Inter-Agency Standing Committee
Emergency Directors Group (EDG)
PRELIMINARY GUIDANCE NOTE

PROTECTION AND ACCOUNTABILITY TO AFFECTED POPULATIONS IN THE HUMANITARIAN PROGRAMME CYCLE

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1
WHY THIS GUIDANCE?

This note sets out actions to be undertaken throughout the humanitarian programme cycle (HPC) to fulfill commitments on Accountability to Affected Populations (AAP) and to ensure that protection is central to humanitarian response. It sets out the fundamental link between accountability systems and protection in humanitarian action, and then describes, for each stage of the HPC, the accountability mechanisms that should be established and actions required at country-level, as the foundation for appropriate and effective programming to achieve improved protection outcomes for crisis-affected communities.

There will often be a significant overlap between actions undertaken in pursuit of protection outcomes (or to ensure that protection is appropriately mainstreamed throughout the humanitarian response),

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and those designed to ensure meaningful and effective accountability to people affected by crisis. While not identical, these goals are fundamentally linked, and should be approached as essential, complementary and mutually reinforcing components of an effective humanitarian response. As such, and with the aim of pursuing a cohesive approach, this note highlights practical actions to be undertaken in pursuit of both goals, with a particular focus on community engagement as the basis of sound accountability mechanisms, and at the same time a key element in defining protection priorities and responses.

This preliminary guidance note is intended to accompany the IASC Humanitarian Programme Cycle Reference Module (2015) as well as the tools and guidance on protection mainstreaming developed by the Global Protection Cluster (GPC). Protection mainstreaming is the process of incorporating protection principles and promoting meaningful access, safety and dignity in humanitarian aid. Accountability is one of the four key elements of protection mainstreaming, alongside participation and empowerment, meaningful access and providing safety and dignity and avoiding causing harm.

This preliminary note will be revised based on field experience in 2016, and an updated version issued. It has been drafted as a succinct complement to other policies and guidance currently under development, including the HCT Protection Strategy Guidance and the IASC Protection Policy, and future revisions will take these into account, once issued. Application of this guidance furthermore serves to reinforce the commitments made by IASC organizations to Accountability to Affected Populations (AAP)[1] and those set out in the December 2013 Statement of the IASC Principals on the Centrality of Protection.[2]

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[1] Collectively and individually, IASC organizations have undertaken to ensure accountability through leadership; transparency; feedback and complaints; participation; and design, monitoring and evaluation: https://goo.gl/xiE3pV.

[2] IASC, Statement on the Centrality of Protection in Humanitarian Action, December 2013: https://goo.gl/V6Dz7I

2
WHO IS THE TARGET AUDIENCE?

This guidance is aimed at Humanitarian Coordinators and Humanitarian Country Team members (including in their role as cluster lead agencies), to assist them in ensuring that accountability and protection are fully embedded throughout the Humanitarian Programme Cycle. It should also serve as a tool to guide the work of sectors/clusters, both individually and collectively.

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3
HOW CAN ACCOUNTABILITY SYSTEMS ENHANCE PROTECTION?

In situations of conflict, civil unrest and natural disaster, people affected by crisis are almost invariably exposed to acute risks of violence (physical, psychological and sexual), rights violations, coercion and exploitation. Individual and community protection capacities, and national protection mechanisms, are frequently disrupted or inadequate to address acute protection risks stemming from new threats.

Accordingly, protection[3] must inform humanitarian action and advocacy, including engagement with States, which have the primary responsibility to protect, and other relevant stakeholders, including non-state armed actors that also have obligations to protect in situations of armed conflict in areas that they control. Protection outcomes are maximised when humanitarian actors leverage their complementary and yet distinct mandates, roles and responsibilities. Protection is likewise a collective responsibility that cannot be left solely to 'protection' actors.

Protection risks and violations are often shaped by characteristics such as minority status, gender, sexual orientation, age or other diversity factors. Accordingly, placing protection at the centre of humanitarian action requires that, at the very outset of a crisis, humanitarian actors work with communities to identify who is at risk of protection threats, how and why, and link this to a broader analysis of external factors

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[3] Protection may be defined as all activities aimed at obtaining full respect for the intrinsic rights of all individuals in accordance with international law – international humanitarian, human rights and refugee law – taking into account differences in age, gender, minority or other background.

that impact the protection environment. It also entails understanding the specific vulnerabilities that underlie these risks, and identifying the unique experiences of men, women, girls and boys, and groups such as older persons, persons with disabilities, persons belonging to minority groups, and persons of diverse sexual orientation or gender identity.

These essential ingredients for protection analysis are also what constitute an effective system of accountability. Accountability refers to the responsible use of power, combined with effective and quality programming that recognizes the community's dignity, capacity, and ability for self-determination.

As well as strengthening accountability, investments in direct and sustained engagement with communities play a key role in securing protection outcomes. This in turn requires a transparent and continuous two-way communication that captures, records and relays the expressed risks, needs, capacities and aspirations of communities. Actions and approaches must enable communities to participate meaningfully in key decisions throughout the programme cycle: assessment and analysis, planning and design, resource mobilization, implementation, monitoring and evaluation.

In practice, this means:

Taking account of: A broad spectrum of the community must be able to participate in decision-making in a way that is inclusive, non-discriminatory and has real influence in the humanitarian response. This influence can only be achieved through an investment by humanitarian actors in communication approaches that include clear and direct feedback loops between those involved in programme design and management and the communities themselves. Protection is furthermore enhanced because the disaggregated risks/needs of the community are recognized and enable a more targeted response; the drivers of conflict are more likely to be seen, thereby reducing the risk of humanitarian action causing further harm while, in contrast, enhancing protection by the community.

Giving account: For communities to engage meaningfully and to make informed decisions, it is necessary to establish two-way communication. Dialogue, furthermore, cannot be limited to the simple exchange of information but needs to contribute to programme design, management and delivery, pursued regularly and aligned with the different phases of the programme cycle. Two-way communication is equally necessary to determine programme impact and appropriateness through community feedback. Protection is enhanced overall as the community becomes more empowered and directly engaged in decision-making.

Being held to account: A broad spectrum of the community must have the opportunity to assess and, where feasible, alter or sanction the activities and decisions of humanitarian actors. Being accountable thus involves direct inquiry with communities on the quality of humanitarian action, its fairness and effectiveness. For this process to be genuine, however, humanitarian actors need to acknowledge and respond to the feedback from communities.

In applying this comprehensive approach to accountability, humanitarian actors are more capable of:

- Tailoring protection outcomes in accordance with the context, thereby avoiding ready-made approaches and generalizations;

- Empowering communities, as rights-holders rather than as beneficiaries of aid, to exercise their rights and comply with their duties;

- Recognizing and enabling marginalized community members to be represented and partake in meaningful participation in programme design and implementation;

- Assuring equitable and meaningful access by girls, boys, women and men of all ages and diverse backgrounds to protection and assistance programmes.

In the context of the HPC, the protection analysis emerging from a community- and rights-based approach that is underpinned by a comprehensive system of accountability should inform and shape the overall strategy, enable the design of appropriate preventive,

responsive and environment-building interventions by protection actors, and influence and inform the work of humanitarian actors in other sectors, as well as non-humanitarian entities including peace-building and development actors.

It requires a strong HCT commitment to accountability, and the means of being held accountable to this commitment, throughout the HPC – from needs assessment, to results sharing and prioritization of needs. In addition, in line with the commitments of IASC organizations at global level, HCT members should ensure that AAP is streamlined in all staff work plans (without restricting AAP outputs to a specific job title or individual) and that senior management exercise AAP oversight.

4

WHICH MECHANISMS AND ACTIONS ARE REQUIRED THROUGHOUT THE HUMANITARIAN PROGRAMME CYCLE TO STRENGTHEN ACCOUNTABILITY AND ENHANCE PROTECTION?

Humanitarian Programme Cycle

Humanitarian Needs Overview ▶ Humanitarian Response Planning ▶ Response Implementation and Monitoring

HUMANITARIAN NEEDS OVERVIEW

OBJECTIVE

Key protection risks and needs are identified and analysed through the **participation** of a broad and **representative** spectrum of the community in a manner that ensures meaningful participation of all age, gender and diversity groups.

- Employ participatory assessments at key stages, including as part of the Joint Needs Assessment, incorporating systematic engagement to identify the diverse perspectives, risks and capacities of groups within crisis-affected communities, including men, women, girls and boys, and groups such as older persons, persons with disabilities, persons belonging to minority groups, and persons of diverse sexual orientation or gender identity, and analyse and integrate the outcomes systematically in the HNO and HRP;

- Drawing on the expertise of protection cluster/sector, ensure that protection features prominently in the country-level and sector/cluster needs assessment tools and processes, and that results are shared across clusters/sectors for a collective analysis of cross-cutting protection issues;

- Ensure that protection and accountability are embedded in the Joint Needs Assessment and reflected in the HNO, in particular by ensuring that the following issues are covered, and complemented by a broader analysis (including Do no Harm and conflict analysis) drawing on a range of sources. Note that the detailed assessment and analysis of protection risks should be conducted by protection actors; needs assessments in other clusters/sectors should incorporate an analysis of protection risks that may arise in the context of the cluster/sector response concerned. This list should be read together with the HNO Guidance Note.

  – Legal framework(s) for protection, and how/the extent to which these are applied in practice;

  – The drivers of the crisis;

  – Displacement drivers, trends and patterns;

  – Existing civil society, human rights organisations;

- Existing community-based protection mechanisms and capacities;

- Patterns of violence and harm (including who/what is causing or alleviating them, and why);

- Historical, political and social dynamics within and between groups, including marginalized and at risk social groups, and (in situations of displacement) relationships between displaced and host communities, and how these dynamics impact on the crisis and protection risks;

- Specific groups at risk of discrimination (e.g. ethnic and religious minorities, persons with disabilities, elderly persons; and lesbian, gay, bisexual, transgender and intersex (LGBTI); by whom and why (e.g. cultural, religious, economic, political reasons);

- Physical threats/threats emerging from the conduct of hostilities (e.g. landmines, presence and behaviour of combatants, the conduct of hostilities between armed groups/forces, tensions between IDPs and the host community);

- Forms and prevalence of sexual and gender-based violence (SGBV), and sexual exploitation and abuse (SEA); the main perpetrators and persons at risk;

- Impact of the crisis on children (e.g. recruitment, association with armed groups, child labour, exploitation and family separation);

- National protection coordination mechanisms and potential for international humanitarian community engagement;

- Response capacities of local, national and international actors, including need for capacity development;

- Actual and potential roles of actors such as political/ peacekeeping missions, government agencies/institutions, donors, member states.

HUMANITARIAN RESPONSE PLANNING

OBJECTIVE

Priorities and desired protection outcomes are identified, pursued and achieved collectively across sectors/clusters and with communities through meaningful participation, which reinforces a rights-based approach, empowers communities, recognizes differences in age, gender and diversity, guarantees transparent responses to community feedback and leverages the complementary roles, expertise and mandates of humanitarian actors.

ACTIONS

- Develop HRP strategic objectives that respond to the priority concerns emerging from the protection analysis incorporated in the HNO (including clear protection objectives);

- Articulate in the HRP ways in which humanitarian actors will respond to the specific protection problems identified during the HNO (e.g. reducing risk through advocacy and engagement with perpetrators of violence; reducing exposure to risk; strengthening community capacities to address risks, and/or remedial action through protection interventions and other services);

- Identify protection problems that will be addressed collectively and those to be addressed by the Humanitarian Coordinator, specific protection actors/the protection cluster and other humanitarian actors, as well as by non-humanitarian actors;

- Ensure that cluster/sector leads commit to, report on and are held accountable for mainstreaming protection in their strategies, with concrete activities such as staff and partner capacity strengthening, and commitment to defined outcomes for communities (e.g. improved access, safety, dignity, and/or participation);

- Ensure participation of communities and those humanitarian actors with the closest contact/proximity to communities in programmatic decision-making and priority setting, including the development of the HRP and monitoring, evaluation and reporting;

- Explore ways to involve (where possible) representatives from a cross section (with respect to age, gender and diversity) of the community in identifying HRP priorities;

- Advocate for and prioritize adequate resources for protection and accountability mechanisms, as well as protection programmes, as cross-cutting and life-saving objectives in all cluster/sector plans and as an stand-alone area of intervention;

- Establish a regular and systematic dialogue with donors and key stakeholders (including government, political, security and international development actors) on the importance of neutral and impartial programme design and implementation, in line with humanitarian principles;

- Align the HRP with an effective and multifaceted advocacy strategy on protection with a diverse range of stakeholders, including with host governments and Non-State Armed Actors (NSAAs);

- Design programmes in a way that reinforces prospects for durable solutions, including through inclusion in national development planning, including the UNDAF.

RESPONSE IMPLEMENTATION AND MONITORING

OBJECTIVE

Programme implementation and monitoring is done in participation with communities in a manner that enables their meaningful feedback and contribution, while at the same time, facilitates an ongoing analysis of protection risks that translates into action and informs adjustments to the response and future strategic planning.

ACTIONS

• Make protection a standing agenda item at HCT meetings and, through the protection cluster or similar entity in non-cluster environments, and/or protection agencies and NGO members of the HCT, invite protection actors to provide regular briefings;

• Establish mechanisms for collective and ongoing analysis of evolving protection risks, based on protection monitoring, and to ensure that humanitarian assistance does not create/exacerbate protection risks or cause further harm;

• Ensure that clusters/sectors develop a culturally appropriate and protection sensitive strategy for two-way communication with communities in a manner that enables access to information and direct engagement by/with a range of different groups within the communities;

• Ensure that information dissemination includes, as a minimum, accessible and timely information on cluster/sector strategies, targeting criteria, geographical focus, services provided and entitlements, programmatic changes, and community feedback and complaints mechanisms;

• Translate messages into local languages and deliver them through context-appropriate, protection sensitive methods and channels such as, face-to-face meetings, notice boards, radio, television, mobile phones, email, internet, call-in centres and public fora, community outreach workers, religious leaders, training and awareness-raising sessions, social groups and community centres;

- Ensure that visible and accessible feedback and complaints mechanisms are in place, tailored to the operational context and the preferences of communities, which can appropriately handle complaints about
  - i) violations of the law (such as sexual exploitation and abuse) or institutional policies / codes of conduct; and
  - ii) quality and appropriateness of humanitarian programmes;

- Formalize feedback and complaints mechanisms through an official policy that defines the purpose and limitations of the mechanisms (e.g. steps involved in processing and responding to complaints, how to handle PSEA reports/complaints), addresses confidentiality and non-retaliation issues, is updated regularly and assigns clear roles and responsibilities (those who process feedback need to be different from those who establish and maintain mechanisms);

- Explore creative ways to enable representatives from a cross section (with respect to age, gender and diversity) of the community to participate in the monitoring and evaluation of results;

- Feed into the next HNO and HRP, any programmatic gaps relating to specific categories of the community and ensure that lessons learned from one phase of the HRP are taken into account for the next.

Practical guidance to Humanitarian Coordinators and Humanitarian Country Teams (HCTs) on how to uphold and fulfil their commitments in relation to accountability to affected populations (AAP) and protection throughout the Humanitarian Programme Cycle (HPC).