

Humanitarian Country Team Myanmar

Statement of Commitment to Protection

Endorsed on 25 November 2016

Introduction

The commitment to ensure the centrality of protection in humanitarian action has been affirmed in a statement by the Principals of the Inter-Agency Standing Committee (IASC)¹. This statement affirms that all humanitarian actors have a responsibility to place protection at the center of humanitarian action. The IASC defines protection as “...all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. International Human Rights Law, International Humanitarian Law, International Refugee Law)”².

As part of preparedness efforts, immediate and life-saving activities, and throughout the duration of a crisis and beyond, it is thus incumbent on Humanitarian Coordinators (HCs), Humanitarian Country Teams (HCTs) and clusters and sectors to ensure that protection of all persons affected and at-risk informs humanitarian decision-making and response, including engagement with States and non-State parties to conflict. The IASC Policy on Protection in Humanitarian Action issued in October 2016 defines the process for the implementation of the commitment to centrality of protection at country level³. The Policy seeks to reinforce complementary roles, mandates and expertise of all relevant actors and emphasizes IASC commitment to prioritize protection and contribute to collective protection outcomes, including through the development of an HCT protection strategy to address the most critical and urgent risks and violations to prevent and stop the recurrence of violations of international human rights and humanitarian law.

In response to the IASC Principals’ statement and in order to achieve the goals stated therein, in March 2016, a series of consultations took place among humanitarian actors in Myanmar to share the vision of Centrality of Protection and its implementation across the entire spectrum of humanitarian actions in the country. As one of the follow-up actions agreed during these consultations, this Statement affirms the HCT’s commitment to the Centrality of Protection, and describes, in broad terms, how it intends to operationalize it, including by supporting the Government of the Republic of the Union of Myanmar (GORUM) and local communities to ensure that the lives, dignity and well-being of persons affected by conflict and disaster are protected. This document ultimately reinforces the HCT’s accountability towards safeguarding and promoting a protection conducive environment for all people affected.

The Commitment described below recognizes that the GORUM has the primary responsibility for protecting all people in humanitarian situations. Moreover, in the situation of conflict, Non-State Actors (NSAs) also have the obligation to protect affected civilians in accordance with International Humanitarian Law (IHL).

¹ IASC, Statement on the Centrality of Protection, 17 December 2013. For more information see <https://interagencystandingcommittee.org/principals/content/centrality-protection-humanitarian-action>

² Protection of Internally Displaced Persons, Inter-Agency Standing Committee Policy Paper, December 1999, https://interagencystandingcommittee.org/system/files/legacy_files/FINALIDPPolicy.pdf

³ IASC, Policy on Protection in Humanitarian Action, October 2016.

This Statement of Commitment to Protection applies to all humanitarian situations in Myanmar, present and future. The document will be translated into Myanmar language and other ethnic languages, and shared with the affected communities, the GORUM, donors and other stakeholders.

The Commitment of the Humanitarian Country Team

We, the members of the Humanitarian Country Team (HCT), the Area Humanitarian Country Team (AHCT), and the Rakhine Coordination Group (RCG), under the leadership of the Humanitarian Coordinator and her Deputy, will ensure the following in pursuit of reducing and addressing the protection risks faced by people in need of humanitarian assistance and protection:

- 1) Integrate protection into all aspects of humanitarian action to reduce and mitigate protection risks, through exerting leadership in incorporating protection principles⁴ into all phases of the Humanitarian Programming Cycle (assessment, planning, monitoring and reporting) and supporting Clusters and Sectors in doing so. The HCT will further ensure that the humanitarian principles, as well as international human rights standards and principles of universality, indivisibility, consultation, participation, accountability, transparency, and conflict sensitivity are applied. In pursuit of the above, the HCT will also promote community resilience through understanding of and supporting of self-protection and community-level protection efforts.
- 2) Mainstream protection to ensure all programmes are designed and implemented through a protection lens so that protection risks and potential violations are taken into consideration, and promote meaningful access, safety and dignity in humanitarian aid.
- 3) Ensure every effort to monitor, prevent and respond to serious violations of international human rights and humanitarian law by supporting accountability and the provision of redress to victims, including assisting the HC/RC obligations under the Human Rights Up Front initiative.⁵
- 4) Actively and constructively engage with the GORUM, NSAs and other duty bearers to advocate, on behalf of the affected communities, for these actors to uphold their responsibility to address protection concerns and risks under international human rights and humanitarian law. In this pursuit, the HCT will provide leadership in assessment and analysis of the protection situations of the affected population, advocate with relevant duty bearers through the RC-HC and individual HCT members, provide the AHCT, the RCG as well as Clusters/Sectors and other humanitarian actors with guidance on protection advocacy at the local, regional and global level, support the development of regional and national protection strategies as deemed necessary, and ensure feedback on its advocacy efforts and its outcomes.

⁴ The Sphere Standards set out four protection principles that can be used to inform humanitarian response and to address protection issues through protection mainstreaming, protection integration, or specialized protection activities: 1) Avoid exposing people to further harm as a result of your actions; 2) Ensure People's access to impartial assistance – in proportion to need and without discrimination; 3) Protect people from physical and psychological harm arising from violence and coercion; and 4) Assist people to claim their rights, access available remedies, and recover from the effects of abuse.

⁵ For more information about the HRuF initiative, which was launched by the UN Secretary-General in 2013, see <http://www.un.org/sg/humanrightsupfront/>.

- 5) Engage with the GORUM, the development actors as well as donors to ensure protection principles underpin the interface among humanitarian, early recovery, peace building and development assistance.
- 6) Taking into consideration the fluid and dynamic political and operational context of Myanmar at this juncture, develop, in close consultation with the Protection sector, a comprehensive HCT protection strategy through further community engagement and in consultation with the GORUM as well as other key stakeholders.

Humanitarian Country Team, Myanmar

Yangon, 25 November 2016

What is the definition of Protection?

Protection is defined as “... all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. HR law, IHL, refugee law).” (IASC IDP Protection Policy 1999)

What does Protection mean?

Under international human rights law, States have an obligation to respect, protect and fulfil the rights of individuals without discrimination. International humanitarian law is a set of rules that seeks to limit the effects of armed conflict. It protects people who are not or are no longer participating in hostilities and restricts the means and methods of warfare. Where States cannot or do not meet these obligations, the international community has a responsibility to support and promote adherence and accountability to these duties.

How do we provide protection?

Protection programming, protection mainstreaming and the centrality of protection are key measures that aim to ensure the effective protection of people in humanitarian crises. These measures encompass a range of protection activities which respond to rights violations, seek redress for violations committed and/or strengthen the protective environment to promote respect for human rights.

Protection Programming

Protection programming consists of various activities implemented through targeted interventions focused on a particular protection concern or vulnerable group. Gender based violence and child protection programming are examples of programmes which specifically address vulnerable populations in humanitarian crises: women and children.

Protection Mainstreaming

Protection mainstreaming is the integration of protection principles and interventions in all humanitarian action across Sectors/Clusters in order to comprehensively mitigate and respond to protection concerns. The construction of well-lit gender-segregated latrines lockable from the inside, which reduces the risk of gender based violence for women and girls associated with insecure unisex latrines, is an example of protection mainstreaming in WASH.

Centrality of Protection in Humanitarian Action

In line with the ‘Rights Up Front’ Plan of Action, the IASC Centrality of Protection in Humanitarian Action Statement calls for commitment to the prioritizing of protection in humanitarian action and emphasizes the responsibility of the Humanitarian Coordinator, Humanitarian Country Teams (HCT) and sectors and clusters to collectively mitigate protection risks, address rights violations and hold all actors accountable to international human rights and humanitarian law. Practically, this requires a clear articulation and shared understanding of protection priorities, key activities and the complementary roles and responsibilities of humanitarian actors in achieving protection outcomes. Examples of this may include HCT advocacy on violations of international human rights law, abuses of international humanitarian law and the development and implementation of a Protection strategy.