



## GPC Seminar on “**Protection in Humanitarian Crises: Recommendations to the SG Working Group on the follow-up to the Sri Lanka IRP Report**”

15 March 2013, 14:30-17:30 UNHCR HQ Geneva

1. The Global Protection Cluster (GPC) held a seminar on “**Protection in Humanitarian Crises: Recommendations to the SG Working Group on the Follow-up to the Sri Lanka IRP Report**”. Participants of the GPC debated current gaps in responses, and identified practical ways of strengthening protection in the context of complex humanitarian crises characterized by armed conflict or generalized violence. The seminar follows the [meeting](#) of the GPC Steering Committee convened on 6<sup>th</sup> December 2012, to discuss the implications of the Report of the Secretary-General’s Internal Review Panel on United Nations Action in Sri Lanka. Based on some of the broader issues raised during this first meeting, the seminar formulated recommendations representing the diversity of GPC participants.

2. Discussion was articulated along the following four broad topics: (a) the notions of protection and the complementarity in approaches in humanitarian emergencies, (b) working with governments and other actors, (c) strengthening the role of Protection Clusters, including on advocacy; and (d) engaging with accountability mechanisms.

### **Notions of protection in humanitarian crises**

3. The IASC definition of protection<sup>1</sup> was discussed in depth but was generally reaffirmed by seminar participants, particularly as the definition has, at its core, the protection of human rights. Of concern is the fact that many humanitarian activities are referred to as “protection”, such that the notion loses its specificity. Consequently, critical protection gaps and violations of human rights and of humanitarian law risk being overlooked and under-reported. Emergency humanitarian assistance can erroneously be seen as a substitute for longer-term protection outcomes. In situations where the right to life and security of affected populations are the most serious risks, advocacy and programmes need to reflect these priorities. Information on trends and patterns of violations of human rights and humanitarian law should be amongst the key

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<sup>1</sup> 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 law.” (IASC, 2005).

early warning signals and secondary data analysis to be considered. Whilst this does not call for a redefinition of the widely-accepted notion of protection, it underscores the need for humanitarian actors to adopt principled and context-specific approach that addresses the protection of human rights of the affected populations.

4. Humanitarian assistance is a means of enhancing protection in complex humanitarian responses. In addition to undertaking activities aimed at strengthening compliance with international humanitarian law and human rights law and providing targeted and specialized services aimed at redressing violations, actors need to ensure that protection concerns are addressed in all sectors of the humanitarian response through protection mainstreaming. Roles and responsibilities of humanitarian actors need to contribute to advancing the protection of human rights. A clear division of labor and complementarity of approaches as well as defined reporting, communication and accountability lines are therefore needed to ensure a coherent and right-based humanitarian response. Context analysis and context based risk analysis will clarify roles and responsibilities amongst humanitarian actors and identify priorities. The short term gains of continuing to provide emergency humanitarian assistance need to be carefully balanced against the possible longer-term protection outcomes.

### **Advocacy and interaction with State and non-State actors**

5. Humanitarian actors need to implement innovative advocacy strategies and approaches on violations of human rights and humanitarian law at national, regional and international levels as appropriate and necessary. Lessons learnt from Sri Lanka highlight the challenges humanitarian actors face in advocating for the protection of the affected population while at the same time delivering humanitarian assistance. Advocacy aimed at compliance with international norms and standards can effect change. At the national level, the roles of the HC, the HCT, Protection Clusters and individual protection mandated agencies are essential in ensuring a holistic analysis of the human rights situation as it evolves. This serves as a basis for advocacy by the UN and other actors with UN officials, state and non-state actors as well as to inform decision-making by external actors such as Member States. Advocacy efforts must be coordinated if they are to be effective. Engagement with authorities aims to bring about change in behavior, action and/or outcome. Experience from Pakistan reveals the need to assess where the centre of gravity lies in terms of violations, perpetrators, and decision-makers; this might require a decentralized approach to engagement, a focus on provincial or local state authorities, while understanding how to continue engaging with national authorities.

6. Advocacy strategies focused on national authorities may not always be effective or may generate risks to local actors, particularly local NGOs and community-based organizations. Where humanitarian actors on the ground consider that “quiet diplomacy” has failed or is inappropriate, advocacy from regional and international actors should be considered. In these circumstances, the Emergency Relief Coordinator, the UN High Commissioner for Human Rights, UN human rights mechanisms (e.g. special procedures, treaty bodies, UPR), human rights NGOs such as Human Rights Watch and Amnesty International, regional advocacy mechanisms of various agencies and the Global Protection Cluster need to engage in a set of concerted activities. The provision of information relating to protection concerns to donor governments and members of inter-governmental forums such as the Security Council and the Human Rights Council needs to become more regular and systematic.

7. Differences in approaches may exist among humanitarian organizations with respect to public denunciation. A coordinated and complimentary approach should therefore be sought among actors to draw on the collective capacity of protection actors to influence the behavior and action of authorities and non-state actors. This would avoid the “sense of isolation” among some actors who would normally choose or would be in a position to take a more proactive and assertive advocacy line. Simultaneously, “red-lines” should be identified and formulated ahead of crises situations, in order to agree on possible actions to be taken collectively, including public denunciation. This requires continuous analysis of context, including the human rights situation on the ground, to inform the content and form of advocacy.

8. UN human rights field presence through OHCHR, other human rights organizations and mechanisms provide invaluable support for information gathering and as sources for context analysis. However, capacity is lacking among humanitarian actors to gather credible and timely information on violations, abuses and perpetrators. Often, protection actors do not have the safe and confidential channels for passing information. In such instances, actors on the ground need to ensure that capacity to gather information, analytical expertise and safe channels of communication are available. They should take appropriate steps, including through resort to external actors, to ensure that protection concerns are raised with parties to the conflict. In such circumstances, other actors - frequently INGOs and local civil society actors - may be called upon to supplement information. Risk mitigation measures ought to be in place to preserve their safety and security.

### **Enhancing the role of Protection Clusters**

9. Protection Clusters have a singular and overarching role of developing protection strategy, coordinating protection response and ensuring protection mainstreaming at the inter-cluster co-ordination levels. Information-gathering and monitoring of international human rights and humanitarian law violations is an important dimension of the entire humanitarian response. As the ‘Humanitarian Reform’ had been predicated on protection outcomes for affected populations, the strategic role and responsibility of the Protection Cluster in contributing to advising the HCT and the HC needs to be strengthened in practical ways. Recent humanitarian emergencies, including in the context of integrated missions, have shown that information provided by Protection Clusters and individual NGOs has not been fully considered in order to forge response strategies with long term protection outcomes and in some instances has been diluted due to what is termed as political or broader security considerations.

10. While field Protection Clusters contribute and indeed should be asked to help formulate the overall humanitarian response strategy, their roles and capacity in the process of gathering information and providing analysis on the human rights situation to member states and inter-governmental processes (such as the Security Council and the Human Rights Council) should be supported and recognized. The influence and effectiveness of Protection Clusters in critical moments of decision making in complex humanitarian crises are dependent first and foremost on the resources and authority they enjoy, their capacity to put in place and manage information systems, and support and advocacy of humanitarian coordinators.

11. In situations where access is limited, local NGOs play an invaluable role in providing information relevant to protection and that feeds into the human rights and IHL and context

based analysis. In order to maximize their contribution and leverage the multiplicity of local actors, Protection Clusters should be systematically mapping local capacities and presence while ensuring that the protection of sources and confidentiality of information remain the paramount concerns and guiding principles of any of its activities. As full members of HCTs, NGOs' meaningful participation needs to be encouraged in order to weigh in more substantively on decision and policy making. The interaction between donors, UN and NGOs needs to be recognized at all level.

12. Given the variety of NGOs, complementarity of methods and approaches should be reinforced both within the NGO community and other actors, including ICRC and the UN. Greater coordination among and with NGOs helps understand and address the dilemmas around humanitarian assistance and protection outcomes.

### **Accountability mechanisms**

13. The role of international mechanisms in ensuring accountability for international human rights and humanitarian law violations and abuses, including the UN High Commissioner for Human Rights, international Commissions of Inquiry/Fact-Finding Missions, human rights treaty bodies, and special mandate holders of the Human Rights Council as well as the Universal Periodic Review needs to be better understood and articulated in humanitarian advocacy and response strategies. The information produced by these mechanisms allows for protection analysis and provide early warning of a deteriorating situation.

14. Although some organizations take a principled position of not sharing information with these mechanisms, others entertain confidentiality-based communication channels, and still others may pursue a more open and proactive relationship. While a concerted approach by different organizations may not be realistic, HCTs, and in particular Protection Clusters, should consider a strategy of sharing fully respecting confidentiality principles, with a view to addressing human rights violations. With respect to accountability to beneficiaries, the relevance and utility of the ongoing implementation of the Transformative Agenda should be explored.

## Recommendations

- Humanitarian and protection actors in complex emergencies need to operationalize protection in a way that prioritizes and addresses the most serious human rights violations, including the right to life and security of persons.
- There needs to be better coordination between HCTs, Protection Clusters, UN human rights field presence (OHCHR), UN human rights mechanisms (including human rights treaty bodies, special mandate holders, Universal Periodic Review), NGOs and other stakeholders (e.g. international Commissions of Inquiry/Fact-Finding Missions) to improve continuous context analysis. In particular, this means making greater use of country-specific human rights information to inform needs and risk analysis, preparedness and strategy development, including monitoring, and advocacy activities.
- Advocacy strategies with regional and international dimensions should be agreed upon and implemented by agencies and the Global Protection Cluster in humanitarian crises to support efforts at the national level. Collaboration should be promoted among global human rights advocates, special procedures of the Human Rights Council, human rights treaty bodies and the UPR. The GPC can advise HCs and help them develop advocacy strategies.
- Induction programs for HCs need to be strengthened and improved in order to ensure that HCs, particularly in conflict or complex emergencies have a solid protection understanding and necessary advocacy skills.
- Protection actors should be provided with the necessary resources, including staff, authority and systematic access to humanitarian decision makers at the national level to effectively inform decision-making on strategic planning and operations. Protection actors should be enabled to strengthen and improve their information management capacity and communication strategies.
- All forms of advocacy should be based on international standards. Public denunciation as a form of advocacy should be based on an analysis of gravity of human rights and international humanitarian law violations, the potential role such a strategy will have in mitigating violations and in addressing the protection concerns of affected population and the ability to safeguard humanitarian actors from possible retaliation.