

## Recommendations from Whole of System Review of Protection for action by actors other than the IASC WG

*DRAFT 7 March 2016*

<p><b>Recommendation</b></p> <p><b>13.1 Explanatory Note: Operationalising the IASC protection definition</b></p> <p>The existing IASC definition should be unpacked so that it is accessible to all humanitarian actors and other stakeholders. It is about addressing the need for an operational explanation of humanitarian protection responsibilities and what this means in practice.</p> <p>An Explanatory Note on the formal IASC protection definition should constitute a first step in the development of the IASC Protection Policy. The Explanatory Note and related IASC Policy should reduce a significant disconnect that exists between inter-agency headquarters’ policy tools and field realities. It is critical that field level input and ownership are central to the development of the IASC protection policy.</p> <p>This means that the process should not be a top-down, headquarters driven exercise. The IASC policy should spell out core principles, approaches, roles and responsibilities within and beyond the humanitarian system as well as the elements critical to a robust, strategic response.</p> <p>Management Response:</p>			
Follow Up Action	Comments	Component actions (with timeframe)	Lead Organization
IASC Protection Policy development	Ongoing since November 2015	Develop TOR, engage penholder	Protection Priority Task Team
IASC Protection Policy submitted to the IASC for adoption, roll-out and implementation		Determine sign-off process Feb 2016	Protection Priority Task Team
<p><b>Recommendation</b></p> <p><b>13.2 Broaden and invest in partnerships with global south actors:</b></p> <p>The IASC, with the support of the GPC, needs to develop a strategic campaign to mobilize global public opinion and facilitate citizen engagement in generating support for core humanitarian values. Action should be taken to:</p> <ul style="list-style-type: none"> <li>• Broaden and deepen the IASC’s partnerships with Global South actors including, but not only, in the context of the 2016 WHS, with the objective of fostering dialogue on the future of humanitarian action and with particular attention to trends that serve to enhance or undermine the safety, dignity and wellbeing of at-risk groups in crisis settings;</li> <li>• Support the mobilisation of resources to invest in the capacity-building of local and national humanitarian NGOs and Global South civil society actors, to address protection concerns both in the context of pre-crisis preparedness measures and in the response, recovery and transition phases of the humanitarian programme cycle;</li> </ul> <p>Develop policy positions and advocacy agendas, in collaboration with Global South actors, to mobilize and support public opinion in favour of action geared to</p>			

enhancing the protection of at-risk groups in particular crisis contexts, as well as on thematic concerns such as indiscriminate warfare that exact a high human cost.

Management Response

Follow Up Action	Comments	Component actions (with timeframe)	Lead Organization
Ensure that the role (existing and potential) of national protection actors is included in the IASC Protection Policy and Explanatory Note		February 2016	Protection Priority Task Team
Greater consultation, inclusion and involvement of national protection actors in the work of the GPC, including opportunities in the upcoming strategic planning period and the work of GPC Task Teams.		January 2016	GPC Coordinator

**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,<sup>195</sup> 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			
Follow-Up Action	Comments	Component actions (with timeframe)	Lead Organization
<p>Ensure that the IASC Protection policy:</p> <ul style="list-style-type: none"> <li>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</li> <li>acknowledges the need for safeguards in the sharing and use of information</li> </ul>	Can be included in the Protection Policy Checklist	February 2016	PP-TT
<p><b>Recommendation 13.4.1:</b></p> <p><i>Leadership:</i></p> <p>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:</p> <ul style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>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.</li> </ul> <p>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:</p> <ul style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>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</li> </ul> <p>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.</p>			
<p><b>Management Response:</b> 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.</p>			
Follow Up Action	Comments	Component actions (with	Lead Organization

		timeframe)	
IASC Protection Policy articulates key stakeholder roles, responsibilities and accountabilities including in relation to leadership	Can be incorporated into checklist	February 2016	GPC and PP-TT
Strengthen RC/HC and HCT engagement with the leadership of UN political and peacekeeping missions, including to with respect to the use of force		Ongoing	RCs/HCs
<p><b>Recommendation 13.4.3:</b>  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:</p> <ul style="list-style-type: none"> <li>• The GPC Support Cell should ensure consistent provision of support to all Protection Cluster coordinators regardless of agency affiliation;</li> <li>• 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;</li> <li>• 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;</li> <li>• 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;</li> <li>• 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;</li> <li>• 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</li> </ul> <p>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.</p>			
<p><b>Management Response:</b> While the majority of the recommendations were supported, some require further elaboration and consultations.</p>			
Follow Up Action		Component actions (with timeframe)	Lead Organization
GPC Strategic Framework (2016-2018) takes into account the role and resourcing of the GPC Support Cell and the development of “Standard Operating Procedures” to clarify roles, responsibilities, procedures and respective accountabilities.		Q1 2016	GPC
NGO co-lead of GPC assessed through dedicated discussions and wide consultations		Q2 2016	GPC/ GPC Coordinator
Take measures to help ensure NGO co-leadership of field based protection clusters as standard practice, including to help ensure robust funding support		Mid-2016	GPC Coordinator

Give effect to protection mainstreaming and cluster-specific responsibilities, including through cluster specific tools		Q1 2016	Global Cluster Coordinators Group
---	--	---------	-----------------------------------

**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
On-going revision of TA protocols (MIRA, Cluster Coordination Module, etc.) should include collective and timely protection analysis		TA protocols Revision timeline	OCHA
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 etc		TA protocols and HPC revision timeline, and following adoption of IASC Protection Policy	OCHA
UNDAC system should include protection experts and protection considerations in its methodology		TBD	OCHA with ProCap support
Preliminary guidance to support the development of HCT protection strategies should be developed, and updated in line with the recommendations of the Review and consistent with the IASC Protection Policy. Link to Rec 13.4.1		Preliminary guidance by Q1 2016 following IASC Protection Policy	GPC in consultation with IASC WG
Establish the follow up required on the 2013 GPC Protection Funding Study to improve the human and financial resources necessary to ensure objectives identified within a protection strategy can be met		By Q1 2016	GPC Coordinator
Develop and adopt a results-oriented approach to protection including agreement on a common understanding of protection outcomes and the appropriate modalities at country level for monitoring. Link to Rec 13.1 – this will form part of Explanatory Note and IASC Protection Policy		By Q1 2016	PP-TT in consultation with IASC WG
A monitoring and evaluation framework for protection should be articulated building on existing tools and methods		Following the Protection Policy development	GPC
GPC, donors, I/NGO consortiums and other key actors including ALNAP to regularly distill and share key lessons learned in relation to protection outcomes and impact measurement		Ongoing	GPC

Recommendation:

13.7 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:

- 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
As part of follow up plan for the recommendations of the 2013 GPC Protection Funding Study, consider NNGO access to funding and ensuring appropriate resourcing for protection mainstreaming without marginalizing or undermining resourcing for protection		Q1 2016	GPC Coordinator
Engagement of development actors to strengthen coordination with protection strategies and tools		TBD	Humanitarian Financing TT and GPC