

PROTECTION

IN

PRACTICE



Practical Protection Handbook for Peacekeepers  
MONUC/Protection Cluster

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## MONUC Protection Guidelines – Planning for Protection

### Guidelines

### Planning for Protection (Senior Military and Police Officers)

Protection of civilians into practice	
What we should <b>always</b> do	
<b>First deployment, Planning phase</b>	<p>Coordinate with HoO and MONUC sections for briefing on the local context, and interaction with humanitarian actors and civilian population.</p> <p>Assign a focal point to coordinate with MONUC CAS (protection of civilians), interact with local populations.</p> <p>Make sure that translators (including female translators) are available 24/7.</p> <p>Treat all civilians with respect and dignity; Act according to International Human Rights Instruments and International Humanitarian Law (see annex); Strictly adhere to the UN Code of Conduct.</p>
<b>Joint Protection Teams (JPT)</b>	<p>Teams comprising substantive sections (CAS, HRD, PAD, CPS, and PID) may deploy within MOBs in order to enhance MONUC's capacity to protect civilians by:</p> <ul style="list-style-type: none"> <li>- Working with military commanders in order to address protection needs, including protection against sexual violence;</li> <li>- Promoting respect for International Humanitarian law by all parties;</li> <li>- Setting up networks to increase communication with local people;</li> <li>- Offering protection advice where necessary;</li> <li>- Analyzing political and social dynamics for protection planning purposes;</li> <li>- Anticipating needs and ensuring appropriate measures are taken, within the capacities of both civil and military components of MONUC.</li> </ul> <p>Foresee support to the JPT. Non-MONUC protection and humanitarian actors (UN agencies) may also reside with COB, and independently address humanitarian gaps.</p> <p>The JPT will help assess main physical security threats to civilians, develop local contingency plans, early warning and coordination mechanisms with local communities, authorities.</p>

# MONUC Protection Guidelines – Collective Protection

## Guidelines Collective Protection of Civilians and IDPs (Junior Military Leaders)

### 1. You are faced with (mass) violence targeting civilians, including lootings

#### ✓ Do :

- ✓ Intervene, negotiate and, when necessary, use force against armed elements threatening civilians as authorized in the MONUC Rules of Engagement.
- ✓ Always provide objective information on the security situation and potential threats to the civilian population

### 2. You have to secure IDPs/civilians fleeing

#### ✓ Do :

- ✓ Negotiate and secure the safety of the population in flight: consider securing the route or position yourself between the armed elements and the civilian population.
- ✓ All armed elements present among the population must be identified, disarmed and separated.
- ✓ Stop the advance of armed groups.

### 3. Civilians/IDPs gather around your base

#### ✓ Do :

- ✓ Ask for the deployment of a JPT, if needed.
- ✓ In the absence of a JPT, liaise with Bde HQ to request the assistance of MONUC substantive sections and/or OCHA and other UN and non-UN protection actors in order to:
- ✓ Assess main physical security threats with IDP representatives (including women and elders), and establish an emergency communication system.
- ✓ Identify safe areas and contingency plans in case of immediate threats, in coordination with IDP representatives. Coordinate with IDP representatives, and police (UNPOL, PNC, and FARDC MP) to establish security arrangements in and around the site.

#### Always:

- ✓ Provide objective information on the security situation and threats to IDPs.
- ✓ Disarm and separate combatants from civilians.
- ✓ Negotiate with parties to the conflict and intervene to stop any military action that might endanger civilians.
- ✓ Ensure that armed groups do not come into camp, and do not pressure IDPs to leave.
- ✓ Ensure patrols in areas of firewood, water, food collection at times agreed upon with the population, insofar as possible.

#### ✗ Don't :

- ✗ Force civilians to leave the base perimeter or force them to stay.
- ✗ Allow political meetings inside or immediately outside the site without prior consultation and approval of HoO.
- ✗ Provide direct assistance to IDPs, with the exception of medical assistance to individuals requiring urgent medical attention.
- ✗ Conduct patrols inside camps except when the police are absent or ineffective in the face of an imminent threat to the population.

## MONUC Protection Guidelines – Collective Protection

### 4. You have to secure IDP sites, camps and other settlements

#### Do :

- ✓ In the absence of a JPT, liaise with Bde HQ to request the assistance of MONUC substantive sections and/or OCHA and other UN and non-UN protection actors in order to:
- ✓ Assess main physical security threats with IDP representatives (including women and elders), and establish an emergency communication system.
- ✓ Provide area security patrols (outside the sites).
- ✓ Coordinate with IDP representatives and police (UNPOL, PNC, and FARDC MP) to establish security arrangements in and around the sites.
- ✓ Intervene inside camps when civilians are under imminent threat.
- ✓ Ensure that armed elements are separated from civilians and that they are not present within or in the vicinity of sites, including in public sites such as schools, churches, etc.
- ✓ Liaise regularly with substantive sections to develop coordinated responses to protection threats, including patrols. Joint-patrols with FARDC are not always recommended.
- ✓ Ensure patrols in areas of firewood, water, food collection at times agreed upon with the population, insofar as possible.

### 5. You have to secure IDPs/civilians close to the front line

#### Do :

- ✓ In the absence of a JPT, liaise with Bde HQ to request the assistance of MONUC substantive sections and/or OCHA and other UN and non-UN protection actors in order to:
- ✓ Assess the risk of the population being used as human shields.
- ✓ Through MONUC substantive sections or humanitarians, inform the civilians and IDPs on the measures put in place to ensure their protection.
- ✓ Consider possible relocation of the population. IDPs should be consulted before any steps are taken.
- ✓ Where possible conduct foot patrols and intervene to protect civilians under direct threat.
- ✓ Always provide objective information on the security situation and potential threats to IDPs.
- ✓ Identify safe areas and contingency plans for possible actions to be taken in case of immediate threats against civilians, including the transfer to a safer location, where security is provided by MONUC.
- ✓ Ensure patrols in areas of firewood, water, food collection at times agreed upon with the population, insofar as possible.

#### Don't :

- ✗ Force civilians to leave the base or area, or force them to stay.
- ✗ Allow political meetings inside or immediately outside the site without prior consultation and approval of HoO.
- ✗ Provide direct assistance to IDPs, with the exception of medical assistance to individuals requiring urgent medical attention.
- ✗ Conduct patrols inside camps except when the police are absent or ineffective in the face of an imminent threat to the population.

## MONUC Protection Guidelines – Child Protection

### Guidelines

### Child Protection (Military and Police Officers/Field Level Troops) Recruitment and Use of Children

**☝ If you see or hear of military or armed groups rounding up, recruiting, kidnapping or using youth (girls and boys) who appear to be minors (i.e. less than 18 years of age) as fighters, labourers, sexual slaves**

**☑ Do :**

- ✓ Question military personnel or armed groups about their actions.
- ✓ Remind them that the recruitment and the use of children (including for combat, forced labour and/or sexual services) are illegal under national and international law.
- ✓ Report any information to MONUC CP. Document the activity if feasible, i.e. which group, which brigade and commander. Any photos, information confirming identity and other evidence must be treated with utmost confidentiality.

**☒ Don't :**

- ✗ Attempt to verify the age of youth and children with the military or armed groups.
- ✗ Ask children about violations they may have experienced or are experiencing in front of the military or armed groups.
- ✗ Interview a child in the absence of a Child Protection Specialist.

**☝ If you see or hear of youth in military custody (including as prisoners of war), who are at risk of physical harm**

**☑ Do :**

- ✓ Report any information to MONUC CP. Document the activity if feasible, i.e. which group, which brigade and commander. Any photos, information confirming identity and other evidence must be treated with utmost confidentiality.
- ✓ Intervene and try to bring the child to safety.
- ✓ Refer the child to MONUC CP section as soon as possible.

**☝ When communicating with civilians...**

**☑ Do :**

- ✓ Try to meet with small sample groups (i.e. men, women, elders, adolescents) and ask about cases of unaccompanied minors or separated children, forced recruitment, and sexual violence against minors (alert MONUC CPS in all cases). Be mindful not to ask about individual cases in order to respect privacy.

**☒ Don't :**

- ✗ House children in the MONUC base, unless **temporarily** and for their **immediate** protection.

## MONUC Protection Guidelines – Sexual and Gender - Based Violence

### Guidelines

### Sexual and Gender-Based Violence (Junior Military and Police Leaders/Field Level Troops)



#### If you hear or receive information that crimes of sexual violence have occurred and /or are occurring



#### Do :

- ✓ Contact the sexual violence focal point within MONUC substantive sections (Human Rights, Gender, and CPS - violence against minors).
- ✓ Keep accurate and detailed notes on the content of the information.
- ✓ Transfer the information as quickly as possible to the sexual violence focal point.

**N.B: The most important issue is to protect the victim, her / his identity and the confidentiality of the information. Witnesses and/or family members also need to be protected.**



#### Don't :

- ✗ Visit the family, the house, treating doctor or assisting NGO (if any) linked to the victim.
- ✗ Ask the victim if she/he has been raped.
- ✗ Conduct any form of interview with a victim.
- ✗ Take any actions related to any crime of sexual violence, or inform local authorities without first consulting the sexual violence focal point.
- ✗ Put names of victims and sources of information related to crimes of sexual violence in any report.



#### If you find yourself in a situation where you witness or learn about crimes of sexual violence being committed or about to be committed



#### Do :

- ✓ Intervene to stop and detain the attacker/perpetrator.
- ✓ Document the event (in the case of military, document which brigade, police or other security forces or elements) is committing these acts.
- ✓ Report immediately to Bde HQ to request PNC/UNPOL and FARDC MP (if the perpetrator is FARDC) intervention and inform the sexual violence focal point.
- ✓ Remind the attacker/perpetrator and those associated with the attacker / perpetrator that they are in breach of both DRC law and International Law and of the consequences of the crime.
- ✓ Bring the victim of the crime of sexual violence to safety.

# MONUC Protection Guidelines – Human Rights (Protection of Individuals)

## Guidelines Human Rights (Military and Police Officers/Field Level Troops)

### If you have to protect individuals at risk

#### Do :

- ✓ Always adopt a low profile, impartiality and discretion.
- ✓ Keep the confidentiality of Human Rights information.
- ✓ Provide escorts to evacuate individuals under imminent threat, and shelter prior to evacuation.
- ✓ Patrol the area where individuals under threat have been identified.
- ✓ Patrol localities in conflict zones and prevent human rights violations.

#### Don't :

- ✗ Conduct any form of interview or investigation
- ✗ Take any action which could expose individuals
- ✗ Take action without the individuals' consent
- ✗ Expose civilians who have been threatened by visiting them, or any other public action
- ✗ Negotiate with the authors of threats, nor reveal the hiding place of the victims.
- ✗ Hand a victim under your protection to any other party to the conflict.

### If you have to support a Human Rights investigation

#### Do :

- ✓ Provide escorts to HROs to investigate serious Human Rights Violations (HRV) as soon as possible after they occurred.
- ✓ Allow the designated HRO to participate in meetings held by MONUC military with parties to the conflict.
- ✓ Report immediately any HRV to HRO (including HRV by FARDC during joint operation).
- ✓ Document any HRV you encounter during patrols (names of victims, witnesses and perpetrators, GPS coordinates).

#### Don't :

- ✗ Investigate HRV without the lead of a HRO.
- ✗ Interview a child in the absence of a Child Protection Specialist.
- ✗ Take pictures of victims of HR abuses.

### If you find yourself in a situation where you witness or learn about HRV being committed or about to be committed

#### Do :

- ✓ Intervene to stop and detain the attacker/perpetrator.
- ✓ Document the event (in the case of military, document which brigade, police or other security forces or elements) is committing these acts.
- ✓ Report immediately to Bde HQ and ask for PNC/UNPOL or FARDC MP (if the perpetrator is FARDC) intervention
- ✓ Remind the attacker/perpetrator and those associated with the attacker / perpetrator that they are in breach of both DRC law and International Law and of the consequences of the crime.
- ✓ Bring the victim to safety.



# MONUC Protection Guidelines – Principles

## Key Definitions

### **Child Soldier**

A child associated with armed forces or armed groups (CAAFAG) is any person under 18 years of age who is part of any kind of regular or irregular armed force in any capacity, including but not limited to cooks, porters, messengers, and those accompanying such groups, other than purely as family members. Girls recruited for sexual purposes and forced marriage are included in this definition. It does not, therefore, only refer to a child who is carrying or has carried arms.

### **Civilians and Combatants**

The parties to a conflict must at all times distinguish between combatants and civilians or non-combatants, i.e. persons who do not take a direct part in hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, in order to spare the civilian population and civilian property. The civilian population shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria; attacks shall be directed solely against military objectives.

### **Humanitarian Workers and Principles**

All workers engaged by humanitarian agencies, whether internationally or nationally recruited, or formally or informally retained from the beneficiary community, to conduct the activities of that agency. As per UN General Assembly Resolution 46/182 (19 December 1991), humanitarian assistance must be provided in accordance with the principles of humanity, neutrality and impartiality.

### **Human Rights Law**

The body of customary international law, human rights instruments and national law that recognizes and protects human rights and applies in peace and war. Human rights law places an obligation on States to act in a particular way and prohibits States from engaging in specified activities, thereby clarifying and protecting formally the rights of individuals and groups.

### **Internally Displaced Persons (IDPs)**

"Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border."

### **International Humanitarian Law (IHL)**

Also known as the law of armed conflict or the law of war, IHL aims to limit human suffering in times of armed conflict. The core elements of IHL apply in all situations of armed conflict, whether characterized as international or non-international, in order to guarantee a minimum standard of protection for civilians and non-combatants. It is binding on all parties to an armed conflict: States, their armed forces and non-State armed groups. The core instruments of IHL are the four Geneva Conventions of 1949 and their two Additional Protocols of 1977.

Each party to a conflict has an obligation to respect and ensure respect for IHL by its armed forces and any other persons or groups acting on its instructions, or under its direction or control.

All States have the duty to prosecute and punish in their own courts, or to extradite, those responsible for serious violations of IHL, such as war crimes and/or grave breaches of the law, regardless of where the crime took place or the nationality of the perpetrator. Military commanders can also be held responsible for either ordering or failing to take measures to prevent such violations from taking place.

### Key Principles of IHL

- The civilian and humanitarian character of camps/settings hosting internally displaced persons (IDPs) is critical for ensuring the safety and the security for the effective protection of such persons. The militarization of camps by armed forces and groups expose the IDPs to attacks on camps, increase violence, including sexual abuse, forced recruitment and exploitation of boys and girls. **Armed soldiers/militiamen are not allowed in IDP sites.**
- Duty bearers must ensure that no armed elements that are parties to the conflict are present in places where humanitarian assistance is delivered.
- Sexual and gender-based violence (SGBV) violate Human Rights. State representatives, humanitarian workers, and MONUC share the responsibility for ensuring that civilians are protected against SGBV. Preventing and responding to SGBV is part of the overall strategy to protect civilians.

#### **The following acts are prohibited at all times:**

- Targeted or indiscriminate attacks against civilians or civilian objects;
- Starvation of civilians as a method of warfare, and attacking, destroying, removing or rendering useless any objects indispensable for the civilian population's survival;
- Reprisals or collective punishments against civilians;
- Using civilians to shield military objectives from attack or to shield, favour or impede military operations;
- Acts of violence intended to spread terror;
- Using weapons that are inherently indiscriminate, cause superfluous injury or unnecessary suffering, or cause wide-spread, long-term and severe damage to the environment;

#### **Principles of humane treatment:**

- Persons who do not, or have ceased to, take in part in hostilities must be treated humanely and protected against violence to life, health and physical or mental well-being, including murder, mutilation, torture and cruel, humiliating or degrading treatment;
- Rape, enforced prostitution and any form of indecent assault as well as sexual slavery, exploitation and abuse are prohibited in all circumstances and at all times;

#### **Forced displacement:**

- Unless essential for the security of civilians or imperative military reasons, parties to an international armed conflict may not deport or forcibly transfer the civilian population of an occupied territory. Parties to a non-international armed conflict may not order the displacement of the civilian population;
- Displaced persons have a right to voluntary return in safety to their homes or places of habitual residence as soon as the reasons for their displacement cease to exist.
- States may not deport or transfer parts of their own civilian population into a territory they occupy;

#### **Assistance and basic living conditions:**

- All parties to the conflict must grant and facilitate the unimpeded passage of relief assistance necessary for the survival of civilians;
- All possible measures must be taken so that displaced civilians receive satisfactory conditions of shelter, hygiene, health, safety and nutrition;

## MONUC Protection Guidelines – Acronyms

### List of Acronyms

<b>DDR</b>	Disarmament, Demobilization, and Reintegration
<b>DDRRR</b>	Disarmament, Demobilization, Repatriation, Resettlement, and Reintegration
<b>DPKO</b>	Department of Peace Keeping Operations
<b>FARDC</b>	Forces armées de la République démocratique du Congo (National army)
<b>HRV</b>	Human Rights Violation
<b>IDP(s)</b>	Internally Displaced Person(s)
<b>(I)NGO</b>	(International) Non-Governmental Organization
<b>MONUC</b>	Mission des Nations Unies en RD Congo (United Nations' Mission in DR Congo)
<b>(MONUC) CAS</b>	Civil Affairs Section (CAO: Civil Affairs Officer)
<b>(MONUC) CPS</b>	Child Protection Section (CPO)
<b>(MONUC) HRD</b>	Human Rights Division (HRO)
<b>(MONUC) HoO</b>	Head of Office
<b>(MONUC) PAD</b>	Political Affairs Division (PAO)
<b>(MONUC) PID</b>	Public Information Division (PIO)
<b>PNC</b>	Police nationale congolaise (National Police)
<b>Protection Cluster</b>	Chaired by UNHCR, the Working Group on Protection of Civilians is composed of UN humanitarian, MONUC, human rights and development agencies as well as INGOs active in Protection. The objectives of humanitarian clusters are to fill gaps and ensure preparedness and response in particular areas of humanitarian activity
<b>SGBV</b>	Sexual and Gender-Based Violence
<b>UNHCR</b>	United Nations High Commission for Refugees
<b>UNHRO</b>	United Nations Human Rights Office
<b>UNICEF</b>	United Nations Children's Fund
<b>UNOCHA</b>	United Nations Office for Coordination of Humanitarian Assistance.