



United Nations
Guinea-Bissau

Partnership Framework between Guinea-Bissau and the United Nations (UNPAF 2016-2020)

WORKING GROUP ON HUMAN RIGHTS Terms of Reference

The Working Group of Human Rights (WGHR) is one of the coordination, implementation and monitoring mechanisms established by the Partnership Framework between Guinea-Bissau and the United Nations (2016-2020).

The WGHR is thus a platform of dialogue, information and knowledge-sharing aimed at facilitating coordination and a Human Rights-Based Approach to programming and to development cooperation, having as its ultimate goal to ensure a coherent and coordinated approach in all initiatives on the promotion and protection of human rights among United Nations entities, international and regional partners and national stakeholders in Guinea-Bissau. The WGHR shall further foster the implementation of various human rights-related policies¹ and to encourage common human rights messaging.

I. Institutional Context

The importance of respecting, protecting, and promoting human rights in all the work of the United Nations cannot be overemphasized. The *Charter of the United Nations* recognizes as one of the organization purposes “to achieve international cooperation in (...) promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion”. The *Universal Declaration of Human Rights*, recognizes, in turn, that “the inherent dignity and equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”. The *Vienna Declaration and Programme of Action* unanimously recognized that democracy, development, and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. This affirmation has further been reiterated in various outcome documents of major international conferences and more recently in the 2012 and 2016 General Assembly Resolutions on the Quadrennial Comprehensive Policy Review of Operational Activities for Development (QCPR) aimed at enhancing the system coherence, effectiveness and efficiency to address the full range of development challenges of our time.²

A cornerstone of this global partnership for development cooperation is a Human Rights Based Approach (HRBA) to Programming, which leads to better sustained results of development efforts and greater returns on investments, *inter alia*, by: (i) Building the capacity of prime actors to engage in dialogue, meet their own responsibilities and hold the State accountable; (ii) strengthening social cohesion through seeking consensus with participatory processes, and focusing assistance on the excluded and most marginalized; (iii) Codifying social and political consensus on accountabilities for results into laws, policies and programmes aligned with international conventions; (iv) Anchoring human rights entitlements within a framework of laws and institutions; (v) Institutionalizing democratic processes; and (vi) Strengthening the capacities of individuals and institutions to carry out their obligations as expressed in local, national and international laws, policies and programmes.

The centrality of human rights for the United Nations Organization has been recently underscored by the *2030 Agenda for Sustainable Development*. In fact, in paragraph 18 of the 2030 Agenda, Member States reaffirmed their commitment to international law and emphasized that the Agenda is to be implemented in a manner that is consistent with the rights and

¹ The Human Rights Due Diligence Policy (HRDDP, 2011); DPKO/DPA/DFS/OHCHR Policy on Human Rights in Peace Missions (2013) and Human Rights Up-Front (2014).

² See General Assembly Resolutions 67/226 (2012) and 71/243 (2016). See also *Report of the Secretary-General on the Implementation of General Assembly Resolution 71/243 on the quadrennial comprehensive policy review of operational activities for development of the United Nations system (QCPR)*: 2018, 9 January 2018, Advanced unedited version available at: <https://www.un.org/ecosoc/sites/www.un.org.ecosoc/files/files/en/qcpr/2018-sg-report-adv.pdf>

obligations of States under international law, which includes human rights law. The *Agenda 2030* prioritizes the elimination of discrimination and the reduction of inequalities, using disaggregated data to identify who is left behind with a view to uphold the underpinning principle of “leaving no one behind”. It thus offers important opportunities to ensure a human rights-based approach, and to counter exclusion and structural inequalities seeking thus to close the gaps for the most marginalized people and those suffering discrimination. The *2030 Agenda* marks a paradigm shift towards a comprehensive and integrated vision of sustainable development, applicable to all people in all countries, explicitly anchored in human rights.

There is no doubt that the promotion and protection of human rights lies at the heart of the work of the United Nations and that human rights mainstreaming has become part of the core work of the United Nations development system.

II. National Human Rights Context

Guinea-Bissau has ratified or accessed core international human rights treaties^[2] and has signed but not ratified the optional protocols to the International Covenant on Economic, Social and Cultural Rights (ICESCR), to the Convention on the Rights of the Child (CRC) and to the Convention on the Rights of Persons with Disabilities (CRPD) all relating to the competence of the respective treaty body to receive communications. Guinea-Bissau is yet to become a party to the International Convention on the Rights of Migrant Workers and Their Families, to the International Convention for the Protection of All Persons from Enforced Disappearances as well as to the Rome Statute of the International Criminal Court.^[3]

Concluding observations on Guinea-Bissau have been issued by two treaty bodies, the Committee on the Rights of the Child in 2013^[4] and the Committee on the Elimination of Discrimination against Women in 2009.^[5] Guinea-Bissau currently has pending human rights reporting obligations before the Committee on Human Rights (State party report due since 1 November 2011); the Committee on Economic, Social and Cultural Rights (State party’s report due since 30 June 1994); the Committee on the Elimination of Discrimination against Women (follow-up State Party Report due since 08 August 2011); the Committee against Torture (State party’s report due since 24 October 2014); and The Committee on the Elimination of All Forms of Racial Discrimination (State Party’s report due since 1 February 2011). Further the next report of Guinea-Bissau to the Committee on the Rights of the Child is due on 18 March 2019 and the human rights reports under the Optional Protocols to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict and on the Sale of Children, Child Prostitution and Child Pornography are due by Guinea-Bissau respectively since 24 October 2014 and 1 December 2012.^[6] The State issued in January 2011 a standing invitation to the Special Procedures of the Human

^[2] Human Rights Council Working Group on the Universal Periodic Review, “National Report submitted by Guinea-Bissau in accordance with paragraph 5 of the annex to the Human Rights Council Para 16/21”, A/HRC/WG.6/21/GNB/1, 9 January 2015, para.16.

^[3] The United Nations official data on the status of multilateral treaties is available at: <https://treaties.un.org/Pages/ParticipationStatus.aspx?clang=en> (last accessed on 4 November 2017).

^[4] “Concluding observations on the combined second to fourth periodic reports of Guinea-Bissau, adopted by the Committee at its sixty-third session (27 May – 14 June 2013)”, CRC/C/GNB/CO/2-4, 8 July 2013.

^[5] “Concluding observations of the Committee on the Elimination of Discrimination against Women on Guinea-Bissau”, CEDAW/C/GNB/CO/6, 7 August 2009.

^[6] Information on the reporting obligations of the Republic of Guinea-Bissau to treaty bodies is available at: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=GNB&Lang=EN (Last accessed on 4 November 2017).

Rights Council,^[7] and has received since then the Special Rapporteurs on Extreme Poverty^[8] and on the Independence of Judges and Lawyers.^[9]

III. Functions

The WGHR, as one of the coordination, implementation and monitoring mechanisms established by the UNPAF (2016-2020) is aimed to ensure a coherent and coordinated approach in all initiatives on the promotion and protection of human rights among United Nations entities, international and regional partners and national stakeholders in Guinea-Bissau.

In light of that, the WGHR will have the following functions: **(1)** Serve as a platform of coordination of initiatives on the promotion and protection of human rights among United Nations entities, international and regional partners and national stakeholders in Guinea-Bissau; **(2)** serve as a platform of dialogue, information and knowledge-sharing aimed at facilitating a Human Rights-Based Approach to programming and to development cooperation, and to foster the implementation of various human rights-related policies and to encourage common human rights messaging; **(3)** Serve as a forum to enhance collaboration with international human rights mechanisms, and to the extent possible with regional human rights bodies and mechanisms, including the Human Rights Council and its subsidiary bodies and specialized Working Groups, the Special Procedures, the Universal Periodic Review and the treaty bodies.

IV. Expected duration

The HRWG has been established as a standing mechanism of the UNPAF and thus, it will review yearly the impact of its work and propose adjustments as necessary. Any changes to the HRWG ToRs, structure or implementation mechanisms will require prior approval by the UNCT.

V. Linkages with other (UN) Working mechanisms processes or institutions

Supporting the integration of human rights in all aspects of the UNPAF's work is an important aspect of the HRWG objectives. Towards this end, the HRWG will coordinate its work and establish strategic linkages and partnerships with other working groups and processes, as well as other interagency mechanisms and networks. Information-sharing on the broader UN Human Rights machinery, including to assist treaty bodies, UPR and Special Procedures process shall also be channelled through the HRWG.

VI. Working Methods

Governance mechanism

^[7] Human Rights Council Working Group on the Universal Periodic Review, "National Report submitted by Guinea-Bissau in accordance with paragraph 5 of the annex to the Human Rights Council Para 16/21", A/HRC/WG.6/21/GNB/1, 9 January 2015, para.21.

^[8] "Report of the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona, Addendum, Mission to Guinea-Bissau", A/HRC/29/31/Add.1, 1 April 2015.

^[9] "Report of the Special Rapporteur on the independence of judges and lawyers, Monica Pinto, Addendum, Mission to Guinea-Bissau", A/HRC/32/34/Add.1, 4 April 2016.



The HRWG is co-chaired by OHCHR (Chief of the UNIOGBIS Human Rights Component) and a senior representative of another UN agency appointed on a yearly basis by the United Nations Country Team. The HRWG shall meet at a senior level 3 to 4 times a year. This might include the possibility to undertake a policy retreat where members will convene in person to discuss policy and operational issues of strategic importance. Decisions taken by the WGHR shall be further validated by the UNCT to become effective.

The HRWG will also meet at the focal point level, depending on the circumstances, throughout the year to support the implementation of the HRWG's decisions, and work plan.

Secretariat

The Human Rights component of UNIOGIBS will provide coordination and technical support to the HRWG, in collaboration with the other Co-Convener.

VII. Membership

The membership of the HRWG is open to all UN members and should be at senior, decision-making level. The HRWG may host national counterparts and invite special guests on case-by-case basis, as relevant to its work.

VIII. Annexes

Annex I. Standard Agenda Items for the WG meetings

Partnership Framework between Guinea-Bissau and the United Nations (UNPAF 2016-2020)

**WORKING GROUP ON HUMAN RIGHTS
Standing Agenda Items**

1. General Update on the Human Rights Situation
2. Update on Implementation of United Nations Human Rights Policies in Guinea-Bissau
3. Update on Guinea-Bissau collaboration with International and Regional Human Rights mechanisms
4. Upcoming Human Rights Activities
5. Adoption of decisions
6. AOB

Annex II
Partnership Framework between Guinea-Bissau and the United Nations 2016-2020
Excerpts³

The UNPAF 2016-2020 has a following range of results/activities in the field of promoting and protecting human rights, the United Nations team shall provide support to:

1. The promotion of political and social dialogue to strengthen confidence among the main political actors and social cohesion;
2. The harmonization of national legislation, the strengthening of capacities to follow up on the implementation of international and regional treaties and conventions ratified, and the ratification of the new treaties and conventions;
3. The promotion and strengthening of the capacities of public institutions and other national actors in Human Rights, especially the Human Rights-Based Approach;
4. The integration of Human Rights into school and university programs and civic education.
5. The improvement of the capacities of Parliament in drafting bills, analyzing bills and related texts, the effective control of government action as well as for the implementation of the process of revising the Constitution, electoral law, and the law on political parties;
6. The improvement of the capacities of institutions in charge of managing the electoral process;
7. The application of laws for the prevention of Gender-Based Violence (GBV) and harmful practices, and the provision of services to women and girls who have been victims of violence;
8. The strengthening of the social dialogue through a social stability pact;
9. The systematic inclusion of the principle of gender equality in the dynamic of consolidation of peace in conformity with Resolutions 1325 (2000) and 1820 (2008) of the Security Council and in the protection of human rights.

³ Partnership Framework between Guinea-Bissau and the United Nations (2016-2010), p.20.

Annex III.
THE HUMAN RIGHTS-BASED APPROACH TO DEVELOPMENT COOPERATION

Towards a Common Understanding among the United Nations Agencies
(Second Inter-agency Workshop, Stamford, United States of America, May 2003)

1. All programmes of development cooperation, policies and technical assistance should further the realization of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments.
2. Human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process.
3. Development cooperation contributes to the development of the capacities of “duty-bearers” to meet their obligations and of “rights-holders

Annex IV.
Human Rights-Based Approached (HRBA) Checklist for a Project Cycle

<i>Sample Checklist for a HRBA Project Cycle</i>	Yes	No
Step 1: Situation Analysis		
1. Have you identified the problem you plan to address and identified the key immediate, underlying and basic causes?		
2. Have given due attention to issues of power relationships, discrimination, inequality, ethnicity, age, gender etc?		
3. Have you identified the actors who are likely to enter into the roles of right-holders and duty-bearers?		
4. Have you identified the most important human right relationships between pairs of right-holders and duty-bearers; and identified the set of claims that can be made by right-holders (against the duty-bearers) and the set of correlative duties of the duty-bearers?		
5. Have you reviewed the extent to which these rights relationships are reflected in human rights obligations from the Vietnamese Constitution, domestic laws, and international human rights laws ratified by Viet Nam?		
6. Have you identified the most important capacity gaps of the right-holders that constrain them from claiming their rights; and the most important capacity gaps of the duty-bearers to meet their obligations?		
Step 2: Project Design and Planning		
7. Have you identified and involved the key actors (right-holders and duty –bearers) in the planning of the project?		

Sample Checklist for a HRBA Project Cycle	Yes	No
8. Have you identified what the Treaty Monitoring Bodies have said would be done about the problem(s) identified in Step 1?		
9. Have you identified what the project is going to do in response to what the Treaty Monitoring Bodies have said?		
10. Have you identified what interventions/activities are required to close the most important capacity gaps of the right-holders to be able to claim their rights?		
11. Have you identified what interventions/activities are required to close the most important capacity gaps of the duty-bearers to be able to meet their duties?		
Step 3: Project Implementation		
12. Have you outlined the implementation strategy in compliance with International Human Rights Standards and General Recommendations made by Treaty Monitoring Bodies?		
13. Have you identified which <i>duty-bearers</i> and <i>rights-holders</i> you are involving in the implementation?		
14. Have you carefully considered the obligation to adhere to all human rights principles during each step of the implementation (<i>quality of the process</i>)?		
15. Have you identified the specific obligations the <i>duty-bearers</i> should undertake to <i>respect, protect and fulfill</i> the human rights for <i>rights-holders</i> ?		
16. Have you identified the specific obligations the <i>duty-bearers</i> should undertake to <i>respect, protect and fulfill</i> the human rights for <i>rights-holders</i> ?		
17. Will the project design and implementation strategy contribute to the empowerment and capacity of rights-holders to claim their rights (e.g. ability to access information, organize, advocate policy change and get access to justice etc)?		
Step 4: Project Monitoring and Evaluation		
18. Can you measure the goods, services and deliverables produced to develop the capacity of <i>duty-bearers</i> and <i>rights-holders</i> ? (Output Indicator)		
19. Can you measure the legal, policy, institutional and behavioral changes leading to a better performance of <i>rights-holders</i> to claim their rights and <i>duty-bearers</i> to meet their obligations? (Outcome Indicator)		
20. Can you measure sustained, positive changes in the life, dignity and wellbeing of rights-holders (both individual and groups)? (Impact Indicator)		
21. Can you measure the ways in which the project/programme processes meeting the human rights principles, including participation, inclusion, and transparency, especially for vulnerable groups? (Process Indicator).		
