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HUMANITARIAN PROTECTION

DG ECHO's funding guidelines

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Introduction: scope and limits of this guidance note

This note defines the framework in which the European Commission Directorate-General for humanitarian aid (DG ECHO) may support protection activities, the type of partners and the kind of activities it can finance. It also gives key recommendations on how to programme and monitor such activities. For the purpose of this guidance note, protection activities are understood as non-structural¹ activities aimed at reducing the risk for and mitigating the impact on individuals or groups of human-generated violence, coercion, deprivation and abuse in the context of humanitarian crises, resulting both from man-made or natural disasters.

The protection of humanitarian goods and personnel referred to in article 2c) of the Humanitarian Aid Regulation² is not within the scope of this note, which focuses on the protection of beneficiaries.

This note does not aim at defining detailed best practices to engage in practical programming. However, useful policy papers and agency guidelines are listed in annex 3, as well as complementary reading material.

These guidelines build on existing recognised reference documents on humanitarian protection, such as 'Protection: An ALNAP guide for humanitarian agencies' (Slim, Bonwick 2005), 'Protection in Practice: Field-Level Strategies for Protecting Civilians from Deliberate Harm' (Paul, 1999) and the 2004 edition of the Sphere Handbook.

1. The concept of "Protection"

1.1 The broad concept of "protection"

The concept of protection has been approached in many different ways. In its most basic interpretation, some relate it to the fundamental delivery of humanitarian assistance in accordance with the essential survival needs (food, water, health, shelter) of vulnerable populations. Others place protection within the framework of international legal instruments where the monitoring and recording of violations of international humanitarian and human rights law is used as a tool to confront those responsible in an effort to cause change. Institution-building, governance and judicial programmes and deployment of peacekeeping troops are further examples of actions also categorized as protection activities.

The framework for the protection of populations is principally enshrined in international law, which defines legal obligations of States or warring parties to provide assistance to individuals or to allow it to be provided, as well as to prevent and refrain from behaviour that violates fundamental human rights. These rights and obligations are contained in the body of international human rights law (IHRL), international humanitarian law (IHL) and refugee law (see sources listed in annex 3). More particularly, IHRL recognizes that all people have certain fundamental rights that must be protected at all times, even in conditions of war and emergency; they include the right to life, the right to legal personality and due process of law, the prohibition

¹ The term "structural" refers here to a long term process of building or strengthening of institutions.

² Council Regulation (EC) N° 1257/96 of June 1996

of torture, slavery and degrading or inhuman treatment or punishment and the right to freedom of religion, thought and conscience³. These fundamental rights, which may never be waived, constitute the hard core of human rights

States bear primary responsibility to protect the people under their jurisdiction. In situations of armed conflict, all parties, including non-State actors, who control a territory and conduct military operations hold formal legal protection responsibilities for the people within their territory.

1.2 Protection in humanitarian situations

In some cases, authorities, being either unable or unwilling to do it, fail to provide effective protection and relief to population under their protection, who are in distress, victims of natural disasters, wars and outbreaks of fighting, or other comparable exceptional circumstances. The provision of humanitarian assistance and protection by international agencies is then required.

Ensuring protection of populations is a core objective of humanitarian action. In humanitarian crises, people need material assistance, such as food, water, shelter and medical assistance, as well as physical integrity, psychological wellbeing and dignity. This is confirmed by the Humanitarian Charter:

*"We reaffirm our belief in the humanitarian imperative and its primacy... that all possible steps should be taken to prevent or alleviate human suffering arising out of conflict or calamity, and that civilians so affected have a right to protection and assistance."*⁴

It is embedded in the Principles and Good Practice of Humanitarian Donorship: "*Humanitarian action includes the protection of civilians and those no longer taking part in hostilities...*"⁵

The European Union in its Consensus on Humanitarian Aid (EU Consensus) also recognises: "*EU humanitarian aid encompasses assistance, relief and protection operations...*" and more particularly "*protection strategies against sexual and gender based violence must be incorporated in all aspects of humanitarian assistance*"⁶

In the context of humanitarian crises, the fundamental objective of protection strategies is to enhance physical and psychological security or, at least, to reduce insecurity, for persons and groups under threat, to reduce the risk and extent of harm to populations by seeking to minimise threats of violence, coercion and deprivation, as well as enhancing opportunities to obtain safety and dignity.

³ Article 4 of the International Covenant on Civil and Political Rights, adopted on 16/12/2006 by the UN General Assembly of 16 December 1966 and entered into force on 23 March 1976

⁴ Opening paragraph of the *Humanitarian Charter*, a core component of the Sphere Handbook, endorsed by the United Nations, the major NGO umbrella organizations, the Red Cross/Crescent Movement, and the International Committee of the Red Cross (the Sphere Project was partially funded by DG ECHO).

⁵ Principle 3 of the *Principles and Good Practice of Humanitarian Donorship* endorsed in 2003 in Stockholm by Germany, Australia, Belgium, Canada, the European Commission, Denmark, the United States, Finland, France, Ireland, Japan, Luxemburg, Norway, the Netherlands, the United Kingdom, Sweden and Switzerland.

⁶ § 8 and 39 of the EU Consensus on Humanitarian Aid, <http://ec.europa.eu/echo/policies/consensus.en.htm>

Protection strategies can involve traditional assistance programmes: digging a well in a village may have protection as the objective when it is done to allow women to fetch water in a safe area. They will involve also "pure" protection activities, such as camp- based protection networks, registration of refugees or other displaced persons and support to separated children. Protection activities in the context of humanitarian crises seek to address fundamental protection needs, rather than the broad spectrum of political, economic and social rights, without denying that these are all of the utmost importance. Programme design should identify how the threats can be reduced, by helping communities to reduce their vulnerability, by supporting those responsible for dealing with the threats when they are unable, and by persuading them to act when they are unwilling, and by convincing the perpetrators to change their behaviour.

Protection issues must be addressed both in man-made disasters as well as in natural disasters where the vulnerability of groups or individuals at risk increases.

1.3 The "do no harm " principle

In addition, as confirmed in the EU Consensus, the "do no harm principle" which seeks to ensure that assistance does not have unintended negative consequences, is a minimum requirement for humanitarian interventions in all sectors. Regarding protection in particular, this principle implies that humanitarian actors have an obligation to ensure that their actions in all sectors do not undermine protection, nor exacerbate the protection problems, and, going a step further, they should do everything possible, within their capacities, to mitigate the effects of and prevent abuses and mainstream protection concerns in each of their actions. Humanitarian organisations are under the obligation not to promote, actively participate in, or in any other manner contribute to, or endorse policies or activities, which do or can lead to human rights violations.

2. Framework for interventions of DG ECHO

2.1 The concept of protection is firmly embedded in DG ECHO's mandate as defined by the Humanitarian Aid Regulation⁷ and confirmed by the EU Consensus

DG ECHO does "provide a needs-based emergency response aimed at preserving life, preventing and alleviating human suffering and maintaining human dignity"⁸ in humanitarian crisis situations resulting of natural disasters or man-made crises. This response contributes to human rights but does not address them as such. Therefore, DG ECHO supports financially **non-structural activities aimed at reducing the risk for and mitigating the impact on individuals or groups of human-generated violence, coercion, deprivation and abuse in the context of humanitarian crises**, and in compliance with the humanitarian principles of humanity, neutrality, impartiality and independence⁹. The term "structural" refers here to a long term process of building or strengthening of institutions, such as most of the environmentbuilding actions detailed hereunder.

It should be noted that protection of victims of humanitarian crises may also be undertaken through military or armed actions.—DG ECHO does not fund such actions.

It should be emphasised that DG ECHO's support to protection has to be seen in a wider picture. The European Union recognises that protection cannot be a matter of concern for humanitarian actors alone; protection issues imply much longer timeframes and financial means than could possibly be afforded by humanitarian budgets, and multiple facets require multiple responses. A number of EU instruments for crisis management, to promote human rights, to improve good governance and rule of law and to set up a sustainable framework for long-term protection, are complementary to DG ECHO's efforts. Political measures of the Common Foreign and Security Policy - i.e. declarations, political dialogue and preventive diplomacy, sanctions - and of the European Security and Defence Policy could also be applied to prevent or mitigate international crises.

2.2 What type of activities?

In practice, the above conceptual framework means that DG ECHO may finance responsive as well as remedial actions, but will, in principle, exclude the environment-building actions.

Responsive action: aims in the context of an emerging or established pattern of abuse to prevent its recurrence, put a stop to it and/or alleviate its immediate effects. Responsive action is urgent (but can last for many years, as long as the threat remain) and its impact is immediate.

Examples of responsive action include transferring or evacuating people out of affected areas, strengthening community networks to prevent gender-based violence (GBV), installation of a fence around the camp and of lighting, etc.

⁷ Council Regulation (EC) N° 1257/96 of June 1996 concerning humanitarian aid defines in its Art. 1 the scope of the Community's humanitarian aid as follows: "The Community's humanitarian aid shall comprise assistance, relief and protection operations..." Article 2 refers to the objectives of humanitarian aid actions, including explicitly protection.

⁸ Article 8 of the EU Consensus on Humanitarian Aid

⁹ as defined in Section 2.1 of the EU Consensus on Humanitarian Aid

Remedial action: focuses on assisting and supporting people while they live with the effects of abuse; such action aims at restoring people's dignity and ensuring adequate living conditions, subsequent to violence through rehabilitation, restitution, compensation, reparation and psychosocial support. Its impact is short-to-medium term. Examples of remedial action include support to release and reintegration of child soldiers, registration of displaced persons and separated children, support for safe return, family tracing, provision of psychosocial assistance for trauma mitigation, counselling and recovery services etc.

Environment-building action: which is in principle excluded from DG ECHO funding, relates to creating and/or consolidating an environment - political, social, cultural, institutional, economic, and legal - conducive to full respect for the rights of the individual. Environment-building is a deeper, more structural process that challenges society as a whole by aiming to change policy, attitudes, beliefs and behaviour. It is likely to involve improvements in law and legal practice, the training of security forces, and the development of an increasingly non-violent public culture. Its impact is long term and structural.

Examples of environment-building action include supporting the drafting and adoption of treaties, assisting in the implementation of international law at national levels and in the development of a fair system of justice and helping to develop and establish such organisations at national and international levels, capable of enhancing respect for human rights and international law.

It should however be underscored that many activities, such as IHL dissemination and advocacy, reporting and persuasion, are difficult to categorise as they fall under the three different types of actions.

An illustrative list of examples of activities which DG ECHO may consider for funding can be found in annex 1, as well as examples of activities which DG ECHO should normally not consider for funding.

2.3 Which partners?

In practice, DG ECHO is funding protection activities implemented either by mandated international organisations, such as:

- ICRC: protection of civilian populations and those no longer taking part in the hostilities (in situations of armed conflict) and others in need of protection (in other situations of violence),
 - UNHCR: protection of refugees and IDPs, and
 - UNICEF: protection of children,
- or by other specialised humanitarian partners, UN agencies, Red Cross societies and non-governmental organisations.

Considering the specificities of the subject, DG ECHO should only fund partners who have added value and a recognised experience in protection.

3. **Key recommendations**

Protection is more complex than only delivering assistance. Experience has shown that not all attempts to take a protection approach have been successful and that several basic conditions should be respected for an effective protection programming.

Basic conditions for an effective protection programming:

- Ensure that the programme implementation is properly resourced with *experienced staff*
- Only get involved after an in-depth *contextual analysis*
- Never forget the response strategies of the affected people: involvement of the community and *self-protection* should be at the heart of the agenda
- Always adopt a clear and *conscious strategy*

3.1 Experienced staff

Protection programming is likely to require higher and more specialised human resources than those required for assistance programmes. The cost of material inputs is usually low; the cost in staff can be significant. The more the context is complex, the more the protection activities are demanding in specific skills (e.g. participatory and analytical skills at the assessment stage, strategic planning skills during programme design, community-mobilisation, capacity-building, negotiation and advocacy skills during programme delivery) and are time consuming.

Stability in the team to sustain a protection intervention over a period of time is also fundamental.

Good knowledge of and access to the local population is important to ensure that the targeted population are indeed reached.

3.2 Contextual analysis

The first and crucial step for effective protection programming is an objective and comprehensive situation analysis, taking into consideration the contextual issues relevant to the environment, in particular the political, security, social, and economic parameters. In some cases funding an analysis should be considered before anything else.

Information gathering and general monitoring should not be confused with in-depth analysis. In-depth knowledge of the risks that communities face is required, as well as clear understanding of the political economy of the conflict: *who needs to be protected from what?*

The analysis should answer following questions:

- Who are the groups at risk (sex, age, ethnicity, political and socio-economic background...)? Vulnerability, time/duration of exposure and resilience capacity/coping mechanisms should be assessed for each group of concern.
- What are the threats (patterns, risk, expressed fears, violence, coercion, deprivation.)?
- Who are the perpetrators? Who is or could be involved (stakeholder analysis)?
- What is the applicable legal framework? Which laws are being violated? Are the IHRL, the IHL and/or the refugee law violations due to inability/structural weakness, unwillingness or a deliberate strategy?
- Where and why is the protective system breaking down (international, national, community level)?
- What needs to change? What are the short- and longer-term changes in policy, practice, behaviour, ideas and beliefs that can reduce the threats?
- What is the 'compliance aptitude', the willingness and/or ability of the authorities to take responsibility of protection? Available resources, political will, interests of the relevant actors, personal conviction?
- Which capacities of responsible authorities need to be boosted so that they themselves can protect people that they are responsible for? Opportunities should be explored to develop a constructive relationship where such possibilities exist.
- How can the communities' strategies to avoid the threats be supported?
- What are the strategies and activities to be considered? Who would be the best positioned potential partners to provide services?

Specific protection actions may be launched in acute emergencies before completion of the in-depth analysis. In any case, however, the implementing organisation must ensure periodic revision of its strategy to adapt to evolving circumstances.

3.3 Self-protection

Field practice stresses that *self-protection* must be at the heart of protection strategies. It is of crucial importance that people in need of protection are not seen just as the victims but also as the *actors of their own protection*. States have obligations to protect them, but the most critical protection strategies of civilians may often be their own. People generally know much more than agencies about their own situation, in particular:

- the nature and timing of the threats confronting them and the history of previous threats; as well as the mindset and personalities of, and the relationships between, the people posing these threats,
- the resources within their community, the coping mechanisms and the practical possibilities and opportunities for resisting these threats,
- and the optimal linkage between their own response and that of an agency.

Supporting and empowering communities at risk to develop their own strategies to reduce exposure to and mitigate the effects of these risks, need to be maintained as a core strategy in protection work. Protection that is achieved by people, rather than delivered to them, is likely to be more durable.

However, it is important to note that some coping strategies can be harmful to a population, in particular if they are based on a coercive relationship with the belligerents. When this is recognised, strategies should be developed to mitigate these situations.

3.4 Operational protection strategy

There are essentially four ways in which humanitarian organisations can intervene to reduce threats of violence or to limit the vulnerability of communities to these threats:

- by persuading those bearing the primary responsibility for protection to fulfil their responsibilities,
- by supporting those responsible to fulfil their protection responsibilities (capacity- building),
- by providing directly services or material assistance to the victims (substitution),
- by convincing perpetrators to change their behaviour.

A well-designed action plan often combines these four -complementary options to ensure that people are protected, or that communities can start protecting themselves.

However, it should be recognised that substitution is not sustainable on a long-term basis. In other words, third parties cannot substitute for the protective responsibilities of national duty-bearers. It entails the risks of creating aid dependency and of relieving local authorities of their responsibilities. While substitution may be necessary in the emergency phase, ultimately the security and protection of civilians must be in the hands of their responsible authorities. As a review of strategies for humanitarian protection¹⁰ has underscored, any opportunity to create more effective partnerships with the authorities and other duty-bearers should be searched and built upon constructively. Protection work should be undertaken in a manner that avoids undermining the capacity of the authorities who bear primary protection responsibilities, and/or their will to fully respect their duties.

A good programme of protection:

→ is as participatory and complementary as possible, by harnessing to maximum effect the actions of responsible authorities, people's own self-protection capacity, the protective capacity of the implementing agency and the complementary protective capacity of other organisations.

Active cooperation and information-sharing between organisations is critical to the success of any protection strategy.

→ is clear about its outcomes: reducing suffering, threats or people's vulnerability to those threats.

→ is realistic about the implementing agency limits and in its assumptions of what it can and cannot change in the short, medium and longer terms.

Moreover:

- The distinctive needs of the people in function of their specific vulnerabilities, according to their age, gender, handicap, minority status, ethnic group etc..., should be identified and specific activities should be implemented to prevent and respond to violence, exploitation and abuse according to each category of vulnerability.

¹⁰ S. Pantaliano and S. O'Callaghan, "A review of field-based strategies for humanitarian protection in Darfur", HPG Discussion Paper, December 2006, http://www.odi.org.uk/HPG/papers/discussion_protection.pdf ,

In particular—children are among the most vulnerable and need specific protection, which is explicitly acknowledged by international law. Some specific aspects, including separated children, child soldiers and the important preventive role of education, are developed in the Commission Staff Working Paper on Children in Emergencies and Crisis Situations¹¹

- The funded programmes should have proactive processes in place to prioritise and plan work.
- One-shot or start-up pilot projects without a longer-term strategy should be avoided, as should be avoided projects without a clear, understandable strategy.
- Lastly, in some cases it should be recognised that interventions are ineffective and potentially harmful. Critical evaluation should determine whether an intervention is appropriate. This is for example the case in situations where bypass of prohibition by the authorities of protection activities may lead to retaliation measures, thus undermining delivery of general aid.

Other recommendations:

3.5 Legal framework

DG ECHO follows a "needs-based approach". However, it is fundamental that DG ECHO's partners are familiar with human rights and fully respect them. Humanitarian agencies have the responsibility to provide assistance in a manner that is consistent with human rights, including the right to participation, nondiscrimination and information as reflected in the body of international human rights, humanitarian and refugee law.

International law, as well as, in some cases, national law, provides important benchmarks for the treatment populations can expect shows who is formally responsible and articulates the obligations of the signatories. Those suffering insecurity are not just victims, they are individuals and groups whose rights are being violated and whose national authorities are failing in their obligations to protect.

3.6 Exit strategy and transition

Exit strategy for protection programmes must be envisaged at the earliest possible stage. A very early collaboration with the local or national authorities and with other actors able to pursue longer term programmes (other EC services, United Nations agencies, World Bank etc.) is needed. Regular review of the risk analysis should orientate DG ECHO about the current pertinence of its action in a particular context.

A particular difficulty for transition in the area of protection is linked to the fact that protection as envisaged in the humanitarian context has no equivalent as such in the development agenda.

¹¹ http://ec.europa.eu/echo/policies/sectoral/children_en.htm

Nevertheless, all the elements are present in the development approach - in particular in fragile states, where a large focus is on state building-, but not under the label of "protection". Most activities related to protection are to be found, in a development framework, under the rule of law and good governance programmes. Humanitarian actors have nevertheless to ensure that some particularly vulnerable groups, which might be overlooked in the development phase, are still protected. This applies in particular to refugees and IDPs after their return.

3.7 *Advocacy*

There are different modes of action to make the relevant actors aware of and fulfil their responsibilities: persuasion, mobilisation and denunciation. The selection of one or more technique depends on the attitude of the authorities, but also on the organisation's own strengths and weaknesses, as well as on the external opportunities and constraints, including threats.

DG ECHO will thoroughly analyse requests for funding *denunciation* activities, as they would imply public disclosure of international law violations and generally create an adversarial relationship. This may be detrimental to responding to people's protection and assistance needs.

Persuasion actions, by which one tries to convince the authorities to change their policies and practices of their own accord, will be efficient if the responsible authorities demonstrate political goodwill.

Mobilisation actions, through which information is shared in a discreet way with selected people, bodies or states that have the capacity to influence the authorities to satisfy their obligations and to protect individuals and groups exposed to violations, will be needed when authorities are more resistant.

3.8 *Management of sensitive protection information*

Data collection, analysis, transmission and storage is a sensitive process that must be undertaken with due care. In situations of conflict or armed violence, conducting individual interviews can put people at risk. The risks they incur can range from physical violence to social marginalization, and are often unknown to the individual soliciting the information, and sometimes by the person providing it. The protection actor seeking the information bears the responsibility for managing the risks associated with the process.

Key issues include:

- definition of the data collection process by the intended use of the information to collect,
- collection and use of data with the informed consent of the person concerned,
- transfer of data to authorities which should be done with particular caution,
- appropriate security safeguards ensuring confidentiality.

3.9 Mainstreaming protection in the classic humanitarian aid programmes

Protection should be the concern of all those present in the field. They all have an obligation to ensure that their actions, at a minimum, do not undermine protection. And, a step further, they should do everything possible, within their limitations, to mitigate the effects of and prevent abuses.

Humanitarian organisations must ensure that the assistance they deliver do not expose populations to yet more dangers, for example from raiding, exploitation, rape, isolation, permanent displacement or corruption.

Health, water, shelter or livelihood programmes must be designed with people's protection from violence and abuse in mind. All humanitarian aid programmes need to 'think protection' and focus on ways in which they can reduce people's vulnerability to the various threats they face. Humanitarian assistance programmes should be scrutinised continuously to ensure that they are not becoming counter protective in any way by putting people in new danger or at further risk.

In other words, assistance programmes, in all sectors, need to be protection- sensitive, protection considerations being purposely integrated into their design and implementation.

Protection by presence:

International presence can have a protective impact by deterring belligerents, inspiring confidence in communities and attracting global attention to a crisis. But it may be difficult to establish whether this presence constitutes deterrence, or whether the threat is simply delayed or deferred to a different area. It is important to consider that the emphasis on the protective impact of humanitarian personnel through their mere presence in a given area can also create a false feeling of security in the local civilian community, which may actually make them more vulnerable to violence and threats. Presence without action may be construed as complicity by the victims, or may build false hopes for protection. In some cases, perpetrators may even interpret passive presence as a green light to commit abuses. However, used carefully and strategically, humanitarian presence can sometimes be a very effective form of protection in itself.

3.10 Recognising protection dilemmas

Implementation of humanitarian protection programmes and activities may be challenging and fraught with potential dilemmas. This is especially the case in environments of armed conflict where an intent to do harm on the part of parties to conflict is often prevalent. Strategic risks need to be anticipated and avoided whenever possible.

- Risk of humanitarian aid and protection having a negative effect and becoming counter-protective through the manipulation/exploitation of aid, corruption or insensitive behaviour by humanitarian staff. Insensitive or unprofessional behaviour and advocacy by humanitarian staff can lead to punitive reprisals or accelerated military action by authorities or armed groups. Corruption in aid distribution, including beneficiary selection, can also render civilian populations vulnerable to extortion, threat, and deprivation. Provision of relief in a conflict zone might not provide protection when the goods distributed attract armed groups to loot the area. Abuses are also occasionally perpetrated by humanitarian aid workers themselves.
- Risk of legitimisation of violations and perpetrators. Deliberate starvation, for example, can be legitimized simplistically as 'famine' by aid workers unable to see the political intent behind it. Or contact with agencies and permission for their operations can be used cynically by perpetrator groups to give them political credibility and as evidence of a false intention to protect.
- Possibility or perception of bias in targeting the aid beneficiaries. Limited access or resources force agencies to give priority to one group of victims over another, which can be seen as partiality.
- Dilemma of having to choose between two mutually exclusive objectives, e.g. the choice between humanitarian access and advocacy where one may undermine the other.
- Risk of creating aid dependency and de-responsibilise the authorities

3.11 Last but not least, recognising *the need for a holistic approach*

It must be acknowledged that in complex emergency situations a strategy that is not holistic, incorporating human rights, IHL, humanitarian, stabilisation, reconstruction and development efforts, and in some cases a military effort, is unlikely to have success. In only very few situations is one approach - be it humanitarian, human rights or political - adequate and protection failures have come as a result of an overemphasis of one approach - usually the humanitarian - at the expenses of another - usually the political.

The real protection challenge lies in getting political actors to take action.

4. Protection in the Project Cycle Management

4.1 Coherence in the Project Cycle Management

Coherence between needs assessment, objectives, results, activities and indicators is essential. Therefore humanitarian programmes whose main objective is protection must be recognised as such, even when this objective is achieved through material assistance activities¹². Results and indicators should then reflect both aspects.

4.2 Monitoring of the results

The progress of protection programmes, as of all humanitarian programmes, needs to be monitored against appropriate indicators, in order to:

- adjust and, whenever necessary, change strategies, objectives and plans of action,.
- be accountable to victims and to donors,
- and contribute to a permanent learning process based on experience.

However, quantifying a protection problem and measuring a project impact in this sector can be very difficult. When access, security and resources are a constant challenge, it can be a major achievement just to get something done. Monitoring capacity will often be limited by various factors, such as sudden changes in a situation or the absence of baseline data (qualitative as well as quantitative). Reduction in 'abuses' can be hard to measure objectively. Moreover, impact of protection activities is often linked to factors beyond the control of programme operators. Lastly, the timeframe of emergency programmes adds one more obstacle to measure such impact. In short, to know how well a programme was done (efficiency), how much has changed (impact) and how far these changes are due to the partner's own actions (attribution) can be extremely difficult to gauge. But it is important to try.

¹² There are three different ways of integrating protection in humanitarian programmes:

1. Programmes with protection as main objective achieved through pure protection activities,
2. Programmes with protection as main objective but achieved through material assistance activities,
3. All other programmes in which protection must be mainstreamed as cross-cutting issue in consideration of the "do no harm" principle.

Appropriate indicators depend on context. Interviews with the affected population - i.e. how people perceive their own security, the changing nature of the threats and violations, and the beneficiaries' experience of the applied strategies and activities - remain often the best method for monitoring of protection activities. It should be recognised that quantitative indicators have limits, while insisting on good qualitative indicators, reflecting trends in people's opinions and the sense of their own safety.

Results of protection programmes can be grouped into three broad categories:

- changes in the behaviour of perpetrators, resulting in a reduction in the number of threats, casualties, sexual abuses, disappearances, and other measurable human rights abuses over time;
- changes in the actions of responsible authorities, resulting in the development and practical implementation of policies, commitments and actions to reduce violence, displacement, deprivation, and to increase effective civilian protection;
- changes in the daily lives of the threatened/protected population, resulting in reduced vulnerability to threats (such as improved organization, mobilization, and political engagement that enables them to avoid, resist, or challenge the threats against them), and improved levels of health and nutrition, freedom of movement, as well as increased security feeling and increased participation in normal livelihood activities, social networks and political life.

Having identified the desired results, it is possible to choose a number of indicators to gauge over time whether the programme is having the intended effect: are the targeted population better protected and assisted as a result of what has been done?

A good indicator is **S**pecific, **M**easurable, **A**chievable, **R**elevant and **T**ime-bound.

Additional recommendations regarding the selection of indicators are given in annex 2.

Of course, as in all humanitarian programmes, periodic **evaluations** also need to take place, in the form of internal reviews or independent evaluations.

Annex 1: Examples of protection activities

1.1 Examples of protection activities that may be funded by DG ECHO

Protection activities which DG ECHO may support financially are "**non-structural activities aimed at reducing the risk for and mitigating the impact on individuals or groups of human-generated violence, coercion, deprivation and abuse in the context of humanitarian crises,, resulting both from man-made or natural disasters**, and in compliance with the humanitarian principle of humanity, neutrality, impartiality and independence (as defined in section 2 of the EU Consensus). The term "structural" refers here to a long term process of building or strengthening of institutions"

Following list is illustrative rather than exhaustive. Every crisis is unique, and new circumstances will require new responses: protection programming inevitably requires creativity.

Specific protection objectives	Examples of protection activities
<p>1. To support physical and psychosocial safety of affected population, especially women, children and other vulnerable persons</p>	<ul style="list-style-type: none"> - Protect threatened populations from violence, abduction and exploitation (e.g. by removing population to safer places if needed and feasible, supporting impartial community initiatives to reduce exposure, such as joined firewood/ water collection patrols) - Workshops with communities aimed at identifying protection mechanisms from their own perceptions and needs (with specific focus groups with women and youth) - Reduce vulnerable groups' exposure to risks through supporting alternative solutions to activities that put them at risk (e.g.; providing fuel-efficient cooking technology) - Support to release and reintegration of child soldiers; provide psycho-social rehabilitation and family tracing; raising awareness to forced recruitment among families, schools, youth and local authorities. Reintegration of children in educational system, implementation of accelerated learning program, training of teachers who participate in the program - Strengthen community networks to prevent GBV; raise awareness; promote use of post-exposure prophylaxis; counselling and recovery services, including legal support. Training of Ministry of Health on prevention of GBV - Promote schools and other informal educational structures (including child friendly spaces or recreational activities) as places of protection from sexual violence, abduction, recruitment..., for trauma mitigation and rehabilitation etc. - In certain circumstances: detailed documentation of individual cases of abuse (e.g. collection of witness statements)

	<ul style="list-style-type: none"> - Provide protection to persons deprived of their freedom: monitoring detainment conditions and reporting to authorities, maintenance of family links (facilitate family visits, forwarding RC messages.), search of missing persons in crisis situations - Mine risk education, humanitarian de-mining - Restore personal documentation that has been lost or destroyed - Dissemination of IHL among armed groups/forces - Lobbying with authorities/occupying power on issues such as: (i) the missing, (ii) application of the legal framework, (iii) child protection, (iv) to bring security to the hospital and to protect in general medical mission - Support to the hospital management through the creation of a crisis committee and recommendations/guidance
<p>2. To provide protection to displaced persons (refugees, IDPs, returnees)</p>	<ul style="list-style-type: none"> - Screening and registration of refugees, IDPs and separated children - Family tracing and reunification - Information about legal framework and other legal assistance - Dialogue with authorities in order to improve conditions and access to rights by asylum seekers, refugees and IDPs - Trainings of relevant institutions on IDP issues (property rights, social rights, no forced returns etc) - Facilitate unforced, safe and dignified return or other durable solution (information and legal assistance - including for (re-)claim housing, land or property -, transport, registration, provision of return package, monitoring of return etc.) - Provide comparable assistance to the vulnerable categories of the host population where relevant, to avoid discrimination and violence
<p>3. To strengthen protection sensitivity and capacity among the partners To support advocacy and promote coordination</p>	<ul style="list-style-type: none"> - Advocacy and legal framework dissemination by specialised international partners, in particular OCHA, UNHCR, UNICEF, ICRC, and other organisations with relevant experience - Train partners' staff (international and local) on legal framework, attitudes with victims and dissemination of "do no harm" principles - Advocacy for access, including negotiation, with parties in conflict - Coordination by specialised UN bodies - Reporting, monitoring and evaluation mechanisms on alleged violations of human rights, IHL, and GBV, providing that it is carried out with the needed specific expertise

1.2 Examples of protection activities that should normally not be considered for funding by DG ECHO

Exceptions should be approved on a case by case basis by DG ECHO management and discussed with concerned EC delegation as needed.

- Demobilisation and reintegration of armed groups, except for children (whose integration in an armed group violates the law)
- Community guarding or protection units
- Work with national legal systems and justice to strengthen laws, build respect for human rights, and develop sanctions for perpetrators, truth and reconciliation commissions
- Prevention of land expropriation; facilitation of access to economic activities
- In post-crisis situations search of missing persons and protection of prisoners of war and detainees until their liberation

1.3 Examples of good practices to mainstream protection concerns into humanitarian assistance programmes

- Identify protection issues (frequently gender and age related) in the situation analysis, and ensure that the proposal for humanitarian assistance mainstreams those issues (e.g. ensure that food rations are adapted in size, weight and frequency so that unaccompanied children] 6 and child-headed households are able to benefit from food distribution or ensuring that jerry cans are adapted to enable children or elderly to carry them); ensure monitoring of this mainstreaming as well as an on-going context analysis and identification of uprisingprotection issues in order to facilitate modifications of the type of assistance or ways to deliver it
- Ensure that the assistance programmes do not discriminate against particular groups or individuals within the community and that they are accessible by all members of the community (including vulnerable groups)
- Ensure the highest standards of neutrality when assisting communities under influence of different armed actors. Ensure impartiality to reduce tensions between different groups
- Ensure that camp design reduces exposure to sexual abuse and other violence; locate water and sanitation facilities, food distribution points and shelters in safe areas; maintain their civil character (appropriate fencing and lighting around water points, latrines, etc)
- Ensure safe access to and security in schools and health centres
- Ensure gender balanced qualified staff among international and national project staff; set up gender balanced beneficiary committees to discuss project designs (centred on self- protection), and monitor implementation
- Ensure compliance with relevant codes of conduct for partners' staff, to avoid abuses, violence and exploitation (e.g. forced labour)

- Do not distribute relief items that can make the recipients a target for attacks, looting or harassment
- Ensure the participation of a broad cross-section of the community in the design and monitoring of assistance projects with specific questions about the safety, inclusion and accessibility of interventions
- Ensure coordination with all stakeholders involved in protection issues

Annex 2: How to select protection indicators?

To allow effective monitoring of the evolving situation, realistic indicators need to be developed that measure the magnitude or trend of change and demonstrate over time whether the programme is achieving the expected results. These indicators can include signs, statistics, or perceptions that reflect the status of safety and wellbeing of endangered populations against the results that are to be achieved.

Protection indicators should be collected as consistently and regularly as possible so as to show trends and changes over time. A good indicator is not only illustrative of the result at which the programme is aiming; it must also be collectable and easily processed. What looks like the perfect indicator on paper will be useless in practice if it is too dangerous to collect the necessary information, or requires far too many hours of staff time to collate, process and interpret afterwards.

At this point, it may be useful to return to the basic equation: **risk = threat + vulnerability x time** and to select indicators which relate to each part of the equation in the given context.

A distinction should be made between impact indicators and performance indicators:

1. **Impact indicators** show changes in conditions or institutional practice that affect the population of concern and its welfare. They review whether a programme is having the expected result and, if not, what changes should be made to improve it. They also verify whether any aspect of the strategy has produced any adverse effects on members of the community or any other actor. They are set at the result level.

Ex: x % primary enrolment for boys and girls / number of children recruited reduced by at least y % / # girl soldiers have been reintegrated into normal life / # children (or z % of separated children) have been reunited with their families / x % of the women recognise the threats of sexual violence and know how to limit the risks / the detaining authority affords overall improvements for detainees in line with IHL / x % of children who attend weekly guided psychosocial workshops show improved emotional well-being, social behaviour and skills over the course of the twelve-month programme / y % of children participating in guided psychosocial workshops show increased ability to listen to and cooperate with other children in the group.

For the impact indicators to be effective, baseline data should provide the initial information against which changes can be measured.

2. **Performance indicators** measure progress in relation to an implementation plan. They are set at the **activity** level and cover:

- input monitoring which determines whether human, financial and material resources are mobilized and deployed as planned,

Ex: legal clinics opened in three major cities and staffed to receive 200 IDP and other persons of concern each month / # school kits distributed / number of expats present in the field

- and *output monitoring* which establishes whether products or services are being delivered or planned.

Ex: Ten-minute radio programmes promoting girls' attendance are broadcast weekly, April to September, reaching x % of the population / # children are participating in a DDR programme, of which # girls / # refugees assisted in registration or return / # detainees visited / # hectares of mined land cleared

As stated in article 1 of the General Conditions applicable to European Community grant agreements with humanitarian organisations for humanitarian aid actions, the results obtained from a programme funded by DG ECHO should be assessed through specific, measurable, achievable, relevant and time bound (SMART) indicators. This means that focus is put on the impact indicators. However, considering the difficulty to define realistic impact indicators for protection programmes, performance indicators should complement the analysis.

Whether impact or performance indicators, they will be most useful if they are disaggregated by sex, age and socio economic factors, such as urban or rural habitat, professions etc.

Indicators will include:

1. **quantitative** information where they count empirical data relating to incidents and conditions,

Ex: percentage of IDP girls and boys who attend primary school / incidence of abuse / health status related to specific protection needs

2. or **qualitative** information where they reflect trends in people's opinions, perceptions, and sense of safety and attitudes about a given situation or issue.

Ex: evidence that IHL dissemination is now underway in the targeted group and is increasingly understood and respected / reduced sense of fear, growing sense of safety, recovered dignity / improved quality of dialogue with the responsible authorities

How should the monitoring been done?

The organisation that implements an activity is responsible to monitor this activity. While this is important, it often results in fragmented data collection. Monitoring should thus collectively involve the targeted communities, the authorities and the other stakeholders. In any case, indicators need to be defined and baseline data collected beforehand; what should be monitored and how it should be done should be clearly defined and included in the protection strategy document.

Baseline and subsequent data will be drawn from different types of surveys, including:

- scheduled or random visits to local communities,
- participatory assessment exercises with focus groups,
- regular discussions with local authorities and community's leaders,
- reports by other humanitarian agencies,
- periodic analysis of baseline data gathered in the above visits and discussions, and
- analysis of financial reports and levels of implementation against planned activities.

Annex 3: References

3.1 Sources of International law

- International Humanitarian Law (IHL) (also referred to as the Law of war)
The four *Geneva Conventions of 1949* (especially the IV Convention on the Protection of Civilian Persons in Time of War) and their two *Additional Protocols of 1977*,
<http://www.icrc.org/ihl.nsf/CONVPRES7OpenView>
- Refugee Law
Convention relating to the Status of Refugees, 1951, and its *Protocol of 1967*
<http://www2.ohchr.org/english/law/refugees.htm>
<http://www2.ohchr.org/english/law/protocolrefugees.htm>
OAU Convention governing the specific aspects of refugee problems in Africa. 1969
[http://www.africa-union.org/Official documents/Treaties %20Conventions %20Protocols/Refuge e Convention.pdf](http://www.africa-union.org/Official%20documents/Treaties%20Conventions%20Protocols/Refugee%20Convention.pdf)
- International Human Rights Law (IHRL) and core international human rights instruments
UN documents to be found in <http://www2.ohchr.org/english/law/>
Universal Declaration of Human Rights, 1948
African Charter on human and people's rights, 1969
<http://www.africa-union.org/root/au/Documents/Treaties/treaties.htm>

Convention on the Prevention and Punishment of the Crime of Genocide, 1948
International Convention on the Elimination of all Forms of Racial Discrimination, 1965
International Covenant on Civil and Political Rights, 1966
International Covenant on Economic, Social and Cultural Rights, 1966
Convention on the Elimination of All Forms of Discrimination against Women, 1979
Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, 1984
Convention on the Rights of the Child, 1989
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, 2000
Guiding Principles on Internal Displacement, 1998

To know which international human rights instrument a specific State has committed itself to respect, refer to:

<http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>

3.2 Specific guidelines

- General

Protection: An ALNAP Guide for Humanitarian Agencies, H. Slim and A. Bonwick, 2005

<http://www.alnap.org/publications/protection/index.htm>

Protection in Practice: Field-Level Strategies for Protecting Civilians from Deliberate Harm, D. Paul, 1999, <http://www.odihpn.org/documents/networkpaper030.pdf>

- Natural disasters

Human Rights and Natural Disasters - Operational Guidelines and Field Manual on Human Rights Protection in Situations of Natural Disaster, IASC, March 2008,

<http://www.reliefweb.int/rw/lib.nsf/db900sid/KHII-7EE9KM70openDocument>

- Refugees

Protecting Refugees and the Role of UNHCR, UNHCR, 2007/2008

<http://www.unhcr.org/basics/BASICS/4034b6a34.pdf>

- Internally displaced persons

Guiding Principles on Internal Displacement, UN Doc.E/CN.4/1998/53/Add.2,

[http://www.internal-](http://www.internal-displacement.org/8025708F004BE3B1/rhttpInfoFiles/A2D4116C222EB1F18025709E00419430/$file/GPsEnglish.pdf)

[displacement.org/8025708F004BE3B1/rhttpInfoFiles/A2D4116C222EB1F18025709E00419430/\\$file/GPsEnglish.pdf](http://www.internal-displacement.org/8025708F004BE3B1/rhttpInfoFiles/A2D4116C222EB1F18025709E00419430/$file/GPsEnglish.pdf)

Handbook for the Protection of Internally Displaced Persons, Global Protection Cluster Working Group, December 2007, [http://www.unhcr.org/cgi-](http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opendocpdf.pdf?docid=4790cbc02)

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- Women and sexual-based violence

Guidelines for Gender-based Violence Interventions in Humanitarian Settings, IASC, September 2005

http://www.humanitarianinfo.org/iasc/content/subsidi/tf_gender/gbv.asp

Addressing the needs of women affected by armed conflict: an ICRC guidance document, March 2004

[http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/p0840/\\$File/ICRC_002_084_0_WOMEN_GUIDANCE.PDFIOpen](http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/p0840/$File/ICRC_002_084_0_WOMEN_GUIDANCE.PDFIOpen)

- Children associated with armed forces or armed groups

Paris Principles - The principles and guidelines on children associated with armed forces or armed groups, February 2007

<http://www.unicef.org.uk/publications/pdf/parisprin.pdf>

Operational Guide to the Integrated Disarmament, Demobilization and Reintegration Standards (IDDRS), Section on children, UN, December 2006

http://www.unddr.org/iddrs/05/download/IDDRS_530.pdf

- Separated children

Inter-agency Guiding Principles on Unaccompanied and Separated Children, ICRC, IRC, SCUK, UNICEF, UNHCR, WVI, 2004

[http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/p1101/\\$File/ICRC_002_101_1.PDF!Open](http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/p1101/$File/ICRC_002_101_1.PDF!Open)

- Psychosocial support

Inter-agency Guidelines on Mental Health and Psychosocial Support in Emergency Settings, IASC, June 2007

http://www.who.int/entity/hac/network/interagency/news/iasc_guidelines_mental_health_psychosocial_upd2008.pdf

- Data Management

Data Collection in Humanitarian Response: A Guide for Incorporating Protection, InterAction Protection Working Group

<http://protection.unsudanig.org/data/general/InterAction%20-%20Data%20Collection%20in%20Humanitarian%20Response%20-%20A%20Guide%20for%20Incorporating%20Protection.pdf>

3.3 European Union and European Commission documents

EC Communication '*A special Place for Children in External Action*' and the Staff Working Papers '*Children's Rights in External Action*' and '*Children in Situations of Emergency and Crisis*', February 2008, Doc. 6175/08 + ADD 1 + ADD 2

http://ec.europa.eu/echo/policies/sectoral/children_en.htm

EU Guidelines for the Promotion and Protection of the Rights of the Child, December 2007, Doc. 16031/07 and 16457/07

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EU Guidelines on Children and Armed Conflict, December 2003, Doc. 15634/03

http://ec.europa.eu/external_relations/human_rights/child/caafguidelines.pdf *EU Guidelines on IHL*, September 2005 [http://eur-](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2005:327:0004:0007:EN:P DF)

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EC Staff Working Paper 'Guidelines on European Community Mine Action 20082013', November 2008

http://ec.europa.eu/external_relations/anti_landmines/docs/guidelines_08_13_en.pdf

EU Council Conclusions on Security and Development, November 2007

http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/gena/97157.pdf

EU Concept for support to Disarmament, Demobilisation and Reintegration, December 2006

http://www.eplo.org/documents/EU_Joint_concept_DDR.pdf

3.4 Other references

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http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/section_publications_protection
- UNHCR Publications - Protection
<http://www.unhcr.org/ua/publications.php>
- Internal Displacement Monitoring Centre:
<http://www.internal-displacement.org/>
- Humanitarian Charter:
<http://www.sphereproject.org/dmdocuments/handbook/hdbkpdf/hdbk hc.pdf>
- Disarmament, Demobilization and Reintegration:
<http://www.unddr.org/>
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Study on customary international humanitarian law: A contribution to the understanding and respect for the rule of law in armed conflict, ICRC, March 3 2005
[http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/review-857-p175/\\$File/irrc_857_Henckaerts.pdf](http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/review-857-p175/$File/irrc_857_Henckaerts.pdf)
- Humanitarian Space:
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<http://www.odihpn.org/report.asp?ID=2765>
- Mainstreaming protection
Protective action: Incorporating civilian protection into humanitarian response (2007)
Humanitarian Policy Group report 26,
www.odi.org.uk/resources/hpg-publications/reports/26-protective-action-civilian-protection-humanitarian-response.pdf InterAction (2004) *Making Protection a Priority: Integrating Protection and Humanitarian Assistance*, InterAction Protection Working Group.
<http://www.interaction.org/document/making-protection-priority>
- Armed Escorts:
Use of Military or Armed Escorts for Humanitarian Convoys (IASC Discussion Paper and Non-binding Guidelines), September 2001
<http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1087048>

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