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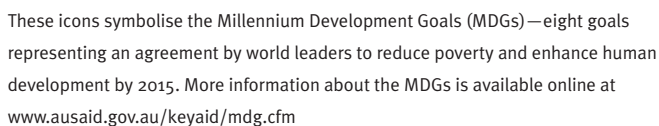


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# Protection in Humanitarian Action Framework for the Australian aid program

2013





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The International Committee of the Red Cross reunites a 9-year-old girl, who was separated from her parents during armed violence in 2009, with her uncle in the Democratic Republic of the Congo. Photo: Jonathan Torgovnik/ International Committee of the Red Cross/Getty Images

# Protection in Humanitarian Action Framework

## GOAL OF AUSTRALIA'S AID PROGRAM

The fundamental purpose of Australia's aid program is to help people overcome poverty. This also serves our national interest by promoting stability and prosperity both in Australia's region and beyond. The Australian Agency for International Development (AusAID) focuses our effort in areas where Australia can make a difference and where our resources can most effectively and efficiently be deployed.

## HUMANITARIAN ACTION POLICY GOAL

To save lives, alleviate suffering and enhance human dignity during and in the aftermath of conflict, natural disasters and other humanitarian crises, as well as to strengthen preparedness for the occurrence of such situations.

## PROTECTION IN HUMANITARIAN ACTION FRAMEWORK—CORE OUTCOME

To improve the safety of people affected by natural and human-induced crises.

## KEY STRATEGIES

- |   |  |
|---|--|
| 1. Australia supports protection in preparedness for, response to and recovery from humanitarian crises by funding and advocating for: <ul style="list-style-type: none"><li>a. protection to be mainstreamed into humanitarian action</li><li>b. dedicated protection programs as part of humanitarian action.</li></ul> | 2. Australia supports and advocates for improved global capacity for protection. AusAID's priority areas are: <ul style="list-style-type: none"><li>a. being accountable to affected populations</li><li>b. protecting people with disability</li><li>c. preventing and responding to gender based violence.</li></ul> |
|---|--|

## ENABLING OUTCOMES

- |  |   |
|--|---|
| 1. AusAID and our partners have increased capacity to deliver protection in humanitarian action. | 2. AusAID's protection in humanitarian action is accountable. |
|--|---|

## GUIDING PRINCIPLES<sup>1</sup>

1. Respect and promote humanity, impartiality, neutrality and independence in humanitarian action.
2. Support the primary responsibility of states for affected populations within their borders in times of crisis, and help develop partner states' capacity to do this.
3. Promote respect for international humanitarian law, refugee law and human rights law in the provision of humanitarian action and the protection of populations affected by humanitarian crises.
4. Practice Good Humanitarian Donorship,<sup>2</sup> including by providing predictable and flexible humanitarian funding.



Protection concerns should be evaluated as part of needs assessments. This damage assessment was conducted following Cyclone Evan, Samoa 2012. Photo: Kevin Hadfield/AusAID

# Introduction



## GOAL OF AUSTRALIA'S AID PROGRAM

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## HUMANITARIAN ACTION POLICY GOAL

To save lives, alleviate suffering and enhance human dignity during and in the aftermath of conflict, natural disasters and other humanitarian crises, as well as to strengthen preparedness for the occurrence of such situations.

## Why a *Protection in Humanitarian Action Framework*?

Australia's long-standing commitment to protecting people affected by natural disasters and human-induced crises reflects our desire to prevent and reduce the violence, exploitation and deprivation that people in such situations face. Australia has, for some time, worked with partners to establish standards and deliver protection for women, girls, boys and men in crisis.

The *Protection in Humanitarian Action Framework* builds on this experience and guides the work of AusAID. It outlines our approach to improving protection of the safety, dignity and rights of populations affected by humanitarian crises.<sup>3</sup> It explains what we mean by protection in humanitarian action, defines our priorities and guides what we will do as we deliver humanitarian action as part of our aid program.

## The need for protection as part of humanitarian action

Violations of human rights, humanitarian law and refugee law can be extensive during crises and horrendous for those affected and their families. Boys and girls are involved in conflicts worldwide—used as combatants, porters, cooks or for sex. On average, about 55 000 people died as a direct result of conflict each year between 2004 and 2009,<sup>4</sup> and sexual violence has been reported in 51 countries that have experienced conflict in the last 25 years.<sup>5</sup> Increased violence against women has been reported from Central and North America after Hurricane Mitch and in several countries following the 2004 Indian Ocean tsunami.<sup>6</sup> At the end of 2012, 45.2 million people had been forced to leave or flee their homes due to conflict, violence and human rights violations.<sup>7</sup>

## Why is Australia committed to supporting protection in humanitarian action?

Australia supports protection in humanitarian action because it is central to saving lives, alleviating suffering and enhancing human dignity in times of crisis—it is central to achieving the goal of Australia's 2011 *Humanitarian Action Policy*.<sup>8</sup> It also contributes to three of the Australian aid program's strategic goals: saving lives, humanitarian and disaster response, and promoting opportunities for all, as outlined in Australia's aid policy, *An Effective Aid Program for Australia: Making a real difference—Delivering real results*. People's need for safety can be as fundamental as their need for food, clean water or shelter. Humanitarian assistance delivered in the absence of people's safety and security can mean that assistance has a limited or even detrimental effect.

## The link to development

Development assistance can be provided to help a government protect its citizens by strengthening its 'protective environment'. This might include domestic violence laws, police force capacity, or services offered to those who experience threats, abuse or violence. Protection activities that start during a humanitarian crisis must build on and strengthen local capacity to provide protection. They need to be carefully managed during transition to development, and linked to ongoing protection activities as appropriate. Protection, as part of effective preparedness and response to a crisis, can help safeguard development gains and promote sustained attention to human rights. It can help to build a community's resilience to crises, an important component of ongoing prevention activities.

## What is AusAID's role in protection in humanitarian action?

States have primary responsibility for protecting people within their borders. The international community can support states to protect their people, and help develop their capacity to do so. During humanitarian crises, AusAID can support United Nations agencies, the International Red Cross and Red Crescent Movement or non-government organisations to provide protection as part of humanitarian action. Such efforts must support the ability of affected individuals, families and communities to protect themselves. Where they are able, affected populations are usually the main actors in their own protection. They work to protect themselves and their families every day.

## What is the scope of this framework?

This framework covers overseas humanitarian action provided by AusAID.

Other Australian Government agencies also play important roles in delivering protection to people in need. The government as a whole is a strong supporter of 'protection of civilians' and 'responsibility to protect'.

Protection of civilians is a concept most often applied in armed conflict and other situations of violence, including where there are peacekeepers. It is led by Australia's Department of Defence.

Responsibility to protect is a principle defined by the United Nations, which applies in situations of genocide, war crimes, crimes against humanity and ethnic cleansing.<sup>9</sup> It is led by Australia's Department of Foreign Affairs and Trade, with AusAID funding some programs.

As this framework focuses on AusAID's work and the areas we lead, it does not elaborate on the work of other Australian Government agencies. We continue to work with whole-of-government partners on alignment of policy.



A training session is held in the Democratic Republic of the Congo for members of a village protection committee. Community members reported that threats to their security diminished after the committees were established. Photo: Caroline Gluck/Oxfam

To improve the safety of people affected by natural and human-induced crises.

The 2011 *Humanitarian Action Policy* defines protection as:

Respecting the rights and dignity of people affected by crisis when delivering humanitarian assistance is an essential component of Australia's humanitarian action.

... activities that improve the safety of people affected by natural<sup>12</sup> and human-induced crises<sup>13</sup> by reducing the risks and addressing the impacts of serious physical and psychological harm due to violence, exploitation and deliberate deprivation.

## Protection in Humanitarian Action Framework for the Australian aid program

## Protection from violence, exploitation and deliberate deprivation

Violations of human rights law, humanitarian law and refugee law that people might experience varies depending on the context. They can include:

*Violence*, such as killing, wounding, torture, cruel, inhuman or degrading treatment, gender based violence and child abuse.

*Exploitation and coercion*, such as the exchange of sex for aid, forced or compulsory labour, forced armed combat and forced displacement or forced return to an unsafe area.

*Deliberate deprivation*, such as the destruction of wells and clinics or prevention of access to aid, markets, farmland or land rights, that may deprive people of food, water and health care.



Tsunami survivors without news on the whereabouts of their loved ones consult the “I am alive” lists compiled by the Indonesian Red Cross and the International Committee of the Red Cross.  
Photo: Thierry Gassmann/International Committee of the Red Cross

KEY STRATEGIES	
<p>1. Australia supports protection in preparedness for, response to and recovery from humanitarian crises by funding and advocating for:</p> <ul style="list-style-type: none"> <li>a. protection to be mainstreamed into humanitarian action</li> <li>b. dedicated protection programs as part of humanitarian action.</li> </ul>	<p>2. Australia supports and advocates for improved global capacity for protection. AusAID priority areas are:</p> <ul style="list-style-type: none"> <li>a. being accountable to affected populations</li> <li>b. protecting people with disability</li> <li>c. preventing and responding to gender based violence.</li> </ul>

Protection is a core component of Australia's humanitarian action. AusAID expects protection to be mainstreamed into all of the humanitarian action we fund. We also fund organisations to deliver dedicated protection programs, to ensure people's safety is supported in times of crisis.

- > prioritise the safety and dignity of affected populations in line with internationally accepted standards
- > continue to support mandated protection organisations (such as the International Committee of the Red Cross and the United Nations High Commissioner for Refugees) and increase engagement with non-government organisations to improve protection.

## Protection standards

AusAID expects humanitarian partners to identify which protection standards they will adhere to, and have systems and processes in place to ensure the standards are implemented. Key international standards include:

- > *The Sphere Handbook—Humanitarian Charter and Minimum Standards in Humanitarian Response*.<sup>14</sup>

This handbook includes a chapter on protection and identifies the four key principles that inform all humanitarian action:

1. avoid causing further harm as a result of your actions
2. ensure people's access to impartial assistance
3. protect people from physical and psychological harm due to violence and coercion
4. assist with rights claims, access to remedies and recovery from abuse.

- > *Minimum Inter-Agency Standards for Protection Mainstreaming*,<sup>15</sup> an initiative of Care, Caritas, Oxfam and World Vision.

These standards provide practical guidance on how to operationalise The Sphere Handbook's protection principles.

- > *Professional Standards for Protection Work*,<sup>16</sup> which were adopted through a broad consultation process led by the International Committee of the Red Cross.

These standards provide guidance for organisations implementing dedicated protection programs.

- > *Minimum Standards for Child Protection in Humanitarian Action*,<sup>17</sup> produced by the global Child Protection Working Group.

These standards provide guidance for those working on child protection or related areas of humanitarian action.

For additional standards, tools and guidance, refer to the Global Protection Cluster website: [www.globalprotectioncluster.org/en/tools-and-guidance.html](http://www.globalprotectioncluster.org/en/tools-and-guidance.html)

## a. Funding and advocating for protection to be mainstreamed into humanitarian action

At a minimum, Australia expects that its humanitarian action should mainstream protection by delivering assistance that:

- > is based on a context analysis, including identifying the threats women, girls, boys and men are exposed to, their vulnerabilities and ability to protect themselves
- > ensures people's access to impartial assistance—in proportion to need and without discrimination
- > avoids exposing people to further harm,<sup>18</sup> including by aid workers themselves, and adapts programming to enhance people's safety
- > responds to protection issues by coordinating with organisations that have the appropriate expertise
- > complies with AusAID's *Child Protection Policy 2013* and its nine compliance standards, and considers risks to children in program design.

In delivering humanitarian action, AusAID expects our partners to have identified the protection standards they will adhere to (this may include their own protection policy), and have systems in place to implement these standards. A Do No Harm analysis<sup>19</sup> may be required to minimise the risk of creating or exacerbating community conflicts.

- > AusAID will assess commitments and capabilities to mainstream protection and implement protection standards when selecting partners to deliver humanitarian assistance.

### Mainstreaming protection in humanitarian action

These children are accessing clean water in Ummed Camp, Pakistan, after being displaced from their homes due to fighting in 2009. Protection can be mainstreamed in humanitarian action, such as this, by:

- > assessing and monitoring the safety of water distribution points, and routes used to access the water
- > ensuring everyone has equitable access to water
- > employing staff who are trained in policies against sexual and other forms of exploitation and abuse.

Photo: Caroline Gluck/Oxfam



## b. Funding and advocating for dedicated protection programs as part of humanitarian action

Dedicated protection programs primarily aim to:

- > protect people from physical and psychological harm arising from violence, exploitation and deliberate deprivation
- > assist people to claim their rights, access available assistance and recover from the effects of abuse<sup>20</sup>
- > build resilience in communities that may be subject to serious harm.

AusAID supports a wide range of dedicated protection programs delivered by mandated protection organisations, including the International Committee for the Red Cross, the United Nations High Commissioner for Refugees and the United Nations Children's Fund. We also support other non-mandated humanitarian partners, including non-government organisations with protection expertise.

Delivering dedicated protection programs requires specialist skills which is why AusAID funds partners with the appropriate skills and experience.

- > AusAID will earmark funding to strengthen protection in crises where it is substantially underfunded.
- > AusAID will also promote humanitarian action which includes appropriate responses for those at particular risk of serious harm.

### Delivering protection<sup>21</sup>

These three main layers of protection activities are interdependent and may be carried out simultaneously:

**Preventive action:** preventing physical threats or rights abuses from occurring or reducing exposure or vulnerability to such threats and abuses.

**Responsive action:** stopping ongoing violations by responding to incidents of violence and other rights abuses.

**Remedial action:** providing remedies to ongoing or past abuses, for example by offering or supporting access to healthcare, psychosocial support and legal assistance.

## Dedicated protection programs

Dedicated protection programs are designed to address particular protection issues or meet the needs of people most vulnerable in a crisis. Children often fall into this category since family separation and the breakdown of protective community structures increase their vulnerability to sexual violence, trafficking, recruitment into armed groups and other forms of harm. As an example, AusAID supported dedicated protection programs in response to Typhoon Bopha in the Philippines in 2012. Save the Children established community based child protection groups which helped parents to support their children to cope with the psychological impact of the disaster. Child Friendly Spaces helped to address identified risks of child abuse and trafficking.



A 2-year-old boy being enlisted by his mother to the Child Friendly Space sessions run by Save the Children in the aftermath of Typhoon Bopha, Philippines. Photo: Save the Children

## 2. Australia supports and advocates for improved global capacity for protection

Supporting global capacity helps guarantee that when there is a crisis, the international humanitarian community is better able to incorporate protection into humanitarian action. Australia helps develop this global capacity in a number of ways, such as through advocating for greater focus on protection and funding programs that support leadership, skill development or coordination.

AusAID supports and advocates for improved global capacity for protection in humanitarian action. Many protection issues require greater attention and resourcing. We will prioritise three areas for global capacity development.

The first area, accountability to affected populations, is fundamental to delivering effective protection. It ensures protection needs are identified and addressed in ways that best meet the needs of affected communities.

The second and third areas for global capacity development support are in critical need of attention and resourcing, and build on AusAID's expertise. They are:

- > protecting needs of people with disability in times of crisis
- > preventing and responding to gender based violence.

In times of crisis, our operational response will be the most appropriate for the context. It will be based on an assessment of the most pressing protection needs, which are likely to be much broader than our priorities for improved global capacity development.

## a. Being accountable to affected populations

Accountability to affected populations is an essential foundation for good humanitarian action; without it protection cannot effectively be delivered. Accountability ensures that affected people have the power to influence the aid they are receiving, acknowledging that they are best placed to identify those most vulnerable to harm and determine the most effective protection response.

It also includes reinforcing the responsibilities of the state to its citizens. Many crisis-affected governments aspire to better levels of protection for their people. Protection programming should support, not supplant, appropriate affected government efforts to improve protection.

Key elements of accountability to affected populations include providing sufficient information about the crisis and response, involving communities throughout the aid program cycle and offering safe, accessible and transparent grievance mechanisms. AusAID's partners need to demonstrate they can be accountable to affected populations in these terms through their own accountability frameworks which outline the standards<sup>22</sup> they adhere to and how the standards are implemented.

- > AusAID will advocate for humanitarian action that meets the needs of the most vulnerable, includes their active participation in planning and implementation, and offers opportunity to safely raise and resolve grievances.

### The international humanitarian system and coordinating protection work

Protection requires a coordinated response by various national and international actors with diverse mandates, expertise and experience. Protection responses to situations involving refugees are usually coordinated by the United Nations High Commissioner for Refugees. In other situations, the international humanitarian system often coordinates response using a 'cluster system'<sup>23</sup> approach. The United Nations High Commissioner for Refugees chairs the protection cluster at the global level. The Global Protection Cluster leads standard and policy setting, and supports country-level protection clusters. At country level, protection clusters can be established to coordinate emergency operations. These are increasingly co-facilitated by a United Nations agency and a non-government organisation.

## b. Protecting people with disability

Australia is a strong advocate for the inclusion of people with disability in all humanitarian action, in line with its obligations under the United Nations Convention on the Rights of Persons with Disabilities.<sup>24</sup> AusAID's commitments extend to our own *Development for All: Towards a disability-inclusive Australian aid program strategy*. People with disability can be particularly vulnerable in times of crisis and may not be able to access mainstreamed protection or broader humanitarian actions. Disability-specific initiatives are often required to assist people with disability to benefit from humanitarian action.

- AusAID will support initiatives to strengthen the international humanitarian community's response to people with disability in times of crisis.

### Protection needs of people with disability

Sebastian's leg was crushed during the 2010 Haiti earthquake. The efforts of rescuers to trace his aunt and reunite them gave Sebastian the protection he needed. He also received essential medical care, including surgery, a prosthesis and rehabilitation. Humanitarian assistance was provided in such a way that he could access it just like everyone else. Sebastian and his family's shelter was located in an accessible, well-lit area, close to important facilities such as the health clinic, food and water distribution points and toilets.

Photo: CBM



### c. Preventing and responding to gender based violence

Australia has committed to address gender based violence in its *National Action Plan on Women, Peace and Security* and *2011 Humanitarian Action Policy*. The risks of gender based violence, such as domestic violence, rape, sexual assault and trafficking, increase in times of crisis. This is often as a result of displacement, the loss of community and family structures, and the loss of livelihoods. Gender based violence is most often perpetrated against women and girls.<sup>25</sup> While little is known about the true incidence of sexual violence against men and boys, a large number of violations have been documented. AusAID encourages implementing partners to conduct a thorough analysis of the contexts, risks and vulnerabilities faced by women, girls, boys and men to inform programming.

- AusAID will support global capacity for preventing and responding to gender based violence.

#### Responding to gender based violence with sexual and reproductive health services in emergencies

SPRINT, an AusAID-funded initiative run by the International Planned Parenthood Foundation, addresses gaps in providing life-saving sexual and reproductive health services in emergencies. It promotes the Minimum Initial Service Package, which helps provide safer environments for women to give birth and provides medical support to survivors of sexual violence who often have injuries and may have been exposed to sexually transmitted infections such as HIV.



SPRINT staff train nurses from Myanmar to meet sexual and reproductive health needs in an emergency.  
Photo: United Nations Populations Fund



Protection considerations need to be mainstreamed into all humanitarian action, including the selection and distribution of relief supplies. AusAID Rapid Response Team member Sara Dix unloads supplies following Cyclone Evan, Samoa 2012. Photo: Owen Martin/ AusAID

## Enabling outcomes

## ENABLING OUTCOMES

1. AusAID and our partners have increased capacity to deliver protection in humanitarian action.
2. AusAID's protection in humanitarian action is accountable.

## 1. AusAID and its partners have increased capacity to deliver protection in humanitarian action

This framework builds AusAID’s understanding of protection in humanitarian action, defines priorities and guides implementation. The framework will help ensure AusAID staff are better able to recognise protection issues and respond appropriately. Activities to develop staff capacity will include training and policy advice.

Since we implement our humanitarian action through partners, helping to increase their capacity to deliver effective protection is equally important. We have facilitated this by funding the development of *Minimum Inter-Agency Standards for Protection Mainstreaming* and providing core funding to partners that include staff development as part of their activities.

To implement this framework effectively:

- > AusAID will continue to develop the capacity of its staff and partners to better understand and incorporate protection into humanitarian action.

## AusAID capacity to deliver protection

Australia has established its own register of highly qualified personnel, the Australian Civilian Corps, who can be mobilised in the aftermath of humanitarian crises to support recovery. AusAID also funds partners who manage stand-by registers of humanitarian professionals, such as ProCap, GenCap and RedR Australia. These stand-by registers include protection professionals prepared to rapidly boost capacity in a crisis.



Sherryl Reddy, a Protection Officer from RedR deployed with the United Nations, interviews families affected by the 2011 floods in Fiji to find out what protection concerns they have. Photo: RedR

## 2. AusAID's protection in humanitarian action is accountable

Australia is committed to ensuring its humanitarian action is accountable to the Australian public. As a result, AusAID will publicly report on our progress and achievements as well as discuss lessons learned to improve our protection activities.

To inform planning, AusAID will:

- > incorporate the commitments made in this framework into the implementation plan developed for the *2011 Humanitarian Action Policy*
- > report progress against commitments in this framework biennially
- > discuss progress and lessons learned with partners.



Australian RedR deployees to the World Food Programme investigate protection and gender impacts of food assistance when delivered by means of cash and vouchers in Pakistan. Photo: RedR

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- 15 [www.reliefweb.int/report/world/minimum-inter-agency-standards-protection-mainstreaming](http://www.reliefweb.int/report/world/minimum-inter-agency-standards-protection-mainstreaming)
- 16 [www.icrc.org/eng/resources/documents/publication/p0999.htm](http://www.icrc.org/eng/resources/documents/publication/p0999.htm)  
In addition to the Professional Standards for Protection Work, see International Committee of the Red Cross's publication *Enhancing Protection for Civilians in Armed Conflict and Other Situations of Violence*, [www.icrc.org/eng/resources/documents/publication/p0956.htm](http://www.icrc.org/eng/resources/documents/publication/p0956.htm).
- 17 [www.cpwg.net/minimum-standards/](http://www.cpwg.net/minimum-standards/)
- 18 The second and third aims in this list are drawn from protection principles 1 and 2 in The Sphere Project, *Sphere Handbook: Humanitarian Charter and Minimum Standards in Disaster Response*, 2011, pp. 25–48, [www.sphereproject.org/handbook/](http://www.sphereproject.org/handbook/).
- 19 A Do No Harm analysis informs programming that seeks to foster peace and stability through humanitarian action while ensuring that aid interventions do not inadvertently contribute to instability and violence.
- 20 The first two aims are drawn from protection principles 3 and 4 in The Sphere Project, *Sphere Handbook: Humanitarian Charter and Minimum Standards in Disaster Response*, 2011, pp. 25–48, [www.sphereproject.org/handbook/](http://www.sphereproject.org/handbook/).
- 21 Adapted from The Sphere Project, *Sphere Handbook: Humanitarian Charter and Minimum Standards in Disaster Response*, 2011, p. 32, [www.sphereproject.org/handbook/](http://www.sphereproject.org/handbook/).
- 22 Standards for accountability to affected populations include the Humanitarian Accountability Partnership Standards in Accountability and Quality Management, the Sphere Handbook, the Inter-Agency Standing Committee Principals' Commitments to Affected Populations and, for Australian non-government organisations, the Australian Council for International Development Code of Conduct.
- 23 Clusters are groups of humanitarian organisations in each of the main sectors of humanitarian action. At country level, Cluster Leads ensure humanitarian activities are coordinated and make a difference to people in need. They also act as a provider of last resort in their respective sector. For more information: [http://ochanet.unocha.org/p/Documents/120320\\_OOM-ClusterApproach\\_eng.pdf](http://ochanet.unocha.org/p/Documents/120320_OOM-ClusterApproach_eng.pdf).
- 24 Note in particular Article 11 of the Convention on the Rights of Persons with Disabilities: Situations of risk and humanitarian emergencies: 'States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters'. For more information: [www.un.org/disabilities/convention/conventionfull.shtml](http://www.un.org/disabilities/convention/conventionfull.shtml).
- 25 *Guidelines for Gender-based Violence Interventions in Humanitarian Settings—Focusing on Prevention of and Response to Sexual Violence in Emergencies* 2005, produced by the Inter-Agency Standing Committee Task Force on Gender and Humanitarian Assistance: [www.humanitarianinfo.org/iasc/pageloader.aspx?page=content-products-products&productcatid=3](http://www.humanitarianinfo.org/iasc/pageloader.aspx?page=content-products-products&productcatid=3).



Afghani children displaced from their homes attend school in a camp in Herat. Humanitarian action can be mainstreamed in to education programs by ensuring equitable access to education and that education facilities are located close to where their families live. This helps to ensure that children are safe both at school, and on their way to and from school. Photo: Paul Bettings/World Vision

