

Comprehensive Protection of Civilians Package

Module 1 – Conceptual Framework

Module 2 – Legal Framework

Module 3 – Operational Framework



Module 1: CONCEPTUAL FRAMEWORK

Learning Objectives

- Explain the importance of POC
- Know the key concepts related to POC, CRSV and CP in UN peacekeeping
- Understand the roles of different protection actors
- Describe what principles guide POC

Overview

- Introduction
- Definitions & Terminology
- Protection actors
- Principles of POC in peacekeeping
- Operational concept
- Mission challenges
- Special considerations for CRSV
- Special considerations for Child Protection

Introduction

Nature of Contemporary Armed Conflicts

Intra-state
conflict

Asymmetrical
warfare

Growing
number of
parties

Proliferation of
weapons

Ethnic and
sectarian
violence

Civilian
casualties

Children
targeted

Sexual
violence as
tool of war

How conflict affects civilians

- Intentional and unintentional victims of physical harm
- Abuse of basic human rights
- Loss of homes, livestock, access to education, access to healthcare
- Women and children suffer disproportionately
- Social fabric destroyed

Role of the Host Government

- Primary responsibility to protect civilians according to international law
- May lack capability or willingness to carry out this responsibility
- Peacekeepers assume obligation to protect civilians

Security Council Attention to POC



- Series of thematic resolutions on POC, Conflict-related Sexual Violence and Children and Armed Conflict
- Working group of experts on POC
- Most missions authorized to “use all necessary means” up to and including the use of deadly force

Evolution of the POC concept in UN Peacekeeping

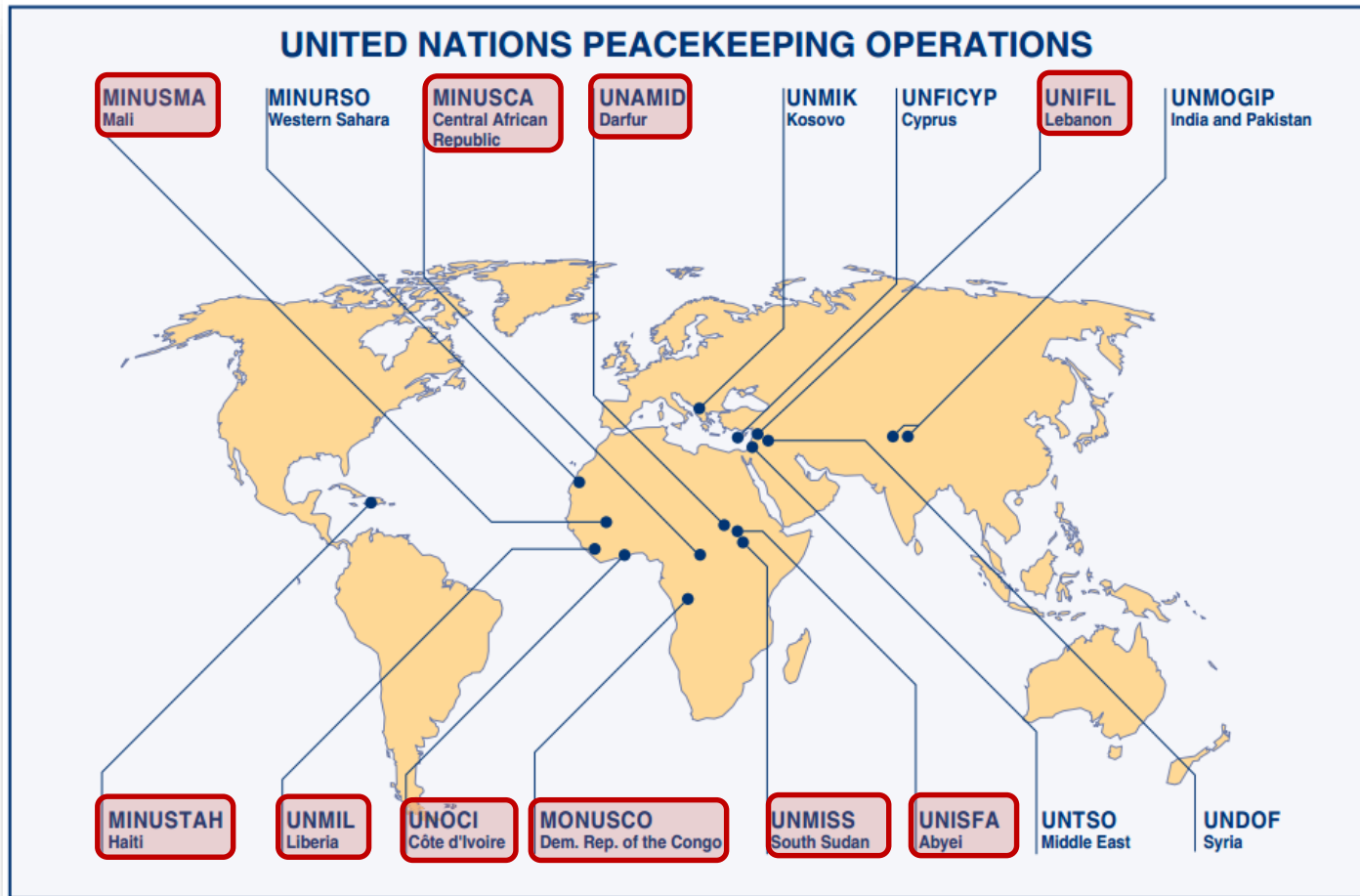
- Influenced by mass atrocities in the 1990s
- 1999: First explicit POC mandate for a peacekeeping mission
- 2009: POC as priority mandate
- 2010: DPKO-DFS Operational Concept
- 2015: DPKO-DFS Policy on POC

Current Operations with a POC Mandate 1/2

- Majority of UN missions are tasked with POC mandate
- More than 95 % of peacekeeping personnel are deployed in missions with a POC mandate
- All recently established missions equipped with POC mandate



Current Operations with a POC Mandate 2/2



Credibility and Legitimacy

- POC increasingly the yardstick of success for UN peacekeeping
- Failure to protect civilians directly affects the legitimacy and credibility of the UN presence on the ground
- Local and international expectations rise when a UN field mission is deployed

Linkages of POC, CRSV and CP

- Linkages in conceptual, legal and operational areas
- Tactical level implementation of POC, Child Protection and CRSV mandates requires similar actions
- Special tasks associated with Child Protection and CRSV mandates remain

Take Away

- Nature of modern conflict increasingly targets civilians
- Host governments bear primary responsibility to protect civilians
- POC has become the priority mandate for UN peacekeeping
- Interlinkages between POC, CRSV and CP mandates

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Definitions & Terminology

POC in UN Peacekeeping

All necessary action, up to and including the use of deadly force, aimed at preventing or responding to threats of physical violence against civilians, within capabilities and areas of operations, and without prejudice to the responsibility of the host government to protect its civilians.

Use of Force

The gradual use of contingent's resources, which ranges from authoritative presence to the conduct of operations that may result in deadly action of current or potential perpetrators.



Civilian

Any person who is not or is no longer directly participating in hostilities shall be considered a civilian, unless s/he is a member of armed forces or groups.

In case of doubt, the person shall be considered a civilian.



Distinction exercise

- Who of these persons should be considered civilians or combatants?
- Why is the distinction so important?



Physical Violence

Violations to the right of life and physical integrity under national or international law, including by elements of state and non-state parties to an armed conflict.

Actual or potential physical harm to civilians associated with lawful actions by state or international security forces.

Human Rights and Humanitarian Protection



Encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with international humanitarian, human rights and refugee law.

Child Protection

The prevention of and response to abuse, exploitation, and violence against children.



Sexual and Gender Based Violence (SGBV)

- Any harmful act directed against individuals or groups of individuals on the basis of their gender
- SGBV constitutes a violation of human rights
- SGBV in conflict can become Conflict-related Sexual Violence (CRSV)

Conflict-related Sexual Violence (CRSV)

Incidents or patterns of sexual violence in conflict or post-conflict situations which include: rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity, against women, men, girls or boys.

Sexual Exploitation and Abuse by UN personnel

- Sexual exploitation: actual or attempted abuse of a person's vulnerability, differential power or trust for sexual purposes
- Sexual abuse: actual or threatened physical intrusion of a sexual nature, by force or under unequal or coercive conditions
- Zero tolerance policy

Human Rights Violations/Abuses

- Violations are acts or omissions attributable to the State and its associated entities
 - Involves failure to implement legal obligations deriving from human rights standards
- Abuses apply to non-State actors where they exercise control over a given territory and population

Responsibility to Protect – R2P

- Focuses on four mass atrocities:
 - Genocide
 - Ethnic cleansing
 - War crimes
 - Crimes against humanity
- POC and R2P share legal and conceptual foundations
- R2P goes beyond the principles of peacekeeping (host state consent)

Vulnerable groups

Those most at risk of facing or suffering from violence, including girls and boys, women, minority groups, refugees, internally displaced, persons with disabilities, the wounded and older persons, and professionals at particular risk.

Vulnerability is a result of characteristics that are multidimensional and can change over time.

Threat

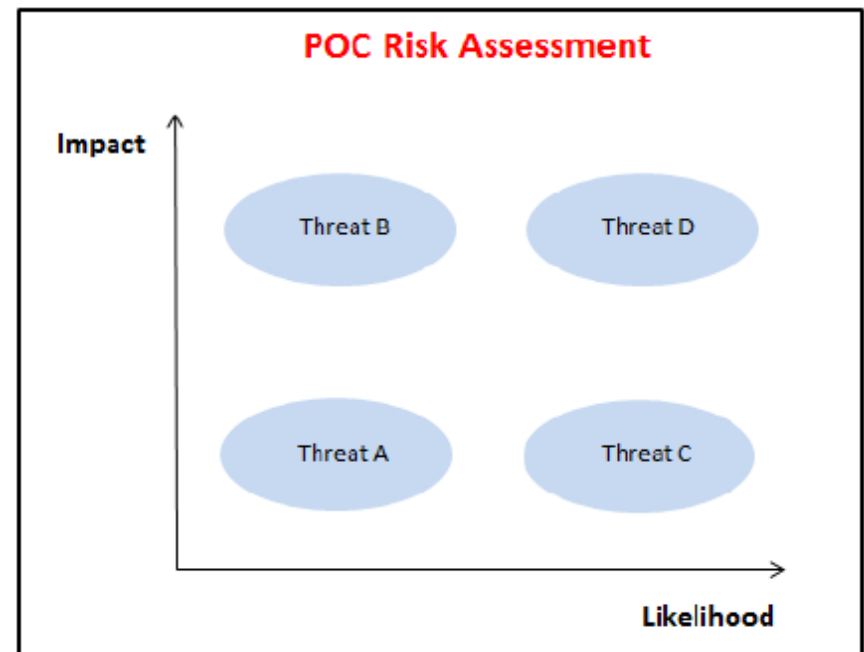
All situations that are likely to lead to death or serious bodily injury, regardless of the source of the threat.



Risk

The combination of impact and likelihood associated with an identified threat.

For their prioritization, risks are classified from very low to very high.



Take Away

- Different actors can have different interpretations of POC
- In peacekeeping, POC refers to all necessary action to prevent or respond to threats of physical violence
- POC closely connects to CRSV, CP and human rights
- When in doubt, consider a person a civilian and afford them the appropriate protection

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Protection Actors

Protection Actors

- Local communities
- Host authorities
- UN peacekeeping mission
- UN Country Team
- SRSGs on Children and Armed Conflict and on Sexual Violence
- Other non-UN actors

Local communities

- Understand best their vulnerabilities and threat environment
- Often existing protection mechanisms
- Peacekeepers build community capacity to protect themselves



Host authorities

- Primary responsibility to protect civilians
- Political will and capacity are required
- Includes military, police and civilian state entities at the central and local levels



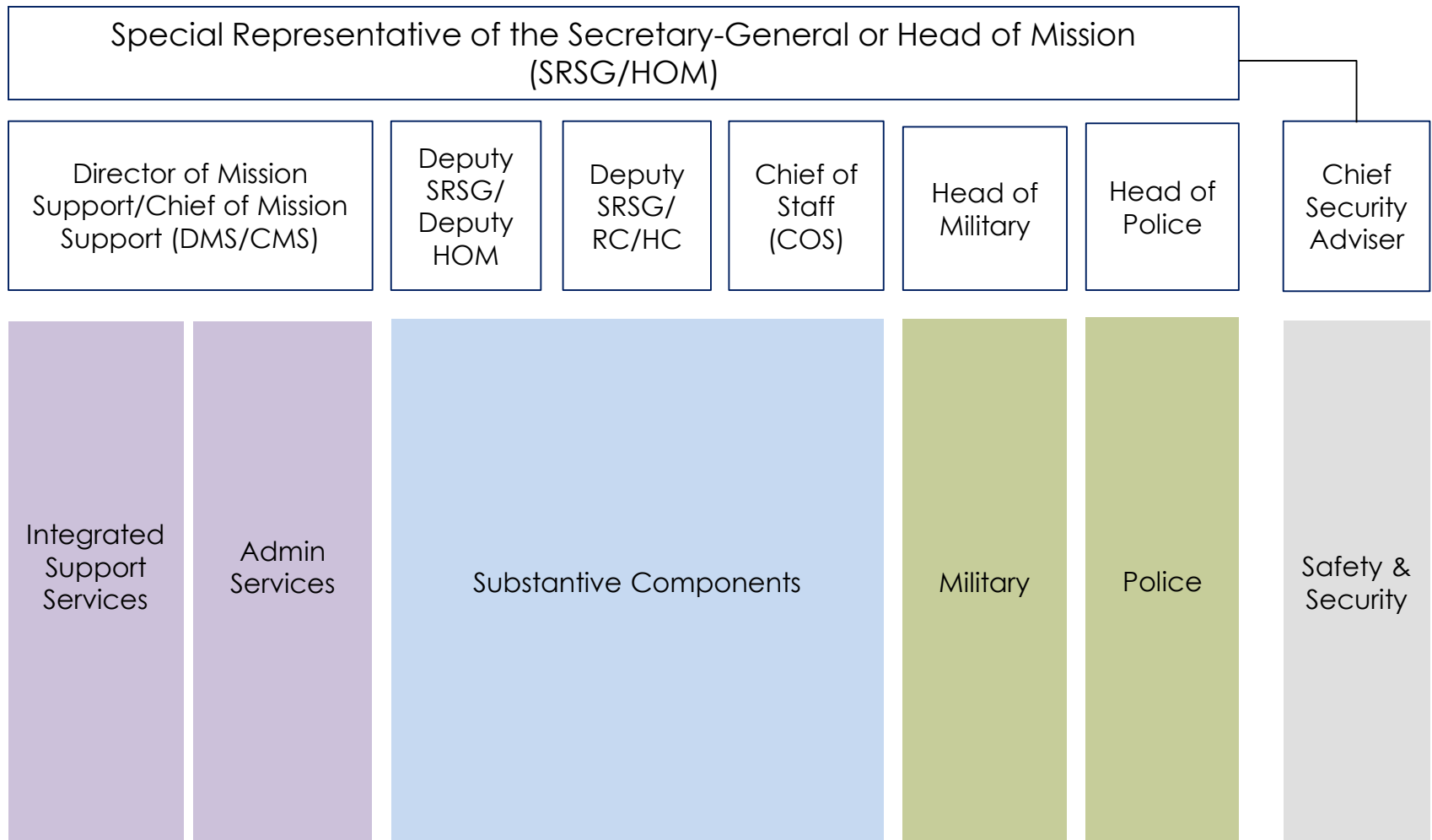
UN Peacekeeping Missions

- Established by Security Council
- Unique in the authorization to use force
- POC a whole-of-mission effort
- Temporary presence on the ground
- Cannot succeed in vacuum





Overview of a Generic UN Peacekeeping Mission Structure



Protection Roles in a Mission

- Coordinated action required across sections and units
- Specialised functions within a mission include:
 - Senior POC Adviser
 - Women's Protection Adviser
 - Child Protection Adviser
 - Human Rights components
- Particular role for military and police



Protection Roles in a Mission Military Component

- Physical protection
- Significant role in prevention through
 - Presence
 - Proactive posture
 - High operational readiness
- Information gathering and reporting
- Must act in cooperation with other components

Military Child Protection Officers

- Advise Battalion Commander
- Liaise with child protection actors
- Establish alert system to transmit information received on the six grave violations
- Guidelines and SOPs

UN Country Team



SRSB Children and Armed Conflict & SRSB Sexual Violence in Conflict

- Advocates for Child Protection and on CRSV
- Engage with parties to conflict to obtain commitments to address CAAC/CRSV
- Peacekeeping supports engagement and implementation of these commitments
- Peacekeeping supports monitoring and reporting
- Child Protection Adviser and Women's Protection Adviser as key interlocutors in mission

Non-UN actors

- Regional organisations
- Parallel forces
- Individual Member States
- Local, national and international NGOs and civil society organisations
- International Committee of the Red Cross (ICRC)



Coordination

- Within mission
 - POC Strategy
 - POC Coordination mechanisms
 - Joint Protection Teams
- With humanitarian actors
 - Protection Cluster
 - CMCoord
 - CIMIC
- With local communities



Take Away

- A range of actors is mandated to protect civilians
- All POC action must be coordinated within the mission and with non-mission partners, in particular the host authorities
- Local communities are important stakeholders in their own protection

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Principles of
POC in
peacekeeping

Grounded in Int'l Law

- International human rights, humanitarian and refugee law and related standards



- Use of force requires adherence by Rules of Engagement and Directives on the Use of Force

Upholding the Principles of Peacekeeping

- Host State consent
- Impartiality
- Non-use of force except in self-defense or in defense of the mandate



Priority Mandate

POC must be prioritized in decisions regarding the allocation and use of available capacity and resources in the implementation of mandates



Primary Responsibility of Governments

- Peacekeepers do not replace the sovereign responsibility of the host State to protect civilians from physical violence
- Non-state parties to conflict may also have a responsibility to protect civilians

Responsibility of Peacekeepers

Where the state is unable or unwilling to protect civilians, peacekeepers have the authority and the responsibility to provide such protection



Active Duty to Protect

- Active duty means missions do not engage in protection only in reaction to an attack



- Activities to protect civilians should be planned, deliberate and on-going.

Effective Command and Control

- Command and control are critical to save lives and prevent harm being done to civilians



- Responsibility of Force Commander and Police Commissioner to ensure compliance with ROE and DUF

Command and control exercise

- What does command and control mean?
- How does a lack of command and control impact military POC operations?



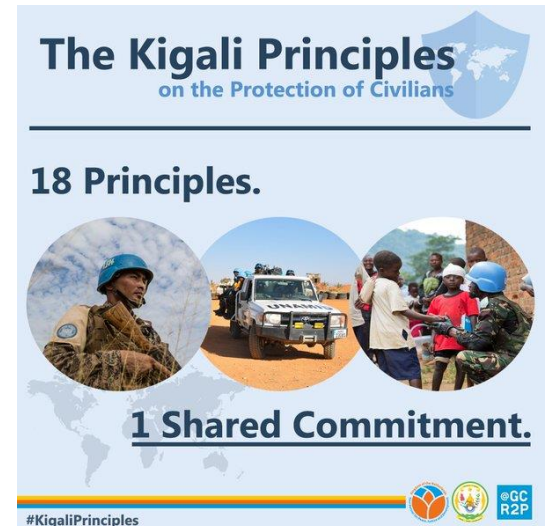
Gender Perspective

Plans, analyses and activities need to consider how gender-based differences in status and power shape the needs and interests of women and men, girls and boys



Kigali Principles (2015)

- Pledge by T/PCCs and financial contributors to create a framework for more effective POC
- Set of principles regarding training, preparedness, command and control, capabilities , and performance of troops
- Initially 9 signatory states, currently 39
- Not legally binding



Kigali Principles Pledge

1. Conduct pre-deployment training
2. Ensure all commanders are trained on POC
3. Prepared to use force
4. No caveats
5. Notify UN of shortfalls
6. Strive to provide capability
7. Empower commanders
8. No hesitation to act to protect (within ROE)
9. Demand clarity on ROE
10. Identify potential threats early
11. Enhance arrangements for rapid deployment
12. Vigilance in monitoring and reporting
13. Take disciplinary action against own personnel if necessary
14. Undertake own AARs
15. Highest standard of conduct for own personnel
16. Request regular consultations on mandates
17. Urge UNSC to match mandates to resources
18. Call for effective support arrangements to UN ops

Take Away

- The protection of civilians mandate is guided by a set of legal and practical principles, rooted in the UN Charter, international law and lessons learned.
- These principles apply to all missions with POC mandates.

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Operational Concept

Operational Concept

Three tiers that are implemented simultaneously



Tier I:
Protection
through
dialogue and
engagement



Tier II:
Provision of
physical
protection



Tier III:
Establishment
of a protective
environment

Tier I: Protection through Dialogue and Engagement

- Dialogue with current or potential perpetrators
- Conflict resolution and mediation between parties to the conflict
- Persuading the government and other relevant actors to intervene to protect civilians
- Public information
- Other initiatives that seek to protect civilians through dialogue and direct engagement

Tier II: Provision of Physical Protection

- Activities by police and military components involving the use of force to prevent, deter, and respond to situations in which civilians are under the threat of physical violence
- Closely coordinated with civilian sections



Tier III: Establishment of a Protective Environment

- Environment building activities that are frequently programmatic in nature, broad and designed with committed resources for medium to long-term peacebuilding objectives
- Support the political process, DDR, RoL, SSR, resettlements of IDPs and refugees, humanitarian assistance, etc.

POC Phases of Response

- POC operations are implemented along four phases
- These phases do not necessarily occur in sequential order and may be undertaken simultaneously or independently

Phases of Response



Prevention



Pre-emption



Response



Consolidation

Take Away

- The Operational Concept is at the heart of POC mandate implementation in Peacekeeping
- Reflects whole-of-mission approach
- Groups POC activities into three tiers
- Mission respond to POC threats in 4 phases

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Mission Challenges

Mission Challenges

- Strategic consent
- Capabilities and limitations
- Expectation management
- Intelligence
- Planning process
- Logistics
- Training
- Command and control
- Coordination

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Special Considerations for CRSV

Background

- Used as a tactic of war, exacerbates situations of armed conflict and impedes peace and reconciliation
- Often motivated by political or military objectives
- Targets civilian populations: psychological and physical trauma, infections, diseases, humiliation, mutilation, and death

Security Council Mandate

- Six missions with CRSV mandate
- CRSV a separate mandate and part of broader POC agenda
- The mandate usually includes:
 - Provision of specific protection for women and children including through the deployment of CPAs and WPAs
 - Monitoring, help investigating, reporting and preventing sexual violations and abuses
 - Contributing to efforts to identify and prosecute perpetrators

Fundamentals

- May be invisible
- Disproportionately affects women and girls
- IDPs vulnerable
- Is under-reported
- Mostly occurs in conjunction with other crimes
- CRSV and SGBV may be prevalent concurrently in a conflict zone
- May manifest as potential, impending or ongoing
- Should not be confused with SEA



Approaches

Steps to enhance Force responsiveness to CRSV include:

- Designating CRSV Focal Points
- Integrating CRSV in all plans and operations
- Ensuring active participation in mission responses
- Coordinating military prevention and response activities
- Instituting comprehensive security measures
- Responding in a timely, credible, effective and positive manner to CRSV threats

Take Away

- Prevention of CRSV must be planned in an integrated fashion
- Command must act
- Training and preparation essential to fully understand the implications of CRSV
- Force needs to take appropriate steps to ensure CRSV responsiveness

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Special
Considerations
for Child
Protection

Special Considerations for Child Protection

- **Background**
- Six grave violations
- Roles and Responsibilities
- Interacting with children

Security Council Mandate

- Security Council includes child protection provisions in relevant mandates
- Child Protection a separate mandate and part of broader POC agenda
- Training a critical component for successful implementation
- Monitoring and reporting on violations

Definition of a Child

Article I of the UN Convention on the Rights of the Child states that a child is
“every human being below the age of 18 years”

For all peacekeepers and other UN personnel,
a child is any person under the age of 18 years



Impact of War on Children

Gender Dimension

- The risks of girls and boys can differ based on their distinct gender roles within their societies
- Women and girls face a higher risk of rape and other forms of sexual violence during armed conflict
- The experiences of girls and boys in armed forces and groups differ related to recruitment, identification and reintegration



Special Considerations for Child Protection

- Background
- **Six grave violations**
- Roles and Responsibilities
- Interacting with children

The Six Grave Violations

- UNSC Resolution 1612 (2005)
- Grave violations against international law
 1. Killing and maiming
 2. Recruitment and use of children as soldiers
 3. Abduction
 4. Rape and sexual violence
 5. Attacks against schools and hospitals
 6. Denial of humanitarian access



Recruitment and Use of Children as Soldiers

Review: You can encounter 'child soldiers' in various functions



Scenario 1

Dealing with child soldiers

As you are patrolling, you notice a child with a weapon moving aggressively toward you.



What should be your response and why?

Scenario 2

Dealing with child soldiers

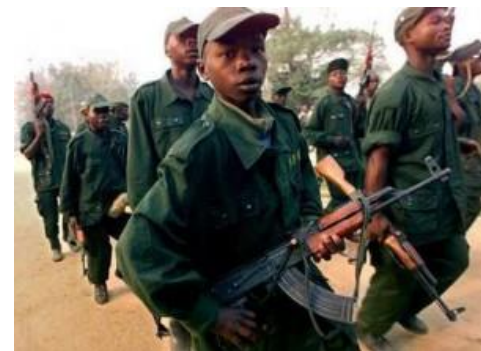
On a patrol you encounter a child soldier who has escaped his captors and seeks your help.

How should you handle this situation and why?



Dealing with Child Soldiers

- If they pose a threat, be prepared to deal with such situations and follow ROE
- If they pose not threat
 - Do no harm
 - Remember that these children are victims
 - Report through the chain of command



Scenario 3

Military use of schools (or hospitals)

You are a Battalion Commander and were informed that an armed faction that is opposed to the peace process and hostile to the United Nations has committed attacks in a remote part of your AOR. You decide to deploy a mobile operating base (MOB) in the area. When the company arrives in the village, the chief identifies a location in a primary school compound and offers you the premises for the MOB.

Other Issues

- Arrest and detain child soldiers only in most extreme circumstances → hand over to CP actor as soon as possible

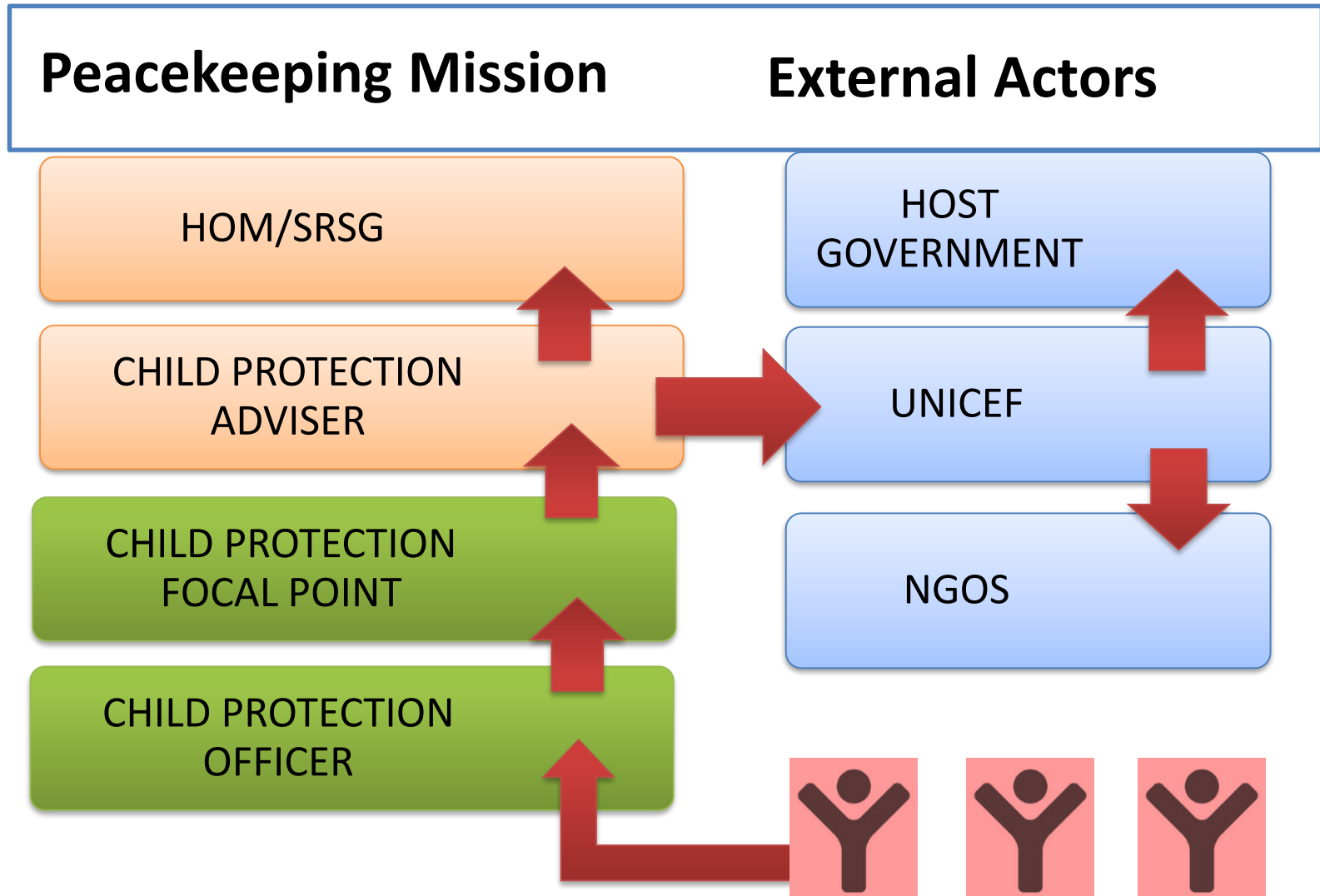


- Be alert to other relevant violations
- Ensure you fully understand the violations you are expected to report

Special Considerations for Child Protection

- Background
- Six grave violations
- **Roles and Responsibilities**
- Interacting with children

Child Protection Coordination



Child Protection Responsibilities Battalion Commander

- Establish and maintain links to CP actors
- Establish and maintain situational awareness on CP threats
- Implement CP policies
- Mainstream child protection
- Threat-related CP training
- Zero Tolerance on SEA and child labour



Child Protection Responsibilities Military Observers

- Establish and maintain links to CP actors
- Establish and maintain Situational Awareness on CP threats
- Implement Force (and Sector/Bde) CP policies, particularly reporting on the six grave violations
- Zero tolerance on SEA and child labour

Special Considerations for Child Protection

- Background
- Six grave violations
- Roles and Responsibilities
- Interacting with children

Culture and Attitude

- Cultural background and attitude play a major role in peacekeepers' interaction with children and other civilians
- Behaviour that may be acceptable during peace time may lead to dangerous situations in times of conflict
- Always consider the (potentially harmful) consequences of actions when interacting with children



Guiding Principles

- ① **Do No Harm:** Avoid actions that may place children in danger
- ② **Best Interest of the Child:** Always place the interest of the child first before you act
- ③ **Coordinate and Work with the Experts:**
When in doubt ask the child protection specialists



Zero Tolerance: SEA of Children

NO SEXUAL ACTIVITY WITH ANYONE UNDER 18!

- Knowledge of the age of the child is not relevant
- It does not matter if the child gives consent
- Instruct soldiers under your command
- Report



Take Away

- A child is anyone under the age of 18 years
- Children face specific threats during armed conflict
- Protection needs of boys and girls may differ
- Peacekeepers need to monitor and report the six grave violations against children
- Peacekeepers need to know what to report on and who to report to

Questions



Module 1:
CONCEPTUAL
FRAMEWORK – Wrap up

Module 1 – Conclusions

- Range of policies, guidelines and principles exist on POC, Child Protection and CRSV
- Mandate implementation is never straightforward and requires targeted approach for each context
- Effective protection of civilians requires coordination and information sharing within and outside the mission
- Peacekeepers need to be proactive and creative, within the boundaries of existing guidance and principles
- Child Protection and CRSV are integral to protection of civilians and require particular consideration