

IASC Management Response Plan to the Recommendations from Whole of System Review of Protection

DRAFT 7 March 2016

Recommendation 13.3:

Humanitarians and Human Rights Up Front:

HRUF secretariat and other actors as appropriate:

- Make a concerted effort to reach out and engage with the different humanitarian constituencies beyond the UN system, including in particular national civil society actors that development actors often work closely with, in order to benefit from their insights and experience and to explain the added value of the HRUF initiative;
- Clarify conceptual and practical differences, as well as complementarities, between HRUF and, for example, the UN SG's Zero Tolerance Policy on Sexual Exploitation and Abuse, the UN's human rights Due Diligence policy, 195 Responsibility to Protect and other anti-atrocity agendas; and clarify how it is envisaged that UN personnel will give effect to their core human rights responsibilities particularly given the challenges with realising PSEA commitments;
- Acknowledge the significance of complementarities and differences between IHL and IHRL and, similarly, the cultural roots that support respect for fundamental norms in crisis settings;
- Support humanitarian actors in the development of guidance that will help them give effect to the HRUF agenda or particular aspects thereof. Guidance should address tensions on issues such as humanitarian access in the context of willful harm to civilians, and anti-impunity initiatives to counter mass atrocity crimes and other egregious human rights violations;
- Consult humanitarian actors as appropriate, in the preparation of regular HRUF related analyses of trends that shape or influence prevailing or potential human rights situations, with a view to facilitating the identification and prioritisation of issues or circumstances that endanger at-risk communities;
- In developing a common information management system on violations of IHL and IHRL, linked to early warning and early action, consider the appropriateness of an independent organisation similar to the Internal Displacement Monitoring Centre or the Assessment Capacities Project;
- Support the development of a protocol(s) to facilitate information management on IHL and IHRL matters so that issues of confidentiality are addressed; the UN SCR 1612 and UN SCR 1960 on Monitoring, Reporting and Analysis Arrangements can provide helpful lessons and guidance in this regard; and

Review, in collaboration with all concerned UN entities, institutional policy and procedures so that staff members who take a proactive stance on contentious protection-related issues, including in reference to PSEA, can raise concerns to appropriate decision-makers and are not penalised for doing so.

Management Response:

Some of the proposals making up this recommendation should be accepted, while others require further development/could be implemented with modifications.

Follow Up Action	Comments	Component actions (with timeframe)	Lead Organization
Bring all elements of this recommendation to the attention of EOSG and work with it to agree on follow up actions. Elements of the letter: - more guidance on the implementation of HRUF, how does it align with other initiatives. - how should information be managed? - articulate how we see the coordination between IASC and		WG to draft letter 1st draft by 24 February Endorsement by WG by 31 March	NRC with members of the sub-group + in consultation with HRUF secretariat

HRUF.			
Consider opportunities to complement the HRUF initiative in the context of follow-up actions. PSEA R2P		Agencies to check ongoing initiatives/mechanisms. By 26 February Feedback to sub-group + add to the letter to EOSG as appropriate	All agencies individually
Ensure that the IASC Protection policy: <ul style="list-style-type: none"> takes into account the HRUF initiative (including with regard to the sharing of analysis, information-sharing safeguard), complementarities between IHL and IHRL and synergies with UNCT strategies and approaches acknowledges the need for safeguards in the sharing and use of information 		Include these elements in a checklist for the WG for the review/endorsement of the Protection Policy	IASC secretariat
Develop protocols on confidentiality in relation to IHL and IHRL issues. (Note: Consider linkages with other information management initiatives. Implementation will facilitate action on Recommendation 13.5)	Concerns: - Not clear whether this is for the WG to take forward. - Alignment of policies among organizations may be difficult. Conclusion: this might be outside the scope of the WG (could change with WHS)?		
Review institutional policy and procedures to ensure staff members are supported and not penalized for raising contentious protection issues, including PSEA. (combine with the corresponding action under Rec 13.7)	WG can strongly advise, but not prescribe		
Recommendation 13.4.1:			
<i>Leadership:</i> To give effect to the IASC Statement on the Centrality of Protection and HRUF commitments, steps must be taken to empower and hold the HC and HCT to account; this includes strengthening the availability of dedicated protection expertise and protection coordination arrangements. Specifically:			

- At the headquarters level, the ERC, IASC, Emergency Directors and GPC should ensure that the forthcoming IASC protection policy articulates key stakeholder roles, responsibilities and accountabilities including in relation to leadership;
- When appointing HCs, the ERC and the IASC must systematically ensure that they have a suitable humanitarian background, relevant experience and routinely undertake specific training on regular and new concerns pertinent to leadership on protection matters;
- At the field level, HCs and HCTs, with the support of the Senior Protection Officer (SPO) and other partners, should develop an overarching HCT humanitarian strategy that is protective. The strategy should be accompanied by an action plan with specific, measurable and time-bound objectives identifying desired outcomes and anticipated impact. In this sense, protection should be central to SRPs.

The ERC, and the IASC Principals should, in the coming months, identify key incentives for an assertive HC role on protection. OCHA, together with the GPC and other relevant stakeholders, should review existing guidance and ToRs for HCs taking into account the HRUF initiative as well as the identification of measurable outcome indicators. In this connection:

- All HCs and HCTs should be held to account for developing a protection analysis and overarching strategy, as well as means to monitor its implementation and impact;
- The ERC together with Emergency Directors should appraise the HC and HCT performance against defined protection outcomes on an annual basis. When the HC is performing poorly the ERC should directly intervene and take the necessary corrective measures to encourage better performance or seek a replacement when deemed necessary;
- The HC should not be triple-hatted in UN peacekeeping mission settings so s/he can adequately respond to humanitarian protection needs and preserve independence and neutrality; and

HCs and HCTs should engage with the leadership of UN integrated missions so that there is a common understanding of what protection with the use of force looks like in practice and the implications of this for humanitarian action.

Management Response: While several of the recommendations can be undertaken, the majority require further development and may only be implemented following further consultations and/or with modifications.

Follow Up Action	Comments	Component actions (with timeframe)	Lead Organization
<p>Continue to reinforce RC/HC's Leadership on Protection by:</p> <ul style="list-style-type: none"> • Identifying key obstacles to ensuring the appointment of qualified RC/HCs, including appointment of more qualified candidates by IASC members • Assessing the need for further guidance or changes to ToRs for RC/HCs taking into account the HRUF initiative and the identification of measurable outcome indicators • Putting in place key incentives for RC/HCs to be assertive towards protection • Assessing means to strengthen current training/mentoring opportunities for RC/HCs • Exploring the synergies of RC/HCs appointment, accountability, performance, training with steps taken under the HRUF initiative to build human rights into RC/HC responsibilities • Assessing needs and mechanisms to strengthen RC/HCs accountability for developing a protection analysis and overarching strategy, as well as means to monitor implementation • Assessing, and developing as/if necessary, the need for 		<p>Request an update from OCHA-HLSU on where these processes stand (status of ToRs, training...)</p> <p>Ensure that protection is at the center of the processes</p>	<p>OCHA</p>

<p>additional criteria for RC/HC performance on protection and consider the potential need for corrective measures in the case of poor performance, including the potential for RC/HC replacement</p> <ul style="list-style-type: none"> • Provide regular feedback on RC/HC performance on protection 			
Strengthen RC/HC and HCT engagement with the leadership of UN political and peacekeeping missions, including to with respect to the use of force		Same action as previous point	OCHA
<p>Recommendation 13.4.2: A dedicated protection capacity, comprising at least one SPO, at the P5 level or above, should be established in the HC's office. The SPO should report directly to the HC and be a member of the HCT The SPO should:</p> <ul style="list-style-type: none"> • Provide sound and timely analysis of threats and drivers of risk that undermine the safety and dignity of the humanitarian caseload, drawing, inter alia, on the work of the Protection Cluster; • Ensure that protection strategies are informed by, and where appropriate help to strengthen, the coping mechanisms of affected populations; • Advise the HC and the HCT on all protection matters drawing on the work of the Protection Cluster and, as appropriate, other actors such as the ICRC, OHCHR, UNSC, DPA, UN peacekeeping missions and others engaged in protection; • Support and guide the development of a strategic vision, in collaboration with key stakeholders, so that there is system-wide clarity on the nature and severity of life-endangering, as well as other threats, and the systemic approaches to address them; • Monitor and report regularly to the HC/HCT on the implementation of the system-wide protection strategy and recommend adjustments as new threats arise or the situation evolves; • Maintain a close working relationship with the Protection Cluster co-leads, while remaining distinct from the Protection Cluster, which should focus on measures to address protection concerns at the operational level; and • Ensure that relevant issues identified by the protection and other clusters are brought to the attention of the HC/HCT and that HC/HCT decisions on such matters are disseminated as deemed appropriate at the capital and sub-national field level. <p>The SPO position should be staffed through competitive recruitment from a pool of UN agency/NGO/ other candidates with relevant field experience in protection programming. The SPO could be deployed through a strengthened ProCap-type arrangement, an OHCHR rapid deployment mechanism or via OCHA/UNDP. The SPO should be appointed for a minimum of one, preferably two, year's duration. Once an SPO is deployed, the functions of the Protection Cluster should be re-focused on the coordination of protection services for preventative, responsive and remedial actions, other protection activities, environment building and the identification of issues for strategic advocacy.</p>			
<p>Management Response: The entirety of this recommendation requires further analysis and exploration before action can be undertaken.</p> <p>The sub-group supports this response - there is agreement on the larger issue, but little (if any) support for this recommendation of having an SPO. Recommendation to the WG: having an SPO does not necessarily address the problem. WG should discuss the larger issue.</p>			
Follow Up Action	Comments	Component actions (with timeframe)	Lead Organization
Set out a clear problem statement and determine options to address the most pressing concerns or gaps, taking into account		Sub-group to list options. WG to discuss	

the pros and cons as well as potential implications and consequences of an SPO or other alternatives to reinforce RC/HC's and HCT's leadership on protection.			
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Recommendation 13.4.3:

100 per cent of the GPC Coordinator's time should be dedicated to leadership of, and support to the Protection Cluster system; this means delinking this role from functions that are the responsibility of UNHCR's Division of International Protection. The staffing of the GPC Support Cell should include a representative balance of INGO and UN staff dedicated to supporting protection clusters in the field. More specifically:

- The GPC Support Cell should ensure consistent provision of support to all Protection Cluster coordinators regardless of agency affiliation;
- UN and NGO Co-Leadership of the Protection Cluster at the global and field level should become standardised practice based on Partnership Principles and given immediate effect; donors should support this practice;
- Protection Clusters should work closely with and regularly report to the SPO in the identification of threats, the analysis and prioritisation of same, as well as support the development of an overarching, protective, humanitarian strategy;
- Areas of Responsibility, with the support of the GPC, need to be better integrated into an overall, agreed approach at the global and field level while retaining sufficient flexibility to coordinate pro-actively their specialised activities;
- Standard Operating Procedures should be developed in order to clarify roles, responsibilities, procedures and respective accountabilities between the Global Protection Cluster, the Areas of Responsibility and Task Teams at both headquarters and field level;
- In the forthcoming IASC protection policy, Cluster leadership and international and national NGO coleadership roles and responsibilities as well as the role of OCHA and I-CC in relation to mainstreaming need to be clearly articulated both at the global and field level and measures taken to capacitate same; and

The Global Cluster Coordination Group should agree on, and set a timeframe for, other clusters to invest resources to give effect to protection mainstreaming commitments and responsibilities, including finalising the development of cluster specific tools.

Management Response: While the majority of the recommendations were supported, some require further elaboration and consultations.

Follow Up Action	Comments	Component actions (with timeframe)	Lead Organization
Engage in dialogue with UNHCR leadership on the establishment of a full time Global Protection Cluster Coordinator		UNHCR to confirm the establishment of a P5 GPC coordinator position by 31 March 2016	UNHCR

Recommendation 13.5:

To secure a holistic approach to the development of crisis analysis and needs assessment as a basis for the formulation of an overarching strategy and response that is geared to maximising and monitoring protection interventions, it is recommended that:

- To improve coverage, the forthcoming IASC protection policy should require the humanitarian system to adopt a whole of caseload approach that addresses contextualised risks, patterns of harm, and coping mechanisms of all at-risk groups and individuals;

In situations of humanitarian concern, where the affected population is located in multiple, internal and trans-national locations, or is on the move between different locations, a "one caseload, one strategy, one appeal" approach should be instituted. Practically, this would require the appointment by the ERC/ IASC of a senior HC responsible for developing a whole of caseload strategic response plan and appeal for the entire crisis-affected population with due reference to existing mechanisms for refugees and other at-risk groups including IDPs, the besieged and others at imminent risk

The HC, HCT, OCHA and the PC, together with other key humanitarian stakeholders should regularly develop and update an overarching strategic approach to protection; this needs to go beyond box-ticking SRP processes and be informed by timely analysis of evolving threats and patterns of harm through consistent:

- Inclusion of a ProCap Adviser and/or Senior Protection Officer in future United Nations Disaster Assessment and Coordination missions as well as revision of relevant Standard Operating Procedures to this effect;
 - Inclusion of protection considerations throughout multi-sector assessments including the Multi-Sector Initial Rapid Assessment (MIRA);
 - Generation of timely analysis based on early warning and information management mechanisms, and until a common information system on violations of IHL and IHRL is developed, draw on existing UN SCR 1612 and 1960 monitoring mechanisms, conflict analysis, and human rights analysis from OHCHR, Special Rapporteurs and Representatives and international and national human rights NGOs;
 - Identification of achievable protection objectives including an overarching strategic approach at the HCT level, strategic advocacy and, dedicated protection and mainstreaming programming; such strategies should further identify how each humanitarian actor contributes to achieve them and complementarities required with other stakeholders such as development, political and peacekeeping;
 - Identification of human and financial resources and necessary budget prioritisation that are required to achieve identified objectives; and
- Review of performance against agreed outcome indicators and targets as well as quarterly reports to the HC at the country level and ERC

The IASC Policy on Protection should provide minimum level guidance on monitoring and evaluation in order to facilitate the measurement of protection outcomes. To this end:

- The IASC and GPC Task Team should develop a results-oriented approach to protection that identifies intended outcomes at the strategic and operational levels taking account of Recommendation 13.1;
- Key humanitarian actors at the field level including the HCT, PC, I-CC and other cluster leads, with technical support from the GPC, should develop and use joint monitoring and evaluation frameworks and outcome measurement tools to review performance and identify corrective measures for dedicated protection initiatives, protection mainstreaming and system-level strategies (see Recommendation 13.1. Core principles/approaches);
- Key humanitarian actors including the GPC, PCs and member state donors should develop a common approach to determining protection outcomes, including outcome mapping and theory of change methods, to measure strategic and operational protection outcomes;

To improve learning and accountability, GPC, donors, I/NGO consortiums and other key actors including ALNAP should regularly distil and share key lessons learned in relation to protection outcomes and impact measurement.

Management Response: Many of these recommendations can be implemented especially as they underpin the elaboration of an Explanatory Note as part of the IASC Protection Policy (Rec 13.1) The recommendation for the appointment of a dedicated senior RC/HC for “developing a whole of caseload strategic response plan and appeal for the entire crisis-affected population” requires more discussion by the IASC WG. Some work has already been done on aligning existing policies and coordination mechanisms to ensure greater continuity of response to the ‘whole caseload’

Follow Up Action	Comments	Component actions (with timeframe)	Lead Organization
Review and determine adequacy of current mechanisms in ensuring a holistic approach for all at-risk groups and individuals.	The way this is approached may need to change significantly if there are major system changes resulting from the WHS	after WHS	OCHA (with inter-agency group)

On-going revision of TA protocols (MIRA, Cluster Coordination Module, etc.) should include collective and timely protection analysis. e.g. assess whether analysis should be delinked from the HRP cycle; i.e. continuous analysis		(by end of April 2016)	OCHA (with inter-agency group)
Scope, coverage, timeliness and expertise for analysis needs to be considered, including mechanisms for generating analysis in addition to what is envisaged in the Humanitarian Programme Cycle (including funding appeals). Analysis to draw on UNSC 1612 and 1960, conflict analysis, OHCHR and HR mechanisms			
<p>Recommendation 13.6: At the global and field level, approaches, methods and tools for systematising Accountability to Affected Populations, should be finalised by the AAP Task Team and consistently implemented by OCHA and the I-CC mechanisms at the field level. More specifically:</p> <ul style="list-style-type: none"> • Global accountability tools and guidance inclusive of PSEA mechanisms, including victim-accessible complaints procedures, assistance services, and timely investigation of allegations should be finalized and disseminated by the AAP Task Team within the next 6-12 months; • The AAP Task Team should provide technical support to facilitate consistent attention to AAP accountability concerns at the field level across different crisis settings; • At the field level, OCHA and the I-CC should take the lead on system level accountability, ideally with an INGO or NGO co-chair, using the above mentioned tools and ensure complementarity with mainstreaming approaches; • Individual agencies should adapt global level accountability tools and guidance to give meaningful effect to institutional AAP commitments; • Systematic identification of and, where possible, support to, individual and community level coping strategies, by the protection sector and others humanitarian actors as appropriate; and <p>The IASC should select AAP as the next thematic priority and the AAP Task Team should work with the PMTT to consolidate approaches and tools.</p>			
<p>Management Response: This recommendation is accepted in its entirety, while noting that AAP includes a specific component related to the Prevention of Sexual Exploitation and Abuse (PSEA).</p>			
Follow Up Action:	Comments	Component actions (with timeframe)	Lead Organization
Accept the recommendation in its entirety while: <ul style="list-style-type: none"> • Noting implementation through the AAP/PSEA TT and GPC Mainstreaming Task Team • Calling on system-wide support for implementation, including by embedding collective accountability into the Humanitarian Programme Cycle 		Check that the TT AAP/PSEA workplan includes the components (endorsement of the TT workplan in March/April 2016)	
<p>Recommendation: Donors including member states, UN agencies and INGOs need to ensure that funding and human resource policies and practices are conducive to achieving protection outcomes by implementing the following actions:</p>			

- The IASC should develop a policy on minimum human resource standards to safeguard the rights of staff who are proactive on contentious protection issues; this includes raising concerns at the field and headquarters level;
- The IASC should also develop policies to strengthen training for staff at all levels as well as confidential complaints mechanisms including access to Ombudsperson capabilities and immunity provisions in the context of overall human resource policies;
- The IASC and GPC should commission an independent, system-wide audit of protection staffing within the next six months to determine current UN and INGO practices including excessive reliance on roster resources, identify recommendations for strengthening internal agency capacity, mentoring options for emerging talent, better utilisation of ProCap and other resources and systematised staff care for all employees;
- OCHA and the GPC should identify measures so that national NGOs can secure regular access to humanitarian funding mechanisms;
- The IASC should engage with development actors to strengthen coordination between protection strategies and tools such as the UN Development Assistance Framework and the SRP;

Donors including the UN, INGO and member states should review, and adapt their internal programme prioritisation processes so that resources provided for protection mainstreaming do not marginalise or undermine resource allocation for dedicated protection activities

Management Response: The bulk of the recommendations are accepted. The recommendation on the development of policies on complaint mechanisms and access to ombudsman needs further development, including additional consultations with inter alia the EOSG (HRUF), OHCHR, ILO and the UN Ethics Office

Follow Up Action:	Comments	Component actions (with timeframe)	Lead Organization
Informed by a survey of staff, develop IASC policy minimum human resources standards to safeguard personnel proactively raising contentious issues, including the creation or use of existing confidential complaints and ombudsman mechanisms. This action should be combined with the corresponding action in Rec 13.3		include in the letter to HRUF: establishment of a mechanism to report	
Upon adoption of IASC Protection Policy, assess and develop a plan to support staff training to give effect to the Policy		refer to checklist for the WG	

Recommendation:

1. The IASC should establish a management response matrix with clear roles, responsibilities, timeframes and deliverables by the GPC Task Team and the IASC;
2. The IASC should conduct a light, joint UN-INGO internal assessment of the status of implementation of these recommendations within 18 months of the issuance of this report; and
3. The IASC Working Group should monitor the implementation of the actions agreed as a result of this Review as well as the application of the forthcoming IASC Policy Statement on Protection and any plans or initiatives for its implementation. Initially, this should include a light annual joint review and a full independent evaluation within three to five years.

Management Response:

The recommendation is accepted by the Task Team. However, in light of the fact that some of the Review recommendations are not accepted or modifications are advised, the IASC WG's focus in the future should be on the agreed follow up actions as (rather than the entirety of the recommendations as appearing in the Review)

Follow Up Action	Comments	Component actions (with timeframe)	Lead Agency
Establish a management response matrix.		post 90th WG meeting	WFP & NRC (sub-group)
Light, joint UN-INGO internal assessment of the status of implementation within 18 months of the management response / Request semi-annual progress reports to monitor the		End of 2017	WFP & NRC (sub-group)

implementation of actions agreed as a result of the management response.			
Monitor the application of the IASC Policy on Protection and any plans or initiatives for its implementation. (monitoring of the protection policy to be included in an addendum to the policy). Assess needs for a full independent evaluation.		include in semi-annual reporting	

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