

I. Introduction

This checklist is a tool to assist in incorporating protection in water and sanitation interventions. The questions are intended to assist organizations in identifying issues that should be factored into the design, implementation, monitoring and evaluation of their programmes and projects.

What is protection?

Protection is defined as all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law, namely human rights law, international humanitarian law and refugee law¹.

Key protection principles that must be incorporated into all programmes are:²

Do no harm: Avoid exposing people to further harm as a result of your actions, and ensure that:

- The environment and way in which assistance is provided do not expose people to further hazards, violence or human rights abuses or violations;
- Take all reasonable steps to ensure that the affected population is not subject to violent attack, or forced or induced into undertaking actions that may cause them harm or violate their rights;
- Manage information in a sensitive manner so that the security of informants or others who may be identifiable is not jeopardized;
- Assistance and protection measures do not undermine local capacities for self-protection. Support the efforts of the affected population and local communities to find security and restore dignity.

Non-discrimination: Ensure equitable and impartial access to assistance, without discrimination on any grounds:

- Ensure all parts of the affected population have access to humanitarian assistance;
- Challenge any deliberate attempts to exclude parts of the affected population;
- Provide support and assistance on the basis of need and guard against any form of direct or indirect discrimination.

Human rights-based approach:

- Promote respect for human rights, and assist and support affected people to claim their rights and access remedies from relevant authorities; to obtain information on their entitlements and secure the documentation needed to demonstrate their entitlements; and to recover by providing psychosocial and community support;
- Ensure consultation with the target population at all stages, and the participation of all in the design and targeting of interventions, in particular vulnerable and marginalized groups.

There are three **types of protection activities** that can be carried out concurrently, and by different actors:³

- *Responsive* – immediate action to prevent or stop violations of human rights, or alleviate their immediate effects;
- *Remedial* – longer-term action to ensure a remedy to violations, including through access to justice and reparations, or to provide remedial assistance, including health care, psychosocial support, or livelihoods support; and
- *Environment-building* – action to create an environment conducive to respect for human rights and the rule of law, including the reduction of exposure or vulnerability to protection risks.

The right to water and sanitation

Everyone is entitled to water and sanitation that is sufficient, safe, acceptable, physically accessible and affordable.⁴ In 2010, the General Assembly and Human Rights Council recognized “the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights”.⁵

The right to water and sanitation is derived from existing human rights treaties and obligations,⁶ and is implicit in the right to an adequate standard of living, the right to the highest attainable standard of physical and mental health and the right to life, and fundamental for ensuring human dignity. International humanitarian law also specifically protects access to safe drinking water and sanitation, including water infrastructure.⁷

¹ In the oPt, this includes protection under the 1951 Refugee Convention and the UNRWA mandate.

² Refer, for example, to the Sphere Project, *Humanitarian Charter and Minimum Standards in Humanitarian Response*.

³ Global Protection Cluster Working Group, *Handbook for the Protection of Internally Displaced Persons*.

⁴ Committee on Economic, Social and Cultural Rights, *General Comment No. 15 on the right to water*, UN Doc. E/C.12/2002/11 (2002) at para. 2; Report of the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, A/HRC/12/24 (on the right to sanitation).

⁵ General Assembly, A/RES/64/292 and Human Rights Council, A/HRC/RES/15/9.

⁶ Including the International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of the Child, Convention on the Elimination of all forms of Discrimination Against Women, and Convention on the Rights of Persons with Disabilities.

⁷ Art. 59 of the Fourth Geneva Convention; Art. 54 of the First Additional Protocol to the Geneva Conventions.

**Checklist for mainstreaming protection in WASH programmes
Protection Cluster & WASH Cluster, occupied Palestinian territory**

Responding to the water and sanitation needs of populations in the occupied Palestinian territory requires a multi-sectoral response that takes due account of the inter-linkages between water and sanitation and protection.

II. Checklist for Incorporating Protection into all Sector/Cluster Programmes

KEY QUESTIONS	
DO NO HARM	
• Has your organization conducted an analysis of the protection context, including gender issues (e.g. gender based violence)?	<input type="checkbox"/>
• Has your organization ensured that the humanitarian intervention will not be used to fuel further conflict, to disadvantage a particular social group or to lead to increased human rights violations?	<input type="checkbox"/>
• Does the intervention mitigate protection risks for beneficiaries? Have you ensured that it does not exacerbate risks or create new risks?	<input type="checkbox"/>
NON-DISCRIMINATION	
• Does your organization ensure that men, women, girls and boys have equitable access to the services provided?	<input type="checkbox"/>
• Does your organization ensure that all ethnic, religious and other social groups have equitable access to the services provided (e.g. Bedouins)?	<input type="checkbox"/>
• Has your organization ensured that the gender/ethnic balance of humanitarian staff is appropriate to meet the needs of the population in oPt?	<input type="checkbox"/>
• When a programme focuses on a specific group, are its targeting criteria based on evidence, clearly defined and widely disseminated within and outside the community?	<input type="checkbox"/>
• Is a gender-responsive complaints mechanism set up for beneficiaries to provide feedback on concerns?	<input type="checkbox"/>
PARTICIPATION – COMMUNITY CENTERED	
• Has the target population been consulted at all stages of the project cycle?	<input type="checkbox"/>
• Were accessibility requirements (e.g. physical access, affordability, access to information) met to ensure the participation of the target population from design to implementation and review?	<input type="checkbox"/>
• Were mechanisms set up to support and ensure the participation of vulnerable groups, including the elderly, women, children and people with disabilities, in the design and targeting of interventions (e.g. placement of WASH facilities)?	<input type="checkbox"/>
• Has your organization mapped non-formal authority and decision-making mechanisms within different minorities or population groups that might play a role?	<input type="checkbox"/>
• Has your organization taken steps to increase communities' awareness of potential threats and risks, including by humanitarian workers, traffickers, child abusers and institutions?	<input type="checkbox"/>
• Does your organization focus on strengthening the protective environment through consolidation of social networks and the community's existing capacities to reduce risks and address immediate protection concerns?	<input type="checkbox"/>
• Where appropriate, is the community involved in the implementation and maintenance of the WASH intervention, to promote community ownership?	<input type="checkbox"/>
HUMAN RIGHTS-BASED APPROACH	
• Has your organization developed a process or mechanism to document and report incidents of demolition of/damage to WASH infrastructure, violence affecting access to WASH services and facilities, or human rights abuses and violations of international humanitarian law perpetrated against beneficiaries and staff?	<input type="checkbox"/>
• Are all staff aware of the process to report incidents and refer cases to protection actors providing legal support and/or specialized assistance to victims and witnesses?	<input type="checkbox"/>
• Has the organization established linkages with relevant national institutions to address protection concerns? Have steps been taken to work with the responsible authorities?	<input type="checkbox"/>
• Has the organization established partnerships with international and national human rights and protection actors, in particular members of the Protection Cluster Working group in oPt?	<input type="checkbox"/>
• Have staff received training in international human rights and humanitarian law, and how these standards apply to their work? Have staff been trained in the human rights-based approach to programming?	<input type="checkbox"/>

III. Checklist for Incorporating Protection into Water and Sanitation Programmes

KEY QUESTIONS	
EQUITABLE ACCESS TO WATER AND SANITATION FACILITIES AND SERVICES	
• Has your organization conducted outreach to identify those who have major difficulties accessing water and sanitation facilities?	<input type="checkbox"/>
• Has your organization identified the most vulnerable and marginalized communities or categories of persons in terms of access to WASH services, including those most exposed to violence by security forces or settlers, the threat of demolition/forced eviction (in particular for those living in arid and semi-arid areas), or environmental factors and hazards?	<input type="checkbox"/>
• Does the programme respond to the identified risks and needs of vulnerable and marginalized communities or categories of people?	<input type="checkbox"/>
• Does the programme prioritize immediate response due to the destruction or damage of WASH infrastructure as a result of military operations, settler violence or demolitions?	<input type="checkbox"/>
• Has the programme been designed to maximise physical accessibility and utilization of water and sanitation facilities by the target population?	<input type="checkbox"/>
• Does the programme support the availability of appropriate WASH facilities and services within or in the immediate vicinity of health or educational institutions, and other public institutions?	<input type="checkbox"/>
• Are staff aware of protection concerns associated with WASH interventions, to ensure equitable access by all beneficiaries, including identified vulnerable groups?	<input type="checkbox"/>
• Does your organization collect and produce data on access to and quality of WASH services and facilities, disaggregated by age, gender, and location or specific communities?	<input type="checkbox"/>
• Has your organization ensured that information related to WASH services and facilities is provided in accessible formats, in particular for children in schools, girls/women and people with disabilities?	<input type="checkbox"/>
SAFETY AND QUALITY OF WASH SERVICES AND FACILITIES	
• Does the programme mitigate risks and potential health hazards for the target population associated with the contamination of water due to the destruction or damage of water infrastructure, poor maintenance or repair, the direct impacts of settlement activity, or close proximity to unprotected services?	<input type="checkbox"/>
• Has the programme identified issues related to the continuous supply of water, and assessed risks associated with the use and storage of non-piped water (e.g. water quality, safety and repair of cisterns)?	<input type="checkbox"/>
• Has the programme ensured that the locations of WASH facilities are safe, well-lit and secured by a secondary enclosure to ensure privacy (e.g. adequate and separate space for women/girls, people with disabilities)?	<input type="checkbox"/>
• Have all reasonable measures been taken to ensure that WASH facilities are adapted and designed for safe use by all sections of the population, including children, people with disabilities, the elderly and pregnant women (e.g. height of toilet seats and washing taps)?	<input type="checkbox"/>
SECURITY OF BENEFICIARIES AND PERSONNEL	
• Has your organization considered potential threats of violence and harassment for beneficiaries using facilities, the safety of WASH installations (e.g. proximity to checkpoints, settlements or access restricted areas), and threats to personnel repairing or maintaining WASH infrastructure?	<input type="checkbox"/>
• Are mechanisms in place for the beneficiaries to raise protection concerns related to the use of WASH services and facilities (including obstacles to access, deliberate destruction or damage to infrastructure, or pollution)?	<input type="checkbox"/>
• Has your organization identified mechanisms to mitigate the risk and prevent incidents of harassment and violence affecting beneficiaries (e.g. referral to protection actors for human rights monitoring and investigations, protective presence or legal assistance)?	<input type="checkbox"/>
• Does your organization take measures to prevent displacement due to lack of access to WASH services and facilities?	<input type="checkbox"/>
AFFORDABILITY	
• Does your organization consider the ability of the target population to afford WASH services and facilities (e.g. price of water, cost and transport of tanked water where water infrastructure has been destroyed or damaged)?	<input type="checkbox"/>
• Where necessary, have arrangements been made to assist members of the target population who are unable to pay for basic WASH facilities and services?	<input type="checkbox"/>
• Where necessary, does the programme provide assistance (including financial and technical) in the construction, cleaning and maintenance, as well as treatment, of WASH facilities and installations?	<input type="checkbox"/>

IV. Incorporating protection in the project cycle

KEY QUESTIONS	
ASSESSMENTS	
• Has your organization included protection risks in the context analysis, and conducted an assessment of the protection risks and threats that will impact upon the delivery of water and sanitation services to the target population?	<input type="checkbox"/>
• Have staff taking part in assessments received adequate training on the protection implications and risks, as well as the protection potential, of humanitarian assistance?	<input type="checkbox"/>
DESIGN	
• Have the protection risks identified in the assessment been factored into the design of the programme or project, including planning for the necessary staff and resources?	<input type="checkbox"/>
IMPLEMENTATION & MONITORING	
• Are the identified protection risks and concerns being taken into consideration during all phases of the project cycle, including implementation and monitoring (e.g. integrating lessons learned, and tailoring implementation to better address protection concerns affecting the delivery of WASH services)?	<input type="checkbox"/>
• Have relevant indicators been incorporated into monitoring frameworks (including logical frameworks) and used as a basis for monitoring the extent to which programmes and projects are mainstreaming protection?	<input type="checkbox"/>
EVALUATION	
• Do programme or project evaluations measure the protection impact of activities, in particular the extent to which they have enhanced access to WASH facilities and services for all, and promoted the enjoyment of the right to an adequate standard of living?	<input type="checkbox"/>
ADVOCACY	
• Are mechanisms in place to ensure advocacy responses to protection concerns impacting upon the delivery of WASH services, including direct advocacy with duty bearers and joint advocacy with relevant partners (e.g. protection actors)?	<input type="checkbox"/>

V. Key reference documents

- OHCHR, UN Habitat & WHO, *Fact Sheet on the Right to Water*
<http://www.ohchr.org/Documents/Publications/FactSheet35en.pdf>
- Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, *Good practices related to access to safe drinking water and sanitation* (A/HRC/15/31/Add.1)
<http://www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/GoodPractices.aspx>
<http://www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/SRWaterIndex.aspx>
- COHRE, UN-Habitat, AAAS, SDC, *Manual on the Right to Water and Sanitation*
http://www.cohre.org/sites/default/files/manual_on_the_right_to_water_and_sanitation_2008.pdf
- Action Contre la Faim France (on behalf of the Global WASH Cluster), *The Human Right to Water and Sanitation in Emergency Situations, the Legal Framework and A Guide to Advocacy*
http://www.actioncontrelafaim.org/fileadmin/contribution/8_publications/pdf/Ouvrages_et_fascicules_techniques/MAQ_WASH_PROMOTION_FINAL.pdf
- Child protection mainstreaming checklist, in *Child Protection in Emergencies: Coordinators' Handbook*
<http://oneresponse.info/GlobalClusters/Protection/CP/Documents/handbookFINAL.pdf>
- Caritas Australia, Care, Oxfam Australia, World Vision, *Minimum Agency Standards for Incorporating Protection into Humanitarian Response (Field Testing Version)*
<http://www.globalhumanitarianplatform.org/doc00002448.pdf>
- Hugo Slim & Andrew Bonwick, *Protection: An ALNAP guide for humanitarian agencies*
http://www.hdcentre.org/files/alnap_protection_guide.pdf
- Global Protection Cluster Working Group, *Handbook for the Protection of Internally Displaced Persons*
http://oneresponse.info/GlobalClusters/Protection/Documents/IDP%20Handbook_FINAL%20All%20document_NEW.pdf
- IASC *Operational Guidelines on the Protection of Persons in Situations of Natural Disasters*
http://www.brookings.edu/reports/2011/0106_operational_guidelines_nd.aspx