

The Protection Sector would like for the HCT to consider the following points the Sector considers crucial for the development of a plan that prioritizes and centralizes protection and accountability to affected populations.

Importance of a principled response plan

Concern

The Libya response should be founded in the humanitarian principles in all aspects of assistance provision. First and foremost, humanitarian assistance should be based on need alone, as iterated in the principle of humanity. Humanitarian assistance should also abide by the principles of neutrality, independence, impartiality, and do no harm. Principled responses require interrogating how assistance has been provided previously in the Libya operation, and if, or how, assistance has fallen short of these foundational humanitarian principles. Humanity and do no harm principles requires the assistance is not based on legal status, but rather on need. The principles also require an assessment of whether assistance in arbitrary detention centres is in fact principled and doing no harm. The principles also require that interventions take place throughout the country, where assistance is most needed.

Proposed solution

Planning a principled humanitarian response requires conversations with the donor community that advocates for funding inclusive of the most vulnerable individuals and geographic areas in need of humanitarian assistance. Principled humanitarian responses also require adherence to HRDDP.

Planning a principled humanitarian response requires a robust section on humanitarian access, including an analysis of what constraints humanitarian actors face and what the biggest factors are that prevent humanitarian actors from working in certain geographic locations around Libya, such as the southern mantikas. This should also incorporate an analysis of why the humanitarian community continues to remotely manage projects from Tunisia.

Planning a principled humanitarian response requires understanding, through an open dialogue with humanitarian organizations, how organizations consider and weigh the different principles in their decision-making, including HRDDP.

Accountability to affected populations

Concern

The Protection Sector recommends that any humanitarian response should incorporate robust mechanisms to ensure accountability to affected populations. The Protection Sector is encouraged by the creation of a common feedback mechanism, however accountability to affected populations cannot fully be addressed only by a common feedback mechanism. Accountability to affected populations requires commitments from humanitarian organizations and agencies to incorporate input from affected populations in all stages of the planning process.

Proposed solution

In order to hold partners to this commitment, the humanitarian response planning process should incorporate input from local civil society organizations, national NGOs, relevant government line ministries and affected populations. This commitment should not just be written but should be fostered by the sectors and their partners through consultative processes. The humanitarian response planning process should include monitoring framework to ensure that accountability to affected population will be monitored and evaluated by the senior management and decision-makers of the humanitarian community. The response framework should incorporate strengthened monitoring and evaluation requirements, as well as demand for projects that use participatory approaches and engagement with affected populations, including women and children.

Protection from sexual exploitation and abuse

Concern

Preventing and addressing incidents related to SEA is integral in all humanitarian operations and linked to accountability to the affected population as stipulated in the IASC transformative agenda. While agency efforts to address SEA in Libya are functional, the bare minimum has remained staff training and posting of IEC materials related to PSEA in every office, while communication with beneficiaries including reporting channels in case of SEA is evidently lacking. Efforts to put in place interagency mechanisms through a PSEA in-country network has been slow despite endorsement by the HCT in 2018.

Proposed Solution

The response framework should recognize the establishment of functional PSEA network supported by the HCT by ensuring nomination of focal points from their agencies.

The framework should also incorporate the establishment of a functional community-based complaints and mechanism to enhance our accountability to the affected populations.

Evidence-based planning through coordinated assessments

Concern

The Protection Sector continues to advocate for an evidence-based response through coordinated assessments and is encouraged by the creation of a MSNA dedicated to assessing the specific needs of refugees and migrant populations. The Protection Sector continues to highlight the need for increased collaborative assessment initiatives in order to provide more data to generate an evidence-based, data-driven response plan.

Proposed solution

In order to maintain the centrality of protection, the Protection Sector recommends mainstreaming protection and increasing protection questions into multisectoral assessments as well as assessments and contextual/situational analysis initiatives undertaken by other sectors. These initiatives should be done through a regular, joint monitoring system and increased monitoring and assessment capacity of implementing partners including national and frontline workers. In order to support this initiative, the humanitarian response framework should express a commitment to protection (includes GBV and CP) mainstreaming in all sectoral interventions and assessments as a goal of the 2020 HPC.

The Protection Sector recommends OCHA lead on creating an assessment registry through an assessment working group which will allow for assessment information to be shared within the community as well as for the harmonization of assessment tools with technical guidance from sectors. This would help facilitate an evidence-based response.

The Protection Sector recommends a profiling exercise be conducted to better understand the affected populations profile, their needs and their intentions.

Centrality of protection

Concern

The Protection Sector recommends a humanitarian response framework that emphasizes the centrality of protection. Given the impact of the current conflict on civilian populations, the centrality of protection needs to be considered in all sectoral responses and brought to the forefront of discussions on any humanitarian response framework. The Protection Sector would like to see a humanitarian response framework that outlines a continued commitment to the centrality of protection and enhanced protection mainstreaming by all actors.

Proposed solution

The Protection Sector proposes all sectors incorporate a section of their sectoral response to protection and gender mainstreaming in order to ensure protection considerations are part of all sectoral responses. Gender mainstreaming in sectoral response is key to mitigate gender inequality, discrimination (including lack of meaningful access to services), this is key as gender imbalances are contributing factors to the normalization of violence.

The Protection Sector is willing to conduct further trainings on protection mainstreaming including child protection and GBV mainstreaming to ensure all sectors are able to incorporate protection mainstreaming in their responses.

The Protection Sector recommends the HCT strategy on the centrality of protection, written by the ProCap advisor to the HCT, is adopted and disseminated to all sectoral partners for consideration in their finalization of the humanitarian response framework.

The Protection Sector is in the process of testing and rolling out a protection incident tracking tool that will hopefully be rolled out to relevant actors who may encounter critical protection incidents and are able to record the information, to better inform protection responses throughout the country. The Protection Sector anticipates they can begin rolling out this tool to other sectors in early 2020, as it is currently in the development and testing phase within the Protection Sector.

Considerations for persons at risk of statelessness

Concern

The Protection Sector has identified that a key gap in the current humanitarian response is the lack of targeted assistance to individuals at risk of statelessness in Libya. Statelessness, or risk of statelessness, presents a multitude of protection concerns, including but not limited to lack of access to government services and humanitarian assistance due to a lack of documentation.

Proposed Solution

Any humanitarian response framework established for the Libya response should have a clearly established and standardized set of vulnerability criteria to ensure that those most in need are targeted for assistance, including persons at risk of statelessness.

Engagement with parties to the conflict, including non-state armed groups

Concern

Civilians in Libya continue find themselves in the middle of, or in proximity to, active hostilities. While this proximity to conflict presents inherent risks, the current conflict in Libya is increasingly waged by parties that disregard the basic principles of International Humanitarian Law, placing civilians in harm's way – sometimes deliberately, as a tactic of war. The armed conflict in Libya has caused the collapse of State authority, leading to failing infrastructure and public services, chronic hardship and poverty, rising levels of crime, and the absence of rule of law.

Proposed Solution

Any humanitarian response framework for Libya requires the humanitarian community to engage with all parties to the conflict, including armed non-State actors, for protection outcomes. Engagement must be conducted in strict adherence with the humanitarian principles and be based on solid protection and conflict analyses.

The Protection Sector recommends...

- The HCT systematically engage with both national and local authorities on the issue of internal displacement with the aim of mainstreaming assistance to internal displacement among all relevant ministries and other government structures, through support, advocacy and capacity-building.

- The HCT develop a strategy that catalyzes protection solutions for all population groups, in support of national and community-based protection systems and broader planning frameworks, particularly in situations with mixed population groups.
- The HCT apply an area-based approach for program design, not only coordination, in situations with mixed population groups, so that needs are assessed equitably, and opportunities are created for the internally displaced to access local and national services and structures.
- The HCT engage strategically with development and peace actors, drawing from lessons learned and with the support of the HCT Protection Strategies to ensure commitments to the Humanitarian Development Nexus are fulfilled.