Human Rights in Humanitarian Context
Humanitarian Context – Crises Situation Report

59.5 million people displaced by conflict, generalised violence or human rights violations (UNHCR 2014) 10 years ago 37.5 million

• 19.5 million refugees (includes 5.5 million Palestinians)
• 1.8 million asylum seekers
• 38.2 million IDPs
• $18.59 billion required / $5.13 billion funded (28%)
Humanitarian Context – Crises

• event or a series of events that are threatening in terms of health, safety or well being of a community or large group of people

• natural disasters, technological disasters (i.e. hazardous material spills, Chernobyl-type of nuclear accidents, chemical explosions) and long-term man-made disasters related to "civil strife, civil war and international war"

  International Federation of Red Cross and Red Crescent Societies (IFRC)

• natural disasters and complex emergencies which are related to armed conflict and wars

• pandemics, cancer, gang violence?
Humanitarian Context – Crises

- life threatening event or situation (disaster, conflict or combination)
- large scale human suffering
- local response capacity overwhelmed
- international assistance needed (GA Assembly Resolution 46/182)
Humanitarian Context - Principles - UN GA Resolution 46/182

- Government consent (appeal)
- International law, national law
- NGOs act impartial, humanitarian principles
- Govt primary responsibility, also facilitate humanitarian assistance
- Leadership – Inter Agency Standing Committee, ERC, (provide information), Resident Coordinator
- Central funding mechanism
- Consolidated Appeals (SRP) required $18.68 billion; funded $4.96 billion or 27%
- Leadership – Inter Agency Standing Committee, ERC, (provide information), Resident Coordinator
Humanitarian Context – Actors, structures and processes

• ERC, HCs, Government, UN, INGO, NGO, NHRI

• IASC Principals’, Emergency Directors, HCT, Clusters

• HRP, MIRA
Humanitarian principles – UN GA Resolution 46/182

- Humanity
- Neutrality
- Impartiality

*Independence*
Human Rights Principles

- Legal rights guaranteed in international law, regional human rights conventions, national constitutions/laws
- Applicable to all human beings
- Apply at all times – peace, armed conflict, disasters

ICCPR

‘Each State Party … undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.’ (Article 2)

‘All persons are equal before the law and are entitled without any discrimination to the equal protection of the law ….’ (Article 26)
Complementarities

Human Rights and Humanitarian principles

• IFRC Code of Conduct, Principle 2: “aid is given regardless of the race, creed, or nationality of the recipients and without adverse distinction of any kind. Aid priorities are calculated on the basis of need alone”

• Sphere: “humanitarian agencies have the responsibility to provide assistance in a manner that is consistent with human rights, including the right to participation, non-discrimination and information”

• Good Humanitarian Donorship Initiative: “humanitarian action should be guided by… impartiality… without discrimination between or within affected populations”
What does this mean in practice?

**IASC definition of Protection**

- All activities aimed at getting full respect for the rights of the individual

- in accordance with the letter and spirit of the relevant bodies of law (ie International Human Rights Law, International Humanitarian Law and International Refugee Law)

- *Life, physical integrity, freedoms, well being*
What does this mean in practice – crises and HR, cause, consequence

217 (III). International Bill of Human Rights

A

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,
What does this mean in practice?

Protection strategies

• Recognise needs, vulnerabilities/groups

• Act with people (participatory assessment; protect, move, cope)

• Reduce hazards and vulnerability by influencing factors of
  • Time (moments when risks are highest)
  • Places (where risks are highest)
  • Actors (as a source of risk; as a source of protection)
What does this mean in practice?

**Protection activities**

- *Environment building actions* to create/consolidate an environment conducive to full respect for the rights of individuals (e.g. capacity building; contingency plans; legislation)

- *Responsive actions* to address on-going violations (e.g. intervention on behalf of a discriminated group)

- *Remedial actions* to restore dignified living conditions through rehabilitation, restitution, and reparation (e.g. restoring food security)
What does this mean in practice?

**OHCHR engagement in humanitarian action**

- Headquarters
- Field Presences
- Rapid Deployments
- Core HR activities
- Protection Mainstreaming
What does this mean in practice?

**OHCHR engagement in humanitarian action**

NDZ and relocation to protect from environmental hazards;

Last resort, through consultation with affected people; and

Any relocations should meet international standards.
What does this mean in practice? **Protection Challenges**

- Aspirational, not always possible, all HR,
- Time constraints (humanitarian context)
- Incomplete information
- Policymaking under pressure
- Culture
- Trust in government
- Funding

“I can’t talk about human rights now, I have an emergency to deal with!” Not life saving

Assistance without protection from human rights violations is **not enough** when human rights violations become a strategy of war
What does this mean in practice?

**Protection approaches**

- People and dialogue
- Context
- Humility – do no harm
- Partnership
- Strive
- What is making a difference?
What does this mean in practice?

**HR add value - help clarify responsibilities/obligations**

**Govt first responsibility**
- Prevent, stop, remedy human rights violations
- Respect, protect, fulfill

**International community (UN, NGOs)**
- work with government
- advocate
- complement government efforts
- substitute for government
What does this mean in practice?

**HR add value - help clarify limits of claims, obligations**

**Q:** Can IDPs insist that they don’t want to return?

**A:** Yes, FOM entails right to choose place of residence (Art. 12 ICCPR, IDP Guiding Principle 28) but not absolute; forced evacuations and relocations permissible in exceptional circumstances

**Q:** Are people in an IDP camp entitled to police protection?

**A:** Yes. The State has a duty to protect people against criminals to the extent that authorities have knowledge of the danger and the capacity to intervene.
What does this mean in practice?

HR add value – help set **benchmarks** for action

Q: What are necessary criteria for shelter/housing?

A: According to international human rights law, shelter and housing are *adequate* if they are:

(i) *Available* in sufficient quantity and quality
(ii) *Accessible* for all in need, including persons with special needs, and they are protected against forced eviction
(iii) *Acceptable* in cultural terms, and
(iv) *Adaptable*, i.e. improve over time from emergency to transitional shelter to permanent housing
Philippines NDZ story and policy guidelines
A Human Rights Based Approach to Humanitarian Action grounds the basis for humanitarian assistance in universally accepted rights. E.g. Food services must be accessible, as required by the standard of "adequacy" of the right to food.

A Human Rights Based Approach to Humanitarian Action can enhance the protection value of assistance activities, e.g. focusing on non-discrimination of vulnerable groups, and these are less exposed to protection risks.

- Places the needs of the affected person at the center of humanitarian action
- Places the affected person at the centre of the decision-making process through consultation and participation
- Attributes responsibility
- Improves the effects of humanitarian action
OHCHR and humanitarian action
Conflicting or complementary strategies?

Human Rights and Humanitarian Assistance actions

**Human rights activities**
- Monitoring and reporting
- Individual cases
- HR Training
- Denunciation

**Humanitarian activities**
- Advocacy
- Protection
- Participation of national actors
- Capacity building of national actors
- Partnerships

- Food delivery
- Provision of emergency health care
- Provision of shelter
- Provision of water and sanitation
Outline

1. Why is OHCHR engaged in humanitarian action?

2. OHCHR’s roles in humanitarian action

3. OHCHR operational support in humanitarian action
Why is OHCHR engaged in humanitarian action?
Human rights are at the centre of humanitarian action and are essential for an effective humanitarian response

- Human rights violations are often a cause and a consequence in conflict situations.

- In combination emergencies, human rights considerations are relevant in all stages.

- Human rights violations are often a consequence of natural disasters and human rights considerations are key to preparedness.
Human rights are at the centre of humanitarian action

- The needs of affected populations following natural hazards or conflicts go beyond humanitarian assistance.
- Human rights violations are often a cause and a consequence of humanitarian crises.
- Humanitarian and recovery activities do not take place in a legal void.
- Human rights are recognised as a cross-cutting issue by the IASC.
- Affected populations are rights holders and not mere beneficiaries of charitable action.
- Re-enforces the premise that it is national authorities that have primary responsibility to protect the people under its jurisdiction.
Engagement in humanitarian action falls clearly within OHCHR’s mandate

- To “promote and protect the effective enjoyment by all of all civil, cultural, economic, political and social rights”

- To “coordinate the human rights promotion and protection activities throughout the UN system”

- To strengthen national protection mechanisms

- 2005 commitment, with UNHCR and UNICEF, as one of potential lead of Protection Clusters at the field level in the aftermath of a crisis
OHCHR is a *key player* in humanitarian action

- Broad mandate on all rights for all people
- Bridge between humanitarian, human rights, peace and security and development agenda where there are peace missions
OHCHR’s roles in humanitarian action
Three main areas of OHCHR engagement in humanitarian response

1. OHCHR core human rights activities incl. participating in assessments, monitoring and reporting, including through HR mechanisms, capacity-building and technical assistance;

2. Mainstreaming human rights throughout overall humanitarian planning, preparedness, response and recovery efforts by conceptualising and articulating, in order to subsequently advocate, a HRBA in the delivery of humanitarian and early recovery assistance by partners; and

3. Exploring its prospective human rights assistance role, incl. by engaging national partners through grants procedures and quick impact projects.
As lead of the Protection Cluster

In this capacity, OHCHR is responsible for fulfilling the terms of reference for cluster leads, leading and coordinating the protection response with all relevant actors. This includes:

- Carrying out a protection needs assessment and analysis;
- Coordinating planning and strategy development;
- Leading advocacy and resource mobilization efforts;
- Ensuring proper monitoring and reporting of the protection situation;
- Carrying out or facilitating training and capacity building;
- Ensuring protection is mainstreamed throughout all humanitarian efforts;
- Acting as PROVIDER OF LAST RESORT.
As key actor in the response

- Focusing on human rights violations and concerns both as *causes and as consequences* to

- Integrating human rights considerations and adopting/advocating for an HRBA in humanitarian preparedness and response generally
Among challenges...

Packaging human rights in a way which has resonance with humanitarian actors...
MISCONCEPTION

“I can’t talk about human rights now, I have an emergency to deal with!”

“I can’t talk about human rights now, I have an emergency to deal with!”

Assistance without protection from attack, persecution and other human rights violations is not enough when human rights violations become a strategy of war
OHCHR Operational Support in Humanitarian Action.

- Duty bearer/Rights holder
- Protect people from actions or omissions by duty bearers (respect, protect, fulfill)
OHCHR Rapid Deployment Roster

“to react to deteriorating or potentially deteriorating human rights situations” or to any other demand requiring rapid reaction, ensuring timely planning, standardised procedures and standing capacity to secure adequate human and material resources for rapid response deployments.
OHCHR Rapid Deployment Roster

Internal roster of experienced human rights staff who would be ready to be deployed for short assignments on a temporary basis, to conduct investigations, fact-finding missions, assist commissions of inquiry, or respond to any other urgent requirements.
OHCHR partnerships within the humanitarian framework

- Humanitarian action is carried out within a framework of coordination and collaboration amongst UN, non-UN partners and national authorities, particularly under the auspices of the Inter-Agency Standing Committee (IASC) and the cluster approach. OHCHR is also one of three UN protection-mandated agencies together with UNHCR and UNICEF that has committed to ensure leadership of the Protection Cluster at the field level. It may also take on the lead role of a Rule of Law and Justice/Human Rights sub-cluster. In addition OHCHR will ascertain to become the recognized focal point for human rights once fully endorsed as a cross-cutting issue within the IASC.
In a nutshell, Nature of OHCHR`s engagement in humanitarian action

- Mainstreaming human rights, conceptualising and adopting a human rights- based approach throughout humanitarian planning, preparedness, response and recovery efforts
- Monitoring, reporting, and advocacy
- Carrying out human rights fact-finding and investigative missions
- Providing technical advice/expertise and capacity building to enhance national and international human rights protection systems
- Engaging in communication strategies for enhanced knowledge and understanding of human rights issues
- Engaging with the Human Rights Council’s special procedure mechanisms
- Engaging with the Human Rights Treaty Bodies
- Engaging in humanitarian planning, programming and funding processes
- Providing assistance
- Engagement in the Protection cluster: Leadership of the Protection Cluster or one of its sub-clusters
Thank you

For more information, please visit our website.

www.ohchr.org/AR
WELCOME TO Brgy. 25
WE NEED FOOD & WATER! PLS!
Humanitarian Context - Actors

- Emergency Relief Coordinator (Stephen O’Brien) - United Nations General Assembly Resolution

- High Commissioner for Refugees (Antonio Guterres)

- Director General UNICEF (Anthony Lake)

- High Commissioner for Human Rights (Zaid Ra’ad Al Hussein)

- President International Committee of the Red Cross (Peter Maurer)