

Protecting displaced and stateless persons: the role and experiences of NHRIs and opportunities for collaboration with UNHCR

Joint webinar co-hosted by GANHRI, UNHCR and Permanent Mission of Norway in Geneva

16 February 2021

Moderator

- Tine Mørch Smit, Ambassador of the Permanent Mission of Norway

Panelists

- Gillian Triggs, Assistant High Commissioner for Protection, UNHCR
- Freddy Carrión Intriago, GANHRI Chairperson
- Madeline Garlick, Chief of the Protection Policy and Legal Advice Section in the Division of International Protection, UNHCR
- Maria Gavouneli, NHRI Greece
- Yamini Pande, Senior Protection Officer, UNHCR, Kenya
- Luis Andrés Fajardo, Vice-Ombudsman, NHRI Colombia
- Jozef Merkx, UNHCR, Colombia
- Katharina Rose, Geneva Representative, GANHRI
- Grainne Ohara, Director of the Division of International Protection, UNHCR

The joint webinar co-hosted by GANHRI, UNHCR and Permanent Mission of Norway in Geneva launched the UNHCR Guide on engagement with national human rights institutions, highlighting the pivotal role of the partnerships with NHRIs in advancing the human rights of displaced persons, refugees, asylum-seekers, and stateless persons. In the opening remarks, Gillian Triggs, the Assistant High Commissioner for Protection in UNHCR, emphasized the great potential of NHRIs to advocate for the rights of people under the UNHCR mandate at the national level, acting as a bridge between the State and the civil society due to their unique status as an independent entity with a State-granted mandate. NHRIs can, thus, perform the functions of monitoring, reporting, advising the government, engaging with national Parliaments, where it would be impossible for international human rights bodies, especially in the highly sensitive areas of asylum and refugee policies, migration policy, conferring nationality, and citizenship. This point was reinforced by Freddy Carrión Intriago, GANHRI Chairperson, who stressed the importance of a broad, legal and constitutional mandate of NHRIs so that they are able to promote and defend the human rights of every person within a State's territory or jurisdiction, including displaced persons, refugees, stateless persons, and IDPs. The strategic collaboration between UNHCR and GANHRI has been foundational in this direction of work.

[The Guide on UNHCR's engagement with national human rights institutions](#) was presented by Madeline Garlick, Chief of the Protection Policy and Legal Advice Section in the Division of International Protection, UNHCR. The Guide recalls the crucial role of UNHCR's strategic engagement with NHRIs, enhancing the protection of the persons of concern due to the NHRI's broad mandate and scope of operations within their respective national territories, allowing to use the expertise and competencies of NHRIs to monitor, report, ensure early detection, ensure access to procedures and services to the persons of concern, performing on-site inspections, and handle individual cases following a rights-based approach. The Guide provides the overview of the key features of NHRIs, as well as suggestions on how UNHCR can engage in

strategic partnerships with relevant national human rights bodies, and is structured in four parts. Chapter I provides the overview of NHRI's specific functions and mandate; Chapter II focuses on the importance of NHRIs for UNHCR's mandate and protection activities; Chapter III explores the positive impact of the engagement between UNHCR and NHRIs, citing good practices and detailing positive outcomes of such cooperation; Chapter IV offers key considerations for engaging with NHRIs – specifically, formalizing the arrangements, identifying priority areas of work, ensuring data protection and confidentiality, promoting further capacity-enhancing of national rights bodies, and outlining specific cases where human rights violations are best addressed in collaboration with NHRIs.

Panelists in the first part of the event focused on specific tasks and challenges that NHRIs face in their work to advocate for the human rights of the persons of concern. Dr. Maria Gavouneli, President of the NHRI in Greece, stressed the specific challenges posed by the statelessness persons for the countries hosting displaced persons, namely, the lack of appropriate procedures to handle the cases of those asylum-seekers without documentation. This can be especially sensitive when determining whether a person of concern is a minor, which has a serious impact on the outcome of the asylum and return procedures. The NHRI in this sphere collaborates closely with the government and international human rights bodies, advising the legislators based on a rights-centric approach, making sure specific needs of persons of concern are not erased from legislation. Another area of concern highlighted in the intervention is the increased vulnerability faced by women and girls on the intersection of gender and displacement.

Yamini Pande, Senior Protection Officer, UNHCR, Kenya, reiterated the pivotal role of NHRIs for UNHCR's mandate, offering the specific example of the Kenya National Commission on Human Rights (KNCHR) – an independent constitutional commission whose core mandate is promoting universal human rights, monitoring the State's compliance with its international obligations, and advocating for the accession to the relevant human rights treaties. Especially vital is the KNCHR's advocacy for the inclusive legislation in regard to stateless persons: KNCHR is actively engaging with the legislators working on the Huduma Bill, which proposes universal registration of the person's data and formal identification allowing access to all social services, in order to ensure stateless persons and their specific needs are included in the Bill. Other key areas of work for KNCHR include promoting visibility and rights of stateless persons through an array of fora, collecting data and reporting, monitoring Kenya's progress on the human rights obligations, and supporting Kenya's accession to the Statelessness Conventions.

The second panel focused on specific good practices protecting displaced and stateless persons in Colombia. Luis Andrés Fajardo, Vice-Ombudsman, Colombia, emphasized the difficult context with mass displacement in Colombia, that acts as host country for large influxes of Venezuelan refugees, almost half of which are in an irregular situation. The cooperation between the Ombudsman's Office and UNHCR has been instrumental in overcoming structural challenges to protection of population in situations of displacement. The example is the House of Rights (Casa de los Derechos), established with UNHCR's support, that offers a protection space to mitigate gaps in access to the fundamental rights of the victim population through individual and group guidance, counseling, and specialized care facilitated by interdisciplinary psychological, legal, and social teams. Another essential element of the field protection in Colombia is the Strategy of the Early Warnings (Sistema de Alertas Tempranas), allowing to carry out technical analysis of potentially perilous contexts, accounting for political, economic, social and armed conflict-related risks, in order to detect and prevent future violations of the human rights of persons of concern. Jozef Merckx, UNHCR representative in Colombia, underscored the importance of close cooperation between Ombudsman's Office and UNHCR in protection of displaced persons, refugees, returnees, stateless persons, and host communities. The key advantage of this cooperation is strong field presence, especially in areas of violence and ongoing armed conflict. Another important area of collaborative work is monitoring compliance and promoting access to the human rights.

The closing remarks by Katharina Rose, Geneva Representative, GANHRI, and Grainne Ohara, Director of the Division of International Protection, UNHCR, reiterated the unique bridging role of NHRIs, connecting the State and civil society in an effort to drive effective change on a national and international levels for the rights of people on the ground. The [RightsDesk Community of Practice](#), launched at this event, was presented as an open space for NHRIs and UNHCR colleagues to come together and exchange valuable experiences and practices.

The UNHCR Guide on UNHCR's engagement with national human rights institutions can be accessed via following links: <https://www.unhcr.org/5f92a5604>, <https://ganhri.org/event/protecting-displaced-and-stateless-personsthe-role-and-experiences-of-nhris-and-opportunities-for-collaboration-with-unhcr/>

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