

Introduction to Protection in Emergency

Post-Tsunami

Japan

2011



Emergency

Emergency or disaster = serious and abrupt disruption of the functioning of a community involving widespread human, material, economic or environmental losses and impacts, which exceeds the ability of the affected community to cope using its own resources.

Natural disasters: resulting from natural hazards such as volcano eruptions, earthquakes, tsunamis, cyclones, etc.

Man-made disasters = caused by humans such as conflicts environmental degradation, transport accidents, etc.

Protection

Definition: All activities aimed at ensuring full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law

Protection of persons affected by natural disasters

=

Protecting Human Rights at times of emergency

WHAT?

BUT ALSO

Protecting people from
dying or being harmed
= YES!

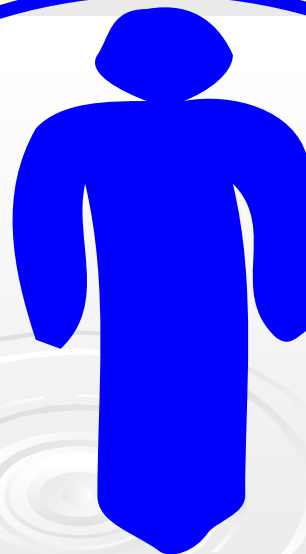
Right to education, vote,
housing, work...

Right to life, security
& physical integrity

Rights related to
basic needs of life

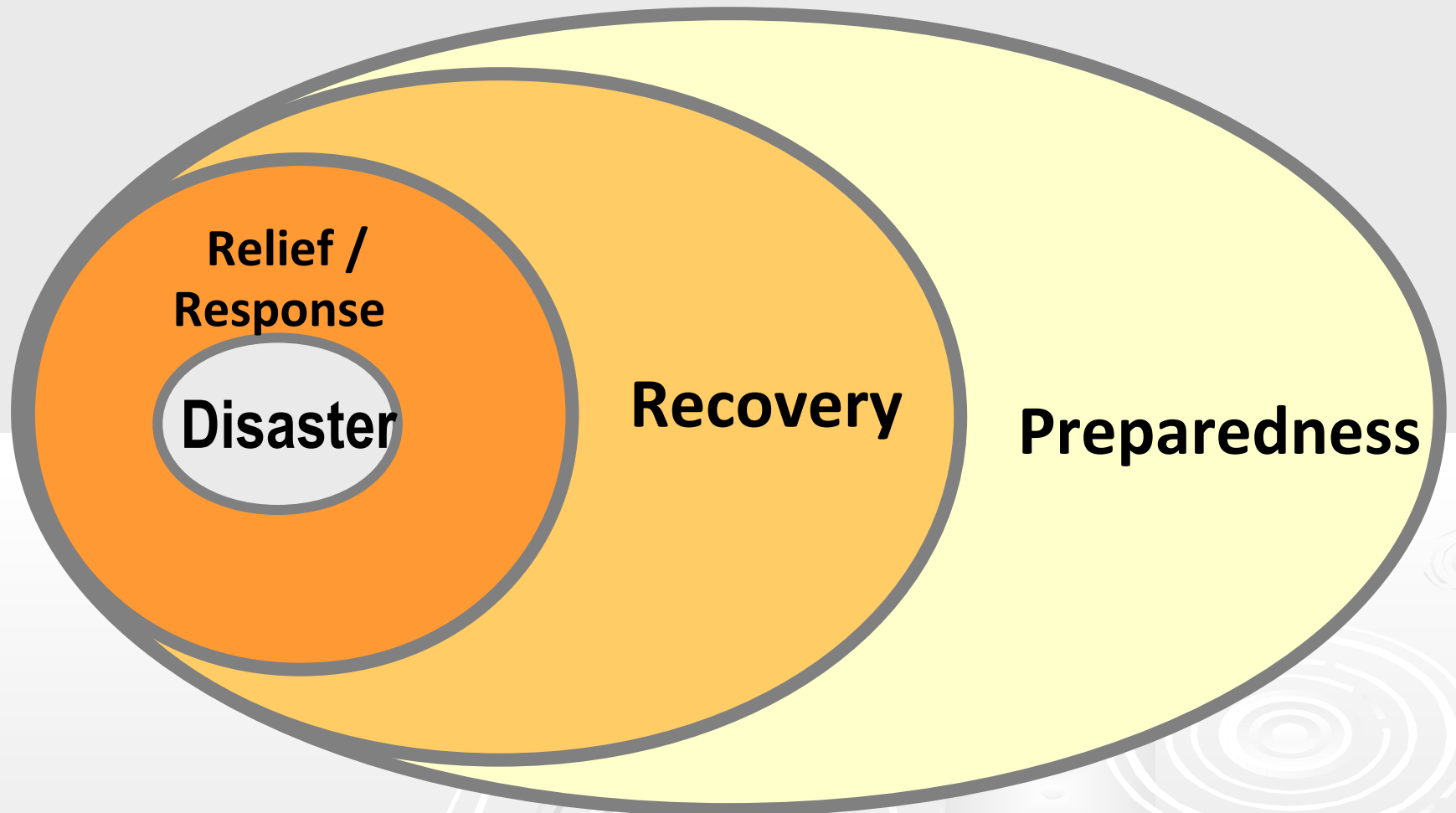
Civil & Political
Rights/Freedoms

Economic, Social
& Cultural Rights



WHEN?

PERSONS AFFECTED BY DISASTERS RETAIN THEIR RIGHTS THROUGHOUT



Human Rights: Foundation of Protection

- **Universal Declaration of Human Rights (10 Dec. 1948)**
 - universal, inherent and inalienable rights and fundamental freedoms to which all human beings are entitled to fulfill their lives in dignity
- **9 core international human rights treaties** (Convention on the Rights of Persons with Disabilities, Convention against Torture, Covenant on Civil & Political Rights, etc.)
- **National constitutions & laws** = transcribe international human rights law = guarantee human rights in one country

Relevant UN Principles and Guidelines

- IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disaster
- Guiding Principles on Internal Displacement
- IASC* Framework on Durable Solutions for Internally Displaced Persons

All the above are based on international human rights law.

*The Inter-Agency Standing Committee (IASC) is the primary mechanism for inter-agency coordination of humanitarian assistance. It is a unique forum involving the key UN and non-UN humanitarian partners.

I. Why Protection of Affected Persons?

- People affected by natural disasters remain residents of their countries with the same rights as others who have not been affected, but with particular needs distinct from the rest of the population.
- Human rights may be endangered and violated in situations of disasters.

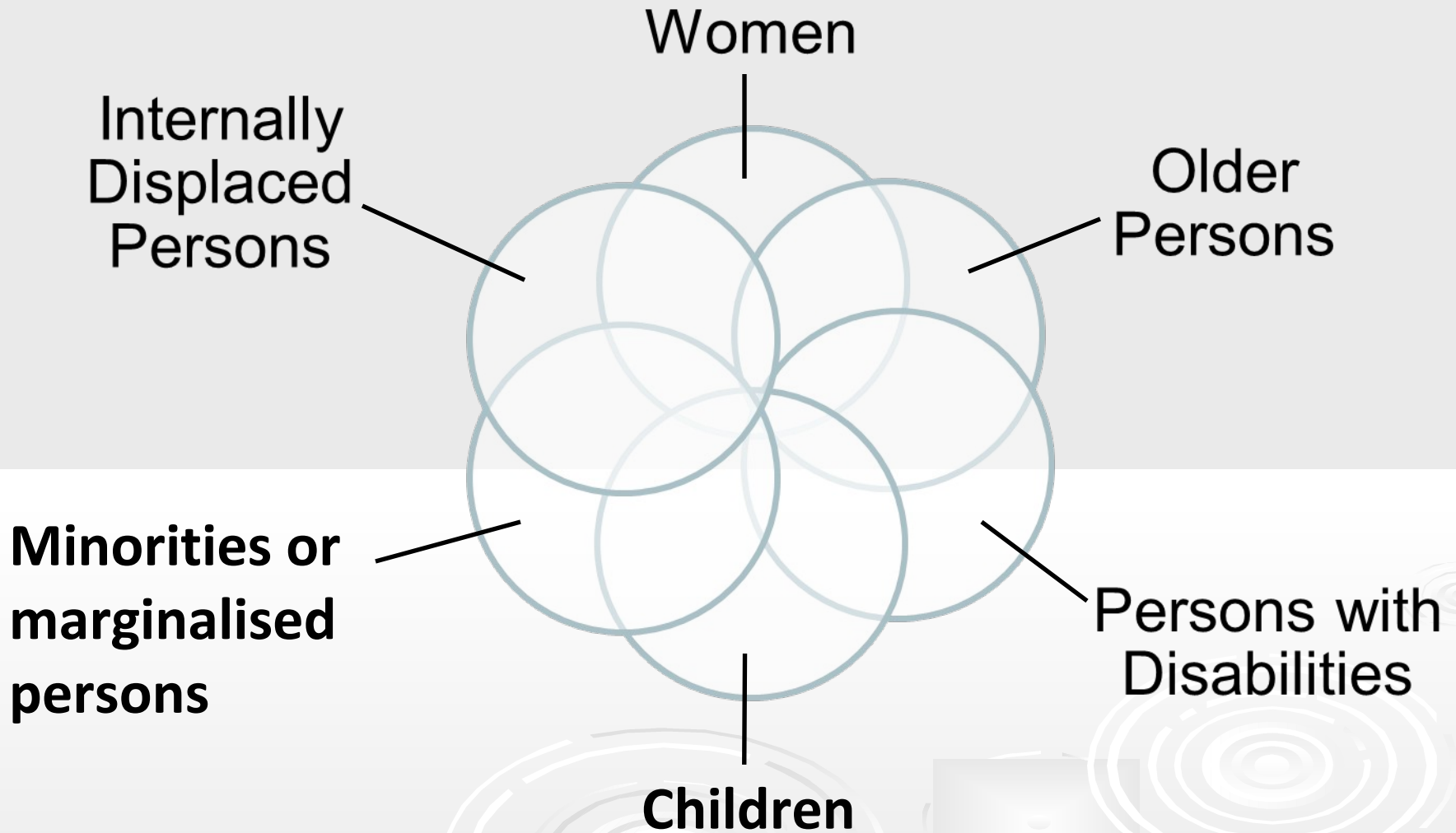
Protection concerns during disasters (1)

- Violence against lives and integrity, including through sexual and gender-based violence
- Abuse, neglect and exploitation of vulnerable groups, including children
- Family separation (especially for vulnerable persons)
- Post-traumatic stress disorder
- Obstacles in accessing identity or other documents
- Discrimination in accessing humanitarian assistance

Protection concerns during disasters (2)

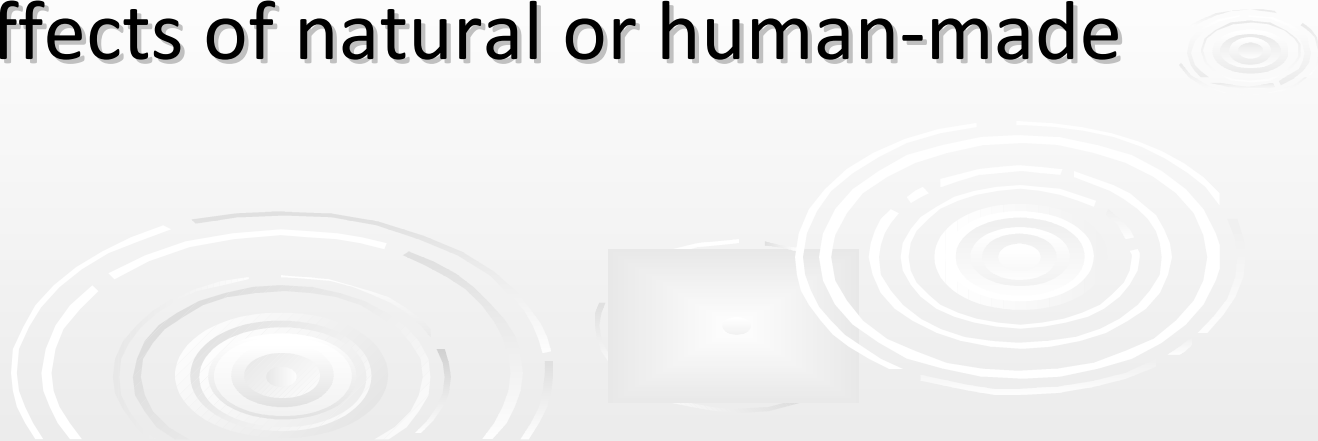
- **Limited access to work and livelihood opportunities**
- **Restricted access to land and property** for evacuated and internally displaced persons (IDP)
- **Restrictions to freedom of movement** and choice of residence for evacuated populations / IDP
- **Discriminatory access to basic goods and services** – water, food, shelter, health, education (esp. vulnerable groups)
- **Lack of information, consultation and participation**, particularly affecting vulnerable groups
- **Lack of compensation**

Vulnerable groups



Issues of Particular Concern: Protection in Evacuation Centres

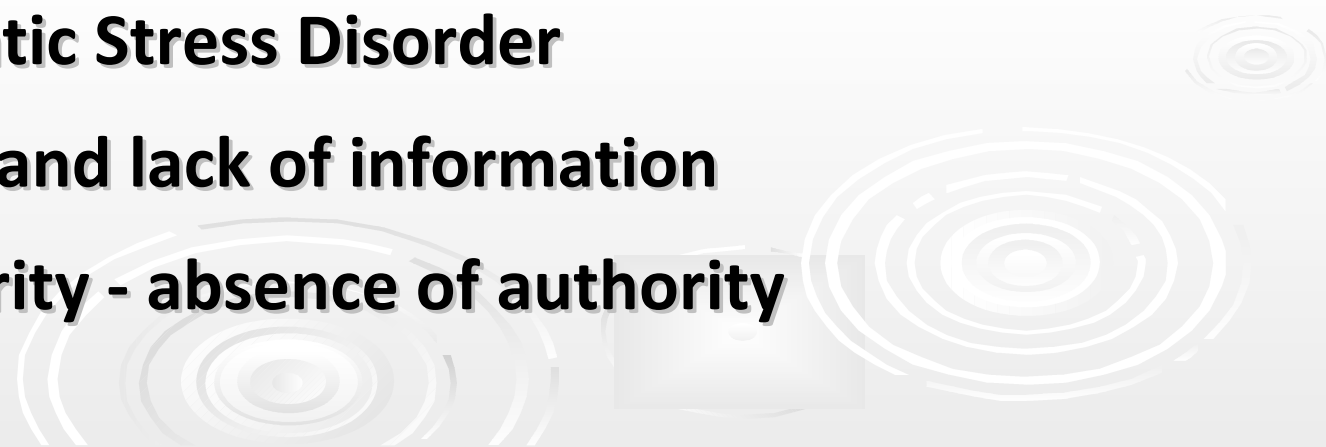
- **Evacuees = Internally Displaced Persons:**
persons who have been forced or obliged to leave their homes as a result of, or in order to avoid the effects of natural or human-made disasters



Evacuation Centres (cont.)

- Protection Risks in evacuation centres include
 - sexual and gender-based violence,
 - discrimination in access to basic goods and services,
 - tensions among evacuees and with host communities,
 - discrimination against vulnerable groups or individuals

Contributing factors

- **Lack of privacy**
 - **Structural issues**
 - **Large evacuation centres**
 - **High number of evacuees per centre**
 - **Composition of evacuee population**
 - **Absent or unequal assistance**
 - **Post Traumatic Stress Disorder**
 - **Uncertainty and lack of information**
 - **Lack of security - absence of authority**
- 

Protecting persons with specific needs

- Often disasters split families + cause breakdown of cultural and ethical/social values → increase risks of neglect, violence or abuse for vulnerable persons.
- Vulnerable groups may not have the same level of care than they normally receive + may not be able to voice concerns and needs due to age, disability, stigma, fear, etc.
- ✓ Mainstream protection of vulnerable groups in selection and management of evacuation centres (preparedness)
- ✓ Targeted response intervention (responsive measures, ex. community-based activities or individual referrals)
- ✓ Monitoring evolution of specific needs overtime for vulnerable groups and individuals within the groups

Right to Adequate Food, General Comment 12 (CESCR)

The core content of the right:

- **The availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture.**
- The State is not usually required to provide food directly. However, whenever an individual or group is unable to enjoy the rights to adequate food, for reasons beyond their control, including natural or other disasters, then the State has an obligation to provide the right directly.
- The State also should pay particular attention to fulfilling the right for vulnerable population groups or individuals.

Protection of Older Persons in Natural Disasters

- Steps must be taken to ensure that older persons have safe, non-discriminatory and prioritised access to humanitarian assistance, including shelter, food and non-food items, medical assistance and family tracing.
- In emergency shelter, older persons should be given specific consideration, including prioritised access to latrines, food, healthcare and water supplies.
- Older persons should be prioritised for temporary and permanent housing and support planned for re-building their homes. Extra support may be required to allow them to continue living independently and their free, prior and informed consent should be obtained on any housing options, including placing them in institutions.

Protection of Children in Natural Disaster

- In general, insecure housing, displacement, loss of employment, destruction of livelihoods or the death of a primary breadwinner, increases the vulnerability of children.
- In cases of separated or orphaned children, decisions relating to durable solutions should be made following a best interests' determination. Institutional care should only be considered as a last resort, and only where children cannot be placed in a permanent family setting (for instance care by a known family member, neighbour or family friend or pre-screened foster family).
- If an orphaned child is entitled to inheritance, measures should be taken to ensure that this inheritance is protected.

Protection of Persons with Disabilities in Natural Disasters

- Persons with disabilities and injuries have the right to safe, non-discriminatory and prioritised access to humanitarian assistance, especially shelter, food and non-food items, medical assistance and family tracing.
- It is necessary to target persons with specific needs to ensure that they have access to humanitarian aid. This needs to be monitored.
- The specific needs of persons with disabilities need to be factored into planning, processes for response, recovery and reconstruction, through consultations with persons with disabilities and their representatives.
- Persons with disabilities and other vulnerable groups should be given prioritised access to adequate and accessible temporary and permanent housing. They should be consulted and give their free, prior and informed consent on the type of residence and with whom they will live, on an equal basis with others.

Complaint mechanism

Objective = to receive feedback from displaced persons hosted in evacuation centres, and make EC managers and service providers accountable towards them

→ **Complaint mechanism should include:**

- ✓ standard complaints form, but review all complaints received
- ✓ measure to give persons opportunity to identify themselves whilst respecting their anonymity
- ✓ provisions to submit complaints through a staff member other than the one about whom the complaint is made
- ✓ appropriate procedures for effective follow-up

Referral mechanism

Objective= to protect the rights of displaced persons in evacuation centres, and to provide an effective way to refer victims in a timely manner to the required services

➤ **Dynamic and inclusive process** → strategic partnership

→ **Referral mechanism should include:**

- ✓ Guidance on how to identify and appropriately treat victims
- ✓ A system to refer victims to specialized agencies
- ✓ Appropriate, mechanisms designed to harmonize victim assistance with investigative and crime-prosecution efforts

Monitoring

- **Monitoring is essential to ensure human rights protection.** In an evacuation centre, it includes carrying out an ongoing assessment of the situation of displaced persons in evacuation centres – whether needs are timely and adequately addressed



Possible Actions to Take

➤ **DIRECT RESPONSE :**

- Legal counseling & referrals for victims of abuse/violence
- Safe & friendly spaces (for persons with specific needs)
- Psycho-social support (for persons with specific needs)
- Protection relief items: Dignity kits, Recreational kits, etc.
- Restoration of Family Link / family tracing & reunification

➤ **CAPACITY BUILDING:**

- **Raise awareness of disaster management actors**
- ➔ *ex: training on children's rights for Police*
- **Reinforcing community protection mechanisms**

Actions to Take (cont.)

- **MONITORING** : ongoing gathering of information to identify protection issues and gaps in the response
 - ➔ *eg: regular visits to evacuation / collective centers*
- **ASSESSMENTS**: participatory data collection on specific protection issues / groups within affected community
 - ➔ *eg: access to assistance by elderly or disabled persons*
- **ADVOCACY**: key messages targeted at decision-makers to address protection issues and gaps in the response
 - ➔ *eg: replacement of voter's cards, birth certificates*
 - ➔ *eg: access to land for internally displaced persons*

Monitoring and International Human Rights Mechanisms

Engage international human rights mechanisms, such as the UN Special Procedures, including:

- **Special Rapporteur on the human rights of IDPs**
- **Special Rapporteur on the right to adequate housing**
- **Special Rapporteur on toxic waste**

➤ What are the main protection concerns currently facing the affected population in Japan?

