



# ENHANCING PROTECTION

FOR CIVILIANS IN ARMED CONFLICT  
AND OTHER SITUATIONS OF VIOLENCE



ICRC



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# CONTENTS

<b>FOREWORD</b>	4
<b>INTRODUCTION: UNDERSTANDING PROTECTION</b>	9
<b>CHAPTER 1: DESIGNING AND IMPLEMENTING PROTECTION ACTIVITIES</b>	13
Building up and managing a protection action	14
1. Problem analysis and setting of priorities	
1.1 Problem analysis	15
1.2 Analysing feasibility	21
1.3 Setting priorities	22
2. Definition of goals and strategy	25
3. Definition of objectives and plan of action	30
4. Implementation	33
5. Monitoring and Evaluation	35
<b>CHAPTER 2: ACTIVITIES AIMED AT REDUCING OR ELIMINATING VIOLATIONS</b>	41
1. Activities targeting authorities	
1.1 Representations	43
1.2 Development of the law and of standards	44
1.3 Activities as a neutral intermediary	45
2. Activities aimed at reducing risks	
2.1 Registration and presence	46
2.2 Empowering communities	47
2.3 Evacuation	48
2.4 Specially protected areas	48

<b>CHAPTER 3: INFORMATION MANAGEMENT</b>	51
3.1 Systematic information management	52
3.2 Short overview of the ICRC's system of managing and processing data	55
<b>ANNEX 1: AN EXAMPLE OF A SWOT ANALYSIS</b>	59
<b>ANNEX 2: DATA GATHERING ON PROTECTION PROBLEMS AND NEEDS</b>	63
Sample checklist to be adapted for each context	64
<b>ANNEX 3: DATA GATHERING ON SPECIFIC EVENTS AND THEIR FOLLOW-UP</b>	71
Checklist to be adapted for each context	72
<b>ANNEX 4: TRAINING IN PROTECTION</b>	75
ICRC protection training	77
<b>ANNEX 5: SUPPLEMENTARY READING</b>	79

# FOREWORD

## **The need for a methodology to enhance protection for the civilian population**

The aim of this brochure is to enable the International Committee of the Red Cross (ICRC) to share, with the various humanitarian actors and human rights non-governmental organizations (NGOs) working in the field of protection, its experience and know-how in setting up activities that are designed to enhance protection for civilians in armed conflicts or other situations of violence.

It is based on internal guidelines developed for ICRC field delegates and finalized recently after a process, lasting several years, of internal reviews and discussions. This process was initiated to ensure that the ICRC took a more systematic and rigorous approach in the field of protection. The ICRC felt that it was necessary to summarize the lessons that it had learnt and to translate its experiences, gained as a result of nearly 30 years of work in this field, into a set of general methodological guidelines.

## **Protecting civilians: Learning from experience**

Protection work, for the ICRC, is aimed at essentially two categories of person:

- persons deprived of their freedom, particularly those detained in connection with an armed conflict or other situation of violence;
- civilians and others who are not, or who are no longer, taking part in a conflict or other situation of violence, notably persons or groups exposed to specific risks, such as children, women, the elderly, the disabled, and the displaced.

The ICRC's work to benefit civilians and persons deprived of their freedom also includes a range of activities aimed at:

- restoring links between members of families who are separated from one another and unable to establish contact by themselves, with priority being given to children separated from their parents;
- clarifying the fate of persons who are missing as a result of an armed conflict or other situation of violence.

Protecting and assisting victims of armed conflict have been at the core of the ICRC's identity for more than a century.<sup>1</sup>

Traditionally, the ICRC's protection work has focused largely on persons deprived of their freedom ('detention activities') and on those who are not, or who are no longer, participating in an armed conflict (the wounded and the sick).

For its detention activities, the ICRC has, over time, developed working methods and tools ranging from individual follow-up for prisoners of war to support for structural changes.

It is only since the 1970s that the ICRC has more systematically implemented actions in behalf of the civilian population during armed conflict or internal violence.<sup>2</sup> This period also saw the adoption, in 1977, of two Protocols additional to the Geneva Conventions, which prompted the ICRC to tackle more frequently within this framework issues related to the conduct of hostilities.<sup>3</sup>

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1 Armed conflict(s) = International and/or non-international armed conflict(s), as defined in the Geneva Conventions of 12 August 1949 and their two Additional Protocols of 1977.

2 Internal violence = Internal disturbances (internal strife) and situations requiring a specifically neutral and independent institution and intermediary, in conformity with the Statutes of the International Red Cross and Red Crescent Movement, article 5(2)(d) and 5(3), adopted by the 25th International Conference of the Red Cross and Red Crescent in October 1986 and amended by the 26th and 27th International Conferences in December 1995.

3 In its internal and external communications, the ICRC uses the expression "protection of the civilian population" although the literal definitions of these terms do not reflect the full scope of protection activities undertaken in behalf of persons who are not detainees. This expression has the advantage of brevity and has therefore been adopted for ease of reference.

Initially, the ICRC's working methods related to the protection of civilian populations derived from those used and implemented for the protection of persons deprived of their freedom. However, over the years, the methods employed by the ICRC, and the activities it has carried out in this regard have evolved. As a result of growing specific constraints – related, for example, to access, security, dialogue with the authorities concerned – and the scale of the challenges and resources required to address needs in a number of different contexts, the ICRC has come to adopt a holistic and multidisciplinary approach to such action.

Its experiences, positive as well as negative, have enabled the ICRC to learn how to face new challenges. Over time, it has developed complex multidisciplinary strategies to address protection issues for categories of population with specific needs (e.g. demobilized child soldiers, victims of sexual violence) that sometimes require the attentions of specially trained staff. While promoting better responses to specific needs, the ICRC has been guided by its conviction of the importance of maintaining an 'all victim approach' when determining protection priorities in a given context.

Protection for the civilian population is a basic element of humanitarian law: civilians and all those not taking part in the fighting must on no account be attacked and must be spared and protected. The 1949 Geneva Conventions and their 1977 Additional Protocols contain specific rules to protect civilians. In situations that are not covered by these treaties, in particular internal disturbances, civilians are protected by other international bodies of law, notably human rights law and its inalienable rights,<sup>4</sup> by national laws compatible with international laws and by the principle of humanity. Unfortunately, today's reality shows that the civilian population and, in armed conflicts, those no longer participating in hostilities, do suffer most from the consequences of armed violence. The situation has not improved since the end of the Cold War.

Civilians are not only increasingly directly caught up in the violence, but control over the civilian population is often one of the stakes in the conflict. The development of such a situation can be attributed, *inter alia*, to increased inter-communal, ethnic and religious tensions, the collapse of State structures, fighting for control of natural resources, the widespread availability of weapons, the rise of acts of terror and the proliferation of so-called asymmetric armed conflicts. Nowadays, the general lack of protection in crises affecting civilians caught up in armed conflict and other situations of violence is not due to an inadequate legal framework but to poor compliance.

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<sup>4</sup> Rights that are considered as universal standards and to which no derogation is admitted, even in time of public emergency or other exceptional situations. Those rights comprise: the right to life; the prohibition of torture and other cruel, inhuman and degrading treatments or punishments; the prohibition of slavery and forced labour; the principle of legality and non-retroactivity of punishments.



Marko Kokic/ICRC

# INTRODUCTION: UNDERSTANDING PROTECTION

For the ICRC, protection, in the broadest sense, aims to ensure that authorities and other actors<sup>5</sup> respect their obligations and the rights of individuals in order to preserve the lives, security, physical and moral integrity and dignity of those affected by armed conflicts and/or other situations of violence. Protection includes efforts that strive to prevent or put a stop to actual or potential violations of international humanitarian law (IHL) and other relevant bodies of law or norms that protect human beings.

Above all, protection aims to eradicate the causes of violations, or the circumstances that lead to them, by addressing mainly those responsible for the violations and those who may have influence over them.

This definition of protection also includes activities that seek to reinforce the security of individuals and indirectly to reduce the threats they face and their exposure to risks, particularly those arising from armed conflict and other situations of violence.

The persons marked out for specific concern by this definition are those who are not, or who are no longer, taking a direct part in an armed conflict, or those who are affected by other situations of violence.<sup>6</sup>

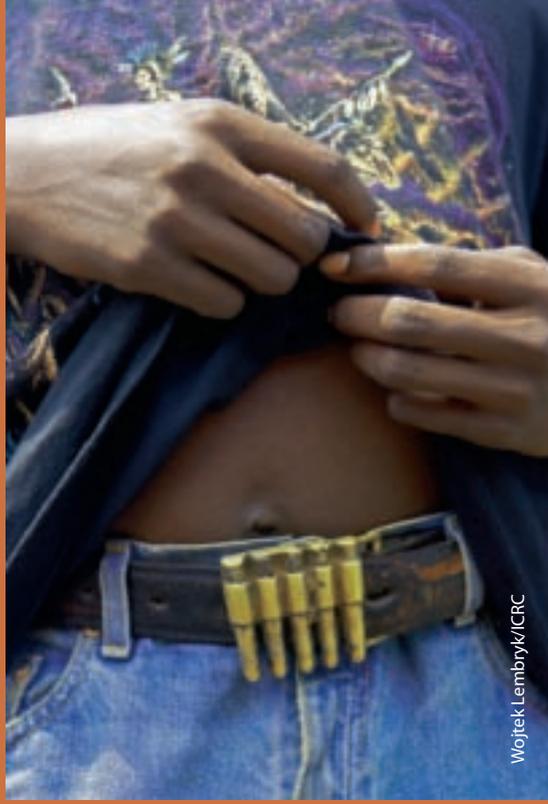
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- 5 Authorities and other actors are often also called «State and non-State actors.» In the text that follows, the term «authorities» covers those who control a given territory, *inter alia*, civil, military, police and intergovernmental authorities, peacekeeping missions, traditional authorities, clan leaders and armed groups, which have obligations and responsibilities regarding the protection of people in situations of armed conflict or other situations of violence.
- 6 The ICRC defines the beneficiaries of its action on the basis of the specific needs and vulnerabilities identified in each context – see Chapter 1.

This definition of protection – which derives from the consensus reached in 1999 by representatives of human rights and humanitarian organizations who took part in several workshops convened by the ICRC in Geneva – makes it possible to stimulate the potential links between assistance, prevention and protection.

In fact, assistance delivery, the promotion of legal norms, communication campaigns, and confidential representations may all be part of a coherent protection strategy addressing the causes and consequences of violations and abuses.

This definition of protection also makes it possible to understand the potential roles of the ICRC, UN agencies and NGOs in enhancing protection for the civilian population without undermining the essential assumption that under IHL and other bodies of law, protection is primarily the responsibility of the authorities and organized armed groups.

- **Chapter 1** deals with the need to promote a multidisciplinary analysis and strategy in order to achieve protection in its broadest sense. The usefulness of the working methods and tools it suggests is not restricted to the ICRC; other actors involved in protection work may also find a use for them.
- **Chapter 2** describes the ways in which the ICRC sets up and conducts a subset of activities aimed at preventing and/or putting an end to and/or avoiding the recurrence of breaches of the authorities' obligations or violations of the rights of individuals, in accordance with the letter and the spirit of IHL and other bodies of law in situations of violence. Some of these activities derive directly from the ICRC's mandate and are therefore unique to it; others are undertaken by most of the actors working in the protection field.
- **Chapter 3** focuses on matters related to the management of data (collection, analysis, transmission) that every organization working with protection data should take into consideration.



Chapter 1:

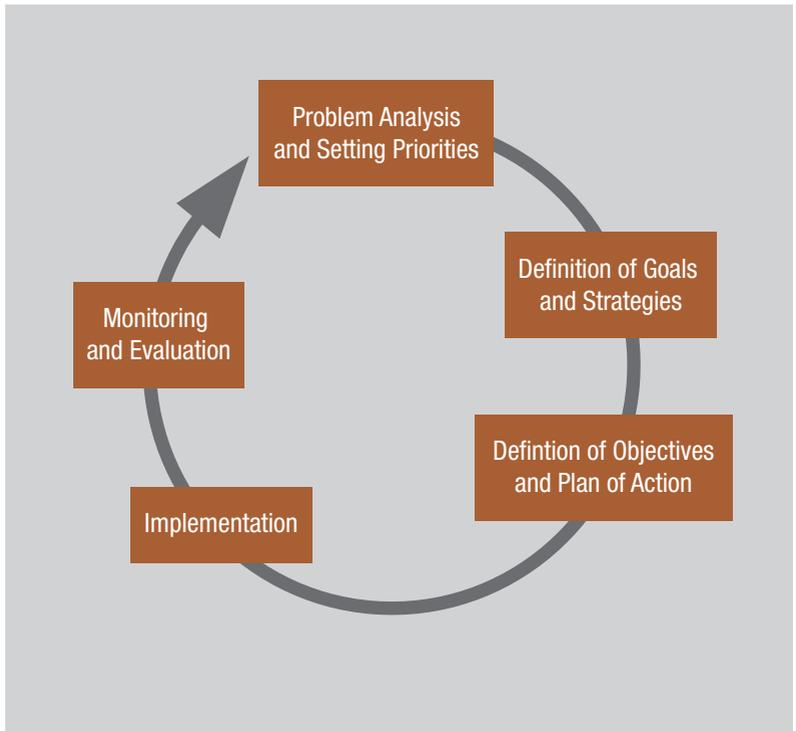
# **DESIGNING AND IMPLEMENTING PROTECTION ACTIVITIES**

## Building up and managing a protection action

Five steps are required for building up and managing a protection action on behalf of civilians:

1. Problem analysis and setting of priorities
2. Definition of goals and strategy
3. Definition of objectives and plan of action
4. Implementation
5. Monitoring and evaluation

These are intended to be stages in a cyclical process that requires the sound management of information and that permits, when circumstances change, periodic or ad hoc re-analysis and re-adaptation.



## 1. Problem analysis and setting of priorities

No effective protection strategy can be conceived without a sound understanding of the violations/abuses that were committed: this includes, *inter alia*, their rationale, their direct and indirect effects, and the social and legal framework in which they took place. In addition, as explained later, a sound understanding of the realities in question must always be based on an analysis of categories of person with special rights and/or special vulnerabilities or needs. Here, this first and fundamental step is called 'problem analysis.'

Once the problem analysis is done, it has to be ascertained whether prior minimum conditions for a protection action in the field are set (access to victims, security of staff, security of the affected population, identification of the authorities, etc.).

After the problem analysis has been done and the existing conditions ascertained, each organization, taking into account the necessities of a minimum level of coordination and of avoiding duplications, has to set clear and realistic priorities to guide its protection work. These priorities must take into account the organization's mandate and the resources at its disposal.

The pages that follow illustrate how within the ICRC such an analysis is conducted.

### 1.1 Problem analysis

Before proceeding to a problem analysis related to a specific protection issue, it is necessary to establish that an updated preliminary analysis of the context (political environment, issues, actors, functioning of institutions, etc.) exists.

The first task when analysing protection issues is to identify:

- the groups of victims and vulnerable persons;
- their problems;
- those responsible.

In short, WHO does WHAT to WHOM?

This is followed by a thorough analysis of the problems that have been identified, including:

- violations (allegations) and risks (e.g. acts, or omissions, recorded or potential, that are part of a political strategy or due to structural weaknesses);
- victims and persons at risk (status, sex, age, physical characteristics/origins, political and socio-economic background, coping mechanisms, circumstances, date and duration of the exposure to risk);
- perpetrators and responsibilities (e.g. sectors concerned – army, police, judicial authorities, (educational authorities), etc., hierarchical positions of the direct perpetrators, roles of the different hierarchical levels, responsibilities of different sectors, existence and functioning of the chain of command);
- environment and possible reasons for the violations and circumstances (e.g. history and dynamics of the conflict or other situation of violence, institutional policies, ideology or criminality);
- consequences (e.g. immediate, medium or long-term, physical, psychological or socio-economic).

The analysis must take particular care to do the following:

- Thoroughly identify and analyse patterns of abuse: for example, it is especially important to be able to determine if the violations that were committed were the result of misbehaviour that reveals a lack of control in one of the parties over its troops on the ground, or the result of a decision taken by a regional command<sup>7</sup>, or if they are the result of a deliberate policy conceived at the highest level. Without this understanding, it will be extremely difficult to discuss what measures the authorities could take to address this pattern of abuse.
- Take into consideration both the legal protection granted to specific categories of person – e.g. minors, women, and refugees – and the factors which can increase the vulnerability of certain categories of victim, such as age or sex or displacement (See the table listing some “vulnerability factors” on p. 20).

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<sup>7</sup> This could be the case when a division commander plans an attack and does not respect either the principle of precaution or that of proportionality.

→ Determine the specific resources and expertise (related, for example, to medical issues and to various technical matters such as knowledge of the use of particular weapons) that would be needed to enable the ICRC to monitor the conduct of hostilities, and/or the manner in which law enforcement operations are carried out. The extent to which the parties to a given conflict would allow the ICRC to have recourse to such expertise should also be evaluated.<sup>8</sup>

This analysis should closely involve stakeholders – authorities, victims, influential members of civil society – to ensure broad understanding and inclusiveness, and should not be limited to a particular segment of the society.

Moreover, anyone wishing to put in place a long-term action must be prepared to promptly analyse any major changes in a given context and adapt strategies and activities accordingly.

Needs analysis for identifying beneficiaries must take into account vulnerabilities and special needs and rights of different segments of the population

People affected by conflicts and other situations of violence may be exposed to risks caused by a combination of inherent vulnerability (physical, economic, environmental, etc.) and the threats they face (e.g., violence, deprivation, coercion). An in-depth needs analysis must consider both aspects from the general perspective of the affected population, as well as the specific implications for categories of victims or for individuals who might be especially at risk.

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<sup>8</sup> However, the ICRC should systematically consider carrying out a protection action whenever it has been established, even if only on the basis of humanitarian indicators, that serious humanitarian consequences are likely to follow from the conduct of hostilities or from law enforcement operations.

The beneficiaries of a protection action should be identified on the basis of this needs analysis, combining an 'all victim approach' with particular attention being paid to those with specific needs and/or vulnerabilities. In addition, the needs analysis, by examining violations (allegations), threats and their consequences for the affected population, enables priorities to be set and decisions to be made on the type of response that is required.

When it is stated that the ICRC adopts an 'all victim approach' to assessment and analysis of needs and possible responses, what is meant is that the needs of the affected population as a whole are taken into account, as opposed to focusing from the start on predetermined categories of person.

However, within this holistic approach, special attention must be given to particular groups of victims and specifically vulnerable people, to ensure that their protection needs are properly taken into account.

To establish these protection needs it is important to take into consideration both the legal protection granted to specific population groups – e.g. minors, women and refugees – and contextual factors, which can increase the vulnerability and the exposure to risk of certain segments of the population such as:

- groups that may be targeted or marginalized owing to the dynamics of the conflict (based on ethnicity, religion, geography, political beliefs, etc.);
- populations who have been displaced as a result of the hostilities;
- categories of person who may be at particular risk owing to their physical vulnerability (e.g. the sick and/or the wounded, pregnant women, children, the elderly, and/or the disabled). Usually, these individuals might be able to rely on their families and/or social systems for the additional support they require. But often in a crisis these support systems are disrupted and those who are physically unable to care for themselves may find themselves at grave risk.

When conducting a protection assessment, it is necessary to remember that not all victims are equally visible. Some of them might have no representation from local leaders (e.g. isolated members of minority groups), some might be suffering restricted mobility (the bedridden, the disabled), some might be anxious about the possibility of stigmatization, and so on.

As mentioned above, the ICRC identifies beneficiaries of its activities on the basis of assessed needs and vulnerabilities and not by focusing on predetermined categories of person. However, in its analysis, the ICRC takes into consideration both the legal protection granted to specific population groups and the factors that can increase the vulnerability of certain categories of victim. Some of the main factors to consider regarding minors, women, internally displaced persons (IDPs) and refugees are listed on the next page.

## VULNERABILITY FACTORS

### CHILDREN

May be severely affected by:

- attacks on their lives, dignity, and physical integrity, and also by such attacks against their caregivers;
- separation from their parents or other caregivers;
- the lack of health services or of food and basic commodities, inadequate shelter, and the presence of mines and explosive remnants of war;
- association with armed forces/armed groups (recruitment, live combat, physical and/or sexual exploitation, abuse);
- attacks on educational structures and staff, which interrupt learning and cause psychological trauma and the loss of 'safe areas.'

### WOMEN AND GIRLS

Are often especially at risk of:

- sexual violence and/or attacks on their lives, dignity and physical integrity (they are at greater risk when separated from their families);
- forced displacement – women and children make up most of those who have been displaced;
- restricted movement and limited access to essential goods and services for security, economic, physical, cultural or other reasons;
- having to assume responsibility for their families, and may be forced into prostitution for socio-economic reasons;
- exceptional vulnerability when forced to support weapon bearers.

### IDPs

Arbitrary displacement of civilians is expressly prohibited and must be prevented. If it does occur, IDPs may be at greater risk of:

- direct or indiscriminate attacks, reprisals, collective punishment, looting, harassment, insecurity, and general lack of safety;
- becoming separated from their families;
- secondary displacement, restricted movement;
- exploitation, coercion, disenfranchisement, marginalization;
- inadequate shelter, food, and essential services;
- restricted employment and/or subsistence opportunities;
- forced return, which violates their right to a voluntary, safe, dignified return with long-term solutions (which respects the unity of families)

### REFUGEES\*

- Are extremely vulnerable during their displacement; may meet with disregard for their dignity and physical integrity, camps may offer inadequate security, essential needs may be inadequately addressed;
- are at great risk of being separated from their families;
- may have limitations imposed on their ability to be self-sufficient;
- risk being interned (civilians and former weapon bearers).
- must contend with the fact that their repatriation may not be voluntary, safe, or dignified, and that their resettlement options may be limited.

\* The Office of the United Nations High Commissioner for Refugees (UNHCR) is the agency or organization primarily responsible for the protection of refugees. The ICRC often complements UNHCR action; when IHL is applicable, the two organizations work alongside each other. The ICRC does not pronounce on refugee status and usually does not set up or manage camps. However, the ICRC takes the necessary steps to gain access to refugees to identify their problems and needs, to enable them to restore links with relatives who remained behind or who are abroad, and to follow up individual cases when necessary. It closely coordinates such activities with UNHCR.

## 1.2 Analysing feasibility

Together with the problem analysis, it is necessary to determine if those conditions exist that would allow the organization to undertake its protection activities. The feasibility of any protection activities in behalf of a civilian population will depend on the extent to which the following conditions are met:

- dialogue with the authorities concerned at high level (e.g. the quality of this dialogue, willingness/ability of the authorities to fulfil their obligations and to ensure that the law is respected);
- identification and knowledge of, and contact with, appropriate persons among the authorities concerned, with whom protection concerns can be effectively taken up and discussed (at the national, regional, and possibly the local levels);
- individuals' safety (e.g. the security of the affected persons is also linked to the recognition and/or acceptance of the ICRC's role by the authorities concerned, and to guarantees that persons in contact with the ICRC will not be subjected to pressure or acts of reprisal);
- staff safety (e.g. for the ICRC: its role recognized and/or accepted or not by all the authorities concerned, security guarantees provided or not for all or some of its activities);
- type of access to victims (e.g. unlimited, limited to selected regions, periods of time, or certain people, with/without the authorization to provide services or assistance).



Only on the basis of an evaluation of these conditions can it be decided whether to undertake protection activities. Very often, the situation will allow for at least a partial protection action.

Whenever required, steps to progressively improve the conditions necessary for action should be taken. These include:

- presenting, explaining, promoting and discussing the implementation of protection activities with the authorities concerned;
- developing a network of contacts and reliable interlocutors among the authorities concerned and among other influential stakeholders, especially in civil society;
- implementing complementary activities that facilitate protection action in behalf of the civilian population (e.g. family-links activities, assistance programmes, certain communication activities);
- starting, and progressively building, protection activities in the field, including the making of representations.

### 1.3 Setting priorities

In most conflicts or other situations of violence, civilians suffer the consequences of a wide range of abuses and violations that are committed on varying scales. Some might be isolated instances, others part of a consistent trend. It is therefore essential to establish certain priorities to reduce dispersion of effort and resources so that the most serious problems may be faced, and to ensure a real follow-up in the middle to long term for some difficult issues.

Proceeding from the contextual analysis, priorities can be selected for each context on the basis of three criteria:

- the significance of each problem identified (e.g. severity of the alleged violation and/or its humanitarian consequences, or the pattern or risk thereof, vulnerability of persons to these violations and other risks);
- the organization's framework (this might depend on the legal definition of the situation, on the specific mandate of the organization, on whether the situation is to be considered part of a regional or global organizational approach, on existing know-how within the organization, etc.);

→ the results that are expected, taking into consideration the feasibility of the action, the will/commitment of the authorities, the action of other organizations in the same field, and the resources that are needed as well as their availability within the organization.

## **ANALYSING A SITUATION: AN EXAMPLE**

### **GENERAL PATTERN AND LOCALIZED DYNAMICS AND REALITIES THAT LEAD TO THE ADOPTION OF FRAMEWORKS AND STRATEGIES FOR PROTECTION ACTIVITIES AT FIELD-OFFICE LEVEL**

The Darfur Peace Agreement was signed in May 2006. Despite this, in 2007 fighting took place in an increasingly fragmented and localized environment, and Darfur became a patchwork of situations that ranged, in description, from serious insecurity to fragile stability.

Protection problems were not widespread all over Darfur. Their scope and impact on the population depended on the intensity and dynamics of the conflict itself, tribal dynamics, the prevailing security situation and the strengths or weaknesses of traditional practices and coping mechanisms in a particular area. In certain areas, persistent insecurity hampered the return of IDPs, and triggered fresh displacements; in other areas, stability prevailed and there were even some IDP returns on a small scale.

### **CONTINUOUS VIOLENCE AGAINST CIVILIANS**

Various parties to the conflict were still spreading fear and insecurity in order to control the movements and/or the resources of the civilian population. Continuous attacks against civilians and civilian objects led to restrictions of movement.

When their movements were restricted or blocked, residents had to cope with limited access to essential resources such as land, water points and markets. Consequently, they were unable to plant, cultivate and harvest their crops or to take part in income-generating activities; this, of course, meant a loss of income. They were also sometimes subjected to forced taxation by local tribal leaders and required to pay 'protection fees' to move unharmed and safe from attacks.

When they were forced out of their homes or voluntarily displaced, IDPs lost their assets and became increasingly dependent on humanitarian assistance. In addition, they became vulnerable to many new hazards in urban centres and IDP camps (lack of traditional protection and coping mechanisms, presence of armed groups, harassment, forced taxation, sexual violence, etc.).

In areas of tension, men suffered IHL abuses (e.g. arbitrary assaults, arrests, and murder), as did women and girls, who were often the objects of sexual violence (including rape) and other cruel, humiliating and degrading treatment. Children remained especially vulnerable to forcible recruitment and use by armed groups and involvement in hostilities. Whether they were involved as fighters, labourers, cooks, messengers or spies, or in tending livestock, children separated from their families were vulnerable to physical abuse, sexual exploitation and psychological trauma.

The intermingled nature of the conflict and the endless splitting-up and coming together of the numerous armed groups made it very difficult for families to know how or where to look for their relatives. After arrests or abductions, families often remained anxious for news of the fate or whereabouts of their loved ones.

Finally, when military objectives and armed groups began to blend themselves into areas populated by civilians, it became increasingly difficult to distinguish between civilians and those participating in hostilities. This increased the risk, for both resident and IDP populations, of attacks and reprisals.

Owing to the complexity of the situation, which was characterized by a variety of IHL violations affecting the population and by a large number of regionally based actors pursuing local/tribal interests, the ICRC's delegation had no choice but to establish several protection strategies on a smaller geographical scale. Instead of having, at the national level, a single multidisciplinary strategy to deal with each of the violations identified as a pressing concern across the country, the ICRC decided to work on local strategic frameworks. Each field office had to identify its own protection priorities and work on strategies for dealing with them. The protection coordinator based in Khartoum maintained a supervisory role, in charge of the exchange of good practices and general coaching, and responsible for maintaining a certain consistency in the ICRC's responses whenever similar priorities were identified in new areas. In other words, the initial situation analysis made it clear that the process would have to be decentralized if protection strategies were to effectively deal with the dynamic of IHL violations.

## 2. Definition of goals and strategy

The next step is to define the goal and to decide on a comprehensive strategy, a choice of activities undertaken in combination to achieve that goal. In other words, to define a goal is to fix the overall objective of the strategy. The goal should be a realistic one, capable of realization between six to eighteen months. It should be expressed in a way that clearly indicates the benefits, for the victims or the community at risk, which are foreseen on completion of the strategy.

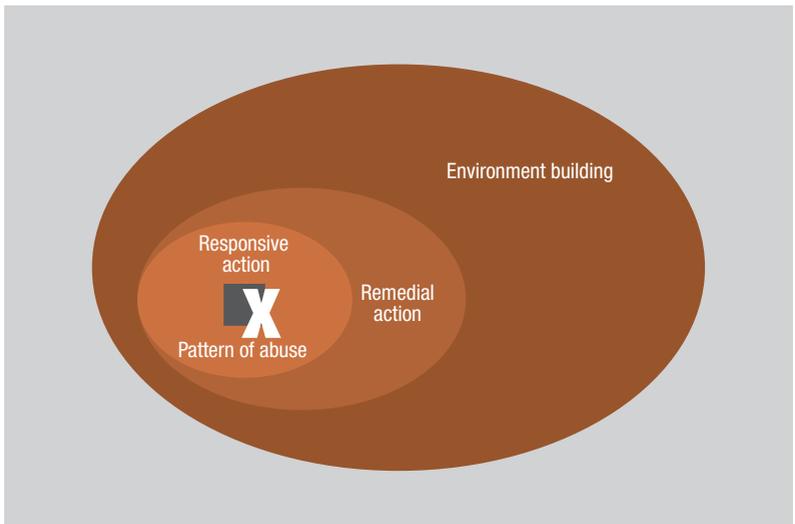
However, this is not always possible, especially when in the first phase of a strategy no concrete results are foreseen for the victims or the community at risk, and when the first aim of the strategy is to create certain preconditions that are indispensable for future protection action; in this case the goal could be expressed in terms of the means that have to be put in place.

One of the lessons learnt by the ICRC over the last decade is that it is precisely this step that can often be overlooked when faced with an emergency. In several contexts, evaluations (of the ICRC and other organizations) have shown that humanitarian actors immediately went about setting up activities to benefit victims in the areas in which they felt comfortable (usually within their particular field of experience: medicine, law, dialogue with armed forces, etc.) without attempting to define a middle to long-term overall strategy.

Protection actions may try to address the risks of abuse in a given community, to act on the underlying causes of violations in a particular society – or the circumstances that make violations possible – in order to stop their occurrence (e.g. reducing vulnerabilities), or to tackle the consequences of abuses for victims.

Thus, a protection action can be articulated on three levels of intervention:<sup>9</sup>

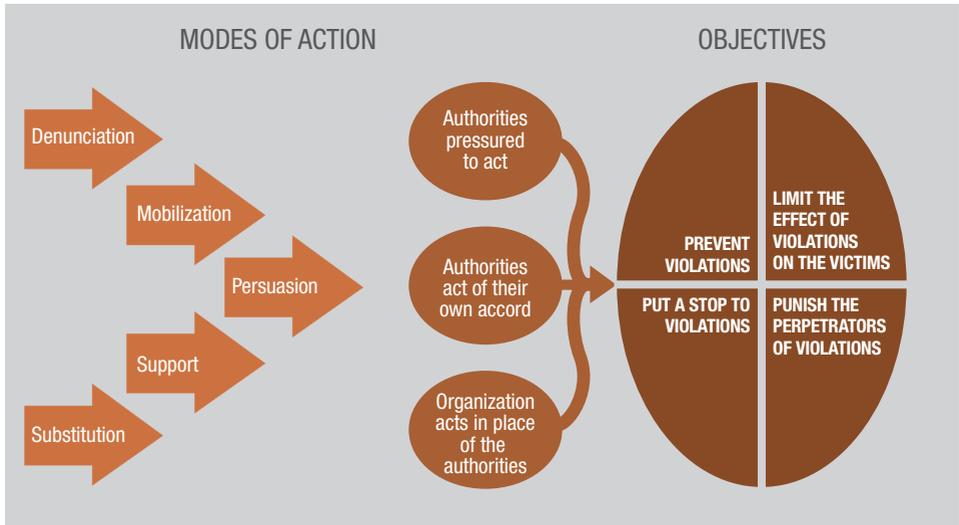
- **“responsive action”** (any activity undertaken in the context of an emerging or established pattern of abuse to prevent its recurrence, put a stop to it, and/or alleviate its immediate effects);
- **“remedial action”** (action taken to restore people’s dignity and to ensure adequate living conditions after a pattern of abuse);
- **“environment-building”** (efforts to foster a political, social, cultural, institutional and legislative environment that enables or encourages the authorities to respect their obligations and the rights of individuals).



<sup>9</sup> See Giossi Caverzasio, Silvie (ed.), *Strengthening Protection in War: A Search for Professional Standards*, ICRC, Geneva, 2001.

Ideally, a good strategy will address these three levels by making use of a wide range of very different activities.

In carrying out such multidisciplinary protection action, the ICRC can resort to five different ways or modes of action:<sup>10</sup> persuasion,<sup>11</sup> support,<sup>12</sup> substitution,<sup>13</sup> mobilization<sup>14</sup> or, under exceptional circumstances, denunciation.<sup>15</sup>



<sup>10</sup> See Paul Bonard, *Modes of Action Used by Humanitarian Players: Criteria for Operational Complementarity*, ICRC, Geneva, 1999.

<sup>11</sup> Persuasion is based on a confidential dialogue with the authorities concerned.

<sup>12</sup> Direct or indirect support can be provided to the authorities by giving them technical or financial assistance to fulfil their legal obligations.

<sup>13</sup> In certain instances, acting wholly or partially in lieu of the defaulting authorities, who are incapable of fulfilling their obligations to end violations or to rescue the victims of these violations, might be a valuable solution.

<sup>14</sup> Mobilization seeks to generate interest among other entities (States, NGOs, institutions of civil society, international or regional organizations) that are likely to influence the authorities/weapon bearers to prevent or put a stop to a violation, or to elicit encouragement or help for the authorities in fulfilling their legal responsibilities and obligations.

<sup>15</sup> Under exceptional circumstances, «the ICRC reserves the right to issue a public denunciation of specific violations of international humanitarian law, and other fundamental norms protecting individuals in situations of violence, provided the following conditions are met: (1) the violations are serious and repeated or likely to be repeated; (2) delegates have witnessed the violations first hand, or the existence and extent of those violations have been established on the basis of reliable and verifiable sources; (3) bilateral confidential representations and, when attempted, humanitarian mobilization efforts have failed to put an end to the violations; (4) such publicity is in the interest of the persons or populations affected or threatened.» See «Action by the International Committee of the Red Cross in the event of violations of international humanitarian law or of other fundamental rules protecting persons in situations of violence,” *International Review of the Red Cross (IRRC)*, No. 858, 30 June 2005, pp. 393-400 on <http://www.icrc.org/eng/action-ihl-violations>

Ideally, a good strategy should employ a few of these modes of action in combination, either simultaneously or in sequence (persuasion leading to support, or mobilization leading to denunciation to form a *train de marche*).

Finally, the selection of one or more modes of action will depend on the attitude and capacity of the authorities. Persuasion, together with support and sometimes even with substitution in cases where means are lacking, will be effective if the political will exists. In the absence of political will, mobilization and denunciation must be considered, sometimes together with support and substitution.

The choice of strategy should be based on a SWOT<sup>16</sup> analysis of the organization's strengths, weaknesses, external opportunities and external constraints, including threats.

The following table gives an example of the ways in which the different modes of actions may be combined with the three levels of intervention described above:

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<sup>16</sup> SWOT = Strengths, Weaknesses, Opportunities, Threats

## EXAMPLE: Possible protection action regarding sexual violence in an IDP camp

VIOLATION: SEXUAL VIOLENCE	PERSUASION	SUPPORT	MOBILIZATION	SUBSTITUTION	DENUNCIATION
<b>RESPONSIVE ACTION</b>	Data collection and representations to the authorities	Helping social workers to make communities aware of the risk of sexual violence	Calling on friendly States to influence other state authorities	Installation of a fence around the camp and of lighting (e.g. at water points and sanitation facilities)  Providing firewood so women will not have to make long journeys from the camp	Public report on sexual violence
<b>REMEDIAL ACTION</b>	Education to prevent stigmatization of victims	Setting up community centres	Mobilizing other actors to fund rehabilitation centres for victims	Providing health care and psychological support	Public appeal denouncing the absence of structures for victims of sexual violence
<b>ENVIRONMENT-BUILDING ACTION</b>	Encouraging the involvement of female police officers in the camp	Developing prohibitions against sexual violence in domestic law	Encouraging media coverage of sexual violence	Directly organizing training sessions on relevant IHL and human rights law for members of armed forces	Public appeal denouncing absence of regulations for prosecuting perpetrators of sexual violence

A table like the one above is useful for preparing a coherent strategy. It forces planners to think about how the causes and the consequences of a trend of violations might be tackled. If it is used to detect where potential gaps for action exist, it can also be of help in fostering effective coordination between humanitarian actors.

Because of its technical expertise in many different areas (legal advice, tracing, dissemination of IHL, water & sanitation, medical care, economic security, etc.), the ICRC has developed a multidisciplinary response capacity. Its delegations should always opt for this holistic and integrated approach when formulating a strategy. The strategy should also take into account the ways in which the action being considered might complement that of other actors, including members of the International Red Cross and Red Crescent Movement, governmental agencies, UN agencies and NGOs. Finally, once adopted, a strategy must be followed for a period of time that is sufficient to achieve the desired goal.

### **3. Definition of objectives and plan of action**

Once an organization has decided what activities it will undertake, it must define specific objectives on the basis of its overall goal.<sup>17</sup> This will allow it to develop detailed plans of action and to implement them within a set period of time. Such plans of action must include all the activities foreseen and their specific objectives (or the concrete results of each activity), and should specify also the necessary resources to be mobilized (e.g. funding and staff). The specific objective of each activity has to be explicit, measurable and must allow for assessments of progress to be made.

An example of a plan of action, in tabular form, is given on the next page.

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<sup>17</sup> Each specific objective will enable, cumulatively with the other specific objectives that have been set, the attainment of the desired goal.

**OVERALL OBJECTIVE:** The cessation of indiscriminate attacks by the army on civilians during military operations in inhabited villages and towns

**PHASE I:** Opening a dialogue with the authorities and creating the conditions necessary for addressing violations

SPECIFIC OBJECTIVE	ACTIVITIES	TIME PERIOD	PERSONS IN CHARGE	RESOURCES
For the ICRC: Identify key actors among the authorities and create a network of contacts	<p>Strengthening of contacts with all echelons of the army</p> <p>Identification of key actors to whom protection cases can be presented</p>	January-April	Head of mission, expatriate staff in charge of local office	4 expatriate staff (each working 20% of the time on this task)
The authorities accept ICRC standard working procedures in protection work and are open to dialogue	Presenting the organization's standard working procedures in protection work to political and military authorities in order to discuss them	March- June	Head of mission, coordinator of protection activities	4 expatriate staff (each working 20% of the time on this task)
A relationship of mutual trust with local communities in areas affected is established	<p>Sustained presence in areas affected</p> <p>Presentation and discussion of the organization's activities and standard working procedures</p>	January onwards	Expatriate staff in charge of local office	2 expatriate staff (each working 20% of the time on this task)

## PHASE II: Putting in place activities in order to obtain results toward the overall objective

SPECIFIC OBJECTIVE	ACTIVITIES	TIME PERIOD	PERSONS IN CHARGE	RESOURCES
Establish a functioning information management system	Creation of a database for the management of protection data Establishment of procedures for collection, codification, access, and storage of data	From January onwards	Data manager and coordinator of protection activities	2 expatriate staff (each working 50% of the time for the data manager and 10% of the time for the protection coordinator) 1 server, 2 computers and 2 printers, 1 secured room for the storage of paper files
Authorities acknowledge violations, and take the corrective measures recommended by the ICRC	Documentation of concrete cases of IHL violation during military operations. Subsequently, representations (oral or written as appropriate) to be made periodically	On a continuous basis from the second quarter onwards	Coordinator of protection activities, person in charge of local office	15 expatriate and 20 senior local staff (each working 20% of the time on average), including various experts (economic security, mines, etc.)
A synthesis report on the violations and a follow-up report are handed over to the authorities	Compilation and handover of synthesis reports	Fourth quarter	Coordinator of protection activities	
Representations are systematically followed up in cooperation with the authorities	Establishment and activation of a follow-up mechanism of ICRC representations in collaboration with authorities	Fourth quarter	Coordinator of protection activities	1 expatriate and 1 national staff
Authorities take the preventive measures necessary in order to avoid recurrence of violations Regular training sessions for army trainers are organized and held The National Commission works cooperatively towards IHL implementation	Setting up a specific training programme (or course) for army trainers	Third quarter	Military and police experts	1/4 expatriate, 3/4 national staff
	Support for the National Commission for IHL implementation	On a continuous basis	Legal adviser	1/4 expatriate legal staff, 3/4 national legal advisers
Etc.				

## 4. Implementation

The implementation of protection activities in behalf of a civilian population requires adequate operational means – human resources, infrastructure and logistics – a field presence corresponding to the scope of the objectives, and a network of contacts for collecting and processing information.

Experience shows that successful implementation of protection activities also requires a commitment in the middle to the long term. Influencing existing trends of abuses and violations and dealing with their consequences cannot be done overnight, not even over a couple of seasons. Often, the length of the commitment made to the communities at risk, to the victims and the authorities (e.g. working on legislative changes) is to be measured in years.

The operational means available in the middle to long term are thus a constraint to be taken into account from the beginning. It goes without saying that the financial means available have to be largely sufficient to permit a protection strategy to follow its course until its objectives have been fulfilled; in addition, the people in charge of the programmes in the field must be adequately trained and motivated. This last point can be something of a challenge when there is a high rate of turnover among field staff.

### **Role of national employees and international staff**

When it comes to protection work, it is necessary to define how far national staff can be involved in some of the activities dealing with the violations being committed by the parties to the conflict and other weapon bearers without putting them in harm's way. If the situation on the ground was to change, or should a security incident occur, expatriate staff may leave the area temporarily or permanently. This option is not available to national staff; under pressure, theirs is the more difficult position.

The ICRC highly values the contributions and the points of view of its national staff. The involvement of these staff members in protection action must nonetheless be limited to tasks that do not jeopardize their safety or compromise the ICRC's working procedures<sup>18</sup> and/or its credibility.

### **Role of other stakeholders**

While implementing its protection activities each organization should also proactively seek 'field-based' and 'action-oriented' complementarities with other humanitarian actors, to ensure the most comprehensive response and therefore the greatest chance of making a difference in the lives of the people at risk. For many actors, an independent multidisciplinary approach is often not feasible.

In each context, the environment of stakeholders has to be mapped to ensure that adequate coordination and cooperation can be established. It is important to understand their mandate (general and/or specific to a given context), their modes of action, set standards, deployment in the field and activities of each stakeholder, as well as how the scope of their work complements the planned actions. Such an analysis would be the basis for 'action-oriented and reality-based' complementarities: complementary efforts that translate into real results for populations at risk.

Furthermore, complementary collaboration is an important factor for each agency to consider so that it may avoid duplicating the work of others, and limit gaps in response.

Numerous other stakeholders such as intergovernmental organizations, NGOs, and peacekeeping forces often play a role in protection activities. The distinctive character of the ICRC<sup>19</sup> limits the scope of its cooperation with these organizations, especially when the transfer of confidential data is involved. However, opportunities to increase the effectiveness and impact of any protection action conducted by these stakeholders

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<sup>18</sup> Particularly with regard to the ICRC's working methods related to the principles of neutrality, impartiality and confidentiality, which are the organization's preferred means for achieving results.

<sup>19</sup> Its neutral, independent and humanitarian action, and its commitment to using confidentiality as the main tool for its action.

must be identified and exploited by the ICRC whenever possible. The ICRC shall promote synergies in the field whenever this does not jeopardize its confidential dialogue with the authorities or perceptions of its neutral and independent character.

## 5. Monitoring and evaluation

Monitoring and evaluation of protection activities in behalf of a civilian population are needed for several reasons:

- to measure the evolution of a certain situation: temporally (e.g. in comparison with the initial evaluation), geographically (e.g. in comparison with the same programme in another region), comparatively (e.g. the initial objective and the situation/result at the time of the evaluation);
- to adjust and, whenever necessary, substantially adapt and change strategies, objectives and plans of action,<sup>20</sup> to contribute to a permanent institutional learning process based on experiences, to be accountable to both victims and donors.

In protection, as in any humanitarian endeavour, monitoring and evaluation involve different kinds of analysis.

The **monitoring** process permits a systematic analysis of the activities implemented and the input provided (resources), the level of satisfaction of those who have benefited from the action, the effects of the activities and their concrete output.

**Evaluation** of a protection action aims to analyse the verifiable impact of the protection strategy (or part of it) on protection for the people concerned. Impact evaluation measures the causal relationship between the efforts of the ICRC and the actual changes brought about for those for whose benefit the action was undertaken.

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<sup>20</sup> Monitoring and evaluation are an integral part of the decision-making process.

During an evaluation, the most relevant criteria to be identified are:

- the disappearance of the violations;
- the elimination of factors of risk;
- the reduction of elements of vulnerability;
- the absence of exposure to violence;
- the security of the people and the durability of the improvement in their situation;
- the adoption by the authorities and other actors of practical measures to ensure that they will respect the rights of individuals and fulfil their obligations in this regard (appropriation);
- the will and the capacity of the authorities and other actors to continue to respect the rights of individuals and to fulfil their obligations without the need for any intervention by a third party (perpetual change).

As already mentioned, an impact evaluation can be made of the overall strategy/goal or of part of it, focusing on particular activities or specific objectives (the choice of indicators will therefore change accordingly, see below). In fact, measuring the impact of a given protection strategy is often difficult because of the many external factors that can have an influence, on the action and on the issues at stake. Another difficulty is in the attribution of the actual responsibility for the results of the action: for instance, a specific trend of violations might also have been the focus of protection activities by other organizations. It is therefore the case that often evaluation will concentrate on the impact of activities rather than on the overall strategy.

Monitoring processes need to be established during the design phase of the programme. Criteria for measurement (success, quality, etc.) must be defined early on. A combination of indicators (qualitative/quantitative, means/results) must be used to follow up and measure the progress of the action. The monitoring may also be implemented with participative approaches, such as directly gathering the views of the persons concerned (beneficiaries and authorities).

The same is true for the evaluation process. Performance evaluation indicators (quantitative and qualitative) must be defined in advance. Each criterion for success must be contextually measured. When indicators are being developed, it is extremely important to take into account the realities and particularities of the context and of the objectives that have been set. Monitoring goals and specific objectives and evaluation are easier when the plan of action and the initial situation of the targeted beneficiaries have been clearly established and documented. That also makes it possible to choose pertinent indicators<sup>21</sup> and to establish comparisons over set periods. Choosing pertinent indicators in relation with the plan of action is essential considering the specificity of a protection strategy, which consists of several different activities carried out simultaneously (e.g. developing prohibitions against sexual violence in domestic law, data collection and representations to the authorities on particular events and trends, public appeals denouncing the lack of measures to stop violence) with the aim of obtaining concrete results for the civilian population.

It is true that in its initial phase a protection strategy might concentrate only on creating the conditions that might make it possible to obtain concrete results in a second phase (by aiming, for example, to create a consensus on the legal reading of a situation, by trying to establish a network of interlocutors to whom it will be possible to address protection concerns in the future). In that case, pertinent indicators for the initial phase must be related to the steps that have been identified for developing the conditions referred to above. Monitoring and evaluation will focus on the specific and tangible means that have been put in place (obligation of means) and not yet on measuring if the means chosen are actually producing substantive results for the civilian population (obligation of results).

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<sup>21</sup> The more clearly specific objectives are defined for each activity ("military prosecutor investigates the allegation transmitted") the easier it is to develop indicators to follow the results of a concrete activity. If the objectives are unclear ("contribute to better protection for women living in IDP camp") choosing pertinent indicators will be correspondingly more difficult.

Finally, the capacity for monitoring and evaluation is often limited by various factors, such as sudden changes in a situation or the absence of baseline data. In every circumstance, changes in a given situation must be reported so that results may still be predicted or assessed. Consequently, the more detailed and realistic the objectives for each activity are, the easier it is to measure the results.

For protection activities running over a long period of time and involving considerable resources, periodic evaluations are needed, in the form of internal reviews or independent external evaluations. The aim is to gauge the progress of the action.

## **THE EVALUATION PROCESS IN COLOMBIA: AN EXAMPLE**

### **SETTING UP A COMMON ANALYTICAL FRAMEWORK AND EVALUATION PROCESS FOR PROTECTION AND ASSISTANCE ACTIVITIES IN DELIMITED PRIORITY ZONES**

In Colombia, the ICRC has adopted an approach in which protection and assistance activities are fully integrated, in order to respond more effectively to protection problems that affect the civilian population in many regions of the country. Entire communities are subjected to numerous threats including targeted executions and disappearances, which might lead to their displacement. Armed groups continue to control access to certain areas so that they may monitor population movement and the circulation of goods, including medical supplies. Medical staff are often directly targeted, restricting the population's access to health care in some conflict-affected areas. Furthermore, the number of civilians affected by mines remains a concern and cases of forced recruitment have been reported in some parts of the country.

The main aim of the strategic approach adopted by the ICRC is to focus its humanitarian response (assistance activities, sustained presence in communities, dialogue with weapon bearers, local authorities, etc.) in selected zones identified by the ICRC, on the basis of the importance of the violations and abuses committed by the parties in conflict and the needs of the population in those areas. By the end of 2007, twenty such priority zones had been identified by the ICRC's regional offices.

In Bogota the ICRC delegation has developed methodological tools and operational guidelines for postulating, following up and evaluating the results of different types of intervention in behalf of the civilian population in these zones.

The initial phase begins with an evaluation carried out by a multidisciplinary team (delegate in charge of protection, health delegate, water and habitat engineer, agronomist) who collects data, on the difficulties being faced by the population in relation to ongoing violence, from sources that are as varied as possible. The team takes into account the safety of the population, the nature of the IHL violations and the actors who are responsible\*, the means and the capacity of the authorities/entities controlling the zone, and relevant socio-economic factors.

The analysis that will succeed this initial evaluation will make it possible to determine the pertinence of an ICRC intervention and to plan activities and their respective objectives.

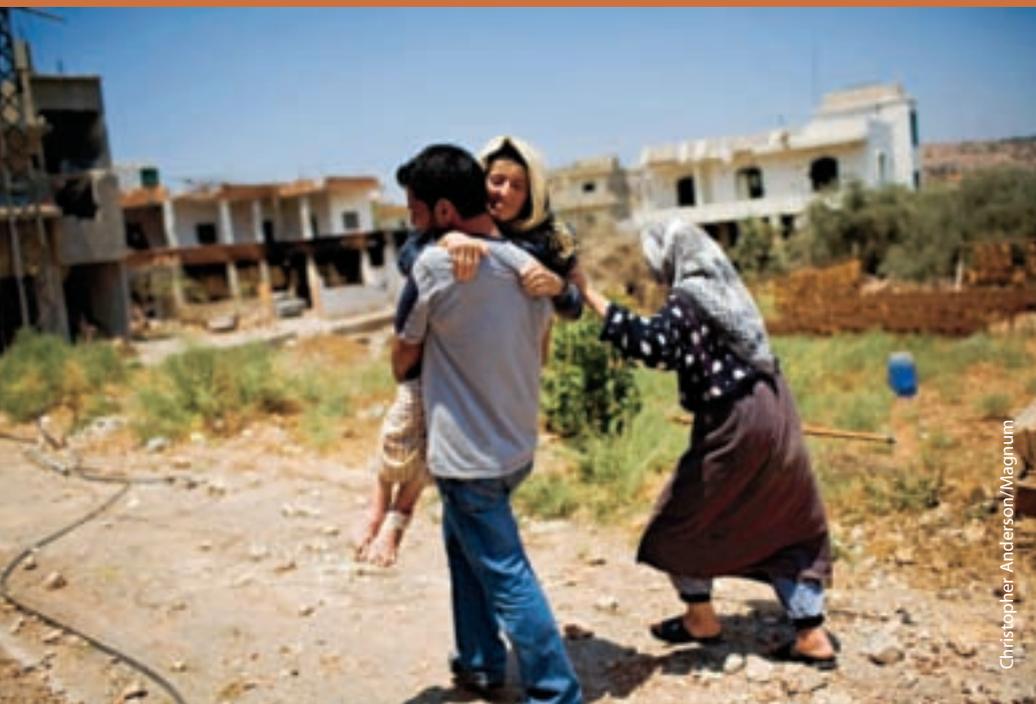
For each identified priority zone, the ICRC will set up a plan of action, which establishes a common general goal for the zone and several general objectives referring to the different issues for which actions and results (specific objectives) are expected. Deadlines will also be set for each objective and indicators defined in order to follow and evaluate the results of the interventions.

There are specific criteria and indicators to evaluate the quality of the action during the different phases of the project. The criterion of relevance is used during the initial and final phases. The activities must meet the most urgent needs of the population, and this must be tangible. They must be sustainable and address the real causes of problems. During the implementation phase, criteria for measuring effectiveness are provided so that the achievement of objectives and the optimal use of resources can be monitored.

Regarding protection, the main qualitative indicators are used to gauge the following:

1. perceptions of members of the population and of their respective leaders regarding their safety,
2. the frequency and the quality of dialogue on protection issues between the ICRC's delegates and perpetrators of violations,
3. measures taken by the perpetrators and those who supervise them to redress the situation. Quantitative criteria to monitor violations of IHL have also to be defined. They complement the indicators used in the fields of health care, economic security and agriculture to monitor the situation.

\* Being able to take up and discuss the various issues with all the actors concerned is very important.



Christopher Anderson/Magnum

**Chapter 2:**

**ACTIVITIES AIMED  
AT REDUCING  
OR ELIMINATING  
VIOLATIONS**

This chapter describes, in more detail, the types of activities that the ICRC carries out with a view to preventing, putting an end to, and avoiding the recurrence of, violations of the authorities' obligations or of the rights of individuals, in accordance with the letter and the spirit of IHL and other protective norms in situations of violence.<sup>22</sup>

Some of these activities derive directly from the ICRC's mandate and are therefore unique to it, while others are, typically, undertaken by most of the actors working in the protection field.

Such protection activities address two issues:

- the treatment of people by the authorities (e.g. violations of individual physical and psychological integrity or dignity, damage to the family unit or attacks against civilian property);
- the way force is used in the conduct of hostilities and in law enforcement during armed conflicts and other situations of violence.

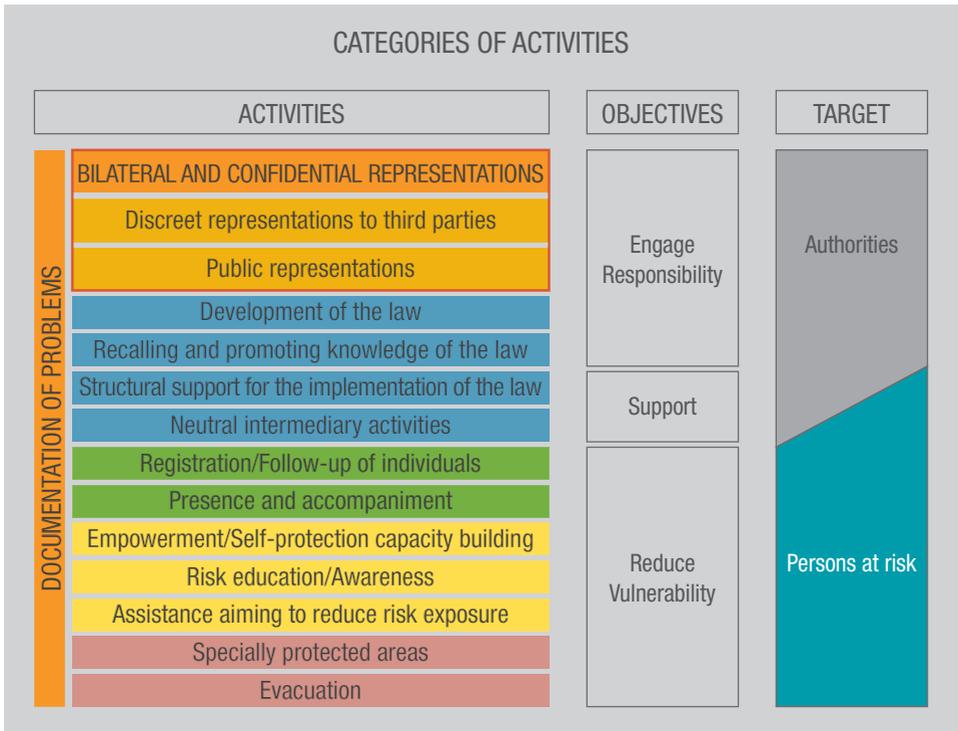
Distinction is made between two major sets of activities that are not mutually exclusive:

- activities that aim to make the authorities aware of, or help them fulfil, their responsibilities (e.g. representations, promotion of international law, development of domestic law, acting as a neutral intermediary);
- activities that aim to reduce the vulnerability of people at risk (e.g. ICRC presence, registration and follow-up of individual cases, promotion of coping mechanisms).

The following table shows the whole range of activities that can be undertaken by the ICRC as part of its protection action. It is based on the ICRC's experiences in the field over past decades.

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<sup>22</sup> Because they address the causes of violations rather than their effects on victims, these activities are mainly responsive in nature, although they can sometimes try to push for changes in the environment (through changes in legislation, for example).



## 1. Activities targeting authorities

### 1.1 Representations

Representations aim to make authorities aware of the situation (of problems that have been identified) and of the need for them to fulfil their responsibilities under IHL or other bodies of law, or to offer them support in doing so. The ICRC intervenes whenever it is convinced that violations have occurred or are likely to occur.

In cases of reported violations/abuses, the representation will:

- inform authorities of the specific protection issue in question (and its legal framework) and begin a dialogue with them on the subject;
- request authorities to take action to put a stop to the reported abuses and/or to provide remedies and relief to the victims;
- offer authorities support in tackling the protection issue or putting a stop to the abuses.

Representations to authorities may be made orally or in writing, in the form of a letter or report. Their contents and format, and the frequency with which they are made, should be part of a strategy that is designed specifically for that situation. Persuasion, through confidential and bilateral dialogue, is the ICRC's preferred mode of action for achieving results.

The conditions for and the timing of modes of action that involve mobilization of third parties (whom the ICRC would ask to use their influence over one or more parties in the conflict) and/or public denunciation must be part of the strategy mentioned above. Public denunciation is, for the ICRC, a last resort that has to be preceded by numerous unsuccessful bilateral representations. The ICRC can also express its humanitarian concerns through public communication. Public communication simply reports humanitarian problems and the ICRC's responses to them; or it may report the violations committed by all parties but without publicly attributing responsibility for them.

## 1.2 Development of the law and of standards

Ideally, as noted in the previous chapter, protection action should aim to prevent further violations and to contribute to building an environment that is conducive to the protection of persons who are not, or who are no longer, participating in armed conflict or other situations of violence. Such action will include:

- developing the law and standards, at the international level (participating in the drafting and consultation process in relation to new treaties or soft law or in connection with a particular situation (encouraging the adoption of national legislation in line with IHL and other relevant international laws);
- reminding the central authorities of the applicable legal norms and recognized standards, based on the legal qualification of the situation. Such reminders are provided on a systematic basis at the beginning of a conflict or other situation of violence (often by delivering a memorandum);
- promoting knowledge of IHL, human rights principles and recognized standards among all relevant authorities;
- offering technical expertise for the integration of IHL (and other humanitarian norms) into national legislation, into the teaching and training programmes of the armed forces and the security forces, and into university and school curricula;

- introducing IHL (and/or international human rights law, as appropriate) to those responsible for implementation (e.g. regional authorities, military forces, police).

The last two activities may be classified as ‘structural support for the implementation of the law.’ They contribute to the ICRC’s efforts to prevent violations of IHL and other legal norms and to the creation of an environment conducive to the protection of persons who are not, or who are no longer, taking a direct part in armed conflicts or other situations of violence. They also assume a certain degree of willingness among the higher authorities to tackle protection issues.

Such activities might include providing the authorities with the necessary technical expertise and reference materials, and supporting, financially, translation work and the production of materials.

However, such structural support is possible only after the following preconditions have been met:

- clearly expressed political will from the authorities;
- no risk of misunderstanding with regard to perceptions of the ICRC’s neutrality and independence;
- sufficient cohesion and structural capacity among the relevant authorities;
- coherence, in that context, with the ICRC’s global strategy;
- complementarity between the ICRC’s activities and those of other actors.

### **1.3 Activities as a neutral intermediary**

On humanitarian issues, and at the request of or with the approval of all parties concerned, the ICRC can act as a neutral intermediary, as well as offer ‘good offices’ and mediation services to facilitate agreements and contribute to the implementation of agreements for the benefit of civilians or other persons affected by conflicts and other situations of violence. On other issues, as an external observer, the ICRC will often seek to influence discussions between the parties to ensure that humanitarian issues are taken into consideration.

## 2. Activities aimed at reducing exposure to risks

All endeavours directly for the benefit of people at risk must be carried out in parallel with representations to the relevant authorities. Under certain circumstances, the activities/measures that are listed below may have a deterrent effect on the perpetrators of abuses.

### 2.1 Registration and presence

→ *Registration of and regular visits to individuals and/or groups of people who are thought to be at serious risk, to prevent the commission of violations against them*

For logistical and political reasons, it is difficult to register and to pay regular visits to large communities. This is feasible with persons who are threatened by one of the parties on an individual or family basis. It must be emphasized that the decision to take such action will depend on the likelihood of its causing negative side effects, such as stigmatization. The level of risk these persons are facing will determine frequency of visits and contacts.

→ *Regular ICRC/Red Cross/Red Crescent presence in a community*

When the ICRC's neutrality and independence are recognized and accepted, the presence of its delegates and of the emblem among the population might have a deterrent effect on potential perpetrators. However, except in a few instances, the ICRC's presence alone will not end a pattern of violations. Therefore, mere presence is not sufficient and must not be thought of as a substitute for action and for efforts to prompt the authorities to assume their responsibilities. Its potential dissuasive effect must nonetheless be taking into account when planning the overall action.<sup>23</sup>

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<sup>23</sup> This dissuasive effect will be an important consideration in establishing the field operation (number and location of sub-delegations, offices and sub-offices), defining priority areas for ICRC activities and organizing field visits.

→ *ICRC escorts provided for groups of people, with the agreement of all parties concerned and with safety guarantees provided by them.*

The ICRC's delegates might provide escorts for persons and place them under the protection of the emblem (accompaniment) when those persons are particularly exposed to risks. Typically, this would happen whenever members of families divided by a confrontation line are allowed to meet in a no-man's land. Afterwards, they would return to their places of origin. This type of activity is different from an evacuation (see below).

## **2.2 Empowering communities**

To reduce the vulnerability of people at risk and to create an environment conducive to sustaining respect for the rights of individuals, a number of activities/measures may be carried out.

→ *Identification and promotion of, and support for, existing coping mechanisms at community level*

These activities should help communities to improve the means they use to reduce their exposure to risk by providing them advice or material support for solutions, to prevent or end the violations, which have already been developed by affected persons. The ICRC can, for example, encourage and assist communities to adopt early warning systems and contingency plans for emergency situations.

→ *Organization of information sessions to build awareness of specific risks (e.g. mines) and of measures for reducing them*

Information can be shared with the communities – through mass public awareness, information sessions, and so on – in relation to specific protection concerns. For example, a public awareness campaign can be designed to teach persons directly exposed to the threat posed by mines and explosive remnants of war (ERW) how to react when they see a mine.

→ *Provision of specific assistance and services to reduce risks associated with gaining access to basic supplies or services (e.g. drilled wells can provide women with safe access to water for their household needs and save them from having to make long journeys to water points during which they may be at risk of attack)*

### **2.3 Evacuation**

→ *Organization of the transfer/evacuation of persons at risk when no other solution is available to protect their lives and integrity*

Such action should be taken only when all other means of protecting people in their usual places of residence have failed and only if certain conditions are fulfilled: the ICRC must be in the best position to carry it out, the consent of the persons concerned must be acquired and it must be voluntary, the family unit must be preserved, and all necessary authorizations and guarantees must be provided by the relevant parties regarding, *inter alia*, property, destination, security issues and subsequent return.

### **2.4 Specially protected areas**

These are specific areas under special protection that are created and controlled with the consent of the parties to the conflict and pursuant to IHL. The specially protected areas aim to protect persons who are not taking part in the fighting from its effects by ensuring that there are no military activities in these areas. This has proven to be difficult to maintain in the long run and is therefore rarely undertaken. It must be subject to very strict conditions, such as the consent of the parties and their will and capacity to control their troops and to sustain their commitment.





**Chapter 3:**

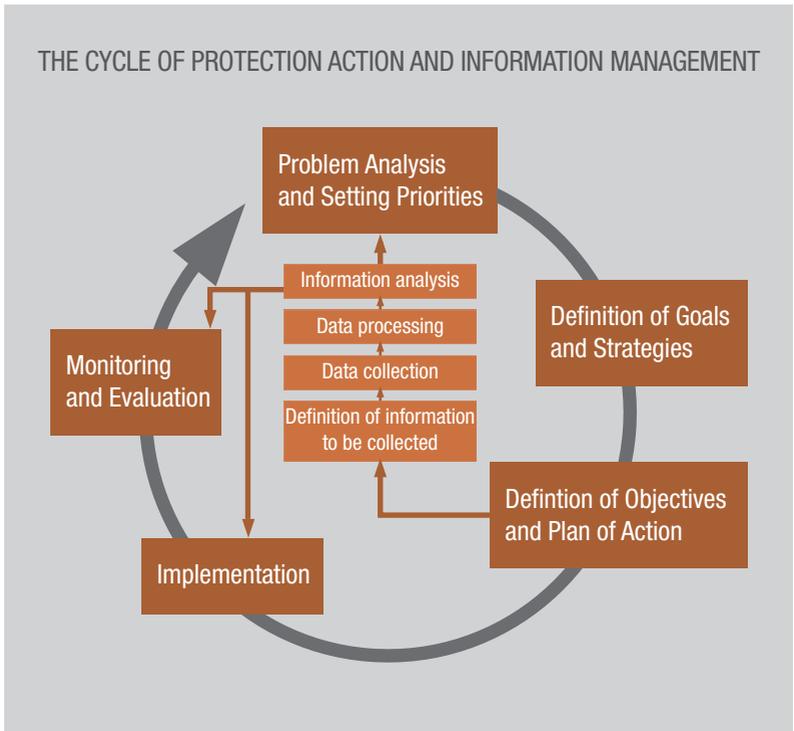
# **INFORMATION MANAGEMENT**

### 3.1 Systematic information management

Information management (the collection, processing, analysis and storage of data) is an essential aspect of any protection action. Every organization that wishes to develop protection activities should establish an information management system from the start.

Such a system is needed at every stage of an action, from problem analysis onwards. Typically, information management will be essential in:

- problem analysis, setting priorities, and defining objectives and plans of action;
- implementation (e.g. the drafting of representations, direct support and the provision of services to victims);
- monitoring and evaluation;
- archiving for institutional records, historical accountability and provision of attestations to beneficiaries/victims.



Information management must therefore be systematic in all protection actions. For the ICRC, written procedures must take a number of factors into account:

**A.** The imperative not to harm or put at risk anyone at any time: this implies, *inter alia*, evaluating the risks related to information management and protecting sensitive information and personal data – especially, sensitive personal data such as medical data and any other data likely to give rise in a particular context to unlawful or arbitrary discrimination (data about ethnic origins, political opinions, religious beliefs, sexual behaviour, criminal prosecutions and convictions, DNA profiles, etc.).

These procedures aim to protect beneficiaries/victims, enquirers,<sup>24</sup> sources of information, and their families, and include:

- the definition of the information to be collected, especially the definition of sensitive information and data, and of a specific set of procedures to manage such data;
- the definition of rights (and restriction) to access data/information for ICRC employees, beneficiaries, and third parties (family members, private enquirers, authorities);
- a secure way to collect, process, transmit and store sensitive information and data;
- the adoption of rules regarding the publication of data;
- the adoption of rules regarding the transmission and sharing of data to and with third parties. As a rule, no personal data will be published or transmitted without the consent of the persons concerned or when it might be prejudicial to them or to their families. The consent of the persons concerned may be presumed or implied, particularly when the individual to whom the data relates cannot be reached and the collection of data is clearly in his/her best interest in the circumstances. The person/organization to whom data are transferred must guarantee that it shall be processed in accordance with data protection rules. The applicable domestic law regulating transfer of data or their publication must be taken into account.

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<sup>24</sup> For example people making a tracing request for a missing relative

- B.** The definition of the information to be collected, in particular:
- how to document specific events (e.g. an attack on a village during which several violations are committed; is it worth documenting all the violations committed during the attack or only those that are being given priority by the organization?);
  - types of information regarding the needs of victims and affected communities;
  - the need for personal information about victims and/or people at risk;
  - sources of information: direct, indirect, oral, written, official documents (e.g. registers, medical reports);
  - methods and means of collecting information: e.g. reactive, proactive and/or follow-up/monitoring assessments, indicators, when to collect it (e.g. bilateral or collective meetings with the people concerned, during medical activities), where (e.g. private homes, offices, hospitals, administration), who should collect it (e.g. all delegates, only medical delegates), specific forms, checklists;
  - the data must be adequate, relevant and not excessive in relation to the purpose for which they are to be processed.
- C.** The documentation of any action taken and its follow-up: e.g. copies of written representations and documents, reminders, minutes of meetings, replies from authorities, reports on the provision of services and individual follow-up.
- D.** The definition of the information/data to be archived (for institutional records, historical accountability and provision of attestations to beneficiaries/victims) and of a proper set of procedures for archiving.
- E.** Internal rules regarding the processing of data, in particular:
- quality checks and cross-checks of data: in order to be usable for representations to the authorities or to third parties, information needs to be credible, coherent, objective, up to date, sufficiently detailed and, if possible, corroborated;
  - communication channels between the field sub-offices, country main office and, eventually, HQ in Geneva;

- centralization of information and information processing, including paper and electronic filing in accordance with ICRC institutional guidelines backed up by ICRC standard electronic software for storing information about events and personal data; data registration/recording and sorting in relation to established objectives and in accordance with pre-defined tools for analysis; production of statistics and archiving.

### **3.2 Short overview of the ICRC system of managing and processing data**

As part of its protection work, the ICRC uses computerized tools for storing and processing protection information related to violations of IHL and other relevant bodies of law.

The information collected may be used to undertake action to benefit individuals (victims, detainees, etc.) and/or to address violations and trends (the acts and their consequences for a community). The type of data to be collected and processed will therefore differ depending on whether we wish to have an individual follow-up or one related to an event or a trend.

Individual follow-up is essential in some protection activities, such as protection of persons deprived of freedom and the re-establishment of family links.

With regard to individual follow-up, the ICRC has at its disposal a computerized tool for individual data management. The aim of individual follow-up is to keep records of the ICRC's interventions to benefit victims of violations and persons at risk.

The intervention that has to be recorded might consist of the provision of direct services (tracing, evacuation, etc.) or specific representations to the authorities in that person's behalf.

An effective individual follow-up implies the existence of sufficient relevant information to ensure that there is no possibility of the confusion of identity and that essential data regarding personal history (in relation to the follow-up) are recorded. The basic data structure contains the following details:

- A name: all personal information in relation to the individual. For persons whose identity is in doubt (e.g. young children, persons who are seriously ill and/or wounded, disabled persons) photographs or personal descriptions, or any other information pertaining to their identities, are needed.
- A history: why the person is being followed up; several events related to that person (e.g. date and place of arrest/capture, place of detention, authority responsible, protection problems, registration by the ICRC, date of release, etc.) and what was done for him/her (e.g. interventions in his/her favour, tracing.)

The type and the extent of personal data necessary for monitoring will be determined on the basis of the personal situation of the individual concerned (young children, wounded, etc.), the type of monitoring (registration and visits, individual representations, assistance, etc.), the characteristics of the context (the minimum data needed for exact identification of a person, the way addresses are written or recorded, etc.).

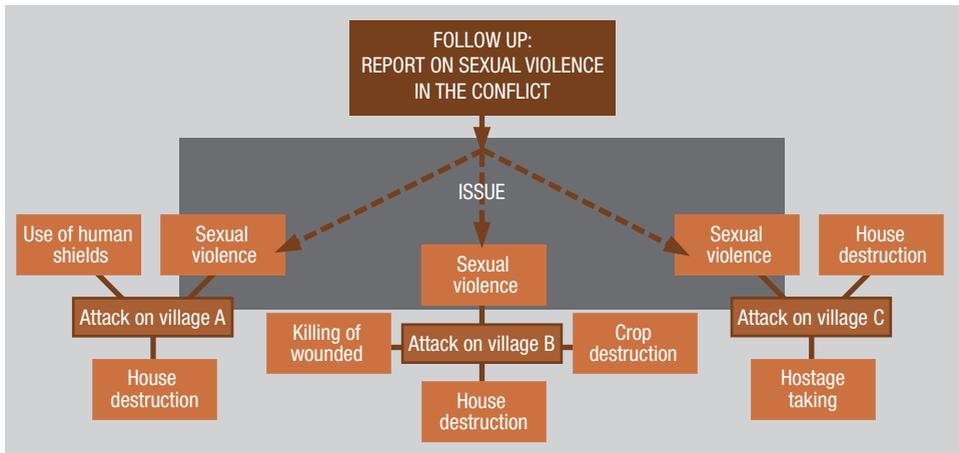
Regarding the management of data that are not related to an individual but to an event, the ICRC recently developed a new database, which is intended to facilitate the systematic and standardized management of data linked to specific events.

The event database is based on four core concepts that are listed below.

1. The **event**: an incident that takes place at a specific location, with a beginning and an end, which affects one or more persons and includes one or several related acts (e.g. attack by the armed group X on the village A).
2. The **act**: a single action or omission, usually in violation of the law (e.g. the killing of a civilian, rape, the destruction of several houses).

3. The **issue**: a specific pattern in a specific context for which the ICRC wishes to develop a strategy as described in Chapter 1. It groups together several acts that share a common element (e.g. acts of sexual violence committed by the armed group X).
4. The **follow-up**: representations, assistance, and any other action taken by the ICRC in relation to an event or an issue (e.g. submission of protection cases to the relevant authorities, sending a thematic report on the issue of sexual violence, provision of temporary shelter, delivery of food supplies by another organization), authorities' replies and the actions taken by them following ICRC interventions.

A schematic illustration of the way information is organized in the ICRC events database is given below.



In short, the events database makes possible the recording of specific information on events and issues: date, location, type of violation committed, disaggregated data on the victims of the violations (by age, sex, ethnicity, etc.), perpetrators. The data that are entered may be data collected and followed up by the ICRC as well as that taken from other sources. The events database should make possible deeper and faster analyses of the protection problems people face, and more effective action to prevent or put an end to violations. The database should also make for better management of follow-up effectively carried out on a concrete event. Finally, it is a valuable basis for evaluating the results, effectiveness and impact of the ICRC's response.



**Annex 1:**

# **AN EXAMPLE OF A SWOT ANALYSIS**

## STRENGTHS

Internal qualitative and quantitative advantages (in the organization or the delegation) that should make it possible to achieve the objectives i.e. to produce the desired results and thus tend to have the desired impact; that facilitate the overcoming of constraints and make it possible to make the most of the opportunities that arise.

**For a protection action, these strengths may be:**

- a sound legal basis for work;
- acceptance and recognition of the ICRC's mandate by all parties to the conflict;
- legal expertise available at headquarters and/or in the field;
- effective working methods;
- an extended network of sub-delegations and offices;
- an established network of contacts;
- a long-standing presence in the context and a sound knowledge of the actors, the stakes and the humanitarian issues;
- significant human resources as regards both number and quality;
- a strong anchorage in the field;
- the possibility of combining protection work with tangible assistance activities;
- the availability of effective logistical means, etc.

## WEAKNESSES

Internal curbs on the achievement of objectives, structural handicaps in terms of confronting obstacles and/or insufficient capacity to use opportunities wisely.

**For a protection action, these weaknesses may involve:**

- non-acceptance of the ICRC's mandate by the parties/actors present;
- a delegation's lack of expertise in a particular issue;
- inappropriate working procedures;
- insufficient geographical anchorage;
- an inadequate network of contacts;
- an insufficient knowledge of the context;
- inadequate knowledge of national laws and of the judicial system;
- the deficiencies of available human resources as regards both quality and number;
- the high rate of turnover of expatriate staff;
- the absence of complementary assistance programmes;
- a lack of logistical means, etc.

OPPORTUNITIES	THREATS
<p>Elements of the external situation (developments in the conflict and/or in a country's political, economic and social situation) that are conducive to the achievement of the ICRC's objectives.</p> <p><b>Examples of opportunities for a protection action:</b></p> <ul style="list-style-type: none"> <li>• pressure from the international community and political interest on the part of the authorities in having international organizations present;</li> <li>• freedom of movement for international organizations;</li> <li>• a safe environment for international organizations;</li> <li>• a State's accession to a treaty and adaptation of its national laws to the treaty;</li> <li>• appointment of persons supportive of respect for the law and/or the ICRC's activities; changes among the authorities that increases their capacity to take corrective measures;</li> <li>• public statements by the authorities of their intention to respect the law;</li> <li>• specific requests to the ICRC to gather information on abuses committed by troops;</li> <li>• need for the authorities to call upon a neutral and independent intermediary to resolve a specific situation (e.g. freeing of hostages, negotiation of peace agreements or a ceasefire);</li> <li>• a small and accessible territory to be covered and a small and dense affected population, etc.</li> </ul>	<p>Elements of the situation that are not conducive to the achievement of the ICRC's objectives, or that are dangerous.</p> <p><b>Examples of threats to a protection action:</b></p> <ul style="list-style-type: none"> <li>• use of arguments by local politicians hostile to the international community, to foreigners, etc.;</li> <li>• restrictions on the movements of international organizations;</li> <li>• attacks on international organizations;</li> <li>• incompatibility of national laws with the principles of international law;</li> <li>• lack of will and capacity on the part of the authorities to take and to impose corrective measures;</li> <li>• general insecurity;</li> <li>• lack of will on the part of the authorities to respect the law;</li> <li>• confusion between the ICRC and other organizations among the authorities and the public;</li> <li>• a very large and mostly inaccessible territory to be covered and a very large and dispersed affected population, etc.</li> </ul>



**Annex 2:**

# **DATA GATHERING ON PROTECTION PROBLEMS AND NEEDS**

## Sample checklist to be adapted for each context

- What is the current situation of conflict/violence affecting the population visited?  
How has the situation reached this point?  
What are the prospects for the future?
- What authorities/parties are present?  
Who are the civilian and military leaders?  
Who are the other key interlocutors?
- What was the composition of the population before the conflict (total population, breakdown by nationality, age, active/inactive persons, ethnic groups, displaced persons or refugees, etc.)  
and what is the composition of the population at present?
- Are there persons or categories of person particularly affected and/or discriminated against?  
Have these persons been registered (e.g. displaced persons)? Why?
- To what extent and in what way are women specifically affected by the situation (constraints on access to essential commodities, effects of the absence or disappearance of men on the role of women, prevalence of acts of sexual violence, difficulty for victims in gaining access to medical, psychological or social assistance, etc.)?
- To what extent and in what way are children specifically affected by the situation (exposure to the danger of mines and other explosive remnants of war, forced recruitment or voluntary enlistment, presence and status of separated children, state of the educational system, etc.)?
- Are there particularly vulnerable or isolated persons who are not in contact with and/or not receiving protection from their families or communities (aged or disabled persons, a small minority group, persons in confined areas)? Have they been registered?

- What is the situation with respect to the personal safety of civilians? Are civilians suffering the effects of hostilities between the parties? In what way?  
Are persons suffering or being threatened with murder, mistreatment, disappearance, whether forced or not, sexual violence, hostage taking, forced recruitment, etc.? Who are the perpetrators of these acts?
- Are civilians directly attacked during the conduct of hostilities? Is there indiscriminate use of weapons or techniques that do not allow a distinction to be made between civilian persons and objects and military objectives, etc.?
- Are there problems related to the presence of mines or other explosive remnants of war? Are dangerous areas marked? Are these types of weapons causing incidents (in specific regions or for a certain group of persons), blocking access to cultivated land or water sources, or preventing access to humanitarian assistance?
- In what circumstances is the risk greatest for persons (outside the village, during the night, at checkpoints, etc.)?
- Are there wounded or sick persons who may die suddenly and whose families have not been informed? If so, are they registered?
- Are there any difficulties associated with the management of mortal remains?  
Is there a risk that bodies will be buried without the families' knowledge/without being registered?  
Why?

- What are the living conditions of the population (water, food, hygiene, access to health care, etc.)? Have they been affected by acts or threats of violence? In what way? Who is responsible for these acts or threats? Is access to resources for subsistence prevented by these acts/threats (blockades, embargoes, etc.)? Do the available resources meet the needs of the population (e.g. food)? If not, to what extent? Are resources accessible to all groups of persons? If not, why not?
  
- Have members of families been separated? Have these separations been enforced arbitrarily by the authorities/parties? Which ones? Are there obstacles to family reunions? What are they?
  
- Are there obstacles to the sharing of family news? What are they? Have separated children been registered? Have the families of arrested, detained or captured persons been informed? If not, why not?
  
- Have civilians been forcibly displaced? Why? By what means? What are their numbers and to what places have they been displaced? Have persons been illegally expelled? Returned? Why?

- Is the return of displaced persons and/or refugees being prevented or hampered?  
Why?  
By what means?  
Are displaced persons at risk of being forced to return?  
How many of those who had fled have now returned to the place visited?  
How many of those who were displaced to this place have returned to their places of origin?  
Did they have access to their property and accommodation or to alternative accommodation in case their property was occupied?  
Are processes of restitution or compensation under way?
  
- Are displaced persons being integrated into the local population?  
Are there tensions between the displaced persons and the local population?  
For what reasons?
  
- Is the movement of persons restricted by the authorities/parties?  
Why?  
By what means?  
Do persons have the right to cross the border freely?
  
- Has individual or collective property (e.g. cultural, historical or religious objects) been pillaged, destroyed or confiscated?
  
- Are protection problems sporadic, periodic, recurrent, past, current?  
How are they expected to develop?

- What factors are responsible for the failure of the authorities/parties to ensure the protection of the civilian population (deliberate strategy, lack of troop supervision, lack of cohesion, lack of means, etc.)?
- What are the perceptions of the authorities/weapon bearers regarding existing protection problems, and what do they say about them?
- What measures have the authorities already taken to prevent and end problems?
- What action has been taken by the organization?  
By other organizations?
- What are the needs with regard to coordination/exchange of information with other actors?
- What initiatives have been taken by the persons concerned to protect themselves from acts of violence or to lessen the risks they face? Is there a system for the provision of security in the refugee/displaced persons' camps (nocturnal lighting, patrol groups to prevent the recruitment of minors and of pillage, rape or other threats)?
- Are there a complaint mechanism and a reparation process for victims?
- What follow-up is recommended?  
For how long?
- What follow-up has actually been implemented?





**Annex 3:**

**DATA GATHERING  
ON SPECIFIC  
EVENTS AND  
THEIR FOLLOW-UP**

## **Checklist to be adapted for each context**

### **Data on information gathering**

- office gathering the information
- name of staff member gathering the information
- date on which the information is gathered
- place where the information is gathered

### **Data on the event**

- number identifying the event (e.g. Geneva 08/246)
- name given to the event
- date/period of the event
- place where the event occurred
- total number of victims
- exact description of the event (making it possible to understand the event, to identify the items that might be investigated subsequently, and to assess the reliability of the testimony), including:

### **Data on each act/violation committed within the frame of this event**

- date
- place
- types of acts committed (refer to a list of codes/set terminology for violations)
- alleged perpetrators/persons responsible
- perpetrator's involvement in the act (direct/indirect/passive/etc.)
- methods used
- means used
- motivation for the act (presumed or stated by the perpetrators)
- number of victims
- common characteristics of the victims (sex, age, national or ethnic origin, political affiliation, etc.)
- collective identification of the victims (Community X, School Y, etc.)
- victims identified individually: (when needed)
- consequences for the affected persons that call for a humanitarian response, and needs observed
- other details

## Data on the source of information

- type of source: victim/witness/authority/family member/etc.
- full name
- father's name (if necessary, depending on the context)
- sex
- date and place of birth
- full address
- tel./fax/e-mail
- other information

## Data on transmissibility of the information

- information transmissible to the authorities with/without the names of the persons involved?
- information transmissible to other organizations/institutions with/without the names of the persons involved?
- information transmissible to the families of the affected persons?
- name of source transmissible to the authorities?
- name of source transmissible to other organizations?

## Data on the follow-up

- type of action to be taken (representations, assistance, etc.)
- precise description of the action to be taken
- addressees/beneficiaries
- place
- office responsible
- period within which the action is to be taken

## Data on actions taken

- date
- place
- office responsible
- type of action (representations/ assistance/visit/etc.)
- description of the action
- addressees (if representations):  
authority/place/name/title or rank
- beneficiaries (if assistance, visits):  
number/characteristics/names if necessary
- results of the action



**Annex 4:**

# **TRAINING IN PROTECTION**

A serious commitment to dedicated and specialized protection training is crucial in building up and managing a protection action in behalf of a civilian population. Staff training programmes should include protection components in seminars and workshops in addition to courses specifically on protection issues.

A systematic approach to protection training should include the following:

- Coordination of efforts
- Identification of protection-training needs
- Design and development of the training modules
- Methods for delivering the training
- Evaluation

Protection training should incorporate a number of different components:

- Training before deployment, particularly for first-mission humanitarian workers
- Training and orientation after arrival in the mission together with coaching by a more experienced colleague/superior
- Periodic training during mission, including training on specific practical subjects
- Regular de-briefing at the end of mission

Protection training should achieve the following pedagogical objectives:

- Define the concept of protection
- Identify the legal framework in conflict situations to understand violations committed against civilians
- Build a strategy according to the mandate, principles and working procedures of the humanitarian organization
- Define a strategy, in accordance with ethical principles, for collecting data related to violations
- Identify perpetrators of violence, analyse causes of behaviour leading to violations, and devise strategies – for changing such behaviour – that include the capacity to deal with coordination issues and understanding the mandate/capacities of other humanitarian actors
- Develop skills for speaking and interacting with victims

## **ICRC protection training**

Training is part of a continuous learning process based on the theory and practice of ICRC work, namely in its unique protection approach. It is vital to ensure that staff, at each level of responsibility, can fulfil the organization's ethical commitment towards persons affected by armed conflict and other situations of violence in a professional manner. In particular, the role of protection training is to help the staff to acquire, maintain and enhance the skills and tools they need to analyse, carry out and master protection activities. Besides this, it helps to pass on knowledge, to refine existing practice and guidelines, and to discuss lessons learned in one context.

Protection training is one of the main tasks of the ICRC's protection division and is carried out by a large number of its members.

The ICRC's protection training policy is based on an approach that focuses on the identification of the skills that are needed.

To develop and enhance the professional skills of ICRC staff in areas related to protection activities, a number of courses are organized at headquarters in Geneva and at field level on a regular basis. These courses are intended for first-mission delegates and delegates with generalist and managerial responsibilities as well as for protection delegates, coordinators and data administrators. These courses have then to be supplemented with coaching by immediate supervisors in the field.



**Annex 5:**

# **SUPPLEMENTARY READING**

Global Protection Cluster Working Group,  
*Handbook for the Protection of Internally Displaced Persons*,  
Geneva, December 2007.

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ICRC, Geneva, 2000.

Gioffi Caverzasio, Silvie (ed.),  
*Strengthening Protection in War:  
A Search for Professional Standards*,  
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and Anderson, Letitia, *Répondre aux besoins des femmes  
affectées par les conflits armés: un guide pratique du CICR*,  
ICRC, Geneva, 2004.

Slim, Hugo and Bonwick, Andrew (eds),  
*Protection: An ALNAP Guide for Humanitarian Agencies*,  
Overseas Development Institute, London, 2005.



## **MISSION**

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance.

The ICRC also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles.

Established in 1863, the ICRC is at the origin of the Geneva Conventions and the International Red Cross and Red Crescent Movement. It directs and coordinates the international activities conducted by the Movement in armed conflicts and other situations of violence.





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