1. Purpose

Context-specific protection analysis and strategic objectives should inform and be reflected in all aspects of the HNO and HRP. Together with the HCT and the Protection Cluster, OCHA plays an important role in this regard.[1] When developing the HNO and HRP, OCHA should promote a collective, whole of humanitarian system effort to address the most acute, prioritised risks based on a multi-sector/disciplinary analysis.

Technical advice can be sought from the Protection Cluster and protection-mandated agencies (e.g. UNHCR, OHCHR, UNICEF), human rights organisations and mechanisms and where relevant peace operations. Specialized advice can also be sought on specific topics, e.g. UNFPA on GBV; UNMAS on mine action; UNDP on rule of law; UNICEF on children, ICRC on IHL, OHCHR on human rights and IHL, etc. At the same time, *all humanitarian actors* should be engaged in identifying and analysis of risks, and designing responses to reduce them.

Complementing existing guidance, this short note aims to provide OCHA staff with tips, suggestions and further resources to facilitate and support integration of protection in HNOs and HRPs; it is not a prescriptive guidance and OCHA offices can draw from its content in different ways to suit their context. It will be revised regularly to incorporate field experience and other relevant protection-related developments and tools.[2]

2. Rationale

OCHA, as part of the IASC, has committed to placing the protection of affected people - including women, girls, boys and men - at the front and centre of humanitarian decision-making, preparedness and response. This has been reflected in the IASC Protection Policy (2016), which emphasises a humanitarian system-wide responsibility to prioritise protection and contribute to collective protection outcomes. It underlines the need to implement this commitment across the HPC, including in assessments, planning, programming, implementation and monitoring.

Additionally, in 2020, the UN Secretary-General launched the Call to Action for Human Rights reiterating that human rights must be at the heart of all UN action, including in times of crisis. The HPC 2022 Facilitation Package highlights the Call to Action as a key reference point for needs assessments and response planning.[3]

A response or activity is considered to have a **protection outcome** when the risk to affected persons is reduced. The **reduction of risks**, meanwhile, occurs when threats and vulnerability are minimized and, at the same time, the capacity of affected persons is enhanced. Protection outcomes are the result of changes in behaviour, attitudes, policies, knowledge and practices on the part of relevant stakeholders.

IASC Protection Policy, 2016

"**Protection risks**" are people's exposure to all forms of **violence** (e.g. killings, beatings, torture, rape, etc.) **coercion** (e.g. forced population movements, child recruitment in armed groups, trafficking, forced or early marriage, etc.) and **deliberate deprivation** (e.g. destruction of property, denial of services, restrictions of freedom of movement,, etc.)

InterAction, Results-Based Protection Paper, 2020

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[1] See OCHA on Message; Protection.

[2] Feedback on this note is actively sought, in particular on field experience in applying it. Please address this to OCHA's Policy Advice and Planning Section (abousamrad@un.org) and Needs Assessment and Response Analysis Section (fitz@un.org).
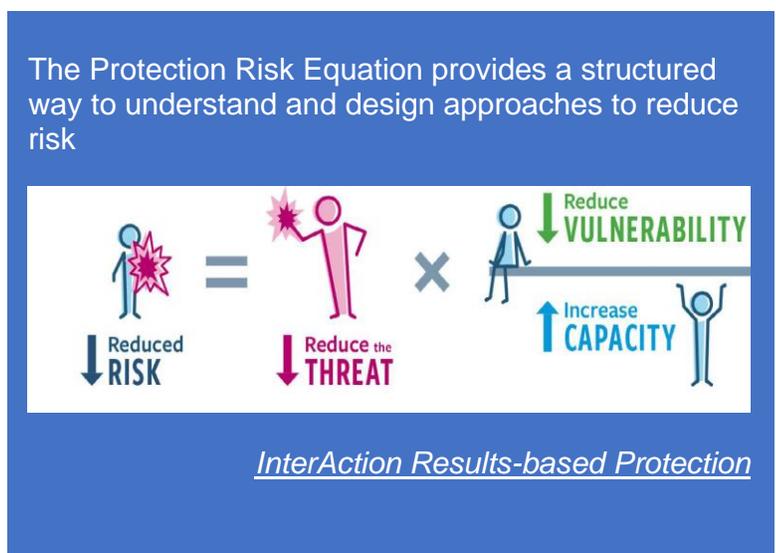
[3] See Note on the Secretary-General's Call to Action for Human Rights and the HPC

This note provides some tips for placing protection at the centre of strategic planning and encourages more joint, inter-sectoral assessment, analysis and approaches to reduce protection risks affected populations face. Practically, this can contribute to 1) better analysis, including of power structures, context, legal and policy frameworks, underlying root causes of violations and abuses; 2) more holistic, nuanced understanding of the risks affected people face and capacities they can bring to bear to reduce risk themselves; 3) enhanced understanding of State and non-State actors, including their motivations, roles and responsibilities in relation to violations or abuses; 4) better understanding of our own role, responsibilities and what we are trying to achieve; and 5) broadening the basis for engagement and complementarity of action with human rights, development and peace operations actors in addressing complex protection issues.

3. Integrating protection into the Humanitarian Needs Overview (HNO)

The HNO is required to 'reflect the centrality of protection'. It must provide a "*clear and comprehensive protection analysis.*" Specifically it should address the following areas[4] :

1. Identify main protection risks and vulnerabilities
2. Explain where the threat is coming from, including who is causing the risks and what other drivers account for the violations and abuses people are experiencing
3. Outline who is vulnerable to each specific risk; avoid generalizations (i.e., all women and children are vulnerable)
4. Explain how and why they are vulnerable to this risk
5. Identify existing coping mechanisms and capacities of affected people to manage risks and/or impact of violations and abuses; as well as commitment and capacity of duty bearers and other stakeholders (including various sectors and disciplines within and outside the humanitarian community) to address risks identified

The Protection Risk Equation provides a structured way to understand and design approaches to reduce risk

InterAction Results-based Protection

<u>DO</u>:

  ✓ **Identify protection risks, impact and resulting needs,** in consultation with protection and other sectors, affected communities, local and national stakeholders. The HNO should capture all of these – risk, impact and need - to provide a full picture of the situation. Highlight specific protection issues where relevant, such as gender-based violence (GBV), and reflect inter-linkages between rights and needs (e.g. reduced food intake due to inability to cultivate land because of the presence of armed actors or mines). Keep in mind that the presence of a threat (e.g. active armed conflict) does not mean that it poses the greatest risk to people. For example, women residing in camps may be at greater risk of rape by other IDPs in the camp than by armed actors. If possible, reflect how these factors have changed over time, e.g. by comparison with pre-crisis data.

  ✓ **Start analysis as far as possible from the perspective of affected people and their priorities**.

  ✓ **Identify main actors, including State and non-State actors, involved in the protection risks and violations identified and their roles and responsibilities.** The analysis should consider the role of duty bearers to respect, protect and fulfil rights, who are the alleged perpetrators and what are the relevant legal frameworks and commitments at domestic, regional, and international levels. Analysis should go beyond just identifying the

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[4] These areas are reviewed and scored as part of an annual HQ inter-agency HNO quality review process.

treaty or law that has been violated, but understand why and the motivations behind this. It is critical to unpack the behaviour of actors causing harm (e.g. analysis of motivations, objectives, structures, chains of command, etc.).

✓ **Use statistics, including sex and age disaggregated data**. Numbers can tell a powerful story, but they can also mislead or mask differences if used carelessly. Data should be disaggregated at minimum by sex, age and disability, where feasible, other factors. Disaggregation should follow the Sphere Standards. It should also be interpreted, analysed and presented in context; for example, data on GBV should be accompanied by some gender analysis. At the same time, do not let lack of figures prevent the use of good qualitative data.

✓ **Reflect how people are affected differently by specific risks.** People experience crisis differently based on gender, age and other factors, including characteristics (e.g. ethnic origin, race, or religion), health (e.g. illness, injury or disability), and status (e.g. IDPs, refugees, migrants, returnees). For example, women and girls may be at greater risk of rape and other forms of sexual violence, while men and boys may be at greater risk of execution, arrest, detention or forced recruitment. This can be highlighted across the document and/or in a special section. Avoid general statements, e.g. about "women's vulnerability", use specific language and do not limit the analysis only to women and children.

✓ **Identify information about the threat, vulnerability to that threat and capacity to overcome that threat**. Use the Protection Risk Equation (*see box above*) which provides a structured approach to guide information collection, analysis and designing humanitarian responses.

✓ **Draw on multiple sources of information when conducting assessments and analysis.** Protection risks should be integrated in standardized assessment tools[5] to the extent possible; however, such tools are not always able to capture sensitive protection information. Encourage the use of both qualitative and quantitative methodologies during general assessments. Use varied sources of information (including from affected populations, local organisations; human rights information and analysis,[6] etc.) and varied data gathering methods including partnerships and inter-sectoral collaboration (for example, reviewing household data on security or engaging with development actors to understand community structures prior to a crisis). Request additional advice and analysis from protection and human rights experts, and engage and consult affected people and communities.

✓ **Reflect underlying root causes and contributing factors.** This can include contextual factors (e.g. conflict or recent disaster) and alleged perpetrators (e.g., individuals, institutions, including State and non-State actors); systemic factors (e.g. poverty, inequality and discrimination based on race, colour, descent, national or ethnic origin); or specific constraints (e.g. on freedom of movement). For example, women and girls, as well as minority groups, may suffer disproportionately due to underlying structural inequalities and discrimination.

✓ **Note if the crisis exacerbates pre-existing vulnerabilities and inequalities or gives rise to new ones**. For example, crises often increase entrenched patterns of inequality and discrimination, and may result in new ones. In this context it may be useful to consider the experience of previous crises in the country. For example, how did previous crisis impact people, including different age, gender, race, sexual orientation ethnicity, or persons with disabilities.

✓ **Identify people's capacities, coping-strategies and preferences.** People are active agents in their own protection. Their capacities to protect themselves, coping mechanisms and preferences should inform assessments and planning. In some cases, this may also include negative or risky coping mechanisms that may

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[5] Protection Cluster and AoRs HPC guidance includes a master list of key indicators for quantitative and qualitative methodologies.

[6] Such as reports of local human rights NGOs and civil society, National Human Rights Institutions, Human Rights Treaty bodies; communications by Human Rights Special Procedures, public reports from Human Rights components and Commissions of Inquiry

need to be mitigated, such as early marriage, survival sex, livestock grazing in mined areas or firewood collection in risky areas. Analysis should take into account actions and solutions affected people think are required to improve their situation.

✓ **Identify commitment and capacity of duty bearers to address protection risks and violations**. This step is critical as action or inaction by duty bearers may contribute to protection risks, be the source of violations and lead to gaps in humanitarian preparedness and response. Governments have the primary responsibility to protect people; and all parties to armed conflicts, including non-State armed groups are bound by IHL. De facto authorities or non-state armed groups that exercise government-like functions and control over territory are increasingly expected to respect international human rights norms and standards when their conduct affects the human rights of individuals under their control.

✓ **Highlight any protection information gaps or needs for future assessments.** Significant data gaps on protection may exist; these should be identified and addressed in the course of the year, to the extent possible.

✓ **Encourage all clusters/sectors to integrate protection analysis and priorities in their sector and inter-sectoral analysis.** As an overriding humanitarian objective and cross-cutting issue, protection – as well as gender, age and disability – should be reflected in all sector-specific and inter-sectoral needs analysis and not only in the Protection Cluster chapter. Use Protection Clusters Analysis Updates as a source of quantitative and qualitative information.

DO NOT

- Simply include a 'box' stating generic IASC Centrality of Protection commitments.

- Limit the protection analysis only to the Protection Cluster (and AORs) chapters.

- Determine analysis based on pre-defined population groups that are assumed to be the most vulnerable or preconceived notions of which protection issues are the most critical.

- Capture every risk experienced by affected populations rather than prioritizing the most severe that require a whole of system response.

4. Integrating protection in the Humanitarian Response Plan (HRP)

The HRP should address protection concerns. *"*Specifically, it should cover the following areas*"*[7]**:**

1. Analysis of general protection concerns
2. Articulation of specific, high-priority protection concerns that require a whole of system response
3. For 2-3 prioritized protection concerns, articulate strategic and/or specific objectives and related activities that contribute to enhance protection outcomes for affected people. These should be informed by the protection analysis and complementing any HCT Protection Strategies or equivalent frameworks as relevant
4. Outline how the 'do no harm' principle is incorporated throughout the response

DO

✓ **Include protection as a strategic objective and/or in Cluster/Sector specific objectives.** The whole humanitarian response should be oriented towards the goal of making people safer. As such, protection should be reflected prominently in the HRP, including in the Strategic and/or Specific Objectives. Make the objectives as clear and concrete as possible, ensure they reflect priorities identified in the HNO, and draw a clear link between them and concrete activities and indicators in the plan. The objectives should be outcome oriented, in that they articulate very practical descriptions of achievable, positive changes and improved scenarios for

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[7] These areas are reviewed and scored as part of the annual inter-agency HQ-led HRP quality review process.

affected people. Protection outcomes are defined as reduced risk and are the result of changes in behaviour, attitudes, policies, knowledge and practices of relevant stakeholders.

✓ **Make linkages with existing protection strategies and other relevant planning frameworks.** The HRP should reflect the protection priorities in the HNO and existing protection strategies, especially the Protection Cluster Strategy and complement the HCT protection strategy if it exists. Similarly, the HRP should make linkages, as appropriate, with protection strategies and action plans of other key actors – such as human rights, development (e.g. the UNSDCF), peacekeeping (e.g. the Mission POC strategy), and, if possible, national and local government (e.g. relevant National Action Plans). Where possible, this should include joint analysis and discussion about objectives, roles and responsibilities to ensure complementarity and minimize gaps and duplication. Critically, each of these strategies should reflect community priorities and actions to enhance and complement existing capacities.

✓ **Integrate protection throughout the HRP, including in the response strategy.** This can be done in different ways depending on the situation in country and priorities agreed by the HCT. The response strategy should, at a minimum, highlight prioritized protection risks and concerns identified in the HNO and explain how the HCT intends to address these. Some protection issues may be more appropriately addressed through other strategies and channels. Sectors/clusters must also work with protection actors to ensure that referral pathways are in place to respond to specific protection risks. Avoid using terms such as protection or vulnerability in a vague, general manner: be as clear and specific as possible and highlight any particularly serious or prevalent issues. For example, if gender-based violence is an important concern, say it is. Take into account the below points below on vulnerability, engagement with affected people, do no harm and disaggregation of data.

✓ **Reflect and address how people are affected differently by specific types of threats.** People experience crisis differently based on gender, age and other factors, including characteristics (e.g. race, ethnic origin or religion), health (e.g. illness, injury or disability), status (e.g. IDP, refugee or migrant) or because of their sexual orientation or gender identity (e.g. LGBTI). This should be reflected throughout the response strategy and can also be highlighted in text boxes or dedicated sections.

✓ **Explain how the HCT intends to engage and consult with affected people.** The HRP should reflect the HCT's plans for engaging, communicating and consulting with affected people, including what mechanisms exists for feed-back or complaints. More guidance on engaging and consulting affected people is available on OCHA's AAP Sharepoint page.

✓ **Clusters/sectors identified as relevant to reduce a risk should articulate how they will contribute to risk reduction; how they will monitor changes in behavior, policy, attitudes, knowledge; and how they will report on protection outcomes**. Relevant sectors must respond to risks through their individual strategies and together as part of an inter-sector humanitarian response. This should not be confused or equated to protection mainstreaming (see below), which is about avoiding exposing people to further harm as a result of humanitarian activities.

✓ **Explain how the 'do no harm principle'/protection mainstreaming principles will be operationalized in cluster/sector plans in the HRP.** The cluster/sector plans should explain how protection will be mainstreamed in sector-specific programming and activities, and how sector-related protection risks will be addressed. Encourage sectors/clusters to adopt a common approach by addressing jointly identified protection risks that affect all sectors/clusters, such as barriers to access to goods and services, by operationalizing the do no harm principle and/or by explaining how accountability and participation will be part of sector programming. For monitoring protection mainstreaming in the response, the ICCG should identify and agree on key indicators which will inform on programme quality in general. It is recommended to use or develop indicators which can

be tracked through existing tools such as multi-sectoral assessments undertaken on a regular basis or tools such as community perception surveys. The GPC protection mainstreaming toolkit provides some examples of indicators.

✓ **Display statistics, ideally sex, age and disability disaggregated, in a clear and user-friendly manner.** All HRPs should include data tables that disaggregate key figures, such as people in need, by sex, age, disability as well as other relevant factors. Some HRPs have taken a step further to display such data in a user-friendly manner on maps or in info-graphs. Such data should be consistent with figures included in the HNO.

✓ **Make reference to the applicable normative framework.** This should include both international law, which always includes human rights and/or refugee law, as well as national law and frameworks. Depending on the situation international humanitarian law may also be applicable. As relevant, reflect on State, as well as non-state armed actors, primary obligations to ensure affected people receive protection and assistance and their rights are respected, protected and fulfilled.

✓ **Make sure protection is incorporated into the HPC monitoring phase.** Protection outcomes prioritised in the HRP should be reflected in the monitoring framework, including through dedicated indicators at the strategic and/or cluster/sector level, as relevant and feasible. Indicators should be disaggregated by sex, age and disability at a minimum. Humanitarian actors and coordination platforms (ICCG, all Clusters/sectors) should collect and share data and information, which is relevant to those indicators, as well as identified protection concerns more generally. Sectors/clusters must also contribute to ongoing protection analysis that informs timely and informed decision-making and advocacy by the HC and HCT.

DO NOT

✗ Make broad, vague references to centrality of protection. References to protection in HRPs should be contextual, rather than a *tick-the-box* exercise.
✗ Mention protection only at the sectoral level in the Protection Cluster (and AoRs) response chapter. Prioritized protection objectives should be articulated and "operationalized" into the relevant sectors and across the HRP.
✗ Forget to include protection indicators within HRP monitoring frameworks.
✗ Emphasize creating a protective environment or prioritizing protection mainstreaming as the overall focus or action within the HRP; ensure protection priorities are detailed and require a whole of system response.

Protection in the HPC: some good practices, practical examples, and inspiration

Protection outcome-oriented approaches

- **Qualitative GBV data collection** in Syria that unpacks risks rather than just speaking to prevalence has been used to inform the HNO and HRP since 2016. The approach uses contextualized tools and indicators to strengthen understanding of emerging GBV risks and trends. It has been captured in a guide for other clusters/sectors to better understand the risks of GBV that need to be mitigated throughout their response.

- Examples of approaches that promote protection outcomes collected by InterAction

Do no Harm/Safe programming/ protection mainstreaming

- Utilizing **Protection Risk Analysis** at the sectoral level in the 2017 Whole of Syria HRP, see review by the Protection Cluster

- **Mainstreaming protection** in sectoral planning in Iraq's 2019 HRP. More practical examples and tips on protection mainstreaming/safe programming are available in a GPC Protection Mainstreaming Toolkit.

- Designing **sector-specific checklists/guides** for mainstreaming protection in all clusters the occupied Palestinian territory, see all checklists.

- A protection mainstreaming index Tool to support other sectors with an approach including **indicators to measure the extent to which protection has been mainstreamed in a project** developed in Somalia

- ECHO protection mainstreaming indicator and monitoring tool

- Safety audit tool, **a multi-agency and multi-cluster tool to assess GBV-risks** associated with different sector interventions, developed for the Somalia context that informed many clusters' response plans for 2019

Protection analysis

- **Systematic use and leveraging of human rights analysis and information** as part of overall protection analysis, oPt 2022 HNO and HRP

- Examples of Protection Analysis Updates for Afghanistan, Colombia, Ituri Province (DRC) and oPt

- **Use of the inter-cluster group to facilitate joint and inter-sectoral analysis and approaches** to address protection risks

Integrating human rights within the HRP

- The Syria Human Rights Reference Group, established in 2015 in Gazientep, Turkey has brought together a **broader group of human rights and humanitarian actors, which has fostered more comprehensive analysis** to inform the Syria cross border response

- Integration of human rights international standards and analysis in humanitarian programming is supported by a **Human Rights Advisor** in Syria

- Examples of **promoting human rights within HRP strategic objectives**, Burkina Faso HRP 2021 and sector-level objectives, DRC HRP 2021

- **Monitoring, documentation and advocacy of violations of IHRL and IHL are key actions with indicators** in oPt's 2022 HRP

5. **Sources and further references**

- IASC Protection Policy, 2016
- OCHA Protection - Home (sharepoint.com)
- Humanitarian Programme Cycle Guidance, Global Protection Cluster
- Protection Analytical Framework a resource package of tools for all clusters and the HCT
- ICRC Professional Standards for Protection Work, 2018, Chapter 2
- Results-Based Protection, InterAction
- Sphere Standards, 2018
- Note on the Secretary-General's Call to Action for Human Rights and the Humanitarian Programme Cycle
- Protection: An ALNAP guide for humanitarian agencies