

Protection Field Guide

- in a context of cross cutting -

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Table of Contents

I. How to use this Guide.....	2
II. What is Protection?.....	4
III. Issues to be considered for each project.....	5
1. Water Supply, Sanitation and Hygiene(WASH).....	5
2. Food Aid.....	11
3. Shelter and Settlement.....	15
4. Health Services.....	19
5. Education.....	24
IV. Issues to be considered for an entire project.....	31
1. Prevention of violence and exploitation against beneficiaries ..	31
2. Prevention of human trafficking.....	32
List of member NGOs (name and URL).....	33

I. How to use the Guide

[Purpose of the Guide]

The handbook “Protection Field Guide” was developed to serve as a protection (protection of rights of beneficiaries) checklist for aid projects for each section or cluster can refer to for ensuring access to water and food aid. This guide can be used to check the issues to be considered in accordance with the timeline of the assessment or project.

For more information on the topic of protection or the vulnerable groups focused here, please refer to “Protection Guideline” developed by the member NGOs of “Protection in Humanitarian Assistance.”

[Background]

Protection, especially ensuring protection of rights of the beneficiary in every project, is becoming the mainstream of aid work. Various documentations on protection have mentioned the importance of protection as individual projects (such as legal assistance to the beneficiary in refugee status recognition) as well as the significance of “mainstreaming” the protection of rights of the beneficiary in every project. However, there are only limited articles stating specific methodologies on protection. This brought us to develop this handbook listing up the points to be considered in the field operation.

This handbook was developed through research and participatory workshops held with a group of humanitarian aid NGOs based in Japan, and drafted by the NGO Study Group on Protection in Human Security sponsored by the Ministry of Foreign Affairs of Japan in 2006. We would like to thank the contributions made by the agencies below for giving us lectures in the workshops.

- The United Nations World Food Program (WFP)
- The United Nations Children's Fund (UNICEF)
- The United Nations High Commissioner for Refugees (UNHCR)

- Graduate Program on Human Security, the University of Tokyo
- International Organization for Migration (IOM)
- The Japan Red Cross Junior College of Akita
- World Vision International

All of us in the workgroup would be glad if this guidebook is used as a hint to further improve your projects. We also welcome comments or inputs from the readers of this guidebook in order for us to make improvements on this guidebook. For any comments, please contact the Secretariat, Japan Association for Refugees (protection@refugee.or.jp).

II. What is Protection?

There is no internationally established definition of protection; however it is referred to as “all activities intended to secure sufficient protection of rights of individuals in accordance with norms and ideas established in the international conventions (i.e. human rights, humanitarian and refugee laws). Any human rights and humanitarian agencies must perform these activities without bias, regardless of race, nationality, language and gender.”

Protection can be mainly categorized into three. First is physical protection to secure basic freedom and physical safety. Second is social protection to guarantee material needs, education, and health and so on. The third category is legal protection which means that the person is registered with an authority and permitted to stay in the place. It is important that a new born baby is properly registered.

Protection in broad sense does not articulate any specific project. Rather it shall incorporate protection in terms of guaranteeing rights when executing an individual project such as food distribution and hygiene maintenance. The broad protection refers to efforts aiming to establish a system that ensures the rights of beneficiaries and protect socially vulnerable people without excluding them from food distribution. The narrow protection often refers to protection of the vulnerable or legal protection.

Lastly, what is most important is not to regard the beneficiary as those who need the protection only. It may seem that the beneficiary is with no authority but they need to be aware that they themselves have the power to make changes and such understanding is shared within the group. Therefore it is critical to consider this issue from a context of empowerment where each individual can utilize his or her own potential from a micro level to a macro level, in person, in interpersonal relationship, in society and politics, so that those who are in difficulty can enhance their potential ability to adopt to and bring changes to the suppressive environment and structure in place.

III. Issues to be considered for each project

1. Water, Sanitation and Hygiene

Water, Sanitation and Hygiene here refer to activities to ensure access to safe water, sanitation and hygiene.

(1) Groups who can be marginalized from access to water supply, sanitation and hygiene⁸

- ✓ Disabled
- ✓ Elderly
- ✓ Women
- ✓ Children
- ✓ Refugees and Internally Disabled People
- ✓ Those who are discriminated on the ground of ethnicity, religion, etc

(2) Checklist on issues to be considered regarding protection in water supply project

1) Overall: Is the access to safe water ensured?

- ✓ The relevant government authorities on water supply as well as their roles and responsibilities, and accountabilities have been clearly identified. No humanitarian agencies are acting as a substitute of such government function.
- ✓ It is located at a place easy to access to for the above vulnerable groups
- ✓ It is located at a place that the above vulnerable groups feel safe to be at
- ✓ The water supply is accessible for the poor financially
- ✓ There is no discriminative treatment in terms of water supply (for

⁸ The grounds of race, colour, sex, age, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status (including HIV/AIDS), sexual orientation and civil, political, social or other status (Committee on Economic, Social and Cultural Rights General Comment 15(2002) right to water)

example, refugees can only access to water supply with lower standards than that of the nationals do.)

- ✓ The facility is easy to use for the children, elderly and disabled in terms of the height and size
- ✓ The information on water supply is publicized in a friendly manner. Can the illiterate understand how to use the service
- ✓ There is a measure that a community, especially the vulnerable can post complaints, proposals and questions on water supply, and such measure is well understood by the community.

2) Specific issues :

i) Assessment

- ✓ The opinions of the above vulnerable groups including women, children and disabled are reflected into the decision making and maintenance processes for the water supply point. The above vulnerable groups are a part of such decision making process.
- ✓ The consideration has been made as to supply sufficient water to public facilities (such as hospital and school)
- ✓ The land is not forcibly derived from people when building the water supply point.
- ✓ The water supply point is not at a location where a specific group of people such as a specific ethnicity or landlords can enjoy superior benefits of the service. If so, the community has agreed to a way to equally supply water to everyone.
- ✓ The consideration has been made to prevent violence when building the water supply point? (for example, is the location of the well not too far away from the community?).

ii) Implementation

- ✓ The children are not engaged in any exploitative or dangerous labor for construction and establishment of a water supply facility. When the adult are engaged in such activity, the helmets have

been provided, and Oxon supply is secured during hand-digging tasks.

iii) Maintenance and support

- ✓ Ensure that women, children as well as other vulnerable groups equally participate to the maintenance and support of the facility. Decisions on specific roles and responsibilities are not made with leadership of men, adults and the physically unimpaired.
- ✓ Ensure that the maintenance activities are not unevenly assigned to specific communities (especially, women and children become the main labor for water drawing).

iv) Prevention of violence and exploitation against beneficiaries

- ✓ Measures to prevent violence and exploitation against beneficiaries (ensure that the water supply point is designed to be visible from any place).

(3) Checklist on issues to be considered for protection in sanitation project

1) Overall: Is the access to sanitation facilities ensured?

- ✓ The relevant government authorities on sanitation as well as their roles and responsibilities, and accountabilities have been clearly identified. No humanitarian agencies are acting as a substitute of such government function.
- ✓ It is located at a place easy to access to for the above vulnerable groups. It is designed in a friendly manner for the vulnerable. (For example, there is a handle to help the disabled, the height and size of the facility is easy to use for children.)
- ✓ It is located at a place where the vulnerable groups (especially women and children) feel safe to be at.
- ✓ There is no discriminative treatment in terms of sanitation. (For example, access rights are granted by social class)
- ✓ Information on hygiene is publicized in a friendly manner (i.e. how to use facilities including toilets). The illiterate can understand how

to use the facility.

- ✓ The importance of hand wash with soap has been informed to all the people.
- ✓ The consideration has been made on the hygiene related needs of particular groups including menstruating women and diaper clad infants. The opinions of such groups have been incorporated into the facility such as a place to wash and dispose the used cloths and the process.

2) Specific issues :

i) Assessment

- ✓ The opinions of the above vulnerable groups including women, children and disabled are reflected into the decision making and maintenance processes for the sanitation facility. The above vulnerable groups are a part of such decision making process.
- ✓ The consideration has been made as to provide sufficient facilities in public locations (such as hospital and school).
- ✓ The land is not forcibly derived from people when building the hygiene facility. Consideration is made on a religion related to the land.
- ✓ The sanitation facility is not at a location where a specific group of people such as a specific ethnicity or landlords can enjoy superior benefits of the service. If so, the community has agreed to a way to equally supply water to everyone.
- ✓ The consideration has been made to prevent violence when building the sanitation facility. (For example, the doors of showers or toilets for men and women are not facing each other.)

ii) Implementation

- ✓ The children are not engaged in any exploitative or dangerous labor for construction and establishment of a sanitation facility. When the adult are engaged in such activity, the helmets have

been provided, and sufficient consideration has been made in terms of ensuring safety of the person.

iii) Maintenance and support

- ✓ Ensure that women, children as well as other vulnerable groups equally participate to the maintenance and support of the facility. Decisions on specific roles and responsibilities are not made with leadership of men, adults and physically unimpaired.
- ✓ Ensure that the maintenance activities are not unevenly assigned to specific communities (especially those who belong to a specific cast are to clean toilets).

iv) Prevention of violence and exploitation against beneficiaries

- ✓ Measures to prevent violence and exploitation against beneficiaries (the facility itself and entrance are not blind spots.)

■ International Law related to water supply and hygiene ■

A. Article 11 (1), International Covenant on Economic, Social and Cultural Rights

The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

B. Article 12(1), International Covenant on Economic, Social and Cultural Rights

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

- (b) The improvement of all aspects of environmental and industrial hygiene;

C. Economic and Social Council General Comment No. 15 (2002) the right to water

(Articles 11 and 12, International Covenant on Economic, Social and Cultural Rights)

D. Article 12(2), Convention on the Elimination of All Forms of Discrimination against Women

- (b) The improvement of all aspects of environmental and industrial hygiene; To enjoy

adequate living conditions, particularly in relation to... water supply.

E. Article 24(2), Convention on the Rights of the Child

(c) Require States Parties to combat disease and malnutrition through the provision of adequate nutritious foods and clean drinking water.”

■Challenges in protection caused from lack of water supply and sanitation■

- 1) Water drawing prevents children from going to school → right to education
- 2) Fixed roles and responsibilities between men and women, such as women are to draw water → gender
- 3)Risk to be subject to violence when making a long trip to draw water
- 4) Risk to be subject to violence because a toilet or shower is far from public eye.
→ violence against women and children
- 5) Widespread insanity due to unhygienic toilet and shower
- 6) Lack of access to safe water spreads diseases such as diarrhea and increases the death rate of the vulnerable including children and elderly. → right to health

■Reference■

Water and Sanitation for Disable People and other vulnerable groups

2. Food Aid

Food Aid here refers to food supply projects

(1) Groups who can be easily marginalized from food aid

- Disabled
- Elderly
- Women
- Children
- Refugees and Internally Displaced People
- Those who are discriminated on the ground of ethnicity, religion, etc

(2) Checklist on issues to be considered for protection in food aid project

1) Overall: Is the access to food aid (including sufficient calories) ensured?

- ✓ The relevant government authorities on food aid as well as their roles and responsibilities, and accountabilities have been clearly identified. No humanitarian agencies are acting as a substitute of such government function.
- ✓ The food aid is supplied at a location easy to access for the above vulnerable groups. (Women can line up for the food aid). If a specific group has difficulty in accessing to such food aid, there is an alternative way to provide it to them.
- ✓ There is no discriminative treatment in terms of food supply.
- ✓ Information on food aid is publicized in a friendly manner and it is provided in a way that illiterate can understand the information.
- ✓ The vulnerable can bring back the food aid to his/her own home. (For example, the disabled can do so without losing the food). If it is difficult, there is an alternative way to access to food aid such as delivery to home.
- ✓ When the region overall does not face food shortage, an investigation has been made to confirm that there is no possibility that a specific ethnic or social group has been arbitrary denied

access to food aid. If such fact was confirmed, measures have been taken to solve the root causes through advocacy and other activities.

2) Specific issues :

i) Assessment

- ✓ There is a process to identify the presence of women, children, disabled or any other vulnerable groups during registration. The planning and preparation are taken care of in advance in case such group needs special care for food aid.
- ✓ When a woman or child is the head of the family, she or he is registered under his/her own name (no substitute registration).
- ✓ The opinions of the above vulnerable groups including women, children and disabled are reflected into the decision making and maintenance processes for the food aid point. The above vulnerable groups are a part of such decision making process.
- ✓ The food provided meets the cultural, religious and other needs of the beneficiary. (For example, food containing pork as an ingredient shall not be provided to a Muslim.)

ii) Operation and maintenance

- ✓ Participation of women and any other vulnerable groups to operation and maintenance of food aid supply has not been hampered. (For example, the program considers a woman's time required for house keeping. Children's participation in school feeding. Is not hampered)
- ✓ Sufficient nutrition is secured in food aid provided.
- ✓ The roles of food distribution and receipt are not centralized to men and people belonging to a specific position (the privilege). Participation of women to such activities is secured.
- ✓ Children are not engaged in any labor in food for work.
- ✓ Monitoring is performed to confirm that the food is delivered to and

consumed by the beneficiary (especially the vulnerable).

- ✓ There is a measure that the community, especially the vulnerable can post complaints, proposals and questions on food aid, and such measure is well understood by the community.

iii) Prevention of violence and exploitation against beneficiaries

- ✓ Enlighten people on issues related to sexual relationship between the beneficiary and aid agency staff in food supply.
- ✓ The food agency and the staff sign the code of conduct regulating issues including sexual relationship with the beneficiary, unfair exploitation of distributed goods, as well as rigging of registration information of the beneficiary.
- ✓ Beneficiary Selection Standards and Code of Conduct are informed in a manner which is easy to understand for beneficiaries. (Display posters in their native language, pre-meeting within the community.)

■International Law related to Food Aid■

A. Article 11, International Covenant on Economic, Social and Cultural Rights

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

C. Committee on Economic, Social and Cultural Rights General Comment No. 12 (1999) : right to adequate food

D. Article 24(2), Convention on the Rights of the Child

Require States Parties to combat disease and malnutrition through the provision of adequate nutritious foods and clean drinking water.”

■Challenges in protection caused from unorganized food aid■

1) Crisis of life from famine → right to life

2) Risk to be subject to violence when receiving food aid → right not to be subject to violence and exploitation

3) Risk that the vulnerable is left out from food aid

3. Shelter and Settlement

Shelter here refers to support to ensure the minimum dignity as a human including physical safety, healthy life with no disease. When building a shelter, it is critical that access to other resources (including water) is also secured.

(1) Groups who can be easily marginalized from shelter support

- Disabled
- Elderly
- Women
- Children
- Refugees and Internally Displaced People
- Those who are discriminated on the ground of ethnicity, religion, etc

(2) Checklist on issues to be considered for protection in shelter support

1) Overall: Is the access to shelter secured?

- ✓ The relevant government authorities on shelter support as well as their roles and responsibilities, and accountabilities have been clearly identified. No humanitarian agencies are acting as a substitute of such government function.
- ✓ It is located at a place easy to access to for the above vulnerable groups.
- ✓ It is located at a place where the vulnerable feels safe to be at and designed in such a manner.
- ✓ There is no discriminative treatment in terms of shelter support.
- ✓ When the beneficiary group is building a shelter, there is a mechanism to support such project for the vulnerable. (For example, when they have to build a roof of the shelter, there is a mechanism to help the disabled or children who need assistance in doing so.)
- ✓ The shelter is built to meet the objective (short term as well as mid

to long term). In case the objective changes according to the situation (from the short term objective to the long term), the measures have been taken swiftly to address such change including acquiring an agreement from the beneficiary.

- ✓ The beneficiary participates to the process of the construction and operation of the shelter and is given the opportunity to empower themselves.

2) Specific issues:

i) Assessment

- ✓ It is ensured that the environment around the shelter meets the safety (for example, it is in a place where people will not be subject to any armed conflict) and minimum standards to life (with drainage facilities and access to water necessary for the beneficiary).
- ✓ The emergency exit is secured, and this has been informed to the community.
- ✓ There is a process to identify the presence of women, children, disabled or any other vulnerable groups during registration.
- ✓ The opinions of the above vulnerable groups including women, children and disabled are reflected into the decision making and maintenance processes for the shelter support. The above vulnerable groups are a part of such decision making process.
- ✓ The specifications of the shelter meet the local climate, cultural and religious needs as well as the needs specific to the vulnerable.

ii) Operation and maintenance

- ✓ Those who are discriminated against are not grouped into unfavorable areas.
- ✓ There are measures to prevent any forced departure and move from the shelter.
- ✓ Shelter materials are distributed at a place easy to access to for

the vulnerable groups. If there is a group/individuals who cannot access for distribution, another arrangement should be arranged.

- ✓ The children are not engaged in any exploitative or dangerous labor for construction and establishment of a shelter.
- ✓ The roles of the shelter support are not centralized to men and people belonging to a specific position (the privilege). The decisions are not made arbitrarily.
- ✓ There is a system where the guards including female guards are attended to the shelter to prevent that sexual violence is constantly conducted in a specific shelter (for example, a specific shelter is turned into a brothel forcing people into prostitution)
- ✓ There is a measure that the community, especially the vulnerable can post complaints, proposals and questions on shelter, and such measure is well understood by the community.

iii) Prevention of violence and exploitation against beneficiaries

- ✓ Educate the beneficiary of the shelter on issues related to sexual relationship with an aid staff, and have them sign the code of conduct recognizing the issues
- ✓ Code of Conduct is communicated to the beneficiary in a friendly manner. (Display posters in their native language, pre-meeting within the community.)

■International Law related to Housing■

A. Article 11, International Covenant on Economic, Social and Cultural Rights

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

B. Article 12(1), International Covenant on Economic, Social and Cultural Rights

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

C. Article 14(2), Convention on the Elimination of All Forms of Discrimination against Women

The improvement of all aspects of environmental and industrial hygiene; To enjoy adequate living conditions, particularly in relation to... housing.

■Challenges in protection caused from lack of maintenance of shelter■

1) One does not have a place to live → Violation of right to adequate housing

2) Increased risk of sexual exploitation against women and children⁹ → right not to be subject to violence and exploitation

⁹Committee on Economic, Social and Cultural Rights, General Comment No. 7 (1997) Right to adequate housing (Article 11(1), CESCR)

4. Health Services

Health services here refer to providing assistance on health services mainly on building the systems as well as infrastructures. Like the shelter support, it is critical that other resources (especially water) and adequate hygiene facilities are secured along with the health services.¹⁰

(1) Groups who can be easily marginalized from health services

- Disabled
- Elderly --- This group is more likely to left behind than the other groups like the children when the medical agencies do not have understanding on the diseases specific to the elderly.
- Women
- Children
- Refugees and Internally Displaced People --- This group may not be able to receive adequate medical service due to the language barrier or discrimination.
- Vulnerable or marginalized groups such as those who live with HIV/AIDS
- Those who are discriminated on the ground of ethnicity, religion, etc

(2) Checklist on issues to be considered for protection in health services

1) Overall: Is the access to health services secured?

- ✓ The relevant government authorities on health services as well as their roles and responsibilities, and accountabilities been clearly identified. No humanitarian agencies are acting as a substitute of such government function.
- ✓ It is located at a place easy to access to for the above vulnerable groups. (For example, it is accessible for the elderly with difficulty

¹⁰ safe and potable drinking water and adequate sanitation facilities, hospitals, clinics and other health-related buildings, trained medical and professional personnel receiving domestically competitive salaries, and essential drugs, as defined by the WHO Action Programme on Essential Drugs. (The right to the highest attainable standard of health (Article 12, International Covenant on Economic, Social and Cultural Rights))

in walking).

- ✓ There is no discriminative treatment in terms of health services. (For example, those who belong to a specific ethnic group cannot access to medical treatment.)
- ✓ Health services are operated under a fair price. The poor can afford such service.
- ✓ The health services meet the cultural and religious needs of the beneficiary (for example, there is no issue like women cannot access to health care because only male doctors are available).

2) Specific issues :

i) Assessment

- ✓ The opinions of the above vulnerable groups including women, children and disabled are reflected into the establishment, operation and maintenance processes for the health services. The above vulnerable groups are a part of such decision making process

ii) Operation and Maintenance

- ✓ Health services provided meet the needs of the beneficiary in terms of culture, religion and so on.
- ✓ All the staffs involved in the health services received education and training to provide appropriate medical practices, care for the vulnerable as well as consideration on gender issues.
- ✓ Those who are discriminated against are not treated unfavorably in health services (for example, access to vaccine). There is an educational program to discourage dissociation and separation of such group from a community and ensure they have the same level of services as others.
- ✓ In the execution of health services, there is always a perspective on gender, and measures to reduce customaries harmful for women (including FGM).

- ✓ There is a measure that the community, especially the vulnerable can post complaints, proposals and questions on health services, and such measure is well understood by the community.

iii) Measures for the affected such as those who are living with HIV/AIDS.

- ✓ Respect the privacy of the affected individuals
- ✓ Perform counseling as long with communicating the result to the individuals
- ✓ Through non disclosure of confidential information among the stakeholders.
- ✓ Educate people on preventative measures against infection
- ✓ Enlighten the overall community to prevent discrimination and prejudice

iv) Prevention of violence and exploitation against beneficiaries, and follow up measures against victims

- ✓ Educate the beneficiary of the health services on issues related to sexual relationship with an aid worker, and have them sign the code of conduct recognizing the issues
- ✓ Provide treatments for the victims of violence and exploitation, and make referral to the relevant agencies if appropriate (such as, a law enforcement agency like the police, a special counseling agency for psychological care, and a legal aid if the person is a victim of rape)

■International Law on health services■

A. Article 12(1), International Covenant on Economic, Social and Cultural Rights

. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

- (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
- (b) The improvement of all aspects of environmental and industrial hygiene;
- (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
- (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

B. General Comment No. 14 (2000)

The right to the highest attainable standard of health (Article 12) (E/C.12/2000/4)

C. Article 24, Convention on the Rights of the Child

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

- (a) To diminish infant and child mortality;
- (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
- (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
- (d) To ensure appropriate pre-natal and post-natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

D. Article 14(2), Convention on the Elimination of All Forms of Discrimination against Women

(b) To have access to adequate health care facilities, including information, counseling and services in family planning;

■Challenges in protection caused from lack of and insufficient health services■

- 1) Lack of access to appropriate medical service
- 2) Spread of infectious diseases
- 3) Increased fatality rate of children → violation of the right to life and right to health
- 4) Disclosure of information on one's disease, etc → violation of the right to privacy

5. Education

Education here refers to formal education, informal formal education, pre school education, literate education and adult education directed to a wide range of values.¹¹

(1) Groups who can be easily marginalized from education¹²

- ✓ Disabled
- ✓ Women, especially young women and mothers in their teens
- ✓ Abducted children
- ✓ Children separated from their family
- ✓ Children who were involved in armed conflicts
- ✓ Children who were affected by armed conflicts
- ✓ Children engaged in labor
- ✓ Those who are suffering from diseases (especially children infected with HIV/AIDS)¹³
- ✓ Refugees and Internally Displaced People
- ✓ Those who are discriminated on the ground of ethnicity, religion, etc
- ✓ Children under legal custody
- ✓ Stateless

(2) Checklist on issues to be considered for protection in education

1) Overall: It is ensured that every individual has access to appropriate and quality education

- ✓ The relevant government authorities on education as well as their roles and responsibilities, and accountabilities been clearly identified.

¹¹Committee on the Rights of the Child General Comment No.1 (2001) Article 29(1), The Aims of Education

¹²INEE, "Minimum Standards for Education in Emergencies, Chronic Crises and Early Reconstruction"

¹³A day of discussion on "Children living in a World with HIV" (1998), a recommendation later adopted by Committee on the Rights of the Child (UN doc. A55/41 (2000), para.1536)

- ✓ No humanitarian agencies are acting as a substitute of such government function.
- ✓ It is located at a place easy to access to for the above vulnerable groups.
- ✓ It is located at a place where the vulnerable feels safe to be at
- ✓ Education is accessible to those who are in financial difficulties.
- ✓ Especially, the primary education is provided at free of charge.
- ✓ There is no unnecessary condition for one to access to education. (For example, one has to bring a bucket of water when the area is in short of water.)
- ✓ There is no discriminative treatment in terms of education. (For example, a refugee with a foreign nationality has no right to public education.)
- ✓ The education facility is designed in a friendly manner for the child, elderly and disabled.
- ✓ The content of the education is easy to understand for the child, elderly and disabled.
- ✓ It is especially in accordance with the development of the child.
- ✓ The information on education is publicized in a friendly manner. The illiterate can understand such information.
- ✓ There is a measure that the community, especially the vulnerable such as children can post complaints, proposals and questions on operation and teaching method at school and such measure is well understood by the community.
- ✓ There are a sufficient number of educators with appropriate quality.

2) Specific issues:

i) Assessment

- ✓ The opinions of the above vulnerable groups including women, children and disabled are reflected into the decision making operation and maintenance processes for education. The above vulnerable groups are a part of such decision making process

- ✓ The opinions of the above vulnerable groups including women, children and disabled are reflected into maintenance and improvement of the quality of such education. The above vulnerable groups are a part of such decision making process.
- ✓ Consideration has been made to prevent any violence (The location and design are visible from the public eye).
- ✓ The land is not forcibly derived from people when building the education facility.
- ✓ The education facility is not at a location where a specific group of people such as a specific ethnicity or landlords can enjoy superior benefits of the service.

ii) Maintenance and Support

- ✓ The safety of the environment and commute to school for students is ensured.
- ✓ Women, children and other vulnerable groups equally participate to the maintenance and support process. Decisions on specific roles and responsibilities are not made with leadership of men, adults and physically unimpaired.
- ✓ Ensure that the tasks for maintenance are not unevenly assigned to specific communities.
- ✓ Cultural, social, economical and religious considerations are made for the beneficiaries.
- ✓ All the staffs involved in the education received education and training to provide appropriate educational practices, care and consideration for the vulnerable.

iii) Monitoring and Assessment

- ✓ The opinions of the above vulnerable groups including women, children and disabled are reflected into the decision making operation and maintenance processes for education. The above vulnerable groups are a part of such decision making process.

Decisions on specific roles and responsibilities are not made with leadership of men, adults and physically unimpaired.

- ✓ Ensure that the tasks for maintenance are not unevenly assigned to specific communities.
- ✓ The requirements pointed out during assessment, maintenance and support have been sufficiently addressed.
- ✓ The government and communities are engaged in monitoring and assessment, and continue to address issues related protection in education with awareness of the issues

iv) Prevention of potential violence and exploitation against the beneficiary

- ✓ Measures to prevent violence and exploitation against beneficiaries have been taken into account.
- ✓ There is a measure especially to prevent children being involved in labor
- ✓ Educate the beneficiary of education on issues related to sexual relationship with an aid staff, and have them sign the code of conduct recognizing the issues
- ✓ Code of Conduct is communicated to the beneficiary in a friendly manner. (Display posters in their native language, pre-meeting within the community.)

■International Law related to education■

A. Article 13, International Covenant on Economic, Social and Cultural Rights

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full

realization of this right:

- (a) Primary education shall be compulsory and available free to all;
- (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
- (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
- (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
- (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

B. Committee on Economic, Social and Cultural Rights, General Comment No. 13: Right to education (Article 13)

C. Article 28, Convention on the Rights of the Child

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial

assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

D. Article 29, Convention on the Rights of the Child

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the

requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

E. Committee on the Rights of the Child General Comment No. 1(2001), Article 29(1) The Aims of Education

■Reference■

Minimum Standards for Education in Emergencies, Chronic Crises and Early Reconstruction (INEE)

IV. Others

1. Preventative measures against violence and sexual exploitation against the beneficiary.

1) Actions to be taken for the beneficiary

- Communicate them that the right of the beneficiary is protected, especially from violence and sexual exploitation
- Communicate them about Code of Conduct
- Establish a report system in case of violence or sexual exploitation and inform this to the beneficiary
- Communicate the beneficiary of how to protect themselves
 - Do not meet someone else alone
 - Set a point of contact within the community as well as a person to respond to any prevention and education measures as well as an accident.
 - Protect the confidentiality of the reporter

2) Measures to be taken within the organization

[Prevention]

- Develop an internal guideline to promote understanding on violence and sexual exploitation of the beneficiary
 - Conduct trainings
 - Set the response flow in case of an accident (i.e. point of contact).
- Sign a contract with a staff at the time of employment, specifying the prevention of GBV.

[Action]

- Investigations to be carried out in due process upon occurrence an incident. When doing so, ensure non disclosure of confidential information as well as opportunity for clarification.
- Upon finalization of such incident, the organization shall establish an action plan and provide feedbacks to guidelines to be

developed.

- Attention to be paid to the confidentiality when responding to media.

3) Measures to be taken in conjunction with other agencies

- Advocacy activities shall be carried out against the government when no active measures were taken by them.
- The government and Protection Unit shall take the initiative to hold a joint seminar and other activities.
- The stakeholders shall sign the Code of Conduct. In the absence of such document, share the rules of the agency with other parties involved.

2. Prevention of human trafficking

1) the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.¹⁴

2) Women and children (especially those without a guardian) have higher risk of being subject to human trafficking. It is important to identify those vulnerable through registration and take measures in cooperation with the government and international agencies (such as UNICEF, IOM). In addition, it is critical to conduct education with easy to understand messages using posters and performances.

※ For the issues which were not discussed here (Nutrition, Food Security and NFI), please refer to the overview and other parts of the guideline. As for NFI, please refer to the section on food aid.

※ For specific measurements in projects in each sector, please refer to the Sphere Project (<http://www.sphereproject.org>).

■List of member NGOs (name and URL)

ADRA Japan

<http://www.adrajpn.org/>

Child Fund Japan

<https://childfundorjpn.secsites.net/>

Action Against Child Exploitation (ACE)

<http://www.acejapan.org>

Japan Lawyers Network for Refugees

<http://www.jlnr.org/>

Japan Agency for Development and Emergency (JADE)

<http://www.jade.or.jp/index.html>

Japan Association for Refugees

<http://www.refugee.or.jp>

International Peace Assistance Center (IPAC)

<http://www.ipac-jp.org>

Association for Aid and Relief, Japan

<http://www.aarjapan.gr.jp/>

Japan Platform

<http://www.japanplatform.org/>

Japan Red Cross

<http://www.jrc.or.jp/>

Humanitarian Medical Assistance (HuMA)

<http://www.huma.or.jp/>

Habitat for Humanity Japan

<http://www.habitatjp.org>

Save the Children Japan

<http://www.savechildren.or.jp/>

Basic Human Needs Association

<http://www.bhn.or.jp/>

Peace Winds Japan

<http://www.peace-winds.org/>

Bridge Asia Japan

URL: <http://www.baj-npo.org/>

World Vision Japan

URL: <http://www.worldvision.jp/>

奥付

タイトル: プロテクション・フィールドガイド (Protection Field Guide –in a context of cross cutting–)

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Colophon

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