

Humanitarian Protection Policy

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Part I:

Introduction and Background

Protection as a Central Pillar of Humanitarian Response


Protection is now considered a core element of humanitarian action, from situations of conflict to natural disaster, and from immediate response in a relief phase to recovery and disaster risk reduction as well. Affected communities need protection of their physical integrity, dignity and psychosocial well-being in addition to material assistance, such as food, water, shelter and medical assistance.



Syrian refugee children at the half-built apartment block near Reyfoun, close to the border with between Lebanon and Syria. The families fled Syria due to the war and are now living on a building site. In such environments, Trócaire supports the operation of Child Friendly spaces to give children safe places to learn and play away from some of the dangers of their immediate environment.


Photo: Eoghan Rice / Trócaire

This central role for protection is reflected in the 2011 edition of the Sphere Handbook – Sphere states categorically that protection is a core part of humanitarian action and affirms the responsibility of all humanitarian agencies to be guided by protection principles, even if they do not have a distinct protection mandate. It is also reflected in the Principles of Good Practice of Humanitarian Donorship,¹ and in documents of key donors, such as the European Commission.²

*For further information on sector’s understanding of protection, as well as a more in-depth look at what protection means to different actors, see  **Trócaire’s Humanitarian Protection Q&A** document.*

Protection Commitment in Trócaire’s Humanitarian Programme

Inspired by Catholic Social Teaching and Trócaire’s justice mandate, protection has been identified as a priority for the humanitarian programme.

In Trócaire’s Strategic Framework 2006 – 2016, there is a commitment to the development of a “new specialisation on the protection of vulnerable groups and individuals”.³ This has been reaffirmed in the current phase of Trócaire’s Strategic Framework, Mobilising for Justice (2012 – 2016), as well as in the humanitarian programme’s Vision and Mission statement (2013). Further to Trócaire’s Strategic Framework commitment, a  **Humanitarian Protection Strategy** document was developed in 2009 - a checklist of minimum standard indicators for protection mainstreaming in food, NFI, WASH, shelter, education, health and nutrition interventions.

¹ This states that “humanitarian action includes the protection of civilians and those no longer taking part in hostilities...”

² The European Consensus on Humanitarian Aid recognises that aid “encompasses assistance, relief and protection operations...” and specifically calls for GBV protection strategies to be incorporated in all humanitarian assistance.

³ ‘Mobilising for Justice’ Strategic Framework, 2006 – 2016, s.5.1.3, p. 22


Since then, there has been investment in building capacity and strengthening the protection focus in Trócaire's humanitarian work. Protection training has been conducted with Trócaire staff and partners in a variety of contexts, and recent humanitarian responses in DRC (2013/2014), Turkey/Syria (2013), Gaza (2013), Kenya (2013), Myanmar (2012/2013/2014), Haiti (2010) and Pakistan (2009, 2010) have all included a focus on protection mainstreaming and/or protection programming in the areas of child protection, psychosocial support or GBV.

Lessons learnt from these initiatives, however, have pointed to the need for further guidance for the organisation on how to interpret and act on our protection responsibility – to provide clarity on Trócaire's expectations and approach to protection.

- How does Trócaire define protection?
- In a practical sense, what should a commitment to protection look like in Trócaire's programmes?
- How does protection link with organisational commitments to gender and HIV mainstreaming?
- How does protection link with organisational commitments to Security and to Safeguarding?
- What are the links with longer term work on livelihoods, gender, HIV, and governance/human rights?

Achieving a Common Understanding of Protection in Humanitarian Response

The language of protection has been used by different actors to refer to different, albeit related, areas of work - ranging from the Protection of Civilian (POC) mandate of peacekeepers (focusing on physical security of civilians), or the Responsibility to Protect (R2P) Doctrine of global governance, or the legal protection work of the ICRC or UNHCR, to the work of NGOs without a formal protection mandate.⁴





⁴ For further information on roles and responsibilities of different protection actors, as well as examples of what protection work can look like in practice, see  **Trócaire's Humanitarian Protection Q&A document.**

This lack of clarity around protection has at times caused confusion – between physical protection/security, protection from non-physical abuse, and protection of fundamental rights in its broadest sense.

It is important for Trócaire staff, therefore, to understand the terminology used and to be clear about the type of protection work we are (and are not) talking about in terms of our own strategic commitments.

Purpose of this Document and How to Use It

In order to provide greater clarity and guidance, five complementary documents have been developed:

- The **Humanitarian Protection Policy**, which states Trócaire’s commitment to, and understanding of, humanitarian protection as part of the organisation’s wider justice mandate
- The  **Humanitarian Protection Handbook**, which builds on Trócaire’s policy commitments by providing concrete guidance on incorporating protection into our humanitarian programmes
-  **Understanding the Links Between Security, Safeguarding and Protection** – an internal guidance note on areas of overlap and divergence between these three related areas of work
- The  **Humanitarian Protection Q&A**, which is intended as a supporting document that provides background information on key protection concepts
-  **Selected Further Reading: Protection Tools and Guidelines** – a resource for further information on protection mainstreaming and protection programming

This **Humanitarian Protection Policy** provides a clear statement for Trócaire staff of the organisation’s protection commitments. It should be read in conjunction with the Humanitarian Protection Handbook and other above-mentioned supporting documents. Combined, these documents provide a framework and strategic direction for Trócaire’s humanitarian work.⁵

⁵ Also relevant are: the Humanitarian Programme Policy, the Humanitarian Programme’s Vision, Mission and Values statement, and the HIV and Gender Mainstreaming toolkits.

Trócaire's Humanitarian Protection Policy Statement

Trócaire's Definition of Humanitarian Protection

In general terms, humanitarian protection is about responding to human rights violations during man-made and natural crises; relief is about alleviating the consequences of those violations.

The ICRC/IASC definition of protection is established and widely accepted as the authoritative version:

"... 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 law, namely human rights law, international humanitarian law and refugee law..."

A holistic definition, it affirms a rights-based approach that encompasses the full spectrum of rights, thereby aligning neatly with Trócaire's own mandate and vision. Trócaire endorses this definition.

The broad nature of this definition, however, does create some challenges for Trócaire in terms of articulating our vision in a practical sense. Under this definition, protection could potentially include most humanitarian interventions (as they ultimately support the realisation of people's rights) but also many longer term development initiatives – the full spectrum of justice work, in fact.⁶

⁶ Commentators like Mark duBois have criticised this broad understanding... "we have seized upon the language of protection... to recast even the most mundane of aid activities... [D]istributing sacks of corn flour equates to protecting people's right to food", Mark duBois, *Protection: Fig Leaves and Other Delusions*, Issue 46, Humanitarian Exchange Magazine, March 2010.

As an organisation, we need to be realistic about what is achievable and within our capacity and that of our partners. We also need to draw a distinction between priority needs in a humanitarian context and the broader spectrum of civil, political, economic, social, cultural and collective rights work in a development context. Therefore:

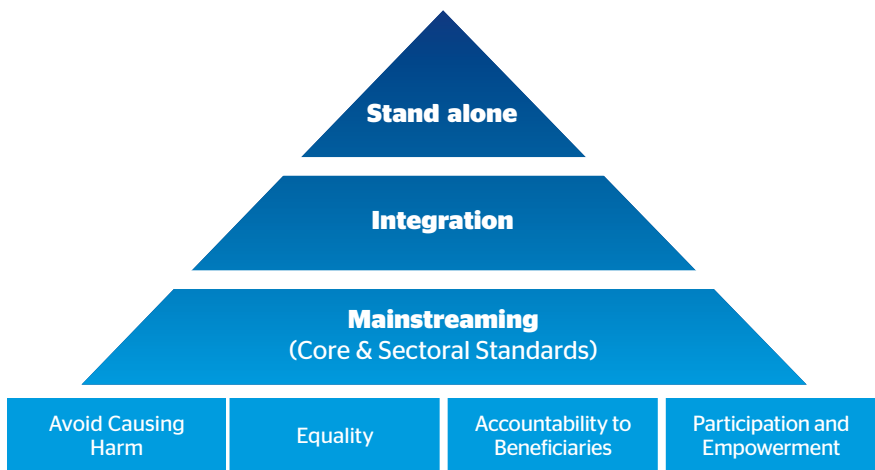
In humanitarian response, Trócaire will prioritise prevention of, and response to, the four human generated threats of:

Violence	Coercion and Exploitation
Discrimination	Deliberate Deprivation

- While accepting that crisis-affected communities are exposed to a wide range of rights violations, these four threats are considered to be the most severe and life-threatening during, and in the immediate aftermath of, a crisis. This prioritisation is in line with Sphere and with the policies of key donors, such as the European Commission.⁷
- This is not a step back from a more holistic approach to the protection of human rights, in accordance with Trócaire’s mandate, where all rights are deemed indivisible, inter-dependent and of equal importance. Rather, this focus recognises that it is appropriate, in situations of crisis, to set priorities.
- In so doing, the humanitarian response must link, as appropriate, with Trócaire’s longer term justice programming in order to work towards a more progressive realisation of all rights.
- This approach is based on an understanding that humanitarian agencies are not usually equipped to prevent physical violence. What humanitarian actors can do is help to strengthen the protective environment for crisis-affected communities – e.g. through building the capacity of communities to resist aggression or reduce vulnerability to/exposure to threats; through preventing assistance programmes from contributing to conflict; through advocacy; or through responding to the effects of violence on individuals or communities.

⁷ DG ECHO prioritises “...reducing the risk for and mitigating the impact on individuals or groups of human-generated violence, coercion, deprivation and abuse in the context of humanitarian crises...”, Humanitarian Protection, DG ECHO’s Funding Guidelines, ECHO 0/1/ML D(2009), 21 April 2009


Trócaire's Priority Focus: Mainstreaming and Integrated Programming



A sign on the main road into Tacloban highlighting the impact of the typhoon on food supply. Caritas is responding by distributing food, shelter, hygiene kits and cooking utensils. As well as material assistance crisis-affected communities need protection of their physical integrity, dignity and psychological well-being. **Photo: Eoghan Rice - Trócaire / Caritas**

In its humanitarian programming, Trócaire will work with partners to:

- **Mainstream protection** considerations in all humanitarian programmes
- **Integrate protective approaches** in all humanitarian programmes, unless the context suggests that this is not possible or advisable

Trócaire's accompanying  **Humanitarian Protection Handbook** contains further guidance on the organisation's approach to mainstreaming and integrated programming.

This Policy does not cover **stand-alone protection programming**. In the short to medium term, the focus is on building Trócaire and partner capacity at the mainstreaming and integration levels.

That said, there have been, and will continue to be, contexts where protection programming is appropriate for Trócaire and our partners – contexts where there is existing protection capacity, such as where Trócaire's Gender, HIV or GHR partners participate in a humanitarian response.⁸ Trócaire will continue to explore opportunities for protection programming with partners on an ad hoc basis as the programme grows.

⁸ Recent examples of protection programmes in Trócaire include child protection and Gender Based Violence (GBV) programmes in Pakistan, Haiti and Myanmar.

“Protection is defined 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 law, namely human rights law, international humanitarian law and refugee law”

(ICRC/IASC endorsed Definition)



Trócaire focus (for humanitarian)

Violence
Deliberate Deprivation

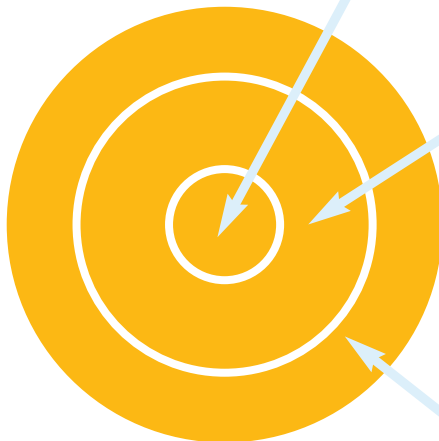
Coercion
Discrimination

Mainstreaming (Core Standards)

1. Analysis
2. Community Engagement
3. Diversity of Need
4. Targeting & Inclusion
5. Two-Way Communication
6. Safe Programming
7. Monitoring

Mainstreaming (Sector Standards)

1. Application of toolkits



Integrated Protection

1. Awareness-Raising
2. Mapping and Referrals
3. Monitoring, Reporting and Advocacy
4. Mental Health and Psychosocial Support

Stand Alone Protection

- Child Protection
- GBV
- Housing, Land and Property Rights
- Mine Action


The Handbook does not cover stand-alone protection programming.

Protection Values


In articulating a commitment to protection, Trócaire acknowledges that the organisation cannot, as a humanitarian actor, provide humanitarian assistance while remaining blind to violence, exploitation and other rights abuses that crisis-affected communities may be exposed to. Trócaire's commitment to principled, needs-based assistance that captures and responds to the voice of affected communities places an onus on us to consider the protection context that communities are experiencing.

Trócaire will implement its commitment to humanitarian protection in line with best practice in the sector.⁹ In particular, Trócaire endorses Sphere's four core Protection Principles:

- **Principle 1:** *Avoid exposing people to further harm as a result of your actions*
- **Principle 2:** *Ensure people's access to impartial assistance – in proportion to need and without discrimination*
- **Principle 3:** *Protect people from physical and psychological harm arising from violence and coercion*
- **Principle 4:** *Assist people to claim their rights, access available remedies and recover from the effects of abuse*

Additionally, informed by Trócaire's  **Stakeholder Accountability Framework**, the following key statements guide Trócaire's approach to humanitarian protection:

- We prioritise the safety and dignity of disaster-affected populations.
- We believe that assistance must be delivered to meet the needs of those most vulnerable to the effects of a crisis and delivered in a way that prioritises inclusivity and acknowledges diversity.
- We believe that disaster-affected populations must be fully engaged in all aspects of our programming, and that all protection initiatives must strengthen existing community protection capacities and strategies for self-protection.

⁹ See the  **Humanitarian Protection Handbook**, and accompanying Protection in Practice sheets, for further guidance on best practice in the sector.

- We are committed to the Do-No-Harm principle, which requires an analysis of the potential impacts of our actions, both positive and negative, on crisis-affected populations and the broader community. This is a commitment to ensuring that our humanitarian interventions do not undermine the protective environment or exacerbate protection threats.
- We are committed to supporting disaster-affected populations to access information and services so that they may be able to claim their rights.
- We recognise that the State is the primary actor engaged in protection and that it bears primary responsibility for the protection of its citizens. It is not our responsibility to assume this mandate, but a commitment to protection often places an onus on us to remind authorities of their responsibilities.


Protection in Partnership

Trócaire believes that its added value in protection work comes from its partnership model. Trócaire's partners – both Church and non-Church – play an essential protective role through their advocacy and their programming in support of crisis-affected communities.

In developing its protection approach, Trócaire will endeavour to build local capacity, to reinforce partner- and community-led protection initiatives and to add voice to partner advocacy efforts.

Protection Terminology in Trócaire

For the purposes of this Policy, references to protection refer specifically to 'Humanitarian Protection' – in other words, those efforts in humanitarian response that are aimed at reducing the risk and mitigating the impact of violence, coercion and exploitation, deliberate deprivation and discrimination in situations of crisis (whether natural or man-made).

- Trócaire’s approach to humanitarian protection mainstreaming (outlined in the  **Humanitarian Protection Handbook**) includes and encompasses Trócaire’s organisational commitments to gender and HIV mainstreaming for the purposes of humanitarian programming.
- Humanitarian protection is distinct from, but linked to, Trócaire’s security responsibilities, which focus on the organisation’s needs and the management of the security context for Trócaire staff and programmes. Protection is concerned with threats to crisis-affected communities.¹⁰
- Humanitarian protection is distinct from but linked to the organisation’s work on Safeguarding Programme Participants,¹¹ - addressed further in Part III below.

Risks and Assumptions

In outlining this commitment Trócaire recognises that, as with all other aspects of humanitarian programming, there can be challenges and risks associated with humanitarian protection work:

- The sensitive (and sometimes political) nature of protection work has accompanying risks, including the potential for doing harm to those we are trying to assist. A Do-No-Harm approach that emphasises safe programming means that such risks need to be carefully analysed and factored into programme design and implementation.
- The use of protection language can cause confusion, as outlined above, including the misunderstanding that through protection activities humanitarian agencies expect to stop violence and abuse. In the vast majority of cases, humanitarians are poorly placed to achieve this – at best, they can limit exposure and help respond to the consequences. In Trócaire’s protection work, it is important that messages to affected communities and other stakeholders are clear.

¹⁰ See Trócaire’s internal guidance note:  **Understanding the Links between Security, Safeguarding and Protection.**

¹¹ Referred to in some organisations as child protection or PSEA (protection from sexual exploitation and abuse).

Part III:

Protection and the Wider Organisation

Humanitarian protection is directly linked to a number of Trócaire's core organisational priorities and values; effective delivery on protection commitments requires further exploration of these links.

Protection, Trócaire's Justice Mandate and a Rights-Based Approach

In essence, protection is concerned with the safety, dignity and rights of people affected by a crisis, whether conflict or natural disaster. The most widely accepted definition of protection speaks of *"all activities aimed at obtaining full respect for the rights of the individual"*. This definition places the international legal framework, and concepts of justice and human rights, at the heart of protection work.

As such, Trócaire's commitment to protection is a reflection of the organisation's justice mandate and rights-based approach – whether this commitment is realised in practice during a crisis through advocacy or access to justice work, for example, or through protection mainstreaming efforts.



Children in the Qab Elials camp for Syrian refugees in Lebanon's Bekka Valley. When working with crisis-affected communities such as those in the Bekka Valley, Trócaire's humanitarian response will prioritise work which prevents and responds to four human-generated threats, rather than focusing on the broader spectrum of human rights. **Photo: Eoghan Rice / Trócaire**

Protection, Accountability, Risk and Safeguarding Programme Participants

Trócaire's humanitarian protection work is informed by the organisation's Accountability Framework and strives for a community-led approach that prioritises participation, inclusion and two-way communication. It is concerned with the concept of *a right to life with dignity*; as accountable humanitarian actors, our responsibility is to provide life-saving assistance in a way that protects the right to dignity of the individual.

It is also concerned with safe programming and 'Do No Harm', placing an onus on us to analyse, minimise and respond to any potential risks that we may create for programme participants through our work. As such, humanitarian protection links directly with the wider organisation's Safeguarding of Programme Participants initiative.¹²

¹² See Trócaire's internal guidance note:  **Understanding the Links between Security, Safeguarding and Protection.**

Integrated Programming and Resilience

Amongst other issues, protection work typically has a strong thematic focus on vulnerability and diversity (including gender and HIV); GBV; abuse monitoring and reporting; access to justice and housing, land and property rights – all natural links to Trócaire’s longer term Gender, HIV, GHR and Livelihoods work. In fact, while the concept and language of protection may be relatively new to the organisation, the essence of protection arguably is not – much of Trócaire’s development programming falls easily within the protection framework. Protection, therefore, can be seen as a key strategy for linking relief and recovery with development work and for building a more integrated response.

Links can also be drawn between protection – with its emphasis on community self-protection capacity and psychosocial well-being – and resilience, where resilience is understood in its holistic sense to include resilience of the person and of the community in the face of a range of natural and man-made hazards.

As the organisation moves to a country model of response, therefore, protection offers many opportunities to explore coordination, coherence and integration across programmes.



A distribution of hygiene products such as soap and tooth paste in a camp for displaced people in Kachin State, northern Myanmar. Conflict has displaced approximately 100,000 people in the region. Church agencies in Kachin State are supporting people in camps by providing shelter and food. Trócaire employs a Do-No-Harm and conflict sensitive approach to such activities to analyse and address risks to communities that could come about as a result of our work. Further information about this can be found in the Humanitarian Protection Handbook.

Photo: Eoghan Rice / Trócaire

