

Centrality of Protection
Protection Strategy, 2016 – 2017
Humanitarian Country Team, Yemen

FINAL - ENDORSED BY THE HCT: 13 June 2016

INTRODUCTION

Reflecting its responsibility and commitment to ensure that protection is central to all aspects of the humanitarian response in Yemen, the Humanitarian Country Team (HCT) has developed this Protection Strategy¹ to provide vision, guidance and a basis for an operational approach to ensuring centrality of protection in Yemen.

Having a Protection Strategy at HCT level recognises the significance and overarching imperative to have a comprehensive approach to providing affected populations with the means to live their lives in safety and dignity, especially in times of conflict or crisis.² It also emphasises the HCT's accountability to affected populations when addressing identified protection risks or violations of international human rights law (IHRL) and international humanitarian law (IHL) in Yemen.

The HCT Protection Strategy underlines that ensuring the protection of affected populations is the responsibility of all humanitarian actors who must be active in meeting this responsibility. While the Protection Cluster will take a lead role in supporting the operationalisation of the Strategy, also highlighted are the roles and responsibilities of other humanitarian actors (including through each cluster), represented by the HCT, who have complementary and significant roles in ensuring that protection is at the core of the humanitarian response. In addition, the Strategy includes the humanitarian aspects for the Humanitarian Coordinator's obligations under the Human Rights up Front (HRuF) initiative³ regarding the responsibility to make efforts to monitor, prevent and respond to serious violations of IHRL or IHL.

Centrality of Protection in Humanitarian Action

"[P]rotection 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."

Principals of the Inter-Agency Standing Committee (IASC), December 2013, available at [https://www.humanitarianresponse.info/en/topics/transformation-agenda/document/centrality-protection-humanitarian-action-statement-inter]

COMMITMENT TO PROTECTION AND HUMAN RIGHTS IN YEMEN

The centrality of protection is an overarching approach to ensuring protection throughout the humanitarian response and incorporates, complements or makes reference to the following protection or human rights initiatives in Yemen:

- **Protection Cluster Strategy** – this was finalised by the national Protection Cluster in September 2015 and is the basis for the planning of protection activities until the end of 2016. It includes an overall protection analysis and focuses on the Protection Cluster's objective to identify and respond to the protection needs of those most vulnerable, as a direct or indirect result of the conflict, including IDPs, returnees and host communities.
- **Protection Cluster Workplan** – this sets out the priority activities for establishing the basis for achieving the Protection Cluster Strategic Objectives. It includes activities for data collection; mapping of services and establishment of referral pathways; and protection mainstreaming. There is a separate plan for activities to support each cluster to ensure that the main elements of protection mainstreaming are included within that cluster partners' programming.
- **Human Rights up Front** – this initiative to monitor, prevent and respond to serious violations of IHRL or IHL will be led by the UNCT. There is a link to the

Protection Cluster Strategy, 2015-2016 Strategic Objectives

1. Systematic identification and analysis of protection risks and rights violations.
2. Delivery of direct response to individuals with protection needs.
3. Building the capacity and awareness of affected communities to enhance individual and community coping strategies.
4. Outreach to and communication with affected communities to ensure effective participation and accountability in response.
5. Preparation of reports and analysis of violations of human rights and international humanitarian law for the purpose of advocacy for change.

¹ This HCT Protection Strategy may also be known as the 'Centrality of Protection Strategy'.

² The importance of centrality of protection throughout humanitarian responses was most recently concluded in the *Independent Whole of System Review of Protection in the Context of Humanitarian Action*, prepared by Norah Niland, Riccardo Polastro, Antonio Donini, Amra Lee, May 2015, available at [https://interagencystandingcommittee.org/sites/default/files/independent_whole_of_system_protection_review_report_may_2015.pdf].

³ For more information about the HRuF initiative, which was launched by the UN Secretary-General in 2013, see [http://www.un.org/sg/humanrightsupfront/]. The UN Country Team will lead the HRuF process in Yemen with a strong link to this HCT Protection Strategy.

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HCT Protection Strategy, particularly regarding the identification of protection risks and human rights violations and the collection of related data.

HCT PROTECTION STRATEGY IN PRACTICE

The HCT Protection Strategy is not static. It will adapt to the evolving situation and require the support of the Protection Cluster to provide a regular and updated understanding and analysis of protection risks and violations in Yemen so that the HCT can identify the most appropriate way to address these throughout the response. An action plan for implementing the Strategy in 2016 is included in the Annex and has been merged with the HCT Gender Strategy to:

- a) have an efficient implementation approach, highlighting common outcomes, outputs and activities;
- b) strengthen the HCT's ability to address protection and gender priorities jointly and effectively; and
- c) underscore the roles and responsibilities of all humanitarian actors.

Regular review

The HCT and the Inter-Cluster Coordination Mechanism (ICCM), which will be involved in the implementation of the activities, should review the Action Plan regularly, at least on a quarterly basis,⁴ and update it as required, depending on progress, new priorities or changes in context.

PROTECTION AND HUMAN RIGHTS ANALYSIS

Protection risks

The context for affected populations in Yemen has changed considerably since the expansion of conflict in March 2015.⁵ While internal conflict and political instability existed previously, the broadening of conflict has led to over 21 million people in need of humanitarian assistance throughout Yemen,⁶ including over 2 million internally displaced persons (IDPs) and over 760,000 IDPs who have been tracked as having returned.⁷ The reality of aerial and ground conflict, including airstrikes, armed clashes, explosive remnants of war, and use of anti-aircraft weapons, has resulted in civilian casualties, destruction of property (including public infrastructure), multiple displacement, insecurity, the loss of livelihoods, and an uncertain future for the civilian population. Between March 2015 and March 2016, more than 934 children were killed and 1,356 injured or maimed.⁸

IDPs, host communities and other conflict-affected groups face increasing challenges to survive and to cope with the lack of safety; instability; lack of access to many essential services or goods (food, health, education, water, shelter, etc.); limited freedom of movement; and the lack of livelihood opportunities. Coping strategies to deal with these challenges, including reliance on family and friends, selling assets, borrowing money, limiting food intake, or child labour, have become more prevalent as the crisis has become protracted. Most of these coping strategies have negative consequences and affected populations face increasingly desperate situations, have few choices and are vulnerable⁹ to a variety of associated risks, including psychological disorders; separated or unaccompanied children; gender-based violence; child marriage; exploitation; harassment; abuse; recruitment and use of children in armed conflict.

The humanitarian community has continued to have challenges accessing affected populations to assess their needs and, as required, provide humanitarian assistance to meet identified needs. In addition, limited freedom of movement for affected populations and restrictions on commercial goods entering and being transported throughout the country has meant that access to necessary goods and services has been intermittent, expensive and often not possible. These

⁴ The interagency ProCap Advisor should support this regular review and then, at the end of deployment, be succeeded by the Protection Cluster Coordinator, on behalf of the Protection Cluster.

⁵ The conflict involves the Saudi-led Coalition (which, supporting the government of Abd Rabbuh Mansour Hadi, began airstrikes on 26 March 2015); Houthi forces and forces loyal to former president Ali Abdullah Saleh (who, since January 2015, have been the de facto authorities in Yemen); and a number of armed groups with a variety of interests and degrees of control throughout Yemen.

⁶ Prior to March 2015, the UN estimated that 15.9 million people were in need of some form of humanitarian assistance. For more details see, United Nations, *Humanitarian Needs Overview: Yemen*, 2016.

⁷ Protection Cluster Yemen, *Task Force on Population Movement, 9th Report*, June 2016

⁸ These cases represent only those that the UN Country Task Force on Monitoring and Reporting (UNCTFMR) was able to verify. The actual number is likely to be much higher.

⁹ The Protection Cluster Strategy includes an annex on 'Vulnerability', defining it as 'the diminished capacity of an individual or community to anticipate, cope with, resist and recover from the impact of a hazard directly or indirectly related to the conflict'.

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difficulties have led to people becoming more vulnerable as they face challenges to obtain items such as food, water, medical supplies, and basic household items. As the provision of humanitarian aid to meet these needs continues to be restricted due to bureaucratic impediments at national and local levels, people are finding it more difficult to survive.

Better understanding of protection risks

Although basic information and core data about affected populations exists, there is increasing recognition that, to inform its response, the HCT requires a more consistent and regularly updated understanding and analysis on specific profiles, needs and vulnerabilities. This will require the efforts of all clusters and coordination of the collection and compilation of such data. Affected populations are living in different settings - rural, peri-urban or urban. Displacement has become protracted, resulting in different needs and circumstances for IDPs and host communities. Many families have been displaced a number of times which, in turn, requires an updated understanding of the context and identification of specific needs. In particular, IDPs are living in various shelter types. The majority (47%)¹⁰ live with host families or in rented accommodation (22%); with a smaller number living in collective centres or spontaneous settlements (4%) or even more difficult circumstances (such as in the open or in caves). For approximately 27%, of IDPs, the living conditions are not yet known. Each type of accommodation presents different risks for IDPs,¹¹ host communities or conflict-affected communities and the needs and types of vulnerability and how people cope differs depending on the context. Although the most vulnerable are understood to be those living in collective centres or spontaneous settlements, the vulnerabilities, needs and coping strategies of those who are renting or living with host families are not yet fully understood to provide an adequate response. Furthermore, men, women, girls and boys each experience conflict in different ways and it is important to understand the differences in needs, risks and vulnerabilities for each group in order to formulate an appropriate and effective response. To have this necessary level of understanding and to strengthen the humanitarian response, more intra-household-level data about vulnerabilities, protection risks and violations is required, particularly as the current conflict has led to protracted displacement and crisis in some areas as well as ongoing multiple displacement in other areas.

Violations of International Human Rights Law (IHRL) and International Humanitarian Law (IHL)

With ongoing conflict between a number of parties and different parties to the conflict controlling different areas in Yemen, the civilian population is often caught up in fighting, directly targeted or subject to a number of IHRL and IHL violations in their daily lives. These include physical attacks; loss of life; attacks on civilian infrastructure (including roads, schools, medical facilities); arbitrary detention; collective punishment; lack of freedom of movement; and denial of access to humanitarian assistance.

Monitoring these violations is challenging, with the primary mechanisms in Yemen being the Monitoring and Reporting Mechanism of Grave Violations of Child Rights (MRM),¹² human rights monitoring conducted by OHCHR and protection monitoring by Protection actors who are part of the Protection Cluster. Redress for violations of IHRL or IHL is often limited, along with difficulties faced in identifying the perpetrators and documenting the ongoing impact on the civilian population. Under the MRM, efforts made by the UNCT Task Force on Monitoring and Reporting (UNCTFMR) in Yemen, including regularly engaging with parties to the conflict, are examples of the advocacy and response initiatives that can be used to stop or reduce the violations committed by parties to the conflict.

¹⁰ Percentages based on Shelter Cluster's analysis of data from the Task Force on Population Movement's 8th Report. The percentages are based on the overall IDP figures of 2,755,900 and do not include the 472,300 returnees identified in the 8th report.

¹¹ For more information about the HCT's approach to IDPs, see *Strategy for IDP Response in Yemen, Humanitarian Country Team*, endorsed on 30 March 2016.

¹² As set out in Security Resolution 1612, the MRM, led by UNICEF and the Resident Coordinator, provides timely and reliable information on six grave children's rights violations; namely (1) killing or maiming of children; (2) recruitment or use of children by armed forces or armed groups; (3) attacks on schools or hospitals; (4) rape or other sexual violence against children; (5) abduction of children; or (6) denial of humanitarian access to children.

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PROTECTION PRIORITIES

The priorities of the HCT Protection Strategy are based on the current context and support achieving the Strategic Objectives set out in the Yemen Humanitarian Response Plan (YHRP) 2016, with the main focus on direct, life-saving assistance and protection. Central aspects of protection from the YHRP include prioritising the most vulnerable; promoting and advocating for protection, access and accountability; promoting equitable access to humanitarian assistance; and supporting resilience (including positive coping strategies). In addition, the priorities of the HCT Protection Strategy intend to complement the Strategic Objectives of the Protection Cluster Strategy and strengthen the ability of each cluster to include protection as part of their respective strategies and activities. Overall, this HCT Protection Strategy aims to enhance the practical approach to achieving the YHRP objectives with protection, gender and advocacy at the core of the response across all clusters.

YHRP 2016 - Strategic Objectives

1. Provide life-saving assistance to people in need, prioritising **the most vulnerable**.
2. Promote and advocate **protection, access, accountability** to and for affected people.
3. Ensure that all response activities promote **equitable access to assistance** for women, girls, boys and men.
4. Ensure that humanitarian action **supports resilience** and sustainable recovery.

Reduce and address protection risks

Ultimately, the focus of the HCT Protection Strategy is to reduce the identified protection risks and rights violations faced by affected populations. In order to achieve this and ensure that this initial HCT Protection Strategy is a strong foundation on which to develop and inform future Protection Strategies and action plans, there is an emphasis on building a protection base for the humanitarian response. Achieving core outcomes, such as having protection meaningfully mainstreamed or included through the response; regular collection of protection and human rights data; more analysis of protection risks and violations; and consistent advocacy initiatives should underpin the evolution of the HCT Protection Strategy. In turn, this should provide a basis for more direct response outcomes and outputs in order to reduce and address protection risks for affected populations.

Advocacy¹³

Having consistent and coherent advocacy messaging for the HCT on key protection priorities is an important aspect of the HCT Protection Strategy and is built into many of the activities. Harmonisation of such messaging is significant in order to strengthen the impact of joint messages and reduce the possibility of undermining efforts to affect change. Priority issues for advocacy should be jointly identified by HCT members and messaging prepared with the target audience in mind. Advocacy messaging may be public or private and can be for a range of stakeholders at international, national or local levels depending on the context and intended purpose. Throughout the Action Plan, planned advocacy activities are included as relevant, particularly for:

- **Outcome 2 (Protection data collected is used as basis for programmatic and advocacy initiatives throughout the humanitarian response)** – data collected more systematically on protection and rights priority issues may be used as an evidence base for advocacy. This data can be used as a basis for activities as part of the HRuF initiative as well as for HCT-led advocacy messaging. Consequently, humanitarian actors will have a basis for developing more detailed advocacy and HCT members will be able to show unity by using common or harmonised messaging on key protection issues.
- **Outcome 3 (Beneficiaries are identified and selected for assistance based on need)** – advocacy is important, particularly at local levels, to ensure that relevant vulnerability criteria that are used to identify those in need are understood and used by all humanitarian actors. An entry point for this includes emphasising the importance of principled humanitarian assistance, based on humanity, impartiality, neutrality and independence. In addition, participation of and accountability to affected populations can mean including these populations when developing criteria. For transparency and empowerment of affected populations, regular and updated information about criteria and how they are applied is essential and should be built into all programming.
- **Outcome 4 (Affected populations in need have meaningful access to humanitarian assistance)** – once the main challenges to accessing affected populations are better understood by the HCT (with the support of the Humanitarian Advocacy Working Group), common advocacy messaging aimed at identified key targets will be

¹³ The Protection Cluster Strategy includes an annex on 'Advocacy' and its use for enhancing protection of affected populations.

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an important aspect of trying to change the situation for affected populations and improve their access to assistance.

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OVERALL HCT PROTECTION OBJECTIVE: Identify and address protection risks through a comprehensive approach that is central to all phases of the humanitarian response in Yemen.

Outcome ¹⁴	Description	Details
HCT Protection Outcome 1	<p><i>Protection Mainstreaming</i> Priority elements of protection are included within each cluster partner’s projects (at all stages of humanitarian programme cycle, including planning, implementation, monitoring). The four elements of protection to be included are: (1) avoid causing harm; (2) meaningful access; (3) participation and empowerment; and (4) accountability to affected populations.</p>	<p><i>Each cluster will substantively take on its responsibility to include elements of protection mainstreaming throughout cluster activities, as outlined in each cluster’s response in the YHRP. The Protection Cluster, which has selected protection mainstreaming as a 2016 priority,¹⁵ will support the development of skills and practical inclusion of protection mainstreaming principles. However, ultimately, it is each cluster’s responsibility to address these points fully and provide financial and technical resources to ensure that they form a meaningful part of all stages of programming. With the support of the Protection Cluster, each cluster will be provided with guidance and technical support to mainstream protection in all activities.</i></p> <p><u>Four elements of protection mainstreaming</u></p> <ul style="list-style-type: none"> <i>(1) Avoid causing harm – identify the physical or psychological threats that populations can face in accessing services and act to prevent, minimise or mitigate their negative effects.</i> <i>(2) Meaningful access – ensure access to assistance and services is in proportion to need and without any barriers (e.g. discrimination). Pay special attention to those who are particularly vulnerable or have difficulty accessing assistance or services.</i> <i>(3) Participation and empowerment – support the development of self-protection and capacities. Assist people to claim their rights, including the rights to shelter, food, water, sanitation, health, education, etc.</i> <i>(4) Accountability to affected populations – set up appropriate mechanisms through which affected populations can measure the adequacy of interventions and address concerns or complaints.</i>
HCT Protection Outcome 2	<p><i>Protection and human rights data</i> Protection data collected is used as a basis for programmatic and advocacy initiatives throughout the humanitarian response.</p>	<p><i>Having a more in-depth understanding of the protection context, including how affected populations are coping (whether positively or negatively) is essential for a more appropriate response to address protection risks, empower people and meet the needs of the most vulnerable. The understanding of how affected populations are (or are not) managing in the current crisis will provide a basis for response in each cluster. With strong recognition of the need to focus on improved data collection, there is more focus within clusters on gathering such data but the coordination of this approach needs to be strengthened and</i></p>

¹⁴ These include the joint Protection/Gender outcomes although the description and details focus on the Protection aspects of achieving the outcomes. For more details, see the Annex which sets out in more detail the HCT Joint Protection & Gender Strategy - Action Plan, 2016.

¹⁵ See separate Protection Cluster workplan for protection mainstreaming which elaborates on the Protection Cluster’s activities to support each cluster to strengthen protection mainstreaming through all phases of programming.

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		<p><i>form an integral part of developing a strong Humanitarian Needs Overview and ongoing understanding of the context in Yemen. In addition, this data provides a basis for consistent and evidence-based advocacy on protection and human rights violations, including as part of the HRuF initiative and as a regular activity of the HCT. Focusing technical and financial resources on building the ability to collect household-level data, analyse it and feed this into a joined-up response (such as through the implementation of the HCT's IDP Strategy) is crucial at this stage of the response to move towards much more targeted and needs-based programming. In addition, as protection risks intensify and humanitarian space to address them diminishes, advocacy is essential as a tool to effect change and improve the everyday lives of affected populations.</i></p>
<p>HCT Protection/ Gender Outcome 3</p>	<p><i>Prioritising most vulnerable people</i> <i>Beneficiaries are identified and selected for assistance based on need.</i></p>	<p><i>Beneficiary lists have become an important aspect of the response, with challenges faced by all humanitarian actors understanding needs, identifying beneficiaries and ensuring humanitarian principles are met. As the situation for affected populations is understood more precisely and empirically, identification and selection of beneficiaries should be much more consistent, transparent and equitable across clusters. Ensuring that each cluster has a consistent approach, including protection principles, to develop vulnerability criteria which ensure that the most vulnerable persons are identified and selected for assistance in a transparent manner which is in line with humanitarian principles. This approach and focus on having transparent vulnerability criteria will also be significant when coordinating with national and local authorities and supporting training on a system-wide principled humanitarian approach. Advocacy messaging at national and local levels to explain vulnerability criteria, why and how they are used will also be important to strengthen accountability to affected populations and the transparent use of criteria in accordance with humanitarian principles. Identifying whether a cross-cluster vulnerability criteria is possible in this context will also be important, especially if cash assistance replaces certain in-kind services (where appropriate and in accordance with strong protection and market risk analyses).</i></p>
<p>HCT Protection/ Gender Outcome 4</p>	<p><i>Access for affected people</i> <i>Affected populations in need have meaningful access to available humanitarian assistance.</i></p>	<p><i>Accessing populations in need and ensuring humanitarian space, particularly to deliver humanitarian aid, has been a challenge in all parts of Yemen. Ensuring that humanitarian actors have meaningful access to areas where the population in need are located continues to be difficult for many actors. Building on the work of the Access Monitoring and Reporting Framework (AMRF) and the Humanitarian Access Working Group (HAWG), the HCT should have a more consistent and overarching strategy on ensuring access to affected populations, including for assessment work, delivery of assistance and evaluation of assistance delivered. This should include agreement by</i></p>

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		<p><i>humanitarian actors on an advocacy strategy to highlight the challenges of lack of access; to increase access, as well as highlight the consequences, particularly on the civilian population. Advocacy should include messaging, awareness-raising or training for identified targets at international, national or local level as appropriate.</i></p>
<p>HCT Protection/ Gender Outcome 5</p>	<p><i>Protection against sexual exploitation and abuse</i> Awareness and ability to prevent and respond to incidents of sexual exploitation and abuse, by UN Agencies and their partners.</p>	<p><i>The HCT has already recognised the importance of ensuring that there is protection against sexual exploitation and abuse (PSEA) for humanitarian staff and beneficiaries. While each agency has its own approach to achieving common objectives for PSEA or safeguarding, consistency in approach and, where possible, communications and awareness-raising, particularly with beneficiaries will be essential. This can also be linked to the initiatives on accountability to affected populations (under HCT Protection Outcome 1) to establish appropriate mechanisms through which affected populations can address concerns or complaints.</i></p>