups such as children. Non-state groups may also commit to human rights standards through a peace agreement.
- **Non-UN security forces:** As highlighted above, there is a specific policy decision on due diligence related to the UN's support to security forces—the [Human Rights Due Diligence Policy](#) (Policy Committee Decision 2013/110), which applies globally to all UN entities that are contemplating, or already providing, support to non-UN security forces. More detail on what this implies can be found in the [Guidance Note on the Human Rights Due Diligence Policy on UN Support to non-UN Security Forces](#)*.

* To access this document write to humanrights@undg.org

HUMAN RIGHTS DUE DILIGENCE POLICY

The Human Rights Due Diligence Policy (HRDDP) is a particular UN system-wide policy that applies specifically to UN support to security forces that are not part of the UN—including support provided by member agencies of UN Country Teams—and in any context, whether conflict or non-conflict. It requires the UN entity to: (1) conduct risk assessments on whether the entities receiving support might commit grave violations (as defined by the policy); (2) provide support only when risks of grave violations do not exist or are mitigated through the adoption of specific measures (so-called mitigatory measures); (3) establish procedures for monitoring the conduct of recipient entities during the time support is provided; and (4) bring allegations of grave violations to the attention of national authorities with a view to bringing these to an end, should they be committed during the period of support, and, should that be ineffectual, potentially to suspend or withdraw support. The HRDDP is primarily aimed at encouraging UN entities to ensure that support to non-UN security forces is consistent with the UN's purposes and principles.

In practice, the implementation of this policy in a variety of contexts and situations where the UN system is engaged has already led to improvements, including increasing understanding that human rights violations by support beneficiaries will not only affect the UN entities concerned but also the validity, efficiency and impact of corresponding programmes. For example:

- In one country, where there is a level of risk that the national army might commit grave human rights violations in the context of support provided by the UN, the UN system has inter alia encouraged the establishment of a mechanism of “human rights monitors” as an HRDDP mitigatory measure to reduce the risk of such grave violations. “Human rights monitors” are appointed from among members of the national army and maintain regular liaison with the UN;
- In another country, the SRSG formally communicated to the authorities that the appointment of a new national Police Commissioner, against whom there were serious allegations of grave human rights violations, would constitute an obstacle for UN support to the national police, in view of the HRDDP.

VIII. FURTHER GUIDANCE, SUPPORT AND TRAINING

57. Under the Secretary-General's "[Human Rights Up Front](#)" [Detailed Action Plan](#) (updated March 2014), training is being provided to all UN staff, at all levels, to ensure they are aware of the UN's human rights responsibilities. An online training course is mandatory for all UN staff. Additional mandatory modules to be included in existing system-wide training of UN staff are also being developed for implementation across the system. Additional training and coaching is in preparation for RCs/HCs, particularly with regard to the political and human rights aspects of their work.
58. Under the UNDG HRWG, a Human Rights Leadership Development Strategy is being developed to support RCs on the issues covered in this Guidance Note. This aims to provide peer-to-peer mentoring opportunities and to facilitate spaces for dialogue among RCs, to enable them to share positive experiences and reflect on how to address the challenging and sensitive issues that may emerge in meeting these human rights responsibilities.
59. RCs can request further support and resources on human rights, such as deployment of an Human Rights Adviser to the RC's Office (with catalytic support from the UNDG HRWG and co-financing from the UN Country Team, or another arrangement). Many UNCTs have themselves established "human rights theme groups" composed of relevant UN staff and coordinated by the RC's Office¹⁹. RCs can also request direct support from OHCHR or other organizations within the UN system that play a crucial role in promoting the implementation of human rights and standards, including, for example, UNICEF's mandate to promote the rights of the child, UN Women on the human rights of women, the UN Office on Drugs and Crime (UNODC) as regards human rights in the administration of criminal justice, ILO as regards international labour standards, UNHCR on the situation of refugees, displaced persons and stateless persons, UNDP and UNAIDS on HIV-related human rights issues, and the United Nations Educational, Scientific and Cultural Organization (UNESCO) on freedom of expression and cultural rights, among others. Thematic advice can also be sought from inter-agency mechanisms, such as the [UN Network on Racial Discrimination and the Protection of Minorities](#), coordinated by OHCHR. Human rights mandates and components are now routinely included in UN peacekeeping operations.
60. Further guidance, training and tools, will be made available within UNDG, OHCHR and other entities, and at the web page that supports this Guidance Note

¹⁹ See the standard terms of reference for UN Country Teams' human rights theme groups and the [UNDG Strategy for the Deployment of Human Rights Advisers](#), which includes an annex on standard terms of reference.

ANNEX A INTERNATIONAL HUMAN RIGHTS LAW: DEFINING HUMAN RIGHTS



Human rights and fundamental freedoms are recognized in the UDHR and the various international human rights treaties (called covenants, conventions or protocols), declarations, guidelines and bodies of principles elaborated by Member States through the UN and regional organizations. The human rights guaranteed for all people, without discrimination, include inter alia:

- The right to life, liberty and security of person;
- The right to education;
- The right of everyone to the highest attainable standard of physical and mental health;
- The right to just and favourable conditions of work;
- Freedom from forced labour and child labour;
- The right to adequate food, shelter, clothing and social security;
- The right to participate in cultural life;
- The right to enjoy the benefits of scientific progress;
- The right to development;
- Freedom from discrimination;
- Freedom of association, opinion, expression, assembly and movement;
- Freedom of thought, conscience and religion;
- Freedom from torture and cruel, inhuman or degrading treatment or punishment;
- Freedom from unlawful or arbitrary arrest or detention;
- Freedom from enforced disappearance;



- Freedom of movement and to choose one's place of residence;
- The right to a fair trial;
- The right to equal protection of the law;
- Freedom from arbitrary interference with privacy, family, home or correspondence;
- The right to asylum from persecution;
- The right to a nationality;
- The right to vote and take part in public affairs;
- The right to an effective remedy.

The international human rights treaties, including the [International Covenant on Economic, Social and Cultural Rights](#) (ICESCR) and the [International Covenant on Civil and Political Rights](#) (ICCPR), and their monitoring committees (treaty bodies) are listed in Annex C. The human rights set out in these treaties have been further defined through general comments and recommendations produced by the human rights treaty bodies, which elaborate the core content of the rights and provide concrete guidance on how to assess the enjoyment of a particular right (e.g. setting criteria on availability, accessibility, acceptability and quality) or how to deal with practical challenges (e.g. [General Comment no. 3 of the Committee on the Rights of the Child on HIV/AIDS and the rights of the child](#)). These general comments and recommendations can be found on [OHCHR's website](#), and OHCHR can provide further guidance on other relevant standards and principles.

ANNEX B: HUMAN RIGHTS UP FRONT: SUPPORT MECHANISMS

This section briefly summarizes information from the Fact Sheet: [Overview of Human Rights up Front](#).^{*} It outlines a three-stage strategy of support available to the RC and UN Country Team through the RQR and SAG.

Stage 1: Development of country-level strategy

When risks or actual violations require a comprehensive response, HRuF calls for the UN presence to develop a strategy that responds to these risks. UN Country Teams in non-mission settings will require leadership from the RC/HC to help develop and implement a strategy that addresses the human rights concerns identified. The strategy should aim to reposition the UN so that it will be better prepared to help prevent (or respond to) the identified risks. It should define: priority UN objectives; actions to be taken by specific UN political, human rights, humanitarian and development entities to achieve these objectives; and additional capacities required to ensure that the necessary actions are taken in a timely manner, including at UNHQ and regional levels; and include consideration of the safety and security context affecting staff in the field.

Stage 2: Escalation to the Regional Quarterly Review

When the RC and UN Country Team consider they are unable to fully deal with a particular situation of concern (due to security concerns or the need for political cover, or for other reasons), or the complexity of the situation requires solutions beyond the reach of the UN Country Team alone, the UN presence (or UNHQ) can elevate the situation to the RQR. The RQR meeting—of which there is one per region per quarter—is an inter-agency exercise carried out at senior level at UNHQ, during which all countries are scanned for early warning signs of risk of serious violations of international human rights or humanitarian law (as well as the complex political ramifications which may precede or succeed a potential crisis). It alerts UNHQ to the support needs of the UN Country Team in trying to prevent, or respond to, the risk of or actual violation(s). The RQR supports the field presence with additional analysis and support for more comprehensive UN recalibration, deployment of additional staff capacity and expertise in the field, better UNHQ coordination, and senior-level advocacy and political engagement. Every RQR meeting uses a combination of development, political, human rights and humanitarian analysis to scan a country and to define recommendations for strengthening UN prevention mechanisms and support to the country. The head of the UN in-country presence (RC/HC or SRSG) is consulted by the RQR co-chairs (DPA and regional UNDG) prior to RQR discussions in order to obtain his or her views on the situation and need for support.

^{*} To access this document write to humanrights@undg.org

Stage 3: Escalation to the Senior Action Group

For the most serious or urgent situations, the Deputy Secretary-General convenes the SAG to a meeting in the Executive Office of the Secretary-General. The SAG provides UN field presences with a rapid option for aligning the whole UN system, drawing upon the most senior-level UN decision makers, to ensure that UNHQ shares the responsibility for responding to the situation. It ensures timely decision-making and clear lines of accountability, to ensure the necessary actions are carried out. The SAG considers particularly challenging situations of risk of serious and large scale violations, for instance where high-level UN analysis or diplomacy is required. It is also expected to resolve any internal systemic tensions that may hamper an appropriate and effective set of actions. The SAG outcomes help reposition the UN analytically, substantively, politically and organizationally. The SAG is primarily responsible for identifying and deciding on the key priorities for the UN and ensuring the development and implementation of a system-wide strategy to help prevent or respond to risks of serious violations. The SAG is comprised of the Under-Secretary-Generals of the UN entities with the mandates most relevant to responding to situations at risk of, or subject to, serious violations of human rights.



HRUF SUPPORT MECHANISMS

Increasing risks/complexity of the human rights situation →

Response mechanisms ↓

Country level—all situations

In all situations, the UN (Country Team or mission) considers:

- Risk of serious violations
- Causes of risks

Options

- Assess risks of violations (with OHCHR support)
- Try to address underlying causes by adjusting existing programmes; discuss with national actors
- If UNHQ support is needed to address risks, refer situation to Regional Quarterly Review to ensure coordinated and supported action at UNHQ level

Regional Quarterly Review

Considers situations referred by a:

- RC/UN Country Team
- RQR member
- UN Principal

Options

- Decide no action is needed
- Decide situation is to be monitored
- Advise RC/UN Country Team on strategy and actions, e.g. deployment of light teams, increased UNHQ advocacy, etc.
- Refer situation to SAG

Senior Action Group

Considers situations referred by:

- The RQR
- A UN Principal
- The DSG

Options

- Decide no action is needed
- Decide situation to be monitored
- Advise or instruct RC/UN Country Team on strategy and actions, e.g. deployment of light teams, increased UNHQ advocacy, etc.
- Establish an IATF for longer term follow-up action and monitoring



ANNEX C

THE UNITED NATIONS HUMAN RIGHTS SYSTEM: HUMAN RIGHTS MECHANISMS

Universal periodic review: Peer review of countries' human rights records

The UPR was created by the General Assembly in 2006 (A/RES/60/251). It is a State-driven process which provides the opportunity for each Member State to declare what actions they have taken to improve the human rights situation in their country and to fulfil their human rights obligations. As stated in its founding document, the UPR operates under the auspices of the HRC and was designed to ensure “universality of coverage and equal treatment with respect to all States” when their human rights records are assessed. The UPR receives information from non-government stakeholders and from the UN system as a whole. By 2011, the human rights record of all 193 Member States had been reviewed. There is no other universal mechanism of its kind. The ultimate goal is to improve, in every country, the situation of human rights and to address violation of human rights wherever they happen.

HOW TO ENGAGE WITH THE UPR PROCESS

[‘UN Support to the Implementation of UPR and other Human Rights Mechanisms’ Recommendations Policy Decision](#) (Policy Committee Decision 2014/5)* lists the following actions for the UN system to undertake to engage with the UPR and other human rights mechanisms.

1. Prior to the review

- Support States and other actors in building their capacity to more actively engage with the UPR through awareness-raising and advocacy;
- Provide technical assistance to States in fulfilling their reporting obligations;
- Provide a platform for governments, NHRIs, CSOs and other actors to discuss critical human rights challenges;
- Encourage the establishment of standing national mechanisms for reporting and follow-up as a means of coordinating the process of reporting to the UPR and other mechanisms and bodies, as well as following up recommendations;
- Contribute information on inter alia the implementation of the recommendations accepted by States in the previous cycle of the review and the developments of the human rights situation since then, to be incorporated in the [UPR ‘compilation of UN information’ report](#).

* To access these documents write to humanrights@undg.org

2. During the review

- Support States and other actors to more actively engage in and interact with the UPR, for instance by supporting and facilitating local access to the review meetings (which are webcast by the UN) by convening a targeted or public screening;
- Participate actively in the review of the State concerned, including by attending and making an intervention at the HRC plenary session during the consideration and adoption of the relevant UPR outcome(s).

3. After the review

- Provide support to States in developing institutional mechanisms (such as national mechanisms for reporting and follow-up) with the task to coordinate States' efforts in implementing recommendations of the UPR and other UN human rights bodies and mechanisms;
- Assist States in thematically clustering recommendations flowing from the UPR and other UN human rights bodies and mechanisms in a comprehensive national implementation plan;
- Integrate recommendations of the UPR and other UN human rights bodies and mechanisms into country analysis with a view to guiding the formulation of joint UN Country Team or individual UN entities' planning and programming instruments, including CCAs and UNDAFs;
- Further mainstream support in the implementation of the recommendations emanating from the UPR and other UN human rights bodies and mechanisms into the peace, reconstruction, humanitarian and development agenda;
- Support and facilitate the translation and broad dissemination of the UPR outcome report(s) and use UPR recommendations as advocacy tools;
- Systematically compile and analyse recommendations made by the UPR and other UN human rights bodies and mechanisms, as well as regional systems, track the government's response, identify serious human rights issues and establish prevention and response mechanisms;
- Document lessons learned and good practices in terms of positive impact of the UPR and the work of other UN human rights bodies and mechanisms on the national and local human rights situation.

KEY RESOURCE

- [OHCHR Information Note for UN Resident Coordinators, UN Country Teams, other UN entities](#) regarding the universal periodic review.

Human rights treaty bodies: Reviewing progress in implementing human rights treaties

The treaty bodies are committees of independent experts that monitor the implementation by States parties of their obligations under nine core international human rights treaties. All treaty bodies (with the exception of the Subcommittee on Prevention of Torture) receive periodic reports from States that are



party to the treaties, detailing how they are applying the treaty provisions at the national level. Most treaty bodies may also consider complaints or communications from individuals alleging that their rights have been violated by a State party, provided that State has opted into this procedure. Some may also conduct inquiries and consider inter-State complaints.

All treaty bodies have developed the practice of inviting States parties to send a delegation to attend the session at which the committee (or subcommittee) will consider its report, in order to allow it to respond to members' questions and provide additional information on their efforts to implement the provisions of the relevant treaty. The examination of a report culminates in the adoption of "concluding observations" intended to give the reporting State practical advice and encouragement on further steps towards implementing the rights contained in the treaty.

The reporting system is an important tool by which a State can assess what it has achieved and what more it needs to do to promote and protect human rights in the country. The reporting process should encourage and facilitate, at the national level, public participation, public scrutiny of State policies, laws and programmes, and constructive engagement with civil society in a spirit of cooperation and mutual respect, with the aim of advancing the enjoyment by all of the rights protected by the relevant treaty.

HOW TO ENGAGE WITH THE HUMAN RIGHTS TREATY BODIES

What is the added value of human rights treaties and their monitoring bodies for UN Country Teams?

UN Country Teams are in a unique position to utilize the treaty body system in their own activities on the ground in their common effort to strengthen national human rights protection systems. The following points highlight the added value of treaties and their monitoring mechanisms in the overall support by Country Teams to strengthen national protection systems:

- The human rights treaty framework should be the basis of the national protection framework. The former alone establishes **international legal obligations for States** and attracts the **accountability** that only legal obligations predicate, even as national laws and practices change. Thus, human rights treaties form a continuing reference system and minimum standard for UNCT action;
- Treaty bodies provide clarification on the **meaning** of universal human rights standards;
- The process of **treaty implementation** by States parties, including the preparation of reports and follow-up measures to recommendations of treaty bodies, provides a critical mechanism to bring about **legislative, policy and programmatic change, and accountability** at the national level by providing:
 - A **tool in benchmarking** the current level of knowledge and implementation of relevant human rights obligations;
 - A **tool for assessing the gap between the human rights obligations and the situation** experienced by the population in general, and children, women and minorities in particular, as well as the capacity of institutions and mechanisms to address that situation;

- A **tool for emphasizing legal responsibility of Governments** for human rights protection and promotion in dialogue with Governments;
- An **opportunity to establish a national mechanism** for monitoring the implementation of the various human rights treaties;
- An **opportunity for public scrutiny** of government policies and the participation of **various sectors of society in the formulation, evaluation and review of policies**;
- An **entry point and platform for a national dialogue on human rights amongst the various stakeholders in the process**, including different government agencies, the media, national human rights institutions, NGOs, the Parliament, women and young people and civil society as a whole, thus engaging with and facilitating the host society's efforts, indispensable for strengthening sustainability.
- The **concluding observations and recommendations** of treaty bodies identify specific human rights concerns, to help **set priorities at the national level** which may provide **a framework for joint action by Governments, UN agencies, NGOs and other partners**, and a **guiding reference and tools** for programming consistent with the provisions of the relevant treaties, which should inform the CCA/UNDAF processes;
- International human rights standards and the output of the treaty bodies, including their General Comments, provide a reference system for national courts and a framework for human rights accountability at international and national levels;
- Treaty bodies provide additional tools for National Human Rights Institutions, whose responsibilities often include encouraging ratification or accession to international human rights instruments and ensuring their implementation, as well as contributing to the reporting process.

Possibilities for cooperation between UN Country Teams and Treaty Bodies

The human rights treaty bodies provide a number of useful **entry points** and opportunities for **participation** by UN Country Teams. For instance, UNCTs can systematically facilitate the participation in the reporting process by States and NGOs, where appropriate; provide concise data to Committees; and use its outputs as a programming tool. Such engagement transforms the reporting exercise into a dynamic tool for assessment and dialogue with States, UN agencies and NGOs which can provide an essential framework to hold States parties accountable for their treaty obligations. **Specific activities may include:**

- **Participating in the reporting process** by providing concise and substantive input to treaty bodies on particular areas of concern with regard to the implementation of the respective convention under consideration, as well as concrete suggestions to the list of issues to be prepared by the treaty body prior to the consideration of reports;
- **Following up with States parties on implementation** of concluding observations and recommendations of treaty bodies, as well as drawing these recommendations to the attention of other actors, including national human rights institutions and NGOs, for instance, by organizing briefings or town hall meetings, and assisting in follow-up as appropriate. These recommendations can be used by UNCTs as a tool to encourage necessary legislative, policy, budget or programmatic review or change, as well as effective implementation of existing legislation or policies. They should also inspire UN action at the country level and contribute to CCAs/UNDAFs;



- **Encouraging compliance with reporting obligations** in a timely manner and in accordance with the reporting guidelines of the respective committees, including through reporting workshops and other capacity building activities for both Government and civil society;
- Acting as **catalyst for national level action** by a wide range of partners, including international and regional agencies and NGOs, in encouraging and facilitating participation of these partners in the reporting process and follow-ups;
- **Encouraging accession or ratification** of treaties or their optional protocols in their contacts with the Government;
- **Encouraging the creation of an institutional framework** for the preparation of reports and mechanisms to allow for participation of all sectors of society in the reporting process and the implementation of recommendations;
- **Raising awareness** about the treaties and the outputs of their monitoring bodies amongst national stakeholders, including by translating the recommendations into local languages, thus strengthening national level capacity.

INTERNATIONAL HUMAN RIGHTS TREATIES

Treaty	Treaty body	Number of State parties as of 17 August 2015
International Covenant on Civil and Political Rights (1966) (ICCPR) Optional Protocol (1966) Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty (1989)	Human Rights Committee (CCPR)	168 115 81
International Covenant on Economic, Social and Cultural Rights (1966) (ICESCR) Optional Protocol (2008)	Committee on Economic, Social and Cultural Rights (CESCR)	164 21
International Convention on the Elimination of All Forms of Racial Discrimination (1965) (ICERD)	Committee on the Elimination of Racial Discrimination (CERD)	177
Convention on the Elimination of All Forms of Discrimination against Women (1979) (CEDAW) Optional Protocol (1999)	Committee on the Elimination of Discrimination against Women (CEDAW)	189 106
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) (CAT)	Committee against Torture (CAT)	158
Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (2002) (OPCAT)	Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT)	79

Convention on the Rights of the Child (1989) (CRC) Optional Protocol to the CRC on the involvement of children in armed conflict (2000) Optional Protocol to the CRC on the sale of children, child prostitution and child pornography (2000) Optional Protocol to the CRC on a communications procedure (2011)	Committee on the Rights of the Child (CRC)	195 159 169 17
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) (ICMW)	Committee on Migrant Workers (CMW)	48
Convention on the Rights of Persons with Disabilities (2006) (CRPD) Optional Protocol (2006)	Committee on the Rights of Persons with Disabilities (CRPD)	157 86
International Convention for the Protection of All Persons from Enforced Disappearance (2006) (ICPED)	Committee on Enforced Disappearances (CED)	50

OTHER KEY DECLARATIONS, STANDARD RULES, GUIDELINES, RECOMMENDATIONS AND PRINCIPLES OF THE UNITED NATIONS SYSTEM

- Standard Minimum Rules for the Treatment of Prisoners (1955) and Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988);
- Code of Conduct for Law Enforcement Officials (1979);
- Basic Principles on the Independence of the Judiciary (1985);
- Declaration on the Right to Development (1986);
- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992);
- Declaration on the Elimination of Violence Against Women (1993);
- Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (1998);
- Declaration on the Rights of Indigenous Peoples (2007);
- Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules) (2010);
- Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice (2010);
- Declaration on Human Rights Education and Training (2011).



Special procedures: Independent experts reviewing country or thematic issues

The special procedures of the HRC are independent human rights experts with a mandate to report and advise on human rights from a thematic or country-specific perspective. Special procedures mandates are held by either an individual (called a Special Rapporteur or Independent Expert) or a working group composed of five members from the five regions recognized by the UN. Mandate holders serve in their personal capacities and do not receive salaries or other financial compensation for their work. They rely on government invitations and cooperation to carry out their work. They contribute to the development of international human rights standards, engage in advocacy, raise public awareness, receive complaints from rights holders and provide advice for technical cooperation.

Special procedures report directly to the HRC, and the majority also report to the General Assembly and are supported by OHCHR. Their mandate depends on the resolution that creates them. They achieve their mandate through communications to States on individual cases, and the undertaking of studies and consultations, country visits, technical cooperation and outreach. The system of special procedures is a central element of the UN human rights machinery and covers all human rights: civil, cultural, economic, political and social, as well as the right to development.

As of 15 June 2015, there were 41 thematic mandates and 14 country-specific mandates.

HOW TO ENGAGE WITH THE SPECIAL PROCEDURES

What is the added-value of Special Procedures for UNCTs?

Through the conduct of fact-finding missions, special procedures mandate-holders identify the root causes and various facets of phenomena of human rights violations at a given time, and can analyze good practices, and on that basis provide **recommendations to help refine the possible range of preventive or remedial measures**. Reports on fact-finding missions provide a detailed analysis of the political, institutional, legal, judicial and administrative frameworks from a human rights perspective, as well as with regard to the promotion and protection of a given right or set of rights.

Through communications to Governments, Special Procedures not only have the possibility to address with the concerned authorities individual cases of violations, but they identify patterns of human rights violations country-by-country. Such trends constitute essential information on areas which need reform and strengthened support and are useful elements for the **design, implementation and evaluation of technical cooperation programmes**.

Through the development of thematic studies, Special Procedures contribute to the further definition of human rights norms and standards, refining their content and their field of implementation. They also increasingly study the relationship between certain themes and human rights norms and standards, which provide a **normative basis for rights-based programming**.

Through press releases, Special Procedures **raise awareness** among the wider public of human rights violations, thereby promote discussion and participation at the local level.

Possibilities for cooperation between UNCTs and Special Procedures:

The activities of Special Procedure mechanisms provide opportunities for useful cooperation with UNCTs:

- **Mission preparation/conduct:** Substantive participation by UNCTs in mission preparation and conduct affords the opportunity to update and contextualize the information already received by the mandate holder and helps her/him to get the most out of the visit in terms of identifying persons, sites and material to be most usefully consulted. It can also provide opportunities for the UNCT to engage in a dialogue on human rights issues, with a various range of partners, in particular the Special procedures mandate-holders themselves, the authorities, human rights NGOs, etc.;
- **Follow-up to missions:** UNCTs can make use of the interest generated following a visit, as well as keep in contact with the mandate holder, in order to maintain momentum on addressing human rights issues;
- **Advocacy and programming:** UNCTs can encourage the government to cooperate with, invite and implement the recommendations of Special Procedure mandate holders. The recommendations made can also serve as a platform for UNCTs to mobilize the government and other actors to address human rights concerns, and also for longer-term programming and institution-building.

KEY RESOURCE

- OHCHR [Directory of Special Procedures Mandate Holders](#) (updated regularly).

Supervisory mechanisms of other United Nations system norms and conventions on human rights

The fundamental conventions of the ILO and the relevant bodies that monitor these standards are critical for monitoring rights to and at work. The ILO fundamental conventions include the following:

- [Freedom of Association and Protection of the Right to Organize Convention](#), 1948 (No. 87);
- [Right to Organise and Collective Bargaining Convention](#), 1949 (No. 98);
- [Forced Labour Convention](#), 1930 (No. 29);
- [Abolition of Forced Labour Convention](#), 1957 (No. 105);
- [Minimum Age Convention](#), 1973 (No. 138);
- [Worst Forms of Child Labour Convention](#), 1999 (No. 182);
- [Equal Remuneration Convention](#), 1951 (No. 100);
- [Discrimination \(Employment and Occupation\) Convention](#), 1958 (No. 111).

KEY RESOURCE

- [ILO's NORMLEX database](#). This brings together information on international labour standards, including ratification, reporting requirements and comments of the ILO supervisory bodies.
- [ILO, Handbook of procedures relating to international labour Conventions and Recommendations](#) (Rev. 2012).



ANNEX D:

GUIDANCE FOR RESIDENT COORDINATORS AND UNITED NATIONS COUNTRY TEAMS ON SPECIFIC HUMAN RIGHTS ISSUES

This section includes brief guidance notes on a catalogue of specific human rights issues, including some of the most sensitive issues that RCs and UN Country Teams might face in their day-to-day work, with the aim of facilitating a common UN voice on these issues, guided by the normative human rights framework. Further issues can be added to this catalogue in consultation with RCs.

As present, the catalogue includes:

- Sexual and reproductive health and rights;
- HIV-related human rights crises;
- LGBT persons;
- Death penalty;
- Indigenous peoples;
- Minorities;
- Human rights and the environment

Specific issues that will be added to this list include:

- The right to life;
- The use of force/ill treatment;
- Freedoms of expression, association and peaceful assembly;
- Violence against women;
- The rights of persons with disabilities;
- The rights of migrants;
- The right to development.

SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS

Key points and messages that the Resident Coordinator should know about the issue

- Sexual and reproductive health and rights (SRHR) refers to a collection of human rights which are guaranteed in international human rights treaties, other inter-governmental agreements and consensus documents, and national laws. These human rights include civil and political rights as well as economic, social and cultural rights, all of which are essential for ensuring the equal right of women and men to enjoy the maximum attainable standard of sexual and reproductive health and make decisions concerning their sexuality and reproduction, including the number, timing of birth and spacing of their children, free from discrimination, coercion and violence. For instance, the lack of respect of the right to privacy can deter adolescents and young people from seeking sexual and reproductive health services if adolescent sexuality is stigmatized.
- Violations of SRHR take many forms, such as denying access to services that only women require, providing poor quality services, subjecting access to third-party authorization or performing procedures without a woman's consent, including forced sterilization or forced virginity examination.
- UN treaty bodies such as CEDAW have established that criminalization of services that only women require is a form of discrimination against women, and States should decriminalize sexual and reproductive health services, including abortion, as a matter of priority.
- Violations of women's sexual and reproductive health and rights are often deeply ingrained in societal values and gender stereotypes pertaining to women's sexuality. In particular, patriarchal concepts of women's roles within the family mean that women are often valued according to their ability to reproduce. Addressing violations of SRHR will often require addressing these harmful stereotypes as well as traditional practices such as FGM and child, early and forced marriage.
- The CRPD asserts that people with disabilities have the right to the same standard and services in the area of sexual and reproductive health services as is provided to other persons.

Relevant international standards

The relevant international standards are summarized in the following documents:

- UNFPA and Center for Reproductive Rights, '[ICPD and Human Rights: 20 Years of Advancing Reproductive Rights through UN Treaty Bodies and Legal Reform](#)';
- UNFPA, OHCHR, Danish Institute of Human Rights, [Reproductive Rights are Human Rights](#);
- OHCHR, Information Sheet series on SRHR (forthcoming);
- OHCHR, [Women's rights are human rights](#), chapter on SRHR, p. 50; [General Comments of CRPD](#), [General Comments of CEDAW](#) and SR reports.

Role that the Resident Coordinator and UN Country Team can play in promoting the issue

- The UN Country Team can speak publicly for the protection of sexual and reproductive health and rights. For instance, in El Salvador (a country in which abortion is criminalized in all circumstances),

the UN Country Team issued a public statement encouraging the implementation of treaty bodies' and UPR recommendations in the area of sexual and reproductive rights.²⁰ This was done further to the Supreme Court ruling in the case of a young woman who had sought urgent medical intervention in the course of a pregnancy that was placing her life at risk. The UN system in El Salvador reiterated its willingness to facilitate a national dialogue to advance the promotion and protection of women's rights. This was followed up with multi-stakeholder dialogues and public appearances, such as at the event to launch Amnesty International's report on women's rights in El Salvador, where the RC reiterated the need for the Salvadoran Government to commit to a debate on the decriminalization of abortion.

- The UN Country Team can also lead operational work on SRHR issues within the country. For instance, in Malawi, a Delivering as One country, the UN Country Team is coordinating an initiative to support a multi-stakeholder dialogue and a national inquiry by the Human Rights Commission into sexual, reproductive, maternal and child health, supported by UNFPA.
- In certain contexts, focusing on less controversial aspects of sexual and reproductive health rights (e.g. maternal health) can be a good entry point for beginning a discussion about more difficult issues. For instance, in many cases, the largest group at risk of dying in pregnancy and childbirth is adolescents. Data of this nature can help trigger discussion about the need for adolescents to have information and access to services, including contraception and safe abortion services. [General Comment No. 4 of the CRC](#) asserts that State parties should provide adolescents with access to sexual and reproductive information, including on family planning and contraceptives.

Support and tools available from the United Nations system

- OHCHR and UNFPA offer, when resources are available, capacity-building workshops that provide basic information on the main human rights standards related to SRHR;
- Preventing and Responding to HIV-related Human Rights Crisis: Guidance for UN Agencies and Programmes (*forthcoming*).

²⁰ See <http://www.un.org/spanish/News/story.asp?NewsID=26595#.VVUDR0ZpE-o>

HIV-RELATED HUMAN RIGHTS CRISES

Key points and messages that the Resident Coordinator should know about the issue

- Two broad types of HIV-related human rights crises which require UN Country Team action are:
 - **A human rights crisis involving individuals, groups or organizations:** Such a crisis usually involves actions such as harassment, surveillance, detention, disappearance, abuse, blackmail, discrimination, compulsory treatment, forced labour, physical violence or threats targeted against individuals, groups or organizations affected by or working in relation to HIV, that endanger their safety and well-being. Those affected may be people living with HIV or members of key population groups (or populations disproportionately affected by HIV, including gay men and other men who have sex with men [MSM], people who use drugs, sex workers and transgender people), their families or associates, or people or organizations who promote or provide HIV prevention, treatment, care and support services to these groups. Such a crisis may be characterized as “acute” and may warrant urgent and immediate action, potentially followed by longer term efforts to ensure that such crises do not recur;
 - **A human rights crisis involving laws, policies or programmes:** Such a crisis may involve existing or emerging laws, policies, practices or programmes that jeopardize or hinder an evidence-informed, rights-based response to HIV. Examples include laws or practices that criminalize the behaviours of key populations or their organizations, or that comprise barriers to their access to HIV prevention, treatment, care or support services; laws or practices that allow testing, treatment or other medical interventions without informed consent or confidentiality; laws, policies or practices that allow detention without due process; laws or practices that fail to protect against gender-based violence and gender inequality in the context of HIV; laws and policies that deny people in prisons and other closed settings access to HIV prevention and treatment equivalent to the access allowed the general community, or that segregate people living with HIV; laws or policies indicating forced or coerced sterilization or abortion of women who inject drugs; and overly broad criminalization of HIV transmission. Such a crisis may be characterized as reflecting “chronic” issues in the country that require concerted attention over an extended period of time;
 - **A human rights crisis may be considered HIV related when:** a) it directly involves people living with or affected by HIV or AIDS, and key population groups and/or individuals or groups/organizations advocating on their behalf or that promote or provide HIV prevention, treatment, care and support; and/or b) it creates, perpetuates or increases vulnerability to HIV infection among individuals or groups, or has the potential to do so; and/or c) it jeopardizes or hinders an effective national or local HIV response, including access to HIV-related prevention, treatment, care and support services for people who need them, or has the potential to do so.

Relevant international standards

- In 2001, all UN Member States committed to strengthening legal and policy frameworks with the objective of eliminating stigma and discrimination against people living with HIV, and vulnerable groups, and ensuring the full enjoyment of their human rights and their equal access to education, health care, employment, social services and legal protection (UN General Assembly, [Declaration of Commitment on HIV/AIDS “Global Crisis – Global Action”](#): Resolution adopted by the General Assembly, 2 August 2001, A/RES/S-26/2).



- Such approaches were affirmed in subsequent political declarations on HIV/AIDS in 2006 (UN General Assembly, [Political Declaration on HIV/AIDS](#): Resolution adopted by the General Assembly, 15 June 2006, A/RES/60/262) and 2011 (UN General Assembly, Political Declaration on HIV and AIDS: Intensifying our Efforts to Eliminate HIV and AIDS: Resolution adopted by the UN General Assembly, 8 July 2011, A/RES/65/277).
- Human Rights Council Resolution on [the protection of human rights in the context of HIV and AIDS](#) (A/HRC/19/37) calls on States to ensure respect, protection and fulfilment of human rights in the context of HIV, and encourages them to eliminate HIV-specific restrictions on entry, state and residence, as well as the use of HIV-related deportations. It also urges States to remove laws that hinder the HIV response, to eliminate gender inequalities and violence, to increase the capacity of women to protect themselves from HIV, and to promote reproductive rights.

Role that the Resident Coordinator and UN Country Team can play in promoting the issue

- UN Country Teams have supported [Stigma Index](#) research led by communities of people living with HIV in over 70 countries, which provides evidence of discrimination experienced by people living with HIV and affected by HIV, and have used that data for rights-based AIDS strategies.
- In Thailand, following reports of people living with HIV being denied health care, the UN Country Team has provided technical support to the National AIDS Strategy, which has as one of its key outcomes reducing stigma and discrimination.
- In Tajikistan, UNDP, UNAIDS and UNFPA have led the UN Country Team joint action on the arbitrary arrest of more than 500 alleged sex workers in June 2014, and the UN Country Team's interventions with the Ministry of Interior and the National AIDS Commission have stopped the police raids as well as alleged mandatory HIV and sexually transmitted infection (STI) testing. UNFPA has led operational research on effects of the abusive law enforcement on HIV prevention programmes for key populations.
- In South East Asia, in 2012, 10 UN agencies called for the closing of "compulsory drug detention and rehabilitation centres".²¹ Since 2011, UNODC, together with UNAIDS and the Economic and Social Commission for Asia and the Pacific (ESCAP) has organized consultations with governments in the region to support the closing of compulsory treatment detention centres for drug users.
- In Senegal, in late 2008, nine gay men who were members of a group providing condoms and HIV treatment support were arrested and subsequently convicted and imprisoned for acts against nature and criminal association. A crisis committee was formed in the country consisting of Senegalese organizations, UN agencies and NGOs, which worked to coordinate the national and international response. Senior staff of UN agencies reached out to senior government officials, the UN facilitated the recruitment of lawyers to represent the accused, and financial support was provided to MSM groups. UNAIDS released a global press release condemning the arrests. Actions were also taken to protect members of the MSM community from violent attacks. Largely as a result of these national and international efforts, the convicted men were released in April 2009.

Support and tools available from the United Nations system

- Preventing and Responding to HIV-related Human Rights Crisis: Guidance for UN Agencies and Programmes (*forthcoming*).

²¹ See www.unodc.org/documents/southeastasiaandpacific//2012/03/drug-detention-centre/JC2310_Joint_Statement6March12FINAL_En.pdf

LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

Key points and messages that the Resident Coordinator should know about the issue

- The UN has called for States to fulfil their obligations under international human rights law to end violence and discrimination against lesbian, gay, bisexual and transgender people.
- Laws that criminalize consensual relations between adults of the same sex, that criminalize cross-dressing, that place discriminatory restrictions on public discussion of the rights of LGBT persons or the work of LGBT organizations and human rights defenders, all violate international human rights standards and the UN calls for their repeal.
- Public prejudice against LGBT persons can never justify such laws; rather, it requires States to take specific measures to protect LGBT persons from violence and discrimination, and to overcome such prejudice through public education.
- The UN should stand up for the human rights of everyone, without discrimination, including on the basis of sexual orientation and gender identity—this is one of the UN pillars.
- Prejudice, discrimination and violence against LGBT persons have broad impact on human rights as well as public health, including on the ability of LGBT persons to access prevention and health care services.

Relevant international standards

- The HRC and the General Assembly have both adopted multiple [resolutions](#) condemning violence and discrimination against LGBT persons.
- Key obligations of States under international human rights law are summarized in the OHCHR booklet, [Born free and equal](#).
- OHCHR [Fact Sheets](#) clarifying relevant international standards.

Role that the Resident Coordinator and UN Country Team can play in promoting the issue

- The RC and Country Team can take action to protect and promote the rights of LGBT persons in every context where these rights are violated, even where it is prohibited or restricted by social or religious custom (i.e. taboo) and subject to criminal sanctions; it is a matter of adopting an effective strategy that is adapted to the local context.
- They can publicly and privately advocate with national authorities and other stakeholders for greater respect for the human rights of LGBT persons:
- In Papua New Guinea, members of the UN Country Team members wrote a letter to the editor of a national newspaper to respond to negative comments with regard to LGBT persons.
- They can support public anti-discrimination initiatives, such as the [UN Free & Equal campaign](#), which challenge stereotypes and stigma and raise awareness of human rights violations faced by LGBT persons. RCs have supported national Free & Equal events, including in India.

- The RC and UN Country Team can encourage and coordinate the team's responses to emergencies (e.g. to arrests and attacks) as well as technical assistance to national stakeholders (e.g. review of legislation; briefings to Parliament; training of law enforcement officers, members of the judiciary, officials, members of CSOs; implementation of UN and UPR recommendations; policy guidance; support to NHRIs):
- In Uganda, the UN Country Team advocated with the government, parliament and other stakeholders with regard to the incompatibility of the Anti-Homosexuality Bill with UN human rights standards and public health recommendations, based on an analysis of the law carried out by OHCHR and UNAIDS;
- In Jamaica, the RC issued a [press release](#) condemning the homophobic murder of a transgender teenager;
- In Ecuador, with the support of the OHCHR Human Rights Adviser to the UN Country Team, the UN provided [technical assistance](#) to an inter-ministerial task force on addressing violence and discrimination against LGBT persons.
- They can support capacity-building of UN staff and national stakeholders on this issue:
- In Cambodia, the RC supported the work by OHCHR and UNDP to produce a [national study](#) on discrimination and violence faced by LGBT persons and to organize the first national LGBT community dialogue on the issue.

Support and tools available from the United Nations system

- [UN Free & Equal campaign](#). OHCHR can provide assistance, materials and templates for national launches and other campaign activities, and small grants to support associated costs;
- OHCHR is developing a training manual based on the guidance documents mentioned above;
- OHCHR can provide limited support in the context of reviewing legislation and providing technical assistance to national stakeholders;
- OHCHR has produced a summary of the work of the UN system to combat discrimination and violence against LGBT persons, and this work can be leveraged by RCs: [‘The Role of the United Nations in Combatting Discrimination and Violence against Individuals Based on Sexual Orientation and Gender Identity - A Programmatic Overview’](#)
- [Joint UN statement on ending violence and discrimination against lesbian, gay, bisexual, trans-gender and inter-sex people](#) (ILO, OHCHR, UNAIDS Secretariat, UNDP, UNESCO, UNFPA, UNHCR, UNICEF, UNODC, UN Women, WFP and WHO).

DEATH PENALTY

Key points and messages that the Resident Coordinator should know about the issue

- The United Nations system opposes the use of the death penalty in all circumstances.
- Because it is irreversible, capital punishment is opposed even when backed by legal process.
- The global trend is towards abolition. Currently, more than 160 of 193 Member States of the UN have either abolished the death penalty or do not practice it.
- An increasingly large number of States from all regions have acknowledged that the death penalty undermines human dignity, and that its abolition contributes to the enhancement and progressive development of human rights.

Relevant international standards

- Several international and regional human rights instruments prohibit the use of capital punishment or encourage its abolition and/or strictly limit its application. In particular, the Second Optional Protocol to the [International Covenant on Civil and Political Rights](#) (ICCPR), aiming at the abolition of the death penalty, states that “no one within the jurisdiction of a State Party to the present Protocol shall be executed”. Currently, the Protocol is ratified by 81 States. The [Convention on the Rights of the Child](#) (CRC) specifically prohibits capital punishment “for offences committed by persons below eighteen years of age”.
- In countries that have not abolished the death penalty, international human rights law requires, as a minimum, full compliance with the clear restrictions prescribed in particular in article 6 of the ICCPR. However, in accordance with the last paragraph of article 6, the ICCPR provides that “nothing in this article shall be invoked to delay or prevent the abolition of capital punishment in any State party to the Covenant”.
- Since 2007, the General Assembly has adopted four resolutions (62/149, 63/138, 65/206 and 67/176). These resolutions called on States that maintain the death penalty to establish a moratorium on the use of the death penalty with a view to its abolition, and in the meantime, to restrict the number of offences which it punishes and to respect the rights of those on death row.
- In accordance with the [Guidance Note of the Secretary-General on the UN Approach to Rule of Law Assistance](#), “the UN will neither establish nor directly participate in any tribunal that allows for capital punishment”.

Role that the Resident Coordinator and UN Country Team can play in promoting the issue

- The RC and UN Country Team can play a critical role to advance the abolition of the death penalty, including through actively advocating for the abolition of the death penalty, implementation of relevant international human rights standards and ratification of the Second Optional Protocol to the ICCPR. In recent years, several RCs and UN agencies have carried out such activities. For example:

- In September 2014, the RC in Kiribati sent a letter to the President of Kiribati urging him to reconsider the reintroduction of the death penalty, and thus adhere to the country's previous endorsement of resolution 65/206 adopted by the General Assembly on 21 December 2010: moratorium on the use of the death penalty;
- In January 2014, the RC in Papua New Guinea advocated against the reintroduction of the death penalty in the country, including through issuing public statements;
- Since 2013, UNICEF and OHCHR in Yemen have advocated for the immediate suspension of the use of the death penalty for crimes committed by persons under 18 years of age, and have provided technical support for the establishment of a specialized forensic committee that uses the latest scientific methods to determine the most accurate age of death row prisoners;
- In December 2013, UNDP and the Ministry of Justice in Viet Nam organized a conference on reduction of the death penalty, and a report has been submitted recommending a reduction.

Support and tools available from the United Nations system

- Reports of the Secretary-General to the HRC on the question of the death penalty;
- Reports of the Secretary-General to the General Assembly on moratorium on the use of the death penalty;
- Quinquennial reports of the Secretary-General to the Economic and Social Council (ECOSOC) on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty;
- OHCHR, [Moving away from the death penalty: Lessons from national experience](#) (2012);
- OHCHR, [Moving away from the death penalty: Arguments, trends and perspectives](#) (2014);
- [OHCHR website on the Death Penalty](#).

INDIGENOUS PEOPLES

Key points and messages that the Resident Coordinator should know about the issue

- The international community has not adopted a definition of the term “indigenous peoples”. The prevailing view today is that no formal universal definition is necessary; self-identification as indigenous is considered a fundamental criterion and has been the practice followed by the UN and its specialized agencies.
- Applying the rubric of “indigenous peoples” to certain segments of the population continues to be a controversial issue for some governments, in particular in the Africa and Asia regions where several States have argued that all groups, in a literal sense, may be considered indigenous to the region. However, the concept of indigenous peoples should not be understood to solely be a matter of “who came first” but, rather, to refer to non-dominant groups that are indigenous to the region, self-identify as indigenous peoples and have distinct identities and ways of life, and who face particular human rights issues related to histories of various forms of oppression, such as dispossession of their lands and natural resources and denial of cultural expression.
- Indigenous peoples’ human rights are not new or special rights separate from fundamental human rights of universal application; rather, they are an elaboration of these rights in the specific cultural, historical, social and economic circumstances of indigenous peoples. Importantly, the rights related to indigenous peoples seek to protect, in addition to individual rights, their collective rights. The recognition of indigenous peoples’ collective rights, such as the right to their lands and resources and to self-determination, is necessary to ensure their continued existence and well-being as distinct peoples.
- Indigenous women suffer from multiple forms of discrimination within their communities and the larger societies in which they live. Attention should be paid to the diversity that exists among indigenous peoples, and the multiple forms of discrimination that may arise as a consequence.

Relevant international standards

- The [United Nations Declaration on the Rights of Indigenous Peoples](#) (2007) reflects the existing international consensus regarding the individual and collective rights of indigenous peoples.
- The [ILO Indigenous and Tribal Peoples Convention](#), 1989 (No. 169) also provides significant recognition of indigenous peoples’ individual and collective rights (see also ILO’s [Indigenous & Tribal Peoples’ Rights in Practice: A Guide to ILO Convention No. 169](#)).
- Core human rights instruments, including the ICCPR, ICESCR, ICERD, CEDAW and CRC, also include important provisions related to the protection of the rights of indigenous peoples.
- Decisions of regional human rights bodies, including the Inter-American Commission and Court of Human Rights and the African Commission on Human and Peoples’ Rights, have also interpreted their respective human rights agreements to protect the rights of indigenous peoples.

Role that the Resident Coordinator and UN Country Team can play in promoting the issue

- The RC and Country Team can raise awareness of the rights of indigenous peoples and the UN [Declaration on the Rights of Indigenous Peoples](#) among government officials, policy makers, NHRIs, CSOs, indigenous peoples and the public at large, for instance through training activities and national campaigns of education on indigenous issues and by supporting participatory structures for indigenous peoples.
- They can create mechanisms to facilitate dialogue between the UN Country Team and indigenous peoples.
- They can support indigenous communities, including through the provision of technical and financial support, and their efforts to claim their human rights, including in legal proceedings.
- The RC and Country Team can assist States to implement the provisions of the UN Declaration on the Rights of Indigenous Peoples, and concluding observations and recommendations related to indigenous peoples issued by treaty bodies, expert mechanisms and special mandate holders, and recommendations issued in the context of the UPR.

Support and tools available from the United Nations system

- UNDG, [Guidelines on Indigenous Peoples' Issues](#) (2009);
- Inter-Parliamentary Union and the UN, [Implementing the UN Declaration on the Rights of Indigenous Peoples: Handbook for Parliamentarians](#) (2014);
- OHCHR, [Indigenous peoples and the United Nations Human Rights System, Fact Sheet No. 9, Rev. 2](#) (2013);
- Within the UN, the three mechanisms that deal specifically with the rights of indigenous peoples include the [Expert Mechanism on the Rights of Indigenous Peoples](#), the [Special Rapporteur on the rights of indigenous peoples](#) and the [Permanent Forum on Indigenous Issues](#). Their annual and thematic reports and recommendations provide guidance to Member States and to the UN and its specialized agencies;
- At OHCHR, an [Indigenous Peoples and Minorities Section](#) works to improve human rights protection for indigenous peoples and minorities at the international and national levels.

MINORITIES (NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC)

Key points and messages that the Resident Coordinator should know about the issue

- There is no definition of who constitutes a minority.
- The lack of a definition can create problems regarding recognition by the State, which is important to secure the rights of minority groups within a State.
- Such recognition does not provide minorities with additional rights; rather, it enables minorities to enjoy and secure human rights to which they may not have easy access due to their status as minorities.
- Recognition of minority status is not solely for the State to decide.
- Minorities are the ones to decide on their own identity based on objective and subjective criteria.
- The right of minorities to self-identify on the basis of their national, ethnic, religious and/or linguistic characteristics is related to the obligations of States to ensure non-discrimination against individuals and groups, which is a central principle of international human rights law.
- A minority is a group that is numerically inferior to the rest of the population of a State and in a non-dominant position, whose members possess ethnic, religious and/or linguistic characteristics that differ from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language.
- In most instances, a minority group will be a numerical minority, but in others a numerical minority may be dominant or a majority may find itself in a minority-like or non-dominant position. In some situations, a group that constitutes a majority in a country may be in a non-dominant position within a particular region of the country.
- Minority rights are based on four pillars: protection of existence, protection and promotion of identity, equality and non-discrimination, and the right to effective participation.

Relevant international standards

- Protection of the rights of minorities and the obligation of States to protect minorities are provided for under article 27 of the ICCPR and article 30 of the CRC.
- Adopted by consensus, the 1992 Minority Declaration, which interprets the provision of article 27 of the ICCPR, constitutes a central reference in protecting minority rights.
- The Special Rapporteur on minority issues is to promote the implementation of the Minority Declaration.
- The [Forum on Minority Issues](#) is to provide a platform for promoting dialogue and cooperation on issues pertaining to minorities, as well as thematic contributions and expertise to the work of the [Special Rapporteur on minority issues](#).
- In the lead-up to the 20th anniversary of the adoption of the Declaration, the Secretary-General established, in 2012, the [UN Network on Racial Discrimination and Protection of Minorities](#), to enhance dialogue and cooperation on issues of racial discrimination and minority rights protection

among relevant UN departments, agencies, funds and programmes. The Network, coordinated by OHCHR, now comprises 23 UN entities. Through OHCHR, the Network developed the [Guidance Note of the Secretary-General on Racial Discrimination and Protection of Minorities](#) and a four-year Network Action Plan that responds to its recommendations. OHCHR and other Network members are implementing activities designed to support the Network in achieving the full aims of the Guidance Note.

Role that the Resident Coordinator and UN Country Team can play in promoting the issue

- All three pillars of the UN—human rights, development, and peace and security—are concerned with discrimination and minority rights violations, and efforts to combat them require system-wide engagement and cooperation.
- The Network Action Plan to support the implementation of the Guidance Note aims inter alia to establish a strong foundation for future UN system efforts to address racial discrimination and protection of minorities while addressing the gender dimension associated with violations. In terms of strategy, priority is placed on the UN Country Teams in order to strengthen the work on anti-discrimination and protection of minorities at the country and regional levels.
- Under the Action Plan, capacity-building at UN Country Team level is to be achieved inter alia through knowledge exchange on practice, including training on anti-discrimination and minority rights in order to help develop, include and/or support minority-related issues in efforts such as implementation, programmes to combat racial discrimination and protection of minorities.
- Through training provided to UN Country Teams, colleagues are better equipped with focused knowledge to engage and assist governments in creating conditions for better protection of minorities, including minority women.

Support and tools available from the United Nations system

- [International Covenant on Civil and Political Rights](#) (ICCPR) (articles 27 and 25);
- [Convention on the Rights of the Child](#) (CRC) (article 30);
- [Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities](#) (1992);
- [Commentary to the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of the Working Group on Minorities](#) (E/CN.4/Sub.2/AC.5/2005/2);
- [Recommendations from the sessions of the Forum on Minority Issues](#);
- [Promoting and protecting minority rights: A guide for advocates](#);
- [Guidance Note of the Secretary General on Racial Discrimination and Protection of Minorities](#);
- [Minority rights: international standards and guidance for implementation](#).

HUMAN RIGHTS AND THE ENVIRONMENT

Key points and messages that the Resident Coordinator should know about the issue

- Environmental sustainability and the promotion of human rights are closely intertwined and complementary objectives that are at the core of sustainable development. Ecosystems and the services they provide, such as food and water, disease management, climate regulation, and spiritual fulfilment, are preconditions for the full enjoyment of human rights (including rights to life, health, water and food). At the same time, efforts to promote environmental sustainability can only be effective if they occur in the context of enabling legal frameworks, and are greatly informed by the exercise of certain human rights, such as the rights to information, public participation in decision-making, as well as access to justice.
- Both human rights and environmental law have recognized the effect of environmental degradation on human welfare. International human rights law has addressed environmental aspects of a number of substantive human rights. These include civil and political rights, such as the rights to life, religion and property; and cultural and social rights such as rights to health, water, food, and culture. On occasion, human rights mechanisms have addressed the right to a healthy environment directly, but mainly they have focused on the environmental dimensions of more established rights, though emerging rights, such as the right to water and the right to development, which have played a major role. A number of multilateral environmental agreements (MEAs) recognize the link between the environment and human health and well-being, and many MEAs include provisions regarding civil liability and compensation for damage caused by environmental degradation, particularly in the context of pollution.
- Both human rights law and environmental law recognize collective rights implicated by environmental degradation, such as rights held by indigenous peoples. In addition, environmental instruments and international tribunals have mentioned rights held by future generations, though these rights are not well established or defined.
- A significant number of court cases, national constitutions and legislation, and international instruments have acknowledged the close linkages between the two fields, in particular with respect to substantive and procedural human rights.
- Indigenous rights comprise an area of overlap between environmental and human rights law. Both regimes provide special protections for indigenous property rights and rights to control over natural resources. Human rights law has also discussed the environmental aspects of indigenous rights to culture and subsistence. Environmental law has also dealt with protection of collective intellectual property rights, through principles of benefit sharing, i.e. in the context of genetic resources.
- Procedural rights are a key point of intersection between environmental and human rights law. Rights to access to information, participation in decision-making, and access to justice are found in both environmental and human rights instruments, and have been interpreted under both regimes to provide broad protections for environmental interests. The protection and promotion of procedural rights has been, and continues to be, an important tool for the protection of the natural environment.

Relevant international standards

- Several multilateral environmental agreements (MEAs) recognize the linkages between human rights and the environment. These include the Convention on Biological Diversity and its Nagoya Protocol

on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, the UNECE Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters, the Ramsar Convention on wetlands, UNCLOS, CITES and many others.

- Core human rights instruments, including the ICCPR, ICESCR, CEDAW and CRC, include important provisions related to human rights and the environment.
- Decisions of regional human rights bodies, including the Inter-American Commission and Court of Human Rights, the African Commission on Human and Peoples' Rights and the European Court of Human Rights, have recognized the linkages between human rights and the environment.
- The linkages between human rights and the environment have been addressed by global bodies, such as the Human Rights Committee, the International Court of Justice, and the World Bank Inspection Panel.

Role that the Resident Coordinator and UN Country Team can play in promoting the issue

- The RC and UN Country Team can raise awareness of the linkages between human rights and the environment among government officials, policy makers, NHRIs, indigenous peoples and the public at large, for instance through training activities and national campaigns of education human rights and the environment issues.
- They can promote access to information, public participation and access to justice in environmental decision making, including through the provision of technical and financial support, to ensure the accountability of governments, the private sector and environmental or human rights organizations with regard to the impact of their activities on the environment and human rights.
- They can support stronger cross-sectoral links at national level, which could further efforts toward sustainable development, by providing a framework to integrate social development, economic development, and environmental protection.
- The RC and UNCTs can assist States to implement the provisions of relevant MEAs, international standards and develop and adopt policies, laws and regulations that prevent negative impacts on human rights or the environment.
- For example, the RC and UNCT can support the adoption of measures, such as planning or land use laws and environmental impact assessment or risk assessment procedures, which commit to integrating human rights considerations in the design, prior approval and implementation of all projects, programmes, and activities, whether undertaken by State or non-state actors.

Support and tools available from the United Nations system

- [UNEP Compendium on Human Rights and the Environment](#);
- [Human Rights and the Environment: Rio+20 Joint Report OHCHR and UNEP](#);
- [UNEP website on human rights and the environment](#);
- [OHCHR website on human rights and the environment](#);
- [Official website of the Special Rapporteur on human rights and the environment, Mr. John Knox](#);