REPORT ON WORKSHOP ON STRENGTHENING THE CAPACITY OF NATIONAL HUMAN RIGHTS INSTITUTIONS IN SOUTH & SOUTH EAST ASIA TO INTEGRATE HUMAN RIGHTS IN HUMANITAIRAN ACTION

02-03 April, 2019, Bangkok

Attended by :   Ms. Manzil Saini,
SSP-2, Investigation Division
Shri O.P. Vyas, AR (Law),
Law Division

The APF in collaboration with office of the High Commissioner for Human Rights (OHCHR) – SE Asia Regional Office organized a blended learning project on 'Strengthening the Capacity of National Human Rights Institutions (NHRIs) in South & South East Asia to integrate Human Rights in Humanitarian Action.

This project aims to strengthen the protection and promotion of human rights in humanitarian action by building the capacity of NHRIs. The project is based on a blended learning format, workshops, online learning and a collaboration platform. The first component of this project was a 2 day workshop in Bangkok, Thailand from 2-3 April, 2019. This will be followed by a 6 weeks online learning program in August – September, 2019 and finally a 3 day in-person training workshop in October, 2019.

Accordingly, the Commission nominated Ms. Manzil Saini, SSP-2, (Investigation Division) and Mr. O.P. Vyas, AR-Law, (Law Division) to participate in the abovementioned program.

The workshop was attended by the above two officers in Bangkok from 2-3 April, 2019. The accommodation, logistics, tickets etc. were all arranged by the organizers.

The following countries participated in the programme:-

India, Sri Lanka, Nepal, Pakistan, Indonesia, Malaysia, Philippines, Bangladesh, Thailand, Maldives and Myanmar.

They exchanged experiences of each other on how their NHRIs responded to problems faced during disasters and civil wars and other humanitarian issues.   The faculty organized several activities and presentations and lectures on international standards and coordination mechanism.

<u>On day one</u>: The Asia Pacific disaster context was explained number of calamities occurred in this area, people affected and the strategy was discussed how to address such problems in phases. A group-exercise was done by giving a scenario facing human rights crisis and to identify the issues and prioritize and the role of NHRIs.

Presentations were made by Philippines on internal displacement of Filipinos due to conflict in Marawi city and the role of their NHRI and by Nepal on earthquake of 2015, response of their NHRI in rescue and rehabilitation.

This was followed by an open house discussion in which participants from Thailand, Pakistan, Indonesia, Maldives, India and Myanmar shared their experiences and future prospects for their NHRIs to engage in humanitarian action. On behalf of India, Mr. O.P. Vyas and Ms. Manzil Saini spoke on the role of NHRC, India and the elaborate instructions and spot assessment done by the Commission in incidents of Uttarakhand tragedy of Flash floods of 2013 and the Tsunami tragedy of 2004.

Another presentation was made by Bangladesh on Rohingya crisis, influx in their country, human rights violations and role of their NHRI.

<u>On day 2</u>: - The national disaster management planning and the related international laws were discussed. Good practices and lessons were also shared. The case of hurricane Katrina and HR concerns were discussed. The IASC agenda principals and ICRC - egg model was explained. The disaster management cycle, IASC structure and opportunities and challenges in future were discussed.

A detailed note of the presentations is attached with the report.

1. Situation Report Overview

   The Asia Pacific Disaster Context

   Key disaster numbers –

   ➢ 154 Disasters on average per year in the region.
   ➢ 690 people affected by disasters (in millions) (last 5 years)
   ➢ 44% of all disasters worldwide occur in this region.
   ➢ 95% of all people affected by a disaster in 2012-16 live in this region.

   Disaster Event History 2012-2016

86	26	301	250
Earthquakes	Droughts	Floods	Storms
Affected 18 million people	Affected 407 million people	Affected 159 million people	Affected 103 million people

2. Humanitarian crisis – A life threatening event or situation that results in large scale human suffering. It may be caused by a disaster resulting from a natural hazard, violence and armed conflict or a combination of factors.
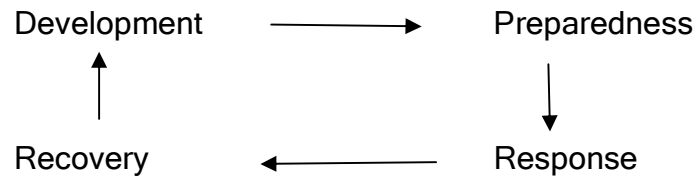
   Natural hazards – Severe hazardous events can lead to a disaster as a result of the combination of hazard occurrence and other risk factors (UN Office for Disaster Risk Reduction)

   Complex emergency – A multifaceted humanitarian crisis in a country, region or society, where there is total or considerable breakdown of authority resulting from internal or external conflict requiring a multi-sectoral, international response that goes beyond the mandate or capacity of any single agency and/or the UN country programme.

   Type of emergencies –

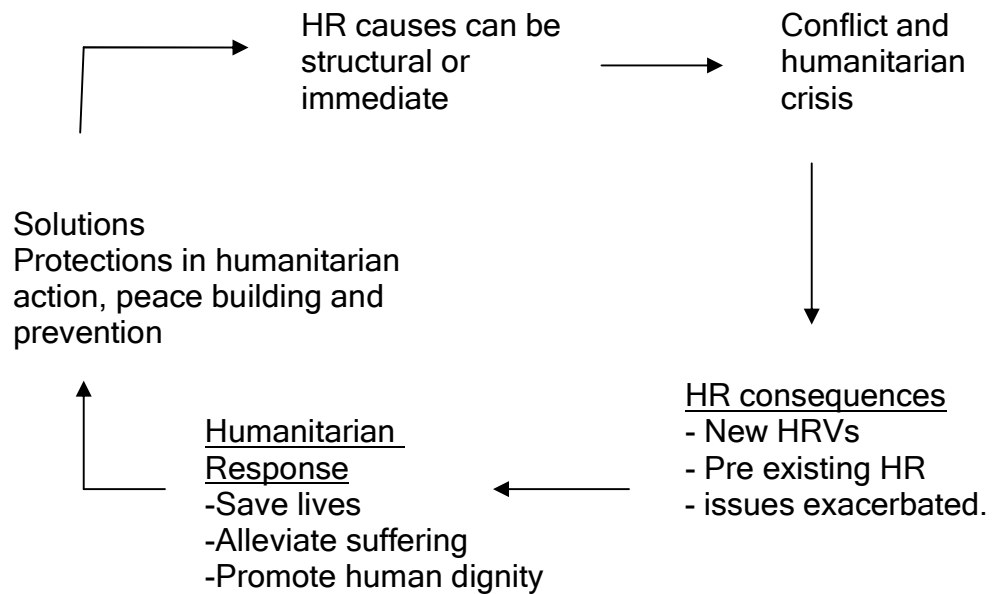   i)   Sudden / Rapid – onset emergencies
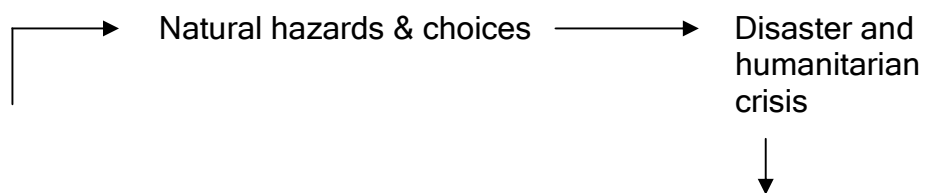   ii)   Slow - onset emergencies

3. Humanitarian Action Continuum

Development   →   Preparedness

Recovery   ←   Response

Why important?

- ➢ Causes and consequences of humanitarian crisis
- ➢ IHRL applied
- ➢ People care about their rights

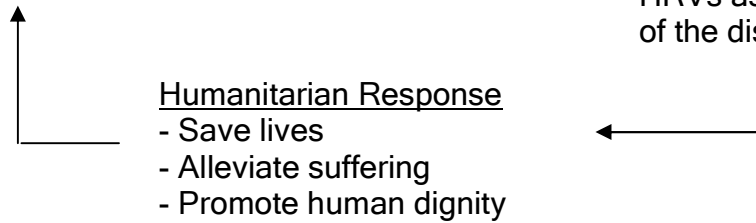4.   Conflict: HR causes consequences

HR causes can be structural or immediate   →   Conflict and humanitarian crisis

Solutions
Protections in humanitarian action, peace building and prevention

Humanitarian Response
-Save lives
-Alleviate suffering
-Promote human dignity

HR consequences
- New HRVs
- Pre existing HR
- issues exacerbated.

5.   Disasters - Risks and consequences

Natural hazards & choices   →   Disaster and humanitarian crisis

<u>Solutions</u>
- Protection in humanitarian
 action and risk mitigation

Pre-existing HR issues
are exacerbated and
New HR concerns
HRVs as consequences
of the disaster

<u>Humanitarian Response</u>
- Save lives
- Alleviate suffering
- Promote human dignity

6.   <u>Hurricane Katrina choices & HR concerns</u>

  ➢ Discrimination affecting the poor, people of colour – evacuations

  ➢ Children, elderly, disabled persons and others in vulnerable
     situations put in life threatening situations – evacuations and prisons

  ➢ Inadequate protection rights of displaces – in shelters and camps.

  ➢ Use of force by police – Danziger Bridge.
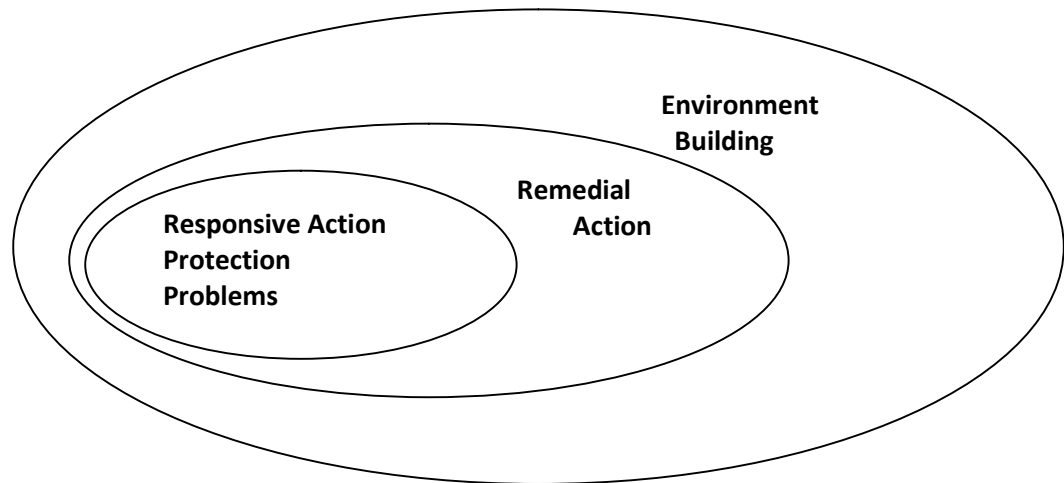
7.   <u>IHRL application</u>

  ➢ IHRL applies for everyone, all times, all situations.

  ➢ IHL, ICL, IRL, IDRL (IFRC guidelines)

  ➢ AU Kampala Convention 2009

  ➢ National Law – 28 countries IDP laws.

  ➢ Rights and not charity - Protection is all activities, full respect for
     the rights of the individuals.

8.   <u>Centrality of Protection</u>

      IASC agenda Principals' statement and policy.

      Protection is ………."all activities aimed at obtaining full respect for the
      rights of the individual in accordance with the letter and the spirit of
      the relevant bodies of law (i.e. IHRL, IHL and IRL).

9.   Protection Activities ICRC - 'egg model

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                    _____
                  /                                     \
                 /              Environment              \
                /                Building                 \
               /         _____               \
              |         /      Remedial      \               |
              |        /        Action        \              |
              |       |    _____            |             |
              |       |   / Responsive Action  |             |
              |       |  |  Protection         |             |
              |       |  |  Problems          /|             |
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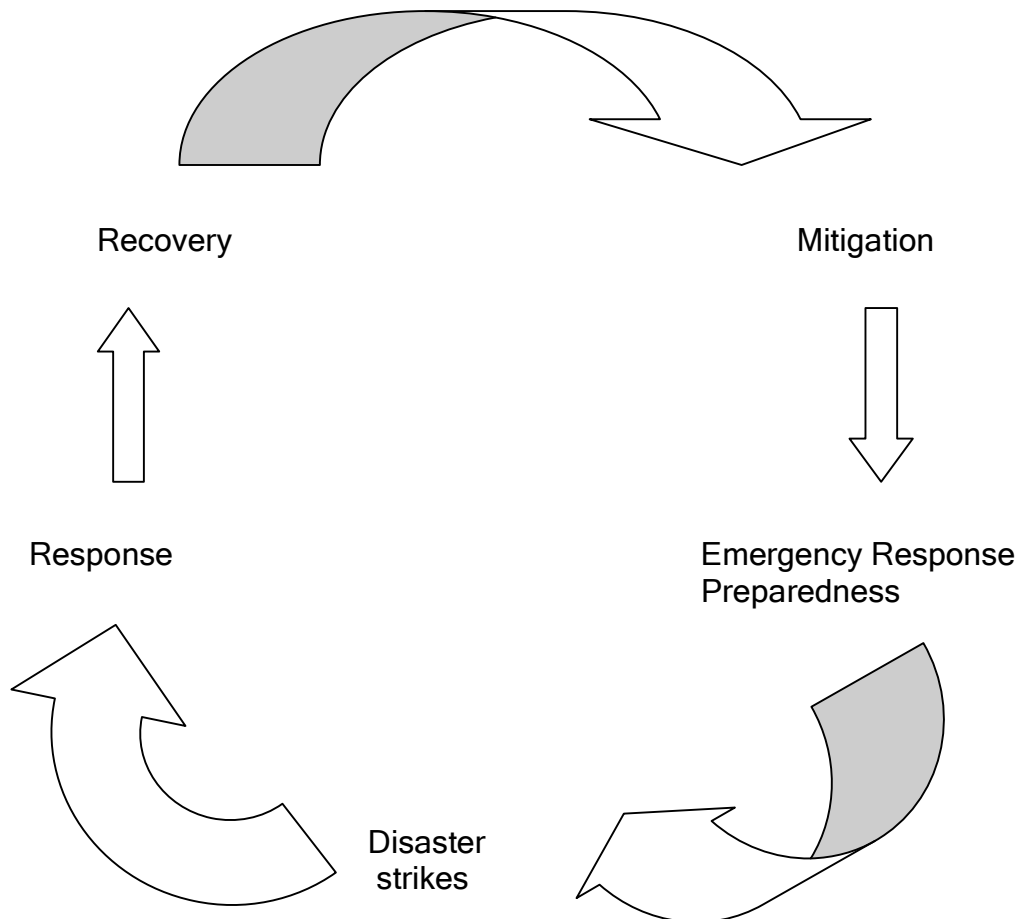10.   HR work in humanitarian context

- ➢ Identifies vulnerabilities and protection needs of all affected persons with a view to address root causes and offer durable solutions.

- ➢ Provides advisory services, guidance and trainings to national and local authorities on HR protection, housing, land and property rights, civil documentation, disability, access to justice and rule of law.

- ➢ Provides legal assistance and advice to affected populations and ensuring that people in need of assistance are systematically referred to humanitarian partners.

- ➢ Connects civil society organizations in the humanitarian response.

- ➢ Monitors violations of IHL & IHRL and advocates for their respect to achieve protection and ensure accountability.

- ➢ Records civilian causalities.

- ➢ Provides direct assistance to victims of torture, conflict-related sexual violence and modern slavery.
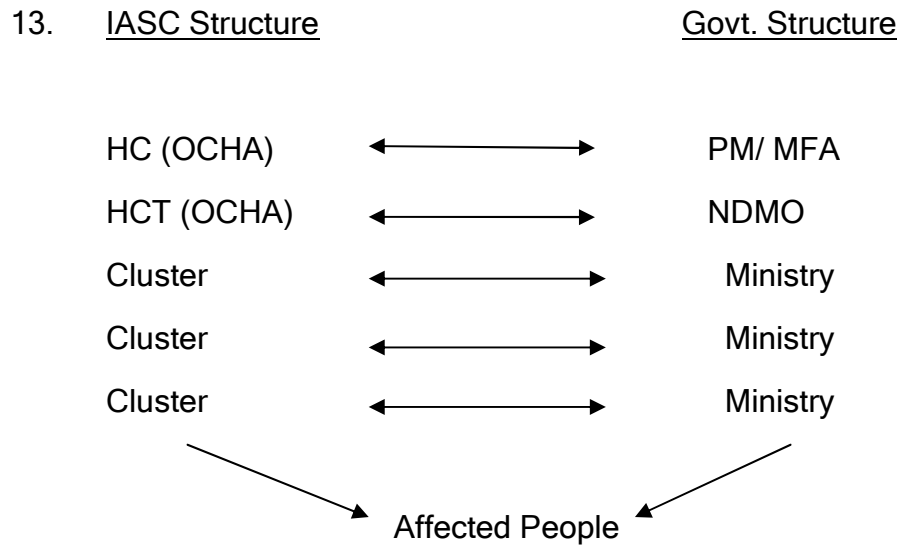
11. <u>Disaster Management in Asia - Pacific - Opportunities and Challenges for humanitarian and human rights actors</u>.

GA Resolution 46/182

➤ Created the Emergency Relief Coordinator as a focal point and voice for humanitarian emergencies.

➤ Established Department for Humanitarian Affairs (which became OCHA in 1998)

➤ Established Inter Agency Standing Committee (IASC)

➤ Established Consolidated Appeals Process
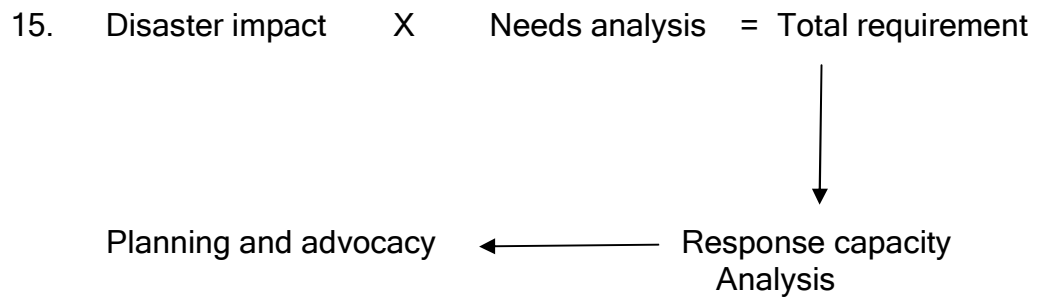
➤ Established Emergency Revolving Fund

12. <u>Disaster Management Cycle</u>

Recovery   Mitigation

Response   Emergency Response Preparedness

Disaster strikes

13.　IASC Structure　　　　　　　　　　Govt. Structure

HC (OCHA)	⟷	PM/ MFA
HCT (OCHA)	⟷	NDMO
Cluster	⟷	Ministry
Cluster	⟷	Ministry
Cluster	⟷	Ministry

Affected People

14.　Coordination

➢ Assessing situations and needs

➢ Agreeing on common priorities

➢ Funding and other resources monitoring progress

➢ Developing common strategies to address issues such as negotiating access, mobilizing

15.　Disaster impact　　X　　Needs analysis　=　Total requirement

Planning and advocacy　⟵　Response capacity Analysis

16.　Increasing your knowledge

i.　How to respond more effectively and efficiently as an NHRI towards both natural and manmade crisis.

ii.　Learning from participants (Good practices and Lessons learned) of other countries from their experiences in dealing with Human Rights.

iii. The relationship between human rights and humanitarian action.

iv. Methodologies and strategies to carryout disaster management work.

v. How to develop a strong relationship with all stakeholders including government on humanitarian action.

vi. Tactics for influencing the media for a more positive discourse on those fleeing humanitarian crisis.

vii. How to monitor human rights violations in humanitarian action.

viii. Recent or emerging issues in human rights and humanitarian action.

ix. How to highlight the essential role of NHRI in disaster preparedness to avoid risk and being aware of the possible causes of human rights violations.

x. Legal framework in humanitarian action

xi. Understanding the stages of disaster management (Both in situations of no disasters, disaster preparedness, emergency response and the rehabilitation and reconstruction).

17. Improving you skills

i. Quickly, identify actions to be taken should a humanitarian crisis arise, to be able to apply human rights norms in these setting while ensuring equality and non-discrimination throughout the process.

ii. To better comprehend the core standards and mechanism for humanitarian preparedness and response.

iii. Improving considerations for vulnerable and minority groups (i.e. LGBTI) and different religious groups in different country contexts.

iv. Practical skills or strategies to build relationship between HRs groups and humanitarian providers.

v. Tools and techniques to monitor disaster or conflicts and follow up on communities.

vi.   Understanding how to integrate our HRs work in the humanitarian emergency settings.

vii. Enhance my interviewing skills for monitoring a humanitarian crisis.

viii. How to formulate realistic action plans and follow-up mechanisms.

ix.   Build techniques to encourage HRs in humanitarian action (From the beginning, if possible).

x.   What to include in a manual or standard operating procedure disaster response.

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