Global Protection Cluster

HUMANITARIAN COUNTRY TEAM
PROTECTION STRATEGY

1. RATIONALE

The Principals of the Inter-Agency Standing Committee (IASC) reaffirmed in their statement on the Centrality of Protection in Humanitarian Action that the "protection of all persons affected and at-risk must inform humanitarian decision-making and response, including engagement with States and non-state parties to conflict. It must be central to our preparedness efforts, as part of immediate and life-saving activities, and throughout the duration of humanitarian response and beyond."[1] Protection priorities need to be captured in the Humanitarian Response Plan (HRP) yet a Humanitarian Country Team (HCT) can go one step further and develop a comprehensive protection strategy that can inform and build on the HRP. Such a strategy can provide the HCT with the focus and framework necessary to address the most urgent and serious protection risks as well as to prevent and stop the recurrence of violations of international human rights and international humanitarian law (hereinafter collectively referred to as "violations").

2. PURPOSE

The aim of this guidance is to assist Humanitarian Coordinators (HCs) and HCTs to develop a comprehensive and humanitarian system-wide protection strategy in a manner that is light and enhances the effectiveness and performance of country-level humanitarian responses.[2] This guidance is deliberately flexible so that HCs and HCTs can design a process for strategy development that is conducive to the operational context as well as to the capacities and coordination mechanisms that are in place at country level.

The main purpose of an HCT protection strategy is to mobilize a comprehensive, system-wide and multi-sector effort to prevent or respond to the most serious protection risks facing affected populations as well as to prevent and stop recurrences of violations. The strategy allows an HCT to redirect the humanitarian response as and when the protection situation evolves. It can enable an HCT to focus attention and to take action on protection priorities that possibly go beyond the scope of the HRP, and the protection cluster strategy. An HCT protection strategy can furthermore be used to leverage the expertise, mandates and capacities of different actors in a humanitarian response. It can also facilitate humanitarian dialogue, negotiation and protection advocacy as well as the HCT's engagement with a broader range of stakeholders in taking up their responsibilities in addressing key protection risks.

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[1]   The Statement of the IASC Principals on the Centrality of Protection issued in December 2013 notes that "HCs, HCTs and Clusters need to develop and implement a comprehensive protection strategy to address these risks and to prevent and stop the recurrence of violations of international human rights and humanitarian law". The full statement is available here: https://goo.gl/N1i6di. In its 1999 policy on the protection of internally displaced persons, the IASC defines protection as a concept that "... encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. HR law, IHL, refugee law)."

[2]   This Provisional Guidance Note will be informed and updated by the IASC Protection Policy, which is currently under preparation. It also needs to be read in conjunction with the United Nations Secretary-General's Human Rights Up Front (HRUF) Action Plan. Resident Coordinators have been tasked under HRUF to lead and coordinate the UNCT in developing and implementing a country-level strategy to address potential or actual human rights violations. The HCT should seek to complement this strategy and avoid duplication in its efforts. All references to *'system-wide'* in this note refer to the humanitarian system.

3. PROCESS

The Humanitarian Programme Cycle (HPC) defines the actions to be taken in a coordinated manner to prepare for, manage and deliver humanitarian response. The HCT protection strategy is not strictly tied to the timelines of the HPC, yet it can inform, and be informed by, all of its deliverables: needs assessment and analysis; strategic response plan; resource mobilization; implementation and monitoring; operational review and evaluation.

The protection cluster should produce the initial analysis underpinning an HCT strategy for protection. Such a protection analysis, which will be the evidence-base for the Humanitarian Needs Overview (HNO), must capture the main protection risks as well as violations. The HRP's strategic objectives and programming will also inform those of the HCT protection strategy, and vice versa.

The HCT protection strategy is meant to be comprehensive. Accordingly, it must be distinct from and yet build on the protection cluster strategy. Integrated into the HRP, the protection cluster strategy establishes the objectives, activities and capacity necessary to address key protection issues within the scope of the protection cluster.

The HCT protection strategy is similarly distinct from the protection and solutions strategy for refugees, led and coordinated by UNHCR. Both strategies should be streamlined, complementary and mutually reinforcing, while avoiding duplication, including at the delivery level.[3]

The HCT protection strategy is also distinct from and yet informed by protection mainstreaming objectives, which seek to incorporate protection principles into sector-wide humanitarian programming and aid delivery.[4] As such, protection mainstreaming is included in the HRP and cluster plans. It is therefore a valuable "enabler" for an HCT protection strategy because it generates knowledge and awareness on protection across sectors, while improving programming.

In view of the foregoing, the process for an HCT protection strategy needs to be light and straightforward, addressing the protection risks that demand a comprehensive and system-wide response beyond the scope of the protection cluster and with a view to informing and being informed by the HPC and other strategies, such as Human Rights up Front country strategies. At a minimum, it should comprise:

❶ an ongoing, thorough analysis by the protection cluster of actual or potential violations as well as the most serious protection risks facing affected populations;

❷ a regular discussion in the HCT to determine system-wide priorities and corresponding actions and commitments as well as, eventually, progress towards protection outcomes.

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[3] The April 2014 *Joint UNHCR-OCHA Note on Mixed Situations: Coordination in Practice* clarifies leadership and coordination arrangements in the situation where a complex humanitarian emergency or natural disaster is taking place, a Humanitarian Coordinator has been appointed and a UNHCR-led refugee operation is also underway. The Note sets out the respective roles and responsibilities of the UNHCR Representative and the Humanitarian Coordinator, and the practical interaction of IASC coordination and UNHCR's refugee coordination arrangements, to ensure that coordination is streamlined, complementary and mutually reinforcing.

[4] Protection mainstreaming seeks to incorporate the following protection principles into sector-wide humanitarian programming and aid delivery: i) prioritize safety and dignity, and avoid causing harm; ii) ensure meaningful access without discrimination; iii) ensure accountability to affected populations; and iv) enable meaningful participation and empowerment.

3.1 Analysis

An ongoing analysis of the protection situation should drive efforts to identify HCT priorities. The analysis should be in-depth and comprehensive so as to capture risks or actual violations. It should draw on the monitoring and analysis undertaken by protection actors and the protection cluster as well as the HNO, other community-based assessments and secondary data sources from other clusters and organizations.[5] Additionally, dialogue with a UN peace operation, where present, will facilitate a shared understanding of the protection situation and opportunities for complementarity in responses.

3.2 Consultations

The HC is encouraged to hold a regular and focused discussion on protection in the HCT, drawing on the analysis and recommendations provided by the protection cluster. With "protection" as a standing HCT agenda item, the HCT can more regularly identify protection priorities, alongside the commitments and actions necessary to meet those priorities. The ongoing analysis from the protection cluster can at the same time enable the HCT to measure progress towards collective protection outcomes.

The HC is encouraged to ensure a dialogue with affected communities, civil society, national and local authorities (including non-state actors) informs the analysis and strategy. It is important to engage a diverse spectrum of other relevant actors not represented in the HCT, such as peace operations, in identifying protection priorities.[6]

4. CONTENT

To enhance its strategic value, an HCT protection strategy needs to be practical and concise. Essential documents, including more detailed references to the normative framework and key principles, can be attached as annexes. Core components of the HCT protection strategy thus include:

- ↓ introduction;
- ↓ protection analysis;
- ↓ protection priorities (one to three);
- ↓ collective protection outcomes (anticipated);
- ↓ mobilize the necessary capacities.

4.1 Introduction

The introduction can include a brief overview of the operational context as well as the overall relevance, purpose and timeframe of the strategy. A suggested timeframe is one year to determine the initial course of action, to be revisited every three to six months (or more often if required) depending on the risks assessment and ongoing analysis.

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[5]   Complementary assessments and data can also be drawn from civil society, universities and research organizations.

[6]   The HCT protection strategy should articulate how it will engage with other relevant protection actors, including UN peace operations where deployed, in pursuing protection outcomes to ensure the best possible coordination of efforts and impact. See the Global Protection Cluster, Diagnostic Tool and Guidance on the Interaction between field Protection Clusters and UN Missions (2013).

4.2 Protection analysis

The protection analysis should briefly describe the overall protection situation, including the applicable legal framework. It needs to be sufficiently comprehensive and detailed, identifying:

⬇ most severe protection risks;

⬇ drivers and reasons (including perpetrators) for violations and threats (how and why);

⬇ consequences arising from these violations and threats;

⬇ individuals/communities at risk (who is vulnerable to the violations and threats and why; what are the capacities of individuals/communities as well as duty bearers in preventing or mitigating these violations and threats).

This analysis should inform the HNO and other needs assessments.

4.3 Priority actions and scope

It is recommended that the strategy focus on a maximum of three priorities. The HCT should articulate clearly the criteria used in determining its priorities in the strategy, bearing in mind that the aim of such a strategy is to engage a comprehensive and system-wide response to achieve protection outcomes. Priorities should be drawn from ongoing protection monitoring and analysis as well as the HNO. Priorities likewise should take into account the views of affected populations, and include the most serious and pervasive risks that they face.

The scope of an HCT protection strategy will be determined by the operational context. There may be certain situations where an HCT protection strategy can strengthen a response towards a specific group (e.g. communities at-extreme-risk or internally displaced persons) and/or a specific issue (e.g. systematic sexual violence, pervasive child recruitment). At the same, the HCT protection strategy should, where appropriate and without creating duplication, refer to and complement other strategies, including the protection cluster strategy, HRP, the Human Rights Up Front country strategy, the mission-wide Protection of Civilians strategy where peacekeeping operations are deployed, UNDAF, and the country-level Integrated Strategic Framework.

Finally, the HCT protection strategy needs to describe the causal logic. As explained in Annex 2, a causal logic can help to arrive at a collective vision and mutual understanding of each partner's unique role in achieving a protection outcome.

4.4 Collective protection outcomes

The HCT protection strategy needs to include a statement of the collective protection outcomes that are anticipated. This entails briefly elaborating on what is expected to change and over what time span, including in relation to the behaviour, knowledge, policies, practices and decision-making of duty bearers or other relevant stakeholders. The strategy may also refer to anticipated changes in the exposure, vulnerability to and capacities to deal with threats to the affected populations. The changes described will constitute important milestones that contribute to resolving or preventing protection risks.

While the overarching aim of the strategy can be aspirational, the outcomes need to be actionable and measurable, as well as aligned with the HRP.

4.5 Mobilizing necessary capacities

The HCT protection strategy is system-wide and should not impose on one organization or cluster – rather, it needs to enable a multi-sector engagement and to leverage mandates, expertise and capacity of different actors as necessary to address prioritized risks. This includes mobilizing other capacities and actors to achieve the desire protection outcomes. The roles of non-humanitarian actors need to be understood and, where feasible, described in the strategy based on consultation with these actors, if only to create the necessary entry points for further action and support.

5. MONITORING

Progress in meeting the priorities set out in the HCT protection strategy should be included in the protection cluster's ongoing analysis, and discussed regularly by the HCT. In doing so, the HCT should be able to:

- ⬇ develop a clear picture of whether and how protection risks are changing;
- ⬇ determine whether there is progress towards identified protection priorities and outcomes;
- ⬇ assess and revise protection priorities and corresponding system-wide commitments and actions, as necessary.

6. ADDITIONAL SUPPORT

The HC and HCT members can seek advice from their Headquarters on developing HCT protection strategies, including how to adapt an approach to a specific operational context as well as to learn from examples from other operations. The Global Protection Cluster (GPC), through its partners, has the technical capacity and resources to support the HC and HCTs to develop an HCT protection strategy, including through deployment of short-term missions and other support. This guidance is released officially for the first time in April 2016. The GPC invites HCs, HCT members and partners to share their comments and any relevant experience with HCT protection strategies in an Email to: gpc@unhcr.org.

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FACTORS NECESSITATING HCT-LEVEL ENGAGEMENT IN PROTECTION ISSUES

- ↗ Serious violations of international human rights and humanitarian law are so prevalent and widespread as to warrant a system-wide, comprehensive response.

- ↗ Nature and scope of the protection risks demands a system-wide, multi-sector and multi-disciplinary response involving multiple humanitarian actors with diverse capacity and expertise is necessary to bring about the desired outcomes.

- ↗ Nature and scope of the protection risks demands the engagement of stakeholders outside the system (e.g. development, peacekeeping and diplomatic actors).

- ↗ Humanitarian actors need to engage and negotiate with parties to the conflict on a specific violation or protection risk.

- ↗ The level and type of risk is of such a significance as to impede humanitarian operations including security, reputational, coherence/alignment of humanitarian actors and adherence to humanitarian principles.

ADDED VALUE OF A HUMANITARIAN COUNTRY TEAM PROTECTION STRATEGY

- ↗ Identify protection priorities that require a humanitarian system-wide and comprehensive response.

- ↗ Mobilize expertise, mandates and capacities of a range of actors in responding to protection risks and in preventing and stopping the recurrence of violations of International Human Rights Law (IHRL) and International Humanitarian Law (IHL).

- ↗ Enable the HCT to determine whether its coordinated actions are having a protection impact and, where this is not the case, to make adjustments accordingly.

- ↗ Assist the humanitarian community to identify synergies and leverage the roles and capacities of other relevant actors, beyond the humanitarian system, in addressing protection risks and in preventing and stopping the recurrence of violations.

- ↗ Complement and support the Humanitarian Response Plan and the strategies of other sectors, especially protection.

ANNEX 1

KEY ISSUES FOR CONSIDERATION
WHEN DEVELOPING AN HCT PROTECTION STRATEGY

The HCT protection strategy provides an opportunity to address key protection issues that do not fit easily into the programme-centred approach or logic of the HPC, and that go beyond the remit of the protection cluster. Once critical protection risks have been prioritized, as informed by a robust protection analysis, the HCT Protection Strategy provides a space for the HCT to:

- Determine whether the overall response is coherent and sufficiently informed by protection.

- Ascertain whether there are urgent actions that need to be taken quickly in order to save people from violence, coercion or deliberate deprivation, and if so who is best placed to take these actions.

- Identify state and non-state actors who are committing violations, creating the greatest threats and perpetrating violence against civilian populations, including the different threats faced by and risks to specific groups and prisoners/detainees.

- Realize the most effective actions or a combination of actions for an identified issue.

- Ascertain the risks to affected populations (particularly the most vulnerable) and humanitarian operations that may arise if the HCT protection strategy is implemented (e.g. risks that could result from efforts to address violations, including impact on humanitarian access and repercussions for national civil society organizations and individuals) and assess whether and how these risks can be mitigated or managed satisfactorily.

- Identify who is best placed to engage with parties to the conflict, and what HCT action is needed and by whom, including mobilizing the most relevant interlocutors to engage with the key actors whose policies, practices and behaviours need to be influenced.

- Mobilize non-humanitarian actors to promote respect for IHRL and IHL and to take necessary actions relevant to the specific risks and violations that the strategy seeks to address, including international military actors mandated to protect civilians; bilateral donors and diplomatic representations; governments of neighbouring states; civil society actors; and religious organizations.

- Agree on how the response should be adjusted – including what activities and actions need to continue, stop or be adjusted.

ANNEX 2[7]

ESTABLISHING THE CAUSAL LOGIC TO ACHIEVE PROTECTION OUTCOMES

Achieving a protection outcome of reduced risk means that the component parts contributing to risk (threat, vulnerability, and capacity) must be addressed. In other words, efforts should be oriented towards reducing the threats that people experience, reducing people's vulnerabilities to these threats, and enhancing the relevant capacities in relation to these threats. It is not likely that a single type of activity can achieve comprehensively reduced risk. Complementarity with other actors is often essential and, indeed, achieving protection outcomes often requires a variety of sectors, actors and disciplines working in concert with one another – and sometimes at different levels of a response – to comprehensively reduce risk.

Pulling all relevant actions together into a strategy can be a complex exercise but it is greatly assisted through the development of a causal logic underpinning the strategy which is context-specific and designed specifically to address a specific risk pattern. When multiple actors need to work together to achieve the desired outcome, the process of developing this causal logic – and the end product itself – can serve as the basis for establishing a collective vision and mutual understanding of each other's unique roles. This causal pathway can then be combined with specific, measurable, achievable, realistic and time-bound (SMART) objectives and specific activities to form a comprehensive strategy.

A causal logic should:

• Describe the pathway and milestones between the specific risk factors people are experiencing and the desired outcome of reduced risk. These milestones may include changes in behaviour, attitude, knowledge, policy or practice of certain duty-bearers or other stakeholders necessary to change the risk factors.

• Use an ecological model (individual, family, community, sub-national, national, etc.) to identify at what levels interventions need to be undertaken and at what level the key milestones should be manifested. Detailed protection analysis serves as the basis to clearly articulate the pathways needed to bring about change at different levels. It also helps to prioritize and sequence action.

• Describe the sequence of actions at different levels of intervention, including the multiple sectors and disciplines that may need to be mobilized to contribute to the desired outcomes. Actions proposed should be directly linked to the components of risk being addressed (e.g. actions strengthening community cohesion should be oriented towards enhancing capacity in relation to a particular risk pattern). Actions should also include how to manage dynamic relationships among different actors within the pathway towards change (e.g. is there a need to negotiate, persuade, strengthen ties, build trust, etc. with different actors (humanitarian, development, government, the affected population, religious leaders, parties to conflict, and others) to progress along that pathway.

• Describe the role of various actors – including those that may need to be mobilized -- to take up the necessary action along different pathways towards the desired change.

• Explicitly articulate the assumptions and the rationale behind the assumptions inherent in the desired change, the sequence of actions, the roles of different actors, and results these are expected to yield with respect to changing the risk factors to bring about overall reduced risk. For example, are assumptions linked to evidence, previous patterns of violence, previous leadership decisions or engagement, or is the assumption based on experience from another context?

Lastly, continuous protection analysis, based on monitoring risk patterns and milestones, should be carried out to ensure that the strategy is continually adapted during implementation as risk patterns change throughout the crisis.

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[7]   This annex was developed by InterAction (June 2016) as part of its work on results-based protection.

Global Protection Cluster