



PROFESSIONAL STANDARDS FOR PROTECTION WORK

**CARRIED OUT BY HUMANITARIAN AND HUMAN RIGHTS ACTORS
IN ARMED CONFLICT AND OTHER SITUATIONS OF VIOLENCE**

2013 EDITION



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Preface to the 2013 edition

Background

The first edition of the *Professional Standards for Protection Work*, launched in 2009, reflected the large consensus that came out of a two-year consultative process involving numerous humanitarian and human rights organizations. An advisory group composed of experienced practitioners and researchers accompanied the whole process.

From the outset, defining the standards was intended to be a dynamic process that would not end with the publication of the *Professional Standards* in 2009. It was foreseen that a partial or total revision would take place after protection actors had had the opportunity to use and reflect on the application of the standards in practice. Furthermore, when launching these professional standards in 2009, participating organizations were well aware that protection work and the environment in which it takes place are dynamic and evolve rapidly. Since then, new developments have emerged, influencing the practices of protection actors and the environment in which they work.

With this in mind and with the constant concern to update this living body of standards, the ICRC convened in September 2011 an expanded advisory group bringing together protection specialists from various UN agencies and NGOs. This group reviewed the dissemination of these professional standards, their implementation by protection actors as well as the need for an update. It identified particular areas for revision.

On the basis of these discussions, various participants (HPG, ICRC, OCHA, Oxfam and UNHCR) took upon themselves to work on draft proposals, which were discussed among the members of the advisory group throughout the first half of 2012, before being submitted to a larger community of practitioners.

This broader consultation process took place in summer 2012. It was carried out through a series of face-to-face meetings, specific events and the mobilization of various networks of organizations. This resulted in considerable re-writing of parts of the initial standards, and the inclusion of significant new issues and contents.

The document presented here takes into account the changes in the environment protection actors work in, and proposes standards and guidelines that seek to address the ensuing challenges. It is the result of the remarks and suggestions expressed by the advisory group and the feedback from this comprehensive consultation. Although they are far too numerous to be mentioned here, the advisory group extends its appreciation to all those who took part in this revision. As a product of an interactive process, it faithfully reflects contemporary concerns and is of direct relevance to the majority of actors involved in protection work.

How has the 2009 edition been used?

It is encouraging to know that the standards are widely known and that they are being used by many protection actors when they decide to revise and develop guidelines and training modules. It nevertheless remains a challenge to disseminate them in the field and to see them used for defining context-specific strategies.

There is a general agreement that these standards allow a better understanding of the challenges inherent in protection work and do capture a set of common professional ethics that aim to make this work safer and more effective. They define a baseline to guarantee a minimum of professionalism in the interest of both the affected populations and the community of protection actors. Rather than restrict diversity, these standards encourage protection actors to integrate this required minimum into their own practices, their guidelines and training sessions.

Why produce an update?

During the September 2011 meeting, the group identified challenges in three specific areas.

1. Data management and new technologies.

In light of the rapidly proliferating initiatives to make new uses of information technology for protection purposes, such as satellite imagery, crisis mapping and publicizing abuses and violations through social media, the advisory group agreed to review the scope and language of the standards on managing sensitive information. The revised standards reflect the experiences and good practices of humanitarian and human rights organizations as well as of information and communication technology actors.

Special consideration was given to:

- the notion of informed consent;
- the challenges presented by the interpretation of data collected remotely;
- the risks of bias and data manipulation;
- the assessment of risks to information sources and other conflict-affected populations arising from the public sharing of information.

2. Interaction and dialogue between protection actors and UN peacekeeping missions and other internationally-mandated military and police forces.

The UN Security Council has expressly mandated a number of United Nations peacekeeping missions to “protect civilians”. Implementing such mandates can include the use of force to protect civilians as well as a range of other activities that are complementary to those carried out by protection actors. The protection of civilians is also an issue discussed within the context of stabilization approaches adopted by a number of States and multilateral organizations. These approaches have been used as a policy framework for some international military and police interventions in fragile and conflict-affected States. The advisory group recognized that some degree of dialogue and interaction was necessary between protection

actors and UN peacekeeping operations and other internationally-mandated military and police forces, in order to secure positive protection outcomes while upholding humanitarian principles. This version of the *Professional Standards* seeks to provide guidance to this end.

3. Managing protection strategies.

The need to adapt a strategy based on monitoring and evaluation was already recognized in the 2009 edition. Since then, growing expertise and knowledge acquired by various protection actors in monitoring and evaluating protection strategies and objectives has helped identify good practices. Sharing this experience and the good practices more systematically was identified by the protection community as a need. It was therefore felt that the *Professional Standards* should be enriched with a new chapter on common lessons learned on the management of protection strategies. This chapter has a particular focus on defining SMART objectives and monitoring and evaluating their results.

Reaffirming the scope of the document

Readers are advised to read the “Scope and limitations of the project” and “For whom the standards are intended” sections of the Introduction carefully.

The *Professional Standards for Protection Work* are a set of minimum standards for humanitarian and human rights actors who engage in protection work, below which organizations are advised not to implement protection activities. In armed conflict and other situations of violence these standards can be seen as an overarching umbrella for other existing sets of standards developed by humanitarian and human rights organizations for their working procedures or in relation to more specific issues.

They complement and do not intend to replace or substitute any other sets of standards used by protection actors, such as the *Interagency guidelines for separated and unaccompanied children* (2004), the *Minimum Standards for Child Protection in Humanitarian Action* (2012), or the standards developed by OHCHR.

Last but not least, in its 2011 edition, the Sphere Handbook has included a chapter on protection principles; these four principles are fundamental for every actor providing humanitarian responses, whether or not one regards oneself as a protection actor. It is worth underlining that these efforts in standard setting in the field of protection are complementary, rather than duplicative or contradictory.

Outside the community of humanitarian and human rights actors, these *Professional Standards* can also serve as a source of inspiration to all those who seek to have a positive impact on protection.

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Franco PAGETTI/ICRC/VII

Introduction

Protecting people caught up in armed conflict and other situations of violence is a critical challenge. In many armed conflicts, distinctions between civilians and combatants are deliberately blurred. All too often civilians are the target of attacks and systematic violations and abuse of their rights. States and other relevant duty bearers frequently lack the capacity – or the will – to ensure effective protection of those at risk. Worse still, they may themselves perpetrate violence and abuse against certain segments of the population.

The international community has not remained indifferent to this challenge. Significant improvements have occurred in recent years in the protection response to crises. A key factor has been the marked increase in the number and diversity of humanitarian and human rights actors involved in promoting the protection of those at risk of violations or abuses in armed conflict and other situations of violence. Today, a broad range of humanitarian and human rights actors can be found in practically all hot spots around the globe, as well as in critical situations outside the spotlight of the global media.

This growth in numbers has brought enhanced variety and sophistication to protection work, which in itself is a positive and welcome development. However, with increased numbers and diversity comes greater complexity. The overall increase in operational presence has meant an ever-closer proximity among humanitarian and human rights actors engaging in protection work, which have now developed complementarities in extremely complex operating environments. The broad gap that formerly separated humanitarian and human rights workers has been reduced, and greater coherence has been established. But differences in approaches and aspirations still exist. While simultaneous presence can produce positive synergies, it can at times create confusion. This document recognizes differences between the two sets of actors, but is founded on the conviction that there is enough common ground to establish a firm, shared basis for their protection work in armed conflict and other situations of violence.

Why protection standards are needed

The new opportunity of an enhanced response capacity, which offers greater breadth and depth of specificity and increased complementarity, also inevitably brings with it a wide diversity in terms of the quality of the protection work being done. The absence of common professional standards can, indeed, lead to situations in which protection work could actually cause harm to the very people and communities it seeks to protect.

It is now generally agreed that an effective protection response demands adequate professional competence, and that a concerted effort is required to ensure that protection work by humanitarian and human rights actors meets commonly agreed,

minimum professional standards. While respecting the diversity of actors and approaches involved, the aim is to establish a baseline to be respected by all. However, defining and building consensus on what this means is a major challenge.

The objective of the ICRC-led workshops that took place between 1996 and 2000 was to determine professional standards to strengthen protection in war. A summary of the results is to be found in *Strengthening Protection in War: A Search for Professional Standards*, ICRC (2001). It defines a number of useful conceptual references for protection work that include “modes of action” and the “protection response egg”, now widely used.¹ Another important output was an agreed definition of protection, as quoted below.

Definition of protection

The concept of protection encompasses:

“... all activities aimed at ensuring full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law, i.e. human rights law, international humanitarian law, and refugee law. Human rights and humanitarian organizations must conduct these activities in an impartial manner (not on the basis of race, national or ethnic origin, language or gender).”²

This definition helped to establish greater understanding between humanitarian and human rights actors, and prompted the former to increasingly adopt a rights-based approach. However, the formulation of an adequately broad and comprehensive body of professional standards for protection work undertaken by these actors remained elusive.

Several initiatives have contributed, since then, to the search for professional standards in protection work, including the Sphere Project,³ and various United Nations and NGO initiatives.⁴ However, each of these efforts has tended to be based on a specific approach to protection or a given operational context. Overarching principles and fundamental elements which establish the foundation for safe and effective protection work in general were yet to be articulated. The focus of this project has therefore been to develop such a set of commonly agreed standards that can apply to all humanitarian and human rights actors doing protection work in conflict and other situations of violence.

1 Participants identified five distinct modes of actions that may also be combined: substitution, support, mobilization, persuasion and denunciation. The protection egg is a graphic representation of three different levels of action in the face of any pattern of abuse: halting its occurrence, working alongside the victims, and promoting lasting changes in the environment in order to diminish the likelihood of recurrence.

2 S. Giossi Caverzasio (ed.), *Strengthening Protection in War: A Search for Professional Standards: Summary of Discussions among Human Rights and Humanitarian Organizations*, Workshops at the ICRC, 1996-2000, ICRC, Geneva, 2001.

3 See the Sphere Project, *Humanitarian Charter and Minimum Standards in Disaster Response*, 2011 Edition.

4 See for example: *Minimum Standards for Protection Mainstreaming*, Caritas Australia, CARE Australia, Oxfam Australia, World Vision Australia, 2012.

Scope and limitations of the project

The standards and guidelines that follow are the result of an extensive consultative process. They reflect shared thinking and common agreement among humanitarian and human rights actors on minimum but essential elements, as well as principles and good practices required to ensure that their protection work is as safe and effective as possible.

These standards are not intended as operational guidance. They offer a broader perspective that defines the basic ingredients and competencies required for effective protection work. They also seek to orient protection actors within the formal global protection architecture, and vis-à-vis each other. Within this broader perspective, a “protection actor” is understood as an organization, as opposed to an individual. The standards thus constitute the minimum obligations that apply to any humanitarian or human rights organization engaged in protection work in armed conflict and other situations of violence.

Although fairly comprehensive in scope, the project makes no claim to be exhaustive in terms of the standards that have been defined. Both protection work and the environment in which it takes place are dynamic and are evolving rapidly. The standards thus represent a living body of work that is likely, over time, to gain in breadth and precision. They will achieve wider concurrence through their application, and through further reflection and research by the diverse actors who use them.

The standards make no attempt at further refining the definition of protection (as presented in the box above). On the other hand, they duly reflect the current view that persons at risk must themselves be at the centre of action taken on their behalf, playing a meaningful role in analysing, developing and monitoring protection responses to the threats and risks they confront. Beyond improving their physical security, promoting the respect of the rights, dignity and integrity of those at risk are seen as critical elements of any protection effort.

The content of this document is equally applicable to humanitarian and to human rights actors. With the ever-increasing proximity of these actors in highly complex operating environments, commonly agreed professional standards are essential for greater predictability and more effective interface and complementarity. There is no attempt, however, to define the extent to which humanitarian and human rights actors should seek overlap, distinction, commonality or complementarity in their protection work.

Nor is there any intention to exclude, limit or restrict who does what in protection. There is also no intention to standardize protection work in the sense of encouraging an increasingly uniform approach, nor to regulate and thus restrict the rich and evolving diversity that is a strength of the sector. The aim is rather to encourage diversity of approach and activity at both organizational and collective levels, while providing a baseline to ensure the safest, and most effective response in addressing the critical needs of persons at risk.⁵

⁵ Although developed for protection work in armed conflict and other situations of violence, these protection standards can be considered largely applicable to protection actors doing protection work in situations of natural disasters as well.

For whom the standards are intended

These standards are addressed to all humanitarian and human rights actors engaged in protection work in favour of communities and persons at risk in armed conflict and other situations of violence. Such work can include efforts to encourage formal duty bearers to assume their obligations more fully; or to enhance the capacity of those at risk to avoid or reduce their exposure to threats, and to overcome or cope better with the consequences of protection failures that affect them.

Not all humanitarian actors implement protection activities *per se*, although all need to integrate protection concerns into their practice. Such concerns are already present in concepts such as “doing no harm”, “mainstreaming protection”, or “good quality programming”. Clearly, any humanitarian actor bears the burden of ensuring that its activities (whether for relief, development, or for other goals) do not contribute to creating or aggravating risks confronting the communities and individuals in whose favour they work. A typical example is that of ensuring the safe location of latrines or other facilities as part of water and sanitation programmes. Safety must be considered as a basic element of good programming. Actors who limit themselves to the integration of protection concerns into their everyday activities can certainly gain inspiration from these standards, but are likely to find more practical guidance in the latest version of the Sphere standards and in the Minimum Standards for Protection Mainstreaming.

On the other hand, the “protection actors” specifically targeted by the present document are those humanitarian and human rights actors which engage directly in protection work in armed conflict and other situations of violence – explicitly putting the protection problem at the centre of their efforts. In the above example of the safe location of facilities, such an actor might also decide to take direct action to persuade the authorities to improve the safety of the area. It might choose to document and reference several recent incidents as means to justify a call for urgent action by the police or military to improve the security in the area of concern. This action might include bilateral or multilateral communication, that can be either confidential or public, undertaken individually or jointly with other stakeholders.

As stated earlier, these standards reflect shared agreement among protection peers on baseline requirements for safe and effective protection work. As such, they demand serious consideration. However, since there is no formal oversight mechanism to monitor their application, it is up to each protection actor to take the necessary measures, on an independent basis, to ensure the quality of its work. This requires a commitment to acknowledge and to address difficulties that might cause a failure to meet these standards.

If unable to meet these minimum standards, a protection actor would be expected to take steps to acquire the necessary means and resources to do so, or to conclude that it is not in a position to undertake protection work in armed conflict and other situations of violence.

Structure of the document

Standards, guidelines, and explanatory notes

The document presents a series of standards and guidelines, each accompanied by explanatory notes.

The standards constitute what are considered by the community of practitioners as minimum requirements for all humanitarian and human rights actors planning or carrying out protection activities in armed conflict and other situations of violence. As explained above, these standards define the minimum baseline that all humanitarian and human rights actors doing protection work must maintain.

It is likely that, in specific areas, some actors will be able to establish internal standards at a higher level than those to be found here, owing to the expertise and capacities they possess and their approach to protection work. Clearly, the higher standard (as set by a given organization) should take precedence.

The guidelines, on the other hand, are intended as useful and, in some cases, essential reference criteria. However, their application is likely to require more flexibility than that of standards, as they cannot be applied at all times by all actors. Some guidelines could even be adopted as standards by some organizations, but the same guidelines would be unrealistic, unfeasible or irrelevant to others, depending on the nature of their work, the approaches they adopt and the activities they undertake.

The explanatory notes aim to capture the main elements that sustain and justify each standard or guideline. They outline the main challenges the standards and guidelines are designed to tackle, the limitations and constraints, as well as the dilemmas they might pose to protection actors. They also cover some practical considerations as to their application. Despite having benefited from an extensive consultative process, these explanatory notes do not claim to be exhaustive, but aim rather to be illustrative. Nor do they constitute an operational manual on the application of the standards and guidelines, or on conducting protection activities. It is the responsibility of each protection actor to determine how to incorporate these standards and guidelines into its own practices.

Throughout the text,
the standards are flagged by the symbol 
and the guidelines by the symbol 

Issues covered by the standards

The standards and guidelines cover diverse issues of current concern, ranging from the responsibility of protection actors vis-à-vis the existing formal protection architecture, to the need to avoid any negative impact in their work, and to ensure that they possess the essential competencies required. Some issues are addressed at a broad conceptual level, while those of a more technical nature are treated in greater detail and in more concrete terms. The standards and guidelines are numbered chronologically throughout the document. They are organized into seven chapters, falling into two categories, as follows:

Overarching principles and operational framework

1. The overarching principles in protection work

This first chapter aims to define the main principles that are central to protection work undertaken by humanitarian and human rights actors, and that are common to all protection activities and strategies.

2. Managing protection strategies

This chapter defines two standards and one guideline referring to the main stages of the project management cycle. They highlight a certain number of elements, particular to protection work, which should be taken into account from the analysis of protection needs, the definition of priorities, to the monitoring and evaluation of protection work.

3. Outlining the protection architecture

This chapter describes the components of the existing formal/legal protection architecture, and how humanitarian and human rights actors doing protection work should relate to this architecture as well as to each other.

Technical issues

1. Building on the legal base of protection

This chapter establishes standards and guidelines that concern action designed to compel the authorities to assume their responsibilities on the basis of rights of persons and obligations of duty bearers, as defined by various international legal instruments and domestic legislation.

2. Promoting complementarity

This chapter is concerned with managing effective interaction between the wide range of humanitarian and human rights actors doing protection work. It recognizes the varying approaches they may adopt, and defines minimal measures required to ensure that their activities complement those of others.

3. Managing sensitive protection information

This chapter deals with the management of data on individuals and on specific incidents of violations and abuse. While not, *per se*, a protection activity, data management is an integral part of many protection activities. Despite the sensitive nature of these data, their management is often substandard, owing to lack of knowledge, expertise or capacity. This chapter therefore goes into considerable detail, emphasizing the need for due care throughout the process of collecting, codifying, transmitting, and finally storing these data.

4. Professional capacity

This chapter is concerned with the attention that all protection actors must give, at an internal level, to ensuring that their stated intentions correspond to their capacity to deliver. It underlines that a protection actor must be able to define its objectives; specify how it plans to achieve them; ensure the requisite capacity; and implement its stated intentions in a reliable and predictable manner.

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Christopher MORRIS/ICRC/VI

Chapter 1:

THE OVERARCHING PRINCIPLES IN PROTECTION WORK

Standards and guidelines

- !** 1. Protection actors must ensure that the principle of humanity is at the core of their protection work. 22
- !** 2. Non-discrimination and impartiality must guide protection work. 22
- !** 3. Protection actors must ensure that their activities do not have a discriminatory effect. 23
- !** 4. Protection actors must avoid harmful effects that could arise from their work. 24
- !** 5. Protection actors must contribute to the capacity of other actors to ensure that no harmful effects derive from their actions. 24
- !** 6. Protection work must be carried out with due respect for the dignity of individuals. 25
- !** 7. Protection actors must seek to engage in dialogue with persons at risk and ensure their participation in activities directly affecting them. 25
- !** 8. Whenever appropriate and feasible, protection actors should contribute to and strengthen the possibility for affected populations to access information that can help them to avoid or mitigate the risks they are exposed to. 27
- !** 9. Protection actors should consider building on the capacities of individuals and communities to strengthen their resilience. 28
- !** 10. Protection actors working with affected populations, communities and individuals should inform them about their rights, and the obligations of duty bearers to respect them. 29

The overarching principles in protection work

This chapter aims to define the main principles that are central to protection work undertaken by humanitarian and human rights actors, and that are common to all protection activities and strategies.

The first section emphasizes the importance of the principles of humanity, impartiality and non-discrimination, recalling that it is concern for individuals at risk that drives protection work. It explains that although both neutrality and independence are often crucial to gaining access to, and maintaining proximity with all victims in a situation of conflict, these are not principles to which all protection actors must necessarily subscribe. With the changing nature of conflicts and of approaches to humanitarian action, such principles cannot be considered to apply to all protection actors. Indeed, ever fewer actors outside the Red Cross and Red Crescent Movement apply them as a method of working. Some human rights actors implement meaningful protection activities while choosing not to remain neutral.

The second section reiterates the fundamental obligation for all actors doing humanitarian work to avoid activities that could aggravate the situations of those they seek to support. It explains that this is even more relevant to protection work, which can be extremely sensitive, and engender potentially severe consequences for the population. The responsibility to manage and mitigate these risks lies with those actors doing the work.

The last section underlines that communities and individuals at risk – to whom protection workers should be answerable – are themselves critical actors in the protection process. Protecting and promoting their rights, dignity and integrity is essential for the effectiveness of this work. It entails ensuring that they play a key role, influencing decisions, and making practical recommendations based on their intimate understanding of the nature of the threats, violations and abuses to which they are exposed. It is also important to strengthen any effective coping mechanisms established among affected communities or individuals.

Respecting the principles of humanity, impartiality and non-discrimination

1. Protection actors must ensure that the principle of humanity is at the core of their protection work.

The principle of humanity – that all people must be treated humanely in all circumstances – remains fundamental to effective protection work, placing the individual at risk at the centre of protection efforts. It demands that priority be given to protecting life and health, alleviating suffering, and ensuring respect for the rights, dignity and mental and physical integrity of all individuals in situations of risk.

2. Non-discrimination and impartiality must guide protection work.

The principle of non-discrimination guards against adverse distinction in the treatment of different groups or individuals, on the basis of race, colour, sex, age, language, religion, political or other opinion, national or social origin, property, birth, disability, health, sexual orientation or other status.

The principle of impartiality aims to ensure that a protection activity addresses the specific and most urgent protection needs of affected communities and individuals. It thus requires that humanitarian and human rights actors define the protection activities to be undertaken in their area of responsibility, following an assessment of needs using objective criteria.

The application of these principles does not preclude taking account of particular elements (such as gender or age) as factors of specific vulnerability. On the contrary, as indicated in Standard 3 below, such factors must be duly considered when assessing needs. Children for example, tend to be disproportionately affected by conflicts and other situations of violence, and are usually at greater risk due to their stage of development and dependence, especially when separated from their families or habitual caregivers. Taking such specific vulnerabilities into account is essential in order to analyse needs, consult and plan, and to ensure that critical protection needs are prioritized and addressed.

The challenge of respecting the principles of non-discrimination and impartiality is often compounded by the complex operating environment in which protection work occurs. Difficult choices face protection actors when they are unable to address all the urgent needs they confront. Moreover, the concept of impartiality (as distinct from equality) is often not well understood or accepted within the affected populations. In their efforts to reach those within a given community who are the most vulnerable and face the most imminent or direct threats, protection actors can be perceived as unsympathetic to the difficulties facing the community as a whole. Indeed, the strict application of the principle of impartiality may itself generate further tensions within or between communities, putting vulnerable persons at even greater risk.

Bias in the assessment and/or the collection of the information on which humanitarian actors rely can also create a distortion in the analysis, advocacy and subsequent programming that may be perceived as discriminatory. For example, when relying on information sent by individuals affected, via SMS or the Internet, unequal access to technologies in different regions, or across generations may create such bias. This being said, non-representative data can still be extremely useful and save lives, particularly at the onset of an emergency. As specified in Chapter 6, it is then up to every protection actor to be aware of these biases and to try to minimize them.

Finally, problems such as inaccessibility due to denied access, insecurity or infrastructural constraints often limit protection actors' ability to deliver a principled, impartial and non-discriminatory response. These constraints need to be identified, explained and discussed with the population concerned. Early action should be taken to overcome them in order to mitigate potential discriminatory effects.



3. Protection actors must ensure that their activities do not have a discriminatory effect.

In their work, protection actors must ensure that their analyses, activities or communications do not distort perceptions of the situation. Disproportionate representation or, worse still, the misrepresentation of protection issues either in bilateral communications with duty bearers, or more publicly, can severely distort the understanding of a situation and misinform the response of others.

It is common practice when defining operational objectives, for protection actors to establish institutional priorities according to themes, population groups, etc. While these priorities are not discriminatory as such, measures should be taken to prevent them from leading to unintended discriminatory practices.

Adjusting responses to meet the specific needs of particular groups within any population at risk is important to ensure that all have the possibility to assert their rights. For example, specific population groups with recognized vulnerabilities, such as children, may need targeted protection interventions by protection actors with the necessary skills to do so. However, protection activities should not be uniquely focused on a given group with particular needs, if this is at the detriment of another portion of the affected population suffering particular abuse or violations. This could, for example, be the case when abuses causing a displacement of population focalize attention on internally displaced people (IDPs) the exclusion of those left behind – such as the elderly, the disabled, the sick or wounded, who might be physically unable to leave.

In the broader perspective, it is the collective responsibility of all actors engaging in protection work to ensure that no high-risk group is overlooked, and to ascertain that the overall response of the many protection actors involved in a given context is non-discriminatory. Questions relating to effective complementarity among different actors responding to the needs of diverse segments of the affected population are the subject of Chapter 5.

Finally, in cases where urgent needs exceed the capacity of a given protection actor, and triage prioritization is necessary, the criteria guiding such choices must be non-discriminatory.

Avoiding harmful effects

! 4. Protection actors must avoid harmful effects that could arise from their work.

Poorly conceived or carelessly implemented protection activities can aggravate or even generate additional protection risks for vulnerable populations. Although it is often extremely difficult to anticipate the consequences of certain activities, or to determine when an action could result in harmful effects, it is nonetheless the ethical and legal obligation of protection actors to take measures to avoid such negative consequences. Such measures are essential during the analysis, design, implementation and monitoring of all protection activities.

Protection actors must keep in mind that protection activities can inadvertently stigmatize individuals or communities who may be seen as providing sensitive information to monitoring bodies, or as supporting opposing parties. Such perceptions must be kept in mind by protection actors, who bear the responsibility of avoiding or mitigating such negative consequences of their activities.

! 5. Protection actors must contribute to the capacity of other actors to ensure that no harmful effects derive from their actions.

Those involved in protection activities tend to have a comparative advantage when it comes to analysing potential protection risks. They thus have a special role to play in raising awareness of the protection implications and potential risks of various actions. Examples include those of providing relief to IDP camps in a country at war, when armed groups are present among the displaced population, or re-establishing water pumps in villages regularly raided by neighbouring communities.

Arguably every humanitarian crisis has a protection dimension, requiring all humanitarian actors to consider protection concerns as part of their humanitarian activities. They feature, for example, in the context of “good quality programming” or “protection mainstreaming”, or in the application of the principle to “do no harm”. It is up to protection actors to encourage and inform the discussion of these concerns among non-protection experts, and to suggest measures they could take to reduce such protection risks.

In some extreme cases, the mere presence of humanitarian actors can be manipulated by an authority in its strategy to continue violating fundamental rights. A typical example is when national authorities plan to forcibly relocate a segment of its population, and call for the involvement of humanitarian actors at the relocation sites, in the hope that this engagement will diminish

controversy and reduce international outcry over the process, possibly even legitimize it. Such cases pose serious ethical choices between the urgent need to alleviate the physical suffering of those affected (in terms of nutrition, shelter, sanitation, etc.) and the consequences of being manipulated while abuses are committed. These critical protection dilemmas can even prompt humanitarian actors to contemplate withdrawal. Protection actors must therefore promote a more comprehensive approach to the protection dimensions of humanitarian crises, as part of their fundamental responsibility to “do no harm”.

Putting the affected population, communities and individuals at the centre of protection activities

! 6. Protection work must be carried out with due respect for the dignity of individuals.

Respect for the dignity of affected persons should underpin all protection activities. While this is an important principle for all humanitarian and human rights work, it is essential in protection. Showing respect to individuals in situations of extreme vulnerability, such as detention, signifies recognition of shared humanity. It implies, *inter alia*, taking the time and having the empathy to listen to, and interact with individuals and communities.

Measures to respect, safeguard and promote the dignity of persons at risk are not limited to engaging with them in a respectful manner. They also include facilitating their access to accurate and reliable information, ensuring their inclusion and meaningful participation in decision-making processes which affect them, and supporting their independent capacities, notably those of making free and informed choices, and of asserting their rights.

! 7. Protection actors must seek to engage in dialogue with persons at risk and ensure their participation in activities directly affecting them.

The involvement of populations at risk helps to ensure that protection activities respond to their needs. A dialogue with those at risk should seek to inform the identification of these needs, the planning, design and implementation of protection activities, as well as their monitoring, evaluation and adjustment. In addition to formal representatives, it is useful to identify existing fora and associations, such as women’s groups, pensioners’ clubs, and cultural associations where minorities meet.

It is common for people at risk to have a detailed and intimate knowledge of the threats they face, and what action can be taken to improve their situation. Individuals and communities also devise independent strategies to cope better with their environment. It is thus important that a dialogue with affected individuals and communities should help identify self-protective actions that have proved effective, and could be reinforced.

In other cases affected populations might be able to document abuses which they themselves suffered. Communities can, for example, establish lists of

missing persons, map possible mass graves, etc. This information may, later on, be transmitted to institutions or commissions trying to establish the fate of people unaccounted for. Protection actors who wish to recommend or support such efforts should provide guidance, or refer to sources of guidance, on standards regarding evidence and other aspects of good practices for documenting abuses. This is particularly important if the information gathered may subsequently be referred for formal inquiry.

Confidence needs to be built to ensure an open and constructive dialogue with the affected population. The level of this involvement will nevertheless depend on the population concerned, and the intended action. Special sensitivity and training is needed to engage in a meaningful dialogue with affected individuals or communities, notably in the case of interviews with children, families of missing people, victims of sexual abuses and their families.

In some instances, unhindered access to the most affected population may not be possible. Such access may, for instance, be denied to some detention areas, or to particular communities. Here, choosing the correct course of action should be made on the basis of the best interest of the affected population.

Other barriers may also exist. In some instances, vulnerable people may be ostracized from the community in which they live. The community might even be the source of discrimination and intimidation against beneficiaries of a protection action (families of known political opponents, HIV-positive detainees, etc.). In other instances, an intended protection action may rely on maintaining a confidential dialogue with the authorities, and the involvement of the community might jeopardize the action itself. In such cases, it should nevertheless be possible to provide an explanation of the purpose and potential risks and benefits of protection action, without entering into confidential details of the interventions with the authorities.

Once implementation of the protection activity has begun, protection actors should, where possible, re-visit the affected population to inform on progress attained, or problems encountered. They should take this opportunity to monitor any positive or negative impacts on the population. In situations where the protection response is of a long duration, such as tracing of missing persons, the protection actor should consult periodically with the community, in order to gather any new, relevant information and provide feedback on progress.

Actively engaging populations at risk in protection activities provides a means for them to judge the performance of protection actors – which serves to increase the accountability of these actors. In reality, however, this accountability can be elusive. The relationship between communities and individuals at risk, and protection actors is characterized by a marked imbalance of power. The rapid spread of communication technologies has enabled many individuals and communities to mobilize public opinion and, directly or indirectly, humanitarian and human rights organizations, when abuses and violations are being committed on a large scale, in emergency situations including armed conflict and other situations of violence. In this way, individuals may collectively be able to influence the agenda of these organizations.

Although some might send tweets or blog posts when they are dissatisfied with the subsequent response of these organizations, communities still have relatively little recourse when the measures taken by protection actors are inadequate, inappropriate or ineffective. How humanitarian and human rights organizations react to negative tweets or blogs from the public in order to address the issues raised differs from one organization to another and may even be context specific. Protection actors are often formally accountable to some form of overseeing body such as member States, boards of directors, or donors. These bodies may, at best, have a limited relationship with the affected population, which largely excludes the feasibility of “accountability by proxy”. Proactive measures are required to help overcome this structural deficiency, and to establish a reasonable level of accountability to communities and individuals at risk. These might, for example, take the form of complaints procedures, established by protection actors, to allow them to receive and treat complaints from affected populations and individuals.

Accountability of humanitarian actors

“...accountability is about using power responsibly where affected parties have a right to be heard, and those in power a duty to respond. Accountability involves three different processes: those through which individuals, organizations and States determine their decisions and actions; those by which individuals, organizations and States report upon and explain their decisions and actions; and those through which individuals, organizations and States may safely report concerns arising from the decisions and actions of others, and gain redress as and where appropriate.”¹



8. Whenever appropriate and feasible, protection actors should contribute to and strengthen the possibility for affected populations to access information that can help them to avoid or mitigate the risks they are exposed to.

To make informed choices and develop resilience and coping mechanisms, communities and individuals at risk need a good understanding of the threats they might be exposed to. While they normally have a better understanding of these threats than external actors, there may be cases where protection actors possess essential pieces of information that could influence how communities apprehend the risks they are facing. Withholding such information may in some cases have negative consequences for individuals and communities.

Without disclosing any confidential information, protection actors should share with communities their reading of existing trends of abuses and violations, if doing so will help those communities to better define their own protection strategies. One area where this is typically done in a coordinated manner is related to the risks posed by mines and explosive remnants of war.

¹ See the Humanitarian Accountability Partnership (HAP), <http://www.hapinternational.org>.

Nevertheless, in order not to raise suspicion of spying in favour of one or another party engaged in the violence, protection actors should be extremely careful not to disclose information they have acquired through their field presence that could be considered as military intelligence, such as the location of mobile checkpoints along roads they have just travelled, movement of troops they have witnessed, or the identity of a local commander from a rebel group present in a village they have recently visited. The nature of what can be perceived, by local authorities and armed actors, as military intelligence might vary from one context to another. Protection actors should be attentive as to how armed actors perceive them.

Furthermore, protection actors must develop an adequate understanding of the organizational and leadership structures of affected populations before engaging in information-sharing, to ensure that information reaches all members of the community and that authoritarian or abusive power relations within the community are not unintentionally reinforced.

Individuals and communities that have already been affected by abuses and violations also need to receive adequate and timely information on existing services and support they can obtain (see Guideline 34).



9. Protection actors should consider building on the capacities of individuals and communities to strengthen their resilience.

Those at risk usually have the clearest understanding of the nature of the risks they face (type of threats, potential perpetrators, time when the risks are higher). They often know what are some of the most effective means of mitigating these risks. Protection actors should assess the individual and collective capacities for protection that exist within the affected community. At a minimum, they must ensure that their own actions do not diminish these capacities. More ambitiously, they should try to the extent feasible to reinforce these capacities, and seek to strengthen their resilience over time.

When supporting community-based protection mechanisms, protection actors must nevertheless be aware of the limits to this strategy, for it is the role of the authorities to protect the population and individuals. Furthermore, they must be careful to avoid reinforcing inequitable power relations through, for example, excluding segments of the population, or other practices that might be harmful to particular groups within a community.

Whenever feasible, protection actors should thus prefer a longer-term strategy that builds on the capacity of affected populations to organize themselves, and engages the authorities at all levels, to see their rights respected.



10. Protection actors working with affected populations, communities and individuals should inform them about their rights, and the obligations of duty bearers to respect them.

Protection actors should inform the people with, and for whom they work, of their rights and of the obligations of the duty bearers. This is notably the case when addressing particular trends of abuses, and working with various associations, such as those of families of missing persons, or women's groups. This may take time, especially when working with more vulnerable people, who may be less informed of their rights under domestic and international law.



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Chapter 2:

MANAGING PROTECTION STRATEGIES

Standards and guidelines

- !** 11. Protection actors must analyse the protection needs in their area of competence, prior to engaging in protection activities. They must use this analysis to determine priorities and establish corresponding strategies to address these needs. 34
- !** 12. Protection actors should translate their strategy into key specific, measurable, achievable, relevant and time-bound – SMART – objectives, identifying clear expected outcomes and impact and accompanied by a plan of action. 36
- !** 13. Protection actors must monitor and evaluate their protection outcomes and impact, and adjust their strategy and activities accordingly. 37

Managing protection strategies

Many organizations have enhanced their experience in trying to capture the efficiency and effectiveness of their protection actions in recent years. Yet, when compared to most assistance and relief programmes, it still appears that results related to protection work remain more difficult to measure.

The following standards and guideline refer to the main stages of the project management cycle already recognized and used by most humanitarian organizations. They highlight a certain number of elements, particular to protection work, which should be taken into account from the analysis of protection needs, the definition of priorities, to the monitoring and evaluation of protection work.

It is commonly agreed that monitoring and evaluation are essential for making improvements and changes to programmes in real time; learning from past experiences and using this learning in future programmes; and finally enhancing accountability.

While revising the standards, many organizations expressed the need to exchange experiences and to re-define, on the basis of the lessons they had learned, what to consider when monitoring or evaluating protection activities. Most discussions centred on monitoring, which enables actors to supervise and adjust the implementation of a given strategy in the field, and is therefore more common.

Standard 11 presents some of the key elements of an analysis of protection needs, in order to establish priorities and subsequent strategies. Guideline 12 takes a closer look at the construction of specific and achievable objectives.

Finally Standard 13 underlines the importance of both monitoring and evaluation activities.

On the one hand, monitoring enables a periodic capture and possible measure of the intended – and unintended – results achieved. It supports the proper implementation of the strategy chosen, allowing for sound decision-making processes that enable the chosen strategies to be adapted to the fast-changing environment in which protection work often takes place. It is usually conducted at field level by the programme manager, or a protection focal point. This Standard outlines a common basis from which to conduct monitoring in the field of protection.

On the other hand, evaluation allows a better understanding of the accountability of the various stakeholders involved and enhances the ability to draw lessons from the action conducted. Whereas monitoring is an ongoing activity that should already be integrated in the initial design of protection strategies, formal evaluations tend to take place on a case-by-case basis once a protection strategy has been completed, or is well under way. A variety of techniques can be used for evaluating protection outcomes and impacts including learning reviews, participatory evaluations with target groups, and both internal and formal external evaluations.

Defining SMART objectives

- !** 11. Protection actors must analyse protection needs in their area of competence, prior to engaging in protection activities. They must use this analysis to determine priorities and establish corresponding strategies to address these needs.

To correctly respond to protection needs, the underlying protection problems must be clearly identified and analysed in their constitutive elements. Whilst careful problem analysis is an important prerequisite for all humanitarian programming, it is absolutely crucial for protection action. The content of protection action may depend on nuanced contextual elements. An analysis specific to the context, to the extent possible using up-to-date data, is key to determining an initial course of action, while a continual analysis is essential to informing its adjustment over time.

The following box outlines the information that needs to be collected and the analysis that needs to be undertaken as the basis for identifying effective action. It can be adapted to the needs of each organization according to its sectoral expertise and the type of activities it conducts.

Elements for a sound problem analysis for protection work

- Detailed identification of the problems and their root causes, motivations and circumstances. This is essential for identifying the most effective means of addressing them – addressing only the symptoms can sometimes do more harm than good.
- Analysis of the individuals or institutions, including State and non-State actors, committing the violations, abuses or other forms of mistreatment. In addition, this analysis should take into account policies and practices of the authorities concerned that impact on the well-being of populations, even if these do not constitute outright or deliberate violations or abuses. To the extent possible and for a better understanding of the circumstances, an analysis of the chains of command, motivations, objectives and diverse driving interests, be they political, economic, criminal, personal, familial or ethnic, etc. should be included. In some cases, as when advocacy is to be undertaken, an analysis of the applicable legal frameworks of the protection problems is needed. How far each protection actor should take this part of the analysis will depend on its specific mandate and the activities it carries out.

- Analysis of how different categories of the population are directly affected by a protection problem. This essential requirement can be approached through a detailed identification of the types and causes of threats faced by each particular group (i.e. who is vulnerable to what sort of threats and why). It is necessary to understand the vulnerabilities of different groups within the affected population stemming from physical, social, economic and environmental factors, and to always avoid drawing premature conclusions. Vulnerabilities may also arise from the location of affected populations, the activities that different populations carry out, the time and place in which they are undertaken as well as from access to services or resources. How people are affected by specific types of threats is also a function of gender, age and other diversity factors, such as disability, sexual orientation or social, ethnic, religious or political affiliation.
- Identification and understanding of the resilience capacity of each group among the affected populations as well as the mechanisms they develop to cope with the consequences of protection problems. Protection actors should ideally seek to strengthen some of these capacities and coping mechanisms as part of their protection strategies. On the other hand, some negative coping mechanisms – such as trading sex for food, or child labour – may in themselves constitute protection problems.
- Analysis of the capacity and willingness of the primary duty bearers to address these problems. This analysis should also consider incentives and disincentives for them to inform or change their conduct and include their interpretation of social, religious, moral, or legal norms.
- Identification and analysis of protection actors and other stakeholders who may exercise influence in responding to the identified problems, and of the protection activities they are already undertaking.
- Identification of interrelated problems, that do or do not have the same causes and/or are created by the same dynamics – this should be taken into account in the decision on priorities and in the design of appropriate strategies.

Even during emergencies, the assessment of protection needs should be conducted as far as possible in a participatory way and include a broad cross-section of the affected population reflecting age, gender, disabilities and other elements of diversity. Attention should be given to including potentially marginalized persons and groups, as they may otherwise be prevented from voicing their concerns.

Analysis should include information gathered from the affected population regarding the actions they think are required to address the identified problems. For example: for a particular checkpoint to be moved further away from inhabited areas for example, or, for female police to patrol areas near women's latrines and bathing areas in IDP camps. People in insecure areas often have very clear ideas about what will improve their safety and security.

Following this sound analysis, protection actors must establish contextual priorities identifying the main problems they will address, according to their capacities and their institutional priorities. They must then develop a strategy identifying the steps that need to be taken – and by whom – to address the selected problems with a view to contributing to sustained or, sometimes only temporary, impact. Strategies can consider short-term and/or long-term objectives and should make use of any opportunities for synergy with other actors.

It follows that protection actors need to regularly monitor changes in the protection environment, and to adapt their priorities, strategies and related objectives. This entails regular re-assessment of the problems and changes in the capacity and willingness of the duty bearers to comply with their obligations in relation to the vulnerable and affected populations, or in the action of other stakeholders, as well as in the capacity of affected populations to protect themselves.



12. Protection actors should translate their strategy into key specific, measurable, achievable, relevant and time-bound – SMART – objectives, identifying clear expected outcomes and impact, accompanied by a plan of action.

The strategy should be translated into SMART objectives that contribute to overarching long-term goals. The more specific these objectives are, the easier it will be to monitor them. These objectives should express the following points.

- **The expected impact**, i.e. the problems to be solved, prevented or mitigated, based on the context-specific problems identified in the problem analysis. Achievement of these objectives should result in real, concrete and positive changes for the specific individuals and/or communities concerned; or, at least, diminish the risk of an abuse or violation occurring in the future. These objectives should ideally take advantage of the potential for complementarity of protection action whenever various organizations decide to work on the same protection problem. Finally, these objectives should also maximize the potential for complementarity between different programmes within the same organization, such as the link between material and medical assistance; dialogue with authorities; support to community-based protection mechanisms, etc. In this regard, strategies may require multi-sectoral expertise and interventions to achieve the expected impact.
- **The expected outcomes** contributing to the expected impact, i.e. the expected changes in the behaviour, knowledge, policy, practice or decision of the duty bearers or any other relevant stakeholders. Alternatively, it can also refer to a change in actual exposure and vulnerability and in the coping mechanisms of affected populations. Achievement of these objectives will constitute important milestones that contribute eventually to the resolution and/or prevention of the selected protection problems.

From SMART objectives to indicators of expected outcomes and impact: an example

Part 1: defining SMART objectives

- Overall institutional goal: the elimination of all forms of sexual violence.
- Overall contextual objective: the incidents of sexual violence affecting women in country X decrease by half within the next three years.
- Related SMART objectives:
 - the police take measures to process and investigate alleged incidents of sexual violence within one year;
 - the authorities take measures to institute new legislation against sexual offenders within two years;
 - women in the regions Y and Z, the most affected by these incidents, adopt measures to diminish their exposure to sexual attacks within one year;
 - access to alternative sources of firewood results in reduced regular movements by women and girls into high-risk areas within 3 months;
 - armed actors acknowledge the high prevalence of incidents of sexual violence affecting women in the area they cover within 6 months.

The strategy is then translated into a plan of action that should include:

- the main activities foreseen (i.e. the expected outputs),
- the actors responsible for conducting them,
- how the activities are linked to one another (dependencies), and
- the timeframe within which they are to be carried out.

Finally, it should be noted that the strategy should be continually adapted and updated as the situation evolves and/or the understanding of the situation improves.

Monitoring and evaluating



13. Protection actors must monitor and evaluate their protection outcomes and impact, and adjust their strategy and activities accordingly.

Although in recent years, monitoring and evaluation have been included more systematically in the management of protection action, the challenge of making them standard practice persists. It is nevertheless now recognized that protection actors must take on the responsibility of establishing proper monitoring and evaluation systems in order to adjust and change operational plans during the programme cycle; to learn from ongoing experience in order to inform future strategies and programmes; and to be accountable to key stakeholders, including the local population.

Programme design should include the development of monitoring methodologies including the choice of indicators, information collection procedures; how the data will be used and by whom.

However, anticipating and measuring the actual outputs, outcomes and impact of protection work presents considerable challenges. The better the problem analysis, the more feasible it is to define and describe precisely the situation for the population at the start of a strategy. Establishing a quantitative baseline against which to measure outcomes and impact is often particularly difficult.

It may not be possible, for example, to collect information on the frequency of incidents of sexual violence against women owing to practical and/or ethical considerations. In fact, in most cases, it is not possible to assess direct impacts through a measure of the occurrence of the problem: e.g. a reduced number of violations compared with numbers before the programme began. It may, however, be possible – and recommended – to periodically assess less direct indicators (called proxy indicators), such as women's perceptions of their safety, or the degree to which they increase or reduce their movements in a given area. Such proxy indicators can reveal shifting trends affecting a specific protection problem.

From SMART objectives to indicators of expected outcomes and impact: an example

Part 2: defining indicators related to the expected impact

- **Direct impact indicators** on the occurrence of the problems: e.g. the number of incidents of sexual violence against women according to place and time.

N.B. As mentioned above, in many contexts this indicator may not be appropriate because of practical and/or ethical considerations. Therefore, proxy indicators may be recommended:

- **Proxy indicators on the occurrence of the problems**, including the perception of the beneficiaries, for example:
 - women's fear of sexual attacks according to place and time;
 - number/ratio of women declaring they only move during the day according to place and time;
 - number/ratio of women having consulted in primary health care centres or hospital (for specific kind of care), according to place and time.

Furthermore, isolating the cause and effect of the efforts of any one protection actor from the diversity of factors influencing a given situation can be even more challenging.

One way to overcome the difficulty of measuring the expected impact is to consider "*outcome monitoring*" for monitoring changes in behaviour of perpetrators; changes in the actions of the authorities responsible; and changes in the actions of the affected people themselves. Such expected outcomes represent intermediary steps taken by stakeholders and will in turn contribute

to the expected impact on the population. Monitoring expected outcomes should be carried out in relation to the specific objectives and activities defined in the strategy.

From SMART objectives to indicators of expected outcomes and impact: an example

Part 3: defining indicators related to expected output and outcome

- **Output indicators, for instance:**
 - the number of community health volunteers trained in measures to prevent and respond to incidents of sexual violence;
 - the number of cases transmitted to the police by the organization with victims' consent.
- **Outcome indicators** to measure the changes linked to the protection actor's action, for instance:
 - the number/ratio of allegations of incidents of sexual violence received by the police and for which the police have taken measures to investigate them according to place and time;
 - the number/ratio of women able to implement measures (e.g.: moving and working in a group in the field) to diminish their exposure to sexual attacks according to place and time;
 - the number/ratio of perpetrators acknowledging the problem of sexual violence according to place and time;
 - a narrative appreciation on the authorities' progress to institute new legislation against sexual offenders.

In addition, various kinds of qualitative and quantitative indicators can be defined according to the expected results expressed in the SMART objectives. The choice of indicators and the way in which related data is collected should, to the extent possible, be based on consultations with the affected population. When defining the source of information, attention should also be given to any relevant monitoring mechanism (e.g.: organizational or national indicators).

As mentioned later in this section, even when adapted, qualitative indicators ought to be triangulated with a general narrative appreciation, as well as with other indicators managed by other organizations, in order to be correctly interpreted and, whenever possible, to assess to what degree the impact can be attributed to the action of a specific organization.

Monitoring can also mean monitoring the unintended but potentially expected changes. Protection actors sometimes face dilemmas when engaging in an action which, although expected to improve the situation for the people they want to serve, might bring some negative consequences in the short or long term. They may nevertheless engage because they foresee that the positive outcome will largely outweigh the potential negatives ones. In their monitoring they ought to make sure they periodically assess both the positive and the potentially negative results.

When deciding on the most relevant indicators, organizations should be realistic regarding the resources they will need to establish and report against these indicators and to use the information provided. This is indeed important as a careful balance has to be struck between the expected benefit of the information provided by the indicator and the resources needed to make it function. At the same time, protection actors must avoid harmful effects when conducting monitoring activities (see Standards 4 and 5).

In addition to the use of indicators, an analysis of the effect of a protection action should also be undertaken against a more qualitative and general analysis of changes in the political, social or economic context. As is the case for the analysis of the needs and problems, protection actors must make all possible efforts to involve the affected population in analysing the effects of protection action. In addition, positive changes in the lives of the beneficiaries can be captured through participatory monitoring and the collecting of stories giving evidence of these changes.

The challenges in establishing measurable results as well as in attributing these results to any protection actors should not deter them from endeavouring to innovate in this challenging area, and/or to tackle complex protection issues.

Finally, it is important to consider that, beyond monitoring activities, evaluations on the entire protection action may be conducted whenever necessary in order to better capture and formulate lessons learned. By evaluation, we mean: "The systematic and objective assessment of an ongoing or completed project, programme or policy, its design, implementation and results. The aim is to determine the relevance and fulfilment of objectives, development efficiency, effectiveness, impact and sustainability".¹

Evaluation should be conducted professionally following the principles of Utility, Propriety, Feasibility, and Accuracy – see box. Evaluation should be carried out by trained staff.

¹ *Glossary of Key Terms in Evaluation and Results Based Management*, OECD, Paris, 2002, p. 21-22.

Principles to guide evaluation²

Utility is about making sure that the findings and lessons learned from the evaluation are used for future actions. Therefore, persons involved in or affected by the evaluation should be identified from the onset and their needs taken into account. The evaluation should be planned and conducted in a way that encourages follow-through by stakeholders. Finally, the findings (and interim findings) should be disseminated to intended users.

Propriety is all about ensuring that the evaluation will be conducted legally, ethically and with due regard for the welfare of those involved, as well as those affected by its results. Evaluations should respect the rights and welfare of people. Evaluators should respect dignity and confidentiality, especially those who are at risk of recrimination.

Feasibility is intended to ensure that the evaluation is realistic and prudent. The planning for the evaluation must ensure that it is politically viable.

Accuracy is about method and tries to ensure that an evaluation will reveal and convey technically adequate information and describe purpose and procedures. A detailed context analysis is important. Sources of information should be described and triangulated. Reporting should be reliable and impartial. Conclusions should be justified.

² Drawn from ALNAP, *Evaluating humanitarian action using the OECD-DAC criteria: An ALNAP guide for humanitarian agencies*, Annex 1 Joint Committee on Standards for Educational Evaluation, pp. 71-6, London, 2006.



Jean BASTIAN/ICRC

Chapter 3:

OUTLINING THE PROTECTION ARCHITECTURE

Standards and guidelines

- !
 14. Protection actors must determine and adjust their approach based on an understanding of the existing protection architecture and the role of primary duty bearers. 46
- !
 15. Protection actors must at all times avoid action that undermines the capacity and will of primary duty bearers to fulfil their obligations. 47
- !
 16. Protection actors must not substitute for the role of the authorities when the latter have the requisite capacity and will to assume their responsibilities. 47
- !
 17. Protection actors should include some form of communication with the relevant authorities in their overall approach. 48
- !
 18. Protection actors should ensure that whenever feasible a protection dialogue can be established with armed non-State actors. 49
- !
 19. All protection actors must specify their roles, protection objectives, institutional priorities and means of action. 50
- !
 20. Protection actors must ensure they develop a sound understanding of the role and responsibilities of UN peacekeeping operations and other internationally-mandated military and police forces in ensuring the protection of civilians where they are deployed. 52
- !
 21. Protection actors should proactively engage UN peacekeeping operations with a view to promoting positive protection outcomes for populations at risk. 53
- !
 22. When engaging with UN peacekeeping operations and other internationally-mandated military and police forces, protection actors must do so in a manner that does not pose further risks to civilians, nor undermine the ability of protection actors to operate, and be perceived as operating, in an impartial and independent manner. 54
- !
 23. Protection actors should ensure some level of interaction with other internationally-mandated military and police forces in order to facilitate a protection dialogue aimed at securing respect for IHL, IRL (where applicable) and IHRL, as well as ensuring more informed protection efforts. 54
- !
 24. Protection actors must take into account the various protection roles of political, judicial, and economic actors. 55

Outlining the protection architecture

This chapter outlines what can broadly be referred to as the global protection architecture, and how humanitarian and human rights actors doing protection work should relate to it, as well as to each other.

The global protection architecture, comprising various actors at national and international level with protection roles and responsibilities, is based on rights and obligations set out in international humanitarian law (IHL), international human rights law (IHRL) and international refugee law (IRL). These rights and obligations must be incorporated into domestic legislation, which frequently expands and enhances the rights agreed upon internationally.

While the State bears primary responsibility to protect the people within its jurisdiction (including those beyond its borders), in situations of armed conflict all parties including armed non-State actors who conduct military operations, are bound by IHL, and thus hold binding legal protection responsibilities for the people within their territory and/or control.

Diverse elements of the State apparatus, such as the police and the courts, are responsible for applying and monitoring domestic laws, and ensuring the protection of the population. In cases where the capacity, or the will, of the authorities to ensure the protection of persons under their jurisdiction is lacking – or worse still, when the authorities themselves are actively perpetrating violations against the population – such protection mechanisms are likely to be ineffective or inadequate. A response by other actors is then required to protect those at greatest risk. This can take the form of action by other States. As members of the United Nations, and as parties to the Geneva Conventions, States bear protection duties towards persons at risk, even if these persons are outside their jurisdiction. In the Geneva Conventions this is defined as a duty both to respect, and to ensure respect, for the legal norms – thus deliberately keeping the focus on the responsibilities of the primary authorities.

A number of other actors are often involved in a protection response. They include legal, security, human rights and humanitarian actors. Some have been mandated to assume a specific protection role, such as country-specific peacekeeping operations with protection mandates. States have also conferred specific protection mandates on a number of international humanitarian and human rights organizations, including the ICRC, OHCHR, UNHCR and UNICEF. Their mandates derive from a variety of sources including international treaties, Statutes of the Red Cross/Red Crescent Movement, and United Nations General Assembly resolutions. Within the protection architecture, these actors bear certain protection responsibilities, while State actors of course remain the primary duty bearers. It is therefore essential for humanitarian and human rights actors carrying out protection work to be familiar with the overall global protection architecture and to situate their own particular position within this overall framework, so that their action may be more effective.

The first section of this chapter emphasizes that protection work undertaken by humanitarian and human rights actors must relate to the existing protection architecture, and aim to improve the way it functions – as opposed to replacing it. The second part highlights the importance for each actor to articulate its objectives and intentions clearly with respect to its role in protection, in order to work effectively with others. This in turn should help avoid gaps, unnecessary duplication, or undermining the efforts of other actors, and thus serve the overall objective of creating a more effective protection response.

The third section underlines the need to understand the role of UN peacekeeping operations and other internationally-mandated military and police forces engaged in protection.¹ This section has been added to the second edition of the *Professional Standards for Protection Work*. The standards and guidelines capture some commonalities between the very diverse views protection actors can have on how to engage with such military and police forces whose mandate may include the protection of civilians.

Relating with the primary duty bearers

! 14. Protection actors must determine and adjust their approach based on an understanding of the existing protection architecture and the role of primary duty bearers.

Although any actor involved in protection work is responsible for its own actions, its work does not exist in isolation. Protection actors must understand the roles of the various actors who have an obligation to respond, in particular with regard to the role and responsibility of primary duty bearers.

In situations of violence other than armed conflict, primary responsibility for the protection of vulnerable populations lies with the State authorities. This may include military, police and other State security forces, as well as judicial institutions and line ministries with specific responsibilities, such as emergency medical assistance, and other services essential to the well-being of its population. Establishing an interface with these diverse actors and efforts is therefore a critical challenge in ensuring effective protection.

In situations of armed conflict, all State and non-State parties to the conflict have additional responsibilities under IHL. They must take measures to avoid, and in any event to minimize, harm to civilians and ensure that they have access to goods and services essential to their survival.

Therefore, to tailor its own strategy, a protection actor needs first to analyse carefully the attitude, capacities and will of the authorities to meet their obligations. This entails an understanding of domestic laws and customs, and of the relevant institutions in place. It also includes a sound understanding of the prevailing policies and practices of the primary duty bearers.²

¹ Other internationally-mandated military and police forces are those operated by an international or regional organization other than the UN, but still acting in accordance with a Security Council mandate.

² See Standard 11 in Chapter 2, *Managing Protection Strategies*, for the basic components of this kind of analysis.

No effort should be spared to remind the primary duty bearers of their responsibilities and make them assume their obligations more fully. In the case of authorities that are willing to protect and possess the capacity to do so, the approach is likely to be a proactive and supportive engagement. Other modes of actions, such as persuasion, mobilization, denunciation and substitution, may be preferred with authorities who, by their acts or by omission, are responsible for the abuse or violation of rights.

Different protection actors may adopt different approaches, depending on the issues to be addressed and their unique capacities and position to address them. Protection actors should, therefore, strive for complementarity in their collective efforts to bring about protection outcomes.



15. Protection actors must at all times avoid action that undermines the capacity and will of primary duty bearers to fulfil their obligations.

Rather than attempting to replace a weak national protection apparatus, the primary aim of humanitarian and human rights actors doing protection work in armed conflict and other situations of violence is – to the extent feasible – to encourage and persuade the relevant authorities to assume their obligations more fully.

Whatever their approach, protection actors must always avoid any action that could undermine or remove responsibility from the legally bound authorities. They must also take care not to hinder or overshadow the role of well functioning national protection agencies, such as ombudsmen and other national human rights institutions.



16. Protection actors must not substitute for the role of the authorities when the latter have the requisite capacity and will to assume their responsibilities.

Direct substitution for the role of the authorities can take many forms. It may, for example, include the evacuation of wounded or sick from a battle zone, or setting up an information campaign on the risks of unexploded munitions for IDPs returning to an area that was a former battlefield. Any such action can inadvertently reduce the incentive of authorities to assume these responsibilities themselves. Direct substitution should therefore only occur when protection actors deem that there is no immediate prospect of the authorities assuming their responsibilities, and the gravity of the situation of those at risk demands immediate action.

Activities based on direct substitution traditionally focus more on the populations at risk. They can include measures to reduce their exposure to risk, such as providing temporary identity documents, or measures to mitigate the consequences of exposure by, for example, providing medical services following a violation. In all these cases, such activities must be understood as temporary in nature, undertaken in substitution for the failures of the formal

system, and lasting only until the authorities have the requisite means and will to resume their roles.

Ideally, substitution activities should be accompanied by efforts aimed at building or strengthening the capacities of the authorities to resume their responsibilities to protect. This is especially relevant when the authorities show willingness, but lack the capacity to do so. Total substitution should only occur in extreme circumstances. Even then, protection actors should constantly seek through persuasion and advocacy to encourage the relevant authorities to better fulfil their obligations and responsibilities to protect people at risk.



17. Protection actors should include some form of communication with the relevant authorities in their overall approach.

Formal or informal communication with the authorities should be included in the work of protection actors. Formal communication usually takes the form of evidence-based analysis and recommendations, submitted bilaterally to the authorities by protection actors (often mandated), calling for improved respect of the law – to which a formal response is expected. Informal communication, on the other hand, is generally less explicit, and can take many forms. It may be conducted through indirect channels: such as messages conveyed by influential personalities, leaflets which present activities of an organization in a given country, and press releases. At local level, informal communication might accompany protection work aiming to help individuals reduce their exposure to threats – usually through assistance or services that empower them to cope better with the consequences of a dysfunctional environment. In all such scenarios, the need for better protection of those at risk, and the responsibility of the primary duty bearer to provide it, should remain part of the central messages.

In some communities, protection actors may decide to work with informal authorities, who may be more representative of the population of concern than the formal authorities. These informal authorities may even provide local safety mechanisms. Communications should also take account of these additional stakeholders.

Even when working in substitution for the formal authorities, maintaining dialogue with the relevant authorities is essential in the interest of transparency. The content of the dialogue will be determined by the causes of the protection shortfalls on the part of the primary duty bearers: a lack of capacity; a lack of will to protect; or deliberate violations perpetrated by the authorities. A protection actor which decides to act in substitution for the authorities without any form of communication with them, and against their will, is unlikely to last very long on the ground.

The choice by some actors not to communicate on protection issues with the host government may be for reasons of security and maintaining access for delivery of humanitarian relief, particularly when protection work is not their primary activity. In the long run, however, such a choice can give rise to suspicion if the actor starts to show interest in understanding patterns of abuses, without

explaining to the authorities both the nature of these concerns and the link with their work. Transparency on the mandate and/or mission statement of each actor is also vital when establishing communication with the authorities.

Only in rare cases is communication with the authorities ill-advised, such as when a protection action is carried out against the will of the authorities, in favour of individuals or communities who would be at greater risk if this action were to be known by the authorities.



18. Protection actors should ensure that whenever feasible a protection dialogue can be established with armed non-State actors.

To secure access to all areas, as well as to achieve protection outcomes for the population, it is often essential for protection actors to establish a dialogue in the field with all key stakeholders. These include armed non-State actors, such as militias, private security companies, and rebel and guerrilla movements. The latter all have responsibilities under IHL when directly participating in an armed conflict. Their actions and *modus operandi* can contribute to increasing or on the contrary to reducing the incidence of violence inflicted on the population. Furthermore they often can facilitate or on the contrary impede access to humanitarian assistance in areas they control or in which they operate.

Protection actors who engage in a dialogue with armed non-State actors should remind them of their obligations. The measures they could take to reduce the impact of conflict and other situations of violence on the civilian population should be presented and discussed with them. In order to establish the proper conditions for such a dialogue on protection concerns, the implementation of adequate confidence-building measures will be necessary.

Once more, not all protection actors will choose to engage in such a dialogue; some may prefer to voice their concerns through public communication, or through humanitarian or other stakeholders who do have the necessary contacts. Engaging in any form of dialogue with armed non-State actors can indeed be difficult owing to security considerations for their representatives and for the protection actors' personnel in the field. Furthermore, any such interaction must be conducted in a manner that does not place civilians at greater risk and does not undermine the ability of humanitarian actors to operate, and be seen to operate, in accordance with humanitarian principles.

Interaction with armed non-State actors should be undertaken in close consultation with senior level protection and/or management staff, to ensure the coherence of messages throughout the territory and over time. Staff interacting with armed non-State actors should be carefully selected, and never forced to engage against their will, especially if they feel threatened or uncomfortable.

Ensuring clarity and transparency of intent

! 19. All protection actors must specify their roles, protection objectives, institutional priorities and means of action.

Cooperation between the diverse humanitarian and human rights actors working on protection issues calls for clarity as to their respective objectives, intended protection roles, and responsibilities that each can realistically be expected to assume in varying circumstances. This transparency greatly facilitates interactions and complementarities, as well as clarifying their relationship with the existing international protection architecture.

For a protection actor with a formal mandate, a mission statement serves to articulate its overall mandate and objectives in a coherent manner. It can outline the specific protection elements on which the actor is authorized and expected to act, as well as clarify any additional elements to which the actor intends to respond.

For actors who only occasionally engage in protection activities, developing policies and corresponding field guidelines can be another way of specifying their roles and means of action, without having to revise their mission statement.

In any given operational context, all protection actors (mandated or otherwise) should clearly specify their operational intent, priorities, and objectives, sharing them with other protection actors, relevant authorities, affected communities and individuals and other stakeholders concerned as required. Institutional clarity on general objectives and the type of activities to be carried out is also necessary for effective communication with individuals at risk, for example, to obtain their consent to provide information, or participate in a workshop or training activity.

Interface with UN peacekeeping operations and other internationally-mandated military and police forces

UN peacekeeping missions have increasingly been tasked with protecting civilians, beyond the obligation to respect and protect civilians in the conduct of their military operations, in accordance with IHRL and, where applicable, IHL. This has also been the case for a few other internationally-mandated military and police forces.³

Since 1999, the Security Council has explicitly mandated a number of UN peacekeeping operations to protect civilians. These protection of civilians (PoC) mandates have also been assigned to forces under regional mechanisms such as the African Union.

Implementing such mandates can include the use of force to protect civilians under imminent threat of physical violence. It may also include a range of other activities such as:

- conducting medical evacuations;

³ When deployed in situations of armed conflict UN peacekeeping operations and other internationally-mandated military and police forces are bound at all times by common article 1 of the Geneva Conventions to take all feasible measures aimed to induce the belligerents to comply with IHL. When drawn into hostilities, these forces are obliged to respect IHL and IHRL (taking into account the sensitive issue of the extraterritorial application of IHRL) when conducting their own military operations.

- contributing to creating the security conditions conducive to the delivery of humanitarian assistance;
- taking measures to ensure security in and around IDP camps;
- ensuring presence in areas where populations are most at risk as a preventive and early-warning strategy;
- contributing to improving the security and rule of law environment conducive to the safe, voluntary and dignified return of IDPs and refugees.

Humanitarian actors have long expressed concerns about the impact close association with UN peacekeeping missions may have on their ability to operate in an independent and impartial manner and to be perceived as doing so. Their principal concern is that, particularly in conflict situations where sometimes UN peacekeeping missions have a proactive military posture or engage in military operations, their access and security may be undermined if they are perceived by belligerents or segments of the population as aligned with the political objectives of such missions. This concern is exacerbated when UN agencies, with protection or humanitarian mandates, and UN peacekeeping forces operate as one UN entity.⁴ This situation is especially challenging for humanitarian organizations that rely on their neutrality to gain access to the population and to all armed actors.

However, humanitarian actors have also long recognized that humanitarian action alone cannot protect civilians from the effects of armed conflict. UN peacekeeping operations may be able to enhance the physical protection of a civilian population in a way that humanitarian actors cannot. They often work to consolidate national institutions involved in law enforcement with a view to enhancing respect for the rule of law; this in turn generates protection outcomes. They may also be able to contribute to a security environment conducive to the provision of humanitarian assistance. In addition, UN peacekeeping operations and humanitarian organizations often undertake complementary protection activities, such as child protection, and prevention and response to gender-based violence. *De facto*, many UN peacekeeping operations also include human rights components that serve as mission actors as well as representing OHCHR. UN peacekeeping operations also frequently lead the implementation of the Security Council-mandated monitoring and reporting arrangements on conflict-related sexual violence and the monitoring and reporting mechanism for serious violations of children's rights.

Whereas in some past instances UN peacekeeping operations' contributions were highly valued by many humanitarian and human rights organizations on the ground, in other cases they were seen as dangerously blurring the lines between the roles and responsibilities of different sets of actors, involuntarily jeopardizing humanitarian access to affected populations.

Thus, dialogue and interaction, to the extent possible, between humanitarian and UN peacekeeping operations is essential for improving and strengthening their respective activities and the overall protection response, while being careful not to blur their respective roles and responsibilities, including in the eyes of local authorities or communities.⁵

4 The notion of "UN peacekeeping forces operating as one UN entity" refers to the concept of "integrated mission" as explained in the *UN Peacekeeping Operations: Principles and Guidelines* (2008).

5 Distinguishing roles and responsibilities has been made easier since DPKO defined how it sees its own role in the protection of civilians according to the three tiers approach, in 2010. DPKO/DFS, *Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations*, DPKO, New York, 2010.

Increasingly, the protection of civilians has become a major issue not only in UN peacekeeping operations, but also in the context of other internationally-mandated military and police forces. Stabilization approaches adopted by individual States and a few multilateral organizations have evolved as a policy framework for some international military interventions in fragile and conflict-affected States.

Stabilization is generally understood as both a short-term and long-term strategy involving both military and civilian capacities, with the aim of improving security and stability. While the protection of civilians is not always the priority or an explicit objective of stabilization strategies, such strategies may seek to reduce violence and instability.

Moreover, UN peacekeeping operations and other internationally-mandated military and police forces might fight alongside domestic forces in situations of armed conflict. In such cases, in addition to their obligation to respect IHL when drawn into the hostilities, these forces must take all feasible steps with a view to ensuring that the parties involved in the armed conflict comply with the relevant IHL obligations. Hence, some degree of dialogue and interaction between humanitarian actors and these forces will be important to secure positive protection outcomes, including promoting fulfillment of the latter's obligations and the obligations of their domestic partners to respect and protect civilians in their military operations.

The extent to which protection actors and UN peacekeeping operations and other internationally-mandated military and police forces engage in dialogue and interact will depend on their mandate and the context. Within the framework of peacekeeping operations, the interaction between UN human rights actors and UN military and police is regular and well established.

Whatever the context, dialogue and interaction must take place in a manner that neither undermines adherence to the humanitarian principles of independence and impartiality, nor exposes affected populations or humanitarian workers to greater risks.



20. Protection actors must ensure they develop a sound understanding of the role and responsibilities of UN peacekeeping operations and other internationally-mandated military and police forces in ensuring the protection of civilians where they are deployed.

Protection actors must recognize the responsibilities of these military and police forces to effectively protect civilians. They must familiarize themselves with the specific text of the mandates of UN peacekeeping operations and other internationally-mandated military and police forces with regard to the protection of civilians.

UN peacekeeping operations and other internationally-mandated military and police forces are required to ensure the protection of civilian populations in accordance with IHL (in particular as reflected in Common Article 1 to the 1949 Geneva Conventions) and IHRL. This includes, as far as possible, undertaking measures to enhance the physical protection of civilians under imminent threat of violence. In addition, they may also, depending on the particular mandate

and objectives, undertake activities aimed at ensuring a more protective environment in the short, medium and longer-term such as through training national military and security staff.

Protection actors should seek and promote a contextual and common understanding of the different roles and responsibilities of the various actors engaged in enhancing the protection of civilians in the field.



21. Protection actors should proactively engage UN peacekeeping operations with a view to promoting positive protection outcomes for populations at risk.

UN peacekeeping operations have a variety of roles and responsibilities regarding the protection of civilians, ranging from the unique capability to enhance physical protection of civilians by projecting or using force, to undertaking activities that may overlap with those of protection actors. It is worth underlining that DPKO, together with troop- and police-contributing countries, have clarified the potential roles and responsibilities of the different components of a mission with regard to the protection of civilians. Missions with specific protection of civilians mandates are now required to establish protection strategies, which ought to be developed in consultation with the populations at risk, as well as with humanitarian and human rights organizations involved in protection work.

Protection actors should therefore establish relevant networks and keep communication channels open at all times with UN peacekeeping missions. Proactive engagement of UN peacekeeping military and police forces, alongside the mission's civilian component, should facilitate the safe sharing of non-confidential information and analysis of protection risks. This will inform more appropriate prioritization of mission capabilities, to identify areas of complementarity and to facilitate appropriate coordination on particular subjects such as child protection, DDR, prevention and response to sexual violence, detention and correctional facilities, and humanitarian demining.

UN peacekeeping operations constitute, in certain circumstances, an indirect channel to advocate for changes with high-level governmental and armed forces officials.

Some non-UN protection actors will have their own specific modalities for engaging with UN peacekeeping operations. Other humanitarian actors may engage them through humanitarian coordination mechanisms, such as the Protection Cluster, or via OCHA.



22. When engaging with UN peacekeeping operations and other internationally-mandated military and police forces, protection actors must do so in a manner that does not pose further risks to civilians, nor undermine the ability of protection actors to operate, and be perceived as operating, in an impartial and independent manner.

When directly involved in military action, these forces may not be seen as neutral and impartial by large sectors of the population and by some of the parties engaged in the fighting. Non-UN humanitarian actors may therefore have different views on how easy or difficult it is for them to openly engage with the mission, especially with its military and police forces. Protection actors will need to determine whether their engagement with those mandated forces conveys an image of partiality, and if so whether this could hinder their acceptance in host communities or with armed actors and in return increase the security risk to the humanitarian community.

The risks might also evolve over time. The more tense and conflict-prone the environment is, the greater the risks become. All protection actors must therefore regularly re-assess and adapt their engagement in light of these risks and the changing environment.



23. Protection actors should ensure some level of interaction with other internationally-mandated military and police forces in order to facilitate a protection dialogue aimed at securing respect for IHL, IRL (where applicable) and IHRL, as well as ensuring more informed protection efforts.

Notwithstanding the importance of a distinct humanitarian response, a consistent and constructive dialogue with internationally-mandated military and police forces, should involve promotion and respect for IHRL and, where applicable, IHL and IRL by such actors; and where appropriate, dialogue on other protection concerns and trends. In this respect, internationally-mandated military and police forces working with domestic forces have the obligation to ensure, as far as possible, that these forces respect their obligations under IHL.

Therefore humanitarian and human rights actors may approach internationally-mandated forces on diverse issues, such as the precautionary measures they take when engaged in hostilities, the induced displacement of population, or the promotion of proper procedures for the management of mortal remains, including transfer and handover of bodies, and management of post-mortem data to prevent disappearances.

Information exchange may relate to the sharing of non-confidential information on general trends and risks facing civilian populations. It must be undertaken on the basis of a clear agreement on information-sharing, and how it will be communicated. It must be done with full respect for the applicable standards on data management (see Chapter 6).

A minimum level of dialogue and information-sharing is critical to secure improved protection outcomes. In this case too, it must be conducted in a manner that does not pose further risks to civilians (see Standard 22). Furthermore, as there is an inherent risk of data being used to advance a security agenda, protection actors must be particularly attentive not to undermine the ability of humanitarian actors to operate, and be perceived as operating, according to their principles. Protection actors, collectively or individually, should develop a specific review mechanism to avoid these risks.

The interaction between protection actors and internationally-mandated military and police forces may be conducted bilaterally by individual humanitarian organizations or be conducted as a joint effort via humanitarian coordination mechanisms such as the Protection Cluster, or through OCHA.

Interface with other actors whose actions affect protection outcomes



24. Protection actors must take into account the various protection roles of political, judicial, and economic actors.

Actors with responsibilities in other sectors may also play important roles in helping to enhance protection. These may include domestic and international actors in political, judicial and economic realms. While their principles, policies and practices, competencies, resources and priorities are likely to be very different from those of humanitarian and human rights actors, they can play important roles, in particular, to help create an environment conducive to protection and compliance with international law.

For example, actors that specialize in strengthening the rule of law, security sector reforms or building long-term institutional capacity and a legislative underpinning for human rights can play a critical role in helping to reinforce the obligations of primary duty bearers and provide practical support and technical expertise to bring about sustained changes in policy and practice.

Economic actors, for example those responsible for domestic development policy or international development assistance, may positively or negatively impact on an environment conducive to protection through their policies and programmes. They might also be in a position to influence primary duty bearers to enhance the protection of vulnerable populations.

Protection actors must therefore take into account the roles, responsibilities and expertise of other actors, when planning and implementing activities. Assessing which of these actors is best positioned to procure a certain type of impact also requires some degree of interaction, and a will to identify and encourage positive synergies. In doing so, it remains critical for protection actors to maintain their adherence to humanitarian principles that underpin humanitarian action.



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Chapter 4:

BUILDING ON THE LEGAL BASE OF PROTECTION

Standards and guidelines

- !** 25. Protection actors must be familiar with the various legal frameworks that are applicable. 59
- !** 26. A protection actor must be consistent and impartial when making reference to, or urging respect for the letter or spirit of relevant law, as applied to various parties to an armed conflict. 61
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- !** 28. When relevant regional and domestic law reinforce overall protection, and are in conformity with international law, protection actors should include them in their work. 63
- !** 29. Protection actors must be aware that international law and standards cannot be lowered and must be respected and upheld. In certain cases pragmatism may require a series of progressive steps in order to attain these norms over time. 63

Building on the legal base of protection

This chapter underlines that for humanitarian and human rights actors involved in the field of protection, the capacity to refer to applicable law is often essential. Protection is indeed rooted in the respect for the rights of persons, and the obligations of those in a position of authority, as defined in various instruments of IHL, IHRL and IRL, as well as in domestic legislation. To remind the authorities of their obligations, protection actors must first know the applicable laws. This is notably the case when protection actors seek to address the issue of impunity, encouraging the authorities to investigate and prosecute perpetrators of violations or abuses of IHL and IHRL.

The first standard of this chapter is applicable to all actors planning to engage in protection work, irrespective of the intended approach. It aims mainly to ensure that their action does not inadvertently undermine the existing protection afforded to individuals under domestic or international legal norms and standards.

The second and main part of this chapter, as from Standard 26, concerns standards and guidelines applicable to protection actions more specifically designed to impel the authorities to assume their responsibilities.

Knowing the legal framework



25. Protection actors must be familiar with the various legal frameworks that are applicable.

There are many international standards (treaties, customary law, soft law) that require the State and other actors to protect individuals or communities in armed conflict and other situations of violence. Some are specific to certain categories of persons, such as refugees, children, women, people with disabilities, detainees, IDPs, migrant workers, persons belonging to national, ethnic, religious or linguistic minorities. Some concern specific situations, such as the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, and the Regulations to the 1907 Fourth Hague Convention concerning the Laws and Customs of War on Land, or the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. Others concern the use of certain weapons such as the 1997 Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, and various Protocols to the 1980 Convention on Certain Conventional Weapons.

While it is understandable that many protection actors may not know, or need to know the details of all sets of laws, they must nevertheless know which legal frameworks apply to the context in which they are working. Consequently,

understanding the essence of IHL, IHRL, and IRL (see box below), and being able to understand how they complement each other, is a requirement for all protection staff when planning and implementing protection activities.

Staff working on protection issues must therefore have the necessary skills and knowledge, or receive appropriate training on the essence, logic and basic principles of each body of international law. In addition, protection actors must also be clear as to who falls within the personal, temporal and territorial scope of application of each of these bodies of law.

Universal protection norms are to be found in the sets of laws outlined in the box below.

Essential features of IHL, IHRL and IRL

Universal legal norms ensuring the respect for individuals, in particular their protection from the effects of violence and abuse can be found in three bodies of law:

- international humanitarian law, or the law of armed conflict,
- international human rights law, and
- international refugee law.

IHL is the law specifically designed for armed conflict situations. It aims to ensure respect for civilians, and those who are not, or no longer, taking direct part in a conflict, and to regulate the means and method of use of force during international and non-international armed conflict. It recognizes the importance of relief and protection activities by the ICRC and other impartial humanitarian organizations.

IHRL imposes on States obligations to respect and protect rights of individuals in their territory or within their jurisdiction. IHRL is applicable in all circumstances with exceptional derogations for a limited set of rights in situations of public emergency. States are furthermore required to give due notification of these derogations.

Both bodies of law comprise a large number of treaties and customary rules that were developed at different points in time. Not all States are parties to all treaties, although all existing States have adhered to the Geneva Conventions.

Customary law is applicable irrespective of whether or not a State has ratified any treaty provision that contains the customary norm.

These treaties and customary law are complemented by numerous internationally recognized standards, some of them adopted by political bodies such as the General Assembly of the United Nations.

A major distinction to be noted between IHL and IHRL is that international human rights law provides rights to the individual to be protected, respected and fulfilled by the State, whereas international humanitarian law binds parties to an armed conflict (be they States or organized armed non-State actors).

National authorities are required to ensure that these sets of laws are fully integrated within domestic legislation and regulations.

IRL regulates protection due to persons who find themselves outside the territory of their State, no longer enjoying its protection, and is applicable both in conflict and in peacetime. The 1951 Convention relating to the Status of Refugees is the key legal instrument defining who is a refugee, their rights and the legal obligations of States. While the Convention definition of a refugee is restricted to persons suffering persecution on grounds of race, religion, nationality, political opinion or belonging to a particular social group, other regional instruments and elements of customary law enlarge the definition to persons fleeing conflict or generalized violence.

Referring to the law with consistency and impartiality



26. A protection actor must be consistent and impartial when making reference to, or urging respect for the letter or spirit of relevant law, as applied to various parties to an armed conflict.

Protection actors must not accept, even tacitly, one party breaching the law while condemning another for the same acts. Under IHL all parties to a conflict have obligations, and they should all be reminded of them, particularly if they do not fulfil them.

IHL binds not only States but also organized armed non-State actors involved in armed conflict, although there might be practical inequalities when it comes to implementation capacities.

Regarding other legal frameworks, it is important to distinguish when they place different obligations on the State than those placed on organized armed non-State actors involved in a conflict, or in other types of violence.¹

Defending the rights of affected communities or individuals cannot be seen as a partial action favouring one of the parties to the conflict, since rights are universal by nature.

This standard implies that a protection actor should take a comprehensive approach to analysing the effects on the population of the action, or lack of action, of the various perpetrators or parties to the conflict, taking account of their obligations. In light of its analysis the protection actor might still decide to concentrate efforts on a particular group at risk of repeated abuses by one of the parties involved in the violence. In pursuing this choice, it has to ensure that it is not implicitly weakening the protection available to other victims, either by denying them recognition, or by giving a false sense of legitimacy to other parties involved in the violence committing abuses.

¹ The issue as to whether IHRL is binding on armed non-State actors remains under debate. The traditional position is that IHRL creates legal obligations only for State authorities. However, modern trends in human rights doctrine push for recognition that non-State armed actors can also be bound by human rights law. The major questions still open relate to the exact meaning, scope, pertinence and legal implications of this claim.

Maintaining coherence and accuracy

- !** 27. When protection actors take action to ensure that the authorities (including armed non-State actors) respect their obligations towards the population, their reference to the law must be accurate. Messages and actions must be in accordance with the letter and spirit of the existing and applicable legal frameworks.

Whenever specific action is envisaged to persuade authorities to assume their responsibilities, the protection actor involved should understand the applicable legal frameworks and know the norms to be quoted. This does not mean that a protection actor has always to expressly base its action on the applicable legal frameworks. It rather means that if a protection actor chooses to refer to the law and the obligations of the authorities, it must ensure that its references are correct, and aim to invoke the most relevant applicable legal framework. Specific issues, such as the rights of the child, racial discrimination, occupation of territory, conditions of detention in prisons, require more detailed reference to the applicable laws and standards. Accuracy is essential both when referring to a specific case, and when describing a pattern of violations and abuse that have occurred, and the related responsibilities and obligations of the parties concerned.

Coherence and accuracy serve both to reinforce credibility, and help avoid creating confusion or even contradictions when addressing the authorities. When making reference to international law, be it treaty or customary law, efforts should also be made to ensure accuracy and consistency with other protection actors working on the same issue. This helps avoid the risk of confusion and contradiction which can be particularly damaging when several protection actors refer to the same situation with varying and sometimes incompatible wordings, or worse still, give different messages as to what they consider to be the laws and standards that apply. While coherence among the different protection actors will mutually reinforce their action and give greater emphasis to the obligations that the authorities must assume, any incoherence will undermine this goal, and is likely to be seized upon by the authorities in order to discredit the authors.

A certain level of consultation is therefore recommended among protection actors who are addressing the authorities on similar patterns of violations or abuse. This is particularly the case of organizations with an international mandate, or which have developed widely recognized expertise in some branches or aspects of the law, such as the ICRC with respect to international humanitarian law, OHCHR with respect to human rights, or UNHCR with regard to international refugee law.

Using reference to relevant regional and domestic laws



28. When relevant regional and domestic law reinforce overall protection, and are in conformity with international law, protection actors should include them in their work.

Domestic laws, whether written or customary, often transpose or complement international laws, thereby reinforcing the overall protection of people against abuses or violations. They are usually more familiar to the population and authorities alike, and it is therefore important to take them into account when seeking to persuade the authorities to assume their responsibilities. They can, however, be partially or even totally in contradiction with international law, such as treaties ratified by the State, or customary international law, or with internationally recognized standards. Protection actors should therefore be aware of relevant domestic and customary laws, identifying those which can serve to support their arguments, while advising on changes to domestic laws that fall short of international law and standards. Pending such changes, protection actors should nevertheless be prepared to point out that domestic law cannot be used as an excuse for non-compliance with international obligations.

Domestic law and traditions are essential elements of an environment that can foster or, on the contrary, reduce the likelihood of abuses in a given society. When addressing local authorities and communities, protection actors may seek to draw parallels between these law and traditions and IHL and IHRL. This can serve to emphasize the universal relevance of the latter.

Applicable regional laws – be they treaties or other legal standards – can be another valuable source in discussions with national authorities. Protection actors are therefore well advised to invest energy in assessing those relevant to their work. This often means recruiting or contracting national staff having an understanding of the legal framework at national and regional level.

Upholding existing legal standards



29. Protection actors must be aware that international law and standards cannot be lowered and must be respected and upheld. In certain cases pragmatism may require a series of progressive steps in order to attain these norms over time.

Protection actors must take care, in their actions and relationship with the parties to an armed conflict, or those involved in another situation of violence, to avoid creating the impression that international law and standards can be lowered according to existing regional standards, domestic or local laws and traditions. The norms embodied in international law and standards cannot be adapted or adjusted according to the domestic context.

This does not preclude taking a pragmatic approach with the authorities by suggesting realistic changes in law and policy that can improve respect for the affected population and persons. A pragmatic approach to convincing the authorities may involve providing support to acquire the necessary technical, financial and other means needed to fulfil their international obligations. It can take time, even several years, to implement the necessary legislative changes, and put in place adequate control mechanisms. Meanwhile, the support provided should not unintentionally provide the authorities with reasons or excuses not to comply with these obligations.

Being pragmatic can also mean making reference to soft law standards and suggesting policy adaptations that can in fact improve respect for the affected population and persons. Protection actors can promote existing internationally recognized standards (soft law), while urging the authorities to accept higher norms and standards than those contained in binding international law. A good example is that of detention-related issues for which the United Nations Standard Minimum Rules for the Treatment of Prisoners are widely considered as the reference for detention conditions, or the Guiding Principles on Internal Displacement which are recognized as an important international framework for the protection of IDPs. Soft law standards are a useful reference, but they do not give rise to enforceable rights unless integrated into domestic law. Protection actors must, whenever appropriate, convince the authorities as to the relevance of these standards to help them better fulfil their duties in the interest of the population and persons affected.



James NACHTWEY/ICRC/VI

Chapter 5:

PROMOTING COMPLEMENTARITY

Standards and guidelines

- !** 30. Protection actors must take account of the roles, activities and capacities of others, avoiding unnecessary duplication and other potentially negative consequences, while endeavouring to build synergies. 71
- !** 31. Protection actors must avoid compromising the efforts of those among them who choose to subscribe to the principles of independence and neutrality. 72
- !** 32. Protection actors should seek to share their analyses in order to contribute to a better understanding of protection issues and their impact on various populations at risk. 72
- !** 33. Protection actors must encourage the involvement of other protection actors with the requisite competencies and capacity where important, unmet protection needs are suspected. 73
- !** 34. Protection actors should map critical services that exist in their area of operations, making this information available whenever appropriate and feasible, and proactively facilitating access to such services in emergency situations. 73
- !** 35. When a protection actor learns of serious abuse or violations of international humanitarian or human rights law, and it lacks the capacity or the requisite mandate to take action, it should alert other organizations which may have this capacity or mandate. 75

Promoting complementarity

This chapter is concerned with managing effective interaction among the increasing and diverse humanitarian and human rights actors doing protection work in armed conflict and other situations of violence. It recognizes existing capacities, and acknowledges the varying approaches of protection actors to their work, and to complementing that of others. Its aim is to establish some minimum standards on complementarity, but by no means to propose a uniform approach to protection work.

Enhanced synergies among protection activities of various humanitarian and human rights protection actors can help optimize the benefits for the populations at risk. Seeking such synergies can also serve to minimize gaps, potential overlaps and duplication, and avoid situations where the activities of one actor disrupt or undermine those of another. However, enhancing synergies should never jeopardize the character of any of the protection actors involved. It requires an awareness of others, taking care to respect and maintain distinctive characteristics, to preserve varying identities and principles, and to avoid blurring the individual responsibilities of each protection actor for the safety of the populations, and the use of information collected.

As illustrated below, complementary action can take several forms.

Forms of complementary action

- **Co-existence**
When active cooperation among various actors is neither appropriate nor feasible, interactions focus on minimizing competition and conflict, to enable the actors to work in the same geographical area, with the same population, or on the same issues, with minimum mutual disruption.
- **Coordination**
Dialogue and interaction among various actors serve to preserve and promote distinct characteristics or principles, to avoid competition, to minimize inconsistency, and when appropriate, to pursue common goals. Coordination is a shared responsibility, facilitated by liaison and common training.
- **Cooperation or collaboration**
Joint work among various actors for a common purpose or benefit may include joint analysis and action. It does not necessarily signify common activities, nor any merger of identities or characteristics, but rather some form of working together to achieve a common goal.
- **Contractual partnership**
A more formal and legally constraining form of cooperation usually takes the form of a contract between organizations, that agree to contribute property, knowledge or activities to a given task. The contract defines the legal obligations and expectations of each partner, and often covers issues such as the transfer of financial resources and the secondment of personnel.¹

¹ Adapted from the IASC Reference paper *Civil-military Relationship in Complex Emergencies*, Geneva, 2004.

Establishing effective complementarity among the wide range of humanitarian and human rights actors doing protection work is rarely easy. While they share similar objectives with respect to protection – seeking to obtain “full respect for the rights of the individual”² – they also have varying identities, mandates, priorities, approaches and activities that may impede working closely with others.

Organizations that subscribe to the principles of neutrality and independence as a means to gain access to all communities and actors in armed conflict and other situations of violence, will be especially concerned to maintain their distinct identities. This constraint can limit the degree to which they are able to engage in formal, sector-wide coordination structures, such as the Protection Cluster. However, it does not limit their ability to coordinate on specific issues, such as tracing unaccompanied minors, or establishing lists of missing persons following a crisis that caused flight.

Other characteristics can affect interaction: actors may be faith-based, secular, national, or international; their mandates may be rooted in IHL, IHRL or IRL; their priorities (refugees, children, IDPs, etc.), and geographical interests can vary. These various factors influence the interest and ability of each protection actor to coordinate with others, and complicate the task of finding common approaches and working methods. Disparities in capacity, resources, or even distance between locations can present additional challenges to complementary action.

Such differences are, however, often the very reason why complementary action is needed. The multi-faceted nature of crises typically demands a variety of solutions. The multiplicity of humanitarian and human rights protection actors and their diversity of approaches is thus an asset. Because protection actors work in different geographical locations and with different portions of the population at risk, their combined efforts can increase the scale and impact of the response.

Cultural, religious, ethnic and linguistic diversity means that local organizations may, in some circumstances, be better placed to obtain results. In others, international actors may hold more sway.

To achieve better results through increased consistency and coherence among diverse protection activities, given the disparity of tactics or modes of actions they may use in their respective environments, demands a conscious effort aimed at more effective interface. One example is that of a confidential dialogue to persuade primary duty bearers to fulfil their protection responsibilities that can sometimes be reinforced by public reports on the humanitarian consequences of their shortfalls. In other instances, a range of different actors raising similar concerns, or taking similar action simultaneously, can create the same multiplying effect.

Thematic collaboration among selected actors is frequent, such as interagency cooperation on DDR. Protection actors may also decide to participate, or not, in more general coordination structures such as the Protection Cluster, or its working groups, such as the one on gender-based violence, or on the rule of law and justice.

The actual form of complementarity to be adopted will depend on an assessment by the protection actor of the most effective response to a given context or protection need, as well as the most appropriate form of interaction. The ICRC, for example, with its concern for maintaining neutral and independent humanitarian action, may

² See definition of protection in Introduction.

give preference to liaising on a bilateral rather than collective basis, in the interest of preserving its confidential dialogue with arms carriers and authorities.

Complementarity of action among protection actors



30. Protection actors must take account of the roles, activities and capacities of others, avoiding unnecessary duplication and other potentially negative consequences, while endeavouring to build synergies.

As outlined in Chapter 3 (on the protection architecture), it is important for actors involved in protection activities to articulate and communicate their roles so that others can understand their intentions and their work. Liaison with others working in the same geographical or thematic areas will help to ensure that priority needs are addressed, and that unnecessary overlaps do not occur. At an operational level, protection actors should share information regarding their general protection strategy and their target areas and populations, so that these elements can be incorporated into the analysis and planning of other actors. This can be done through existing multilateral coordination mechanisms (e.g. the Protection Cluster), through bilateral contacts, or even through e-newsletters or briefings.

It is especially helpful, when planning or undertaking activities in a new context or with a new population, for protection actors to consult with those already operating there, in order to identify potential gaps in the response. This will help to avoid concentrating response efforts in specific geographical areas, or on issues that are already adequately addressed, unless there is a clear added value, or the current response is judged to be insufficient in scale or quality. Assessments should be undertaken to clearly identify where the greatest needs exist, in order to determine where actors with specific expertise should focus their efforts.

As noted in an earlier chapter (Standard 15), while acting in accordance with its mandate or mission statement, a protection actor must also ensure that its actions do not undermine the capacity of the authorities to fulfil their protection responsibilities. If the authorities fall short in their protection duties, this may be due to inadequate capacity or lack of will. If it is a question of capacity rather than will, providing them with support, as opposed to pure substitution, may be the more constructive approach on the part of the protection actor. Where authorities have the means to respond, but are unwilling to do so, it is essential to avoid undermining efforts by other protection actors aimed at encouraging the authorities to respond more comprehensively. For example, if several actors have taken a collective, principled decision not to substitute for authorities who have the means to respond, any decision by another protection actor to do so must be carefully considered. In all events, a protection actor should proactively advise other actors likely to be affected by its actions.

Also important to effective complementarity is the capacity to deliver on commitments made. Protection actors should ensure that they possess the necessary capacity, skills and resources to follow up on their intended roles or activities, and should be transparent about this capacity, and its estimated

duration (see Chapter 7). If shortfalls occur, or they face an unanticipated withdrawal, the protection actor should inform others, and efforts should be made to ensure an effective handover.

Complementarity of principles among protection actors

! 31. Protection actors must avoid compromising the efforts of those among them who choose to subscribe to the principles of independence and neutrality.

While humanity, impartiality and non-discrimination remain central to all protection work, some protection actors rely on the additional principles of neutrality and independence to gain access to and proximity with people at risk in armed conflict and other situations of violence. Adherence to these principles is a method of working; it is also perceived as a means of facilitating the engagement in protection activities of all parties to a given conflict, and of all portions of the affected population.

Actors that decide not to share, or that cannot implement these additional principles, should acknowledge the commitment of those that seek to do so. In particular, actors which are not, or are not perceived to be neutral in a crisis, through their actions or associations, should be careful not to publicly implicate others in their actions. They should also be aware that actors adhering to the principles of independence and neutrality may be required to limit the extent of their coordination or complementary action with others, in order to safeguard their commitment, both in real and perceived terms, to these principles.

Complementarity of analyses

! 32. Protection actors should seek to share their analyses in order to contribute to a better understanding of protection issues and their impact on various populations at risk.

Analysis is critical to an effective response. A good understanding of the environment, the changing trends and existing protection needs can help reduce gaps or unnecessary duplication, and anticipate potential further needs of the affected populations.

The diversity of humanitarian and human rights actors doing protection work helps increase this understanding, and contribute to more comprehensive responses. The varying focus on diverse geographical areas, on issues such as gender-based violence, tracing, judicial reform, or on specific portions of the affected populations, brings diverse perspectives and thus different approaches to an analysis. Sharing this diversity helps increase the overall understanding of a given context.

The contextual analysis should examine the environment, pattern of violations, perpetrators, duty bearers and their capacity and willingness to protect, as well as the impact on the affected populations. Due attention also needs to be

given to age, gender, and other relevant features that might increase people's vulnerability to threats within their environment. This information should be made available with appropriate levels of detail, whilst ensuring respect for informed consent and confidentiality. To maintain this confidentiality, some actors may limit their information-sharing to general protection concerns.

Sharing information and analyses does not presuppose a shared perspective on protection issues. Nor does it mean that all analyses should be undertaken jointly. Respective organizational mandates, priorities and approaches – including the need for independent and confidential action – can in certain cases make joint assessment and analysis inappropriate. Where possible, however, and particularly when common purposes and approaches exist, interagency analysis and assessment might be given priority in order to reduce duplication. Drawing upon existing analyses and assessments is often also useful, provided they are relevant and of good quality.

Mobilizing other protection actors



33. Protection actors must encourage the involvement of other protection actors with the requisite competencies and capacity where important, unmet protection needs are suspected.

Encouraging others to respond will help promote a more comprehensive response for those at risk. In terms of the formal protection architecture, the first course of action is normally to encourage the primary duty bearers to comply with their responsibilities. But in situations where the authorities are failing, humanitarian and human rights actors may be required to help address the most urgent protection needs. If important gaps persist, they may also need to mobilize others with the requisite expertise and capacity to address critical, unmet protection needs. This is true at both the institutional level, such as for the development of legislative norms or policy, and at the operational level. Encouraging action by others does not imply directing their response, but rather sharing information and analysis of important, unmet needs that have been identified.

Providing information on protection services and facilitating referral in emergency situations



34. Protection actors should map critical services that exist in their area of operations, making this information available whenever appropriate and feasible, and proactively facilitating access to such services in emergency situations.

Access to information on available services is often critical for the protection of populations at risk. In all situations, protection staff should be able to provide information on relevant services available to those in need, including tracing services for missing people, documentation services for those lacking essential identity documents, or legal services for those in need of legal aid. Ideally,

such information should be given after due assessment of the quality of these various services and their conformity with professional protection standards.

In more acute emergency situations, protection actors are also responsible for proactively facilitating access to emergency services, wherever feasible, for those in acute need, for example, those who have been subjected to sexual violence, physical assault, torture, etc. In the aftermath of sexual assault, for example, access to emergency contraception and post-exposure prophylaxis is critical. Rapid access to services may also be essential for others with special needs, such as unaccompanied minors, elderly persons, and individuals with a chronic disease necessitating regular treatment, or those with disabilities. In such situations, rapid and accurate information on how to access critical care and essential services, in a manner accessible to the person it is intended for, is of paramount importance. It can be vital for survival, or for preventing serious medical consequences. Access to emergency or social services can also protect individuals in situations of extreme vulnerability from the threat of severe harm, from exploitation, or from the need to develop coping mechanisms that would create new protection problems such as prostitution or illegal trafficking.

Facilitating referral in these extreme cases may also involve ensuring that the person can physically reach and have access to the necessary services. At a minimum, it requires providing contact information on competent and available services. Protection actors should therefore compile this information with a view to its rapid transmission when required. Other referral actions include calling emergency services, transporting the person(s), and providing the financial means required to access services. Whenever possible, a family member should accompany a person in need of medical care; it is good practice to cover partly or entirely the costs for the accompanying person. The informed consent of the person(s) at risk must be obtained (see Chapter 6). In circumstances where this is not possible, owing to the age or incapacity of the persons, a decision on referral should be taken on the basis of their best interest.

The act of facilitating referrals does not imply a responsibility to ensure access, but rather to take all appropriate and feasible steps in order to facilitate this access, within the capacity and means of the actor in question. This could include negotiating with authorities, or other actors controlling the area, to ensure fair and secure access. Referral to available services, however, implies ensuring coverage of costs (medication, transportation, etc.), carers to accompany the person, the availability or feasibility of return transportation, etc.

These aspects should be taken into consideration and the person in need duly informed of them and of the limits to the assistance the protection actor can provide; however these should not prevent immediate action in a critical situation. Adequate follow-up should also be undertaken after the emergency is over, according to the actor's competencies and capacities.

Whenever protection actors decide to set up Internet platforms allowing individuals and communities in areas affected by violence to register directly, as is the case with sites dedicated to the search for missing persons in emergencies, or to send information on unfolding events, they should include information on existing and functional services these individuals and communities could

turn to. Protection actors should regularly and as far as possible verify that the information they transmit is correct and up to date.

Protection actors should build on the expertise of specialist service providers to ensure their Internet platforms are of good quality, accessible and user-friendly, while complying with the various data protection standards discussed in Chapter 6.

When such platforms are set up by third parties, protection actors should assess whether it would be advisable to approach the managers of such platforms to persuade them to include information on existing protection services that could benefit individuals and communities.

Responding to violations



35. When a protection actor learns of serious abuse or violations of international humanitarian or human rights law, and it lacks the capacity or the requisite mandate to take action, it should alert other organizations which may have this capacity or mandate.

Protection actors have a duty to take action when they learn of serious violations of international humanitarian or human rights law. They may directly witness the violations, or observe the consequences suffered by the affected populations, or they may receive information from a third party. In all events, taking such action does not denote a shift in responsibility from the authorities to protection actors. It is the seriousness and repetition of the violations that requires whoever learns of their occurrence to ensure that action is taken. The type of action will depend on the circumstances. If violations have occurred in the past, action must be taken to prevent any recurrence, to reduce the consequences for affected populations and ensure accountability. For current or imminent violations, action must aim at stopping or preventing them, and ensuring accountability.

If the protection actor lacks the capacity or the means to respond to the violation, or is unwilling to do so, it should inform other actors having the requisite capacity and expertise. This duty to inform should always apply, except when non-disclosure is judged to be in the best interest of the affected persons or witnesses, or the security of staff. For some protection actors, issues of confidentiality may mean that sharing detailed information may not be possible.

Protection actors reporting a protection concern should provide sufficient information to allow others to act. Clear procedures on how to do so should be established by each protection actor. Any transmission of information should abide by the standards established in the following chapter on the management of sensitive protection information.



Ron HAVVI/ICRC/II

Chapter 6:

MANAGING SENSITIVE PROTECTION INFORMATION

Standards and guidelines

- !** 36. Protection actors must only collect information on abuses and violations when necessary for the design or implementation of protection activities. It may not be used for other purposes without additional consent. 84
- !** 37. Systematic information collection, particularly when involving direct contact with individuals affected by abuses and violations, must only be carried out by organizations with the capacity, skills, information management systems and necessary protocols in place. 84
- !** 38. Protection actors must collect and handle information containing personal details in accordance with the rules and principles of international law and other relevant regional or national laws on individual data protection. 85
- !** 39. Protection actors seeking information bear the responsibility to assess threats to the persons providing information, and to take necessary measures to avoid negative consequences for those from whom they are seeking information. 85
- !** 40. Protection actors setting up systematic information collection through the Internet or other media must analyse the different potential risks linked to the collection, sharing or public display of the information and adapt the way they collect, manage and publicly release the information accordingly. 86
- !** 41. Protection actors must determine the scope, level of precision and depth of detail of the information collection process, in relation to the intended use of the information collected. 87
- !** 42. Protection actors should systematically review the information collected in order to confirm that it is reliable, accurate, and updated. 88
- !** 43. Protection actors should be explicit as to the level of reliability and accuracy of information they use or share. 89
- !** 44. Protection actors must gather and subsequently process protection information in an objective and impartial manner, to avoid discrimination. They must identify and minimize bias that may affect information collection. 90
- !** 45. Security safeguards appropriate to the sensitivity of the information must be in place prior to any collection of information, to ensure protection from loss or theft, unauthorized access, disclosure, copying, use or modification, in any format in which it is kept. 91
- !** 46. Protection actors must undertake an analysis of the associated risks for the interviewees and the interviewer before conducting interviews. 92
- !** 47. When conducting individual or group interviews, protection actors must only collect personal information with the informed consent of the person concerned, who is made aware of the purpose of the collection. Unless specific consent to do so has been obtained, personal information must not be disclosed or transferred for purposes other than those for which they were originally collected, and for which the consent was given. 93
- !** 48. Protection actors must integrate the notion of informed consent when calling upon the general public, or members of a community, to spontaneously send them information through SMS, an open Internet platform, or any other means of communication, or when using information already available on the Internet. 95
- !** 49. Protection actors should, to the degree possible, keep victims or communities having transmitted information on abuses and violations informed of the action they have taken on their behalf – and of the ensuing results. Protection actors using information provided by individuals should remain alert to any negative repercussions on the individuals or communities concerned, owing to the actions they have taken, and take measures to mitigate these repercussions. 97
- !** 50. Protection actors must avoid, to the extent possible, duplication of information collection efforts, in order to avoid unnecessary burdens and risks for victims, witnesses and communities. 98
- !** 51. Whenever information is to be shared, its interoperability should be taken into account in planning the information collection. 98
- !** 52. When handling confidential and sensitive information on abuses and violations, protection actors should endeavour, when appropriate and feasible, to share aggregated data on the trends they observed. 99
- !** 53. Protection actors should establish formal procedures on the information handling process, from collection to exchange and archiving or destruction. 100

Managing sensitive protection information

This chapter deals with the collection and handling of protection information relating to individuals or specific events. It is primarily addressed to protection actors who conduct interviews with witnesses or victims on a regular or ad hoc basis, as well as those receiving or using such information collected by others. It is also addressed to those actors who partner with established protection actors in collecting or managing sensitive protection information for instance through crowdsourcing platforms.

While not a full-fledged manual, this chapter outlines some of the key principles and standards that should be adhered to when collecting or handling information.

Protection actors working with aggregated information, such as trend analysis, do not face the same challenges, as the information they handle is less sensitive. They may feel less concerned by the standards and guidelines of this chapter. They should nevertheless be aware of the constraints of managing data on individuals and events, in order to understand how the information they are handling has been obtained.

In situations of armed conflict and other situations of violence, conducting individual interviews can put people at risk not only because of the sensitive nature of the information collected, but because mere participation in the process can cause these people to be stigmatized or targeted. In practice, the risks they may incur can range from physical violence to social marginalization, and are often unknown to the individual soliciting the information, and sometimes also by the person providing it. Furthermore, conducting interviews can be emotionally taxing for both the interviewee and interviewer.

New technologies allow for the collection of data without actually meeting individuals and communities to conduct face-to-face interviews. Rather they rely on the capacity of individuals to transmit information on unfolding events and/or on their needs, in real time, by means of the Internet or other telecommunication networks. In recent years, activists as well as some traditional media have used a variety of electronic processes to report on unfolding events. Humanitarian organizations themselves are increasingly using Internet and mobile-phone-based applications for their own surveys and other data gathering (e.g. EpiSurveyor or Open Data Kit). Combining and cross-checking such information with other sources, including information collected directly from communities and individuals affected, is becoming standard good practice.

Purposes of information collection

Protection work requires the collection of information linked to individuals or incidents for various purposes, including as means to:

- inform protection programming and planning;
- monitor and analyse compliance with IHL, IRL and IHRL, and other norms protecting the individual, in order to draw attention to violations identified through public or confidential reports;
- follow the situation of vulnerable individuals or groups over time;
- trace individuals, provide means of re-establishing family links, organize family reunification, or identify human remains;
- keep track of activities that were carried out in favour of affected populations, communities and individuals (referrals, assistance to populations or individuals, etc);
- identify trends and substantiate reporting;
- confirm a particular legal status and determine entitlement to rights, such as those based on the status of refugees or stateless persons;
- prepare stories and case studies for campaigning or advocacy.

N.B. Although not its primary purpose, data collection can also support fundraising. When this is the case the same standards apply.

The protection actor seeking the information bears responsibility for managing the risks associated with the process. This chapter addresses critical issues, such as humanitarian intent, non-discrimination, and informed consent. It provides standards and guidelines to ensure that the collection of potentially sensitive protection information, and its subsequent handling, is undertaken in a professional manner. It urges actors involved in these processes to treat the witnesses and victims of abuses and violations equitably, to protect their interests and to preserve their dignity. Witnesses and victims of abuses and violations should not be exposed to repeated or useless questioning, or unwelcome attention. Such principles are even more relevant when dealing with vulnerable people, such as separated or unaccompanied children, detainees, refugees or IDPs, who are often unable to fully measure and anticipate the use of the information they have provided.

Finally, the chapter underlines the need for caution and professionalism, ensuring that all staff involved in documenting incidents of abuses and violations, or in handling sensitive protection information are well trained.

Setting up data collection, combining, cross-checking, and analyzing data from different sources, and finally archiving sensitive protection data has become more complex with the multiplication and diversification of sources of information. Competent staff is needed to manage the information flow, to take into account the possible biases, and to conduct analysis.

Although the need for caution is a central message, it should in no way be interpreted as a call to avoid sharing information. On the contrary, when the disclosing of protection

information is thought to be of benefit to the individuals and communities concerned, it should be shared, as appropriate, with local, regional or national authorities, UN peacekeeping operations, other protection actors, and last but not least with service providers.

Who else should apply these standards and guidelines ?

Many large humanitarian organizations have specific communication and media teams who may not formally view themselves as part of a “protection” team, but who conduct face-to-face interviews and collect information on sensitive issues. Such teams must also apply the following standards to ensure that all colleagues within an organization apply the same professional ethics to information collection and management.

Given the growing importance of new technologies in data collection and management, involving information managers and ICT colleagues can also be of prime importance to clearly understand and answer the challenges mentioned in this chapter.

Finally, most standards linked to data collection and data management developed in this chapter will also be of interest to people who do not necessarily see themselves as protection actors, such as people working in social media, or people setting up crisis mapping¹ independently from traditional humanitarian and human rights organizations.

Collecting information from afar: understanding the risks and advantages linked to new technologies and methodologies

Limitations on timely access to regions and communities affected by violence are a reality in many armed conflicts and other situations of violence. New methodologies combined with new technologies are opening new perspectives for protection actors to collect data and communicate with affected populations. The capacity to obtain information on abuses and violations in almost real time is starting to have a profound impact on humanitarian and human rights organizations. It is allowing them to gain a faster understanding of developing trends and it permits triangulation with the data they are able to collect locally.

It is important to distinguish new technologies from new methodologies. Growing access to new technologies such as the Internet, SMS, satellite imagery and GIS, has had a direct impact on the development of new methodologies. However, new technologies can often be integrated into existing working procedures.

For example, when a child protection agency develops a mobile phone application that allows the direct entry and transmission of registration data, such an application can be used while registering an unaccompanied child, to then transmit this information in less time than it would have taken with a paper trail. It is therefore an example of new technologies at the service of an old practice of registering separated or unaccompanied children for tracing and protection purposes. In this case the development and use of new technology saves time and energy, without changing

¹ Crisis mapping refers to the online and interactive mapping of events following a humanitarian crisis and the analysis of the real-time data collected from various sources (tweets, blogs, emails, SMS).

the interaction between the humanitarian worker on the ground and the child he/she is interviewing.

Some technologies have also allowed the development of new methodologies that do not rely on face-to-face contact between humanitarian workers and communities or individuals to collect data, for example aerial and satellite imagery, that can easily be purchased from private companies. Today, the precision of this imagery is such that with minimal training it may allow users to identify the destruction of housing stock, or obtain a precise view of a makeshift IDP camp and its surroundings.

Crowdsourcing is another, and somewhat more challenging, example of a new methodology available to humanitarian and human rights organizations. Crowdsourcing relies on a participative online activity in which an organization can call on the public, or on the members of a community, to voluntarily contribute by sending information. When it comes to protection, crowdsourcing can be an extremely efficient way to collect data on ongoing violence and abuses and/or their effects on individuals and communities. Made possible by the wide availability of Internet or SMS in countries affected by violence, crowdsourcing has rapidly gained traction.

In these cases, there is no direct face-to-face contact between field workers collecting information on the ground and the people participating online.

While bringing clear advantages, the ease and rapidity with which new technologies allow the publication and dissemination of information to a variety of actors also brings new challenges that need to be mitigated, and amplifies existing ones for both protection actors and individuals in the field.

These include the following points, in order of importance.

- The protection of the sources of information that might decide to use electronic means (blog, SMS, email, tweets, social networks, etc.) to rapidly communicate information to the public, or to third parties, while unaware of the risks of being identified or tracked by the authorities or armed groups who might take actions against them. In some cases, retaliation might affect a whole community.
- The loss of control by users over their personal data. Once their data has been made public on the web, it is nearly impossible for users to reclaim, modify or delete the data.
- The misuse of personal data. This can happen with ill-intentioned people and private organizations wanting to take advantage of the vulnerability of people to gain financial advantages, or to sell their services.
- The risk of raising false expectations that there will be a rapid response or in fact any response at all to the concerns expressed by individuals or communities.
- The inability of people who have had little or no exposure to or experience with modern information technology to give real informed consent (for example to local activists putting online stories they just heard in the street).

- The reliability/distortion of information due to bias or danger of manipulation such as:
 - the difficulty of identifying the first source of information and the authenticity of this source;
 - the bias due to unequal access to technologies in different regions, or across generations;
 - the bias aggravated by Internet viral loops that might favour certain information and sources to the detriment of others;
 - the purposeful manipulation of information by those with vested interests.
- The risk of favouring one-way communication from individuals to protection organizations coupled with mass communication from protection organizations to individuals, versus a more in-depth dialogue (since the capacity of individuals to send messages by far exceeds the capacity of organizations to respond to them individually).
- The diminishing incentive for individuals to resort to more traditional face-to-face interviews with humanitarian and human rights workers, when they would in fact have the possibility of doing so.
- The pressure on organizations to communicate publicly and rapidly.
- The information overload.

The misuse or distortion of online data may end up harming the individuals and communities one is aiming to protect. It may also result in a loss of confidence between the organization collecting data and its beneficiaries, a loss of confidence in the aid community as a whole, and even liability claims.

Therefore, when establishing systematic data collection on sensitive issues that request people to send information without any face-to-face contact, such as crowdsourcing, protection actors must always consider the following factors:

- the bias that might exist;
- the risks to individuals who contribute or about whom information is provided;
- the intended use of the information, with a view to:
 - raising awareness of contextual emerging trends and supplementing or corroborating other information, and/or
 - responding to specific events, individual needs, or interaction with individuals.

Respecting the basic principles

36. Protection actors must only collect information on abuses and violations when necessary for the design or implementation of protection activities. It may not be used for other purposes without additional consent.

The collection of information must aim to enhance the safety and dignity of the persons and/or the population involved. In no circumstances should it be intentionally used to promote non-humanitarian agendas, such as political or partisan goals, nor to distort the facts, nor mislead or cause harm to affected or at-risk populations. Individuals providing the information should not be misled regarding the purpose for which it is being collected. Accuracy and transparency in the process of information collection is crucial. Consent to provide information must never be obtained through deception.

The primary purpose of the collection of information on violations and abuses is to inform the design and implementation of measures intended to address and prevent such occurrences. It may not be used for other purposes, such as fundraising, without additional consent and due regard for the possible risks.

37. Systematic information collection, particularly when involving direct contact with individuals affected by abuses and violations, must only be carried out by organizations with the capacity, skills, information management systems and necessary protocols in place.

Not all organizations operating in countries affected by violence need to collect information on abuses and violations from individuals and communities. As there is a very high risk of causing harm if sensitive information is mismanaged, such information should not be collected unless its use is clear, and the depth and specificity required are defined. Unless a protection actor requires detailed protection information to conduct its activities, and has the capacity to ensure the implementation of the standards contained in this chapter, it should abstain from directly collecting any sensitive protection information on individuals or incidents related to abuses or violations. Those who may be confronted with sensitive situations on the ground should, however, be provided with information on appropriate service providers and other protection actors to whom they can refer people, should affected communities or individuals approach staff for advice and support.

Organizations using public advocacy and campaigning as a protection activity may feature stories and case studies to mobilize public opinion and action, particularly through their websites and in media work. In doing so, their own staff and photographers, and film-makers commissioned to collect such information on the ground should adhere to professional standards, abstain from acting without the free and informed consent of the people at risk, and have the requisite expertise and experience in working with vulnerable people and in techniques for protecting their identities.



38. Protection actors must collect and handle information containing personal details in accordance with the rules and principles of international law and other relevant regional or national laws on individual data protection.

The protection of personal data is based on the right to privacy recognized in most general international human rights treaties.²

Domestic or regional laws may also contain provisions for the protection of information, in particular personal data, which go beyond the standards in this document. Domestic or regional laws usually provide additional specific rules for highly sensitive data, such as genetic, ante- and post-mortem, and medical information. It is important to identify and respect applicable laws, provided they are in conformity with general international law and are aimed at protecting privacy.³

Domestic or regional laws may also contain provisions imposing the disclosure of confidential information with a view to protecting public order and the rule of law, for example in criminal cases. In such cases, the protection actor must adopt clear internal guidelines defining the type of data to be collected and the circumstances in which they will be shared, so as to avoid additional risks for both the victim and the actor involved.

Without adequate awareness of the existing legal framework, actors collecting information may be prevented from doing so, compelled to disclose information, or face legal action by the State or the individuals concerned.



39. Protection actors seeking information bear the responsibility to assess threats to the persons providing information, and to take necessary measures to avoid negative consequences for those from whom they are seeking information.

Protection information describing abuses and violations is often extremely sensitive and may generate risks for the victims, witnesses, their families, and staff collecting it. The choice to participate rests with the provider of the information. However, the burden of assessing and managing, to the extent possible, the risks associated with the process resides with the seeker of the information, who is obliged to ensure that the choice to participate is made voluntarily, in full awareness of the potential risks. It also requires that the protection actor regularly reviews the risks associated with transmitting, releasing or even storing protection information that could allow victims or witnesses to be identified.

These precautions also apply when an organization wishes to use and replicate sensitive protection data that has been put online by individuals or organizations on other websites/blogs/social networks. It is important to

² Personal data, understood as any information relating to an identified or identifiable individual as defined by the Council of Europe's Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (1981).

³ Depending on the context, different legal frameworks may apply simultaneously (e.g. regional and domestic laws, or the laws of two or more countries).

stress that an organization using sensitive data from other online sources is equally accountable for the consequences of its online data processing on the individuals to whom the data relates, for example, first-hand accounts from rape survivors naming victims and/or witnesses in a volatile environment.

Regular reviews need to be carried out by any protection actor intending to transmit or release protection information, even if the informed consent (see Standard 47) was obtained from the victim and/or the witness when the information was collected, as circumstances may have changed in the meantime.

This also applies when a protection actor subcontracts information collection to others. It remains the responsibility of the protection actor to ensure that its partners apply the same standards and guidelines on the professional handling of information that concerns individuals or incidents.



40. Protection actors setting up systematic information collection through the Internet or other media must analyse the different potential risks linked to the collection, sharing or public display of the information and adapt the way they collect, manage and publicly release the information accordingly.

Information collected through an Internet site where people can directly feed in information can prove extremely sensitive and result in risks to the provider of the information, or the people mentioned in it. Immediately putting online images of wounded protesters treated on the spot by volunteers can allow them to be identified with possible adverse consequences. Putting SMS or Twitter content online in real time revealing, for instance, the location of a women's refuge that was previously kept discreet might attract unwanted attention. Managing the risks when setting up such systems poses certain challenges protection actors must integrate in their risk mitigation analysis.

The main questions that need to be answered to efficiently analyse and manage the risks are the following.

- Could the information be used for intelligence gathering in military or police operations, or by any ill-intentioned third party? Is it possible for the authorities to trace the information back to its original source?
- Are the means of communication used by individuals to convey information to a specific website secure enough to enable the transmission of personal or sensitive data?
- Are there clear protocols to deal with the sensitive data collected (for example, names stored but not rendered accessible, while displaying events on a website – without personal identifiers). If so, is the non-public part of the site secured against loss, theft or misuse of the personal or sensitive data it collects?
- Which information collected can be published or shared with partners to meet the organization's objectives without endangering the individuals concerned?
- Is there a risk to the organization itself, especially as regards its capacity to gain or maintain its field access?

Organizations should understand and manage these risks. They can in particular adapt the way they display information publicly. The level of precision (both in terms of time and geo-localization) when mapping incidents should match the risk analysis.

Groups that map crises are developing good practices, incorporating filters in the information they openly share, thereby rendering the sources anonymous when needed. This makes sense but nevertheless requires a serious contextual understanding of the risks. Checking risks with people knowledgeable of, and whenever feasible, present in the context is therefore essential before deciding to collect information from afar through a website, or by referring individuals to a specific website.

These groups should take all necessary measures to avoid situations where individuals may be subjected to retaliation, taking into account that there are no technical means to ensure that information collected online or through SMS can never be intercepted, or tracked by an ill-intentioned third party.

In order for the individuals to judge the risks they are taking in sending personal or protection information, the organization running the website should be transparent and explain in simple terms and appropriate languages:

- its identity;
- the purpose of the website;
- how the information will be used/processed and notably with whom it may be shared, and how personal data can be modified or deleted if required;
- the potential risks and the precautions taken to mitigate them.

These steps are necessary to ensure transparency on the purpose of the information collection. They will also help address the issue of informed consent when there is no direct contact between field workers and people sending information (see Standard 48).

The organizers should also put in place a mechanism to receive suggestions as well as complaints, to improve their methodology and the tools they use.

Ensuring relevance and quality



41. Protection actors must determine the scope, level of precision and depth of detail of the information collection process, in relation to the intended use of the information collected.

Establishing clear objectives and timeframes is central to the information collection process. Problems often arise from inadequate definition of these objectives, and/or poor transmission to those involved in collecting the information. The purpose of the collection process should support a specific operational objective, and be tailored to this objective as closely as possible. Operationally, it is critical that everyone involved in managing the information has a common understanding of this objective. This includes: the field monitor

interviewing witnesses and victims, communications specialists or press officer putting together case studies or media materials, analysts, and the project manager.

Clear objectives are also required to set the scope of the information collection. This can be narrow or broad, according to what is relevant to achieving the stated objectives. An example of a narrow scope could be children, in a specific geographical area, separated from their families in the last 12 months.

The clarity of objectives, precise definition of the scope of the information to be collected, and adequate awareness of these elements by those involved, all contribute to clarifying the core information requirements. In defining the scope of information needed, protection actors should have in mind long-term strategies and objectives related to data collection, and not miss opportunities to collect data from individuals with whom re-contact may be difficult or impossible. Defining a larger scope for the information needed in view of expected difficulties to re-access individuals or communities, should not be a reason not to re-contact, whenever feasible, individuals who have contributed to the information collection.

Without this clarity, field staff may omit valuable information because they do not realize its importance, or conversely collect sensitive information that is not relevant to the defined objectives, and will therefore not be used. Information that is not necessary for the purpose identified prior to, or at the time of collection, should simply not be collected, in order to avoid unnecessary risks, painful questioning, or false expectations on the part of those providing the information.

Finally, the protection actor should also define the level of reliability and accuracy of information it aims to collect. When fact-finding in relation to specific violations, it should decide beforehand the level of accuracy required for its action, such as public advocacy reports, or bilateral representations.



42. Protection actors should systematically review the information collected in order to confirm that it is reliable, accurate, and updated.

Quality protection information is the product of a well-functioning information system, which regulates its flow, and attributes tasks and responsibilities at each stage: collection, processing and analysis. Such a system ensures that information is collected systematically and methodically, while ensuring a consistent and reliable level of quality.

Ideally, the information collected should be first-hand, detailed, corroborated by different sources, and regularly updated. In practice, however, the information cycle can often be somewhat informal and haphazard, with the result that information is not managed or checked systematically. Furthermore, misunderstandings can easily arise between those collecting and those analysing the information.

In order to manage such risks, clear responsibility needs to be assigned to evaluate the information collected, and to take action when the quality is found

to be inadequate. This may include re-designing information intake formats, clarifying terms in glossaries, or providing more general coaching and training on fact-finding, interviewing and information collection. It is also needed to assess the ongoing reliability and relevance of data in fast-changing situations.

First-hand information provided by a clearly identified and trusted individual or organization during a face-to-face interview is usually more reliable than information disseminated on the web by unidentified actors/individuals. However, there is a trade-off between accuracy and speed. Collecting first-hand and reliable information on the ground is costly, takes time, can be highly risky for all involved and furthermore, it is not always possible. Using crowdsourcing in a smart and careful way to remotely collect and aggregate data from the field can be useful where field presence is either not possible, or restricted. It can attract attention to specific areas, problems, or patterns to be further explored. When organizations have established a good field presence, crowdsourcing can help to corroborate data directly collected from the field.

When collecting information through crowdsourcing, humanitarian and human right actors must identify ways to verify the information received, such as triangulation with other credible sources. When in doubt, the information should be tagged as unverified. Several levels of reliability may be used when deciding to tag the reliability of information obtained through open sources.



43. Protection actors should be explicit as to the level of reliability and accuracy of information they use or share.

Protection actors should take measures to minimize the risk of presenting a false or incomplete image of the issues they intend to address.

In a crisis situation, a protection actor may feel under pressure to communicate findings that are not fully verified. When this happens, it is important to avoid hastily extrapolating firm conclusions, or being overly affirmative.

On the other hand, a lack of fully verified information is no reason for inaction when there are compelling reasons to suspect that violations have been committed, and might be repeated.

Any external report should mention the reliability of its contents in general terms. Incidents that are not yet fully established can be included, as long as the level of reliability is clearly disclosed. Transparency with respect to reliability does not necessarily mean total transparency as to how the information has been collected. Any protection actor needs to balance this transparency with the need to guarantee the safety and privacy of persons providing potentially sensitive information.



44. Protection actors must gather and subsequently process protection information in an objective and impartial manner, to avoid discrimination. They must identify and minimize bias that may affect information collection.

When it comes to collecting and handling information, the notion of discrimination is closely related to that of bias. Both can distort the collection and the analysis of information.

Bias can be defined as any systematic distortion of information, whether intentional or not. Understanding the potential for bias in all information collection efforts is the starting point for identifying its sources and minimizing its effect. Bias can stem from both the information collector and the provider, and may be due to a range of factors. They include limited coverage, when the collector is unable to access all sources of information, or obtain a representative sample; communication barriers between the interviewer and informant, such as the reluctance of a female interviewee to share information with a male interviewer; and prejudice on the part of the interviewer. Bias can also arise from distortions on the part of the information provider, who may be unable to recall events, or give false or exaggerated testimony because of social pressure, political or ideological convictions, or attempts to influence the provision of aid.

Bias can be minimized by designing information collection procedures that ensure representative sampling, and by raising awareness during the training and coaching of field staff.

Different methodologies used for data collection have inherently different potential bias. It is important to understand them to be able to minimize them. For example, crowdsourcing combined with modern technologies can provide for more instant communication and reduces bias linked to the unequal presence on the ground of protection actors. On the other hand, risks of manipulation or exaggerated testimony can be more difficult to perceive than is the case when discussing directly with individuals and communities on the ground. Furthermore, as mentioned in the introduction to this chapter, crowdsourcing may entail other biases that can give a distorted picture of the reality on the ground, particularly because of unequal access to devices, mobile phone networks or Internet connections.

A combination of methodologies and sources including crowdsourcing, satellite and aerial imagery, and traditional information collection on the ground will help increase accuracy and minimize the risk of distortion through the cross-checking of information.

Non-discrimination is an essential principle of all protection activities – the collection of information being no exception. Criteria such as age, gender or geographic location, may determine the scope of the information collection. These criteria should be based on the purpose of the information collection (such as registering unaccompanied minors in an IDP camp), and should be transparent. Once the criteria are determined, the process of information collection must thereafter be equitable and fair. The collector of information must be aware of the possible exclusion of some participants owing to language ability, political affiliation, educational level, access to communication means

when using crowdsourcing, or other factors. She or he must consequently take all reasonable measures to avoid possible biases that may result in unintentional discrimination. Even when it does not amount to discrimination, sampling bias hampers an accurate understanding of the situation and distorts the resultant protection response.



45. Security safeguards appropriate to the sensitivity of the information must be in place prior to any collection of information, to ensure protection from loss or theft, unauthorized access, disclosure, copying, use or modification, in any format in which it is kept.

Safeguards are required for the security of both paper records and of digital information. The nature of the safeguards varies according to the sensitivity of the information, with more sensitive information obviously requiring a higher level of security. As a rule, protection information should only be collected and processed once appropriate safeguards are in place to ensure that all sensitive information can be kept confidential.

An organization working with sensitive protection information should put in place monitoring mechanisms and take corrective measures in the case of any breach of these procedures. A clear definition of tasks and responsibilities among staff, notably defining the supervision of the data handling and right of individual access to sensitive data, increases accountability and therefore the security of the whole process.

Protection actors must be aware that new technologies are highly susceptible and vulnerable to security breaches. However, they may not have sufficient knowledge of new technologies to identify such risks. They must therefore seek professional advice from information management specialists when setting up procedures involving electronic collection or transmission of data. On a longer term basis, they should build this professional capacity within their organizations, thereby fostering sustained dialogue between specialists on protection, on the one hand, and information technology staff on the other.

When handling and transmitting sensitive data electronically, the security of the system should be evaluated and regularly updated.

Before deciding to collect and/or store sensitive information in a given context, the protection actor must also evaluate any specific contextual factors that might, at any stage, affect the safekeeping of confidential information collected. For example, it should be clear whether an organization might be forced to hand over information to the police or judiciary. If the information is collected and/or transmitted through mobile phone, or a website, protection actors should evaluate if there is a possibility that the authorities might force providers of mobile phone connections or internet services to hand over data stored as part of their services.

An assessment of relevant national legislation, and practices, on information protection and access to information may be necessary. Hence, it is important to establish if the protection actor is in a position to refuse handing certain

data to the authorities if requested to do so. In the absence of guaranteed confidentiality of sensitive information, which would put the provider of the information at risk if accessed by unauthorized parties, such information should not be collected.

Preparing interviews and ensuring informed consent and privacy



46. Protection actors must undertake an analysis of the associated risks for the interviewees and the interviewer before conducting interviews.

Reference has already been made (see Standard 39) to the importance of assessing potential risks involved in providing information. This is particularly relevant to conducting interviews and to the subsequent storage and use of the information collected.

Besides containing sensitive information on the nature of violations affecting individuals and groups, and the identity of the perpetrators, protection information may also reveal operational details of military operations that could be of value to opposing forces. The very act of collecting information on abuses can endanger individuals or groups, especially if they are singled out in the process. Risks also arise from the transmission of information to a potentially malevolent authority, notably through advocacy reports or reports on individual protection cases.

The victims, their families, or the actor collecting information face many types of risks as sources of this information. They include: the risk of retaliation by the perpetrators against victims, the source of information or the information collector; the risk that disclosure of information may cause stigmatization of the victim; or the risk that the protection actor may be obliged to disclose information to an authority, as for instance for use in court proceedings, for which informed consent was not obtained from the interviewee.

In analysing these risks it is necessary to determine what constitutes particularly sensitive information in a given context; possible threats to information management including theft and leakage; and whether sensitive information could be seized by the authority.

Having identified potential risks, procedural mechanisms need to be put in place to minimize adverse outcomes. These might include methods of transmitting information that conceal the sources of information or identity of victims, or deferring interviews with sources and witnesses until they are no longer within reach of those who might seek to persecute them. If it is estimated that the risks are too high, and if the protection actor lacks adequate mechanisms to manage them, it must consider forgoing the intended collection of protection information, and directing victims and witnesses to other protection actors who are better equipped to handle the information.



47. When conducting individual or group interviews, protection actors must only collect personal information with the informed consent of the person concerned, who is made aware of the purpose of the collection. Unless specific consent to do so has been obtained, personal information must not be disclosed or transferred for purposes other than those for which they were originally collected, and for which the consent was given.

Respect for the individual implies that each person is regarded as autonomous, independent and free to make his or her own choices. Before providing personal information about him/herself or other individuals, or on specific incidents, a person must be given the opportunity to make an informed decision about whether or not to participate in an information collection process.

The person concerned should be informed as to when the information provided may be transmitted to the authorities or a third party, including national or international judicial bodies. This party should be named, the purpose of the transmission should be explained, and the associated risks explored, before the person is asked to give his or her consent to the transmission.

The individual must be given the option to provide information but remain anonymous.

The notion of informed consent

Informed implies the information provider should receive explanations in simple, jargon-free language, as to the following:

- the identity of the information collector, along with a brief explanation of the mandate of the organization;
- the purpose of the information collection, its scope and method, and intended use of the information collected (to present cases, for statistical purposes, etc.);
- details of the potential risks and benefits of participation in the process;
- the meaning of confidentiality, and how it applies, with special emphasis on the fact that the person interviewed can request any information that may reveal his/her identity to be kept confidential;
- contact information so that the participant can reach the information gatherer;
- details on how long the information will be used, and how and where it will be kept (stored);
- reminders that the participant can cease participating at any time, and request that his or her information be destroyed, whenever feasible.

Consent signifies the approval by the participant for the information to be used as explained. Consent is often given with limitations. It must therefore be specified whether the whole statement can be used, including the identity of the participant, or whether the information may be used on condition that the identity of the participants is kept confidential. The participant may deem some parts of their testimony to be confidential, and others not: this should also be clarified and recorded. For example, recent violations occurring in an IDP camp, where the perpetrators are still in the vicinity, may be judged to be confidential, whereas previous violations relating to the cause of displacement may not.

Informed consent should always be obtained in ways that are culturally appropriate and relevant, and the collection of protection information should not take place until field staff have been trained to ensure that the notion of informed consent is understood and respected. Appropriate efforts should be made to adequately communicate with individuals who may have sensorial or any other impairment.

Details of the consent given and the level of confidentiality required should accompany the information throughout the information process, like a baggage tag on a suitcase. Where consent has not been requested, or has not been recorded, the information must not be transmitted to a third party. In such circumstances, it would be necessary to revisit the participant, in order to request and obtain consent before transmitting the information.

Further consent is required whenever personal information is handed over to another protection actor, or to the authorities, especially when the information is likely to be used for purposes other than those for which it was originally collected. Exceptions apply when the protection of vital interests of the person concerned, or of others, are at stake. In some cases, informed consent cannot be obtained from the individual providing the information or to whom the information refers. This can happen, for example, when tracing missing persons, who simply cannot be reached in order to seek their consent. Others, such as children or people with intellectual impairments, may not be in a position to anticipate or understand the risks entailed when providing information. Decisions should then be made based on an assessment of their best interests, in consultation with relatives, a legal representative, caregivers or others close to them.

Having obtained the necessary informed consent does not remove the actor's responsibility to assess the risk, for an individual or a given group, of collecting, storing or using sensitive information. If the risk is seen as too high, or as liable to increase over time, information should not be used, even if informed consent was obtained.



48. Protection actors must integrate the notion of informed consent when calling upon the general public, or members of a community, to spontaneously send them information through SMS, an open Internet platform, or any other means of communication, or when using information already available on the Internet.

Open call for information

Protection actors should ensure that individuals have access to enough information on the purpose of the data collection and the way in which the information they send will be managed and disclosed. This is necessary in order to consider that when sending information, those who did so have given their informed consent to the disclosure of the data.

It is important that both the risks and the precautions taken are explained, in an understandable manner, to those who wish to send information. Whether all or only part of the information is publicly available and whether it can be traced to them should also be clarified. Who can have access to the information that is not made public but shared within a more restricted circle should also be specified. If so, would this circle include national human rights commissions, or National Red Cross/Red Crescent Societies? Does it include UN peacekeeping operations or other internationally-mandated military and police forces in countries where they are deployed? What controls will be put on access to the information, for what period of time will it normally be held and actively used? Is the information going to remain accessible for years or will it be deleted after some time? Finally, those providing information should also know whether they will be able to re-access the information they have sent to correct or delete it.

Of course, once information is published online, it can be copied (“scrapped”) by an unlimited number of websites. This information can then be modified, commented, aggregated with other information, taken out of context and therefore transformed into something completely different. It is therefore difficult, if not impossible, to ensure that information published online will be used for the purpose for which it was originally collected, and that it can be modified or deleted according to the wishes or the best interest of the person concerned. Those who send information must be duly informed and understand this.

If part of the information is not made public but only shared with selected organizations, then the standards on cooperation and exchange presented at the end of this chapter must be respected. It is especially important that before sharing data, the organization collecting the data remains responsible for ensuring that each of its partners has the will and capacity to respect data protection standards.

Crowdsourcing and crisis mapping platforms

There are thousands of different crowdsourcing and crisis mapping projects accessible on the Internet, or off line. Only a small number contain what could be considered sensitive protection information. Nevertheless, since 2008 there has been a tendency to turn to crowdsourcing to monitor trends of incidents and abuses in emerging crises.

Whereas the first exercises were conducted without clear procedures to assess and to subsequently limit the risks faced by individuals who participated or who were named, the groups engaged in crisis mapping efforts over the years have become increasingly sensitive to the need to identify and manage these risks. Among others, the need to pay special attention to the protection of minors sending information, or being named or located in information received, is largely acknowledged.

Taking into account the necessary precautions in the designing of platforms inviting the public to submit information has rendered these platforms more complex to manage. There is no exhaustive methodology for doing so. The commentary in these standards outlines some of the key elements protection actors should take into account to integrate the notion of informed consent in the best possible way.

Using information on the Internet coming from different online sources

In addition to the option of launching a website with an open call for information as described in Standard 40, protection actors may also trawl the Internet in search of relevant information. They can do so by copying data publicly available on the Internet (from tweets, social networks, other websites), or get non-public data that has been collected online by other actors/websites following an agreement with them.

It is often very difficult or even impossible to identify the original source of the information found on the Internet and to ascertain whether the information obtained has been collected fairly/lawfully with the informed consent of the persons to whom this data relates. In other words, personal data accessible on the Internet is not always there as a result of a conscious choice of the individuals concerned to share information in the public domain.

The fact that information is retrievable does not mean that it was necessarily meant to be “public” in the first place, and that it can be posted on a protection actor’s web page without the necessary precautions. One has the duty to verify the consent of the person whose data is to be used. When such consent cannot be realistically obtained, information allowing the identification of victims or witnesses, should only be relayed in the public domain if the expected protection outcome clearly outweighs the risks. In case of doubt, displaying only aggregated data, with no individual markers, is strongly recommended.

These precautions do not absolve a protection actor from periodically conducting a risk analysis (as stipulated under Standards 39 and 40) to decide whether sensitive information should continue to be disclosed.



49. Protection actors should, to the degree possible, keep victims or communities having transmitted information on abuses and violations informed of the action they have taken on their behalf – and of the ensuing results. Protection actors using information provided by individuals should remain alert to any negative repercussions on the individuals or communities concerned, owing to the actions they have taken, and take measures to mitigate these repercussions.

Individuals who have provided information on abuses and violations usually expect that the protection actor gathering the information will act on their behalf. In addition to providing an update on the process and on progress achieved, return visits by the protection actor after the information collection process can demonstrate respect for those having taken part. It also increases their confidence, and can sometimes yield further information.

Such visits also allow for enquiries into unforeseen negative repercussions for the individuals or communities, following the actions taken on their behalf. Whenever such consequences occur, the protection actor should do its utmost to take corrective action. It should also incorporate this sequel into subsequent risk analyses, and evaluate the need to revise its procedures on information collection and information management. It must be underlined that in some extreme circumstances, return visits to those who have given information confidentially can in themselves be potentially dangerous, notably by drawing further attention to the individuals' contacts with an international humanitarian or human rights actor.

In the case of information collected from the general public through the Internet and/or SMS, return visits are unlikely. Therefore those who started the specific crowdsourcing exercise should ensure that they regularly update their website to inform the public on the use that, to the best of their knowledge, was made of the information they received. They can also keep communities informed through local radio and TV stations. They should nevertheless refrain from sending SMS back to affected communities and individuals to inform them of the actions they could take in relation to abuses and violations brought to their attention, unless they are absolutely certain that no harm can come from such SMS being intercepted or read by the wrong person, including a friend or a family member who may not be aware of the fact that someone had sent any information.

Cooperation and exchange

! 50. Protection actors must avoid, to the extent possible, duplication of information collection efforts, in order to avoid unnecessary burdens and risks for victims, witnesses and communities.

In some unavoidable cases, an individual has to be contacted by several protection actors. A victim of sexual violence may, for example, be contacted by an NGO offering psychological support, by an organization offering legal aid, while being treated at the nearby medical centre. It can happen that a victim of abuse is asked repeatedly the same questions, without understanding why he/she has to give the same information to different organizations. Repetitive questioning may cause the victims of abuse to relive their traumatic experience time and again. The information collector must be sensitive to such risks, ensuring for example, to the degree feasible, that appropriate psychological or psychosocial support is provided both during and after the interview. Protection actors should also carefully consider whether the information collection is essential to fulfilling their protection objectives, and whether the positive impact it may engender warrants the level of anxiety that may be generated for those concerned.

There can be some degree of incompatibility between the need to collect accurate and comprehensive information, and the importance of minimizing the trauma and burden for the information provider. When confronted with such dilemmas, field workers should be able to seek advice within their own organizations.

To limit unnecessary duplication of data collection, protection actors should consult each other to determine who collects which type of information, for what purpose, as well as clarifying how much information is already available, and if and how it can be shared. Here too, protection actors must obtain informed consent before passing on the information to other competent actors.

! 51. Whenever information is to be shared, its interoperability should be taken into account in planning the information collection.

Exchanging information requires the use of a compatible structure and design for the data. Unstructured or semi-structured information can be more difficult to exchange electronically, but can be valuable in providing important contextual information and detail.

A degree of structured exchange can be obtained by using standard formats. Such formats do not have to be the same for all protection actors, as each has its specific needs. However, it is good practice to agree on a set of fields that are essential, and should be included in all forms, as well as a standardized way of entering information into these fields. For example, for tracing purposes, it

is good practice to agree on the minimum fields needed to identify a person accurately, such as full name, place and date of birth, father's name and mother's name. These fields should then be incorporated into the forms used by all protection actors that provide tracing services.

Once the set of common fields has been identified, it is useful to agree from the outset on common terminology for protection problems, type of vulnerable groups, geographical data, local professions, local ethnic groups, etc. The use of fields allowing gender and age desegregation should also be agreed upon. This will serve to avoid misinterpretation during collection and processing.

The typology used to describe abuses and violations should be coherent with the applicable legal framework to ensure consistency with legal categorizations of IHL, IHRL and IRL violations or abuses. Such coherence will assist in ensuring consistency among protection actors.

It may not be possible, owing to constraints such as confidentiality, to share raw information. Efforts to use the same method of organizing, codifying and structuring the information can nevertheless facilitate comparisons of trends and analysis.



52. When handling confidential and sensitive information on abuses and violations, protection actors should endeavour, when appropriate and feasible, to share aggregated data on the trends they observed.

There are many situations in which protection actors are unable to share all or part of their information on specific abuses or violations – in the absence of the informed consent of the victims, their family members or witnesses, or as a result of their own risk analysis. They may nevertheless be able to share aggregated data on trends. These data, which do not contain any information on individuals and their particular circumstances, can be helpful to other protection actors in their own protection programming.



53. Protection actors should establish formal procedures on the information handling process, from collection to exchange and archiving or destruction.

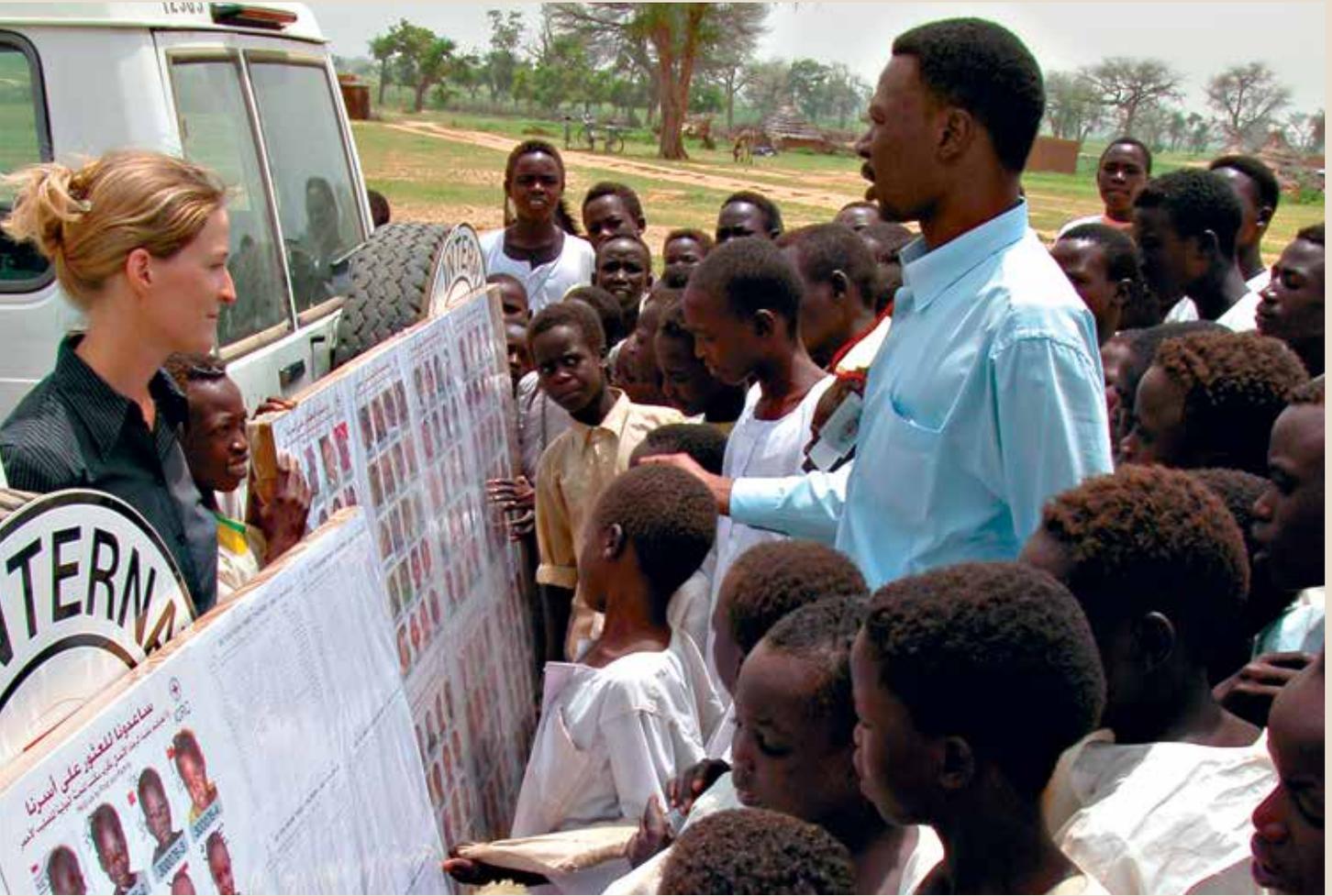
Written procedures are an effective tool for ensuring that information processes are handled systematically and professionally. These procedures are especially useful in ensuring the relevance and quality of information, and in defining security rules.

Procedures should integrate key elements linked to the preparation of interviews in any given context, particularly with respect to informed consent, privacy, transmissibility and restriction of access. They are of critical importance in emergency situations, where staff turnover is often high, and institutional memory may be limited.

Furthermore, such procedures ought to clarify issues over data ownership, and rights of deletion/correction. They should also bring clarity regarding archiving and/or destruction of data. Secure storage of confidential information must be considered in the procedures.

The need for clear procedures also applies when resorting to crowdsourcing or when uploading data from different sources into an Internet platform.

Interviews with victims, their family members or witnesses, should not be conducted by untrained staff. Adequate support, including training, should be given to ensure that all aspects of the information process are handled professionally.



Virginie LOUIS/ICRC

Chapter 7:

ENSURING PROFESSIONAL CAPACITY

Standards and guidelines

- !** 54. Protection actors must identify and address gaps in their professional capacity to carry out protection activities. 105
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- !** 56. Protection actors must ensure that their staff are adequately trained to deliver protection activities that are of high professional quality. 106
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Ensuring professional capacity

This chapter is concerned with the internal processes, competencies and capacities required by humanitarian and human rights actors doing protection work in armed conflict and other situations of violence.

Its first part underscores the importance of ensuring a co-relation between the stated intentions of a protection actor and its capacity to deliver. This involves the capacity to define intentions and plans for their realization, to ensure the requisite means; and then to implement. While mandates and mission statements of protection actors articulate broad organizational goals, operational objectives and plans of action define more specific commitments in a given operational context. However, for these planning tools to be relevant, the protection actor must have the capacity to deliver – in real terms – on the commitments they convey. The necessity of ensuring adequate human resources is thus underlined.

The second part of this chapter looks at the possible implications for staff management when engaging in protection work. It outlines the essential support any organization must provide to its staff, including training, developing best practices, managing security, and clarifying expected conduct.

Ensuring relevant capacity and competencies



54. Protection actors must identify and address gaps in their professional capacity to carry out protection activities.

Protection work is staff intensive, and demands a range of technical competencies. Engaging the responsibility of the authorities through advocacy or bilateral dialogue can be sensitive in nature, and technically demanding. Results frequently depend on the accuracy of the problem analysis, and the precision of subsequent evidence-based advocacy. Those responsible for providing technical advice, or for implementing protection activities must be versed in the relevant concepts, approaches, and methodologies of this work, and be familiar with applicable legal frameworks. They must also have the capacity to work under varying operational and security constraints.

Protection work is increasingly diverse, with evolving specializations. Accurate analysis and effective response to the particular protection needs of populations at risk requires expertise on a variety of specific issues. Penal reform; sexual and gender-based violence, tracing people unaccounted for and restoring family links; housing, land and property claims, are examples of these issues. A range of skills in the following fields is required: communication, interviewing, intercultural dialogue, drafting, negotiation, advocacy, contextual and political analysis, law, data management and statistics, and coordination.

It is important for protection actors to undertake regular and systematic analysis of their professional competencies, assessing them against the operational commitments they have made. This “real versus projected” analysis should enable a timely identification of critical gaps, and allow for rapid corrective action.



55. Protection actors should make every effort to secure sufficient resources to support their protection activities at the level and for the duration of their commitment.

Protection actors should establish specific operational objectives, and develop activities with a defined duration and expected results. They should also analyse the resources required to deliver on these commitments, and endeavour to secure resources for an adequate period of time, before starting an intervention.

While avoiding resource-driven programming, protection actors should work with donors to ensure that funding for their activities is flexible enough to avoid curtailing programmes or projects while there are ongoing protection needs. There are, however, obvious limitations to this effort. For example, multi-annual funding is seldom obtained, while seemingly secure funding can quite suddenly and unexpectedly dry up.

To the extent possible, such shortfalls should be anticipated, along with efforts to analyse the potential impact on the affected population. When the risk of a shortfall is high, pre-emptive measures and contingency planning must be put in place. In cases where an interruption is inevitable, all relevant stakeholders should be alerted as rapidly as possible. Operational adjustments must be implemented swiftly, including concerting with other actors. In the likely event of a handover of activities to actors with the means and capacity to continue, all efforts must be made to minimize negative consequences for the people at risk, caused by the shortfalls and ensuing interruptions of programme.

Staff training



56. Protection actors must ensure that their staff are adequately trained to deliver protection activities that are of high professional quality.

As already emphasized, protection work can be sensitive, and often takes place in complex and fluctuating circumstances. It is the responsibility of each protection actor to ensure that its staff develop and maintain the required skills to perform satisfactorily in such environments. There are constant risks of creating a negative impact for the people for whom this work is conducted. Hence the vital need for protection activities to be carried out by staff with appropriate competencies, and for protection actors to maintain adequate in-house capacities.

The demanding technical complexities and rapid evolution of the protection sector as a whole, have led to insufficient availability of highly skilled protection

staff, to meet operational demands. Beyond the possible recruitment of some new staff with the requisite skills, protection actors must therefore develop additional strategies, with training as a core feature. For those actors which do not have the means or desire to develop their own comprehensive training programmes, facilitating the access of their staff to other available opportunities should be a priority. Other options such as on-the-job coaching and mentoring programmes may also be useful.



57. Protection actors must keep themselves informed of, and adopt, as appropriate, current practices and guidelines of relevance to their protection activities.

A wide range of guidelines are now available on specific protection issues. They include gender-based violence; child protection; housing, land and property rights; access to justice; mine action; protection of the elderly and people with disabilities, etc.

The proliferation of protection references is expected to continue. In the absence of a rigorous quality control process, and with no body formally tasked to guide, manage or judge the quality of the reference materials produced, it is up to the users to assume this task, exercising their own judgement as to the quality of what they use. It is in the interest of protection actors to draw from collective experience, and to keep themselves informed of the evolution of protection work, adapting and adopting new policies, approaches and practices as appropriate. They must also take measures to ensure that their field staff are informed of useful new materials relevant to their activities.

By documenting their own activities, lessons learned and best practice, protection actors can also actively contribute to the evolution of concepts, policies and practices and to the development of their sector.

Managing staff safety



58. Protection actors must take measures to minimize the risks to which their staff are exposed.

Protection work is inherently dangerous since it often challenges the status quo of the operational environment, and may pose a threat to long-standing practice of abuses of human rights. While this work may be welcomed by victims, there is always a risk of an aggressive response (overt or otherwise) by the abusers.

The actual risks and vulnerabilities that protection staff might confront obviously vary according to the context, and a careful analysis of specific threats that their activities might generate is a constant necessity. Understanding these threats – what they are, who is the perpetrator/source, what is the motivation and the intent as well as who is at risk of being targeted, and why – is essential in order to manage them effectively.

The distinction between risks facing national and international staff is of particular importance in this analysis. The value of the knowledge, insight, and analysis that a national perspective can offer in informing and shaping an effective protection response must be weighed against the potential risks that national staff might face, owing to their association with protection activities. For, in many cases, these staff face different – and often greater – security risks in this work.

It can happen that national staff are perceived by various stakeholders as having a personal interest in the dynamics of the conflict. Their mere involvement in protection activities may implicate them in the eyes of those stakeholders, if only in terms of perceptions.

Whenever risks – either in terms of security or of dangerous perceptions – have been identified, the exposure of national staff to sensitive circumstances, processes, people or information must be reduced – and the distinct roles clearly demonstrated to all stakeholders.

In all circumstances, staff at all levels must be informed of the risks they may face. No staff should be forced to participate in an activity presenting risks they are not willing to take: the option of declining to participate must be kept open to all. Such open and frank discussions are critical to managing these risks and equipping staff to keep themselves safe in sensitive environments. Each protection actor should also develop clear security management guidelines, and ensure that these are made available to and discussed with all staff – national and international – while ensuring that adequate training on security management is provided.

Ensuring ethical conduct by staff

! 59. Protection actors must adopt an institutional code of conduct and ensure compliance.

Each protection actor must ensure that all their staff conduct themselves according to established ethical standards. Codes of personal conduct are essential to ensure that no individual action by protection staff causes harm, intentionally or unintentionally, or generates additional risks for affected communities and individuals (or for the operating team). They are also critical in clearly defining the perimeters of acceptable practice, behaviour and personal conduct. While not necessarily specific to protection work, a number of policy documents aimed at regulating the behaviour of staff towards beneficiary populations have been widely endorsed by humanitarian and human rights actors. They include important policies that seek to eradicate sexual exploitation and the abuse of beneficiary populations, with particular vigilance with respect to the enhanced risks of exploitation that can occur when working with persons in situations of extreme vulnerability.

Once a protection actor has adopted a code of conduct, concrete measures to ensure compliance must be put in place. As a minimum, such measures must include: making the policies available to all staff; briefing them on their content; allowing access by the public (at least to those parts that relate to interaction between staff and affected communities or individuals); ensuring clear reporting lines that are safe and confidential both for staff and for beneficiaries on potential breaches of the policies; and establishing accessible monitoring mechanisms.



Teun Anthony VOETEN/ICRC

Implementing the professional standards: the way forward

The process of developing and subsequent updating of these protection standards and guidelines has been highly consultative. It has sought to be as inclusive as was feasible, in order to benefit from the wealth of experience gained within the protection sector over recent years, and capture contemporary thinking, priorities and concerns.

Change will no doubt continue at a significant pace in the coming years. Nevertheless, these standards provide an essential framework for confronting the challenges to come, as further technological developments take place, as professional capacity grows, and as the legal frameworks evolve.

These professional standards are intended to serve as a reliable reference – the baseline from which to make further collective progress in the coming years. To serve this purpose, they must be disseminated widely via different consultation or coordination fora, but also between the headquarters and field offices within a given organization.

The professional standards presented in this document provide a solid basis for individual organizations engaged in protection work when reviewing or developing internal policies, guidelines and training material. They are also meant to be an essential reference for practitioners who design and implement protection strategies at field level.

In addition, these professional standards provide a useful point of reference for other actors with an interest in protection activities, including those who do not explicitly consider themselves as protection actors. They can also be used to explain to different stakeholders, including authorities, under which principles protection actors are working to safely implement activities aiming to enhance the protection of individuals and communities.

All protection actors are invited to take ownership of this document, and use it as a tool towards devising and implementing a more effective protection response. They are encouraged to use the e-learning tools accompanying the launch of this second edition to disseminate the standards and guidelines to colleagues and partners involved in protection work.

Acronyms

AI:	Amnesty International
ALNAP:	Active Learning Network for Accountability and Performance (in humanitarian work)
DDR:	Disarmament, demobilization and reintegration
DFID:	Department for International Development
DFS:	UN Department of Field Support
DNA:	Deoxyribonucleic acid
DPKO:	UN Department of Peacekeeping Operations
DRC:	Danish Refugee Council
ECOSOC:	UN Economic and Social Council
GIS:	Geographic information system
HI:	Handicap International
HPG:	Humanitarian Policy Group
IASC:	Inter-Agency Standing Committee
ICRC:	International Committee of the Red Cross
ICT:	Information and communication technology
ICVA:	International Council of Voluntary Agencies
IDP/s:	Internally displaced person/s
IHL:	International humanitarian law
IHRL:	International human rights law
IP:	Internet protocols
IRL:	International refugee law
JRS:	Jesuit Refugee Service
MSF:	Médecins sans Frontières
NGO:	Non-governmental organization
OECD/DAC:	Organization for Economic Cooperation and Development/ the Development Assistance Committee
OCHA:	Office for the Coordination of Humanitarian Affairs
OHCHR:	Office of the High Commissioner for Human Rights
PoC:	Protection of civilians
SMART:	Specific, Measurable, Achievable, Relevant, Time-bound
SMS:	Short Message Service
UNHCR:	United Nations High Commissioner for Refugees
UNICEF:	United Nations Children's Fund
WHO:	World Health Organization

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MISSION

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