

## Placing Protection at the Centre of Humanitarian Action

### *A Contribution to the World Humanitarian Summit*

The World Human Summit (WHS) has repeatedly recognized the importance of placing protection of persons affected by humanitarian crises at the centre of humanitarian action.<sup>1</sup> The purpose of this information note is to explain what this would mean in practice, building on the statement by the Inter-Agency Standing Committee (IASC) principals on the “Centrality of Protection in Humanitarian Action”.<sup>2</sup>

#### **Diverging understandings of protection**

There has been significant debate about the meaning of protection in humanitarian work. Many United Nations (UN) and other international agencies have protection functions, and a proliferation of notions of protection is today accepted as part of the broader humanitarian landscape. The challenge facing the international humanitarian community is to ensure that differences in understanding of the concept of protection enhance, rather than restrict, the assistance provided to populations affected by crises. In particular, there is a need for more coherent and integrated protection analyses, strategies and accountability mechanisms among humanitarian actors. It is vital to leverage complementary roles of different actors in maximizing protection outcomes. It is also vital to ensure that at the core of any notion of protection is the affected population’s own understanding of what protection would mean in the given context.

#### **Definition of protection**

Protection may be defined as all activities aimed at obtaining full respect for the rights of all individuals in accordance with international law – international humanitarian, human rights and refugee law – taking into account their age, gender, social ethnic, national, religious or other background.<sup>3</sup>

#### **Protection risks**

For populations affected by humanitarian crises, protection risks may include threats to life, safety and security, discrimination, and loss of access to basic services. While there are commonalities,

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<sup>1</sup> WHS Regional Consultation Eastern and Southern Africa, Pretoria, 27-29 October 2014, *Co-Chairs’ Summary*, Principle 14 ; WHS Regional Consultation Europe and Others Group, Budapest, 3-4 February 2015, *Co-Chairs’ Summary*, Serving the Needs of People in Conflict: Principle B; WHS Regional Consultation Middle East and North Africa, Jordan, 3-5 March 2015, *Co-Chairs’ Summary*, Principle 1.

<sup>2</sup> IASC, *Statement on the Centrality of Protection*, 17 December 2013, <http://www.refworld.org/pdfid/52d7915e4.pdf>. Further sources relevant to protection in humanitarian crises include: Word Vision, *Minimum Inter-Agency Standards for Protection Mainstreaming*, 2012, [http://reliefweb.int/sites/reliefweb.int/files/resources/Full\\_Report\\_3752.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_3752.pdf); The Sphere Project, *Sphere Handbook - Protection Principles*, <http://www.spherehandbook.org/en/protection-principle-1-avoid-exposing-people-to-further-harm-as-a-result-of-your-actions/>; ALNAP, *Protection - An ALNAP Guide for Humanitarian Agencies*, 2005, <http://www.alnap.org/resource/5263>; UNHCR, *Operational Protection in Camps and Settlements*, 2006, <http://www.unhcr.org/448d6c122.html>; ICRC, *Professional standards for protection work carried out by humanitarian and human rights actors in armed conflict and other situations of violence*, 2013, <https://www.icrc.org/eng/resources/documents/publication/p0999.htm>; IASC, *IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters*, 2011, <http://www.ohchr.org/Documents/Issues/IDPersons/OperationalGuidelines.pdf>; Global Protection Cluster, *Placing protection at the centre of humanitarian action: study on protection funding in complex humanitarian emergencies*, 2013, <http://reliefweb.int/sites/reliefweb.int/files/resources/protection-funding-study-final-report-1.pdf>.

<sup>3</sup> See: IASC, *Statement on the Centrality of Protection*, 17 December 2013, <http://www.refworld.org/pdfid/52d7915e4.pdf>.

protection risks - and the action required to address them - will differ depending on the nature of the crisis. The ability of an affected community to identify and protect themselves against such risks may also differ. In particular, protection risks in conflict/post-conflict situations will not necessarily be the same as for natural disasters.<sup>4</sup> Differentiated approaches are accordingly essential.

### **Protection activities**

Regardless of the nature of the humanitarian crisis, the purpose of protection activities is to save lives, ensure safety and security, alleviate suffering and restore the dignity of affected populations.<sup>5</sup> Protection activities may therefore be preventive, responsive, remedial or environment-building, depending on the context.<sup>6</sup> A protection response can also include a series of interventions, and is rarely a single event. Coherent, joined-up analyses of protection risks are therefore necessary to ensure complementarity in protection activities.

### **Normative framework**

International human rights law, international humanitarian law and international refugee law provide the international legal framework for protection of people affected by humanitarian crises. Each of these branches of international law comprises a number of conventions and customary international law principles that define the bundle of rights that affected people may have. Protection rights and obligations can also be found in national laws, regional instruments (such as the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)) and soft law instruments such as the UN Guiding Principles on Internal Displacement.<sup>7</sup> The normative framework for protection may also include religious<sup>8</sup> and cultural traditions. Some relevant principles include: the right to life, the right to legal personality and due process of law, protection against *refoulement*, and prohibition of torture, slavery, and degrading or inhuman treatment or punishment.

### **Link to assistance activities**

In practice, the delivery of protection goes beyond upholding legal rights and norms and should be defined to include all of those activities through which a person's rights are secured. In other words, if protection is to be placed at the centre of humanitarian action a link should be made between rights accorded under national, regional and international law and the assistance activities that will enhance the protection of these rights. Protection and assistance are not separate sectors or activities: rather, assistance is a way to achieve protection outcomes for people, while protection concerns will affect how appropriate assistance is identified, prioritized and delivered - including by the affected population themselves.

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<sup>4</sup> For the purposes of this paper, "humanitarian crises" may include armed conflict, post-conflict situations, natural disasters, and famine and protracted social conflict: ALNAP, *Protection - An ALNAP Guide for Humanitarian Agencies*, 2005, <http://www.alnap.org/resource/5263>. However, given the focus of the WHS on conflict and post-conflict situations, these will be the primary target of this paper. For further information on enhancing protection for people displaced across borders in the context of natural disasters and the effects of climate change see: *The Nansen Initiative on Disaster-induced Cross-Border Displacement*, 2015, <http://www2.nanseninitiative.org/>.

<sup>5</sup> IASC, *Statement on the Centrality of Protection*, 17 December 2013, <http://www.refworld.org/pdfid/52d7915e4.pdf>.

<sup>6</sup> ALNAP, *Protection - An ALNAP Guide for Humanitarian Agencies*, 2005, <http://www.alnap.org/resource/5263>, p. 42. See also, Sylvie Giosso Caverzasio, *Strengthening protection in war: a search for professional standards*, ICRC, 31 December 2001, <http://www.icrc.org/eng/resources/documents/publication/p0783.htm> (referring to the "egg model" of protection).

<sup>7</sup> United Nations, *Guiding Principles on Internal Displacement*, 22 July 1998, <http://www.refworld.org/docid/3c3da07f7.html>.

<sup>8</sup> For further information on the interaction between faith and protection of refugees and other displaced persons specifically see: UNHCR, *High Commissioner's Dialogue on Protection Challenges – Faith and Protection*, 2012, <http://www.unhcr.org/pages/501a39ce6.html>.

### **Who has the responsibility to provide protection?**

States have the primary responsibility to protect people affected by humanitarian crises, as well as to facilitate access by humanitarian actors to affected people if the State itself is unable or unwilling to protect. In situations of armed conflict, non-State parties to conflict are also obliged to protect affected persons, in accordance with international humanitarian law.

Where States are unable or unwilling to provide protection, the support of the international community may be required. According to the UN Human Rights up Front Plan of Action,<sup>9</sup> the UN must protect people, wherever they are, in accordance with their human rights and in a manner that prevents and responds to violations of international human rights law and humanitarian law. Some UN and other international agencies, such as the ICRC, UNHCR, UNICEF and OHCHR, are mandated with protection responsibilities. Non-governmental organizations (NGOs) and civil society may also have a protection role. This will be based on their particular humanitarian expertise, in accordance with national legislation in the country concerned and in line with the general principle that individuals and groups, as well as States, have a responsibility to promote and respect human rights.

Finally, but perhaps most importantly, all affected populations (whether displaced or not) have their own ways of providing or enhancing their protection. Communities have their own institutions, support systems, risk-reducing strategies and healing mechanisms. The goal of humanitarian action is not to substitute but to support and facilitate such community-based protection mechanisms.<sup>10</sup>

### **Conclusion: the meaning of “centrality” of protection in practice?**

Placing protection at the centre of humanitarian action means that the goal of providing protection to people affected by humanitarian crises systematically informs humanitarian planning, decision-making and responses. Protection is central to preparedness efforts, as part of immediate and life-saving activities, and throughout the duration of the humanitarian response and beyond, including the search for solutions to protracted situations.

Placing protection at the centre of humanitarian responses also requires the following:

- Humanitarian access: Access of affected persons to assistance and protection, in practice. Where the State is unable or unwilling to provide this, access of humanitarian actors to conflict/disaster affected populations is assured, in line with international principles;
- Age, gender and diversity (AGD): Tailored humanitarian interventions to take account of the differing capacities and needs of, as well as the risks faced by, various segments of an affected population. This requires accounting for specific vulnerabilities, including those experienced by men, women, girls and boys, and groups such as internally displaced people (IDPs), older people, people with disabilities, and people belonging to ethnic, sexual, religious and other minorities;
- Accountability and community-based protection: Accountability of humanitarian actors to people affected by humanitarian crises, so that their priorities and needs are fully reflected in any programmes and activities, and they take part in decision-making. Reinforcing community-based protection mechanisms to enable affected people to exercise their rights and meet their own needs is a priority;

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<sup>9</sup> See: *Rights up Front: A Plan of Action to Strengthen the UN's role in Protecting People in Crisis*, 2013, <http://responsibilitytoprotect.org/2%20pager%20-%20RuFAP%20Summary%20-%20General%20Assembly%20-%202017%20Dec%202013%20-%20FINAL.pdf>

<sup>10</sup> See further, e.g., Executive Committee of the High Commissioner's Programme, *Community-based protection*, 57<sup>th</sup> Standing Committee, 4 June 2013, <http://www.unhcr.org/51d19cb79.html>; UNHCR, *Protection Policy Paper: Understanding Community-based Protection*, <http://www.refworld.org/pdfid/5209f0b64.pdf>.

- Leadership and coordination: Given the range of different mandates and notions of protection among humanitarian actors, clear articulation and identification of complementary roles and responsibilities in contributing to shared protection outcomes, with a view to ensuring coherence and shared priorities. This requires appropriate leadership, to ensure that protection is central to the response through joined-up assessments and analyses of protection risks, agreement among partners across sectors on protection priorities, and humanitarian strategies to achieve protection outcomes;
- Dedicated capacity and resources: At the country and local levels, clear policies, guidance, training and technical support to strengthen the humanitarian community's ability to achieve protection outcomes. Resource mobilization is matched to protection priorities;
- Dynamic concept of protection delivery: Recognition that protection activities may have a different emphasis during various stages of a displacement crisis, and depending on the nature of this crisis (conflict, natural disasters). Delivery of protection is understood as a dynamic concept, moving from emergency/life-saving support through to support in protracted situations and the search for solutions. Protection is not a one-off event and requires the engagement and expertise of a range of actors across a wide spectrum, including humanitarian, political and development actors;
- Enhancing normative frameworks: Strengthening of normative frameworks to ensure protection of people affected by humanitarian crises, including regional instruments such as the Kampala Convention.

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