



# PAD PSEA Policy

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# PAD Organizational PSEA Principles

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PAD will apply Four Protection Principles to all its humanitarian action and with all humanitarian actors.

1. Enhance the safety, dignity and rights of people, and avoid exposing them to harm.
2. Ensure people's access to assistance according to need and without discrimination.
3. Assist people to recover from the physical and psychological effects of threatened or actual violence, coercion or deliberate deprivation.
4. Help people claim their rights.

The Protection Principles support the rights set out in the Humanitarian Charter: the right to life with dignity, the right to humanitarian assistance and the right to protection and security. The principles articulate the role that all humanitarian actors can play in helping protect people. The roles and responsibilities of humanitarian actors are, however, secondary to those of the state. The state or other authorities hold legal responsibility for the welfare of people within their territory or control and for the safety of civilians in armed conflict. Ultimately, it is these authorities that have the duty to ensure people's security and safety through action or restraint. The role of humanitarian actors may be to encourage and persuade the authorities to fulfil their

responsibilities and, if they fail to do so, assist people in dealing with the consequences.

This provides guidance on how PAD can contribute to protection by helping people stay safe, access assistance, recover from violence and claim their rights.

Protection is concerned with the safety, dignity and rights of people affected by disaster or armed conflict. The Inter-Agency Standing Committee (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).” In a broad sense, protection encompasses all efforts pursued by humanitarian and human rights actors to ensure that the rights of affected persons and the obligations of duty bearers under international law are understood, respected, protected and fulfilled without discrimination.

Protection is about taking action to keep people safe from violence, coercion and deliberate deprivation. There is often a priority set of protection concerns affecting whole communities in any given humanitarian context, where concerted action is essential if these are to be effectively tackled. For a humanitarian response to be protection-oriented, it is vital to understand and address the key risks to those affected, including serious harm arising from the failure to respect international humanitarian, refugee or human rights law.

## Putting the principles into practice

Anyone applying this Minimum Standards should be guided by the Protection Principles, even if they do not have a distinct protection mandate or specialized capacity in protection. This includes understanding the context and taking steps to prevent, limit or end violations and risks to people’s safety. Providing information and supporting the ability of people to make informed decisions about their own situation and recovery is essential.

PAD staff needs to fulfil these Principles in addition to meeting specific complementary standards. PAD staff carry out standalone work focusing on specific areas of concern such as:

- child protection;
- gender-based violence;

- rule of law and justice;
- legal counselling;
- human rights advocates and defenders; • internally displaced populations; and
- refugee rights.

## **Protection activities**

Protection-related activities can be preventive, responsive, remedial and environment-building. Upholding the Protection Principles requires a combination of these activities.

- **Preventive:** Preventing threats to safety, dignity or rights from occurring, or reducing exposure or vulnerability to these threats.
- **Responsive:** Stopping ongoing violations or abuse by immediate response to incidents of violence, coercion and deprivation.
- **Remedial:** Providing remedies for ongoing or past abuses by offering healthcare (including psychosocial support), legal assistance or other support, to help people restore their dignity.
- **Environment-building:** Contributing to a policy, social, cultural, institutional and legal environment that supports the full respect of the rights of the affected population. This includes encouraging respect for rights in accordance with international law.

**Advocacy**, whether public or private, is common to all four activity types. Where threats to the affected population come from deliberate decisions, actions or policies, humanitarian or human rights organizations should advocate for changes to decisions, actions or policies that threaten the rights of the affected population. This may include influencing or changing the behavior of a person or organization that poses a threat, as well as seeking change in discriminatory policies or legal frameworks. It may also include supporting people's own efforts to stay safe and reducing people's exposure to risk.

## Protection principle 1: enhance people's safety, dignity and rights and avoid exposing them to further harm

PAD staff take steps to reduce overall risks and vulnerability of people, including to the potentially negative effects of humanitarian programmers.

### This principle includes:

- Understanding protection risks in context;
- Providing assistance that reduces risks that people may face in meeting their needs with dignity;
- Providing assistance in an environment that does not further expose people to physical hazards, violence or abuse; and
- Supporting the capacity of people to protect themselves.

Central to this principle is the importance of avoiding negative effects caused by humanitarian programming

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### Guidance notes

**Context analysis:** Understand the context and anticipate the consequences of humanitarian action that may affect the safety, dignity and rights of the affected population. Work with partners and groups of affected women, men, boys and girls to do regular risk analysis as the situation changes over time.

The following list is not exhaustive but can form a basis for such an analysis:

- What are the protection threats, risks and vulnerabilities across the whole population? What capacities does the population have to minimize those?
- Are there groups that face specific risks? Why? Consider, for example, ethnicity, caste, class, gender, sex, age, disability or sexual orientation.
- Are there obstacles preventing people from accessing assistance or participating in decisions? These may include security, social or physical barriers, or how information is provided.
- What are local communities doing to protect themselves? How can humanitarian organizations support and not undermine these efforts? Are there risks to people protecting themselves?
- Are people engaged in negative coping mechanisms such as transactional sex, early marriage, child labor or risky migration? What can be done to mitigate the underlying vulnerabilities?

- Are humanitarian activities having unintended negative consequences, such as putting people at risk at distribution points or causing division within the community or with host communities? What can be done to reduce this risk?
- Are there punitive laws that pose a protection risk, such as mandatory testing for HIV, criminalization of same-sex relationships, or other?

Set up and maintain information exchange and accountability mechanisms with communities, including those at risk, to identify and address protection issues.

***Avoid becoming complicit*** in violations of people's rights through activities that give legitimacy to the policies and practices that cause the problem. Examples may include activities that enable the forced relocation of populations for political or military reasons, or indirectly increasing conflict through careless choice of partners or commercial contractors. This analysis may involve difficult choices and decisions, but it should be explicitly considered and reviewed as circumstances change.

***Humanitarian assistance:*** The way that assistance is provided, and the environment in which it is provided, can make people more vulnerable to harm, violence or coercion.

- Provide assistance in the safest possible environment and actively look for ways to minimize threats and vulnerabilities. For instance, provide education and healthcare in locations that all people can safely access
- Take all reasonable steps when providing and managing assistance to protect people from physical and sexual assault. For example, valuable commodities or cash-based assistance can be subject to looting, putting recipients at risk of harm.
- Help people find safe options for meeting basic needs in a way that reduces exposure to risks. For example, provide fuel alternatives that reduce the need to collect firewood in dangerous environments.
- Design activities that protect girls and boys, and do not create additional risks, such as child recruitment, abduction or separation from family
- Coordinate with government authorities and specialized organizations on the removal of landmines and unexploded ordnance from areas where assistance is provided
- Consider any unintended impact on the environment that could affect people's safety, dignity and rights.
- Consult with different parts of the community, including at-risk groups and organizations they trust, to understand the best way to provide assistance.

For example, work with persons with disabilities to determine how to provide assistance. There should be no additional risks to their well-being or to the well-being of the people they trust to receive assistance on their behalf.

**Community protection mechanisms:** Understand the means by which people try to protect themselves, their families and communities. Support community-led self-help initiatives. Humanitarian interventions should not compromise people's capacity to protect themselves and others.

**Sensitive information:** Ensure that people are not put at risk as a result of the way that humanitarian actors record and share information. Establish a policy on collecting and referring sensitive information. It should define the circumstances under which information may be referred and respect the principle of informed consent. Failure to do so may compromise the safety of survivors and of staff.

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## **protection principle 2: ensure people's access to impartial assistance, according to need and without discrimination**

Humanitarian actors identify obstacles to accessing assistance and take steps to ensure it is provided in proportion to need and without discrimination.

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### **This principle includes:**

- Challenging any actions that deliberately deprive people of their basic needs, using humanitarian principles and relevant law
- Ensuring people receive support on the basis of need, and that they are not discriminated against on any other grounds; and
- Ensuring access to assistance for all parts of the affected population.

Central to this principle is the idea that communities should have access to the humanitarian assistance they need

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## Guidance notes

**Impartiality:** Priorities assistance on the basis of need alone and provide assistance in proportion to need. This is the principle of impartiality affirmed in the Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief

**Right to receive humanitarian assistance:** Advocate for the right of people affected by crisis to receive humanitarian assistance. Where people are unable to meet their basic needs and the relevant authorities are unable to provide assistance, the authorities should not deny access to impartial humanitarian organizations.

Such denial may violate international law, particularly in situations of armed conflict. People affected by crisis do not need to have a special legal status in order to receive humanitarian assistance and protection.

Authorities should not deny the existence of humanitarian needs or use bureaucratic barriers to restrict movement of humanitarian workers.

**Barriers to access:** Monitor people's access to humanitarian assistance to identify and understand any barriers they may face. Take steps to address these where possible.

- Consider barriers that reduce people's freedom of movement or their physical access to humanitarian assistance. This includes blockades, landmines and checkpoints. In armed conflict, parties may establish checkpoints, but these should not discriminate between categories of affected people or unduly hinder people's access to humanitarian assistance.
- Address barriers that may restrict access by some groups and individuals, resulting in inequitable assistance. Barriers may lead to discrimination against women and children, older people, persons with disabilities or minorities. They may also prevent people accessing assistance on the basis of ethnic, religious, political, sexual orientation, gender identity, language or other considerations.
- Provide information, in accessible formats and languages, about entitlements and feedback mechanisms. Promote outreach with "hidden" at-risk groups, such as persons with disabilities, children living on the streets, or those living in less accessible regions, to facilitate their safe access to assistance.

### **Protection principle 3:**

#### **Assist people to recover from the physical and psychological effects of threatened or actual violence, coercion or deliberate deprivation**

Humanitarian actors provide immediate and sustained support to those harmed by violations, including referral to additional services as appropriate.

#### **This principle includes:**

- Referring survivors to relevant support services;
- Taking all reasonable steps to ensure that the affected population is not subject to further violence, coercion or deprivation; and
- Supporting people's own efforts to recover their dignity and rights within their communities and be safe.

Central to this Principle is the idea that communities and people affected by crisis receive coordinated, complementary assistance

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#### **Guidance notes**

**Referrals:** Be aware of the existing referral systems and help people affected by violence to safely access appropriate services. Some people may not seek assistance after a violation. Take steps to understand the barriers that stop people from seeking assistance and adapt the referral system accordingly.

Support survivors of physical or gender-based violence to access services such as healthcare, police assistance, mental health and psychosocial support, and other services. These services should be sensitive to the people's sex, age, disability, sexual orientation and other relevant factors.

Set up and use safe and effective referral mechanisms to child protection services that support children who are survivors of violence, exploitation, abuse and neglect.

**Community action:** Support community action and self-help activities that help to restore people's sense of agency and improve their protection.

Support family, community and individual response mechanisms of protection, and mental health and psychosocial support. This can include creating opportunities where people can discuss their situation, choose particular

protection threats to be addressed, and develop and implement steps for addressing them.

Help local groups such as youth groups, women's groups or religious groups to implement non-violent means of self-protection, and support vulnerable people.

Wherever possible, keep families together, including non-traditional families, and enable people from a particular village or support network to live in the same area.

Support positive communal coping mechanisms such as culturally appropriate burials, religious ceremonies and practices, and non-harmful cultural and social practices.

**Ongoing violations, monitoring and reporting:** Be aware of mechanisms to report on human rights violations and follow the procedures and policies in place for safe sharing of sensitive information.

Ongoing violations must also be considered and addressed with partners and specialized agencies. The primary responsibility to protect people resides with the government and other relevant authorities. Work with specialized agencies to identify those parties who have the legal responsibility or capacity to provide protection and remind them of their obligations.

Security and law enforcement agencies, police, and military and peacekeeping forces play an important role in ensuring the physical security of people. When appropriate and safe to do so, alert police or law enforcement or military actors to violations of human rights.

During armed conflict, consider monitoring the institutions that provide essential services and are specifically protected under international humanitarian law, such

as schools and hospitals, and reporting any attacks on them. Make specific efforts to reduce the risks and threats of abductions or forced recruitment that may happen in these locations.

**Managing sensitive information:** Humanitarian organizations should have clear policies and procedures to guide staff on how to respond if they become aware of or witness abuses, and on how to make referrals to specialists or specialized agencies. The confidentiality of the information should be explained in those policies.

Evidence such as witness statements, population profiles and images that allow people to be identified may be highly sensitive and can put people at risk.

Sensitive information on specific abuses or violations should be collected by specialized agencies with the necessary skills, systems, capacity and protocols in place

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### protection principle 4: Help people to claim their rights

Humanitarian actors help affected communities claim their rights through information and documentation, and support efforts to strengthen respect for rights.

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#### This principle includes:

- Supporting people to assert their rights and to access remedies from government or other sources;
- Assisting people to secure the documentation they need to demonstrate their entitlements; and
- Advocating for full respect of people’s rights and international law, contributing to a stronger protective environment.

Central to this Principle is that people affected by crisis should know their rights and entitlements

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#### Guidance notes

**Accessible information:** Provide education and information that enable people to understand and advocate for their rights. Inform people of their entitlements, for example in relation to return and resettlement options. Work with specialized organizations providing legal aid to inform people of their rights under the laws and regulations of the country.

Provide information in languages that affected people can understand. Use multiple formats (such as written, graphic or audio) to make information as widely accessible as possible. Test message comprehension with different groups, considering variations in age, gender, education level and mother tongue.

**Documentation:** People generally have rights, regardless of whether they possess particular documentation. However, without some form of documentation such as a birth certificate, marriage certificate, death certificate, passport, land title or education certificate, people may face barriers to

accessing their rights or entitlements. Refer them to agencies that can provide or replace these documents.

Legal documentation recognized by the relevant authorities should not be confused with documents issued by humanitarian organizations, such as ration cards or registration documents. Documentation issued by authorities should not determine who is eligible for assistance from humanitarian organizations.

***Access to legal support and justice systems:*** People are entitled to seek legal and other redress from the government and relevant authorities for violations of their rights. This can include compensation for loss or restitution of property. People are also entitled to expect that the perpetrators of violations will be brought to justice.

Assist those who choose legal remedies to access justice mechanisms in a safe manner. Effective referral requires an understanding of which agencies can provide legal support.

Avoid promoting access to justice in situations where the judicial process might cause further harm to victims. For instance, healthcare providers and gender-based violence referral networks should be aware of the national medico-legal system and the relevant laws on sexual violence. Inform survivors about any mandatory reporting laws that could limit the confidentiality of the information patients disclose. This may influence the survivor's decision to continue care or reporting, but must be respected.

During crises, affected communities may be able to use alternative and informal dispute-resolution mechanisms, such as community-level mediation. Where these exist, inform people and explain how they can access the services.

Land access and ownership can be major points of contention. Encourage authorities and communities to work together to resolve issues relating to access or ownership of land.

# Appendix

## Summary of PAD Standards for PSEA Work

In armed conflict or other situations of violence, the protection of civilians who may be exposed to harm and suffering is critical. An effective protection response requires professional competence and adherence to commonly agreed professional Minimum Standards that are applicable to all protection actors. The Professional Standards for Protection Work were established to create a shared basis for protection work among humanitarian and human rights actors, and to maximize the effectiveness of that work for the affected population. They complement the Protection Principles.

The standards reflect the view that people must be at the center of action taken on their behalf. People have a meaningful role to play in analyzing, developing and monitoring protection responses to the threats and risks they face. Beyond improving people's physical security, protection efforts should promote respect of the rights, dignity and integrity of those at risk or subject to violations and abuse.

The range of activities implemented by humanitarian actors varies greatly, and it is essential for all actors to integrate protection concerns into their practice in line with the Protection Principles. The Professional Standards are primarily intended for protection professionals and organizations implementing dedicated protection work in armed conflict and other situations of violence.

The professional standards offer organizations a solid basis from which to review and develop internal policies, guidelines and training materials. They offer a practical reference for practitioners who design and implement protection strategies at field level. They can also serve as a source of inspiration. They are a useful reference point to help other actors and stakeholders understand how specialized protection actors safely implement activities to enhance the protection of individuals and communities. These standards do not seek to regulate protection work or restrict diversity, but rather complement other professional principles and encourage protection actors to integrate them into

their own practices, guidelines and training. The Professional Standards are organized as follows:

1. Overarching principles in protection work
2. Managing protection strategies
3. Outlining the protection architecture
4. Building on the legal base of protection
5. Promoting complementarity
6. Managing data and information for protection outcomes
7. Ensuring professional capacities

