

1. Humanitarian Protection Policy

1.1. Core Principles for our Humanitarian Protection Work

Principle 1: Prioritise the safety, dignity and empowerment of all women, girls, boys and men at all times without discrimination.

Principle 2: Make a core commitment to mainstream gender and protection into all humanitarian assistance programmes.

Principle 3: Adopt a community-based approach to protection work that enables the active participation of communities in determining appropriate risk reduction measures.

Principle 4: Ensure that all humanitarian needs assessments address risk, taking into consideration threats, vulnerabilities and capacities of individuals and communities.

Principle 5: Ensure mechanisms are in place to prevent and respond to the occurrence of sexual abuse and exploitation and gender-based violence.

Principle 6: Ensure that specialised protection programmes observe professional standards and do not exceed the agency's capacity, expertise or mandate.

Principle 7: Protection advocacy must be based on a careful risk-benefit analysis involving field staff and affected communities and be part of an integrated protection strategy.

Principle 8: Recognise that the state has the primary responsibility for protection and ensure that the ultimate aim of protective humanitarian action is to reinforce, not replace, the state's responsibility to respect, protect and fulfil human rights.

Principle 9: Seek to work in a complementary and collaborative manner with other humanitarian actors in order to strengthen the impact of collective protective action and avoid unnecessary duplication.

1.2. Introduction

1.2.1. Background

Many members of the ACT Alliance offer assistance to people in natural and man-made crisis situations. Striving to reach people in need across front lines and national borders, they provide assistance without discrimination.

Since the 1990s, however, there has been an unprecedented increase in the protection needs of those we seek to assist. In particular, deliberate or indiscriminate attacks during armed conflicts that kill, injure and forcibly displace civilians; the increase in the use of rape as a strategy of war, the recruitment and abduction of boys and girls as child soldiers and sexual



slaves, and persistent sexual exploitation and abuse and other gender-based violence such as rape, female genital mutilation, forced child and teenage marriages and domestic violence.

1.2.2. Policy statement

We are acutely aware of the need to meet these challenges by working with others to provide more effective protection to crisis-affected communities, particularly for women, girls and young men who are disproportionately affected by violence, coercion, deprivation and abuse. In keeping with this core aim, the purpose of this policy is to strengthen our partners' commitment to the protection of women, girls, boys and men¹ in our humanitarian assistance programmes and to provide a definition, framework and principles for the community-based protection work of our partners, ACT members and ACT national and regional forums.

1.3. Core commitments

We believe that addressing humanitarian protection requires that we ensure full and equal respect for the rights and freedoms of all individuals without discrimination, including civil and political rights and economic, social and cultural rights.

As a member of the ACT Alliance, we are also bound together by core values that are grounded in our Christian faith and guide our humanitarian work. Therefore, based upon our Christian theology and the standards of the humanitarian sector in which we operate, we acknowledge that we have a 'shared responsibility' to ensure the protection of affected populations and a corresponding duty to effectively ensure the safety, dignity and empowerment of crisis-affected populations in all of our humanitarian programmes. We also acknowledge that a key ingredient for good protection work is full and equal participation of women and men in decision making.

1.4. What governs our protection work?

Our humanitarian action is guided by the fundamental humanitarian principles of humanity, non-discrimination, impartiality, independence, justice, accountability and participation² and grounded in the desire for the legitimate and effective implementation of international humanitarian, refugee and human rights law. We have also endorsed the Sphere Humanitarian Charter and Minimum Standards in Disaster Response and recognises the principles contained within the *Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief* as the fundamental standards for its humanitarian programmes. ACT members are required to apply ACT policies to their work, including the following policy documents that specifically relate to protection:

- ◆ Code of Conduct Sexual Exploitation, Abuse of Power and Corruption;
- ◆ Complaints Policy and Procedures;
- ◆ Gender Policy Principles;

¹ This includes the elderly, those with physical and intellectual disabilities or debilitating illnesses.

² On how the principles relate to protection, see chapter 1, Professional Standards for Protection Work (ICRC 2009).



- ◆ Principles of ACT Safety and Security;
- ◆ HIV Policy in Humanitarian Emergencies;
- ◆ Anti Fraud and Corruption Policy; and
- ◆ The ACT Alliance Code of Good Practice which outlines principles for ACT members and ACT programs

1.5. Understanding 'Humanitarian Protection'

1.5.1. What is 'humanitarian' protection?

The ACT Alliance has adopted the commonly used ICRC-NGO definition of protection, which has also been adopted by the IASC. It refers to protection as:

"All activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of international law (i.e. human rights law, international humanitarian law and refugee law). Human rights and humanitarian organizations must conduct these activities in an impartial manner (not on the basis of race, national or ethnic origin, language or gender)".³

The definition emphasises the international legal framework for protection, underscoring the need for a 'rights-based approach' to protection, which recognises people as 'rights holders' and responsible organisations as 'duty bearers'. However, while it broadly defines the 'scope of protection activities', it does not offer any further limits or clarity in terms of what role or what type of activities NGOs should focus on with the broader field of protection. For ACT, 'protection activities' mean non-structural and non-violent⁴ field-level activities aimed at preventing, reducing or mitigating the impact of violence, coercion, deprivation or abuse on individuals or groups during humanitarian crisis brought about by man-made or natural disasters by reducing threats and vulnerabilities or increasing people's capacity to cope with these threats and vulnerabilities.

These activities can be remedial, responsive or environment building and fall within one or more of the five basic modes of humanitarian action: support, substitution, persuasion, mobilisation and denunciation (the former two involve providing assistance and the later three being modes of advocacy).

Many humanitarian NGOs also make a distinction between 'humanitarian' protection and 'social' protection⁵, with 'humanitarian protection' seen as addressing extreme acts of violence, coercion and deprivation; while 'social protection' is viewed as any public action to help people tackle the wider issues of risk, vulnerability, extreme and chronic poverty. ACT recognises that the two are interlinked as perpetrators often exploit long-term vulnerabilities

³ S. Giossi Caverzasio (ed.), Strengthening Protection in War: A Search for Professional Standards: Summary of Discussions among Human Rights and Humanitarian Organizations, Workshops at the ICRC, 1996-2000, ICRC, Geneva, 2001.

⁴ In this context, 'structural' refers to the long-term process of building or strengthening institutions, and non-violent refers to using peaceful means without the use of any form of coercion or physical force.

⁵ As outlined in the SCHR Protection Guidance note, November 2009



that stem from a lack of social protection such as the lack of the full inclusion of women in all decision-making as a tool for protection.

1.6. What Approaches to Protection will we seek to use?

While the protection role of NGOs is limited in comparison to the mandated protection agencies, their actions have a significant impact on the safety, dignity and empowerment of crisis-affected populations. Over the last decade, two distinct approaches to protection have emerged among humanitarian NGOs.

a) Mainstreaming Protection in Assistance Programs: Not all humanitarian actors implement distinct protection activities. Many mainstream protection concerns into their assistance programs - including protection as a key concern right from the start of each humanitarian programme. The focus is on ensuring that agencies prioritise the safety and dignity of affected populations at every stage of the project cycle to prevent 'unintended harm' while also 'maximising the protection benefits' of assistance programmes. As such, it simultaneously stresses the need for a 'do no harm' approach to programming as well as the need to be proactive in adapting relief programmes to reduce the threats and vulnerabilities and strengthen the capacity of affected communities to deal with them.

This approach addresses basic protection concerns – such as well-lit and appropriately located latrines to reduce sexual assaults in Internally Displaced Persons (IDPs) camps – and stresses community consultation and participation in the design and running of humanitarian programmes in order to ensure that programs are of good quality and actively reduce risk to crisis-affected populations. Agencies using this approach do not necessarily have specific protection programmes or dedicated protection staff, but seek to enhance the protection outcomes of their existing assistance programmes.

b) Specialised or 'stand alone' protection programmes: Others develop very specific and highly-specialised 'protection' activities with the *primary objective of improving the safety and dignity of crisis-affected populations*. For example:

- Clearing mines and unexploded ordinances;
- Remediating the effects of SGBV or child abuse;
- Tracing and reuniting separated family members;
- Addressing housing, land and property 'rights' claims;
- Reintegrating child soldiers;
 - Strategically using a humanitarian agency's presence to deter perpetrators;
 - Building the capacity of local authorities, armed non-state actors or other duty-bearers to better protect affected populations;
 - Systematic monitoring, documentation and reporting human rights abuses, and;
 - Publicly or privately exposing protection threats to the international community.

These 'specialised' protection activities usually have specific working methods and standards and require a much higher level of expertise and resources than 'mainstreaming' protection.



Some ACT agencies use both approaches to protection, incorporating protection mainstreaming with some more specialized protection components. Addressing Gender Based Violence (GBV) is a good example of this. A number of agencies are involved in community mobilisation and behavioural change communications initiatives linked to GBV, while incorporating more specialised health and psychosocial components to provide care to survivors and their children.

1.7. Core principles for our protection work

The core principles outlined below apply to all of our humanitarian work and are put forward in order to more effectively address protection in our humanitarian programmes. The principles are intended to encourage us, our partners and other ACT members to carefully consider the implications of their activities on the safety and dignity of women, girls, men and boys, and help ACT members meet their responsibility to stop, prevent and mitigate human rights abuses by mainstreaming protection in a gender-sensitive way throughout the project cycle and/or developing 'specialised' or 'stand-alone' protection activities.

Therefore, in our humanitarian work, we will:

Principle 1: Prioritise the safety, dignity and empowerment of women, girls, boys and men at all times without discrimination

The principle of humanity, which underpins our humanitarian work, demands that priority be given to protecting lives and alleviating suffering, while ensuring respect for the rights, dignity and mental, emotional, physical and spiritual wellbeing of all individuals in situations of risk. Therefore our work needs to go beyond addressing the physical needs of crisis-affected populations and put the individual at the centre of protection efforts.

We recognise that protection is not a commodity that can be 'delivered' by its members like other goods and services. Protection is something that people struggle to achieve within the social dynamics of their community and the broader politics of society and during displacement. ACT therefore recognises that the most important facet of 'protection' is people's ability to organise and secure their own protection. Individual and community empowerment is thus a key ingredient for both meaningful and sustainable protection.

The principle of non-discrimination is equally important in guiding our work as it guards against differential treatment of groups or individuals according to arbitrary distinctions such as sex, age, race, religion or political opinion. It is, however, important to note that while women, girls, boys and men of all ages and diversity have the same rights, they may have very different needs that may require targeting.



Principle 2: Make a 'core commitment' to mainstream gender and protection into all humanitarian assistance programmes

We recognise that gender mainstreaming is central to the success of all protection work.⁶ It requires an understanding of the local gender and power imbalances in each community to determine what makes some people more vulnerable than others and the most effective ways of addressing vulnerabilities. In some cultures, different forms of sexual and Gender-Based Violence (GBV) are tolerated. In situations of armed conflict and its imminent aftermath women, girls and boys are particularly vulnerable to certain gender-based risks, such as rape and other forms of torture, abduction for sexual slavery, and 'femicide'.⁷ In some recent wars, men have been selectively killed for the purpose of ethnic cleansing.

At a minimum, all ACT members involved in humanitarian action should adopt a core commitment to gender and protection, including:

- Adhering to the ACT Gender Policy Principles;
- Having an organisational policy on protection reflecting the letter and spirit of the ACT Protection policy and/or full adoption of the policy;
- Ensuring that gender and protection are mainstreamed into each ACT member's policies, manuals and procedures and in all stages of the programme management cycle (assessment; design; implementation, monitoring and evaluation).
- Supporting staff in implementing this policy by providing appropriate training, guidance material, management support and tools and resources;
- Establishing mandatory staff training on protection on issues such as: intercultural awareness; communication, interviewing, negotiation, mediation; contextual and political analysis; legal knowledge; drafting; advocacy; data collection, storage and finance and management skills, where relevant.
- Having processes in place to respond to abuses witnessed during work such as reporting mechanisms, safe referral systems and staff guidance and counseling,;
- Ensuring that all needs assessments and strategic analysis include protection risks;
- Developing an organisational policy on protection advocacy outlining the risks the organisation is willing or unwilling to take and how these risks will be managed; and
- Acknowledging that while humanitarian action is rooted in the humanitarian imperative, it none the less must be closely monitored to ensure programs are of high quality, accountable to crisis-affected communities and provide net benefits to the affected population without increasing their level of risk.

⁶ See the ACT Gender Policy Principles and the ACT Guidelines for Compliance and Complaints for the ACT Code of Conduct on Sexual Exploitation and Abuse (SEA): www.actalliance.org

⁷ The systematic killing of women for various reasons, usually cultural such as honor killings.



Principle 3: Adopt a community-based approach to protection work that enables the active participation of communities in determining appropriate risk reduction measures

We recognise that protection is not a commodity that can be 'delivered' by its members like other goods and services. Protection is something that people struggle to achieve within the social dynamics of their community and the broader politics of society, including during displacement. In keeping, ACT recognises that the most important facet of 'protection' is people's ability to organise and secure their own protection. Empowerment is thus a key ingredient for both tangible/durable and sustainable protection.

We also recognise that people are the main actors in their own protection. They have unique locally-adapted and resourceful protection strategies and when it comes to securing their own protection in crisis situations, their friends, family and immediate community are usually their 'first' line of protection and often their 'last resort'.

Accordingly, we promote a community-based, gender-sensitive approach to protection based on the fundamental principles of humanity and non-discrimination, which must be applied at all times be it during assessment, analysis, prioritisation, implementation, monitoring or evaluation. The core aim of this approach is to strengthen 'self-protection' capacity of crisis-affected communities and ACT expects that its staff, members and partners will direct their protection efforts toward this end, acknowledging the capacity of affected communities, their locally-adapted protection strategies, and their right to participate and make decisions affecting their own safety and security.

This does not mean endorsing negative community coping strategies or turning a blind eye to harmful traditional practices. On the contrary, ACT acknowledges that sometimes it is the very families and communities that vulnerable people turn to, and depend on, for protection that take advantage of their vulnerability and turn out to be the worst perpetrators, particularly when it comes to sexual abuse and exploitation of women, girls, young men and boys. Nor does it mean that ACT members should turn a blind eye when communities continue to condone or overlook domestic violence and traditional practices such as forcibly marrying-off young girls who are perceived to have little value and few if any rights.

Where communities do not respect human rights, ACT members must seek to change the attitudes and behaviours that allow such abuses to persist and address the underlying factors that perpetuate negative coping strategies and harmful traditional practices. Indeed, ACT members have a particular obligation to do so as those who are abused or exploited seldom know their rights or the applicable legal frameworks and local or national law and customs often do not take the rights of all groups into account, particularly women.



Principle 4: Ensure that all humanitarian needs assessments address protection risks, including the threats, vulnerabilities and capacities of individuals and community groups

All ACT humanitarian actors have a responsibility to understand the nature of the risks faced by crisis-affected communities and to consider the positive and negative impacts of their work on the safety and dignity of affected groups. Assessing and treating only the symptoms of serious violations can sometimes do more harm than good.

We should seek to identify the root causes of the threats faced by affected communities, the motivations of perpetrators, the circumstances in which abuses occur, the capacities of local communities to protect themselves, and the will and ability of the state and/or other duty bearers to address these abuses.

While we acknowledge that in emergency situations immediate protective action must sometimes be taken to address, for example, serious cases of abuse such as rape or abduction of children, a comprehensive risk assessment must be undertaken by ACT members as soon as possible to inform the agencies initial course of action and later adjustments. ACT members should also regularly monitor changes in the protection environment and adjust priorities and strategies accordingly.

The affected population should be involved on a gender equal level in identifying and analysing protection problems if it does not place them in harm's way. The following considerations⁸ should be addressed during the assessment phase:

- The nature of the violations, threats and abuses and their impact on the lives of women, girls, boys and men, including minorities, the elderly and the disabled. This must include an analysis of local gender and power imbalances that make some people more vulnerable to abuses and secondary risks such as having to turn to 'survival sex';
- An appraisal of the ability and willingness of the state to protect its population (its compliance aptitude, resources, political will, specific interests, pressures and personal convictions);
- Identify relevant legal standards and actors with protection responsibilities (state, mandated agencies and non-government). An assessment of the legal responsibilities of the state and other duty bearers, including reference to national and regional laws where they strengthen international laws.
- Insights into the structures, institutions and groups involved in committing abuses and their motivations, objectives and constraints. This includes analysing relations between perpetrators (e.g. the chain of command), personal convictions and private interests;
- Analysis of where and why the protection system is breaking down at the national, international and community levels;

⁸ This section draws from ALNAP (Active Learning Network on Accountability and Performance), "Humanitarian Protection", a Guidance Booklet,



- A gender-based analysis of the self-protection strategies and capacities of individual, family and community groups taking into considering age and diversity, and the opportunities to strengthen them; and
- Assessing the protection strategies and programs of other humanitarian and development actors and developing strategies to complement existing work.

All assessments should have gender and child-specific recommendations and outcomes .

Principle 5: Ensure mechanisms are in place to prevent and respond to the occurrence of sexual exploitation and abuse and other forms of gender-based violence

We recognise that mainstreaming protection and gender alone will not stop and/or may not ensure an adequate response to GBV and Sexual Exploitation and Abuse (SEA). We must commit to being proactive in addressing such gross violations of human rights and where members lack the required skills, experience or resources, they must establish safe referral and reporting processes to competent organisations.⁹

We recognise that sexual violence is the most immediate and dangerous type of GBV occurring in emergencies. Action must be taken at the earliest stages of an emergency to help prevent SGBV and SEA and reduce opportunities for the misuse of power. At a minimum, ACT members, Forums and our partners must:

- Understand, sign and comply with the *ACT Code of Conduct on Sexual Exploitation and Abuse*;
- Provide accurate and reliable information on rights and entitlements to crisis-affected communities to help them to make informed choices and assert their rights;
- Design appropriate locally-adapted and safe feedback and complaints mechanisms that are accessible by all members of crisis-affected populations (see the *ACT Complaints Policy and Procedures and Investigation Guidelines*);
- In cases where GBV has been identified as a priority risk, risk reduction strategies such as community mobilisation and ‘Behavioural Change Communication’ initiatives can be adopted to challenge the prevailing beliefs and norms that contribute to the acceptability and perpetration of such violence. It can also reduce a community’s tolerance to violence creating an environment where perpetrators fear the consequences of their actions;
- Specialized health programmes to assist GBV survivors and their children. If an ACT member, partner or Forum does not have the capacity for this component, then a referral process should be established; and
- Ensure programme staff have the required skills and training on professional standards to safely and effectively undertake this work.

⁹ The ACT Code of Conduct on SEA and its guidelines for implementation outline ACT commitments and suggest ACT member CoC implementation strategies.



Principle 6: Ensure ‘specialised’ protection programs observe professional standards and do not exceed the agency’s capacity, expertise or mandate.

‘Specialised’ protection programming requires a far greater degree of skills, expertise, resources and commitment than ‘mainstreaming’ or ‘integrating’ protection and gender into existing relief or assistance programmes. For ACT members who are considering establishing or expanding specialised protection programs, it is essential that they have the capacity and expertise to meet the standards required for such initiatives.

Many have specific standards associated with them, such as child protection laws and standards, conventions and resolutions, or specific guidelines such as the IASC Sexual and Gender-Based Violence Guidelines. For example, human rights advocates should have the expertise to be able to refer to applicable national or international laws when addressing issues of impunity and advocating with governments or UN human rights mechanisms. Agencies involved in human rights monitoring and reporting require high standards of evidence and special procedures for handling sensitive data and ensuring confidentiality and consent. Working with vulnerable or traumatised individuals, particularly children, requires specialised skills.

Given the rigorous demands of specialised protection work, it is equally important that ACT members do not over extend themselves as more harm than good may be done if agencies create a false sense of security, unrealistic expectations or develop specialised programs that are unsustainable or depart from the agency’s mandate and support base.

At a minimum, ACT employees involved in monitoring and reporting human rights abuses should observe the following minimum standards¹⁰:

- Protection actors must collect and handle information containing personal details in accordance with the rules and principles of IHL, IHRL, and relevant national laws on individual data protection.
- Those seeking protection information bear the responsibility to assess threats to the persons providing information, and to take necessary measures to avoid negative consequences for those from whom they are seeking information.
- Personal information must only be collected with the informed consent of the person concerned, who is made aware of the purpose of the collection. Unless specific consent to do so has been obtained, personal information must not be disclosed or transferred for purposes other than those for which they were originally collected, and for which the consent was given.
- To the degree possible, keep survivors or communities who have provided information on abuses and violations, informed of the actions taken on their behalf and the ensuing results. Protection actors using information provided by individuals should remain alert to

¹⁰ As outlined in ICRC 2009, “Professional Standards for Protection Work carried out by humanitarian and human rights actors in armed conflict and other situations of violence”



any negative repercussions on the individuals or communities concerned, owing to the actions they have taken, and take measures to mitigate these repercussions.

- Protection actors must avoid, to the extent possible, duplication of information collection efforts, in order to avoid unnecessary burdens and risks for victims, witnesses and communities.
- Security safeguards appropriate to the sensitivity of the information must be in place prior to any collection of information, to ensure protection from loss or theft, unauthorized access, disclosure, copying, use or modification.

Principle 7: Protection advocacy must be based on a careful risk-benefit analysis involving field staff and affected communities and be part of an integrated protection strategy.

We view humanitarian advocacy as a critical and complementary means of ensuring effective protection. It supports 'rooted' advocacy approaches that focus on linking the protection priorities of the crisis-affected population with the sub-national, national, regional and global policy arena. It emphasizes the strengthening the capacity of ACT members, partners and communities in undertaking their own advocacy work.¹¹

Unlike traditional forms of 'relief', which focus on providing life-saving material assistance, advocacy plays a critical role in exposing and deterring abuses, persuading or forcing perpetrators to change their behavior, and by making sure that state authorities are conscious of their responsibilities and held accountable for their actions. Rather than just focusing on the immediate needs of the affected population, advocacy draws attention to the 'root causes' of a conflict or a systemic pattern of abuse which is particularly important in conflict settings as most protection problems stem not from the absence of adequate laws, but calculated decisions by states and non-state actors to perpetrate violations, condone them, or ignore their existence.

Advocacy, however, can have serious risks and may jeopardize humanitarian access, relations with authorities, life-saving assistance programs and even the security of staff and beneficiaries. ACT is very conscious of the gravity of these risks and the need to ensure against unintentionally inflaming conflicts, exacerbating community tensions or exposing staff and beneficiaries to secondary protection threats. However, these risks should not be an excuse for inaction or being a 'silent witness', which inadvertently allows for the perpetuation of abuses. Rather, the potential risks should be carefully assessed and used to develop appropriate advocacy strategies and risk management procedures.

We recognise the three internationally accepted modes of action for humanitarian advocacy¹², namely, persuasion, denunciation and mobilization, and is conscious of the risks and benefits attached to each. 'Persuasion' is the favored form because when successful it encourages perpetrators to change their behavior of their own accord, resulting in more fundamental and

¹¹ See, "Policy for the ACT Alliance on Advocacy", 2008 (interim policy) on www.actalliance.org

¹² ICRC publication 1999, "Modes of action used by humanitarian players: criteria for operational complementarity", ref. 0722 by Paul Bonard,



durable change. 'Denunciation' on the other hand largely aims to deter abuses. For example, by naming and shaming a state in a public forum. While denunciation does alter the cost-benefit calculations of an actor, it is usually employed as a 'last resort' after persuasion fails, as it aims to 'force' compliance, which rarely leads to a genuine change in behavior and usually makes cooperation far more difficult (the exception being atrocities that cry out for immediate condemnation). 'Mobilisation' can take on many forms ranging from building supportive community networks and humanitarian alliances to lobbying for increased aid and encouraging other agencies with more weight, credibility or access to state officials to advocate on a particular issue. The three different modes represent levels of action in the face of any pattern of abuse: halting its occurrence, working alongside the victims, and promoting lasting changes in the environment in order to diminish the likelihood of recurrence.

ACT's diverse membership spans the range of advocacy approaches noted above. In recognising the need for effective advocacy and risk management, we believe that advocacy should be fully integrated into an ACT member's broader protection response. It should not be overly reactive (but recognises that this is sometimes necessary) and ad hoc in nature and should not be considered a 'stand-alone' activity or an afterthought. Ideally, it should be considered along with other options for protective action at the earliest stages in the development of a protection strategy.

Protection advocacy within the ACT Alliance can be undertaken in three main ways:

1. By individual ACT Alliance members or by a group of ACT members, in collaboration with partners, on a country specific protection issue, recognized in the statement as "members of the ACT Alliance"
2. By a national or regional ACT Alliance Forum having a common 'ACT' voice on a protection issue (following approval by their individual headquarters), recognized in the statement as, e.g., "the ACT Alliance Malawi Forum"
3. An ACT Alliance-wide advocacy statement – a statement approved by the ACT Alliance General Secretary and Governing Board on behalf of the entire ACT Alliance.

The ACT Alliance promotes the following minimum standards for protection related humanitarian advocacy, believing that effective advocacy must:

- Take every measure possible to minimise risks to the safety, security or human dignity of staff, direct beneficiaries and affected communities or the life-saving assistance and social and economic support structures that underpin them.
- Ensure the participation of staff and affected communities in policy-development, prioritization and advocacy strategies and where appropriate amplify and project the voices and concerns of affected community members.
- Ensure credible and accurate information and analysis, particularly regarding documentation of abuses and description of duty bearer responsibilities, avoiding distortion, embellishment and mischaracterizing protection problems.



- Ensure confidentiality and protect the sources of their information, including where necessary obtaining informed consent from affected individuals to use personal or identifying information.
- Maximize opportunities to develop alliances and partnerships to increase leverage.
- Be well-timed and target the right actors.¹³
- Employ a rights-based approach and focus on protection needs rather than on the politics of a situation.
- Ideally be based on pro-active longer-term strategies and careful risk-benefit calculations (as opposed to solely being ad-hoc and reactive)
- Be subject to ongoing review, adaptation and effective risk management.
- Reflect the agency's policy and procedures governing protection advocacy.

Principle 8: Recognise that the state has the primary responsibility for protection and ensure that the long-term aim of protective humanitarian action is to reinforce, not replace, the state's responsibility to respect, protect and fulfil human rights

As noted in the introduction, under the international system of protection, the primary responsibility for protection rests with the state, which has the legal responsibility to respect, protect and fulfill the human rights of all those within its territory or jurisdiction. When a state is unwilling or unable to provide effective protection, which is often the case when states are party to a conflict or where disasters overwhelm the capacity of the state, the international community is obliged to provide assistance and protection.

In this context, ACT Alliance and its members are routinely called upon to respond to protection needs. In doing so, however, ACT and its members should not attempt to indefinitely 'substitute' for the state's responsibilities as this can allow a state to shift its responsibilities to humanitarian agencies. Nor should they consciously undermine the state's will or ability to provide protection.

ACT members who have undertaken or are proposing long-term protection activities must consider carefully whether their programs are aimed at *supporting* the state, *substituting* for its responsibilities, *denouncing* or *persuading* the state to change its behavior or *mobilising* other actors toward these ends as this has a critical bearing on the advocacy strategy employed, the length and duration of programs, and the long term sustainability of protection work more generally.

Generally speaking, if a state is willing but unable to provide protection, agencies should focus more on capacity building to support the efforts of government agencies, provided they are mindful or not compromising humanitarian objectives or principles. If a state is unwilling to provide protection, agencies should consider various options for advocacy to ensure the state meets its protection obligations.

¹³ ALNAP (Active Learning Network on Accountability and Performance), "Humanitarian Protection", a Guidance Booklet, Pilot Version by Hugo Slim and Luis Enrique Eguren.



Principle 9: Seek to work in a complementary and collaborative manner with other 'humanitarian' actors to strengthen the impact of collective protective action and avoid unnecessary duplication.

Given the scope, magnitude and complexity of the world's protection problems, ACT realises that neither the ACT Alliance nor its members can ever hope to resolve the world's protection problems. For the ACT Alliance therefore, protection is best considered a 'collective responsibility' wherein ACT members strive to attain collaborative working relations and program complementary with other humanitarian actors¹⁴ in order to overcome protection challenges at the field level. While this may present challenges due to differences in approach, mandates, expertise and capacity, it should be noted that diversity is, in itself, a strength, particularly when high levels of complementarity and cooperation are achieved.

In complex humanitarian operations where there are numerous agencies with diverse mandates, approaches, expertise and capacity, a concerted effort must therefore be made by ACT members to base their protective action on the comparative advantages of their organisations. For some ACT members, this may actually mean recognising the limits of their ability to run 'specialised' protection programs or to engage in high-profile public advocacy due to fears of jeopardising their access, programs, staff or perceptions of their independence. Instead, it may mean focusing their efforts on mobilising specialised protection actors or agencies that can take greater risks. It may mean recognising they cannot deal with cases of abuse, but nonetheless have a responsibility to report instances of abuse to the mandated protection actors or refer victims of abuse to appropriate medical, health or trauma and torture services. When other protection actors are not present or have restricted humanitarian actors, it may mean drawing on the support of other ACT Alliance members to build their protection capacity.

This is not an excuse for inaction. For too long many humanitarian 'relief' agencies who felt they did not have the mandate, capacity or expertise simply left protection to the mandated actors without even considering how their assistance programs could be altered to attain better protection outcomes. Rather, it is a case of having to weigh the relative value of options to build protective capacity and engage in different types of protective action.

For ACT Alliance, 'complementarity' thus means working together in flexible cooperative partnerships and drawing on the field-based strengths of each protection actor to improve the impact of collective protective action.

Key steps toward ensuring complementarity by ACT members include:

- Sharing information and analysis on changing patterns of abuse or risks of abuse (except sensitive or personal information) and agency strategies to address protection needs so that they can be incorporated into the analysis and planning of other protection actors;

¹⁴ The guidance here relates specifically to working with other humanitarian actors, not military or political actors or as part of an 'intergrated mission'. For guidance on working with these such actors, see SCHR's CIVMIL policy



- Understanding and respecting the differing mandates, capacities, priorities and expertise of each protection actor and the 'added-value' they bring to protection challenges in any given context
- Taking steps to reduce gaps, enhance synergies, maximise the use of resources and avoid duplication and working at cross-purposes; and
- Establishing and/or participating in consultative mechanisms, such as local or national protection working groups. For ACT Regional and National Forums, this means ensuring protection is on the agenda and that ACT policies and guidelines on protection are disseminated and implemented by all ACT members of the forums as well as by implementing partners who access ACT appeal funds.
- Developing collaborative mechanisms with other agencies such as referral pathways, mechanisms to report human rights violations and even joint-protocols for emergency situations such as evacuations or relocations.

We value the importance of taking these steps to ensure collaborative working relations and program complementarity and stands ready to assist ACT members and regional and national forums in achieving these ends.

1.8. Terms and Definitions

Modes of action (Extract Humanitarian Protection, An ALNAP guidance booklet, Pg. 26, <http://www.odi.org.uk/resources/download/1589.pdf>)

“There are five main modes of action that humanitarian agencies can utilise to try and secure protection. The first three do not involve direct assistance but are differing means of applying pressure that aim to ensure the compliance of the relevant authorities with international laws of civilian protection so as to prevent further violations. The fourth and fifth modes are means of providing direct assistance to those surviving and recovering from violations.

Denunciation is pressuring authorities through public disclosure into meeting their obligations and protecting individuals or groups exposed to abuse.

Persuasion is convincing the authorities through further private dialogue to fulfil their obligations and to protect individuals and groups exposed to violations.

Mobilisation is sharing information in a discreet way with selected people, bodies or states that have the capacity to influence the authorities to satisfy their obligations and to protect individuals and groups exposed to violations.

Substitution is directly providing services or material assistance to the victims of violations.

Support to structures and services is empowering existing national and/or local structures through project-orientated aid to enable them to carry out their functions to protect individuals and groups.”



Risk: Risk in terms of humanitarian protection is the probability of an undesirable event that can put individuals or groups in harms way. It is then assessed as a function of variables such as:

- a) Probability that there is a threat;
- b) Probability that there are any vulnerabilities; and
- c) Potential impact to the at-risk people.

Vulnerability: A vulnerability is the extent to which an individual, group or community can be affected by the impact of a threat or hazard due to underlying social, economic, physical or cultural conditions, etc...

Threat: A threat is anything (man made or act of nature) that has the potential to represent a danger to the protection of people.

