The Humanitarian Charter
The Humanitarian Charter provides the ethical and legal backdrop to the Protection Principles and the Core Standards and minimum standards that follow in the Handbook. It is in part a statement of established legal rights and obligations; in part a statement of shared belief.

In terms of legal rights and obligations, it summarises the core legal principles that have most bearing on the welfare of those affected by disaster or conflict. With regard to shared belief, it attempts to capture a consensus among humanitarian agencies as to the principles which should govern the response to disaster or conflict, including the roles and responsibilities of the various actors involved.

It forms the basis of a commitment by humanitarian agencies that endorse Sphere and an invitation to all those who engage in humanitarian action to adopt the same principles.

The Humanitarian Charter

Our beliefs

1. The Humanitarian Charter expresses our shared conviction as humanitarian agencies that all people affected by disaster or conflict have a right to receive protection and assistance to ensure the basic conditions for life with dignity. We believe that the principles described in this Humanitarian Charter are universal, applying to all those affected by disaster or conflict wherever they may be, and to all those who seek to assist them or provide for their security. These principles are reflected in international law, but derive their force ultimately from the fundamental moral principle of humanity: that all human beings are born free and equal in dignity and rights. Based on this principle, we affirm the primacy of the humanitarian imperative: that action should be taken to prevent or alleviate human suffering arising out of disaster or conflict, and that nothing should override this principle.

As local, national and international humanitarian agencies, we commit to promoting and adhering to the principles in this Charter and to meeting minimum standards in our efforts to assist and protect those affected. We invite all those who engage in humanitarian activities, including governmental and private sector actors, to endorse the common principles, rights and duties set out below as a statement of shared humanitarian belief.

Our role

2. We acknowledge that it is firstly through their own efforts, and through the support of community and local institutions, that the basic needs of people affected by disaster or conflict are met. We recognise the primary role and responsibility of the affected state to provide timely assistance to those affected, to ensure people’s protection and security and to provide support for their recovery. We believe that a combination of official and voluntary action is crucial to effective prevention and response, and in this regard National Societies of the Red Cross and Red Crescent Movement and other civil society actors have an essential role to play in supporting public authorities. Where national capacity is insufficient, we affirm the role of the wider international community, including governmental donors and regional organisations, in assisting states to fulfil their responsibilities.

We recognise and support the special roles played by the mandated agencies of the United Nations and the International Committee of the Red Cross.

3. As humanitarian agencies, we interpret our role in relation to the needs and capacities of affected populations and the responsibilities of their governments or controlling powers. Our role in providing assistance reflects the reality that those with primary responsibility are not always fully able to perform this role themselves, or may be unwilling to do so. As far as possible, consistent with meeting the humanitarian imperative and other principles set out in this Charter, we will support the efforts of the relevant authorities to protect and assist those affected. We call upon all state and non-state actors to respect the impartial, independent and non-partisan role of humanitarian agencies and to facilitate their work by removing unnecessary legal and practical barriers, providing for their safety and allowing them timely and consistent access to affected populations.

Common principles, rights and duties

4. We offer our services as humanitarian agencies on the basis of the principle of humanity and the humanitarian imperative, recognising the rights of all people affected by disaster or conflict – women and men, boys and girls. These include the rights to protection and assistance reflected in the provisions of international humanitarian law, human rights and refugee law. For the purposes of this Charter, we summarise these rights as follows:

- the right to life with dignity
- the right to receive humanitarian assistance
- the right to protection and security.

While these rights are not formulated in such terms in international law, they encapsulate a range of established legal rights and give fuller substance to the humanitarian imperative.
5. The right to life with dignity is reflected in the provisions of international law, and specifically the human rights measures concerning the right to life, to an adequate standard of living and to freedom from torture or cruel, inhuman or degrading treatment or punishment. The right to life entails the duty to preserve life where it is threatened. Implicit in this is the duty not to withhold or frustrate the provision of life-saving assistance. Dignity entails more than physical well-being; it demands respect for the whole person, including the values and beliefs of individuals and affected communities, and respect for their human rights, including liberty, freedom of conscience and religious observance.

6. The right to receive humanitarian assistance is a necessary element of the right to life with dignity. This encompasses the right to an adequate standard of living, including adequate food, water, clothing, shelter and the requirements for good health, which are expressly guaranteed in international law. The Sphere Core Standards and minimum standards reflect these rights and give practical expression to them, specifically in relation to the provision of assistance to those affected by disaster or conflict. Where the state or non-state actors are not providing such assistance themselves, we believe they must allow others to help do so. Any such assistance must be provided according to the principle of impartiality, which requires that it be provided solely on the basis of need and in proportion to need. This reflects the wider principle of non-discrimination: that no one should be discriminated against on any grounds of status, including age, gender, race, colour, ethnicity, sexual orientation, language, religion, disability, health status, political or other opinion, national or social origin.

7. The right to protection and security is rooted in the provisions of international law, in resolutions of the United Nations and other intergovernmental organisations, and in the sovereign responsibility of states to protect all those within their jurisdiction. The safety and security of people in situations of disaster or conflict are of particular humanitarian concern, including the protection of refugees and internally displaced persons. As the law recognises, some people may be particularly vulnerable to abuse and adverse discrimination due to their status such as age, gender or race, and may require special measures of protection and assistance. To the extent that a state lacks the capacity to protect people in these circumstances, we believe it must seek international assistance to do so.

The law relating to the protection of civilians and displaced people demands particular attention here:

(i) During armed conflict as defined in international humanitarian law, specific legal provision is made for protection and assistance to be given to those not engaged in the conflict. In particular, the 1949 Geneva Conventions and the Additional Protocols of 1977 impose obligations on the parties to both international and non-international armed conflicts. We stress the general immunity of the civilian population from attack and reprisals, and in particular the importance of the principle of distinction between civilians and combatants, and between civilian objects and military objectives; the principles of proportionality in the use of force and precaution in attack; the duty to refrain from the use of weapons which are indiscriminate or which, by their nature, cause superfluous injury or unnecessary suffering; and the duty to permit impartial relief to be provided. Much of the avoidable suffering caused to civilians in armed conflicts stems from a failure to observe these basic principles.

(ii) The right to seek asylum or sanctuary remains vital to the protection of those facing persecution or violence. Those affected by disaster or conflict are often forced to flee their homes in search of security and the means of subsistence. The provisions of the 1951 Convention Relating to the Status of Refugees (as amended) and other international and regional treaties provide fundamental safeguards for those unable to secure protection from the state of their nationality or residence who are forced to seek safety in another country. Chief among these is the principle of non-refoulement: the principle that no one shall be sent back to a country where their life, freedom or physical security would be threatened or where they are likely to face torture or other cruel, inhuman or degrading treatment or punishment. The same principle applies by extension to internally displaced persons, as reflected in international human rights law and elaborated in the 1998 Guiding Principles on Internal Displacement and related regional and national law.

Our commitment

8. We offer our services in the belief that the affected population is at the centre of humanitarian action, and recognise that their active participation is essential to providing assistance in ways that best meet their needs, including those of vulnerable and socially excluded people. We will endeavour to support local efforts to prevent, prepare for and respond to disaster, and to the effects of conflict, and to reinforce the capacities of local actors at all levels.

9. We are aware that attempts to provide humanitarian assistance may sometimes have unintended adverse effects. In collaboration with affected communities and authorities, we aim to minimise any negative effects of humanitarian action on the local community or on the environment. With respect to armed conflict, we recognise that the way in which humanitarian assistance is provided may potentially render civilians more vulnerable to attack, or may on occasion bring unintended advantage to one or more of the parties to the conflict. We are
committed to minimising any such adverse effects, in so far as this is consistent with the principles outlined above.

10. We will act in accordance with the principles of humanitarian action set out in this Charter and with the specific guidance in the Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organisations (NGOs) in Disaster Relief (1994).

11. The Sphere Core Standards and minimum standards give practical substance to the common principles in this Charter, based on agencies’ understanding of the basic minimum requirements for life with dignity and their experience of providing humanitarian assistance. Though the achievement of the standards depends on a range of factors, many of which may be beyond our control, we commit ourselves to attempting consistently to achieve them and we expect to be held to account accordingly. We invite all parties, including affected and donor governments, international organisations, private and non-state actors, to adopt the Sphere Core Standards and minimum standards as accepted norms.

12. By adhering to the Core Standards and minimum standards, we commit to making every effort to ensure that people affected by disasters or conflict have access to at least the minimum requirements for life with dignity and security, including adequate water, sanitation, food, nutrition, shelter and healthcare. To this end, we will continue to advocate that states and other parties meet their moral and legal obligations towards affected populations. For our part, we undertake to make our responses more effective, appropriate and accountable through sound assessment and monitoring of the evolving local context; through transparency of information and decision-making; and through more effective coordination and collaboration with other relevant actors at all levels, as detailed in the Core Standards and minimum standards. In particular, we commit to working in partnership with affected populations, emphasising their active participation in the response. We acknowledge that our fundamental accountability must be to those we seek to assist.
How to use this chapter

Humanitarian action consists of two main pillars: protection and assistance. Much of this Handbook, in particular the technical chapters, falls within the remit of assistance, while this chapter focuses on protection. Building on the Humanitarian Charter, it addresses the question of how humanitarian agencies can contribute to the protection of those faced with the threat of violence or coercion. More generally, it is concerned with the role of agencies in ensuring respect for and fulfilment of the rights articulated in the Charter, including access to assistance.

The chapter is divided into two sections:

- An introduction, which sets out the general responsibilities of all who are involved in humanitarian response to help protect the affected population and ensure respect for their rights.
- Four Protection Principles, which underpin all humanitarian action and encompass the basic elements of protection in the context of humanitarian response. They are accompanied by guidance notes, which further elaborate the role of humanitarian agencies in protection. A reference section includes other standards and materials relating to more specialised areas of protection.

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Introduction

Protection and humanitarian response

Protection is concerned with the safety, dignity and rights of people affected by disaster or armed conflict. The Humanitarian Charter summarises some of the most fundamental rights involved in humanitarian response. This chapter is concerned with the way these rights should inform humanitarian practice from a protection perspective and, specifically, the way agencies can avoid exposing the affected population to further harm and how they can help people to achieve greater safety and security.

Core humanitarian protection concerns in this context are freedom from violence and from coercion of various kinds and freedom from deliberate deprivation of the means of survival with dignity.

These concerns give rise to four basic Protection Principles that inform all humanitarian action:

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
4. Assist people to claim their rights, access available remedies and recover from the effects of abuse.

In the context of humanitarian response, these four Principles reflect the more severe threats that people commonly face in times of conflict or disaster. The guidance notes address the related responsibilities and options for agencies, as well as particular protection needs.

The four Protection Principles follow from the summary of 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.
Understanding the Protection Principles

The following is a short guide to interpreting the Protection Principles:

**Principle 1** (avoid causing harm) addresses those protection concerns that may be caused or exacerbated by humanitarian response. As stated in the Charter, those involved in humanitarian response must do all they reasonably can to avoid exposing people affected by disaster or armed conflict to further harm, for example by building settlements for displaced people in unsafe areas.

**Principle 2** (ensure access to impartial assistance) sets out the responsibility to ensure that humanitarian assistance is available to all those in need, particularly those who are most vulnerable or who face exclusion on political or other grounds. The denial of access to necessary assistance is a major protection concern. This may include (but is not limited to) denial of secure access for humanitarian agencies to provide assistance.

**Principle 3** (protect people from violence) is concerned with protection from violence and protection from being forced or induced to act against one’s will, e.g., to take up arms, to be forcibly removed from a place or to be prevented from moving, or to be subjected to degrading treatment or punishment. It is concerned with preventing or mitigating physical and psychological harm, including the spread of fear and deliberate creation of terror or panic.

**Principle 4** (assist with rights claims, access to remedies and recovery from abuse) refers to the role of humanitarian agencies in helping affected people claim their entitlements and access remedies such as legal redress, compensation or restitution of property. It is also concerned with helping people overcome the effects of rape and, more generally, with helping people recover from the effects of abuse – physical and psychological, social and economic.

Together with the guidance notes, the four Protection Principles describe what humanitarian agencies can and should do to help protect the disaster-affected population. But it is essential to note that the roles and responsibilities of agencies in this context are generally secondary ones. As the Charter states, such roles must be seen in relation to the primary duty of the state or other relevant authorities, e.g., parties to a conflict who control or occupy territory. Such authorities hold formal, legal responsibility for the welfare of people within their territory or control and, more generally, for the safety of civilians in armed conflict.

Ultimately, it is these authorities that have the means to ensure the affected population’s security through action or restraint. The key role of agencies may be to encourage and persuade them to do so, and to assist people in dealing with the consequences when the authorities fail in their responsibility.

Putting the Protection Principles into practice

In order to meet the standards of this Handbook, all humanitarian agencies should be guided by the Protection Principles, even if they do not have a distinct protection mandate or specialist capacity in protection.

The Principles are not ‘absolute’: it is recognised that circumstances may limit the extent to which agencies are able to fulfil them. In particular, aspects of Principle 3 may not lie within an agency’s capacity. Nevertheless, the Principles reflect universal humanitarian concerns which should guide action at all times.

A number of humanitarian agencies have protection mandates or specific roles concerning vulnerable groups. Several of these agencies carry out protection activities as stand-alone programmes or projects, or framed within ‘protection cluster’ or ‘protection sector’ responses with dedicated resources and specialised staff. In 2011, the Global Protection Cluster includes coordination structures with focal points for the following particular areas of concern:

- child protection
- gender-based violence
- housing, land and property
- mine action
- rule of law and justice.

This list illustrates some of the specific areas of protection. It is not a comprehensive list and it should be recognised that there are many other specific protection concerns.

For a number of these and other protection topics, such as the protection of civilians and internally displaced persons or protection in natural disasters, specific standards and guidelines have been developed as part of initiatives other than Sphere. These are listed in the References and further reading section at the end of this chapter. This chapter is designed to complement such standards.
Different modes of protection activity

The four Protection Principles apply as much to specialist protection activity as to general humanitarian action, though the activities may be different. The protection-related activities of all humanitarian agencies can be classified broadly according to the following three modes of activity, which are inter-dependent and may be carried out simultaneously:

- **Preventive:** Preventing physical threats or rights abuses from occurring or reducing exposure or vulnerability to such threats and abuses. Preventing protection threats also includes efforts to foster an environment conducive to respect for the rights of women, men, girls and boys of all ages in accordance with international law.

- **Responsive:** Stopping ongoing violations by responding to incidents of violence and other rights abuses.

- **Remedial:** Providing remedies to ongoing or past abuses, through reparation and rehabilitation, by offering healthcare, psychosocial support, legal assistance or other services and supports, and helping the affected population to access available remedies and claim their rights.

Advocacy, whether public or private, is a common element linking these three modes of activity. The threats to the affected population arise from deliberate decisions, actions or policies and many of the related protection responses are about attempting to change such behaviours and policies. Advocacy by humanitarian agencies and others, such as human rights organisations, is central to the attempt to influence such change. There may be tensions for humanitarian agencies between ‘speaking out’ about abuses and the need to maintain an operational presence, and these tensions may dictate whether and how they can undertake advocacy on a given issue.

Where advocacy is pursued, its success generally depends on access to reliable evidence, stakeholder analysis and thorough context analysis. It is thus linked to the assessment standard in the Core Standards (see Core Standard 3 on page 61). As the guidance notes below make clear, any use of evidence such as witness statements that allows the source of information to be identified may be highly sensitive as it may put people at risk, and should be treated with the greatest care (see Protection Principle 1, guidance note 8 on page 35).

Protection Principles

**Protection Principle 1: Avoid exposing people to further harm as a result of your actions**

Those involved in humanitarian response take steps to avoid or minimise any adverse effects of their intervention, in particular the risk of exposing people to increased danger or abuse of their rights.

This Principle includes the following elements:

- The form of humanitarian assistance and the environment in which it is provided do not further expose people to physical hazards, violence or other rights abuse.
- Assistance and protection efforts do not undermine the affected population’s capacity for self-protection.
- Humanitarian agencies manage sensitive information in a way that does not jeopardise the security of the informants or those who may be identifiable from the information.

**Guidance notes**

**Assessing context and anticipating the consequences of humanitarian action for the safety and well-being of the disaster-affected population**

1. **Avoid becoming complicit** in abuse of rights. There may be difficult judgements and choices, for example when faced with the decision whether to provide assistance to people who are detained in camps against their will. Such judgements must be made on a case-by-case basis, but they should always be reviewed over time as circumstances change.

2. **Checklist:** When analysing activities, regularly reflect on the following non-exhaustive list of questions, which could serve as a checklist, in terms of both the overall humanitarian response and specific actions:
   - What does the affected population gain by our activities?
- What might be the unintended negative consequences of our activities for people’s security, and how can we avoid or minimise these consequences?
- Do the activities take into consideration possible protection threats facing the affected population? Might they undermine people’s own efforts to protect themselves?
- Do the activities discriminate against any group or might they be perceived as doing so? Do the activities protect the rights of people who have historically been marginalised or discriminated against?
- In protecting and promoting the rights of such groups, what will be the impact on the relationships within and beyond the community?
- Could the activities exacerbate existing divisions in the community or between neighbouring communities?
- Could the activities inadvertently empower or strengthen the position of armed groups or other actors?
- Could the activities be subject to criminal exploitation?

3. **Consult different segments** of the affected population – or organisations in their trust – in assessing the positive and possible negative consequences of the overall response and specific activities.

4. **The form in which assistance is provided** may render people more vulnerable to attack. For example, valuable commodities like dry food rations may be subject to looting and so can put the recipients at risk of harm and deprivation. Consider providing alternative forms of assistance (e.g. provision of cooked food at kitchens or feeding centres) where this is a significant risk. Affected communities should be consulted on their preferred form of assistance.

5. **The environment in which assistance is provided** should, as far as possible, be safe for the people concerned. People in need should not be forced to travel to or through dangerous areas in order to access assistance. Where camps or other settlements are established, these should be made as safe as possible for the inhabitants and should be located away from areas that are subject to attack or other hazards.

**Self-protection of affected populations**

6. **Understand the means** by which people try to protect themselves, their families and communities. Support community self-help initiatives (see Protection Principle 3, guidance notes 13–14 on page 40). The ways in which humanitarian agencies intervene should not compromise people’s capacity to protect themselves and others – including moving to safer areas and avoiding contact with armed groups.

7. **Subsistence needs**: Help people find safe options for meeting their subsistence needs. This might include, for example, the provision of goods such as water, firewood or other cooking fuel that helps people meet their daily needs without having to undertake hazardous and arduous journeys. This is likely to be a particular issue for older people, women, children and persons with disabilities.

**Managing sensitive information**

8. **Protection-related data** may be sensitive. Humanitarian agencies should have clear policies and procedures in place to guide their staff on how to respond if they become aware of, or witness, abuses and on the confidentiality of related information. Staff should be briefed on appropriate reporting of witnessed incidents or allegations.

9. **Referring sensitive information**: Consider referring information concerning abuses to appropriate actors with the relevant protection mandate. These actors may be present in other areas than where the information is found.

10. **A policy on referring sensitive information** should be in place and should include incident reports or trends analysis. It should specify how to manage sensitive information and the circumstances under which information may be referred. As far as possible, agencies should seek the consent of the individuals concerned for the use of such information. Any referral of information should be done in a way that does not put the source of information or the person(s) referred to in danger.

11. **Information on specific abuses and violations of rights** should only be collected if its intended use is clear and the detail required is defined in relation to the intended use. Such protection information should be collected by agencies with a protection mandate or which have the necessary capacity, skills, systems and protocols in place. Collecting this information is subject to the condition of informed consent and, in all cases, the individual’s consent is necessary for the information to be shared with third parties.

12. **The possible reaction of the government** or other relevant authorities to the collection and use of information about abuses should be assessed. The need for the continuation of operations may have to be weighed against the need to use the information. Different humanitarian agencies may make different choices in this regard.
Protection Principle 2: Ensure people’s access to impartial assistance – in proportion to need and without discrimination

People can access humanitarian assistance according to need and without adverse discrimination. Assistance is not withheld from people in need, and access for humanitarian agencies is provided as necessary to meet the Sphere standards.

This Principle includes the following elements:

- Ensure access for all parts of the affected population to humanitarian assistance.
- Any deliberate deprivation to parts of the population of the means of subsistence should always be challenged on the basis of relevant law and general humanitarian principles, as described in the Humanitarian Charter.
- Affected people receive support on the basis of need and are not discriminated against on other grounds.

Guidance notes

Maintaining access

1. **Where the affected population is unable to meet their basic needs** and the relevant authorities are unable to provide the necessary assistance themselves, the latter should not deny access for impartial humanitarian organisations to do so. Such denial may be in violation of international law, particularly in situations of armed conflict.

2. **Monitor access:** Carefully monitor the access of the affected population to humanitarian assistance, especially of the most vulnerable people.

3. **Access to humanitarian assistance and to freedom of movement** are closely linked (see Protection Principle 3, guidance notes 7–9 on page 39). The monitoring of access should consider obstacles, such as checkpoints, blockades or the presence of landmines. In situations of armed conflict, the parties may establish checkpoints, but these barriers should not discriminate between categories of affected people or unduly hinder people’s access to humanitarian assistance. Special measures should be taken to ensure equality of access for affected people in remote or inaccessible regions.

4. **Special measures to facilitate the access of vulnerable groups** should be taken, while considering the context, social and cultural conditions and behaviours of communities. Such measures might include the construction of safe spaces for people who have been the victims of abuses, such as rape or trafficking, or putting in place means that facilitate access for persons with disabilities. Any such measures should avoid the stigmatisation of these groups (see Core Standard 3, guidance notes 5–6 on page 63).

Addressing the denial of assistance or of access to subsistence needs

5. **The right to receive humanitarian assistance:** As elaborated in the Humanitarian Charter, the affected population has the right to receive humanitarian assistance. This right is derived from a number of legal norms and rules that are part of international law. More specifically, international humanitarian law contains a number of relevant provisions on access to assistance and on the ‘protection of objects indispensable to the survival of the civilian population’ (1977 Additional Protocols I and II to the 1949 Geneva Conventions). Humanitarian agencies may consider promoting respect for the relevant laws (see also Protection Principle 3, guidance notes 3–4 on pages 38–39).

Ensuring non-discrimination

6. **Impartiality:** Humanitarian agencies should prioritise the affected people they wish to assist on the basis of their 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 (see Annex 2 on page 368 and also the Humanitarian Charter on page 19). Humanitarian agencies should not focus uniquely on a particular group (e.g. displaced people in camps) if this focus is at the detriment of another section of the affected population.

7. **Affected people do not need to have a special legal status** in order to receive humanitarian assistance and to be protected.
### Protection Principle 3: Protect people from physical and psychological harm arising from violence and coercion

People are protected from violence, from being forced or induced to act against their will and from fear of such abuse.

This Principle includes the following elements:

- Take all reasonable steps to ensure that the affected population is not subjected to violent attack, either by dealing with the source of the threat or by helping people to avoid the threat.
- Take all reasonable steps to ensure that the affected population is not subject to coercion, i.e. forced or induced to act against their will in ways that may cause them harm or violate their rights (for example the freedom of movement).
- Support the affected population’s own efforts to stay safe, find security and restore dignity, including community self-help mechanisms.

### Guidance notes

#### Protection from violence and coercion

1. **The primary responsibility to protect people** from threats to their lives and safety rests with governments and other relevant authorities (see the Humanitarian Charter on page 19). In times of armed conflict, the parties engaged in conflict must protect the civilian population and those who have laid down their arms. In analysing the context in terms of the risks and threats for the population, humanitarian agencies should establish who has the legal responsibility and/or the actual capacity to provide protection.

2. **Help minimise other threats:** This includes providing assistance in such a way as to make people more secure, facilitating people’s own efforts to stay safe or taking steps (though advocacy or otherwise) to reduce people’s exposure to risk.

3. **Monitoring and reporting:** Humanitarian agencies should consider their responsibility to monitor and report grave violations of rights. They should also consider advocating for the rights of affected populations with relevant authorities and actors by reminding them of their obligations. They may use different modes of action including diplomacy, lobbying and public advocacy, keeping in mind the guidance on managing sensitive information (see Protection Principle 1 on page 33).

4. **During armed conflict,** humanitarian agencies should consider monitoring the institutions that are specifically protected under international humanitarian law, such as schools and hospitals, and reporting any attacks on them. Agencies should also make efforts to reduce the risks and threats of abductions or forced recruitment that may happen in these locations.

5. **Where explosives pose a threat to the affected population,** humanitarian agencies should coordinate with the relevant government authorities and specialised agencies on the removal of landmines and unexploded ordnance. This threat may be particularly present in situations where populations are returning to their home areas following an armed conflict.

6. **Political, law enforcement and military actors** play significant roles in protecting people from abuses and violations. Ultimately, it is in the political realm where solutions can be found to the underlying problems that are often at the heart of protection concerns. Security and law enforcement agencies, for example the police and military forces, including peacekeeping forces, can and should play an important role in ensuring the physical security of people at risk. Agencies can alert the relevant actors to ongoing violations. Such interventions with military contingents, their commanding officers or the authorities under whose control these forces operate, may be an essential step in stopping violations by military forces.

#### Freedom of movement

7. **People should not be forced to stay** in, or go to, a place that is not of their choice (such as a camp) nor should any other unreasonable restrictions be placed on their movement. Restrictions to freedom of movement and choice of residence should only be made if there are serious security or health reasons and should be proportional to the aim. At all times, people affected by conflict or disaster have the right to seek asylum.

8. **Evacuations:** Humanitarian agencies should only be involved in evacuations as exceptional measures in extreme circumstances, where there is no other way of providing urgent assistance or protection in the face of severe threats to life, security and health.

9. **Incentives to remain in a dangerous place** should not be provided to the affected population nor should their return or resettlement be promoted when they do not have full access to all information on the conditions in those areas.

#### Particular vulnerabilities to violence and coercion

10. **Vulnerable people:** Consideration should be given to individual, social and contextual factors in order to identify those most susceptible to certain risks.
and threats. Special measures may be needed for those facing particular risks, including women, children, people who have been forcibly displaced, older people, persons with disabilities and religious or ethnic minority groups.

11. **Safe environments for children:** Agencies should provide children with access to safe environments. Families and communities should receive support in their efforts to keep children safe and secure.

12. **Children, especially when separated from their families** or not accompanied by an adult, can be more easily abused or exploited during disasters or conflict. Agencies should take all reasonable steps to prevent children from being recruited into armed forces and, if they are associated with armed forces, work on their immediate release and reintegration.

13. **Women and girls can be at particular risk** of gender-based violence. When contributing to the protection of these groups, humanitarian agencies should particularly consider measures that reduce possible risks, including trafficking, forced prostitution, rape or domestic violence. They should also implement standards and instruments that prevent and eradicate the practice of sexual exploitation and abuse. This unacceptable practice may involve affected people with specific vulnerabilities, such as isolated or disabled women who are forced to trade sex for the provision of humanitarian assistance.

**Community-based social support and self-help**

14. **Family and community mechanisms of protection and psychosocial support** should be promoted by keeping families together, teaching people how to prevent children from becoming separated from their families, promoting appropriate care for separated children and organising family tracing and reunification processes for separated children and other family members. Wherever possible, keep families together and enable people from a particular village or support network to live in the same area.

15. **Supporting community self-help activities:** Such activities include, for example, women’s groups addressing issues of gender-based violence, youth groups collaborating on livelihood supports, parenting groups supporting positive interactions with children and care for parents of young children and of children with special needs, youth groups spreading protective information on threats such as landmines and community groups reaching out to women and men who have lost their partners, older people and persons with disabilities.

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**Protection Principle 4: Assist people to claim their rights, access available remedies and recover from the effects of abuse**

The affected population is helped to claim their rights through information, documentation and assistance in seeking remedies. People are supported appropriately in recovering from the physical, psychological and social effects of violence and other abuses.

**This Principle includes the following elements:**

- Support affected people to assert their rights and to access remedies from government or other sources and provide them with information on their entitlements and available remedies.
- Assist affected people in securing the documentation they need to demonstrate their entitlements.
- Assist affected people to recover by providing community-based and other psychosocial support.

**Guidance notes**

**Supporting affected people in asserting their rights**

1. **The government and other relevant authorities are responsible** for ensuring that the rights of the affected population are respected and fulfilled. Whether through legal systems or other channels, humanitarian agencies should consider supporting affected populations to claim their rights.

2. **Entitlements:** Agencies should inform affected people of their entitlements both within a given aid programme and under the laws and regulations of the country in question. (Re)establishing people’s rights to housing, land and property must be given particular attention.

3. **Information and consultation:** The affected population should be informed by authorities and humanitarian agencies in a language and manner they can understand. They should be engaged in a meaningful consultation process regarding decisions that affect their lives, without creating additional risks (see Core Standard 1 on page 55). This is one way of assisting them to assert their rights.
Documentation

4. **Securing or replacing lost documents**: Humanitarian agencies should assist the affected population in securing documentation – or replacing lost documents – in order to access their rights. People generally have rights regardless of possessing particular documentation. But in order to access the full range of entitlements, some form of documentation or identification, such as a birth certificate, marriage certificate, passport or land title, is usually required. Access to property documentation is often particularly important following a disaster but in a number of countries, ownership is not necessarily clearly documented through legal titles and can become a major point of contention. Death certificates need to be organised to avoid unnecessary financial and legal problems for relatives. Death certificates are usually not available when there is unceremonious disposal of corpses, a practice that should be avoided.

5. **Legal documentation** recognised by the government or relevant authorities must not be confused with documents issued by humanitarian agencies, such as registration documents, ration cards or transportation vouchers. Official documentation issued by authorities should not determine who is eligible for assistance from humanitarian organisations.

Access to remedies

6. **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. They are also entitled to expect that the perpetrators of such violations will be brought to justice. This can play a major role in restoring trust and confidence among the affected populations. Humanitarian agencies may be able to assist people in accessing justice or refer the issues to agencies that are able to provide such support.

7. **Healthcare and rehabilitation support**: People should be supported in accessing appropriate healthcare and other rehabilitation support following attacks, gender-based violence and related problems (see Essential health services – control of communicable diseases standard 3 on page 316 and Essential health services – child health standards 1–2 on pages 321–323).

8. **Where remedial assistance is available** from non-governmental sources, people should be helped to identify and access such assistance, where appropriate.

Community-based and other psychosocial support

9. **Positive communal coping mechanisms** such as culturally appropriate burials, religious ceremonies and practices, and non-harmful cultural and social practices should be supported.

10. **Activities for children**: Where appropriate, communities should be encouraged to organise structured, supportive educational and protective activities for children through non-formal means such as child-friendly spaces. Community protection mechanisms should include self-help activities that promote psychosocial well-being.

11. **Help organise appropriate psychosocial support** for survivors of violence. Ensure that survivors have access to community social networks and self-help activities. Access to community-based social support should be complemented by access to mental healthcare.

12. **Integrated support system**: Those agencies working on psychosocial support and mental health in various sectors should collaborate to build an integrated system of support for the population (see Essential health services – mental health standard 1 on page 333).

13. **Clinical support**: Establish mechanisms for the referral of severely affected people for available clinical support.
References and further reading

General protection: Background and tools


Specific standards for protection

Children


Disabilities


Gender-based violence


Housing, land and property rights


Internally displaced persons


Mental health and psychosocial support


Mine action

The International Mine Action Standards: www.mineactionstandards.org/imas.htm#english

Older people

Annex 1

Key Documents that inform the Humanitarian Charter

The Humanitarian Charter sets out shared beliefs and common principles concerning humanitarian action and responsibilities in situations of disaster or conflict, and notes that these are reflected in international law. The following annotated list of key documents includes the most relevant international legal instruments relating to international human rights, international humanitarian law (IHL), refugee law and humanitarian action. It does not attempt to represent regional law and developments. The list also includes a number of other guidelines, principles, standards and frameworks that inform the Humanitarian Charter. As this is necessarily very selective, further resources and web links to these documents are available on the Sphere Project website (www.sphereproject.org). Owing to the limitations of space, notes are provided only for the documents which seemed to require introduction or special explanation, because they are newer or have specific sections concerning disaster or conflict.

The documents are listed thematically, under the headings of:

1. Human rights, protection and vulnerability
2. Armed conflict and humanitarian assistance
3. Refugees and internally displaced persons (IDPs)
4. Disasters and humanitarian assistance

To ensure clarity about the status of each document, they are each classified under sub-headings as:

1. Treaties and customary law (where applicable)
2. UN and other formally adopted intergovernmental guidelines and principles
3. Humanitarian policy frameworks, guidelines and principles

1. Human rights, protection and vulnerability

The following documents relate primarily to the human rights recognised in universal treaties and declarations. A number of key documents relating to age (children and older people), gender and disability are also included because these are some of the most common bases of vulnerability in disaster or conflict.

1.1. Treaties and customary law on human rights, protection and vulnerability

Human rights treaty law applies to states that are parties to the relevant treaty, but customary law (e.g. the prohibition on torture) applies to all states. Human rights law applies at all times, with two possible exceptions:

- Some limited civil and political rights may be suspended during declared national emergencies, consistent with Article 4 of the International Covenant on Civil and Political Rights (‘derogation’)
- During recognised armed conflicts, IHL applies first if there is any inconsistency with human rights law.

1.1.1. Universal human rights


Proclaimed by the UN General Assembly in 1948, the UDHR set out, for the first time, fundamental human rights to be universally protected. It is not a treaty but is generally agreed to have become part of customary international law. The first sentence of the preamble introduces the concept of the ‘inherent dignity’ of human beings as a fundamental basis for human rights, and the first Article states, ‘All human beings are born free and equal in dignity and rights.’


States parties to the ICCPR must respect and ensure the rights for all individuals within their territory or under their jurisdiction, while recognising the right of ‘peoples’ to self-determination and the equal rights of men and women. Some rights (marked with asterisk*) may never be suspended, even in the most dire national emergency.

**Rights:** right to life;* no torture or other cruel, inhuman or degrading treatment;* no slavery;* no arbitrary arrest or detention; humanity and dignity in detention; no imprisonment for breach of contract;* freedom of movement and residence; only lawful expulsion of aliens; equality before the law, fair trial and presumption of innocence in criminal trials; no retroactivity in criminal offences;* equal recognition before the law;* private life; free thought, religion and conscience;* free opinion, expression and peaceful assembly; freedom of association; right to marriage and family life; protection of children; right to vote and participate in public affairs; minorities’ right to enjoy their own culture, religion and language.*


States parties agree to commit the maximum of their available resources to ‘achieving progressively’ the covenant rights, which are to be enjoyed equally by men and women.

**Rights:** to work; to receive just remuneration; to join trade unions; to have social security/insurance; to family life, including protection of mothers after childbirth and protection of children from exploitation; to an adequate standard of living, including food, clothing and housing; to physical and mental health; to education; and to participate in cultural life and enjoy the benefits of scientific and cultural progress.


The CRC has almost universal state accession. It restates the basic human rights of children and identifies when they need special protection (e.g. when separated from their families). The protocols require positive action on specific child protection issues for states that are parties to them.


The CRPD supports the rights of people with disabilities under all other human rights treaties, as well as dealing specifically with awareness-raising regarding persons with disabilities, non-discrimination and accessibility of services and facilities. There is also special mention of ‘situations of risk and humanitarian emergencies’ (Article 11).

1.1.2. Genocide, torture and other criminal abuse of rights


This convention has a very high number of states parties. The prohibition on torture is also now generally recognised as part of customary international law. No kind of public emergency or war may be invoked to justify torture. States
must not return (refouler) anyone to a territory where the person has reasonable grounds to believe he or she would be in danger of torture.


Article 9 of the Statue (Elements of Crimes), adopted by the International Criminal Court (ICC) in 2002, describes in detail war crimes, crimes against humanity and genocide, thus codifying much of customary international criminal law. The ICC can investigate and prosecute matters referred to it by the UN Security Council (even if the accused person’s state is not a party to the treaty), as well as crimes allegedly committed by nationals of states parties to the treaty, or in their territory.

1.2. United Nations and other formally adopted intergovernmental principles and guidelines on human rights, protection and vulnerability


1.3. Humanitarian policy frameworks, guidelines and principles on human rights, protection and vulnerability


Inter-agency guiding principles on unaccompanied and separated children 2002, developed by the ICRC, the Office of the UN High Commissioner for Refugees (UNHCR), the UN Children’s Fund (UNICEF), World Vision International, Save the Children UK and the International Rescue Committee, 2009. www.icrc.org


2. Armed conflict, international humanitarian law and humanitarian assistance

2.1. Treaties and customary law on armed conflict, international humanitarian law and humanitarian assistance

International humanitarian law (IHL) specifies the thresholds of when violent conflict becomes ‘armed conflict’ and thus makes this special legal regime applicable. The International Committee of the Red Cross (ICRC) is the official repository of the IHL treaties, and provides extensive information and resources on its website (www.icrc.org), including the official commentary on the Geneva Conventions and their Protocols, and the rules of the Customary International Humanitarian Law Study.

2.1.1. Core IHL treaties

The Four Geneva Conventions of 1949
Protocol Additional to the Geneva Conventions, Protection of Victims of International Armed Conflicts 1977 (Protocol I)
Protocol Additional to the Geneva Conventions, Protection of Victims of Non-International Armed Conflicts 1977 (Protocol II)
www.icrc.org/ihl.nsf/CONVPRES?OpenView
The four Geneva Conventions – to which all states are parties and which are also generally accepted as part of customary law – concern protection and treatment of the wounded and sick in land warfare (I) and at sea (II), treatment of prisoners of war (III) and protection of civilians during armed conflict (IV). They apply primarily to international armed conflicts, except for Article 3 common to the conventions which concerns non-international conflicts, and some other elements now accepted as customary law in non-international conflicts. The two 1977 protocols updated the conventions at that time, especially the definitions of combatants and codifying of non-international conflicts. A number of states have not acceded to the protocols.

2.1.2. Treaties on restricted or prohibited weapons and cultural property

In addition to the ‘Geneva law’ outlined above, there is also the body of law often described as the ‘Hague law’ on armed conflict. This includes the convention on protection of cultural property and a number of conventions on the types of weapons that are restricted or prohibited, including gases and other chemical and biological weapons, conventional weapons that are indiscriminate or cause unnecessary suffering, as well as anti-personnel landmines and cluster munitions. www.icrc.org/ihl.nsf

2.1.3. Customary IHL

Customary IHL refers to the law of armed conflict that is accepted by states, through their statements, policies and practices, as representing customary rules that apply to all states, regardless of their accession to the IHL treaties. There is no agreed list of customary rules, but the most authoritative interpretation is the study below.


The study covers almost the full ambit of the law of armed conflict. It lists 161 specific rules and whether each applies in international armed conflict and/or non-international armed conflict. While some legal commentators criticise its methodology, the CIHL study emerged from a broadly consultative and rigorous research process over ten years, and its authority as an interpretation of the customary rules is widely recognised.

2.2. UN and other formally adopted intergovernmental principles and guidelines on armed conflict, international humanitarian law and humanitarian assistance


This is not a resolution binding on states, but a guidance document for the UN Security Council relating to peacekeeping and urgent situations of conflict, resulting from consultations with a range of UN agencies and IASC.

UN Security Council resolutions on sexual violence and women in armed conflict, especially resolution numbers 1820 (2008), 1888 (2009) and 1889 (2009)
All UN Security Council resolutions by year and number: www.un.org/documents/scres.htm

2.3. Humanitarian policy frameworks, guidelines and principles on armed conflict, international humanitarian law and humanitarian assistance

Professional standards for protection work carried out by humanitarian and human rights actors in armed conflict and other situations of violence 2009, ICRC. www.icrc.org

3. Refugees and internally displaced persons (IDPs)

UNHCR – the UN Refugee Agency – has a special legal mandate for the protection of refugees under the Refugee Convention and Protocol. It has also been mandated by the UN General Assembly to liaise with states for the protection of IDPs. UNHCR has extensive resources on its website.

3.1. Treaties on refugees and IDPs

In addition to the international treaty, this section includes two African Union (formerly Organization of African Unity, or OAU) treaties, because they both set historic precedents.


The first international agreement on refugees, the Convention defines a refugee as a person who, ‘owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country or return there because there is a fear of persecution...’


This accepts and expands the 1951 Convention definition to include people who have been compelled to leave their country not only as a result of persecution but also owing to external aggression, occupation, foreign domination or events seriously disturbing public order. It also recognises non-state groups as perpetrators of persecution and it does not require that refugees show a direct link between themselves and the future danger.


This is the first multilateral convention concerning IDPs. It was initially signed by 17 African Union states in October 2009 but requires 15 formal accessions/ratifications to enter into force.

3.2. UN and other formally adopted intergovernmental principles and guidelines on refugees and IDPs


These principles are based on international humanitarian and human rights law and analogous refugee law, and are intended to serve as an international standard to guide governments, international organisations and all other relevant actors in providing assistance and protection to IDPs.

4. Disasters and humanitarian assistance

4.1. Treaties on disasters and humanitarian assistance


In the convention, protection is limited to UN peacekeeping, unless the UN has declared ‘exceptional risk’ – an impractical requirement. The protocol corrects this major flaw in the convention and expands the legal protection to all UN operations, from emergency humanitarian assistance to peacebuilding and the delivery of humanitarian, political and development assistance.

Food Aid Convention 1999, a separate legal instrument under the Grains Trade Convention 1995, administered by the Food Aid Committee through the Secretariat of the International Grains Council (IGC).


The UNFCCC and Kyoto Protocol address the urgent need for implementing climate change adaptation and risk reduction strategies, and building local capacity and resilience, especially in countries that are prone to natural disasters. It emphasises disaster reduction strategies and risk management, especially with regard to climate change.

4.2. UN and other formally adopted intergovernmental principles and guidelines on disasters and humanitarian assistance

www.reliefweb.int/ocha_ol/about/resol/resol_e.htm

This led to the creation of the UN Department of Humanitarian Affairs, which became the UN Office for the Coordination of Humanitarian Affairs (OCHA) in 1998.


This sets out strategies for states and humanitarian agencies to incorporate disaster risk reduction in the implementation of emergency response, recovery and preparedness programmes, integrate it in sustainable development and build capacity for resilience.

Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance, (IDRL Guidelines) 2007, adopted by the 30th International Conference of the Red Cross and Red Crescent (which includes states parties to the Geneva Conventions).
www.ifrc.org/what/disasters/idrl/index.asp

4.3. Humanitarian policy frameworks, guidelines and principles on disasters and humanitarian assistance

Code of Conduct for The International Red Cross and Red Crescent Movement and Non-Governmental Organisations (NGOs) in Disaster Relief (see Annex 2: Code of Conduct on page 368).

Fundamental Principles of the International Red Cross and Red Crescent Movement 1965, adopted by the 20th International Conference of the Red Cross.
www.ifrc.org/what/values/principles/index.asp

HAP Standards in Humanitarian Accountability 2007, Humanitarian Accountability Partnership (an international self-regulatory body for the humanitarian sector, including certification). www.hapinternational.org

Principles and Good Practice of Humanitarian Donorship 2003, endorsed by the Stockholm conference of donor countries, UN agencies, NGOs and the International Red Cross and Red Crescent Movement, and signed by the European Commission and 16 states. www.goodhumanitarianandonorship.org

Annex 2

The Code of Conduct
for the International Red Cross and Red Crescent Movement and Non-Governmental Organisations (NGOs) in Disaster Relief

Prepared jointly by the International Federation of Red Cross and Red Crescent Societies and the International Committee of the Red Cross

Purpose

This Code of Conduct seeks to guard our standards of behaviour. It is not about operational details, such as how one should calculate food rations or set up a refugee camp. Rather, it seeks to maintain the high standards of independence, effectiveness and impact to which disaster response NGOs and the International Red Cross and Red Crescent Movement aspires. It is a voluntary code, enforced by the will of the organisation accepting it to maintain the standards laid down in the Code.

In the event of armed conflict, the present Code of Conduct will be interpreted and applied in conformity with international humanitarian law.

The Code of Conduct is presented first. Attached to it are three annexes, describing the working environment that we would like to see created by Host Governments, Donor Governments and Inter-governmental Organisations in order to facilitate the effective delivery of humanitarian assistance.

Definitions

NGOs: NGOs (Non-Governmental Organisations) refers here to organisations, both national and international, which are constituted separately from the government of the country in which they are founded.

NGHAs: For the purposes of this text, the term Non-Governmental Humanitarian Agencies (NGHAs) has been coined to encompass the components of the International Red Cross and Red Crescent Movement – The International Committee of the Red Cross, The International Federation of Red Cross and Red Crescent Societies and its member National Societies – and the NGOs as defined above. This code refers specifically to those NGHAs who are involved in disaster response.

IGOs: IGOs (Inter-Governmental Organisations) refers to organisations constituted by two or more governments. It thus includes all United Nations Agencies and regional organisations.

Disasters: A disaster is a calamitous event resulting in loss of life, great human suffering and distress, and large scale material damage.

1 Sponsored by: Caritas Internationalis,* Catholic Relief Services,* International Federation of Red Cross and Red Crescent Societies,* International Save the Children Alliance,* Lutheran World Federation,* Oxfam,* World Council of Churches,* International Committee of the Red Cross (* members of the Steering Committee for Humanitarian Response).
The Code of Conduct
Principles of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Response Programmes

1 The humanitarian imperative comes first

The right to receive humanitarian assistance, and to offer it, is a fundamental humanitarian principle which should be enjoyed by all citizens of all countries. As members of the international community, we recognise our obligation to provide humanitarian assistance wherever it is needed. Hence the need for unimpeded access to affected populations is of fundamental importance in exercising that responsibility. The prime motivation of our response to disaster is to alleviate human suffering amongst those least able to withstand the stress caused by disaster. When we give humanitarian aid it is not a partisan or political act and should not be viewed as such.

2 Aid is given regardless of the race, creed or nationality of the recipients and without adverse distinction of any kind. Aid priorities are calculated on the basis of need alone

Wherever possible, we will base the provision of relief aid upon a thorough assessment of the needs of the disaster victims and the local capacities already in place to meet those needs. Within the entirety of our programmes, we will reflect considerations of proportionality. Human suffering must be alleviated whenever it is found; life is as precious in one part of a country as another. Thus, our provision of aid will reflect the degree of suffering it seeks to alleviate. In implementing this approach, we recognise the crucial role played by women in disaster-prone communities and will ensure that this role is supported, not diminished, by our aid programmes. The implementation of such a universal, impartial and independent policy, can only be effective if we and our partners have access to the necessary resources to provide for such equitable relief, and have equal access to all disaster victims.

3 Aid will not be used to further a particular political or religious standpoint

Humanitarian aid will be given according to the need of individuals, families and communities. Notwithstanding the right of NGHAs to espouse particular political or religious opinions, we affirm that assistance will not be dependent on the adherence of the recipients to those opinions. We will not tie the promise, delivery or distribution of assistance to the embracing or acceptance of a particular political or religious creed.

4 We shall endeavour not to act as instruments of government foreign policy

NGHAs are agencies which act independently from governments. We therefore formulate our own policies and implementation strategies and do not seek to implement the policy of any government, except in so far as it coincides with our own independent policy. We will never knowingly – or through negligence – allow ourselves, or our employees, to be used to gather information of a political, military or economically sensitive nature for governments or other bodies that may serve purposes other than those which are strictly humanitarian, nor will we act as instruments of foreign policy of donor governments. We will use the assistance we receive to respond to needs and this assistance should not be driven by the need to dispose of donor commodity surpluses, nor by the political interest of any particular donor. We value and promote the voluntary giving of labour and finances by concerned individuals to support our work and recognise the independence of action promoted by such voluntary motivation. In order to protect our independence we will seek to avoid dependence upon a single funding source.

5 We shall respect culture and custom

We will endeavour to respect the culture, structures and customs of the communities and countries we are working in.

6 We shall attempt to build disaster response on local capacities

All people and communities – even in disaster – possess capacities as well as vulnerabilities. Where possible, we will strengthen these capacities by employing local staff, purchasing local materials and trading with local companies. Where possible, we will work through local NGHAs as partners in planning and implementation, and co-operate with local government structures where appropriate. We will place a high priority on the proper co-ordination of our emergency responses. This is best done within the countries concerned by those most directly involved in the relief operations, and should include representatives of the relevant UN bodies.

7 Ways shall be found to involve programme beneficiaries in the management of relief aid

Disaster response assistance should never be imposed upon the beneficiaries. Effective relief and lasting rehabilitation can best be achieved where the intended beneficiaries are involved in the design, management and implementation of the assistance programme. We will strive to achieve full community participation in our relief and rehabilitation programmes.
8 Relief aid must strive to reduce future vulnerabilities to disaster as well as meeting basic needs

All relief actions affect the prospects for long-term development, either in a positive or a negative fashion. Recognising this, we will strive to implement relief programmes which actively reduce the beneficiaries’ vulnerability to future disasters and help create sustainable lifestyles. We will pay particular attention to environmental concerns in the design and management of relief programmes. We will also endeavour to minimise the negative impact of humanitarian assistance, seeking to avoid long-term beneficiary dependence upon external aid.

9 We hold ourselves accountable to both those we seek to assist and those from whom we accept resources

We often act as an institutional link in the partnership between those who wish to assist and those who need assistance during disasters. We therefore hold ourselves accountable to both constituencies. All our dealings with donors and beneficiaries shall reflect an attitude of openness and transparency. We recognise the need to report on our activities, both from a financial perspective and the perspective of effectiveness. We recognise the obligation to ensure appropriate monitoring of aid distributions and to carry out regular assessments of the impact of disaster assistance. We will also seek to report, in an open fashion, upon the impact of our work, and the factors limiting or enhancing that impact. Our programmes will be based upon high standards of professionalism and expertise in order to minimise the wasting of valuable resources.

10 In our information, publicity and advertising activities, we shall recognise disaster victims as dignified humans, not hopeless objects

Respect for the disaster victim as an equal partner in action should never be lost. In our public information we shall portray an objective image of the disaster situation where the capacities and aspirations of disaster victims are highlighted, and not just their vulnerabilities and fears. While we will cooperate with the media in order to enhance public response, we will not allow external or internal demands for publicity to take precedence over the principle of maximising overall relief assistance. We will avoid competing with other disaster response agencies for media coverage in situations where such coverage may be to the detriment of the service provided to the beneficiaries or to the security of our staff or the beneficiaries.

The Working Environment

Having agreed unilaterally to strive to abide by the Code laid out above, we present below some indicative guidelines which describe the working environment we would like to see created by donor governments, host governments and the intergovernmental organisations – principally the agencies of the United Nations – in order to facilitate the effective participation of NGHAs in disaster response.

These guidelines are presented for guidance. They are not legally binding, nor do we expect governments and IGOs to indicate their acceptance of the guidelines through the signature of any document, although this may be a goal to work to in the future. They are presented in a spirit of openness and cooperation so that our partners will become aware of the ideal relationship we would seek with them.

Annex I: Recommendations to the governments of disaster affected countries

1 Governments should recognise and respect the independent, humanitarian and impartial actions of NGHAs

NGHAs are independent bodies. This independence and impartiality should be respected by host governments.

2 Host governments should facilitate rapid access to disaster victims for NGHAs

If NGHAs are to act in full compliance with their humanitarian principles, they should be granted rapid and impartial access to disaster victims, for the purpose of delivering humanitarian assistance. It is the duty of the host government, as part of the exercising of sovereign responsibility, not to block such assistance, and to accept the impartial and apolitical action of NGHAs. Host governments should facilitate the rapid entry of relief staff, particularly by waiving requirements for transit, entry and exit visas, or arranging that these are rapidly granted. Governments should grant over-flight permission and landing rights for aircraft transporting international relief supplies and personnel, for the duration of the emergency relief phase.

3 Governments should facilitate the timely flow of relief goods and information during disasters

Relief supplies and equipment are brought into a country solely for the purpose of alleviating human suffering, not for commercial benefit or gain. Such supplies
should normally be allowed free and unrestricted passage and should not be subject to requirements for consular certificates of origin or invoices, import and/or export licences or other restrictions, or to importation taxation, landing fees or port charges.

The temporary importation of necessary relief equipment, including vehicles, light aircraft and telecommunications equipment, should be facilitated by the receiving host government through the temporary waving of licence or registration restrictions. Equally, governments should not restrict the re-exportation of relief equipment at the end of a relief operation.

To facilitate disaster communications, host governments are encouraged to designate certain radio frequencies, which relief organisations may use in-country and for international communications for the purpose of disaster communications, and to make such frequencies known to the disaster response community prior to the disaster. They should authorise relief personnel to utilise all means of communication required for their relief operations.

4 Governments should seek to provide a coordinated disaster information and planning service

The overall planning and coordination of relief efforts is ultimately the responsibility of the host government. Planning and coordination can be greatly enhanced if NGHAs are provided with information on relief needs and government systems for planning and implementing relief efforts as well as information on potential security risks they may encounter. Governments are urged to provide such information to NGHAs.

To facilitate effective coordination and the efficient utilisation of relief efforts, host governments are urged to designate, prior to disaster, a single point-of-contact for incoming NGHAs to liaise with the national authorities.

5 Disaster relief in the event of armed conflict

In the event of armed conflict, relief actions are governed by the relevant provisions of international humanitarian law.

**Annex II: Recommendations to donor governments**

1 Donor governments should recognise and respect the independent, humanitarian and impartial actions of NGHAs

NGHAs are independent bodies whose independence and impartiality should be respected by donor governments. Donor governments should not use NGHAs to further any political or ideological aim.

2 Donor governments should provide funding with a guarantee of operational independence

NGHAs accept funding and material assistance from donor governments in the same spirit as they render it to disaster victims; one of humanity and independence of action. The implementation of relief actions is ultimately the responsibility of the NGHA and will be carried out according to the policies of that NGHA.

3 Donor governments should use their good offices to assist NGHAs in obtaining access to disaster victims

Donor governments should recognise the importance of accepting a level of responsibility for the security and freedom of access of NGHA staff to disaster sites. They should be prepared to exercise diplomacy with host governments on such issues if necessary.

**Annex III: Recommendations to inter-governmental organisations**

1 IGOs should recognise NGHAs, local and foreign, as valuable partners

NGHAs are willing to work with UN and other inter-governmental agencies to effect better disaster response. They do so in a spirit of partnership which respects the integrity and independence of all partners. Inter-governmental agencies must respect the independence and impartiality of the NGHAs. NGHAs should be consulted by UN agencies in the preparation of relief plans.

2 IGOs should assist host governments in providing an overall coordinating framework for international and local disaster relief

NGHAs do not usually have the mandate to provide the overall coordinating framework for disasters which require an international response. This responsibility falls to the host government and the relevant United Nations authorities. They are urged to provide this service in a timely and effective manner to serve the affected state and the national and international disaster response community. In any case, NGHAs should make all efforts to ensure the effective co-ordination of their own services.
In the event of armed conflict, relief actions are governed by the relevant provisions of international humanitarian law.

3 IGOs should extend security protection provided for UN organisations, to NGHAs

Where security services are provided for inter-governmental organisations, this service should be extended to their operational NGHA partners where it is so requested.

4 IGOs should provide NGHAs with the same access to relevant information as is granted to UN organisations

IGOs are urged to share all information, pertinent to the implementation of effective disaster response, with their operational NGHA partners.

### Annex 3

#### Abbreviations and Acronyms

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>ACT</td>
<td>artemisinin-based combination therapy</td>
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<td>ALNAP</td>
<td>Active Learning Network for Accountability and Performance in Humanitarian Action</td>
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<tr>
<td>ART</td>
<td>anti-retroviral therapy</td>
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<tr>
<td>ARV</td>
<td>anti-retroviral</td>
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<tr>
<td>BCPR</td>
<td>Bureau for Crisis Prevention and Recovery (UNDP)</td>
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<tr>
<td>BEmOC</td>
<td>basic emergency obstetric care</td>
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<tr>
<td>BMI</td>
<td>body mass index</td>
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<tr>
<td>BMS</td>
<td>breastmilk substitutes</td>
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<td>BTS</td>
<td>blood transfusion service</td>
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<tr>
<td>CDC</td>
<td>Centers for Disease Control and Prevention</td>
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<td>CE-DAT</td>
<td>Complex Emergency Database</td>
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<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of All Forms of Discrimination Against Women</td>
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<tr>
<td>CEmOC</td>
<td>comprehensive emergency obstetric care</td>
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<tr>
<td>CFR</td>
<td>case fatality rate</td>
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<tr>
<td>CHW</td>
<td>Community Health Worker</td>
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<td>CIHL</td>
<td>Customary International Humanitarian Law</td>
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<td>cm</td>
<td>centimetre</td>
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<td>CMR</td>
<td>crude mortality rate</td>
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<tr>
<td>CRC</td>
<td>Convention on the Rights of the Child</td>
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<tr>
<td>CRPD</td>
<td>Convention on the Rights of Persons with Disabilities</td>
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<td>CRS</td>
<td>Catholic Relief Services</td>
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