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 on Peacekeeping Operations on coordination and thematic issues, including POC

- Most missions authorized to "use all necessary means" up to and including the use of deadly force

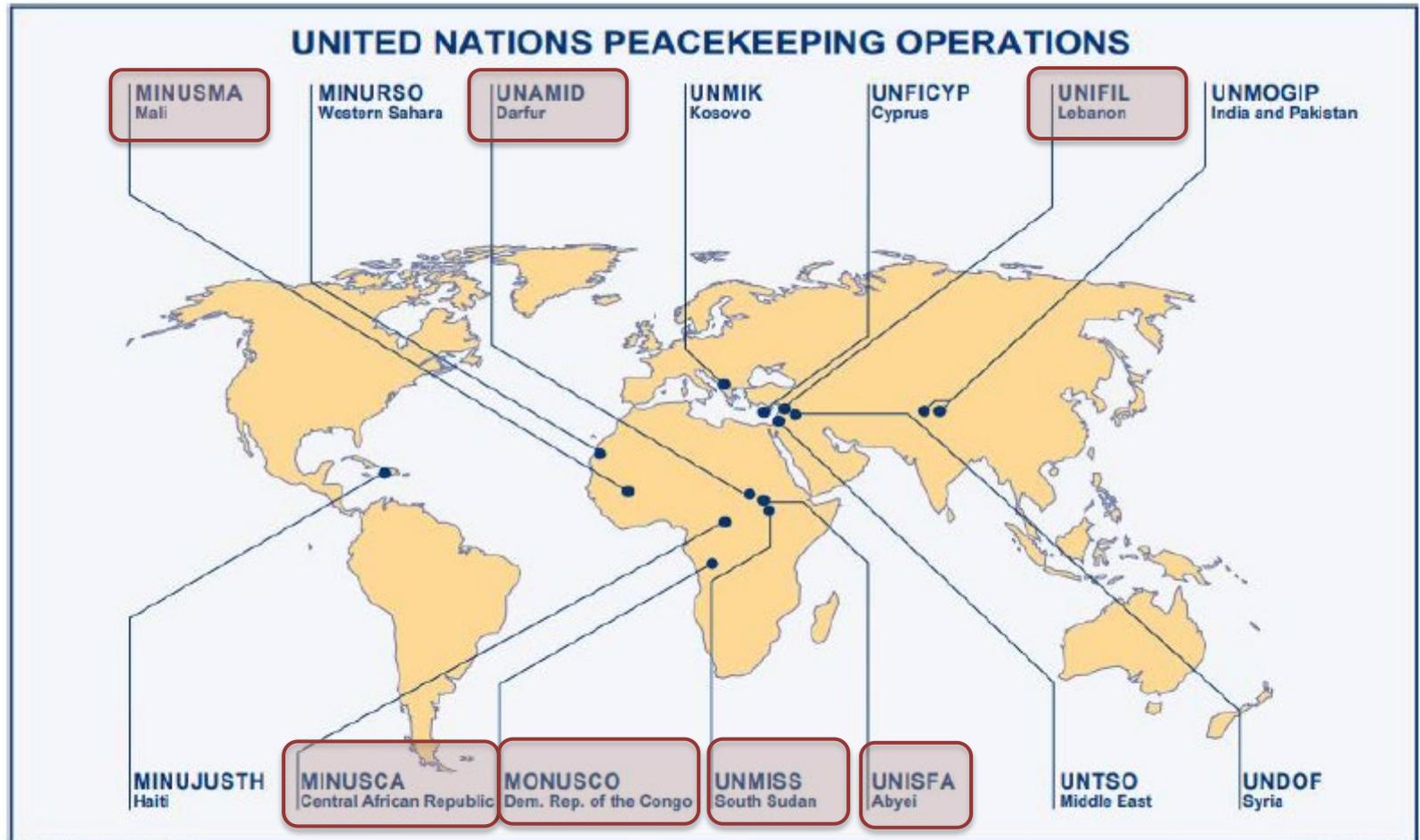# Evolution of the POC concept in UN Peacekeeping

- 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

- 2019: DPO Policy on POC

Current Operations with a POC Mandate 1/2

- Majority of UN peacekeeping 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

UNITED NATIONS PEACEKEEPING OPERATIONS

MINUSMA — Mali
MINURSO — Western Sahara
UNAMID — Darfur
UNMIK — Kosovo
UNFICYP — Cyprus
UNIFIL — Lebanon
UNMOGIP — India and Pakistan

MINUJUSTH — Haiti
MINUSCA — Central African Republic
MONUSCO — Dem. Rep. of the Congo
UNMISS — South Sudan
UNISFA — Abyei
UNTSO — Middle East
UNDOF — Syria

Map No. 4259 Rev. 25(E)   UNITED NATIONS
April 2018

Department of Field Support
Geospatial Information Section (formerly Cartographic Section)

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

Questions

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Definitions & Terminology

POC Mandate in UN Peacekeeping

"without prejudice to the primary responsibility of the host state, integrated and coordinated activities by all mission components to prevent, deter or respond to threats of physical violence against civilians within their respective capabilities and areas of deployment through the use of all necessary means up to and including deadly force"

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

DPO POC Policy 2019 (paragraph 20):

"Civilian: For the purposes of this policy and the protection of civilians mandate in peacekeeping, everyone is to be considered a civilian, except persons falling in one of the following categories:

- members of the armed forces;
- members of an organized armed group with continuous combat function; and
- civilians directly participating in hostilities, for such time as they do so.

In case of doubt whether a person is a civilian, that 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
  - War crimes
  - Ethnic cleansing
  - 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.
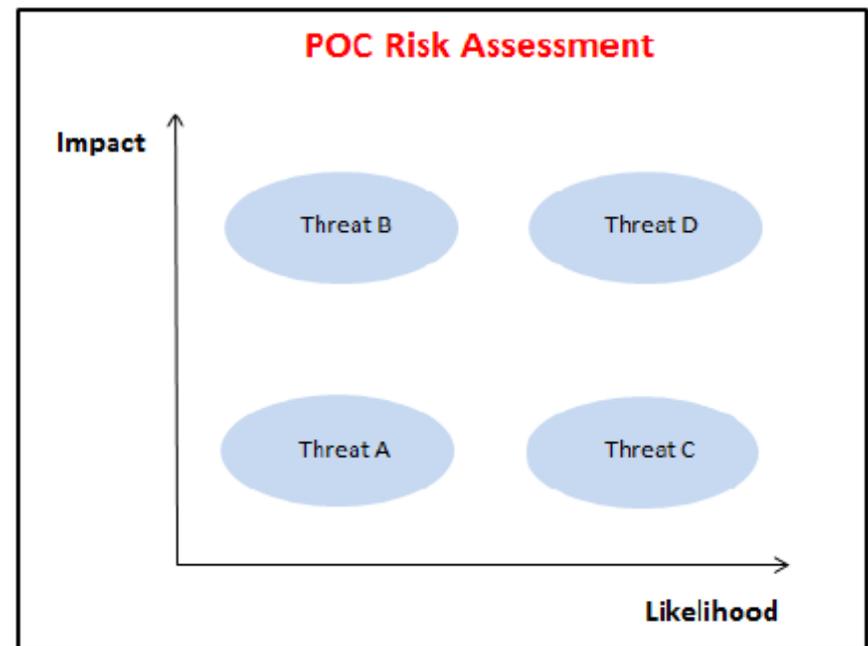
Threat

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.

POC Risk Assessment

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

Questions

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- Special considerations for CRSV
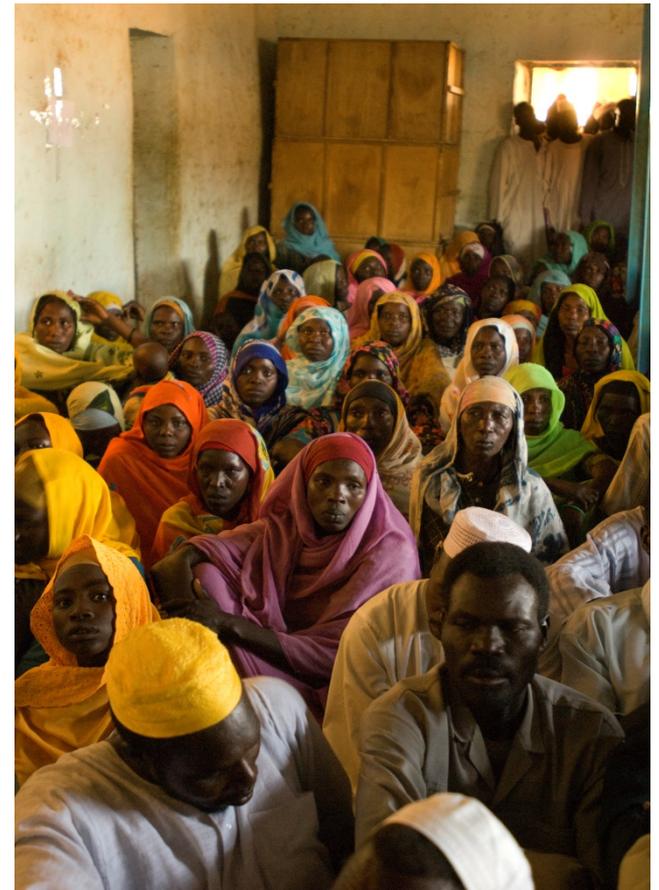
- Special considerations for Child Protection

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

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

Key activities of United Nations Police in POC

- Community-oriented policing
- Early Warning
- Public order and security
- Support to host State police

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

SRSG Children and Armed Conflict & SRSG 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 organizations

- Parallel forces

- Individual Member States

- Local, national and international NGOs and civil society organizations

- 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

Questions

Principles of POC in peacekeeping

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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 host state is deemed unable or unwilling to protect civilians, or where government forces themselves pose a threat to civilians, peacekeepers have an active duty to protect

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?

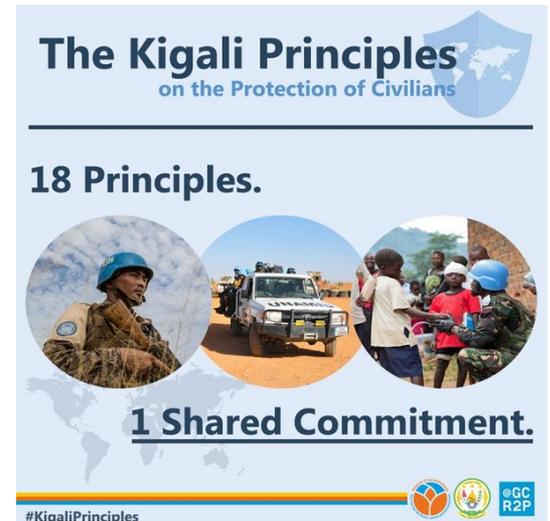- How does a lack of command and control impact police POC operations?

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

- Protective 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

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

Questions

Mission
Challenges

Overview

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Mission Challenges

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

Questions

Special Considerations for CRSV

Overview

- Introduction

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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 Police responsiveness to CRSV include:

- Designating CRSV Focal Points
- Operational Support
- Capacity Building and Development of host State police
- Community Engagement
- Criminal Information Analysis
- Monitoring, Mentoring and Advising the host State police
- Police Oversight Mechanism

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

Questions

Special Considerations for Child Protection

Overview

- Introduction

- Definitions & Terminology

- Protection actors

- Principles of POC in peacekeeping

- Operational concept

- Mission challenges

- Special considerations for CRSV

- 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
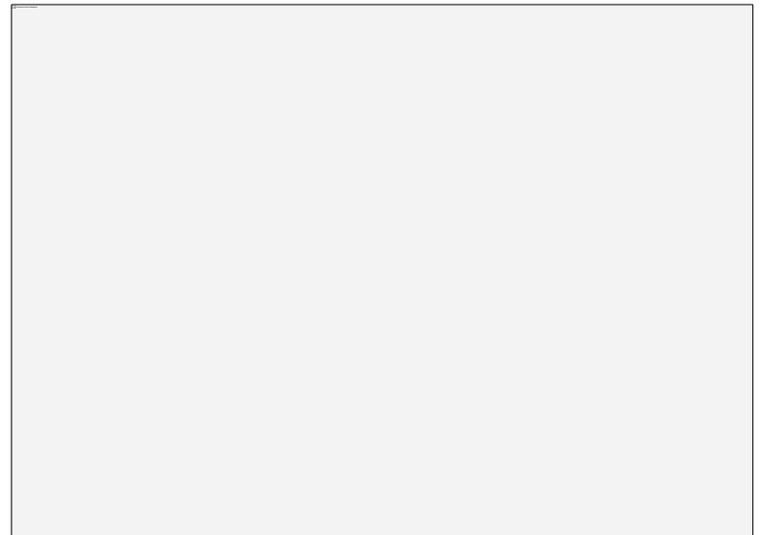
"every human being below the age of 18 years"

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

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

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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

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?

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 DUF

- If they pose not threat
  - Do no harm
  - Remember that these children are victims
  - Report through the chain of command

Osman is a 15 year old teenager from West Darfur. Until recently, he was attending a high school and he had hoped to graduate next year. He wanted to become a doctor. His father had started raising money to send him to university.

Then, two months ago, there was a raid by a militia in his town and the school was attacked. All students and teachers had to flee and Osman's teacher was killed while trying to protect his students. Osman saw his teacher get killed.

The militia used the school for a few days as a base and then left for another town. Parts of the school have been damaged and there is only one teacher left, not enough for all the students.

Since the attack, Osman has been withdrawn and he has lost appetite. He says he doesn't want to go back to school because there could be another attack. His teacher, whom he admired, is dead. Osman now says he doesn't want to become a doctor anymore and prefers to stay at home and help his father with cattle herding.

Other Issues

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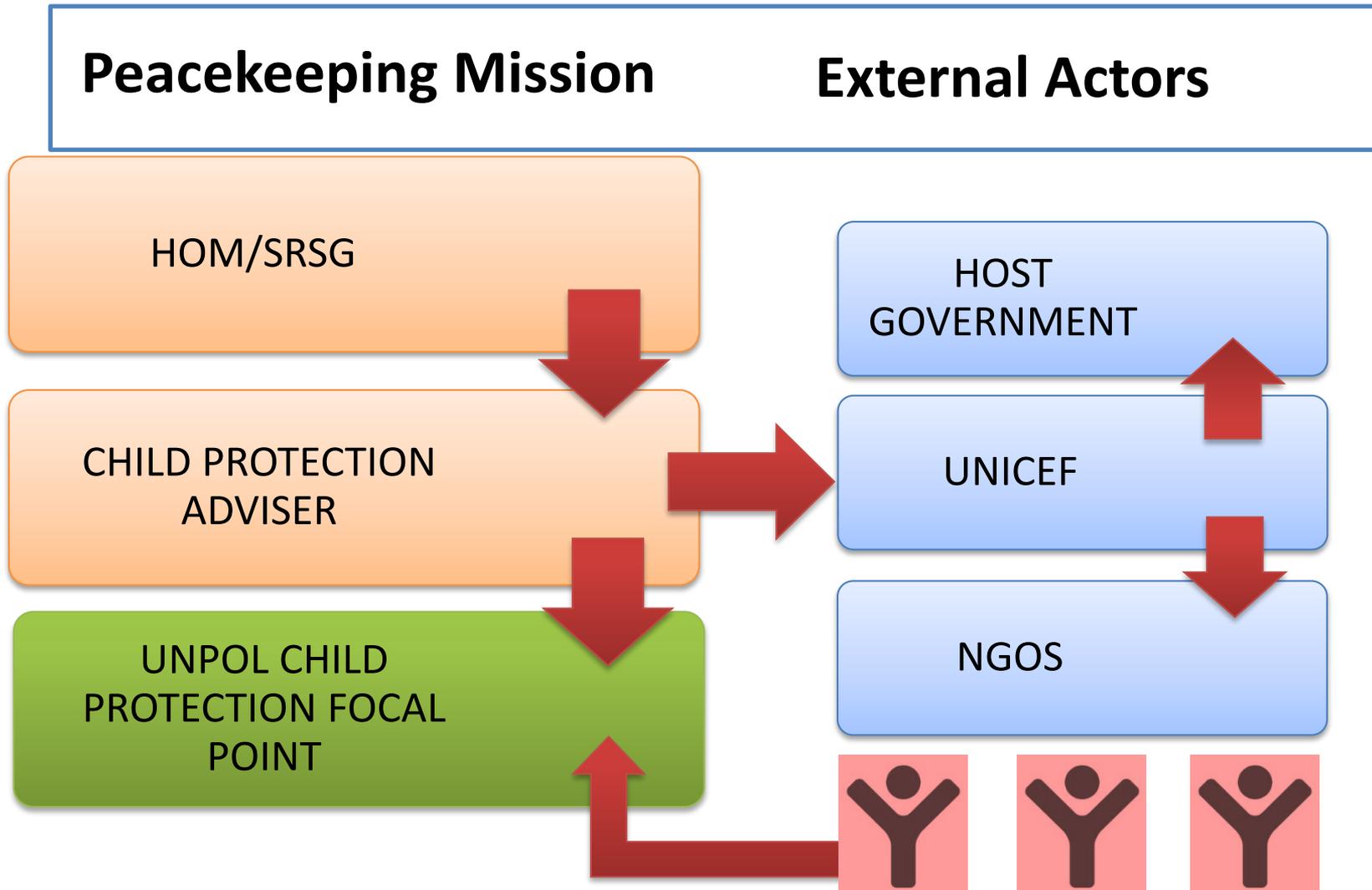

- Be alert to other relevant violations

- 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

Peacekeeping Mission

External Actors

HOM/SRSG

CHILD PROTECTION ADVISER

UNPOL CHILD PROTECTION FOCAL POINT

HOST GOVERNMENT

UNICEF

NGOS

Child Protection Responsibilities
UN Police

UN Police have a crucial role to play in child protection:

- They are deployed to conflict and post-conflict areas where violations of children's rights are prevalent;

- They mentor and train host state police; contribute to the establishment of the rule of law and reform of the security sector;

- They interact with the civilian population, including children, and have a mandate to protect;

- They have a duty to report violations of children's rights.

Child Protection Responsibilities
UN Police Child Protection Focal Point

- Point of contact on child protection for all UN Police within the mission

- Ensure that child protection is integrated into the work of UN Police.

- Support the adoption of mission-specific directives and standard operating procedures to inform the actions of United Nations police officers.

- Provide guidance on child sensitive interviewing techniques and community-oriented policing.

- Advocate for compliance with international norms and standards, including those in relation to the apprehension and detention of children.

- Provide support for the prevention and response to violations of children's rights and abuses against children, including SEA

Special Considerations for Child Protection

- Background

- Six grave violations

- Roles and Responsibilities

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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 UNPOL 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