

## Guidance Note 1

# Protection Monitoring



## Key message

Protection monitoring during internal displacement involves collecting, verifying, and analyzing information in order to identify human rights violations and protection risks encountered by IDPs and other affected populations. Protection monitoring generally takes place over an extended period of time and should be coordinated and undertaken by agencies with a specific mandate and expertise to do so, in cooperation with UN agencies and members of civil society, particularly those directly affected: internally displaced persons and others.

### 1. What is protection monitoring and why is it done?

*The principal objective of protection monitoring is to reinforce the responsibility of State actors and relevant non-State actors to protect IDPs and other affected populations. These State and non-State actors are referred to as “duty-bearers,” because of their obligation to respect, protect and fulfil the rights of “right-holders,” in this case, the IDPs and otherwise affected communities (see Part I.1).*

The information gathered and the analysis carried out should also assist in guiding and informing **action by relevant international and national actors**. These actions might include specific interventions on behalf of individuals and groups, the planning and implementation of humanitarian assistance operations, the deployment of peacekeepers, and advocacy and/or other activities by international actors and national and international civil society.

Very often, protection monitoring will be conducted in the context of broader protection assessment exercises, such as during **participatory assessments** being undertaken for the development of a protection strategy (see Part III.1).

#### 1.1. The key principles of protection monitoring

Applying the general principles explained in Part I.1 of the Handbook, protection monitoring must be **independent** and **neutral**, and conducted with respect for the **do-no-harm** concept. Monitors must respect the principle of confidentiality, protect their sources, be sensitive to the feelings of victims and witnesses, and not make promises they cannot fulfil. They should respect the proper functioning of national and local authorities and seek ways to support local capacity building.

Protection-mandated agencies should take any steps necessary to ensure the safety of their monitors, particularly if there is a potential for reprisal or retribution. Protection monitoring agencies should be transparent with State and non-State interlocutors and other concerned populations about the nature of their work. This should be balanced against the need for keeping certain information confidential in order to ensure the safety of the IDPs and monitors.

Monitoring must be based on the rights defined and guaranteed by **relevant international human rights and humanitarian law instruments, regional treaties and national legislation**. Monitors should be familiar with the international and regional mechanisms and mandates established for the protection of human rights (see Part I.2).

**Protection monitoring** can take **different forms** and **serve different purposes**. These include:

- **General or community-level monitoring**, which assesses changes in the overall protection situation in a community, a village, a region or a country. While it might gather information about specific incidents and affected individuals, general monitoring focuses on understanding trends and patterns in order to inform and improve programming and project implementation. It can be undertaken by most field staff as long as basic protection considerations are taken into account.
- **Incident or individual-level monitoring**, which aims to document human rights violations suffered by victims and survivors. It requires collection of sensitive and often confidential information from victims/survivors or witnesses and might reveal specific protection problems that require immediate response and referral. Ideally, such monitoring contains a case management component. It should always be undertaken by trained protection/human rights monitors. Incident monitoring should not duplicate existing, well functioning national structures.

## 2. How protection monitoring is done


Protection **monitoring can be conducted under different modalities**. **The choice will be determined by contextual and operational factors**, such as: the type of setting; the size of the population being monitored; the specific operational purpose of the monitoring activity; and the resources (both human and financial) available for monitoring. Monitoring can take place within camps, in rural areas or in urban settings. While always based on the same international standards, monitoring can focus on certain aspects of any given situation. For example, within camps, monitoring can examine distribution systems, the physical locations and layout of camps, health facilities, the situation of vulnerable groups, physical protection, including sexual and gender-based violence and abuse, and issues related to psychological assistance and social welfare.

Monitoring activities should also cover the various phases of the displacement cycle and should include persons already displaced, persons at risk of displacement, returnees, and affected host populations. Different monitoring approaches may be required to monitor these different types of populations.


No one activity or tool for monitoring is appropriate for all situations; yet, the activity or tool used to gather specific pieces of information should be clearly recorded in each situation. That will make it easier to verify the data collected and to confirm that the tool used successfully captured the protection concerns specific to the situation.

The Box below provides an outline of possible activities and tools for monitoring protection:

### Some Activities and Tools for Monitoring Protection

- Spot checks or camps/settlement walkabouts, home visits;
- Direct contact by victims or witnesses;
- Surveys of areas of displacement, return or settlement, in total or in random sample;
- Informal or semi structured interviews with individuals in random sample;
- Community, camp management meetings or focus group discussions (with IDPs, host communities, other relevant groups) (*see Part III.1*); 
- Complaints mechanism within agencies;
- Liaison with national human rights institutions;
- Reviewing police or camp security incident records or logbooks;
- Questionnaires to communities;
- Information collected directly from protection interventions, such as Legal Advice Clinics or Women's Protection Centres; or
- Regular meetings among humanitarian agencies and with local actors.
- Review and analysis of reports and documentation by other parties, such as situation reports, protection reports, sub agreement monitoring reports and press reports

While the context and operational purpose will determine how the monitoring is conducted, **protection monitors in all situations** are required to:

- **Collect background information:** Monitors must have a good understanding of the social, political, cultural and economic context, including issues such as the root causes of the displacement, political actors, ethnic tensions, and the role of non-State actors (see also Part III.1). 
- **Develop contacts and networks; establish a presence in the community:** Monitors must establish a network of contacts and sources of information. These will generally include members of the displaced and host communities, government officials at various levels, journalists, civil society groups, parliamentarians, and international actors. Such contacts provide both background and case-specific information; they also play a key role in advocacy and follow-up action. Networks of contacts established by other clusters/sectoral groups can also be used and expanded.
- **Collect and document testimonies and complaints:** Information-gathering requires pursuing all credible leads regarding protection concerns, including individual incidents. Monitors should be available and ready to move at any time to receive information, preferably directly from a victim or a witness. The safety of victims and witnesses and of staff should be a key consideration when doing so, particularly immediately after an incident, when tension and risks might still be high. An **Annex on interviewing victims or witness of violations** is attached to this chapter.
- **Identify and prioritize issues to pursue:** Monitors should analyze each reported violation by identifying whether it fits within the mandate of the organization or the interagency approach, and by breaking down the reported violation into its component rights and duties. Depending on the situation and the field capacity, not all issues can be pursued.
- **Verify information concerning an alleged violation:** Monitors are rarely direct witnesses to serious violations; they usually learn of such incidents from victims or other witnesses. Monitoring thus requires techniques for collecting accurate and precise indirect information. Monitors must verify information received, regardless of whether it is from an interview with a victim, a witness statement, the media, or other sources. Monitors should verify the substance of the information with other relevant and trusted actors (preferably more than one), witnesses, organizations or associations that have knowledge of the matter, including by collecting relevant documentation, such as medical reports.

### 3. Who monitors protection?

Protection monitoring can be undertaken by different groups of actors, or by just one main actor. When monitoring is undertaken by several actors with a range of protection and non-protection expertise, it should be coordinated by one single actor with the required expertise. Having staff from various agencies and organizations involved in monitoring can enhance the coverage and quantity of information collected and increase the number of sources of data.

In order to avoid duplication of efforts and inappropriate sharing of confidential data, monitoring activities should be conducted through an **agreed inter-agency framework that includes clear identification of roles and division of labour based on mandate and expertise**.

Protection monitoring should be coordinated by **actors and staff with specific protection and technical expertise** to ensure appropriate quality control, methodological consistency, and normative and ethical rigour. Agencies with specialized monitoring staff include OHCHR, UNHCR, UNICEF, human rights components of UN peace missions, situation-specific mandates given by UN Security Council resolutions, and ICRC. Amnesty International, Human

Rights Watch and several other NGOs are also specialized in protection-monitoring activities. National human rights institutions also monitor, document and react to rights violations.

**National staff are very valuable resources in protection monitoring.** They are likely to have more information, local language skills and a deeper understanding of the background and impact of the internal displacement crisis. Monitors and their agencies must, however, remain aware that real or perceived cultural, religious and other affinities of national staff may encourage or, conversely, constrain victims and witnesses from reporting incidents. National staff or their families are also exposed to potential risks of retribution, including from within their own communities.

The ideal protection monitoring presence is thus a mix of national and international staff. **Sensitive demarches with national interlocutors** should be undertaken by international staff when they might expose national colleagues to greater risk.

*Protection monitoring can be greatly enhanced by including **non-specialized individuals and agencies**, such as shelter NGOs, water engineers, logistics staff, as sources of information, but their involvement should normally be **limited** to gathering information at **the community or area level**.*

*Where **individual victims or witnesses** come to the attention of such monitors, the role of the non specialists would generally be restricted to ensuring that the initial report is channelled to **appropriate specialists** for full interview and any relevant follow up. This division of labour is necessary to ensure that victims are not asked to recount painful experiences repeatedly, to preserve the confidentiality of the information, and to ensure that any legal advice given is accurate and appropriate.*

## 4. Reporting and other follow-up activities

### 4.1. Reporting

Reporting is an essential element of the monitoring function. While detailed guidance on reporting cannot be provided in this Handbook, there are some general principles that apply to any reporting methodology and to any individual report. Reporting in the context of protection monitoring must be **accurate, objective and precise; prompt and action-oriented**; and should include information on initial response(s) and recommendations for further responses by the organization or through an inter-agency approach. A distinction is normally made between **internal** and **external** reporting:

#### ■ Internal reports:

- **Periodic reports** (situation reports) document a situation, the work accomplished and plans;
- **Emergency reports** alert managers of the need for action, likely on an *ad hoc* basis; they include basic facts and recommendations;
- **Interview reports/questionnaires** record the results of an interview and specify the reliability of the source; and
- **Incident reports** provide an overview of all information collected about an incident.

#### ■ External reports:

- Reports **addressed to the government** as a means of working with the government to improve its protection of IDPs;
- Reports **shared within the wider humanitarian community**, the United Nations (the UN Country Team, the Protection Cluster, the Security Council, the Human Rights Council, treaty mechanisms, or country/thematic *rapporteurs*) and other relevant actors,


such as the diplomatic community. The reports can help shape policy and programming activities by other actors; and

- **Public reports** used as a general public-information and advocacy tool.

Because external reports are generally compiled on the basis of several internal reports, it is crucial that the internal reports provide detailed information, use consistent terminology and adopt consistent approaches to information so that the officer who prepares the external report can rely on the facts gathered, and can draw useful general conclusions regarding trends in the evolving human rights situation. External reports should not include confidential information on victims and sources.

## 4.2. Other follow-up activities

Protection monitors must often balance monitoring and reporting activities with efforts to follow up on specific human rights violations. **As a general rule, protection monitors should take immediate action on gross human rights violations affecting the physical safety of individuals or groups.** This means either referring the case to specialized agencies, or civil society groups, reporting the case immediately to senior management, or intervening with the national authorities to find a solution.

Standard operating and referral procedures for such actions should be established at the inter-agency level in each field operation. (See also *Parts IV and V* of this Handbook for detailed guidance for addressing specific human rights violations identified in the course of monitoring activities and humanitarian interventions). 



## References

- A significant portion of the material in this chapter is adapted from *The OHCHR Training Manual on Human Rights Monitoring*, Professional Training Series No. 7, OHCHR/United Nations, New York and Geneva, 2001. At <http://www.ohchr.org/english/about/publications/training.htm>
- *Enhancing UNHCR's Capacity to Monitor the Protection, Rights and Well-Being of Refugees: Main Report*, Kelley, N., Sandison, P. and Lawry-White, S., UNHCR/EPAU, Geneva, June 2004.
- *Implementing the Collaborative Response to Situations of Internal Displacement: Guidance for United Nations Humanitarian and/or Resident Coordinators and Country Teams*, IASC, Geneva Sept 2004.
- *Operational Protection in Camps and Settlements: A Reference Guide to Good Practices in the Protection of Refugees and Other Persons of Concern*, UNHCR/DIPS/SOSS, Geneva, 2006. "Protection Monitoring."
- *Policy Paper Series No. 2: Protection of Internally Displaced Persons*, IASC, United Nations, New York, 2000

## Annex I

### Interviewing victims and witnesses

The challenge of interviewing in protection monitoring is to *respect the dignity of the interviewee while remaining an objective, neutral and non-judgmental recorder of significant data.*

Interviewing victims and witnesses of violations is a **complex and delicate activity** that should only be carried out by appropriately trained protection staff.

Protection monitors should consider:

1. whom to interview;
2. how to initiate an interview;
3. who should conduct the interview;
4. how to determine the language in which the interview should be conducted;
5. who should translate;
6. where the interview should take place, in order to protect the witness;
7. how the interview should be recorded so that the information is both objectively documented and protected;
8. how to handle cultural differences, such as notions of time, place and truth, that might inhibit communication;
9. how to interview without creating unrealistic expectations regarding access to justice, to humanitarian assistance, to resettlement, etc.; and
10. how to respond appropriately, whether directly or by referral to other specialist agencies, when the interviewee needs immediate attention.

All monitors need to:

- develop a rapport with the interviewee,
- explain the interview process and the mandate of the organization or of the inter-agency approach,
- discuss the ground rules for the interview,
- talk about how the witness might be protected (without creating false expectations) after the interview,
- anticipate how the information will be used, and
- encourage the witness to tell his/her story truthfully in his/her own words before asking specific questions.

*In all cases, seek the written consent of interviewees before attributing to them the information provided.* Monitors must be trained to identify and respond appropriately to the particular needs and traits of some categories of interviewees, including victims of torture, women, children, and persons with disabilities. Monitors will also need to be in a position to assess the credibility of the witness or the victim in order to ensure that the information collected is reliable.

When establishing protection monitoring system(s) for an IDP situation, the coordinating or lead agency should establish standard operating procedures, backed up by training to determine when interviews should be conducted by specialists. It should also develop that specialist capacity appropriately.