

Delivering as One on Human Rights

UN Sustainable Development Group Human Rights Mainstreaming (UNSDG-HRM)¹

Multi-Donor Trust Fund

Terms of Reference (Final)

5 December 2019

(Original Terms of Reference 21 October 2010, amended 12 September 2012 and further amended 8 February 2019 and 5 December 2019)

¹ Previously named the UNDG Human Rights Mainstreaming Mechanism (UNDG-HRM), the operational name of this Fund is changed to the UN Sustainable Development Group Human Rights Mainstreaming (UNSDG-HRM) by decision of the Steering Committee 5 December 2019.

PART 1: INTRODUCTION

1.1. Purpose

The purpose of this Multi-Donor Trust Fund (MDTF) is to support the implementation of priorities of the United Nations Sustainable Development Group, including relevant UNSDG inter-agency coordination mechanisms, to further institutionalize the mainstreaming of human rights into UN operational activities for development by further strengthening system-wide coherence, collaboration and support for UNRCs and the UNCTs on human rights mainstreaming, as well as to strengthen the coherence of UN responses to national priorities, thus ensuring strong national ownership and capacity to fulfill human rights obligations and implement the 2030 Agenda in a manner consistent with international human rights standards and principles. The MDTF will support strategic activities at global, regional and country level that ultimately contribute to the *transformational change and/or impact* at the country level.

1.2. Background

Encouraging respect for human rights is a fundamental purpose of the UN under its Charter. All agencies and organizations under the UN system, within their own unique mandate, are committed to the common values and purpose of the UN Charter and contribute directly and indirectly towards the realization of human rights.

Mainstreaming of human rights within the UN system has thus been central to a series of UN reform initiatives since 1997. In the area of development, human rights mainstreaming has progressively gained momentum under the UNDG from general policy integration and coherence at global level (the UN Common Understanding on a Human Rights Based Approach and the integration into the CCA/UNDAF Guidelines) to strengthened UN capacity for actions at country level in support of national actions through joint programming and advocacy, which was accelerated by the Global Action 2 interagency programme (2004-2008). The Action 2 programme was launched as a joint initiative of UNDG, ECHA and OHCHR to support the implementation of the interagency plan of action developed in response to the former Secretary-General's call to strengthen human rights capacity of the UN at country level ('Action 2' of the Secretary-General's UN reform proposals in 2002).

Political impetus for human rights mainstreaming was significantly strengthened by the 2005 World Summit, in which world leaders reaffirmed that human rights, development and peace and security are three interlinked pillars of the UN, and gave explicit support for the integration of human rights within the UN system as well as resolving to integrate human rights into their national policies (A/RES/60/1, para. 1). The 2007 General Assembly resolution on Triennial Comprehensive Policy Review (TCPR) further provided the context for UN operational activities for development, by 'recognizing also that development, peace and security and human rights are interlinked and mutually reinforcing, and reaffirming that development is a central goal in

itself and that it constitutes a key element of the overarching framework for the United Nations operational activities for development' (A/RES/62/208, preamble).

Governing bodies of many UNDG member agencies also gave explicit support for mainstreaming and contributing to human rights within their respective mandates. Numerous resolutions of the Human Rights Council (and the former Commission on Human Rights) have called upon UN agencies to contribute to human rights and to integrate human rights into their activities.

Against this political context, and facing increasing demands from UN Resident Coordinators (RCs) and UN Country Teams (UNCTs) for better guidance and support to respond to increasing demands from Member States for assistance in the area of human rights, the High Commissioner for Human Rights and the UNDG Chair jointly initiated a Principals-level discussion at the Secretary-General's Policy Committee. This initiative was aimed at enhancing the coherence of the UN's work in the area of human rights and development, by clarifying the roles and contributions of UN operational activities for development to human rights, and that of RCs.

As a result of this Principals-level discussion, the Secretary General issued a policy decision on 23 May 2008 which reaffirmed "the centrality of human rights in the development work of the United Nations and stresses the universality of human rights and the unique role and mandate of the United Nations system in this regard."² The Secretary-General further tasked OHCHR and the UNDG Chair to initiate "an interagency process to explore the modalities to further strengthen system-wide coherence, collaboration and support for RCs and UNCTs in mainstreaming human rights, taking into account lessons learned from Action 2".

The establishment of the UNDG HRM was the direct response to the directive from the Secretary-General. Such a dedicated mechanism enabled the UNDG to consolidate the achievements of the Action 2 programme from 2004-2008 as well as those from various workstreams under other existing UNDG Working Groups, and provided a platform for continued interagency collaboration to strengthen policy coherence and operational support to UNCTs. Subsequent inter-agency coordination mechanisms focused on human rights including the UNDG Human Rights Working Group and the UNDG Results Group VVN continued this work. Ultimately, these mechanisms also contributed to a more coherent contribution by the UNSDG in mainstreaming human rights into operational activities for development at country level, as well as responding effectively to national priorities by ensuring strong national ownership.

In the context of the ongoing efforts to support the realization of the vision of the 2030 Agenda and implement the QCPR 2016 and the UN development system reform, continued funding to support the human rights mainstreaming efforts of the UNSDG, at global, regional and country

² The decision outlined the parameters for defining the role and responsibilities of RCs in the area of human rights and development, to include coordinating the work of the UNCT, promoting human rights standards and principles and advocating for "human rights as a common UN value in dialogue and interactions with national actors".

level is crucial to maintain and build on the gains and achievements of the last 10 years. The UN development system reforms mandated by the General Assembly (A/Res/72/279) envisage a revitalized UNDAF in support of the implementation of the 2030 Agenda, new generation of UNCTs ensuring the best configuration of support on the ground, and strengthened capacities, resources and skill sets within the UN development system to support national Governments in achieving the Sustainable Development Goals. It also envisages impartial and empowered Resident Coordinators, with the authority and leadership to draw on the expertise and assets of all United Nations development system entities, including non-resident agencies, and system-wide accountability on the ground for implementing the United Nations Development Assistance Framework and supporting countries in their implementation of the 2030 Agenda. Human rights leadership and technical capacities will be critical to ensure that the new development system will be able to fully integrate human rights into the support provided to Member States, in line with the vision of the 2030 Agenda.

PART 2: UNSDG HUMAN RIGHTS MAINSTREAMING

2.1 Main objective and primary components:

The overall objective of the UNSDG-HRM MDTF is to further strengthen system-wide coherence, collaboration and support for UNRCs and the UNCTs on human rights mainstreaming in development, in accordance with the vision and strategic priorities of the UNSDG Task Team on Leaving No One Behind, Human Rights and the Normative Agenda and other relevant UNSDG inter-agency coordination mechanisms. In contributing to the overall objective, the UNSDG-HRM MDTF focuses on four primary components:

- 1. Promoting a coordinated and coherent UN system-wide approach towards the integration of human rights principles and international standards into UN operational activities for development;*
- 2. Providing coherent support for Resident Coordinators and UN Country Teams in mainstreaming human rights;*
- 3. Developing a coherent UN-system wide approach, through cooperation and collaboration among UN agencies, to providing support towards strengthening national human rights protection systems at the request of governments; and*
- 4. Contributing to the integration of human rights issues in the overall UNSDG advocacy on development agenda and global issues.*

Component 1: Promoting a coordinated and coherent UN system-wide approach towards the integration of human rights principles and international standards into UN operational activities for development.

Under this component the focus will be on developing policy guidance and practical tools, strengthening a system-wide knowledge management system, and promoting a coordinated approach to HRBA capacity building and learning. Particular emphasis will be placed on promoting the complementarity between the core human rights treaties and the relevant instruments of specialized agencies.

Key outputs and activities include:

- Development and dissemination of policy guidance, updates and practical tools for UNCTs to facilitate the integration of human rights principles, international standards and outputs of human rights mechanisms into UN operational development programmes;
- Provision of continued support to the UNDAF rollouts and “Delivering as One” pilots on HRBA, through an integrated approach under the UNSDG to promoting the application of key programming principles in coordination with the relevant UNSDG inter-agency coordination mechanisms ;
- Strengthening capacity and collaboration at the regional level (e.g. through deployment of regional Human Rights Advisors) to support UNCT efforts in integrating human rights into UN common programming process, particularly for integrating the HRBA into UNDAFs and ensuring their quality; and
- Supporting and enhancing UN system-wide knowledge management systems and tools such as HURITALK and HRBA Portal. Knowledge management will be a cross-cutting strategy to support all components of the UNDG-HRM’s work.

Component 2: Providing coherent and coordinated support to Resident Coordinators and UN country teams in mainstreaming human rights.

Under this component, the emphasis will be on providing updated guidance, enhancement of learning opportunities for the RC and UNCT leadership, and dedicated advisory capacity through Human Rights Advisors, as requested by the Secretary-General’s Policy Decision on Human Rights and Development.

Key outputs and activities include:

- Updating the current guidelines on human rights for the RCs;
- Development and implementation of a human rights learning and support strategy for the RCs, including: the development of “executive oriented” human rights training materials with case studies and country-specific guidance, with particular focus on difficult and challenging situations; and the establishment of peer learning/support network among current/former RCs actively engaged on human rights;
- Development of a strategy and guidance for the deployment of human rights advisors at the request of RCs to provide country-specific and targeted support, necessary technical assistance, advice and tools; and

- Strengthening capacity and coordination for regional-level support among Regional Offices of participating members under the Regional Directors Team, to improve the availability and coordination of on-demand advisory services and to facilitate the information collection and sharing of knowledge and experience.

Component 3: Developing a coherent UN-system wide approach, through cooperation and collaboration among UN agencies, to providing support towards strengthening national human rights protection systems at the request of governments.

Under this component the emphasis will be on promoting a coordinated UN response to national priorities for human rights capacity building to establish or strengthen national protection systems, particularly in follow-up to the recommendations made by international human rights mechanisms. Particular focus will be placed on supporting the UNCT and partner countries' efforts in strengthening the capacity of national human rights institutions and a wide range of stakeholders, promoting national dialogue and awareness of the centrality of human rights in development, and the unique role of the UN in this regard.

Key outputs and activities include:

- Provision of guidance and coordinated support to UNCTs working together on human rights and development, for example: promoting human rights in national development dialogues for the SDGs and poverty reduction; building national capacity to follow-up on key recommendations of international human rights mechanisms and/or to effectively interact with such mechanisms as well as with regional mechanisms; supporting the establishment or strengthening of national protection systems including independent national institutions;
- Development of a UN system-wide inventory of resources, tools and expertise available to support national human rights capacity building, linked to the knowledge management system (see Component 1);
- Provision of technical advice and support to the UNCT coordination mechanisms such as the theme group on human rights, including through human rights advisors placed at country and regional levels;
- More systematic engagement with the international human rights machinery, through the provision of user-friendly guidelines and regular updates on their work as well as country specific information and briefings.

Component 4: Contributing to the integration of human rights issues in the overall UNDG advocacy on development agenda and global issues.

Under this component, the UNSDG-HRM MDTF will support the development of policies to address strategic human rights issues that are of relevance to UN operational activities for development through implementation of relevant activities as detailed below and ensuring policy discussions are informed by and leverage experiences in implementing activities funded under the MDTF. It will develop advocacy tools highlighting human rights dimensions of global

development priorities and issues such as the SDGs and other internationally agreed development goals, so as to contribute to the overall UNSDG advocacy on the global development agenda and policy support to national priorities.

Key outputs and activities include:

- Developing key messages on the linkages between human rights and development issues; and
- Human rights mainstreamed into the overall UNSDG policy messages and contributions on global development agenda.

2.2 Compliance with UNSDG-HRM's MDTF's Overall Framework

Participating UN Organization(s) may receive funding from the UNSDG-HRM MDTF to implement programmes and activities that embody the objectives of the UNSDG to mainstream human rights, in accordance with the vision and strategic priorities of the UNSDG Task Team on Leaving No One Behind, Human Rights and the Normative Agenda and other relevant UNSDG inter-agency coordination mechanisms. The proposal(s) should contribute to one or more of the four pillars outlined above, under the following four broad categories:

⇒ **Country level:** *Promoting coherent policy support and guidance to Resident Coordinators and UNCT agency leadership on human rights; enhancing learning opportunities for RCs and UNCT agency leadership on human rights; strengthening the RC Office capacity on human rights; supporting the integration of human rights into national development policies and strategies; and supporting the strengthening of national capacity on human rights.*

⇒ **Regional level:** *Strengthening capacity and collaboration at regional level, including support to Regional UNSDGs).*

⇒ **UN system level:** *Strengthening system-wide coherence in policies and practices across UNSDG, based on human rights standards and principles; and enhancing HRBA support to UN country teams, with particular focus on UNDAF roll-outs and Delivering as One pilots.*

⇒ **Advocacy and Knowledge Building:** *Strategic positioning of human rights in the context of UN operational activities for development; and enhancing UN system-wide knowledge codification and sharing.*

2.3 Implementation Modalities and Criteria for Support:

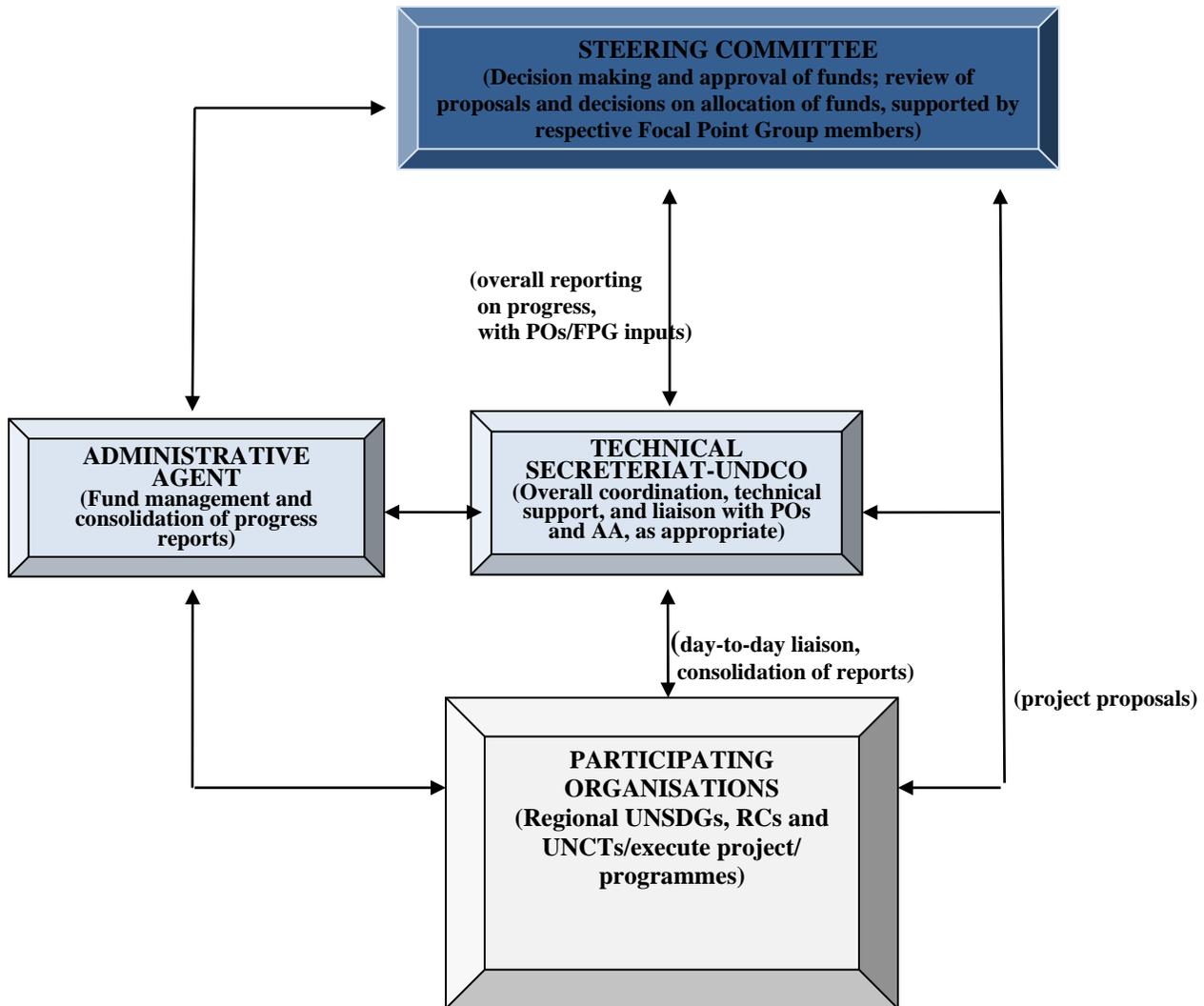
Activities of the UNSDG entities supported by this MDTF will be implemented by Participating UN Organizations utilizing existing and relevant agency or agency/programme/project infrastructures (including relevant oversight bodies), at global, regional and national levels, including through the joint programming modalities.

The UNSDG-HRM Steering Committee, supported by the Technical Secretariat, coordinates the implementation of all activities under the MDTF to ensure its timely delivery and compliance with the overall workplan and objectives of the MDTF. The MDTF has detailed criteria and procedures for approval of project proposals to be supported under the MDTF, in line with the overall objectives.

One of the main objectives of the UNSDG-HRM MDTF is to support UN Resident Coordinators in their strategic leadership of the UNCTs in mainstreaming human rights at country level and relationships with national authorities. When activities are implemented at country level at the request of UNCTs, the UN Resident Coordinators will provide ongoing oversight to the programmes at the national level, ensuring the Participating UN Organizations are meeting their obligations. The UN Resident Coordinators are entrusted with supporting the overall programme design, ongoing programmatic oversight of the UNSDG-HRM MDTF activities and UN coordination.

The UN Resident Coordinator at the country level also facilitates monitoring and evaluation of UNSDG-HRM MDTF activities at the country level in conformity with UN standards, joint programming documents and related MoUs. On receipt of consolidated country level reports, the Resident Coordinator will provide an overall assessment of the programme's progress and results within the scope of its role.

2.4 UNSDG-HRM MDTF Architecture



2.4.1 Steering Committee

The UNSDG-HRM MDTF is managed by a Steering Committee comprised of representatives at senior, decision-making level from up to six Participating Organisations which have signed the MOU, with OHCHR to serve as the Chair. The Steering Committee sets the strategic direction of the MDTF, reviews funding proposals and approves allocations. The Administrative Agent will be an ex-officio member of the Steering Committee. The Steering Committee members will be supported by technical level Focal Points nominated by their respective Steering Committee representatives.

2.4.2 Technical Secretariat

The UN Development Coordination Office (UNDCO), in its capacity as the UNSDG secretariat, will support the implementation of the UNSDG-HRM MDTF and activities of the Steering Committee, with substantive support provided by OHCHR, with other agencies leading on specific components/tasks. In addition, UNDCO will provide advice on UNSDG policies and guidelines, and ensure institutional linkages and information sharing with the Task Team on Leaving No One Behind, Human Rights and the Normative Agenda and other relevant UNSDG inter-agency coordination mechanisms where necessary. UNDCO will also be responsible for coordination of support to and communication with RCs/UNCTs and Regional UNSDG on behalf of the UNSDG-HRM MDTF. For this purpose, appropriate technical capacities will be established in UNDCO:

The technical staff will provide overall coordination and facilitation support to the UNSDG-HRM, Participating UN Organizations, and the Administrative Agent. In addition to defined substantive roles, they will also be tasked with the following activities:

- Prepare draft criteria for the selection of participating countries for the approval of the Steering Committee;
- Develop draft guidelines for the preparation and submission of country proposals;
- Review proposals submitted by Participating UN Organizations for completeness and consistency with approved vision and strategic priorities of the UNSDG and workplans of the Task Team on Leaving No One behind, human rights and the normative agenda before submitting them to the Steering Committee;
- Upon approval by the Steering Committee and its Chair, transmit the decisions to the Administrative Agent for fund disbursement;
- Coordinate technical assistance to country offices, with a view to ensuring Fund-wide success and support monitoring processes;
- Preparing periodic progress reports on the programme implementation and analyzing implementation bottlenecks and presenting recommendations to the Steering Committee on measures to accelerate the implementation;

2.4.3 Administrative Agent

Administration of the UNSDG HRM-MDTF is entrusted to the UNDP Multi-Partner Trust Fund Office (MPTF Office), as the Administrative Agent who serves as the administrative interface with donors and Participating UN Organizations. This Trust Fund will use the pass-through modality. In a pass-through arrangement, donors and Participating UN Organizations agree to channel funding through one Participating UN Organization, referred to as the Administrative Agent, who is jointly selected by all Participating UN Organizations.

UNDP's accountability as the Administrative Agent is set out in the policy "UNDP's Accountability when acting as Administrative Agent in MDTFs and/or UN Joint Programmes

using the pass-through fund management modality."UNDP performs the AA functions in accordance with the UNDG "[Protocol on the Administrative Agent for Multi Donor Trust Funds and Joint Programmes, and One UN Funds](#)". [Policies and guidance](#) on the role of the Administrative Agent is available on the [MPTF Office's GATEWAY](#) (mdtf.undp.org). The Administrative Agent administers resources in accordance with the decisions of the HRM Steering Committee. It will be responsible for the following activities:

- Sign a MOU with the Participating UN Organizations;
- Negotiate and sign Standard Administrative Arrangements with donors that wish to provide contributions to the UNSDG-HRM MDTF;
- Receive, administer, and manage contributions from donors;
- Subject to availability of funds, disburse funds to Participating UN Organizations based on resource allocation decisions of the Steering Committee;
- Consolidate annual and final financial reports from the Participating UN Organizations;
- Transmit annual/final Consolidated Reports to donors through the Technical Secretariat and Steering Committee.

The Administrative Agent will charge a 1% fee of each donor contribution for fund administration and fiduciary responsibilities.

2.4.4 Participating UN Organizations

UN Organizations that participate in MDTFs or Joint Programmes are required to sign a standard Memorandum of Understanding (MOU) with the Administrative Agent (AA), and are referred to as "*Participating UN Organizations*". Each Participating UN Organization operates under its own financial regulations, rules and policies and assumes full financial and programmatic accountability for the funds disbursed to it by the AA and for the implementation of the project, and provides financial and narrative progress reports to the AA on its activities, as described in the MOU. Similarly, each Participating UN Organization will recover its indirect costs for implementing projects as agreed and specified in the MOU signed with the AA.

Participating UN Organizations shall assume full programmatic and financial accountability for funds transferred to them by the Administrative Agent and will be responsible for the following activities:

- Submit proposals, through the Technical Secretariat, for review and subsequent consideration by the Steering Committee;
- Design, implement and oversee projects;
- Establish a separate ledger account for the receipt and administration of the funds disbursed to it by the Administrative Agent.

For each project approved for funding from the UNSDG-HRM MDTF, Participating UN Organizations will be required to provide the following to the Secretariat:

- Narrative progress reports for each twelve-month period ending 31 December, to be provided no later than 30 March after the end of the applicable reporting period;
- Final narrative reports, after the completion of the activities in the approved programmatic document/Joint Programme Document and including the final year of the activities in the approved programmatic document/Joint Programme Document, to be provided no later than four months (30 April) of the year following the financial closing of the UNSDG HRM MDTF. The final report will give a summary of results and achievements compared to the goals and objectives of the UNSDG-HRM MDTF.

Participating UN Organizations will be required to provide the following statements and reports to the Administrative Agent:

- Annual financial statements and reports as of 31 December with respect to the funds disbursed to it from the UNSDG-HRM MDTF Account, to be provided no later than four months (30 April) after the end of the calendar year;
- Certified final financial statements and final financial reports after the completion of the activities in the approved project and including the final year of the activities in the approved project to be provided no later than six months (30 June) of the year following the financial closing of the UNSDG-HRM MDTF.

Indirect costs of the Participating UN Organizations recovered through programme support costs will be 7%. In accordance with the UN General Assembly resolution 62/208 (2007 Triennial Comprehensive Policy Review principle of full cost recovery), all other costs incurred by each Participating UN Organization in carrying out the activities for which it is responsible under the UNSDG-HRM MDTF will be recovered as direct costs.

3. Contributions to the MDTF

Contributions to the UNSDG-HRM from the bilateral donors may be accepted in fully convertible currency and shall be deposited in the bank accounts designated by UNDP. The value of a contribution-payment, if made in other than United States dollars, shall be determined by applying the United Nations operational rate of exchange in effect on the date of payment.

4. Audit

The Administrative Agent and Participating UN Organizations will be audited in accordance with their own Financial Regulations and Rules and, in accordance with the Framework for auditing multi-donor trust funds which has been agreed to by the Internal Audit Services of Participating UN Organizations and endorsed by the UNDG in September 2007.

5. Evaluation

Monitoring and evaluation of the Fund will be undertaken in accordance with the provisions contained in the TOR, which are consistent with the respective regulations, rules and procedures of the Participating UN Organizations.

The donor(s), the Administrative Agent and the Participating UN Organizations will hold annual consultations, as appropriate, to review the status of the Fund.

6. Joint Communications

Each Participating UN Organization will take appropriate measures to publicize the HRM-MDTF and to give due credit to the other Participating UN Organizations. Information given to the press, to the beneficiaries of the Fund, all related publicity material, official notices, reports and publications, will acknowledge the role of the host Government, the donors, the Participating UN Organizations, the Administrative Agent and any other relevant entities. In particular, the Administrative Agent will include and ensure due recognition of the role of each Participating UN Organization and partners in all external communications relating to the Fund.

The Administrative Agent in consultation with the Participating UN Organizations will ensure that decisions regarding the review and approval of the Fund as well as periodic reports on the progress of implementation of the Fund, associated external evaluation are posted, where appropriate, for public information on the websites of UNSDG HRM-MDTF country Websites and the MPTF Office GATEWAY of the Administrative Agent (mdtf.undp.org). Such reports and documents may include approved programmes and programmes awaiting approval, fund level annual financial and progress reports and external evaluations, as appropriate.

7. Establishment and Termination of MDTF

The UNSDG HRM-MDTF will be established upon signing of the Memorandum of Understanding amongst at least two Participating UN Organisations and the Administrative Agent. It will become operational upon signing of the first Standard Administrative Arrangement with the donor. Nothing in this Framework Document affects the provisions agreed in the Memorandum of Understanding between Participating UN Organizations and the United Nations Development Programme regarding the Operational Aspects of the UNSDG-HRM MDTF.

The UNSDG-HRM MDTF Fund will terminate upon completion of all Programmes funded through the MDTF and after satisfaction of all commitments and liabilities. Notwithstanding the completion of the initiatives financed from the UNSDG HRM Fund, any unutilized balances will continue to be held in the UNSDG HRM MDTF Account until all commitments and liabilities incurred in implementation of the Projects/Programmes have been satisfied and project activities have been brought to an orderly conclusion.

Any balance remaining in the UNSDG HRM MDTF Account or in the individual Participating UN Organizations' accounts upon completion of UNSDG HRM MDTF shall be used as decided by the Steering Committee.

For more information about the MDTF pass-through modality, please see:
www.undp.org/mdtf/overview.shtm