

Report

THE CENTRALITY OF PROTECTION IN HUMANITARIAN ACTION 2022

Prepared by UNHCR and the Global Protection Cluster

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IASC Inter-Agency Standing Committee

ANNUAL REPORT ON THE CENTRALITY OF PROTECTION IN HUMANITARIAN ACTION 2022



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INTRODUCTION

This Annual Report on the Centrality of Protection in Humanitarian Action 2022 intends to provide an analysis of how the Centrality of Protection (CoP) has been implemented across crisis contexts where the humanitarian cluster system is activated. The report, prepared by UNHCR and the Global Protection Cluster (GPC) for the Inter-Agency Standing Committee (IASC), examines measures taken by the Humanitarian Coordinator (HC) / Humanitarian Country Team (HCT) to address critical protection risks, with the support from the Protection Clusters/Sectors, OCHA and humanitarian partners.

The findings of the report are based on information from the Global Protection Cluster, Humanitarian Programme Cycle (HPC) Quality Review conducted by OCHA, as well as consultations with ProCap advisors, Protection Cluster Coordination teams (including AoRs), OCHA focal points, and cluster coordinators from other sectors in a set of selected operations (e.g. Afghanistan, Ukraine, Colombia, Venezuela, and Nigeria). Data collection also involved two surveys undertaken by the GPC and its field Protection Clusters – including the annual Cluster Coordination Performance Monitoring (CCPM) and a dedicated perception survey on the Centrality of Protection¹ which complemented the HPC Quality Review indicators on how Centrality of Protection is integrated and addressed in the Humanitarian Needs Overviews (HNOs) and Humanitarian Response Plans (HRPs). The report also benefited from a dedicated session on Centrality of Protection held during the Global Protection Conference in May 2023.

The report considers some of the challenges and gaps that operations face with the implementation of CoP, as revealed through consultations and surveys. Case studies from selected operations are used to illustrate both best practices and challenges that operations are encountering. The analysis is structured around five key elements where humanitarian actors, under the leadership of HC/HCTs, are contributing to achieving collective protection outcomes: (i) Protection Risk Analysis, (ii) HCT Protection Strategies, (iii) Programming for Protection Outcomes, (iv) Collective Advocacy for Protection Outcomes, and (v) Access Negotiations for Protection Outcomes.





PROTECTION RISK ANALYSIS

HCT PROTECTION STRATEGIES



PROGRAMMING FOR PROTECTION OUTCOMES

COLLECTIVE ADVOCACY FOR PROTECTION OUTCOMES

90°

ACCESS NEGOTIATION FOR PROTECTION OUTCOMES

¹The perception survey on the Centrality of Protection referred to in the report as the survey, focused on a number of factors contributing to the Centrality of Protection and was responded to by Protection coordinators and co-coordinators in 26 operations (Afghanistan, Burkina Faso, Chad, Central African Republic, Colombia, Democratic Republic of the Congo, El Salvador, Ethiopia, Haiti, Honduras, Libya, Madagascar, Mali, Mozambique, Myanmar, Niger, Nigeria, Occupied Palestinian Territories, Philippines, Somalia, South Sudan, Syria, Syria – NW, Ukraine, Venezuela, Yemen.)



The report does not intend to analyse the system-wide challenges of implementing the Centrality of Protection in the humanitarian response, considering the recent conclusion of the Independent Review of the Implementation of the IASC Protection Policy (May 2022). The findings and recommendations of the Independent Review are taken forward by the IASC Principals with support of UNHCR and InterAction as co-champions and IASC Task Force 1.² As part of a larger IASC action plan to follow up on the recommendations, the IASC TF 1 is developing a toolkit to support the HCT's implementation of the IASC Protection Policy that will comprise 1) a set of Benchmarks to support the HCS and HCTs with the implementation of Centrality of Protection and serve as an accountability mechanism and 2) an Aide Memoire to provide conceptual clarity.

Acknowledging the findings of the Independent Review and the development of an IASC action plan in follow up, the report does not attempt to suggest any standards for how the Centrality of Protection should be implemented. While reference is made to the IASC Protection Policy and related reviews and reports on the implementation of the policy, the focus of this report is on practices and efforts that are made towards reducing protection risks in humanitarian operations where the cluster system is activated.

LIMITATIONS

- Since there are no clearly defined indicators for measuring the implementation of **Centrality of Protection**, data is not being consistently collected towards agreed standards. This results in certain limitations to the conclusions that can be drawn on how efforts to implement Centrality of Protection have evolved over time and to indicate trends of what has worked well, and not so well.
- Though the focus of the report is on HC/HCT measures to address critical protection risks, consultations
 were mainly undertaken at technical level. The report benefitted from data from the HPC Quality Review
 indicators on Centrality of Protection, which is a review of the HC/HCTs performance, however the lack
 of deeper discussions with HCs and HCT members to understand the challenges and opportunities they
 experience when addressing Centrality of Protection weakens the analysis of the report. It is expected
 that the set of benchmarks, which include an element on monitoring and evaluation, currently developed
 by the IASC Task Force 1 on Centrality of Protection (under the leadership of UNHCR and InterAction) will
 help address this issue.
- Exploratory surveys with protection cluster operations provided a good account of how Centrality of Protection is reflected in documents, strategies and actions. However, the scope of these surveys and analysis does not adequately investigate the quality of the strategies and actions and the impact they have on the actual response to affected communities.
- Similarly, only a light review of a few HCT Protection Strategies was done and did not include assessment
 of aspects such as the process of developing and implementing the strategies, including extent to which
 actors outside the humanitarian response were engaged in terms of risk analysis, strategic planning, and/
 or implementing the strategy.
- The information collection approach did not systematically involve other sectors to deepen the understanding and recognition of Centrality of Protection in their strategies and planning. Other cluster/ sector leads only participated in a few of the focus group discussions.
- The protection response monitoring mechanisms are for the most part geared towards needs. Using existing data to provide an account in terms of response to identified protection risks has proved challenging and requires a more systematic approach, or a revision of existing monitoring mechanisms to allow an outcome-based model.

² The IASC Task Force 1 on Centrality of Protection is co-chaired by UNHCR and InterAction.



KEY MESSAGES

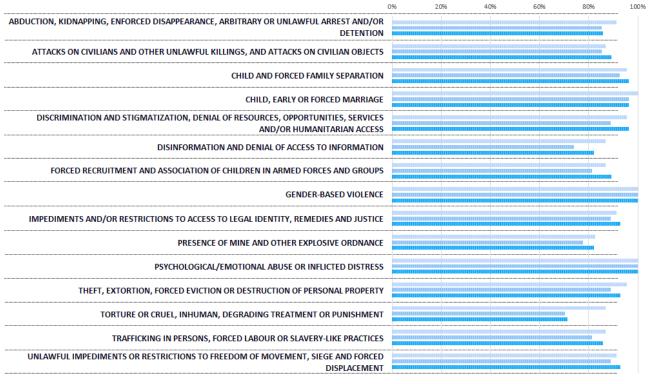
- There is still a **misperception amongst humanitarian partners that protection mainstreaming is the main element of Centrality of Protection** and that the Protection Clusters are responsible for ensuring the HC and HCT uphold their commitment to achieve CoP in the humanitarian response.
- The growing scale and political sensitivities in crises and conflicts **limit the scope of what can be made public, what a protection analysis can encompass, and the meaningful participation of local actors.**
- For protection analyses to be meaningful and inform HCT decision making, the presentation of protection risks needs to be according to how affected communities experience protection risks and not by organizational expertise and division of responsibilities.
- While principles of protection to avoid exacerbating harm are part of inter-cluster reflections and systems, they do not often translate into clear collective approaches and concrete programming within the HRP on how to address collectively identified protection priorities.
- At a time when the implementation of the Centrality of Protection is under review, **using risk-informed** advocacy to strengthen protection outcomes is more of an urgent imperative than ever before.
- Communities or groups experiencing severe protection risks are often those with the least amount of access to life-saving support and some of the hardest to reach. Advancing protection objectives through existing humanitarian access mechanisms at global and country levels, such as the Access Working Groups and OCHA's Access Monitoring and Reporting Framework, represents a critical opportunity for action.
- Protection clusters and partners have made significant steps in identifying and prioritizing protection risks, but the analyses processes could be enriched through more systematic participation of local actors, those that experience risks and other sectors.

STATE OF PROTECTION IN 2022

2022 was marked by protection risks which increased both in magnitude and complexity, with a staggering 138 million people estimated to be in need of protection. Humanitarian crises were ever more challenging, with new uprisings of violence, emerging protection risks and protracted conflicts set to continue in 2023, while limited resources demanded an even more joined-up and integrated protection response. In many visible and invisible crises around the world, vulnerable and marginalized people faced relentless protection risks due to the multi-dimensional impacts of armed conflict, disasters, climate change, economic instability, and food insecurity.

This was particularly true for the most vulnerable groups, those already facing specific and intersecting forms of exclusion and barriers in enjoying and claiming their rights and accessing necessary services, including women and children, ethnic and religious minority groups, and people living with disabilities.

Displacement reached record highs throughout 2022, with UNHCR estimating that 108.4 million people were forcibly displaced because of persecution, conflict, violence, human rights violations and events seriously disturbing public order at the end of 2022.³ In addition, 32.6 million internal displacements due to disasters were reported. 27 Cluster operations reported forced displacement and impediments to freedom of movement as protection risks facing the affected population in their operation, and 88% classified the risks as severe or extreme. Behind this staggering number, each forcibly displaced person faced complex protection risks, with displacement often eroding coping capacities while creating new risks, including trafficking, sexual violence, and child marriage.



Mar-22 Jun-22 Sep-22

³UNHCR Global Trends Report, June 2023. Available here.



PROTECTION RISKS TRACKER METHODOLOGY

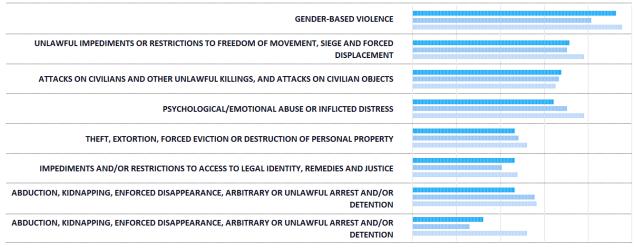
Since November 2020, the Protection Clusters report the level of severity (1 to 5) around standard categories of protection risks on a quarterly basis, in contribution to the Global Protection Updates. Following the development and endorsement of the Protection Analytical Framework, the Global Protection Cluster revised the categories of protection risks. An initial revision was done in March 2022 and clustered the initial categories into 15 protection risks. A second revision was done in December 2022, together with the Areas of Responsibility and introduced common definitions for each of the protection risks allowing better comparability.

The current reporting in risk severity is based on a quarterly survey that involves Protection Clusters coordinators and co-coordinators. The assigned values are revised together with the Global Protection Cluster and endorsed by Protection Clusters coordinators and co-coordinators. Protection Cluster coordinators and co-coordinators are instructed and supported to consult AoRs and partners in operations to provide the final values for each protection risk.

The methodological approach is thus based on a final value judgment by Protection Clusters, based on a convergence of evidence building on existing data, knowledge and assessments of protection partners. The GPC has been routinely collecting lessons learned, to better address the complexity of having a solid comparability and ensuring a more representative analysis without overburdening Protection Cluster operations and partners. Accordingly, the methodology is under revision and has been adapted during the course of 2023.

The methodology, while nurtured by Protection Clusters ongoing assessments and analysis processes, presents several limitations. Hence, the current objective of the protection risks tracker is to illustrate the overall trends of protection risks situations and the effects across crises, and not to provide a measurement of the actual level of harm, population affected or resulting needs.

In the third quarter of the year, 27 Cluster operations (81%) reported attacks on civilians or infrastructure as critical protection risks, with 82% reporting these risks as severe or extreme. With over 90% of Clusters operating in active conflict settings, the need to uphold international humanitarian law, human rights law and prioritise the Protection of Civilians remains ever pressing.



Sep-22 Jun-22 Mar-22

Gender-Based Violence was continuously reported as being a top protection risk across Clusters in 2022, with **94%** operations describing the risk as **severe or extreme**.

Throughout 2022, climate change continued to drive floods and drought related food insecurity, impacting millions of people, causing displacement, conflict, and increased protection risks, including exacerbated land issues and insecurity of tenure and risk of evictions. The undiminished and increasing number of protection risks arising from violence, armed conflict, forced displacement, disasters and the effects of climate change made the need for system-wide measures to address these protection risks ever more evident. Yet, the Independent Review of the Implementation of the IASC Protection Policy concluded that, while key advances have been made in strengthening humanitarian response to protection risks over the past five years⁴, structures and processes to achieve protection outcomes are not resulting in effective reduction of critical protection risks and violations.

WHAT DO WE MEAN BY 'CENTRALITY OF PROTECTION'?

"Protection 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. In practical terms, this means identifying who is at risk, how and why at the very outset of a crisis and thereafter, taking into account the specific vulnerabilities that underlie these risks, including those experienced by men, women, girls and boys, and groups such as internally displaced persons, older persons, persons with disabilities, and persons belonging to sexual and other minorities."

Source: IASC, Statement on the Centrality of Protection in Humanitarian Action, 2013.

The <u>IASC Protection Policy (2016)</u> emphasises that, fundamentally, protection encompasses efforts pursued by humanitarian actors in all sectors to ensure that the rights of affected persons and the obligations of duty bearers under international law are understood, respected, protected, and fulfilled without discrimination. Governments hold the primary obligation and responsibility to protect. In armed conflict, non-State armed groups (NSAGs) are bound to respect IHL. In addition, 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.

The IASC Protection Policy aimed to elevate protection efforts by humanitarian actors to a system-wide responsibility, beyond the sole concern of the Protection Cluster. The Policy also framed protection as an outcome that humanitarian actors should seek to achieve in terms of reducing risks to the rights of individuals under international humanitarian law, international human rights law, and international refugee law, including risks of violence, coercion, and deliberate deprivation of affected populations and not just an activity or service to be undertaken.

Ensuring the country level leadership and accountability for Centrality of Protection is the responsibility of the Humanitarian Coordinators and Humanitarian Country Teams. The implementation of Centrality of Protection is ensured by identifying priority protection risks that are addressed through collective efforts by actors in the humanitarian coordination system and its mechanisms. Humanitarian response and action should therefore be aligned and coordinated to prevent and reduce prioritised protection risks, and all clusters should contribute through their sector programming.

Efforts are underway by the IASC TF1 to provide further clarity on how to translate the Centrality of Protection into action and the roles and responsibilities for implementing this. From consultations undertaken with humanitarian partners for this report, there are still misperceptions that protection mainstreaming is the main element of Centrality of Protection and that the Protection Clusters are responsible for ensuring the HC and HCT uphold their commitment to achieve Centrality of Protection in the humanitarian response.

⁴Independent Review of the Implementation of the IASC Policy on Protection, 2022, p.18



5 KEY ELEMENTS CONTRIBUTING TO THE CENTRALITY OF PROTECTION



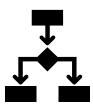
PROTECTION RISK ANALYSIS

The report looks at how protection risk analysis facilitated by the Protection Cluster and partners is used to identify critical protection risks, inform the humanitarian response, and contribute to achieving a collective protection narrative.



HCT PROTECTION STRATEGIES

The report looks at different aspects of the HCT Protection Strategies and actions, including how the objectives relate to protection risk reduction, how the HCT Protection Strategy relates to the protection strategy of the HRP, and actions taken by the HCT to address priority protection risks



PROGRAMMING FOR PROTECTION OUTCOMES

The report illustrates good practices and highlights remaining gaps and challenges in ensuring that the reduction of protection risks concretely features in programming and response activities of the different humanitarian sectors.



COLLECTIVE ADVOCACY FOR PROTECTION OUTCOMES

The report describes contexts where strong protection advocacy efforts have seen positive change in the protection situation. It also illustrates some of the challenges faced when critical protection risks are caused by political or military factors and humanitarian actors (HC/HCTs) are resistant to engage at the political levels.



ACCESS NEGOTIATIONS FOR PROTECTION OUTCOMES

The report looks at practices from field operations that show efforts of engagement and negotiation with armed groups to secure both their acceptance of humanitarian action and support for sustained access for protection as a prerequisite to achieving protection outcomes.





1. PROTECTION RISK ANALYSIS

The 2 or 3 most critical protection concerns/risks have been identified and communicated to the HCT for further action.	Protection analysis has been undertaken and regular protection analysis updates/products have been issued.	Protection analysis has been completed to inform the Humanitarian Needs Overview (HNO).
77%	88%	81%

Survey results based on 26 clusters operations.

Protection Risk Analysis is seen as a prerequisite for programming, advocacy, and dialogue with duty bearers for the purpose of influencing and changing behaviours and policies to achieve protection outcomes. The HC and HCTs rely on regular and comprehensive analysis of the protection situation for informed decision-making, advocacy, and negotiations. Furthermore, the protection risk analysis should guide the operational response by informing the Humanitarian Programme Cycle (HPC), including the HNO and HRP, assessments and pooled funding mechanisms. According to the survey results, protection analysis is conducted and used in most of the cluster operations to inform HNOs (81%). Protection Clusters published Protection Analysis Updates⁵ or other analytical products in close to all cluster operations (88%) in 2022.

77% of the protection clusters reported that they have communicated the 2 to 3 most critical protection risks or concerns to HCT. While a systematic in-depth review of the quality of analysis across countries have not been conducted, a full desk review of all PAUs published in 2021 and 2022, along with several lessons learned collected in December 2022 showed that the format of presenting protection risks analysis by the Protection Clusters varies across operations, along with other challenges including language and definition, and prioritization of risks.

Identifying the most critical protection risks and agreeing on a common protection narrative is essential to ensure that the multi-sectoral response and the measures taken by the HC and HCT are aimed at collectively preventing and reducing those risks. The development of the Protection Analytical Framework (PAF) [GPC, 2021] was a recognition of the fact that improved protection risk analysis will lead to more effective and outcome-oriented evidence-based decision making. The development of the PAF and the subsequent efforts by protection actors in applying it in 2022, brought the humanitarian community together under a joint structure for analysing protection risks faced by affected communities. After this first year of implementation of the PAF, the framework was picked up across the sector, however its full operationalization also presented several challenges that was reviewed through a multi-partners lessons learnt exercise during the first quarter of 2023.

Alongside the toolkit being developed by the IASC TF1, the protection community (Protection Clusters, AoRs and partners) has undertaken several processes in 2022 to better understand what protection risks are and use these definitions during identification, monitoring, and analysis. Joint efforts were led by a number of protection actors, including international and local NGOs and UN agencies, to ensure that the PAF is translated into an operational analysis tool. These include, among others, initiatives around ensuring community-informed and community-led analysis (Oxfam, IRC, InterAction, We World), the use of technology and advanced tools to streamline data and information gathering and management (DRC), localization and meaningful approaches to ensure local actors' leadership (IRC), interoperability across systems and frameworks (OCHA, IOM, OHCHR), the interrelation between protection risks, and other areas of humanitarian analysis (ACF, WFP).⁶

⁵The Protection Analysis Updates (PAU) are published by Protection Clusters in each operation to provide situational updates on the status of protection risks. The PAUs must be the result of regular joint analysis processes coordinated by Protection Clusters. Between April 2021 and December 2022, 49 PAUs have been published across 24 operations. All publications can be found <u>here</u>, and additional information is available here.



GUIDANCE AND CONTRIBUTION TO COLLECTIVE PROTECTION RISK ANALYSIS BY THE PROTECTION CLUSTER

- The GPC Information and Analysis Working Group, through a IRC-DRC initiative, coordinated the development of the Protection Analytical Framework in April 2021.
- Since its endorsement, 22 Protection Clusters published 10 Protection Analysis Updates (PAUs) in 2021, and 39 in 2022. In January 2023, a renewed PAU format (<u>Standard</u> and <u>Short</u> versions) and related guidance was released.
- The Protection Cluster and its Areas of Responsibility agreed on a list of 15 protection risks and their definitions, publishing a dedicated guidance.
- Protection Clusters undertook joint protection analysis workshops across operations in 2022, in preparation for the 2023 Humanitarian Needs Overview.
- The GPC coordinated a Protection Analysis Stocktaking exercise at the end of 2022. The findings led to a PAF Lessons Learned Workshop in February 2023, with the participation of UNHCR, OCHA, IRC, DRC, InterAction, Oxfam, IOM and other protection partners and donors. During the workshop a road map on the use of the PAF to support collective protection risk analysis was developed.
- The PAF Lessons Learned Workshop helped unpack several challenges in protection analysis, not only related to the PAF but also to the general state of protection work including:
 - Communicating analysis in ways that contribute to collective risk-inform strategies,
 - Capacity strengthening to fully understand what protection risks are about and how do they link with response,
 - Dissemination of protection risks tools (such as the PAF) in systems designed to identify humanitarian needs, and
 - Facilitate exchange and learning from practice across countries.

⁶For more information about these initiatives please refer to the Global Protection Cluster Ops Cell and the Information and Analysis Working Group.



Strengthened efforts by Protection Clusters to facilitate joint analyses to prioritize protection risks, using the definition of the 15 standard protection risks agreed by Global Protection Cluster and Areas of Responsibility, have resulted in steps taken towards more coherent analysis and messages on protection risks. While further progress is required to move away from protection risk analysis being driven by organisational expertise and priorities, the use of the standard protection risks has facilitated a stronger communication between Protection Cluster and the HCT, according to several Protection Clusters coordinators. The presentation of protection risk analyses to the Inter Cluster Coordination Groups (ICCG) or across other sectors was not always consistent. It is an aspect that has been taken into consideration in the revision of processes and guidance released in 2023, including the identification of specific areas of collaboration and where joint analysis and multi-sectoral interventions could address protection risks.

In terms of presenting regular protection risk analyses to the HCTs, in some operations this was done during standing agenda items of HCT meetings and in other countries more as an ad-hoc request, either by HCs, Cluster-Lead Agencies or Protection Clusters. The deployment of Protection Advisors to HCs, through the ProCap Project, has mostly shown a positive contribution to increasing the synergies between protection analyses facilitated by the Protection Cluster and their use to inform HC/HCT decision-making. Protection Cluster coordinators globally reported that they have had regular access to the HC and HCT, yet in some operations there was not always clarity on the roles and responsibilities between the ProCap Protection Advisor and the Protection Coordinator in terms of briefing and updating the HCT on protection risks and needs.

For a protection risk analysis to inform decision-making, advocacy and negotiations, it must identify protection risks through information sharing, reliable data and based on consultations with communities. It must guide collective action to prevent and reduce those risks. In 2022, wider engagement of protection partners and key actors in the protection risk analysis process improved both the quality and the use of the analysis to prioritize risks. Important dialogues were held among protection partners, human rights actors, OCHA, food security and health partners to look at complementarities between data collection mechanisms that could strengthen the protection risk analysis. There are still areas to be strengthened when it comes to the engagement of the inter-agency cluster coordination group (ICCG) and other sectors/clusters in the development of protection risk analyses and multi-sectoral interventions addressing protection risks. A recognition by other sectors/clusters of the protection risks pertinent to their sector is critical and requires attention also at the operational level.





The following examples from the occupied Palestinian territory and Mozambique illustrate joint processes where the protection risk analysis and identification of prioritized protection risks have increasingly informed planning and response. Incorporation of the perspective of other sectors' analysis strengthened the understanding of the link between protection risks and humanitarian needs.

PROTECTION CLUSTER RISK ANALYSIS IN PALESTINE AND MOZAMBIQUE INFORMS THE HNO AND INTEGRATED ACTIONS IN THE HRP

In the **occupied Palestinian territory**, the Protection Cluster led by OHCHR carried out a continuous joint analysis processes throughout 2022, involving protection partners and human rights actors. The prioritization of risks illustrated in the PAUs have informed the specific identification of protection needs for the HNO and HRP. In addition, the gender-based violence thematic analysis has supported the dialogue between the Protection Cluster, OCHA and other sectors to not only mainstream gender considerations, but to identify intersections of other sectors planning to address the related risk. The protection activities prioritized in the 2023 HRP include multi-sector and/ or integrated actions geared towards the reduction of specific protection risks (e.g., shelter rehabilitation, WASH interventions, education support, etc.).

In preparation of the 2023 HNO, OCHA has also revised the analytical approach towards a more consolidated analysis of drivers and situational factors common to all sectors. Traditionally the Health Cluster identifies core protection threats as drivers of humanitarian needs, and the Shelter Cluster informs planning and targeting on the basis of ongoing violations related to destruction of property. The revised process facilitates the joint interpretation of the protection risk analysis provided by the Protection Cluster to inform the overall analysis of drivers and situational factors of the HNO. Protection analysis informed to some extent the needs analysis and inter-sectoral planning.

In **Mozambique**, the Protection Cluster facilitated a workshop with 24 actors, including 6 national NGOs, 11 INGOs and 6 UN agencies, to undertake a participatory analysis of critical protection risks. The joint protection analysis workshop also included development partners, the gender advisor of the Southern Africa Development Commission Mission in Mozambique, and human rights partners. The workshop resulted in a collective definition of protection risks and their severity and was an opportunity for an active exchange between local and international actors that supported a joint and coherent understanding of the strategy, planning and approach for the design of 2023 HNO and HRP.

The initial findings were discussed within the Strategic Advisory Group of the Protection Cluster, to further prioritize and identify core indicators for the HNO. As a result of the engagement of other sectors, the Protection Cluster and the Food Security Sector developed a Joint Protection Mainstreaming Check-List of Food Security & Livelihoods <u>Cluster and Protection Cluster</u>. The guidance provided clear indication on how to integrate protection in food security, identifying specifically: a) Joint activities to address protection and b) specific food security indicators that integrate protection. While the guidance does not make specific reference to the reduction of protection risks, it reflects the prioritization agreed during the joint analysis process.

PROTECTION RISK ANALYSIS INFORMS THE DEVELOPMENT OF HCT PROTECTION STRATEGIES IN UKRAINE, THE OCCUPIED PALASTINIAN TERRITORY, MOZAMBIQUE, VENEZUELA AND AFGHANISTAN

In **Ukraine**, the Protection Cluster closely worked with a ProCap Senior Protection Adviser (Capacity-Building) hosted by UNHCR who supported the Protection Cluster and maintained regular and constructive exchanges with the HCT Protection Strategy Working Group. The Protection Cluster carried out a joint prioritization of protection risks at the end of 2022, engaging the Inter Cluster Coordination Group and human rights actors. This prioritization was shared and discussed with the HCT Protection Strategy Working Group, and it is currently informing the elaboration of the 2023 HCT Protection Strategy. While the 2022 HCT Protection Strategy captured concerns related to the Protection of Civilians, the renewed approach is looking at a wider range of critical protection risks resulting from the conflict.

In the **occupied Palestinian territory**, the processes of analysis described above informed the overall HC/ HCT strategic approach. While there was no formalized HCT Protection Strategy in 2022, protection has been a standard agenda point in 2022 monthly HCT meetings. During these meetings the Protection Cluster provided regular briefings, and HCT members discussed their approach to addressing protection risks. From the Protection Cluster side, the briefings transitioned from an overview of protection incidents and ongoing threats to civilian populations, to the illustration of the most critical protection risks resulting from the overall environment marked by violence and conflict.

In **Mozambique**, the collective analysis and prioritization process facilitated by the Protection Cluster informed the elaboration of the HCT Protection Strategy 2023-2025. The analysis specifically informed a clear identification of protection risks related to conflict and disaster. The Protection Cluster and the ProCap Advisor to the HC were regularly exchanging and collaborating on the provision of protection analysis findings for the prioritization of risks being shaped in the HCT Protection Strategy.

In **Venezuela**, the Protection Cluster collaborated during the second part of 2022 with the ProCap Advisor to the HC, hosted by OCHA, and supported the elaboration of the HCT Protection Strategy and Action Plan. The team prioritized the most serious protection risks in the country using the 15 definitions agreed by the Global Protection Cluster and the Areas of Responsibility as guidance.

In **Afghanistan**, a joint analysis workshop facilitated by the Protection Cluster in November 2022 led to a prioritization of protection risks. The main protection risks including the denial of resources and opportunities, and discrimination were identified as driving most forms of coercion, violence, and deliberate deprivation. This supported a better framing of information and use of data from a wider network of partners to contribute to the HC and HCT efforts to address the very critical policy and political decisions made by the de facto authorities.

The resources needed in terms of skills, analytical and information management capacity, and time to ensure a solid process of joint protection risk analysis are not adequate in all cluster operations. Furthermore, the growing scale and political sensitivities in some crisis and conflicts has not only limited the scope of what can be made public, what the protection risk analysis can encompass, and the more inclusive and meaningful participation of local actors, but it has somehow commonly instilled a self-censorship attitude in conducting joint analyses.

Among the challenges that remain in developing meaningful protection analyses that inform HCT decision making is the presentation of protection risks according to organizational mandate, expertise and division of responsibilities rather than how affected communities experience protection risks. In addition, while a regular and comprehensive analysis of the protection situation must inform decision-making, advocacy and negotiations, its contribution depends on the range of actors involved in undertaking it and the existing space and access given to present it to HCTs. A systematic engagement and joint analysis with other humanitarian sectors, human rights, peace, political and development actors in the protection risk analysis process still needs to be improved. Finally, the full involvement of local and national actors and regular consultation with communities, particularly in verifying the analysis, requires more attention and resource allocation. Translation of documents as well as the carrying out consultations in local languages remains a gap in several operations, and regular access to communities also hampered the timeliness of the analysis.



2. HCT PROTECTION STRATEGIES

The 2 or 3 most critical protection concerns/risks have been identified and communicated to the HCT for further action.	Complementarity between the Protection Strategy (as part of the HRP) and the HCT Protection Strategy exists.	Have actions been taken by the HCT to address the priority risks?*	The Protection Cluster engages with human rights, development and peace/security actors contributing to relevant plans or strategies.
81%	88%*	50% (yes) 38% (partly)	70%

Survey results based on 26 Protection Clusters operations.

*Out of the 16 clusters with HCT Protection Strategy in place.

"... HCs, HCTs and Clusters need to develop and implement a comprehensive protection strategy to address these risks and to prevent and stop the recurrence of violations of international human rights and humanitarian law – a strategy that clearly articulates and identifies the complementary roles and responsibilities among humanitarian actors to contribute to protection outcomes; that identifies and makes use of all available tools to effectively protect those affected by humanitarian crises; that takes into account the role and contribution of other relevant actors, such as peacekeeping and political missions and development actors, to achieve protection goals and develop durable solutions. These strategies must be regularly revised to reflect changing circumstances, priorities and needs. Resources commensurate to the realization of these efforts must be mobilized."

Source: IASC, Statement on the Centrality of Protection in Humanitarian Action, 2013.

The IASC Protection Policy (2016) expands on that statement and sets out that, in order to focus the HCT's attention and action on protection priorities beyond the scope of the HRP or the Protection Cluster Strategy, there is a need to develop a comprehensive HCT Protection Strategy. Over the past few years, there has been significant investment in developing HCT Protection Strategies which have been put in place in most humanitarian operations. Since 2018, the percentage of HCTs that have Protection Strategies has gone from 26% to 92% in 2021⁷. While the development of these strategies is a clear result of the IASC Protection Policy, the Independent Review found that they have not always led to enhanced collective responsibility and action on protection. The focus and investment of capacity has been mainly on the development of the HCT Protection Strategies have become process-led, a 'tick-box exercise' and ultimately not always an effective tool for achieving protection outcomes.

Previous GPC Centrality of Protection annual reviews have also pointed to the lack of commitment/political will or ability by HCTs to take strategic decisions and action against critical protection risks, including gross violations of human rights and international humanitarian law. In 2020 the HCT Protection Strategies Review found that HCT protection priorities can be all-encompassing, too ambitious for the allotted timeframe or available capacity and are not always reflected in the implementation, including in the relevant action plans.



Despite these constraints, at global and national levels, Protection Clusters, protection-specialized agencies, especially UNHCR, OHCHR and the Inter-Agency ProCap project have continued to provide strategic and technical support on HCT Protection Strategies development. The survey carried out for this report looked at complementarity between the protection objectives of the HRP (88%) and the HCT Protection Strategy and found that in 88% of the operations there is some complementarity between the two. In 70% of the operations consulted, the collaboration between Protection Cluster and Human Rights, UN Missions or development actors has been instrumental in the definition of joint strategies and plans. However, the dialogues do not necessarily involve collective efforts to address protection risks through integrated approaches. An example showing the collaboration between humanitarian and human rights actors is seen in Somalia.

COLLABORATION BETWEEN HUMAN RIGHTS ACTORS AND THE HCT IN SOMALIA TO ADDRESS RISKS OF EXCLUSION AND PROTECTION OF CIVILIANS ISSUES

Drawing on a 2021 protection assessment informed by the OHCHR team in the United Nations Political Office for **Somalia** (UNPOS), the HCT identified a protection gap in terms of addressing differential forms of exclusion based on, among others, disability, ethnicity, and clan affiliation in the context of the humanitarian response. Consequently, the HCT through the clusters re-calibrated their targeting in locations affected by drought and conflict based on a minorities mapping developed by OHCHR, directly resulting in the increase of the percentage of marginalised groups and minorities targeted between phase 1 and phase 2 of the Minimum Response Package in September 2022 by 15% and 60% respectively.

In November 2022, OHCHR and the Protection Cluster established, and now co-chair, a Protection of Civilians (PoC) sub-working group of the Protection Cluster. Also in 2022, the HCT adopted the guidance note on PoC developed by the UNSOM Human Rights and Protection Group and based on its casualty trend analysis. The note represents the first of its kind in Somalia for briefings and responses by humanitarian actors on the Protection of Civilians.

By end of 2022, 22 out of 27 operations with a HCT (namely 81%) had a protection strategy or framework in place or under development, including all major operations. Afghanistan, Burkina Faso, Burundi, Chad, Ethiopia, Libya, Mali, Myanmar, Niger, Nigeria, Philippines, Somalia, Syria, Ukraine, Venezuela, and Yemen all had an HCT Protection Strategy in place for 2022, while in Cameroon, Mozambique, South Sudan and Sudan an HCT Protection Strategy was under development over the course of 2022. In Honduras and Palestine, protection was integrated into other existing HCT strategic plans.

Throughout 2022, HCT Protection Strategies were developed in accordance with the <u>GPC Provisional Guidance</u> on <u>HCT Protection Strategies</u>, the IASC Protection Policy, and the recommendations from the <u>HCT Protection</u> <u>Strategies Review 2020</u>. The processes were usually led by the relevant national Protection Cluster, a Senior Protection Advisor deployed through ProCap, or a Protection Advisor from UNHCR.

From a light desk-review of the 2022 HCT Protection Strategies and HRP strategic objectives, carried out by the GPC a few observations were made:

- Too few strategies outline the priority protection risks. Some strategies build on a protection risk analysis as a narrative but are not always prioritizing the protection risks.
- The majority of strategies are formulated in a manner that focuses on collaborative processes rather than collaborative actions and are often quite broad in defining how the protection concerns will be addressed.
- The HRPs are not always informed by the same protection risk analysis, even for those HCT Protection Strategies that identify protection risks more clearly. The reference to different protection risks and analysis may partly be due to the different time of elaborating the strategies, yet a stronger analytical coherence should be identifiable.



In terms of the HCT Protection Strategy Action Plans that are annexed to the strategy document, the majority still tend to focus on processes geared at establishing mechanisms and systems that enable a better understanding and inclusion of Centrality of Protection in the response. A similar observation was made in the 2020 GPC Centrality of Protection Review that stated": "Efforts in implementing the centrality of protection are not resulting in the reduction of critical protection risks due to overfocus on process instead of programming." This is not to say that these processes and systems are not needed, as it is critical to have well-established procedures in place for addressing critical protection risks, but they need to be followed by action-oriented plans that allow humanitarian agencies and organisations to transform or re-orient their programmes. The recent development by the IASC TF1 of the "Benchmarks for HCT collective implementation of the IASC Policy on Protection" is expected to address several of the challenges identified and provide more pragmatic guidance to the HCTs.

Nevertheless, there are practices from operations that have strategies with more clearly articulated protection risks integrated in the strategic objectives, which could facilitate collective actions and initiatives to achieve protection outcomes. There are also HCT Protection Strategy Action Plans with stronger formulations of specific course of action that can be undertaken by different actors collectively. Examples of best practice include Somalia, Myanmar and Nigeria.

HCT PROTECTION STRATEGIES ALIGNED TO PRIORITY PROTECTION RISKS IN SOMALIA, MYANMAR AND NIGERIA

In **Somalia**, the HCT Protection Strategy clearly identified priority protection risks necessitating collective action across the response and into strategic objectives.

- **Reducing exclusion and denial of assistance:** Identifying and addressing differential forms of exclusion that is based on age, gender, ability, ethnicity, or clan affiliation through principled, equitable and quality humanitarian assistance.
- **Reducing the risks associated with displacement:** Addressing critical protection concerns that persist due to displacement to IDP sites, protracted displacement in sites and the lack of appropriate solutions (local integration, return, or settlement elsewhere) for the displaced.
- **Reducing indiscriminate attacks on civilians and civilian objects:** Engaging with conflict-affected communities and parties (national and international) to the conflict to minimize the targeting of civilians and civilian objects. Community-based protection mechanisms are strengthened, assistance is provided, and the risks for children and youth being associated with armed actors or injured due to conflict or explosive hazards is reduced.

The **Somalia** HCT also endorsed a recommendation to integrate the HCT Protection Strategy objectives more explicitly into the 2023 Humanitarian Response Plan as a risk informed Strategic Objective. This ensured stronger complementarity between the HCT Protection Strategy and the HRP and made the connection to the protection risk analysis clearer.

In **Myanmar**, the HCT Protection Strategy outlines two priority protection risks with an integrated response and objectives that are transversal to all the protection actions creating the overarching risks for the whole strategy. This enables the gearing up of multiple actions aiming to achieve protection outcomes. The strategic objectives include Protection risks are mitigated, Protection needs are monitored and met, and Respect for international humanitarian law (IHL) is promoted which require actions to reduce the elevated protection risks that the people of Myanmar are facing, including human rights violations, violations of the principles of the protection of civilians, and the increased risks to children, women, people with disabilities and other groups during the humanitarian crisis. The strategy also focuses on provision of tailored protection services that aim to prevent, mitigate, and respond when harm has occurred, and the promotion of adherence of duty bearers to international human rights law (IHRL) and IHL.

In **Nigeria**, the HCT Protection Strategy Action Plan outlines a set of clearly defined course of actions that allows for multiple actors to collectively address the issues, i.e. 1) Pass legislation that recognizes children's right to be heard in civil and administrative proceedings that affect them (in line with Article 12 of the 1989 Convention on the Rights of the Child), this would require efforts by Child Protection actors on engaging local systems or advocacy, UNDP specific work on legislation, HC or other high level policy actors, such World Bank etc.; 2) The domestication of the 1997 Mine Ban Treaty and the adoption by Nigeria of the International Mine Action Standards (IMAS).



Protection Clusters with protection strategy in place.	HRP has clear protection objectives that non-Protection Clusters/sectors respond to.	The Protection Cluster engages with human rights, development and peace/ security actors contributing to relevant plans or strategies.
69% *	70%	58%

Survey results based on 26 Protection Clusters operations.

*Result from the CCPM survey completed by 322 cluster members across 27 Protection Clusters

According to the IASC Protection Policy integration of protection in the humanitarian response involves incorporating protection objectives into the programming of other sector-specific responses (i.e. beyond the protection sector response) to achieve protection outcomes. Addressing priority protection risks to affected persons requires coordinated, coherent, strategic and multidisciplinary responses. The HPC consists of a set of inter-linked tools to assist the HCs and HCT members deliver this coordinated and multidisciplinary response, which will comprise both assistance and protection. In addition, the Protection Cluster will have a Protection Strategy that sets out the strategic approach and key objectives of the Protection Cluster to respond to protection needs and contribute to reducing protection risks. 69.1% of the Protection Clusters that completed the Cluster Coordination Performance Monitoring (CCPM) exercise for 2022, rated the Protection Cluster's strategy to be "moderately strong" in terms of being informed by protection analysis, reflecting operational capacity and collective priorities, and complementing the HRP in more details. The formulation of protection objectives in the HRP is fundamental for guiding the humanitarian response and informing programming to reduce prioritised protection risks. 70% of the HRPs include protection objectives that non-specialized protection sectors and clusters report towards. In 58% of cluster operations non-specialized protection humanitarian actors actively contribute to the identification of protection risks, either by way of monitoring incidents or the inclusion of aspects related to violence, coercion, or deliberate deprivation in their own reporting systems.

Integrated programming for protection outcomes in humanitarian settings refers to the collaborative efforts between different sectors, organizations and actors with the shared objective to protect people from violations of their rights, including violence, coercion, deprivation, and discrimination through sector specific work. It can therefore support the system-wide commitment to the centrality of protection as different actors work individually and together as part of a multi-sector humanitarian response. The approach includes activities such as joint assessments and analysis, coordinated response strategies, shared advocacy initiatives, and collective resource mobilization. While the importance of such programming is widely acknowledged, its practical implementation has proven more challenging. Lack of guidance on designing integrated protection programmes was mentioned as a reason during the consultations. The Independent Review highlights the methodological challenges of measuring the results and impact of protection actions by individual agencies or across the humanitarian system as a whole. The Independent Review further concludes that "the implications of taking an outcome-oriented approach have not been absorbed or embraced by the humanitarian system."

Despite some of the above-mentioned challenges of programming for protection outcomes, there are examples of integrated protection programmes with other sectors/clusters and good practices by humanitarian organisations and agencies that promote the use of protection risk analysis as the basis for their multi-sector interventions, often in parallel to needs assessment. Additionally, efforts to strengthen collaboration across sectors to understand the underlining factors and protection risks affecting the population and driver of humanitarian needs are observed.



The two following examples from South Sudan and Yemen illustrate that through strengthened collaboration across sectors/clusters in identifying protection risks and the effects these risks have on population groups, the operations create a common understanding of the measures needed for reducing protection risks and people's need for humanitarian assistance and services.

COLLABORATION ACROSS SECTORS IN IDENTIFYING PROTECTION RISKS IN SOUTH SUDAN AND YEMEN

In **South Sudan**, the Protection Cluster together with the Education, Food Security and Health Clusters have worked on demonstrating the inter-linkages between health, food security and education needs with protection risks. This has been done through the joint issuance of Centrality of Protection advocacy notes that illustrates how underlying protection risks are drivers of humanitarian needs in the other sectors and how protection risks are exacerbated when the population is deprived of their livelihoods and basic services.

The Right to Education, Access to Safe Learning Matters – The advocacy note illustrates how access to safe learning for children requires parties to the conflict, authorities, and communities themselves not to interfere with such access. This entails a prohibition on armed actors from entering, occupying, or using educational institutions for their purposes, such as training or storage of weaponry and ammunition, or from converting them into military bases, barracks, detention, or interrogation facilities. It also requires alternative solutions to sheltering internally displaced people (IDPs) in South Sudan, who have been uprooted from their homes due to conflict and disasters. The note calls on the government, HCT and peace, humanitarian, and development actors to take concrete actions that will reduce the protection risks related to the deprivation of the right to education for children and youth. These include occupation of schools by armed actors, attacks on school facilities and using schools for sheltering IDPs.

<u>Conflict and Food Insecurity</u> – The advocacy note draws attention to how protection risks aggravate food insecurity, which in turn increases protection risks and/or exacerbates existing ones. The note states that conflict, violence, systematic breaches of International Humanitarian Law and Human Rights Law are the main drivers of protection risks. In addition, cattle raiding, land grabbing and intercommunal conflict that results in looting and destruction of housing, land and property and have direct implications on livelihoods and food security of communities. Women and girls are increasingly at-risk of gender-based violence, including sexual violence, while searching for food or an income to support themselves and their families. Intra-domestic tensions are also increasing, heightening the risk of intimate partner violence. Adolescent girls are facing increased risks of child marriage. The exposure to these risks increases when communities face growing humanitarian needs, be it driven by conflict, violence, climate shocks or food insecurity. Also, the risk of forced recruitment and the use of child soldiers increase as the humanitarian situation deteriorates and the conflict dynamics escalate. Recruitment of armed groups during periods of food insecurity and livelihood uncertainty increase as household and community resilience and coping mechanism are worn down.



In **Yemen**, the Protection Cluster and the Health Cluster have collaborated closely and clearly identified their common objectives and priorities. These include advocating for adherence to International Humanitarian Law and Human Rights Law, ensuring equal and equitable access to critical health and protection services for affected populations, including mental and psychosocial support services. Additionally medical and rehabilitation assistance is provided to those injured by conflict and survivors of landmines, and specialized services to survivors of gender-based violence.

Protection through Health – In a briefing note the two sectors have documented the Lessons Learnt, Good Practices and Way Forward to reduce protection risks through integrated health programming and advocacy. The approach entails advocacy for adherence to International Humanitarian Law and Human Rights Law and integrating protection risk analysis with health analysis to enhance the understanding of the risks and barriers faced by different segments of the affected population. It facilitates the delivery of critical protection and health services using an area-based approach and maximizes impact of our humanitarian interventions. "An integrated approach recognizes that investing in health can help prevent and mitigate a range of protection risks, (including violence, exploitation, and displacement), and vice versa. Protection is fundamental to a quality health response and a quality health response contributes to the achievement of protection outcomes. To operationalize the centrality of commitments made by the Humanitarian Country Team and in line with the HCT Protection Strategy for Yemen, increased collaboration on analysis, joint targeting and programming using an area-based approach is seen as a strategic and operational way forward in addressing the protection and health needs of the affected population, including the most vulnerable, particularly in an environment where funding is expected to be reduced at a time when needs remain high and where the international-led system is under increasing pressure from both authorities in the country."

While the practice of analysing protection risks jointly across sectors as described above is a first step to facilitate collective planning and programming for protection outcomes, challenges to achieve this remain. An extensive analysis of the factors that limit the capacity to programme for outcomes was not possible for this report, however the following lessons learned from the collective work on the HDP Nexus provide a good reflection on the issue.

PROGRAMMING FOR OUTCOMES: SOME LEARNINGS FROM THE NEXUS

Developing joint programming to address collective outcomes is a challenge experienced beyond the humanitarian system. Since the publication of the <u>Recommendations on the Humanitarian-Development-Peace Nexus</u> [OECD, 2019], the global efforts to enhance the effectiveness of collective action in fragile and conflict-affected settings have included pilots, debates, joint-exercises, and other initiatives to use collective outcomes to drive joint programming. In May 2022, the OECD released the <u>Humanitarian-Development-Peace Nexus Interim Progress Review</u>, which looked at progress and bottlenecks. An initial lesson learned relates to the definition of success. The report calls for a pragmatic approach in defining outcomes, to avoid setting unrealistic goals that cannot be measured either by measuring the changes in the way of working or the achievement of the defined outcomes [OECD, 2019: 1.4]. Against this lesson, protection risks offer a more precise set of possible benchmarks that could help define a two-pronged mechanism that looks at operational and strategic actions.

A second insight shows that *humanitarian needs* are the most used analysis for planning processes [OECD, 2019: 2.2], and political, conflict and risk analysis are the least used. This opens up for an important reflection on the change required for an effective use of protection risk analysis in planning the response. It is also highlighted that joint programming is still the hardest aspect to achieve [OECD, 2019: 1.4, 2.1, 2.2 et al]. Some actors have been exploring operational mechanisms to achieve common outcome, walking backwards in defining more granular objectives/indicators that are translatable to existing programming mechanisms.

In addition, translating *joined-up programming* into concrete mechanisms of a donor-state to internally ensure coherence between its development, humanitarian, and peace areas of work, has found barriers within existing siloed entities, legislative mechanisms or different ministries and agencies. Thus, ensuring protection outcomes also requires a strong engagement of donors and states to provide the right institutional mind-sets and incentives.



In addition to the good practices on understanding the interlinkages between protection risks and humanitarian needs and underlining factors and drivers of risk, there are efforts to translate this into humanitarian programming through a more structured inclusion of protection in the HPC. In 2022, as part of the Enhanced HPC Approach, OCHA issued the guidance <u>"Protection in the Humanitarian Needs Overview and Humanitarian Response Plan"</u>. The guidance supports the integration of protection in HNOs and HRPs and highlights the importance of having context-specific protection risk analysis and strategic objectives to inform these processes. The guidance clarifies that a collective, whole of humanitarian system effort should be promoted to address the most acute, prioritised protection risks.

INTEGRATING PROTECTION IN THE HUMANITARIAN RESPONSE PLAN (HRP)

The HRP should address protection risks. Specifically, it should cover the following areas:

- 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.

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:

- 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.

Source: OCHA Guidance "Protection in the Humanitarian Needs Overview and Humanitarian Response Plan".

Over the past years, OCHA and a multistakeholder group including donors have undertaken "Quality Reviews" of HNOs/HRPs based on agreed criteria, which provide some indication of protection risks or vulnerabilities across operations and how they are tackled in the response. These Quality Reviews of the HRPs have looked specifically at four protection-related criteria: (i) the extent to which response plans provide analysis of protection risks; (ii) the articulation of high priority protection concerns; (iii) whether protection priorities are reflected across strategic and sector objectives; and (iv) the articulation of how mainstreaming of protection and do no harm are addressed in the response.



While the Quality Reviews do not provide in-depth analysis, they provide some indication about the extent to which protection has been incorporated in humanitarian needs analysis and planning. Generally, the OCHA Quality Reviews have shown improvements in the way protection has been addressed within HNOs and HRPs, including by articulating a protection risk analysis, prioritising protection, and including it in strategic and specific objectives and related activities. The 2023 review indicates that 98% of HNO documents met established guidance on protection compared to 88% in 2020 and 91% of HRPs address protection concerns in 2023 compared to 75% in 2020.

The review process also looked at the extent to which HRPs specifically reference how GBV and PSEA will be addressed, and outline a joint approach on AAP, showing improvements over the last years. In addition, the review looked at inclusion and intersectionality, considering specifically age, gender, IDPs, Refugees, Returnees and PWD, with an average score of 85%, the HPC 2023 shows significant improvement from previous year (79% average score in 2022). A closer analysis together with OCHA of the findings from the HPC Quality Review would be an opportunity to further advance how protection risk analysis is incorporated as part of the HPC.

While the guidance from OCHA is clear on what the commitments and requirements are for placing protection at the centre of humanitarian decision-making, preparedness, and response within the HPC, what is seen as challenging for operations is to translate this into concrete programming and response activities for achieving protection outcomes. Even for operations where the protection risk analysis is well integrated in the HNO and informs the HRP, the next step of advancing outcome-oriented actions is still not clear.

During consultations, several field operations expressed that a shift in how humanitarian response is programmed requires a pragmatic focus as well as direction and leadership from the HCT. The need for more systematic monitoring and accountability frameworks was also frequently raised.

There is some momentum for a shift, including efforts underway to lighten the HPC, the follow-up to the Independent Review of the implementation of the IASC Protection Policy, and the flagship initiative of the Emergency Relief Coordinator that seeks to re-think the international humanitarian response in order to make it more focused on outcomes and put people and their priorities, needs and capacities at the forefront. There is also commitment amongst operational partners across the humanitarian sector to engage in collaborative approaches and in programming aimed at achieving protection outcomes.

In Somalia, it was recognised that the HRP needed to be aligned with the HCT Protection Strategy in terms of protection priorities and identified protection risks, and also to improve monitoring of the collective efforts made by the HCT and partners. Following are the recommendations put forward by the protection lead agency and the ProCap protection advisor to the HC/HCT.



¹¹In follow up to these recommendations the Humanitarian leadership in Somalia has further advanced its efforts in operationalizing the Centrality of Protection. In June 2023 the "Centrality of Protection Implementation & Monitoring Framework" was endorsed by the HCT. Available <u>here</u>.



RECOMMENDATIONS TO THE HCT IN SOMALIA ON HOW TO ENSURE SUFFICIENT RESOURCES AND OVERSIGHT ARE DEDICATED TO MITIGATING IDENTIFIED PROTECTION RISKS AND MONITORING THE IMPACT OF COLLECTIVE EFFORTS AS PART OF THE HRP¹¹

- 1. Ensure protection is integrated into the HNO and HRP in accordance with the OCHA note on integrating protection into the HPC
- 2. HCT to review and re-affirm the three critical protection risks people are facing (i.e., the current HCT Protection Strategy objectives).
- 3. The HCT to task the Protection Cluster to inform which groups are particularly vulnerable to these risks using the latest Protection Cluster protection analysis update and other combined monitoring and analysis sources.
- 4. The HCT to agree on an overarching Protection Strategic Objective for the HRP.
- 5. Protection actors and the ICCG to agree on specific objectives related to HCT Protection Strategy objectives.
- 6. Protection actors to develop practical field-based indicators that measure the action taken to address the critical protection risks and threats faced by those most at risk. These will be minimal in order that clusters and their partners can reliably report on them. The production of the indicators led by a small technical team (UNHCR, OCHA, Protection Cluster, ProCap, GenCap) and supported by IASC Task Force 1 on Centrality of Protection.
- 7. During 2023 the results will be measured by the HRP Monitoring Framework and presented quarterly to the HCT by OCHA and the Protection Cluster.

REFLECTIONS DURING FOCUS GROUP DISCUSSION WITH HUMANITARIAN AND PROTECTION PARTNERS IN AFGHANISTAN AND UKRAINE ON PROGRAMMING FOR PROTECTION OUTCOMES

In **Afghanistan**, the HRP has a clear objective on protection, which was promoted collectively by the ICCT. It is understood by all sectors that Afghanistan is a protection crisis and basic humanitarian needs are embedded in the crisis. Operational partners found that having a strategic objective in the HRP on protection is the first step for programming for protection in the response. However, it is not adequate, and it is not always clear to clusters/sectors what the programmes should look like. There is willingness at the operational level to engage and collaborate more with protection partners, also since the sensitivities around protection are so rigorous, the collaborative approach is seen as the only way forward to mitigate and reduce protection risks.

In **Ukraine**, it was also highlighted that there is willingness from other sectors and cluster to engage in planning and programming for protection, but there is a need for better guidance on how this is done, including how to identify indicators on protection for other sectors. The need to communicate in a common language on protection risks and to be more practical on how to mitigate and reduce risks, were other take aways.

PROTECTION MAINSTREAMING

"The Global Protection Cluster (GPC) defines protection mainstreaming as the process of incorporating protection principles and promoting meaningful access, safety and dignity in humanitarian aid. Similarly, the IASC Policy on Protection in Humanitarian Action (2016) states that protection mainstreaming is "an imperative for all humanitarian actors engaged in humanitarian response". It reiterates that protection mainstreaming "ensures a protection lens is incorporated into operations". Practically, "it is a way of designing and implementing all programmes so that protection risks and potential violations are taken into consideration. To mainstream protection, actors need to understand who is at risk, from what or whom as well as why, and the consequences their actions or inactions may have on the threats people experience and their vulnerability and capacity vis-à-vis these threats. This includes knowing how and where to refer people in need for specialist support to prevent or recover from violence and exploitation, as well as understanding when, how, and to whom to refer specialized protection issues."

The survey results for this report show that mainstreaming of protection is strongly considered across clusters and sectors (81%). However, while the principles of protection to avoid exacerbating harm are part of inter-cluster reflections and systems, the focus of protection mainstreaming is on the way programmes are designed and implemented and not how protection priorities are collectively identified in order to reduce risks and achieve protection outcomes. It is important that efforts to prioritise protection do not stop with protection mainstreaming. Protection mainstreaming will contribute to an understanding of protection risks and how to mitigate these, but not how to collectively address them.

As stated in the Protection Policy, protection mainstreaming requires an understanding of who is at risk, from what or whom and why. The focus is then on the consequences humanitarian actions or inactions have on the threats people experience and their vulnerability and capacity vis-à-vis these threats.



4. COLLECTIVE ADVOCACY FOR PROTECTION OUTCOMES

The Protection Cluster provides regular briefings to the HCT on critical protection risks / priorities.	The HCT has taken collective advocacy actions to address those protection risks.		Groups or networks of influential stakeholders to engage for advocacy exists.
62%	46%	85%	65%

Survey results based on 26 Protection Clusters operations.

*Result from the CCPM survey completed by 322 cluster members across 27 Protection Clusters

Collective Advocacy is an essential tool to support the achievement of protection outcomes and to prevent, stop and address violations of international law. Advocating for duty bearers to take action to ensure the protection of people in conflict and crises, is a critical part of protection work. Advocating to reduce protection risks can take different forms including through private and/or public advocacy and be carried out by multiple structures and organisations, from community groups influencing local authorities to national-level advocacy with duty bearers or mobilisation at the global level.

As stated by the IASC Protection Policy, the HC is responsible to ensure that respect for human rights and international humanitarian law by all parties, including non-state actors, is promoted by coordinating the advocacy efforts of relevant organizations and through private and/or public advocacy, as appropriate.



The HCT must therefore consider and agree on how best to leverage the different roles and capacities of different entities and on how to use regional and global actors and processes to ensure that advocacy takes place to support the achievement of protection outcomes and to prevent and address violations of international law.

Following the Independent Review of the IASC Protection Policy, Protection Clusters have strengthened their efforts to inform HC and HCT on critical protection risks and priorities. According to the survey results, 62% of Protection Clusters provide regular briefings to the HCT on critical protection risks and priorities. Protection Clusters typically produce presentations, briefings, and advocacy notes to mobilise the HC and other members of the HCT – including donors and head of agencies – to take up advocacy actions on issues of concern. According to the Protection Clusters' monitoring of their performance (CCPM 2022), protection partners rated the Protection Clusters' briefings to the HCT as 'effective' (27.9%) or 'moderately effective' (28.8%) – 'effective' being understood as with critical protection risks and priorities identified to inform HCT decisions-making and actions and key strategic recommendations formulated for action by the HC, Heads of Agencies, NGOs, donors. This solely reflects the evaluation of protection partners and would benefit from complementary feedback from HC/HCT and other clusters. Communication from Protection Clusters to HC and HCT is increasingly relying on robust protection risk analysis and being presented in the form of priority protection risks driving collective actions aimed at their reduction, even though this is still not systematic and there are ongoing efforts to strengthen collective protection risk analysis in all operations.

Protection Clusters report that, while private and public advocacy efforts are generally guided by IHL and IHRL frameworks, they do not always translate in collective actions to reduce protection risks under the leadership of the HCT. As an illustration, while 62% of Protection Clusters provided regular briefings to the HCT on critical protection risks and priorities, in only 46% of the cases, the HCT has taken collective advocacy actions to address those protection risks. In many operations, protection briefings provided to the HCT are acknowledged as shared information, with either actions agreed by the HCT delegated to the Protection Cluster or no HCT leadership on possible follow-up actions. Overall, there is a shared concern by Protection Cluster Coordinators about the limited feedback provided on follow-up actions taken by HCTs and the intrinsic difficulty to monitor and measure the impact of advocacy – let alone to demonstrate its effect on reducing protection risks and violations.

Ultimately, protection partners evaluated through the cluster performance monitoring exercise (CCPM 2022) exercise that collective advocacy actions, products and key messages conducted or produced by the Protection Cluster on behalf of protection partners and affected communities were 'effective' (35.4%) or 'moderately effective' (35.7%) – 'effective' being understood as coordinated, collective, inclusive, participatory, and representative of common positions and consensus. These efforts could be inclusive of other audiences in addition to the HCT, i.e., parties to conflict, government authorities, member states, donors etc. The following example from the Child Protection AoR in Syria highlights the importance of a partnership approach to advocacy as key to successful implementation.

COLLECTIVE EFFORTS TO ADDRESS GRAVE VIOLATIONS AGAINST CHILDREN IN SYRIA

Protection (CP) AoR has been working for the last two years on identifying actors that can influence and engage parties to the conflict to prevent and mitigate these grave violations. In close collaboration with humanitarian leadership, including regional directors and the regional Humanitarian Coordinator, the CP AoR, UNICEF, and others, UN partners have been working to bring actors to the table, including armed groups, to engage on the violations being committed. This collective effort has included meetings and workshops to build relations and explain the mechanisms surrounding Resolution 1612 on grave violations against children as well as awareness raising sessions on prevention of violations.

Concrete outcomes of these efforts are listed parties, including armed groups, showing willingness to sign an action plan and the establishment of a committee to address violations. To take this initiative forward, during a two-day workshop, actors also looked at the implementation process, which includes a technical level implementation strategy, led by the CP AoR and UN Agencies. Here the importance of a partnership approach to advocacy was emphasized as key to supporting successful implementation.



Protection advocacy to address risks and violations is directed to governments, parties to conflict and armed groups as they are the duty bearers under international humanitarian law and international human rights law. They may also be a source of protection threats and violations of rights, for example, through deliberate attacks on civilians or extra-judicial killings or failure to protect people from third parties or discrimination. Given its role and responsibility, the HC/HCT is considered as the forum to best channel advocacy messages on critical protection risks, as many Protection Clusters have limited, and in some cases, no direct contact with national authorities or parties to the conflict.¹² Similarly, protection advocacy with non-state armed groups involves channelling concerns through the HCT, although it remains sometimes unclear if and how these issues are raised with non-state armed groups by the HC or HCT leadership. In 2022, Protection Clusters in Nigeria, Venezuela, and Myanmar reported significant difficulties in pursuing themselves protection advocacy with national authorities given the limited scope for dialogue on protection issues.

STRONG PROTECTION ADVOCACY EFFORTS UNDERTAKEN IN NIGERIA TO ADDRESS CRITICAL PROTECTION RISKS

Protection risks are pronounced in North-East Nigeria, reflecting patterns of human rights violations, and exacerbated by highly constrained humanitarian access and an operating environment influenced by counterterrorism narratives and policies. Government-led camp closures in Maiduguri in 2022 have compelled IDPs to leave camps in the face of limited or no humanitarian assistance and move to areas, including to insecure ones where they are vulnerable to NSAG attacks, with movement restrictions and constrained access to basic services and livelihoods. This contributed to exacerbating protection risks for communities already in extremely precarious conditions.

In light of the rising human rights violations and the increasingly complex protection challenges, along with the lack of collaborative advocacy by protection and humanitarian, as well as development and stabilization actors, the Protection Sector in Northeast Nigeria (PSNE) strengthened its protection monitoring system laying down the ground for a collective, evidence-based protection advocacy approach. Drawing on diverse and credible sources, the PSNE's harmonized monitoring system allowed for a robust protection risk analysis through a shared understanding of threats, vulnerabilities and capacities, enabling an approach where multiple allies could collectively identify protection risks and speak with a common voice while pursuing complementary advocacy approaches and tactics. In addition to the production of advocacy products and regular engagement with HCT and ISCG at the national level, the PSNE also took forward collaborative advocacy priorities, among them on camp closure or IDP participation in elections, with relevant human rights mechanisms (e.g. Special Rapporteur on the Human Rights of IDPs) and other international channels. There was also regular engagement of the Protection Sector with the military through CM Coordination where the sector was able to address practices such as undermining of the separation of the civilian and humanitarian nature of the camps or reporting channels to address allegations of abuse. This engagement was evidence-based through the protection monitoring system in place. In Nigeria, the objective of any dialogue with the national authorities has often been to promote principled humanitarian action as a first step towards advocacy on specific protection issues.

Critical protection risks and violations are often underlying causes of humanitarian needs and may go beyond the capacity of humanitarian actors to address. Engagement and advocacy with development, human rights, peace, and security actors is critical to address protection risks related to, for example, physical safety, violence, coercion, and deliberate deprivation. As noted in the IASC Protection Policy, the HC and HCT must mobilize other actors within and beyond the humanitarian system, as appropriate, to contribute to collective protection outcomes. Thanks to complementarity of mandates, relationships and power dynamics, humanitarian actors, with the support of human rights, peace, and development actors, can influence, mobilize support, and engage in supportive advocacy, which may require systematic engagement with governments – including members of key inter-governmental bodies such as the UN Security Council and the UN Human Rights Council.



Such engagement should seek complementarity and, at the same time, preserve humanitarian principles and avoid confusing roles and responsibilities. The long-standing concerns that some humanitarian protection actors have on collaboration with development and human rights actors relate to the perceived impact this could have on their neutrality in terms of compromising operational access and ability to deliver protection services. However, some humanitarian actors such as double hatted Resident Coordinators/Humanitarian Coordinators and UNICEF are also development actors. Human rights actors such as OHCHR are formal members of the humanitarian system and engaged in humanitarian policy at global level, the Global Protection Cluster and response in the field, including as a member of HCTs, Protection Cluster lead or member. Local actors such as National Human Rights Institutions and human rights civil society also participate in humanitarian responses and this contribution needs to be strengthened. Furthermore, recent research suggests that there is "a growing recognition that engaging in protection advocacy per se is not at odds with the principle of neutrality" and that different forms of advocacy can be used, including private diplomacy (HPG and GPC, 2021; HPG interviews, 2021).

BUILDING STRATEGIC PARTNERSHIPS IN THE OCCUPIED PALESTINIAN TERRITORY

In the **occupied Palestinian territory**, there has been significant effort by humanitarian and human rights actors within and beyond the UN system, both international and local, to forge strategic alliances, to share information and analysis on risks to Palestinian civilians, and to engage in coordinated advocacy aimed at mitigating these risks, including relating to forced displacement and the conduct of hostilities. Bilaterally or via the Protection Cluster led by OHCHR, this has involved sharing time-critical information on communities at risk of forced displacement; consolidating contextual, stakeholder and legal analyses; agreeing on common terminology and positions; and coordinating tactics, including complementary legal action in Israeli courts, undertaking public advocacy, reporting to UN Special Procedures, and engaging in quiet diplomacy with Israeli and other authorities (HPG interviews, 2021; see also for example Protection Cluster in Palestine, 2015; HCT in oPt, 2019). This collaboration has enabled an in-depth, credible and more comprehensive analysis of protection risks in this context and the formation of a relatively, though not always, coherent position on key protection risks that is more difficult for conflict parties to challenge.

COLLABORATIVE ADVOCACY BETWEEN HUMANITARIAN AND HUMAN RIGHTS ACTORS

As highlighted in the ODI/HPG report on Collaborative Advocacy between Humanitarian and Human Rights Actors: Opportunities and Challenges, some common factors that enabled a collaborative approach, particularly with human rights actors was highlighted:

- 1. There was a clearly defined protection objective on a theme or issue that each type of actor could contribute towards.
- 2. There was an appreciation of the differing comparative advantages each had in contributing to achieving that objective. i.e., human rights actors provided detailed documentation of individual violations and humanitarian partners provided analysis of the impact of violations in terms of needs and vulnerabilities. Together these helped build a picture of a pattern of abuse that provided a stronger evidence base for advocacy.
- 3. Using their combined expertise enabled the partners to identify different tactics or points of leverage that had greater impact with the identified targets.
- 4. There was commitment at institutional level from the different actors involved that enabled structural collaboration that could be sustained over a period of time.

Especially in context where national and geopolitics are seen as key barriers or challenges to the ability to influence the behaviour of armed actors and parties to conflict the value of engaging with stakeholders outside of the humanitarian system is critical.

In some contexts, there exists groups or networks of influential stakeholders – inside or outside of the HCT – to further engage with for advocacy on protection issues. This can include INGO Forums or Advocacy Working Groups that Protection Clusters attend and closely coordinate with. According to the survey results, 65% of Protection Clusters engage with groups or networks of influential stakeholders to advance collective advocacy actions on protection issues. Examples from Palestine and Syria below illustrate the added-value of coordinate advocacy actions.

COORDINATING ADVOCACY EFFORTS TO ADVANCE PROTECTION OUTCOMES

In the **occupied Palestinian territory**, there is an established Advocacy Working Group (AWG), part of the HCT that coordinates joint and collective advocacy actions. The AWG, specifically for the West Bank, identifies prevention of forcible transfer as the most critical protection risks guiding advocacy. The advocacy actions are multifold, and include political demarches by member states, diplomatic visits to affected communities, joint campaigns by multiple actors or private advocacy by different UN agencies and INGOs. While there are naturally different advocacy streams and objectives by multiple actors, the identification of prevention of forcible transfer supports a common coherence across advocacy initiatives. Advocacy actions by INGOs, UN Agencies, Member States and other HCT members are thus organically reflected upon thanks to regular coordinated work of the Advocacy Working Group and the identification of a common protection risk.

In Whole of Syria, in line with its responsibility to contribute to collective Centrality of Protection efforts, the Protection Sector provided advice to the HC/HCT and humanitarian community on critical protection issues. These included e.g. key protection considerations in cross-line delivery, guidance on relocation of IDPs and admission of IDPs to camps, a guidance note on prevention of forced evictions from camps in NES, early recovery and resilience approaches to protection, and key messages on protection concerns specific to women and children in Al Hol. The Protection Sector, AoRs, and OHCHR Human Rights Advisors at the Whole of Syria level submitted a comprehensive advocacy plan to the Strategic Steering Group (SSG) and HC/RC on major protection of children in armed conflict), Freedom of movement, Mitigation of the risks of Gender-Based Violence, Survey and Clearance of explosive ordnance and Documentation including personal and housing, land and property. The protection plan was endorsed by the Whole of Syria SSG and covers all hubs operation in Syria including government and non-government-controlled areas.

As stated by the Independent Review of the implementation of the IASC Protection Policy, addressing protection risks, particularly through advocacy, is often perceived as potentially compromising access to areas and communities in order to deliver assistance. There is also a "widespread perception [...] that protection activities, particularly those that seek to prevent and respond to the most acute risks, are inherently political and may undermine humanitarian principles, particularly neutrality".¹³

While all aspects of humanitarian action carry risks, the risks of engaging in public protection advocacy are often some of the most visible - captured by the media when a senior humanitarian is made persona non grata by a government for having spoken out, or when an organization is denied access to communities facing protection risks as (real and/or perceived) blow-back from its advocacy efforts. Although such dilemmas are often grounded in complex operating environments (Afghanistan, Burkina Faso, Ethiopia, and Myanmar), the many risks associated with protection advocacy are often assumed, rather than assessed, and frequently overstated¹⁴. At the same time, however, when there are adverse impacts from protection advocacy efforts and an organization is faced with suspended operations or other consequences, the story often stops there, with little examination of how organizations manage these residual risks, impacts on other protection actors and what it concretely means for communities' access to protection and other services. How humanitarian leadership and protection actors are assessing and managing advocacy-related risks in support of protection outcomes are critical questions across and beyond the sector, with direct impacts on the shared commitment to Centrality of Protection. In addition, these questions are most often considered internally by organizations but not often enough collectively unpacked and examined. At a time when the implementation of Centrality of Protection is under review, using risk-informed advocacy to strengthen protection outcomes is more of an urgent imperative than ever before.

 ¹³Independent Review on the IASC Protection Policy, March 2022, p. 39
 ¹⁴Metcalfe-Hough, V. (2022) Advocating for the better protection of civilians: from stagnation to action. HPG report. London: ODI.



5. ACCESS NEGOTIATIONS FOR PROTECTION OUTCOMES

Operations with an active Access Working Group ¹⁵	Protection Clusters are actively participating in existing Access Working Groups	
77%	58%	86%

Global Protection Update - March 2023; OCHA - 2023

While **access impediments** continue to hamper the delivery of humanitarian assistance as a whole, protection actors and services are often disproportionately affected. Communities or groups experiencing severe protection risks are often those with the least amount of access to life-saving support and some of the hardest to reach. In some contexts, this is by design, with access-related restrictions part of the strategies used by parties to a conflict to inflict harm on civilians. Protection-related actions can also be perceived as particularly sensitive or threatening by relevant authorities or parties to conflict, which at times results in self-censoring by humanitarians¹⁷. The sheer number of armed groups operating globally is also complicating access in many contexts, with an estimated 60 to 80 million people living under the direct State-like governance of such groups, creating an increasingly fragmented context for engagement and negotiations¹⁸. As noted in the Independent Review of the implementation of the IASC Protection Policy, there is potential for addressing access issues with a stronger focus on achieving protection outcomes. This includes having a comprehensive understanding of access for the purposes of protection and clearly articulating this.

Protection services require safe, timely and sustained access for proximity to affected communities, including for ongoing trust-building and engagement with communities, and the delivery of specialized services. However, Protection Clusters have observed deteriorating access to affected populations in 30% of contexts throughout the last three quarters of 2022. Similarly, Protection Clusters reported that access of affected populations to protection services has deteriorated in 25% of contexts throughout the last three quarters of 2022. In several situations, like in Ethiopia (before the signing of the peace agreement in November), Sudan, Mozambique, Yemen, or Somalia, it is estimated that less than a quarter of the affected population can be reached by protection actors or can reach any type of protection service¹⁹.

The deprivation, denial of or impediment to access to basic services and assistance is a grave protection risk and one that must be addressed collectively as an integral aspect of response efforts. As stated by InterAction, "when people are being deliberately deprived, increasing access therefore should be part of a strategy to reduce this risk and, in essence, helps to achieve protection outcomes"²⁰.

In 2022, the GPC undertook a focused effort to better understand how access constraints are impacting protection action specifically and what can be done to address these challenges. Based on a series of consultations, events, and reflections throughout the year, the GPC has developed two priority areas for change, reflecting the opportunity to further ensure that humanitarian access is centred around protection objectives. Through its Campaign on Access that Protects, culminating in the publishing of an <u>Agenda for Change</u> in collaboration with OCHA, the GPC led efforts to better understand the complementarity between access and protection. It showed the opportunities that exist across the humanitarian system to ensure that diplomacy and negotiation on humanitarian access are strengthened so that protection is elevated as a collective objective, and that access efforts never come at the expense of protection.

¹⁵ Afghanistan, Cameroon, CAR, Colombia, DRC, Ethiopia, Haiti, Nigeria, Somalia, South Sudan, Sudan, Syria (NW), Venezuela, Ukraine, Yemen.

¹⁶ Data from OCHA's HPC Quality Review, 2023; ¹⁷GPC, Access That Protects, an Agenda for Change. December 2022. Available here.

¹⁸ ICRC, Engagement with Non-State Armed Groups. Available <u>here</u>.

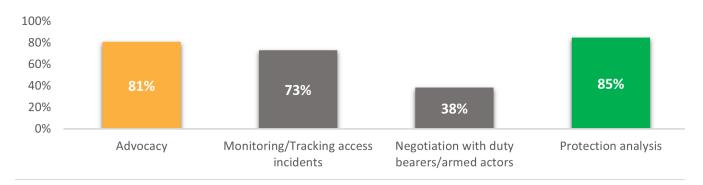
¹⁹ Data collected from Protection Clusters on a quarterly basis in 2022 and available via the GPC's Global Protection Updates.

²⁰ InterAction, Understanding the Complementarity between Access and Protection, available here.



More explicitly, advancing protection objectives through existing humanitarian access mechanisms at global and country levels, such as the Access Working Groups and OCHA's Access Monitoring and Reporting Framework, represents a critical opportunity for action. Concretely, joint and coordinated efforts between Protection Clusters and Access Working Groups, for example, and ensuring protection aims are central to HCT Access Strategies and messaging on access are imperative for more joined up and effective action in support of protection outcomes – with access being the 'means' and protection the 'ends'. This collaboration should go beyond technical and operational information-sharing related to humanitarian access arrangements (inc. information about humanitarian pauses, corridors, days of tranquillity, frontlines, ceasefires, etc.) aiming at mitigating/reducing protection risks and achieving protection outcomes. According to the GPC mapping, across 77% active Access Working Groups, 58% benefited from the participation of the Protection Cluster in 2022 – while levels of contribution, engagement and impact differ from one operation to another.

Another key element put forward as part of the Access that Protects: An Agenda for Change report, and which the Global Protection Cluster, OCHA and Protection Clusters are focused on advancing relates to ensuring sustained, quality access that enables protection. Ultimately, access that is one-off or time bound, enabling a limited number of trucks to get through a checkpoint one time or allowing the distribution of shelter materials but not the delivery of GBV services, are not conducive to protection services. To work towards sustained, meaningful access that enables communities' access to needed services and ensure ongoing community engagement, community-based protection efforts offer an important way forward, recognizing and further supporting those who often have the best proximity and access – local actors and affected communities themselves. Such community-based approaches, along with humanitarian diplomacy that considers protection objectives as part of negotiations for access, are critical.



Types of efforts undertaken by Protection Clusters in relation to bringing protection considerations into access discussion and fora.

Protection Clusters reported a range of efforts in relation to 'access that protects', including bringing protection considerations and analysis into access discussions and fora (85%), and bringing attention to the impact of access constraints on protection through advocacy (81%). Protection Clusters also encouraged their members to report access incidents through OCHA reporting system or other mechanisms in place at country level (73%), and to a lesser extent supported negotiation efforts undertaken by its members, OCHA or HC/HCT (38%). The Protection Sector as a whole is playing a leading role in accelerating localization, with diverse protection actors taking a strong focus on community-based and community-led protection efforts, including those that directly support strengthened access for protection purposes. In 2022 at the mid-year point, the Global Protection Cluster reported that 17% of funding for the sector was going to local partners²¹.

Good practices on how an enhanced collaboration between Protection Clusters and Access Working Groups can lead to effective protection outcomes were captured during a <u>virtual event</u> organized jointly by UNHCR and OCHA during the Global Protection Forum. The following example illustrates the increasing humanitarian access constraints impacting the operational environment in Afghanistan and the role of the Humanitarian Access Group (HAG).

²¹GPC Mid-Year Funding Review, June 2022, available here.

NEGOTIATIONS AND STRATEGIC ENGAGEMENT AT THE LOCAL, PROVINCIAL AND NATIONAL LEVELS TO RESUME HUMANITARIAN ACTIVITIES IN AFGHANISTAN

In December 2022, the de facto authorities in **Afghanistan** issued two decrees restricting women and girls from public spaces and depriving them of their basic rights and opportunities to contribute to their family's financial situation and the country's development. The decree issued by the Ministry of Economy on 24 December, banning female I/NGO humanitarian aid workers from working, not only impacted the female aid workers, but also deprived the aid recipients of lifesaving assistance. Several international non-governmental organizations (INGOs) operating in Afghanistan temporarily paused operations, including many protection partners. However, following an ad hoc exception, particularly for health and primary education activities, some partners partially resumed their activities mainly through adaptation modalities.

As highlighted by the <u>Afghanistan Protection Analysis Update</u> published in February 2023, with humanitarian operations significantly obstructed through this ban, the protection partners saw an increase in reliance on negative coping mechanisms such as early marriage or child labour. The GPC and its AoRs issued a <u>Joint Statement</u> condemning with a unified voice the decision of Afghanistan's de facto authorities and calling to revoke the ban on women working for non-governmental organisations (NGOs). The Humanitarian Access Group (HAG) strengthened its access analysis by reviewing the Access Monitoring and Reporting Framework (AMRF) as well as developing several new products, including a 'Female Participation Map' which tracks female humanitarian engagement in the post-15 August environment, and 'Access Severity Mapping' to provide a common narrative on access in the country, complemented by response and areaspecific analysis/products.

During this complex period, strategic advocacy and engagement at the most senior level led by the Humanitarian Coordinator was ongoing with the relevant de-facto authorities, at the local, provincial, and national levels to address the challenges and resume humanitarian operations in the province. The HCT collectively adopted in December 2022 re-enforced Joint Operating Principles (JOP) and the Access Strategy to harmonize common positions reflecting humanitarian policies and establishing practices for interaction with duty bearers where all humanitarian actors have agreed to hold themselves accountable. OCHA, in collaboration with humanitarian partners and through HAG, continued to engage with de-facto authorities to negotiate at the very local level and obtain exceptions and resume of humanitarian activities, including protection services. Through its advisory role to the humanitarian leadership, the HAG supported the engagement efforts with de-facto authorities on critical issues such as expanding access and the humanitarian operational footprint, addressing violence and intimidation against humanitarian personnel as well as on issues related to assurances for continued female participation in humanitarian work. The HAG was also complemented by a national NGO Humanitarian Access Group (NHAG) which provided a platform to ensure that unique and specific access concerns of national NGOS are better heard, tracked, and addressed. Advocacy and negotiation were used in Afghanistan in a complementary way at the service of access and protection outcomes.

CONCLUSION AND KEY INSIGHTS

The findings from the consultations, survey and desk review reveal opportunities and ongoing efforts aimed at achieving protection outcomes by reducing threats and vulnerabilities and strengthening capacities and addressing the willingness of duty bearers to respect and protect rights. Technical guidance is available in several areas instrumental for addressing protection risks including protection risk analysis, advocacy, and access negotiations, while more efforts are needed to disseminate and systematically implement these in humanitarian programming and action. There is also strong technical protection expertise across operations and willingness from non-specialized protection sectors to contribute to a protection centered response, which is fundamental for advancing outcome-oriented actions to achieve protection outcomes and reduce humanitarian needs.

Among the humanitarian clusters and partners there is increased awareness of the value of protection risk analysis in humanitarian programming and of understanding underlying factors that are driving displacement and humanitarian needs. In certain operations the development and use of protection risk analysis to inform the HCT Protection Strategy, HNO and HRP is becoming the standard, while for others more collective support including capacity and resources as well as stronger political buy-in is needed to achieve this.

While existing protection analyses, produced by Protection Clusters, have largely been focused on humanitarian issues to inform the HCs/HCTs, more systematic engagement with peace, development and political actors would strengthen the conflict and political dimensions of these analyses. Analyses that provide a more solid ground of existing protection risks, including their humanitarian, development and political dimensions, could potentially lay out a common ground and a set of gains in the use of complementary mechanisms and actions (such as Nexus strategies, UNSDCF, etc.) aiming at mitigating and responding to common protection outcomes.

Engagement with and support from human rights actors is essential to realize the centrality of protection. More work needs to be done to build on past and existing collaboration between OHCHR, national human rights institutions and human rights civil society and humanitarian actors.

The correlation between the HCT Protection Strategies and the HRP strategic objectives on protection is seen as enabling more action-oriented plans to collectively address priority risks. It is recommended to ensure that the collective strategies and plans are informed by the same protection analysis and priority protection risks.

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A majority of consulted Protection Clusters and operational partners indicate that efforts to mainstream protection continue to be essential in order to mitigate protection risks and ensure a principled response. Even if not aimed at addressing the most severe protection risks (i.e. systematic violence or attacks on civilians), protection mainstreaming efforts will impact the safety and dignity of the affected populations, including their efforts to claim their rights.

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The forthcoming IASC TF1 "Benchmarks for HCT collective implementation of the IASC Policy on Protection will help to address several of the challenges identified in this report. The benchmarks provide clarity on what is required by the HCTs to implement the Centrality of Protection in terms of 1) Analysis and prioritization; 2) Response planning and implementation; 3) Monitoring and evaluation, and who is responsible for the different actions. The benchmarks are also expected to increase the ownership by HCTs of the development and implementation of HCT protection strategies and action plans. Their implementation should build on the 2022 advancements by the protection sector and partners to analyse protection risks and collective efforts to address those.

8

How humanitarian leadership and protection actors are assessing and managing advocacy-related risks in support of protection outcomes are critical questions across and beyond the sector, with direct impacts on the shared commitment to Centrality of Protection. At a time when the implementation of Centrality of Protection is under review, using collective and risk-informed advocacy to strengthen protection outcomes is more of an urgent imperative than ever before.

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While important measures are taken by "non-specialized protection" clusters and protection clusters to collectively understand protection risks and underlying factors that drive the humanitarian needs and to engage in joint advocacy efforts, there is little change in the humanitarian response and programming to ensure collective and intersectoral action towards achieving protection outcomes. There is a need to shift towards integrated programming (to allow integrated actions under sector specific HRP programming) or dedicated priority areas common to all sectors (i.e., one programming objective of each sector should be common and address protection risks). Some good initiatives currently underway will support this shift, including efforts to lighten the HPC, the flagship initiative of the Emergency Relief Coordinator that seeks to re-think the international humanitarian response in order to make it more focused on outcomes, and the follow-up to the Independent Review by the IASC Principals to reinforce the collective approach and leadership by the HCTs to address critical protection risks in conflict and disaster contexts.