

OHCHR  
DSG

Note to the Secretary-General

**Recommendations of the Policy Committee**

1. Please find attached a draft decision memo comprising the recommendations which the Policy Committee proposes for your decision on the issue of human rights in integrated missions, discussed at its 26 October 2005 meeting. The meeting was a constructive conclusion to extensive consultations between OHCHR, DPKO and other UN partners on both the principles that should guide mission planners as well as some practical arrangements that can be incorporated into guidance to SRSGs and standard UN practice. These include the importance of human rights aspects in selection and evaluation of SRSG/DSRSGs, the position of the head of the human rights component in a mission, and an agreement that separate reporting on human rights will be routine.
2. Two key issues remain to be decided, the scope of rule of law and protection activities in integrated missions and the extent to which they fall under the 'lead' of human rights. These could not be agreed in this round of consultations, but further work will be done on these questions.
3. The summary record of discussion is also included and will provide a sense of the discussion. As per usual, it captures the main lines of argument but is not attributed and non-verbatim.



The Deputy Secretary-General  
28 October, 2005

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TO: Members of the Policy Committee  
A: (see distribution list)

DATE: 26 October 2005

REFERENCE:

THROUGH:

S/C DE:

FROM: The Secretary-General

DE:

SUBJECT: **Decisions of the Secretary-General - 26 October Policy Committee Meeting**

OBJET:

**Decisions of the Secretary-General**  
**Policy Committee Meeting of 26 October 2005**

**Decision No. 2005/24 – Human Rights in Integrated Missions**

- (i) Human rights should be integrated into peace operations according to the following principles:
  - a) All UN entities have a responsibility to ensure that human rights are promoted and protected through and within their operations in the field;
  - b) A commitment to human rights and the ability to give the necessary prominence to human rights should be important factors in the selection of SRSGs/DSRSGs, and in the monitoring of their performance, as well as that of the mission;
  - c) OHCHR, as “lead agency” on human rights issues, has a central role to play through the provision of expertise, guidance and support to human rights components. These components should discharge core human rights functions and help mainstream human rights across all mission activities; and,
  - d) Separate public reporting by the mission and/or the High Commissioner on issues of human rights concern should be routine.
- (ii) In addition:
  - a) The Secretariat should more proactively call on the Security Council to ensure that mission mandates adequately address prevailing human rights concerns and that these concerns are routinely discussed when the Council reviews mission progress;
  - b) All core human rights functions should be coordinated by one component of the mission. The location of this component should be decided on a case by case basis;

- c) The principal reporting line of the head of the human rights component should be to the SRSG (preferably directly or through a DSRSG); the head of unit should have effective access to the SRSG and be a part of his/her senior management team. A secondary reporting line should link the head of the human rights component with OHCHR to provide guidance and functional support. The head of the component should serve as the representative of the High Commissioner; and,
  - d) Requests emanating from the ICC related to mission staff should be directed by OLA, the entry point for the UN on ICC matters, to the USG/DPKO and copied to the High Commissioner. Effective consultation mechanisms should be put in place. The High Commissioner should be consulted during negotiations on agreements of cooperation between peace missions and the ICC.
- (iii) The above decisions regarding human rights in integrated missions should apply to all future missions and should be incorporated into current missions on a case by case basis through a process and schedule to be agreed upon between OHCHR and DPKO. These decisions should also be reflected in DPKO policies and training manuals.

\* \* \*

cc: Deputy Secretary-General  
Mr. Malloch Brown  
Mr. Dervis  
Mr. Gambari  
Mr. Brahimi  
Mr. Guéhenno  
Mr. Egeland  
Mr. Tharoor  
Mr. Ocampo  
Ms. Arbour  
Mr. Michel

**Policy Committee Meeting, 26 October 2005**  
**Summary Record of Discussion**

**Human Rights in Integrated Missions**

1. In follow-up to earlier discussions of the Policy Committee on the Peacebuilding Support Office (PBSO) and on Integrated Missions, OHCHR had led the consultation and drafting of a policy paper that specifically addresses human rights in Integrated Missions. In her presentation of the paper, the High Commissioner for Human Rights highlighted the extensive and constructive nature of the consultation process at all levels.

2. The first draft had included the ambitious recommendation of setting up a 3<sup>rd</sup> pillar in each peacekeeping mission, which would be dedicated to the issue of human rights. While it was argued that this option did have “intellectual integrity”, for practical reasons the final and agreed recommendations foresee the establishment of a human rights unit instead of a separate pillar in each mission. It was also argued that a separate pillar on human rights might jeopardize the mainstreaming of human rights throughout all functions of the mission.

3. Details on where to place human rights units within a mission structure should be handled flexibly and on a case-by-case basis, requiring OHCHR involvement in the early phases of mission planning. It was argued that the UN should not give in to requests from Member States, as recently put forward by a donor in the case of Haiti, to separate OHCHR’s monitoring/advocacy function from its technical assistance function, i.e. to set up different offices within and outside the mission. Usually, the link between the technical assistance and the monitoring/advocacy role of OHCHR should be maintained.

4. The head of a human rights unit should also be the Representative of OHCHR in the country, with a dual reporting line to the mission management and the High Commissioner. This arrangement could follow the model of the reporting of DSRSGs as Resident Coordinators to the UNDP Administrator / chair of the undg, or as Humanitarian Coordinators to the Emergency Relief Coordinator. In principle, the head of the human rights unit should receive functional support and overall policy guidance from the High Commissioner, but day-to-day management and political guidance should come from the mission. Whatever the set-up chosen for any given case, it would be important to make sure that the head of the human rights unit has sufficient access to the SRSG. It was also suggested that the relationship between SRSGs and the High Commissioner should be clarified to facilitate consultation.

5. Participants agreed that regular reporting on human rights issues is a “tool and product of the trade”, and thus key to OHCHR’s efforts to promote and protect human rights. Contrary situations, where reporting should not be undertaken or where it should be delayed, would need to be argued and justified, while regular reporting should be seen as standard. Cote d’Ivoire was noted as a good practice case for regular and thorough reporting on a predictable and periodical basis.

6. It is important for SRSGs to be consulted and fully informed of any publications on the human rights situation in their country. It was highlighted that, given the very sensitive nature of such reports, they can have major implications for the overall success of the mission and might have detrimental effects on the communication channels with national counterparts. Discussions on critical issues related to human rights reporting should be dealt with in-house by the UN, to avoid negative impacts on the goals of the mission. Usually, differences in opinion should be settled at the level of the mission and respective headquarters, with guidance from the Secretary-General in exceptional situations.

7. It was proposed that generally, reporting should be done by the human rights unit of a mission, but there might be cases where reporting on human rights issues would more appropriately be done by the SRSG or the High Commissioner. In all cases, it would be important to make sure that there is sufficient consultation between the human rights component of the mission and the mission management.

8. Notes of concern were struck that the OHCHR commitments in the policy paper would lead to high expectations at the country level in terms of support and expertise, including the deployment of well trained and sufficiently senior staff. It was noted that OHCHR had at times deployed staff slowly or without the sufficient seniority or experience. As a response, and as part of its Plan of Action, OHCHR is developing major in-house training programmes and is planning the recruitment of additional staff. OHCHR is also reviewing its country and regional presences (e.g., with one regional officer currently covering all of Asia). The current review of country/regional presences also takes into account how to improve cooperation with regional bodies such as the African Union.

9. It was agreed that, broadly, the principles laid out in the policy paper should apply to DPA's field presences as well. Further discussions on this might be needed once the Peacebuilding Commission is in place and operational.

10. Participants argued whether there was a need to clarify the position of the UN in the tension between peace and justice, in cases such as Northern Uganda, Angola and Togo. On the tension between justice and peace was a real one, it was agreed that the tension would always exist but it was also argued that the space between peace and justice could be narrowed, and that justice should not come second to peace. Uganda was offered as a case where the political approach had borne little fruit after more than a decade, whereas a greater focus on justice might have been more effective. Others made the point that the political track itself had had insufficient support and attention. It was agreed that a clear framework on how to deal with questions of transitional justice would avoid "reinventing the wheel" whenever such cases come up, and even if departures from the framework were inevitable, the UN system would have a common starting point. It was noted that there was already a clear policy not to accept blank amnesty clauses in peace agreements.

11. Participants agreed that the credibility of peacekeeping missions, particularly in the area of human rights, hinges on the effective handling of human rights violations by

UN staff, including sexual abuse and human trafficking. This was to be handled by OIOS and mission conduct units, since human rights units within missions should not be tasked with functions of a "Military Police" to control UN staff and troops. The monitoring of the treatment of detainees should be considered as exception to this, because it is part of OHCHR's routine tasks.

12. Participants pointed to the urgent need to address the issue of fragmentation of mandates and capacities in the area of protection and rule of law. This work should particularly look at the UN's role in capacity building. Discussions under the umbrella of the IASC have already taken place, and an upcoming review of the UN system's capacities for peacebuilding will help inform decisions in this area. It was broadly accepted that the Policy Committee should set a clear timeframe by when clarification on this point would be achieved.

13. The members of the Policy Committee agreed that they support the recommendations as laid out in the paper and that these should be sent to the Secretary-General for review and decision. One modification was suggested regarding the ICC, i.e. to reiterate the policy that OLA is the ICC entry point for the UN.

END