

Chapter 1:

The fundamentals of protection work

Key message:

1. This chapter presents core concepts, including the definition of protection and of internally displaced persons; outlines key approaches, in particular the rights and community-based approach as well as age, gender and diversity mainstreaming which are essential to protection work; and highlights the underlying humanitarian principles and considerations which should guide protection activities.
2. Concretely, this chapter will help humanitarian staff ensure that protection work:
 - ✓ Promotes the rights of **all** internally displaced women, men, girls and boys, of diverse backgrounds, religion or ethnicity, socio-economic status, or having a disability;
 - ✓ Empowers and builds on the capacities of internally displaced persons and their communities as key partners in their own protection;
 - ✓ Strengthens the capacity and maintains the accountability of States and other authorities to carry out their responsibilities to respect, promote and protect the rights of internally displaced persons;
 - ✓ Supports sustainable protection and solutions for the internally displaced.

1. What is protection?

3. Protection is, fundamentally, about rights. This is clearly reflected in the most widely accepted definition of protection¹ as:

All activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law, i.e. human rights law, international humanitarian law, and refugee law.

4. Three different dimensions of protection can be distinguished:²
 1. Protection as an **objective** (what and why?)
 2. Protection as a **legal responsibility** (who?)
 3. Protection as an **activity** (how?)
5. **Protection is an objective** because it aims to ensure that individuals enjoy full respect for their rights as provided for in national and international law. Protection therefore ultimately is about solutions, in particular, ensuring that individuals are able to fully enjoy their rights without discrimination. Protection is not limited to survival and physical security but covers the full range of rights, including civil and political rights (e.g. the right to freedom of movement, to political participation) as well as economic, social and cultural rights (e.g. the right to education, to health).

¹ This definition was developed over a series of ICRC-sponsored workshops involving some fifty humanitarian and human rights agencies. See Sylvie Giossi Caverzasio (ed.), *Strengthening Protection in War – A Search for Professional Standards* (Geneva: ICRC, 2001). It was subsequently adopted by the Inter-Agency Standing Committee (IASC) and specifically applied to the protection of internally displaced persons. See *Protection of Internally Displaced Persons*, Policy Paper Series, no. 2 (2000).

² See IASC, *Implementing the Collaborative Response to Internal Displacement: Guidance for United Nations Humanitarian and/or Resident Coordinators and Country Teams* (2005), pp. 20-22

6. **Protection is a legal responsibility**, principally of national authorities, i.e. of the State and its agents. In situations of armed conflict, international humanitarian law prescribes additional responsibilities not only upon States but on all combatants, including non-state armed groups.³ When States and other authorities are unable or unwilling to fulfill their protection obligations, international human rights, humanitarian and development actors all have a responsibility to work to protect the rights of persons at risk.⁴ The goal of our protection work is to support individuals to realise their rights. This requires engaging and assisting States and other authorities to meet their protection obligations under international law.
7. **Protection is an activity** because action needs to be taken to ensure the realization of rights. Three types of protection activity can be distinguished:
- (i) *responsive* – to prevent or put a stop to violations of rights;
 - (ii) *remedial* – to ensure a remedy to violations, including through access to justice and reparation; and
 - (iii) *environment-building* – to promote respect for rights and the rule of law.⁵

IN OUR WORK

Protection requires working with all relevant stakeholders, including populations at risk, local communities and the authorities, to:

- ✓ *prevent* violations of rights from occurring or reoccurring;
- ✓ *stop* ongoing violations;
- ✓ *remedy*, through reparation and rehabilitation, if violations have occurred;
- ✓ *foster* an environment conducive to respect for the rights of women, men, girls and boys in accordance with the law.

2. Who are internally displaced persons?

8. All persons, including those who are internally displaced, are equally entitled to protection. As defined by the *Guiding Principles on Internal Displacement*,⁶ internally displaced persons are:

Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.

9. **Involuntary departure** and the fact that they **remain within their country** are the two defining elements of an internally displaced person (IDP). The first element distinguishes IDPs from individuals who, however pressing the reasons for leaving their homes, could choose to safely remain where they live. The second element explains why IDPs are not refugees – who, by definition, are *outside* of their country of nationality or habitual residence; although in other respects, both categories of displaced persons often face similar risks and deprivations.

³ The Legal Framework is discussed in Part I, Chapter 2.

⁴ While a number of international organizations and agencies, namely: OHCHR, UNHCR, UNICEF and ICRC; have specific protection mandates, *all* UN and partner agencies have a responsibility to integrate human rights into their work and to approach their work with due regard to protection issues. See *Renewing the United Nations: A Programme for Reform*, Report of the Secretary General to the United Nations General Assembly, UN doc. A/51/950 (14 July 1997); and IASC, *Protection of Internally Displaced Persons* (2000). See also Part I, Chapter 3 on the international institutional framework and Annex III on specific agencies' protection roles and activities.

⁵ Caverzasio, *Strengthening Protection in War*, p. 20.

⁶ See Annex I.

10. A number of circumstances in which internal displacement often occurs are mentioned in the definition, including **armed conflict, violence, violations of human rights** and **disasters**. This is not an exhaustive list: the phrase “in particular” means that it does not exclude the possibility of other situations that meet the two key criteria of involuntary movement within one’s country.
11. It is important to understand that the IDP definition is a **descriptive definition**, rather than a legal definition. It simply describes the factual situation of a person being uprooted within their country of habitual residence. It does not confer a special legal status in the same way that recognition as a refugee does. This is not necessary for IDPs because, unlike refugees who require a special legal status as result of being outside of their country and without its protection, IDPs remain entitled to all the rights and guarantees as do citizens and other habitual residents of a particular state.⁷
12. The purpose of highlighting the situation of IDPs and working to enhance their protection is not to privilege IDPs over other groups – IDPs have the same rights as others. Moreover, they often experience many of the same risks as other civilians caught in conflict, who also are in need of protection. Yet, the experience of internal displacement also creates heightened as well as **distinct protection risks**. These particular risks need to be understood and addressed so that the rights of IDPs are protected *along with* those of other civilians.
13. IDPs have been **compelled to leave their homes and cannot return**; because they face risks at their place of origin from which State authorities are unable or unwilling to protect them, because they may have been specifically prohibited to return, or because their homes have been destroyed. They also may face risks of forced return to an area that is unsafe.
14. In addition, the **particular situational factors of internal displacement** which tend to heighten protection risks include:
 - Unlike a person who can remain at home, IDPs have lost their housing and are in need of shelter. In some cases, they have been arbitrarily deprived of their shelter and property.
 - They usually can no longer access their property and land and are cut off from their normal livelihood and source of income.
 - Access to adequate food, water and health care becomes all the more difficult.
 - Displacement disrupts children’s education, stunting not only their development but also often depriving them of an important source of protection and psychosocial support.
 - Families frequently are separated in the course of displacement, shattering the most basic form of protection and leading to a surge in the number of separated or unaccompanied children and of female-headed, child-headed and grandparent-headed households; groups who are at heightened risk of human rights violations such as sexual exploitation as well as child labour and children’s military recruitment.
 - Identity documents often are lost, destroyed or confiscated in the course of displacement. Without these documents, IDPs face difficulties accessing public services (e.g. health care and education) and heightened risk of harassment and exploitation, at check-points for instance, and arbitrary detention.
 - In many cases, IDPs are displaced into areas where they face marginalization, discrimination and hostility, and even targeted abuse and attack.

⁷ Some countries do accord IDPs, or certain groups of IDPs, a status under national legislation. However, this does not affect the rights enjoyed by *all* internally displaced persons under international human rights and humanitarian law.

3. Who is responsible for protecting internally displaced persons?

15. Primary responsibility for protecting internally displaced persons – and all persons within their own country – rests with the national authorities of the country. National responsibility is a core concept of any response to internal displacement; it is a fundamental operating principle of the international community and also is routinely emphasized by governments themselves, as a function of their sovereignty.
16. Yet, it is sometimes the very governments responsible for protecting and assisting their internally displaced populations that are unable or even unwilling to do so, and may even be directly involved in forcibly uprooting civilians.
17. Even then, however, the **role of international actors is to ultimately reinforce – not to replace – national responsibility**. This requires a two-pronged approach of engaging States to meet their protection obligations under international law, while also supporting the development of national and local capacities to fulfill these protection responsibilities.

NATIONAL RESPONSIBILITY AND INTERNAL DISPLACEMENT

In addition to ensuring the protection of rights in accordance with international law, what concretely does national responsibility in situations of internal displacement entail?

*A Framework for National Responsibility*⁸ identifies twelve key steps Governments should take towards ensuring an effective national response to internal displacement:

1. Prevent displacement and minimize its adverse effects
2. Raise national awareness of the problem
3. Collect data on the number and conditions of IDPs
4. Support training on the rights of IDPs
5. Create a legal framework upholding the rights of IDPs
6. Develop a national policy on internal displacement
7. Designate an institutional focal point on IDPs
8. Encourage national human rights institutions to address internal displacement
9. Ensure the participation of IDPs in decision-making
10. Support durable solutions
11. Allocate adequate resources to addressing internal displacement
12. Cooperate with the international community when national capacity is insufficient

4. Operationalising protection

18. Effective field-based protection strategies are built around three common and inter-locking approaches:
 - **Protection work is rights-based** (a rights-based approach);
 - **Individuals and communities are active and equal partners in their protection** (a community-based approach);

⁸ *Addressing Internal Displacement: A Framework for National Responsibility* (Brookings-Bern Project on Internal Displacement, April 2005).

- **Protection work promotes equality and respect for human rights for all regardless of age, gender, and ethnic, social or religious background** (age, gender and diversity mainstreaming).

19. Use of these approaches is fundamental to ensuring that a protection perspective is integrated throughout all the different sectors of humanitarian response.
20. This section provides an overview of these approaches along with guidance on how to apply them to our work with internally displaced persons.

4.1. Protection work is about the realization of human rights (A rights-based approach)

21. Because protection is about respect for rights, it requires an approach grounded upon and geared towards realization of rights.
22. Individuals are **rights-holders**, with legal entitlements to protection and assistance. Unlike “needs”, rights generate responsibilities to ensure the protection and well-being of individuals. The State and other authorities (including community leaders and parents as regards their children) are **duty-bearers** with responsibilities to respect and protect individuals’ rights.
23. These rights and responsibilities are firmly rooted in international law, in particular human rights and international humanitarian law, as well as refugee law where relevant.⁹
24. A rights-based approach¹⁰ means that:

all of our policies, programs and activities:

- are based on rights, as provided in international law;
- further the realization of rights; and
- seek to strengthen the capacities of rights-holders (women, men, girls and boys) to claim their rights and the capacities of duty-bearers (state and other authorities) to meet their obligations to respect and protect rights.

25. This way of working means viewing the individuals and communities with whom we work not as recipients of aid, but as having legal entitlements to protection and assistance. This approach **empowers people** to claim their rights and works to support their capacity to do so. At the same time, it engages and seeks to strengthen **the capacities** of the State and other authorities to carry out their protection obligations under international law.

⁹ Refugee law does not apply to the protection of internally displaced persons, although some refugee law principles are relevant, by analogy. The international legal framework for the protection of IDPs is discussed in Part I, Chapter 2.

¹⁰ Statement of Common Understanding on the rights-based approach, developed at developed at an inter-agency workshop in May, 2003, and subsequently endorsed by the United Nations Development Group. See ‘The Human Rights-Based Approach to Development Cooperation. Towards a Common Understanding Among the United Nations Agencies,’ Annex II in *Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation* (Geneva: OHCHR, 2006), p. 35.

26. A rights-based approach strengthens our **humanitarian work**, anchoring it in a system of rights and corresponding obligations established by international law. By empowering people to claim their rights and strengthening the capacities of duty-bearers to fulfill these rights, a rights-based approach also promotes and strengthens the **sustainability** of our efforts.

“One of the most important roles of ... organizations is to support rights-holders to claim their rights.

This requires a major shift in the way many agencies are working. Rather than delivering services and doing advocacy work on behalf of poor and disadvantaged people, a rights-based approach requires organizations to support people to demand what they are entitled to... to support broad processes of change in society.

Supporting participatory processes that bring together government and civil society is one of the most effective ways to change relationships between rights holders and duty bearers”

Joachim Theis, ‘Challenges for a Rights-Based Approach,’ Children’s Rights Information Newsletter, March 2005, p. 28.

27. While “rights-based approach” is a relatively recent expression, its roots run deep. According to the Charter of the United Nations, one of the **core purposes of the United Nations (UN)** is to promote and encourage “respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion.” Human rights are therefore a concern that cut across the entire UN system, entailing a **responsibility for all parts of the UN to integrate human rights** into their work.¹¹

IN OUR WORK

Applying a rights-based approach in situations of internal displacement requires that we:

- ✓ Be familiar with international legal standards (i.e. rights and obligations) that underlie protection;
- ✓ Use rights as the basis for all our activities including, situational analysis and participatory needs assessment, strategy development, protection activities and program planning, design, implementation, monitoring and evaluation;
- ✓ Analyze the reasons for non-realization of rights, including examining underlying and structural obstacles, and barriers based on issues of age, gender or diversity;
- ✓ Ensure that our policies, programs and activities aim at supporting internally displaced women, men, girls and boys to realize their rights;
- ✓ Strengthen the capacity and accountability of national and local authorities to meet their protection responsibilities.

4.2. Individuals and communities are equal partners in protection (A community-based approach)¹²

28. Internally displaced persons, like other civilians at risk, instinctively will devise their own strategies in an effort to reduce their exposure to protection risks. Especially when they are in isolated and inaccessible areas or where there is an absence of an effective government, communities’ own coping mechanisms become particularly important and may be all that they can rely upon. Experience has shown that for protection efforts to be effective and sustainable, they must be designed to recognize, support and build upon the existing protection capacities of communities.

¹¹ UN Programme for Reform, 1997.

¹² See UNHCR, *A Community-Based Approach in UNHCR Operations: Handbook*, provisional release forthcoming summer 2007.

29. A community-based approach is a way of working that:
- ensures that women, men, girls and boys of all ages and diverse backgrounds are regarded and engaged as active partners in all aspects of our work
 - recognizes their resilience, capacities and resources
 - mobilizes and builds on the capacities of communities to enhance their protection
30. It recognizes all members of the community as active participants in decision-making. This reinforces the dignity and self-esteem of people and promotes their **empowerment**. People are empowered when they are able to become informed and active agents in addressing their own situation.
31. This way of working requires a thorough understanding of the context of displacement, including the socio-economic context, gender roles, and power dynamics within the community as well as the role of actors such as armed groups or the host population. It seeks to understand the community's protection concerns and priorities as well as to identify its existing capacities to access and enjoy their rights.
32. Our role as international humanitarian actors is to build or rebuild and strengthen the community's capacity to respond to its own concerns and to take decisions as to how best to address these concerns. We must recognize the temporary nature of our presence, our facilitation role as external actors, and our limitations in terms of capacities, resources and local knowledge.
33. Applying a community-based approach is widely recognized within the international humanitarian community as an essential element of humanitarian response, including in situations of internal displacement.¹³

- IN OUR WORK** Applying a community-based approach in situations of internal displacement requires that we:
- ✓ Understand gender roles, power relations and community dynamics (between different generations, between diverse groups, and between internally displaced persons and the local community) and how this impacts on their protection;
 - ✓ Recognize the ways in which internally displaced persons enhance their own protection and realize their rights, and work to reinforce these efforts;
 - ✓ Acknowledge and understand the roles and responsibilities of members of the community as important duty-bearers towards other community members;
 - ✓ Build an equal and active partnership with internally displaced women, men, girls and boys by ensuring that they participate in identifying and addressing protection risks and priorities, including through participatory assessment and in decision-making on program design, implementation, monitoring and evaluation;
 - ✓ Promote the dignity, self esteem and empowerment of internally displaced individuals and their communities;
 - ✓ Work to ensure the equal participation of internally displaced women, men, girls and boys in decision-making at all levels, including camp management, and in conflict prevention and resolution.

4.3. Protection work promotes equality and respect for human rights for all regardless of age, gender, and ethnic, social or religious background (Age, Gender and Diversity Mainstreaming)

34. Conflict and displacement impact upon the various members of a community, for instance women and men, girls and boys, in distinct ways, resulting in specific protection risks. The principle of non-

¹³ IASC, *Guidance Note on Using the Cluster Approach to Strengthen the Humanitarian Response*, November 2006). A community-based approach also is part of the Terms of Reference for Sector Leads at the Country Level.

discrimination requires that our activities promote equality and respect for human rights for **all**.

35. Certain groups of persons, including women, children, the elderly and minorities, often are marginalized within communities and less well represented in formal decision-making structures. As a result, their particular concerns too often are overlooked in needs assessments and in program planning.
36. Failure to acknowledge and to take into account the particular situation and risks faced by diverse members of a community not only means that these risks go unaddressed; it may even lead to action that inadvertently increases these risks and reinforce discrimination and exclusion.
37. **Incorporating age, gender and diversity analysis into all aspects of our work is essential** to understanding and addressing the different protection risks within a community.¹⁴
38. In practical terms, mainstreaming age, gender and diversity involves:
 - recognizing that within a community, different members face particular inequalities, risks and needs depending on their age, gender and social background;
 - identifying and analyzing the differentiated protection risks faced by women and men of different ages and backgrounds. This includes protection risks derived from their particular situation as well as the protection implications of our own activities;
 - taking targeted action to address and prevent these risks and inequalities, and to empower groups within the community to claim their rights.

Gender:

39. The term **“gender”** refers to the socially constructed and assigned characteristics, roles and responsibilities of women and men in any given culture. These social characteristics are constructed on the basis of different factors, such as age, religion, national, ethnic and social origin. Gender is not static, but responds to changes in the social, political and cultural environment.
40. **Gender equality** refers to the equal rights, responsibilities, treatment and valuation of women and men, and girls and boys. There is gender equality when each individual's rights and opportunities are not dependent on being female or male. When there is gender equality, women's and girls' interests, needs and concerns shape political, social and economic decisions as much as do those of men or boys.¹⁵ All humanitarian agencies have a responsibility to mainstream a gender perspective into their work.¹⁶
41. Conflict and displacement impact upon women and men, girls and boys, in different ways, and often also result in changes in gender roles and power dynamics. Gender – too often perceived strictly as a “women and girls' issue” – also relates to men and masculinities. A gender analysis will help to identify not only the particular protection risks that women and girls face, but also those of men and boys. For instance, among men in conflict and displacement situations, the feeling of low self esteem as a result of not being able to care for one's family can often trigger increased

¹⁴ The IASC has highlighted the importance of mainstreaming age, gender and diversity into all aspects of humanitarian response, including into all sectors and clusters within the “cluster approach”. See IASC, *Guidance Note on Using the Cluster Approach to Strengthen the Humanitarian Response*, November 2006.

¹⁵ See *UNHCR Handbook on the Protection of Women and Girls* (forthcoming, Dec. 2007).

¹⁶ ECOSOC, *Agreed Conclusions on Gender Mainstreaming, 1997/2*. These Conclusions identify principles for mainstreaming gender equality throughout the UN system and contain specific actions which should be implemented by UN agencies in order to institutionalize gender mainstreaming. Security Council Resolution 1325 (2000) on the protection women in armed conflict as well as resolutions on protecting children in armed conflict all upon states, UN actors and other agencies to mainstream a gender perspective in their work.

substance abuse, a higher tendency to join armed actors (including through forced recruitment) and even higher protection risks for women and girls such as increased sexual and gender-based violence, including domestic violence.

42. Sexual violence and exploitation, which primarily targets women and children, has become one of the most disturbing common features of contemporary armed conflict and of displacement crises. Moreover, displaced women and girls often are forced to take on different and/or additional responsibilities as a result of being separated from their families. In situations of displacement, there usually are dramatic increases in the number of female-headed and child-headed households, who are at particular risk of rights violations and marginalization. At the same time, owing to existing, even exacerbated, inequalities within the community, women and children may have even less social, economic and political power and be less well represented in formal leadership structures, with the result that their rights and particular needs often are overlooked.

Age:

43. Displacement also impacts upon individuals in different ways depending upon their age, and resulting in particular protection risks. Moreover, children, adolescents and older people often are marginalized from formal decision-making structures, with the result that the specific risks that they face are not taken into account.

- **Children**, defined as persons under 18 years of age, experience a range of risks when forced to flee from their homes. For instance, the separation of families often results, leading to large numbers of separated or unaccompanied internally displaced children, who are particularly at risk of exploitation and abuse, military recruitment, child labour, deprivation of access to food, shelter and medical care, and other violations of their rights. Displacement usually disrupts children's education, depriving them also of the stability, support and even degree of protection that going to school can provide. Moreover, conflict and displacement inflict severe psychological trauma on children; although this is not always tangible in their early age, it is extremely difficult to heal later on.
- **Adolescents** are generally considered to be children aged 10 and older. They face distinct risks compared with younger children and are one of the most neglected groups within a displaced community. Seen as young adults, they are at high risk of forced recruitment into armed forces. Adolescent girls are at risk of sexual violence and exploitation. Often, and especially when separated from their families or orphaned, they are left to care for younger siblings but without any decision-making power or the capacity and resources of an adult to fully fend for themselves.
- **Older persons** who, traditionally might enjoy a certain status within the community, may lose that as a direct result of leaving their place of origin. Because older persons often are dependent on family and neighbours, when the social fabric around them collapses as a result of displacement, they find themselves at increased risk.

Diversity:

44. In addition to gender and age, other factors may lead to significant inequalities, create barriers to the enjoyment of rights, and place persons at risk. These include factors such as ethnicity, language, culture, religion, disability, family status and socio-economic status.
45. Other differences, such as between newly-displaced and long-term displaced, between internally displaced persons in camps compared with those in urban settings, and between internally displaced persons and the local host community, may also arise.

Communities, culture, tradition and rights

The universality of human rights often is challenged on the grounds that local culture and tradition should take precedence. Some humanitarian workers have resisted taking action to promote and protect, for example, the rights of women and girls on the grounds that doing so “would interfere with local culture.”

However, cultural beliefs are not homogenous and cultures are not static; they are continually being renewed and reshaped. Cultural change is produced by many factors, including by conflict and displacement. Change also results from deliberate efforts to influence values through revisions of law or government policy.

International law provides that States are obliged to take measures to modify cultural patterns of conduct when this is required to eliminate customary and other practices that are based on the superiority or inferiority of either sex or on stereotyped roles for women and men. When a tradition or practice is considered by the United Nations’ relevant human rights organ to be directly contrary to an international human rights instrument or standard, humanitarian staff are to be guided by the human rights instrument or standard, and work to promote its application.

As humanitarian actors, we have an obligation to respect and promote the rights of all. Working with the community is critical to ensure respect for the rights of all of its members. Because many human rights violations occur within the community, and because individuals and groups may be stigmatized or isolated by their communities based on their age gender and diversity it is only by *working with* communities that we will be able to ensure their protection. The Special Rapporteur on Violence Against Women explains:

“Working in partnership with women and men in the societies concerned will guarantee that any amendment or change receives the full endorsement of the local population. Without participation and endorsement, no strategy to advance women’s rights will succeed.”

Commission on Human Rights, Special Rapporteur on violence against women, its causes and its Consequences, Integration of the Human Rights of Women and the Gender Perspective, Violence against Women, UN. Doc. E/CN.4/2003/75 (2003), para. 6.

IN OUR WORK

Mainstreaming age, gender and diversity in situations of internal displacement requires that we:

- ✓ Understand the differentiated impact of conflict and internal displacement on women, men, girls and boys of different ages and backgrounds, and how this affects the relationships between them and the realization of their rights;
- ✓ Incorporate age, gender and diversity analysis in our situational analysis and needs assessment, the development of protection strategies, and in the design, implementation and monitoring of protection programs and activities;
- ✓ Collect and regularly update data on internally displaced persons that is broken down by age, sex and diversity (including in relation to family status, socio-economic status, and as appropriate, ethnicity and religion) and through ongoing analysis of the data, ensure equal access for all to programs and activities.
- ✓ Work in partnership with internally displaced women, men, girls and boys to identify protection risks faced by different members of the community, and to prevent and address such risks through targeted action to empower disadvantaged groups to enjoy their rights;
- ✓ Work towards the elimination of violence in all its forms, including sexual and gender-based violence, doing so in close collaboration with internally displaced persons, local communities, civil society and the national government;
- ✓ Ensure that our strategies, programs and activities do not inadvertently lead to or reinforce discrimination or exclusion of different groups but rather promote equality and rights for all.

5. Core principles on humanitarian action

46. Three **fundamental humanitarian principles** provide an essential framework for humanitarian action and a universal “code of conduct” for everyone engaged in humanitarian work. They are based on the long-standing work of the Red Cross and Red Crescent Movement,¹⁷ and have their underpinnings in international humanitarian law. Specifically, these principles are:
- **Humanity and the Humanitarian Imperative:** The prime motivation and purpose of our work is to save lives and to prevent and alleviate human suffering, wherever it is found. Individuals shall be treated humanely, with dignity and respect in all circumstances, and have a right to receive humanitarian assistance. The international humanitarian community has a right to offer its assistance wherever it is needed.¹⁸
 - **Impartiality:** Humanitarian action must be without distinction as to nationality, race, religious belief, class or political opinion. Priorities for humanitarian action must be determined on the basis of rights and needs alone. The principle of impartiality therefore lays down two clear rules of conduct for humanitarian work: non-discrimination and proportionality according to need.
 - **Independence:** Humanitarian action must be free from interference, whether political, ideological, economic or military. Humanitarian assessments must be based on objective criteria.
47. In addition to these core common humanitarian principles, the work of many humanitarian agencies also is guided by the principle of neutrality. Indeed, for some organizations, this is considered to be a fundamental principle, although interpretations may vary.¹⁹
- **Neutrality:** Generally speaking, this is understood as meaning that humanitarian action must not take sides in an armed conflict or other dispute where such action is carried out.
- In the face of human rights violations, it is important to understand that the principle of neutrality does not prevent us from taking action, nor does it provide an excuse for inaction – indeed, failure to take action could even amount to taking sides. Rather, it provides important guidance as to *how* we should act, by considering how our actions may be interpreted by others: humanitarian work should endeavor to avoid being perceived as taking sides with one party over another.
- We therefore need to be aware of our own prejudices as well as the ways in which aid can be manipulated, diverted or exploited for political or military purposes. Our actions and activities must be based on an objective assessment of the facts. All our interventions must be transparent, balanced and based on objective and well-known criteria.
48. As the basis for humanitarian work, respect for the principles of humanity, impartiality and independence also is critical for our credibility, safety, and ability to enjoy unimpeded access to the populations at risk with whom we work.

¹⁷ ICRC, *The Fundamental Principles of the Red Cross and Red Crescent* (1996).

¹⁸ Unimpeded, safe access to affected populations is critical to doing so.

¹⁹ For the International Red Cross and Red Crescent Movement, neutrality is a fundamental principle and has a special meaning, which requires a policy of discretion, that is, of not going public with protection concerns as a general rule. The United Nations affirms that the principle of neutrality, together with the principles of humanity and impartiality, should guide the provision of humanitarian assistance. United Nations General Assembly Resolution 46/182 (1991) on strengthening the coordination of humanitarian emergency assistance.

IN OUR WORK

In addition to the principles of humanity, impartiality, independence and neutrality, a number of operational considerations provide useful guidance:

- ✓ **Do No Harm:** Action – and inaction – may have unintended negative consequences. We need to ensure that our actions and interventions (or lack thereof) do not adversely impact upon or expose individuals and their communities, ourselves or our colleagues, to harm. Before we take action, we must anticipate the consequences and assess any potential risk factors, and take measures to eliminate and minimize such risks.
- ✓ **Understand the context,** including as it is perceived by others: To ensure that we “do no harm” and act in an impartial, independent and neutral manner, it is essential that we have a sound understanding of the country, the culture and the communities in which we work. This must include an awareness of the political agendas, interests and perceptions of all those with whom we work. Information must come from a wide range of sources and be verified to ensure that we gain an objective picture of the situation.
- ✓ **Confidentiality:** Respecting confidentiality and guaranteeing the privacy – and therefore the security – of the population with whom we work, their families and wider communities as well as of witnesses to violations must be of paramount consideration at all times. Breach of confidentiality or careless handling of information can have serious consequences for persons of concern as well as for our partners, our colleagues and even the humanitarian operation as a whole. In some cases, simply interviewing an individual may place that person at risk; we must always seek permission from the individual and assess potential risk factors prior to conducting any interviews. Vigorous data protection methods must be in place to guarantee the security of recorded information.
- ✓ **Sensitivity:** Many internally displaced women and men, girls and boys have had difficult and traumatizing experiences. We should be sensitive to their suffering, treat people with respect and dignity, and avoid their victimization or re-traumatization. Moreover, we must be careful to avoid creating false hopes and unrealistic expectations about what protection and assistance we can offer; failure to do so risks resulting in increased anxiety and hopelessness among persons of concern, and may even put them at greater risk by giving them a false sense of security.
- ✓ **Strengthen local capacities:** The role of humanitarian actors is not to substitute, but rather to support and strengthen, local capacities: both the capacity of individuals to claim their rights and the capacity of States to fulfill their responsibilities to ensure protection of these rights. To this end, humanitarian actors should identify and work to strengthen effective local coping strategies and protection mechanisms.
- ✓ **Professionalism:** Our actions and activities must be consistent with and guided by the highest standard of personal and professional integrity. In particular, we need to ensure that our conduct, and that of our colleagues and partners: respects the dignity and worth of all women and men, girls and boys of concern; that it is consistent with national laws and customs; and, above all, that it respects international human rights and humanitarian law standards. Any form of sexual abuse or exploitation, including entering into sexual relations with a beneficiary or exchanging aid for sexual favours, is unlawful and amounts to gross misconduct.

Many organizations and agencies have adopted a formal Code of Conduct for Staff. Are you familiar – and acting consistently with – your organization’s **Code of Conduct**? You should be.

Further reference and tools

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