

The Signal Code: Ethical Obligations for Humanitarian Information Activities



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Standards and Ethics Series 03

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This study is a product of the Signal Program on Human Security and Technology at the Harvard Humanitarian Initiative. Funding support for this work was provided by the International Organization for Migration (IOM). The authors are listed in alphabetical order.

For their contributions, insight, and review, we extend our thanks to:

- *Jean-Martin Bauer — Country Director, World Food Programme - Congo-Brazzaville*
- *Jos Berens — Data Policy Officer, United Nations Office of the Coordination of Humanitarian Affairs Centre for Humanitarian Data*
- *Josiah Kaplan — Research Advisor, Global Migration and Displacement Initiative, Save the Children International*
- *Christine Knudsen — Executive Director, Sphere*
- *Nuno Nunes — Global DTM Coordinator and Global CCCM Coordinator, International Organization for Migration*
- *Daniel Sangokoya — Knowledge Lead, Society and Innovation, World Economic Forum*
- *Josje Spierings — Head of Secretariat, International Data Responsibility Group and Project Lead, Leiden University*
- *Robert Trigwell — Displacement Tracking Matrix Coordinator, International Organization for Migration - Ethiopia*
- *Stefaan Verhulst — Co-founder and Chief Research and Development Officer, The GovLab at New York University*
- *Jeff Wishnie — Senior Technology Advisor, Digital Impact Alliance*

Institutional affiliation does not constitute institutional endorsement.

Citation | Campo, Stuart R., Caitlin N. Howarth, Nathaniel A. Raymond and Daniel P. Scarnecchia. "The Signal Code: Ethical Obligations for Humanitarian Information Activities." Signal Program on Human Security and Technology, Standards and Ethics Series: 03. Cambridge: Harvard Humanitarian Initiative, May 2018.

"Where men, of whatsoever condition — rulers or ruled, those that toil or those that enjoy, individually, by entire classes, or as nations — claim, maintain or **establish rights without acknowledging corresponding and parallel obligations**, there is **oppression, lawlessness and disorder**; and the very ground on which the idea of all right must forever rest, — that of mutuality, if we can consider it an ethical point of view; that of reciprocity, if we view it in the light of natural law, — must sink from under it. It is natural, therefore, that wherever there exists a greater knowledge of right, or a more intense attention to it, than to concurrent and proportionate obligation, evil ensues. What may thus be found a priori, is pointed out by history as one of its gravest and greatest morals. **The very condition of right is obligation; the only reasonableness of obligation consists in rights.**"

Introduction: The Need for Obligations

Ethics is not just being rational and affective. Our choices must also seek to be effective... Acts are, therefore, the ultimate outcome of ethics. The practical field of humanitarian ethics is deliberately known as humanitarian action because of this basic moral insight that ethics without action is nonsensical.

Hugo Slim, *Humanitarian Ethics: A Guide to the Morality of Aid in War and Disaster*¹

DATA AND INFORMATION are complex concepts with a range of definitions. This document uses definitions that practitioners will be familiar with:

Data: Information — either quantitative or qualitative — that is collected and analyzed for the purpose of decision-making. In the humanitarian context, “data” usually refers to data in an unprocessed or unorganized form that can be digitally stored and interpreted.

Information: Information is used to refer to data which has been analyzed for the purpose of decision making or communication.

Information Communication Technologies (ICTs): Devices, sensors, software, hardware, systems, and networks used for the collection, processing, analysis, and dissemination of information often, though not always, in a digital format.

Humanitarian action is at a crossroads. The rapid emergence and adoption of digital information communication technologies (ICTs), combined with increasing dependence on digital data across all sectors of society, has redefined the nature of how emergencies unfold and fundamentally changed the roles that humanitarian actors and affected populations play before, during, and after a crisis occurs.

The networked age has brought with it operational, technical, legal, and ethical questions that exceed the scope of existing humanitarian principles and ethical, moral, and legal frameworks. As a result, humanitarian actors are now doing their work without sufficient and agreed ethical guidance specific to the current and potential future use of information, data, and ICTs.

Technological change is not the only factor challenging the relevance and suitability of the ethical frameworks available to humanitarian practitioners. The increasingly prominent and commonplace reliance on partnerships with private sector actors to support the use of ICTs and data in humanitarian response, establishment of data sharing agreements with Governments, and engagement in research and development activities with a wide range of non-humanitarian actors is affecting the longstanding definitions of humanitarian independence and humanitarian space. At the same time, affected populations themselves are more connected than ever before, allowing for more active agency through the very technologies on which humanitarians are ever more reliant.

Humanitarians today lack sufficient ethical guidance adapted to the realities of humanitarianism in the information age to responsibly navigate the challenges and realities of the digital age. This lack of guidance creates challenges to the continued relevance and effectiveness of the humanitarian principles of humanity, neutrality, impartiality, and independence.² The importance of addressing this gap cannot be overstated. How humanitarian actors address the absence of common ethical guidance for their use of information, ICTs and data will determine—positively or negatively—the future of humanitarianism itself. As the 1994 Great Lakes Crisis spurred a transformational moment of professionalization for humanitarian action,³ so does the current, historical moment.

This document (hereafter, “*Obligations*”) attempts to apply the foundational sources of ethical humanitarian practice to humanitarian information activities (hereafter, “HIAs”). The *Obligations* builds upon the January 2017 publication of *The Signal Code: A Human Rights Approach to Information During Crisis*, which sought to identify

1. Hugo Slim, *Humanitarian Ethics: A Guide to the Morality of Aid in War and Disaster* (New York, NY: Oxford University Press, 2015), 118-119.

2. International Committee of the Red Cross, “Proceedings of the XXth International Conference of the Red Cross,” *International Review of the Red Cross*, No.56 (1965): 567-598.

3. James Orbinski, “On the Meaning of the SPHERE Standards to States and Other Humanitarian Actors” (London, December 3, 1998).

fy extant international humanitarian and human rights law and standards, as well as other relevant and accepted international instruments, that provide all people basic rights pertaining to the access to, and provision and treatment of information during crisis. The *Signal Code* is employed as an underlying framework for how the *Obligations* is structured and from where they are, in part, derived. Humanitarian Information Activities are defined in the context of this document with the following definition taken from the *Signal Code*:

*... Activities and programs which may include the collection, storage, processing, analysis, further use, transmission, and public release of data and other forms of information by humanitarian actors and/or affected communities. HIAs also include the establishment and development of communications capacity and infrastructure by responders and/or populations. These activities occur as part of humanitarian action throughout the response cycle and include, but are not limited to, improving situational awareness; disaster preparedness and mitigation; intervention design and evaluation; connecting populations to response activities and to each other; and supporting ongoing operations, including delivery of assistance.*⁴

It is essential to distinguish between the different types of HIAs as well as other types of ‘information activities’ conducted by humanitarians in order to determine the legitimacy of a particular intervention. Based on the standard that HIAs must support effective delivery of humanitarian assistance and be based on the needs of affected populations, HIAs fall into two central categories:

1. Activities that constitute or directly support the provision of information as aid; and
2. Activities that directly support the provision or delivery of other forms of aid.

Beyond these two categories, humanitarian actors engage in a wide range of other information activities. These include any activity that utilizes ICTs and/or digital data but does not directly constitute or support the delivery of humanitarian assistance. While standards for such activities are in many ways still lacking, sector-specific guidance on interventions including monitoring & evaluation, planning, and other similar activities are not the focus of this document.

The *Obligations* intends to move one additional step beyond the *Signal Code*’s interpretation of international humanitarian and human rights law and standards to the theory and practice of HIAs. It seeks to translate the humanitarian principles and related standards of professional conduct, which ostensibly form the basis of “humanitarian ethics,”⁵ into the specific context of HIAs. These standards primarily include, though are not limited to, the following:

- The Humanitarian Charter and Minimum Standards in Humanitarian Response, including the Sphere Core Standards and the Protection Principles;⁶
- The Core Humanitarian Standard;⁷ and
- The ICRC Code of Conduct.⁸

4. Faine Greenwood et al., “The Signal Code: A Human Rights Approach to Information during Crisis,” Standards and Ethics Series: 02 (Cambridge: Harvard Humanitarian Initiative, 2017), <http://hhi.harvard.edu/publications/signal-code-human-rights-approach-information-during-crisis>.

5. This document uses Hugo Slim’s framing of humanitarian ethics as a principle-based ethics. For more on this framing, see: Slim, *Humanitarian Ethics*, 39–45.

6. The Sphere Project, *Humanitarian Charter and Minimum Standards in Humanitarian Response*, 3rd ed. (Bourton on Dunsmore, Rugby: Practical Action Publishing, 2011), <https://doi.org/10.3362/9781908176202>.

7. CHS Alliance, Groupe URD, and The Sphere Project, *Core Humanitarian Standard: Core Humanitarian Standard on Quality and Accountability*, 2014, [https://corehumanitarian-standard.org/files/files/Core Humanitarian Standard—English.pdf](https://corehumanitarian-standard.org/files/files/Core%20Humanitarian%20Standard%20-%20English.pdf).

8. International Committee of the Red Cross and International Federation of the Red Cross, “Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief,” December 31, 1994, <https://www.icrc.org/eng/resources/documents/publication/p1067.htm>.

The *Obligations* is presented in the tradition of frameworks which translate the moral and ethical principles of the humanitarian community to specific domains. An example of such frameworks include those now recognized as Sphere companion standards:⁹

- The Alliance for Child Protection in Humanitarian Action Minimum Standards for Child Protection in Humanitarian Action;¹⁰
- Cash Learning Partnership;¹¹
- Interagency Network for Education in Emergencies (INEE) Minimum Standards for Education: Preparedness, Response, Recovery;¹²
- The Livestock Emergency Guidelines and Standards Network;¹³ and
- Small Enterprise Education and Promotion Minimum Economic Recovery Standards.¹⁴

Just as these domain-specific frameworks were developed over time in a broad consultative and consensus-based manner, so too should the minimum technical standards for HIAs be developed. The combination of the *Signal Code* and *Obligations* is meant to contribute to this process and, at least in part, form the foundations of the discussions that will yield this critical set of rights-based standards for humanitarianism in the digital age.

This document follows the structure of the Core Humanitarian Standard as close as possible, while expanding on the reasoning and sources of these obligations. The first chapter provides a brief overview of each obligation and connects them to their corresponding rights. Each subsequent chapter details each obligation in three sections:

- The obligation text itself;
- The basis and source of the obligation; and
- The steps necessary to achieve implementation of each obligation.

Many of these steps are taken directly from existing humanitarian guidance, such as Sphere and the Core Humanitarian Standards. The source is noted following each step. Where there are gaps in existing guidance, recommendations are noted.

The *Obligations* articulates how humanitarians' primary ethical obligations in information activities extend from the rights of all human beings, and how humanitarians can engage in these activities while upholding foundational principles of ethical humanitarian practice. While the *Obligations* by itself will not answer all the critical questions and challenges that translating humanitarian ethics into the context of the networked age requires, it is intended to begin an iterative process of translation, inquiry, and consensus-building essential to the future of humanitarian practice.

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9. "The Sphere Project | Fostering Greater Coherence among Humanitarian Standards | Standards Partners," accessed February 28, 2018, <http://www.sphereproject.org/standards-partners/>.

10. Alliance for Child Protection in Humanitarian Action, "Minimum Standards for Child Protection in Humanitarian Action" (The Child Protection Working Group, 2012), https://resourcecentre.savethechildren.net/node/6819/pdf/cp_minimum_standards_english_2013_v2.pdf.

11. "Home—CaLP," accessed March 19, 2018, <http://www.cashlearning.org/>.

12. Inter-Agency Network for Education in Emergencies, "INEE Minimum Standards for Education: Preparedness, Response, Recovery" (Inter-Agency Network for Education in Emergencies, 2010), [http://toolkit.ineesite.org/toolkit/INEEcms/uploads/1012/INEE_Minimum_Standards_Handbook_2010\(HSP\)-English_LoRes.pdf](http://toolkit.ineesite.org/toolkit/INEEcms/uploads/1012/INEE_Minimum_Standards_Handbook_2010(HSP)-English_LoRes.pdf).

13. *Livestock Emergency Guidelines and Standards* (Rugby, Warwickshire, United Kingdom: Practical Action Publishing, 2009), <https://doi.org/10.3362/9781780440262>.

14. Small Enterprise Education and Promotion Network, "Minimum Economic Recovery Standards," 2010, <http://www.seepnetwork.org/minimum-economic-recovery-standards-resources-174.php>.

Preamble

Humanitarians are defined by their commitment to realize the core humanitarian principles of **humanity**, **impartiality**, **neutrality** and **independence** in how they assess need, design and manage programs, and provide assistance to affected populations. Additionally, humanitarian action is rooted in respecting accepted international human rights standards. Humanitarianism is thus a profession defined by adherence to its underlying ethical principles and committed to ensuring and enhancing the dignity of the individuals and populations it seeks to serve during all phases of response.¹⁵ The centrality of these principles to the humanitarian work of UN agencies and other humanitarian organizations is formally enshrined in UN General Assembly Resolutions 46/182 and 58/114,¹⁶ as well as the Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief (hereafter ICRC Code of Conduct) and the Humanitarian Charter.¹⁷

Pictet asserts that humanity is the principle from which all the other principles flow.¹⁸ It consists of three elements: to prevent and alleviate suffering, to protect life and health, and to assure respect for the individual.¹⁹ Humanitarian assistance is defined in the *United Nations Disaster Assessment and Coordination Field Handbook* as “assistance intended to save lives and alleviate suffering among a crisis-affected population.”²⁰ The Good Humanitarian Donorship Initiative defines humanitarian action similarly:

*The objectives of humanitarian action are to save lives, alleviate suffering and maintain human dignity during and in the aftermath of man-made crises and natural disasters, as well as to prevent and strengthen preparedness for the occurrence of such situations.*²¹

In short, to be considered humanitarian, an activity must meet the aims of these three elements. When actors²² engage in humanitarian information activities (HIAs), they are ethically obliged to abide by humanitarian principles and international human rights standards in a fashion constant and equal to their application during any other form the provision of humanitarian assistance. All actors engaged in the provision of humanitarian assistance have a duty of care specific to how they create, collect, process, share, use, and dispose of information, including data from and about individuals and populations.

15. International Committee of the Red Cross, “Proceedings of the XXth International Conference of the Red Cross.”

16. United Nations General Assembly, “A/RES/46/182. Strengthening of the Coordination of Humanitarian Emergency Assistance of the United Nations,” Pub. L. No. A/RES/46/182, UNGA (1991), <http://www.un.org/documents/ga/res/46/a46r182.htm>; United Nations General Assembly, “Strengthening of the Coordination of Emergency Humanitarian Assistance of the United Nations,” Pub. L. No. A/RES/58/114, UNGA (2003), http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/58/114.

17. International Committee of the Red Cross and International Federation of the Red Cross, “ICRC Code of Conduct”; The Sphere Project, *Humanitarian Charter and Minimum Standards in Humanitarian Response*.

18. Jean Pictet, “The Fundamental Principles of the Red Cross: Commentary,” *International Review of the Red Cross* 210 (1979): 144, <https://www.icrc.org/eng/resources/documents/misc/fundamental-principles-commentary-010179.htm>.

19. Pictet, 145–50.

20. United Nations Office for the Coordination of Humanitarian Affairs, *UNDAC Field Handbook*, 6th ed. (Geneva: United Nations Office for the Coordination of Humanitarian Affairs, 2013), 2, https://docs.unocha.org/sites/dms/Documents/UNDAC_Handbook_interactive.pdf.

21. Good Humanitarian Donorship, “Principles and Good Practice of Humanitarian Donorship” (Good Humanitarian Donorship Initiative, 2003), 1, <https://doi.org/10.1017/CBO9781107415324.004>.

22. This document uses “actors” to refer to all parties engaging in humanitarian response activities. This includes ‘traditional’ humanitarians, such as Government agencies, national and international NGOs, and the United Nations, and ‘non-traditional’ humanitarians, such as VTOs, private sector partners, and other third-party service providers.

This duty of care also applies to how humanitarians research, develop, innovate, test, and integrate new approaches for utilizing data, information, and information communication technologies (ICTs) into their work. Humanitarians are bound by widely accepted standards of human subjects research, informed consent, and data privacy and security for both experimental and accepted approaches to conducting HIAs. Additionally, humanitarians must ensure that HIAs are distinguished from and do not contribute to military operations, commercial interests, and political activities; these distinctions must be consistent with core humanitarian principles of impartiality, neutrality, and independence.

This duty of care is derived from, though not limited to, five rights all crisis-affected people have related to information, including the collection and use of their personal and community data. Previously articulated in the *Signal Code*, these rights can be identified as existing among currently accepted human rights law and covenants, including the International Covenants on Civil and Political Rights and the Universal Declaration of Human Rights, as well as other instruments and International Humanitarian Law. These rights are as follows:

THE SIGNAL CODE



THE RIGHT TO INFORMATION

Access to information during crisis, as well as the means to communicate it, is a basic humanitarian need. Thus, all people and populations have a fundamental right to generate, access, acquire, transmit, and benefit from information during crisis. The right to information during crisis exists at every phase of a crisis, regardless of geographic location, political, cultural, or operational context, or severity.



THE RIGHT TO PROTECTION

All people have a right to protection of their life, liberty, and security of person from potential threats and harms resulting directly or indirectly from the use of ICTs or data that may pertain to them. These harms and threats include factors and instances that impact or may impact a person's safety, social status, and respect for their human rights. Populations affected by crises, in particular armed conflict and other violent situations, are fundamentally vulnerable. HIAs have the potential to cause and magnify unique types of risks and harms that increase the vulnerability of these at-risk populations, especially by the mishandling of sensitive data.



THE RIGHT TO PRIVACY & SECURITY

All people have a right to have their personal information treated in ways consistent with internationally accepted legal, ethical, and technical standards of individual privacy and data protection. Any exception to data privacy and protection during crises exercised by humanitarian actors must be applied in ways consistent with international human rights and humanitarian law and standards.



THE RIGHT TO DATA AGENCY

Everyone has the right to agency over the collection, use, and disclosure of their personally identifiable information (PII) and aggregate data that includes their personal information, such as demographically identifiable information (DII). Populations have the right to be reasonably informed about information activities during all phases of information acquisition and use.



THE RIGHT TO RECTIFICATION AND REDRESS

All people have the right to rectification of demonstrably false, inaccurate, or incomplete data collected about them. As part of this right, individuals and communities have a right to establish the existence of and access to personal data collected about themselves. All people have a right to redress from relevant parties when harm was caused as a result of either data collected about them or the way in which data pertaining to them were collected, processed, or used.

Humanitarians have primary loyalty to crisis-affected populations above any other partner or stakeholder. This first and foremost entails upholding the principle of humanity through the impartial delivery of aid. Information activities undertaken by humanitarians are no different in this regard than other forms of aid. This duty to ensure the rights and dignity of crisis-affected populations is rooted in universally accepted human rights articulated by the Universal Declaration of Human Rights (UDHR) and always takes precedence, including when it conflicts with their obligation to respect national law.²³ When a conflict cannot be resolved, the humanitarian's primary duty to meet the needs, respect the rights and ensure the dignity of crisis-affected populations may require either ceasing or not initiating an ongoing or proposed HIA.

Central to this duty of care is the premise that information itself is aid; it is a prerequisite for the delivery of and access to all other forms of aid. Information enables the alleviation of suffering, the protection of life and health, and helps assure respect for the individual. The role information plays in crisis contexts makes it a necessary component of realizing the right to a life with dignity, the right to life, liberty, and security of person, and the right to humanitarian aid.

Those affected by crises are not merely beneficiaries, but active agents in their environment. They will seek information to meet their needs as they perceive them. Therefore, information should never be treated as simply providing an efficiency or advantage to responders, but instead as critical assistance itself required by the crisis-affected, upon which the delivery of all other aid and their well-being is contingent and connected. Humanitarians form a core part of this information ecosystem when they collect, create, and provide information affected populations, organizations, the public and other stakeholders by engaging in HIAs. Humanitarians must recognize the potential positive and negative roles they play in evolving information ecosystems, and seek to ensure that the affected have access to culturally and contextually appropriate information in order to meet their needs.

The following obligations for HIAs derive from the five rights above and extend from, are consistent with, and incorporate the ethical obligations which bind and define all humanitarians through the ICRC Code of Conduct, the Humanitarian Charter and Sphere, the Core Humanitarian Standard, and other relevant accepted sources. These obligations help organizations understand the risks and mitigate the harms related to ICT use and the data life-cycle as they engage in information activities. All of these obligations exist simultaneously, and none of them can be used to abrogate the others. The obligations each exist by themselves but are realized through their interdependent application in reference to, and in support of, the other obligations:

- 1. Affected Population Needs** | Humanitarians ensure that humanitarian information activities (HIAs) are based on the needs of affected populations.
- 2. Competency, Capacity, and Capability** | Humanitarians maintain minimum standards of competency, capacity and capability throughout the course of an HIA.
- 3. Agency of Affected Populations** | Humanitarians ensure and encourage the agency of affected populations throughout the course of an HIA.
- 4. Minimize Adverse Effects** | Humanitarians identify and minimize adverse effects throughout the course of an HIA.
- 5. Meaningful Consent** | Humanitarians promote and protect the dignity of populations by ensuring free and meaningful consent, and by abiding by internationally accepted human subjects research protections throughout the course of a humanitarian information activity.
- 6. Ensure Data Privacy and Security** | Humanitarians ensure data privacy and security at every stage of an HIA.
- 7. Reduce Future Vulnerability** | Humanitarians ensure that humanitarian information activities strive to reduce future vulnerability and neither degrade nor disrupt local capacity.
- 8. Coordination** | Humanitarians coordinate, ensure complementarity, and prevent duplication of efforts in designing and implementing HIAs.
- 9. Transparent and Accountable** | Humanitarians are transparent and accountable throughout the course of an HIA.

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23. United Nations General Assembly, "Universal Declaration of Human Rights," 217 A.III § (1948), <http://www.refworld.org/docid/3ae6b3712c.html>.

THE SIGNAL CODE OBLIGATIONS



AFFECTED POPULATION NEEDS

Humanitarians ensure that humanitarian information activities (HIAs) are based on the needs of affected populations.



COMPETENCY, CAPACITY & CAPABILITY

Humanitarians maintain minimum standards of competency, capacity and capability throughout the course of an HIA.



AGENCY OF AFFECTED POPULATIONS

Humanitarians ensure and encourage the agency of affected populations throughout the course of an HIA.



MINIMIZE ADVERSE EFFECTS

Humanitarians identify and minimize adverse effects throughout the course of an HIA.



MEANINGFUL CONSENT

Humanitarians promote and protect the dignity of populations by ensuring free and meaningful consent, and by abiding by internationally accepted human subjects research protections throughout the course of a humanitarian information activity.



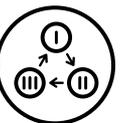
ENSURE DATA PRIVACY & SECURITY

Humanitarians ensure data privacy and security at every stage of an HIA.



REDUCE FUTURE VULNERABILITY

Humanitarians ensure that humanitarian information activities strive to reduce future vulnerability and neither degrade nor disrupt local capacity.



COORDINATION

Humanitarians coordinate, ensure complementarity, and prevent duplication of efforts in designing and implementing HIAs.



TRANSPARENT & ACCOUNTABLE

Humanitarians are transparent and accountable throughout the course of an HIA.

This section summarizes each obligation, focusing on its key components and respective value as related to upholding the rights of affected populations. This overview is followed by dedicated chapters for each obligation, comprised of (1) a detailed presentation of the obligation, (2) the basis or source of the obligation, (3) the value and importance of the obligation, and (4) the quality criteria, key actions, and organizational responsibilities required for implementing the obligation as derived from core humanitarian standards and related ethical, moral, and legal frameworks.

The following nine obligations derive from the five rights articulated in the *Signal Code* and commonly accepted core humanitarian ethical and moral frameworks. These nine obligations are consistent with and incorporate the ethical obligations established through the ICRC Code of Conduct, the Humanitarian Charter and Sphere, the Core Humanitarian Standard, and other relevant accepted sources. Each ethical obligation applies to all humanitarians and their respective organizations at all times without exception in the context of HIAs.

1. Humanitarians ensure that humanitarian information activities are based on the needs of affected populations.

All humanitarian actors have an obligation to ensure that HIAs are based on the needs of affected populations. The recognition of need as the primary basis for humanitarian aid is established in IHL and humanitarian ethical and moral frameworks. As HIAs constitute aid or support the effective delivery of other forms of assistance, they must also be based on the needs of affected populations. Information communication technologies and data should never be used simply because they can be; the humanitarian need and potential benefits must be clear, causal, and defined.

The emergence of non-humanitarian partners—many of whom engage in activities described as “data philanthropy,” “ICT4D,” “crisis mapping,” and “humanitarian innovation”—make this obligation all the more critical. If humanitarians cannot determine the humanitarian need that a proposed information activity is intended to address, it is inappropriate for them to engage in such interventions.

To fulfill this obligation, humanitarians must be capable of assessing the degree to which a particular HIA is based on a genuine humanitarian need. While traditional needs assessment methods provide sufficient information to inform HIAs that support the provision of other forms of aid (e.g. food, water, shelter), these methods fall short in determining the needs-basis of HIAs that constitute aid in themselves (e.g. those that provide or support the provision of information as a form of aid). Humanitarian actors thus require a common approach for assessing needs as they relate to information and, in turn, designing HIAs that respond appropriately to these needs. By ensuring that HIAs are designed and delivered based on the needs of affected populations, humanitarians may mitigate a wide range of potential harms, including but not limited to the following:

- Exploitation of affected populations; exclusion of particularly vulnerable, underrepresented, and/or ‘invisible’ groups;
- Waste of humanitarian resources due to duplication of efforts;
- Eroding the trust of affected populations and/or the legitimacy of overall response operations.

2. Humanitarians maintain minimum standards of competency, capacity, and capability throughout the course of a humanitarian information activity.

Humanitarians have an obligation to maintain minimum standards of technical and ethical competency, capacity and capability in every stage of an HIA. These elements form the basis of humanitarian performance: the set of competencies, capacities, and capabilities required for humanitarian actors to fulfill their duty of care to affected populations.

This obligation is essential to the identification, prevention, and mitigation of a wide range of threats and harms inherent in the design, management, and evaluation of any HIA. If humanitarian actors do not possess the necessary competency, capacity, and capability to responsibly and ethically execute an HIA, realizing the other obligations becomes increasingly difficult. Critically, this obligation is what compels humanitarian actors to develop, agree, and uphold minimum technical standards for the different types of HIAs. In short, this obligation gives all the other obligations effect and ensures, through its realization, a basis for training, monitoring and evaluation, and other key actions necessary for learning and accountability.

By maintaining minimum standards of competency, capacity and capability in every stage of an HIA for their own staff and any implementing partners or service providers, humanitarians may mitigate a wide range of potential harms. These harms include but are not limited to the following:

- Violation of the human rights of affected populations through negligence and/or malice;
- Creation of new protection threats or magnification, multiplication, and/or mutation of extant protection threats through a failure to identify, analyze, and anticipate potential ethically and operationally dangerous ongoing or proposed interventions;
- Failure to recognize the need to cease an HIA to protect the rights and safety of a population;
- Lacking the technical skill and capacities to ensure that data is accurate, credible, and not misleading to other humanitarian actors and affected populations;
- Deploying tools, procedures and systems that cannot be responsibly secured, maintained, applied, audited, and decommissioned or disposed of, risking the privacy, dignity, and human security of an affected population.

3. Humanitarians ensure and encourage the agency of affected populations throughout the course of a humanitarian information activity.

Humanitarians have an obligation to ensure and encourage the agency of affected populations by engaging and consulting with them throughout the course of a humanitarian information activity. Humanitarian action is fundamentally people-centered. Approaches for promoting the agency of affected populations are well established in core humanitarian frameworks, broader norms and best practices within the sector. Extending and upholding these approaches throughout the course of an HIA, e.g. at the different stages of the project and data life-cycle, is critical not only because it ensures that affected populations remain central to such activities, but because doing so empowers crisis-affected people to make informed decisions about their involvement in HIAs.

Fostering the agency of affected populations requires that representative participation and feedback mechanisms figure centrally in any HIA, and that affected populations remain sufficiently informed throughout the course of an HIA. For participation to be meaningful, it must be representative and robust. A representative cross-section of the affected population must be engaged in a significant way at each stage of an HIA. From design and development through deployment or delivery of a particular solution or service, humanitarians must also ensure that this engagement does not place any particular sub-group at risk, especially when those groups are not substantively included in the design or execution of the HIA.

In turn, to ensure that engagement and consultation with affected populations is not unidirectional, humanitarian actors must establish feedback mechanisms through which populations can actively inform and provide critical feedback on the elements of different HIAs that concern them. Finally, affected populations cannot exercise agency in an HIA unless they are duly notified of the existence, initiation, scope, and cessation of an HIA. The requirement holds not only for HIAs that directly involve or impact affected populations, but also for HIAs that utilize and/or impact affected populations' data—even in circumstances when that population is not aware of the activity. By ensuring the agency of affected populations by engaging and consulting with them at every stage of an HIA, humanitarians may mitigate a wide range of potential harms, including but not limited to:

- The implementation of HIAs without the affected population knowing that they are occurring, that their data is being collected, or that they have rights that may pertain to how, when, and why the activity is undertaken;
- The infliction of harms through the collection, use, and sharing of inaccurate and/or potentially harmful data and information without the knowledge and engagement of the affected population necessary to ensure rectification and redress;
- Deployment of culturally inappropriate, technologically foreign, or contextually inappropriate HIAs; and
- Disengagement by an affected population from existing services and systems due to a perceived lack of agency and control over their data, access to services, receipt of appropriate and/or timely information, and other outcomes expected from HIAs and related operations.

4. Humanitarians identify and minimize adverse effects throughout the course of a humanitarian information activity.

Humanitarians have an obligation to identify and minimize potential adverse effects at every stage of an HIA consistent with the protection required in any other sub-sector of humanitarian assistance. In many cases, information and data-related activities in the humanitarian sector are treated as being somewhere on a scale of impact between “protection neutral” and “protection positive” in their perceived potential effects. They are not.

Instead, ICTs, information and data—whether in the context of a recognized HIA or simply as an ambient, external dynamic in a particular operational environment—must never be treated as inherently protection neutral or protection positive. The unique, specific threats and harms of these activities and technologies should be intentionally addressed in any protection assessment matrix as threat vectors unto themselves. By identifying and minimizing adverse effects of HIAs, humanitarians may mitigate a wide range of potential harms, including but not limited to the following:

- Targeting of populations or humanitarian actors through identifying their real or perceived locations, vulnerabilities, or other attributes about them because of the intentional public release, security breach or intercept, or other disclosure of information or data generated through humanitarian activities;
- Economic or social exploitation of an affected population;
- Exacerbation of discrimination and social exclusion against a specific population based on ethnicity, gender, religious affiliation, infectious disease status, sexuality, or other demographic distinction;
- Loss of trust in humanitarian actors by the affected population, stemming from violations of domestic or international privacy, data handling standards and regulations, and minimum standards of data protection by humanitarian actors; and
- The violation of human subjects research protections and other human rights of a disaster-affected population, regardless of whether an HIA does or does not increase the vulnerability of a population to pre-existing and/or new threats and harms.

5. Humanitarians promote and protect the dignity of populations by ensuring free and meaningful consent, and by abiding by internationally accepted human subjects research protections throughout the course of a humanitarian information activity.

Humanitarians promote the dignity of individuals and populations by ensuring free and meaningful consent. Humanitarians recognize disaster-affected people as autonomous individuals with agency over their bodies and their data, giving them control over how data about them is collected and used. Humanitarians respect the right of all individuals to either refuse or consent to participation in activities involving their bodily integrity and personal data consistent with customary international law.

This includes distinguishing between operational and experimental uses of data and technology, abiding by and applying internationally accepted human subjects research protections (i.e. the Nuremberg Code, the Belmont Report, and the Helsinki Declaration), and recognizing the humanitarian duty of care towards affected populations when collecting, sharing, processing, aggregating, using, and disposing of their personal data. Human subjects research protections are a regime of customary international law and regulations that exist to ensure the dignity, safety, and autonomy of individuals participating in research and experimental activities, as well as guarantee that participants benefit from the activities' outcomes. This obligation upholds the basic human rights of affected populations, maintains trust and transparency between responders and communities, and helps ensure that agencies adhere to international and domestic laws that govern consent for the collection, use and processing of individual data. In implementing this obligation, humanitarians may mitigate a wide range of potential harms, including but not limited to the following:

- Loss of agency, dignity, and privacy of affected individuals, and subsequent harm arising from the violation of these rights;
- Loss of right to redress and rectification for harms, and ability to mitigate against future harms;
- Potential for irrevocable harm in the form of violence and exploitation;
- Loss of trust between humanitarian responders and affected populations;
- Violation of international and domestic data and human subjects protections, regulations, and laws.

6. Humanitarians ensure data privacy and security before, during, and after the implementation of a humanitarian information activity.

Humanitarians have an obligation to ensure data privacy and security before, during, and after the implementation of a humanitarian information activity in any operational context. When data privacy and security cannot be reasonably defined, agreed upon, and operationally realized for all stages of an HIA, then that activity cannot, by definition, be considered humanitarian in nature.

Implementing this obligation requires establishing policies and procedures capable of handling Personally Identifiable Information (PII) and Demographically Identifiable Information (DII), including action-based information, with humanitarian organizations and across the humanitarian ecosystem, standardized legal agreements for the sharing of sensitive data, and minimal technical and ethical standards for data handling, management, and information systems. It also requires the creation of accountability mechanisms and common, critical incident reporting procedures, as well as the establishment of minimum standards for competency, capacity, and capability required for core HIAs.

Failure to realize this obligation increases the potential for irrevocable harms affecting the protection status of vulnerable people, such as refoulement, arbitrary detention, trafficking, torture and disappearance, extrajudicial killings, and social and economic exclusion and exploitation. Additional harm may arise due to loss of dignity, financial loss, and the burden of guarding against future harms. Further, in certain circumstances this may cause violations of other rights, such as the right to data agency.

7. Humanitarians ensure that humanitarian information activities strive to reduce future vulnerability and neither degrade nor disrupt local capacity.

Humanitarians have an obligation to ensure that HIAs strive to reduce future vulnerability and neither degrade nor disrupt local capacity. In placing communities and people affected by crisis at the center of humanitarian response, humanitarian actors recognize the critical importance of local capacity and agency. To improve the resilience of affected populations, humanitarian actors recognize that the investments, programs, and individual activities comprising a humanitarian response must build on local capacity and, wherever possible, help reduce future vulnerability of populations affected by crisis.

Just as more robust approaches are required for assessing the needs-basis of HIAs, more robust approaches are required for assessing the information-related vulnerability and capacity of affected populations. This, in turn, supports the identification of opportunities for building capacity and reducing future vulnerability of affected populations. Traditional modes of vulnerability and capacity assessment do not often capture critical details related to vulnerabilities and capacities of affected populations vis-a-vis information, ICTs and digital data. Updated and enhanced vulnerability and capacity assessments are thus required to inform humanitarian action in the digital age.

In realizing this obligation, humanitarians may mitigate a wide range of potential harms, including but not limited to the following:

- Inaccurate and/or inappropriate assessments of vulnerability and capacity in the context of HIAs lead to poorly designed interventions that may degrade and/or disrupt local capacity;
- Short and long-term efforts to build local competencies, capacities and capabilities to support disaster preparedness and resilience are undermined by the injection of outside actors;
- Local capacity, voices, solutions, and skilled professionals are displaced;
- Failure of outside actors to recognize and design for the local information infrastructure or ecosystem, leading to duplicative or unsustainable interventions.

8. Humanitarians coordinate, ensure complementarity, and prevent duplication of effort in designing and implementing humanitarian information activities.

Humanitarians have an obligation to coordinate, ensure complementarity, and prevent duplication of effort in designing and implementing humanitarian information activities. Coordination plays an essential role in humanitarian response, and a range of coordination processes and systems exist within the humanitarian sector, designed to maximize the efficiency, coverage, and effectiveness of interventions before, during, and after a crisis. While the configuration of these processes and systems varies across contexts, the overarching approach and intent remains the same: assisting people when they most need relief or protection through coherent, effective, and principled humanitarian action in partnership with national and international actors.

The cluster system represents one of the most important mechanisms for humanitarian coordination. Introduced in 2005 under the auspices of the Humanitarian Reform Agenda, the Cluster Approach plays a central role in bringing humanitarian organizations together for coordinated response activities. Unfortunately, information activities are neither officially designated nor recognized as constituting a humanitarian sector on their own, and thus no cluster exists for their coordination. Coordination of HIAs is thus often ad hoc, with individual thematic clusters following different processes and protocols for the coordination of HIAs in their sector, leading to further fragmentation and undermining efforts to ensure complementarity, prevent redundancy, and—most important—prevent harm as a result of HIAs.

In ensuring coordination and complementarity, and preventing redundancy in the design and implementation of HIAs, humanitarians may mitigate a wide range of potential harms, including but not limited to the following:

- Inaccurate, inappropriate, or duplicative assessments of and response to the needs, vulnerabilities, and capacities of affected populations; exclusion of or failure to cater for particularly vulnerable, underrepresented, and/or ‘invisible’ groups;
- Waste of humanitarian resources due to redundancy; and
- Undermining other efforts within or outside of agency by eroding the trust of affected populations and/or the legitimacy of overall response operations.

9. Humanitarians are transparent and accountable throughout the course of a humanitarian information activity.

Humanitarians have an obligation to be accountable to and transparent throughout the course of a humanitarian information activity. Accountability and transparency are acknowledged as essential, prerequisite components of principled humanitarian action. Accountability requires, though is not limited to the following critical activities:

- Formally investigating when an HIA may have caused harm to an affected population through negatively affecting their human security, human rights, and/or social and economic status;
- Communicating the findings of such investigations and after-action reviews;
- Establishing the capacity to engage in redress and rectification related to data collection and processing, as well as information dissemination activities.

The concept of accountability to affected communities is central to the Core Humanitarian Standard and the Humanitarian Charter, and clearly articulated in the ICRC Code of Conduct. Realizing this obligation requires action across the humanitarian programming cycle, and includes the creation of feedback mechanisms and complaint mechanisms. These include mechanisms to address critical incident complaints, define who is responsible and accountable for data-related harms and the protocols for addressing and remedying these harms, and ensuring transparency across related procedures. It also requires ongoing monitoring of outcomes and engaging in sector-wide processes for engaging with and learning from critical incidents.

In ensuring transparency and accountability throughout the course of an HIA, humanitarians may mitigate a wide range of potential harms, including but not limited to the following:

- Contraction of the humanitarian space;
- Erosion of trust between the affected and humanitarian responders;
- Limitations data sharing;
- An increased likelihood of regulation; and
- Impunity when targeting humanitarians driven by the perception that humanitarians themselves do not uphold legal or regulatory standards.

Obligations in Depth

The following chapters present the sources of the obligations, their value, and steps for implementing each obligation in greater depth. In so doing, they provide a practical framework for humanitarians to understand their core ethical obligations when delivering Humanitarian Information Activities (HIAs). In turn, they may help initiate and support a process through which the humanitarian community can begin to articulate minimum technical standards for the HIAs overall and specific activity areas alike (e.g. electronic registration of refugees, Wi-Fi provision, remote sensing analysis).

While existing frameworks for humanitarian action already provide the foundational principles and standards necessary for responsible and ethical design and delivery of HIAs, they lack explicit guidance on how these principles and standards apply to this critical sub-sector of humanitarian action. The primary focus of the following chapters is to provide a more detailed interpretation of how existing frameworks apply to HIAs, and help fill this gap.

In framing the potential risks and harms related to HIAs in the context of each obligation, these chapters seek to demonstrate the potential value of upholding these obligations and, in turn, mitigating possible harms. This approach is not intended to identify a full set of potential harms and risks associated with the use of HIAs. The potential harms listed are based on available evidence from the humanitarian sector to date, as well as information activities in other sectors. These are grounded in a theoretical understanding of the types of harms that can be either caused and/or magnified by HIAs in the context of potential risk factors.

Where relevant, the chapters offer specific actions to realize their respective obligations, such as the development of a standard approach for Need and Information Requirement planning to realize Obligation No.2, or the articulation and socialization of a competency framework specific to HIAs to realize Obligation No.3. The obligations also explicitly place HIAs within existing frameworks commonly used in the humanitarian sector. These recognized ethical frameworks include the Core Humanitarian Standards and Sphere.

Finally, each obligation includes quality criteria, key actions, and organizational responsibilities drawn from current humanitarian ethical frameworks and standards that apply to HIAs. Where existing frameworks and standards are insufficient, these sections also provide recommendations to complement or build on what exists to more fully address the challenges raised by HIAs.

These obligations exist to translate the rights articulated in the *Signal Code* into duties of humanitarian actors. They should not be considered a substitute to minimum technical standards, or to a sector-wide articulation of the rights of individuals and communities. Instead, this document is presented as a necessary precursor to undertaking that broader, iterative process.

1. Ensure that HIAs are based on the needs of affected populations.

Humanitarians have an obligation to ensure that humanitarian information activities are designed and delivered based on the needs of affected populations.

Humanitarian aid is a needs-based enterprise by design. As HIAs should always either constitute aid or support the effective delivery of other forms of humanitarian assistance, they must also be based on the needs of affected populations. Information communication technologies and data should never be used simply because they can be; the humanitarian need and potential benefits must be clear, causal, and defined.²⁴

Other activities that humanitarians engage in to support their operations, such as fundraising, internal and external reporting, media and promotional activities, educational visualizations, advocacy campaigns, or experimental uses of technology as part of private sector partnerships may not, in some cases, qualify as HIAs if not directly related to meeting clearly identified humanitarian needs.

Humanitarian agencies often partner with and rely upon private sector companies, voluntary technical organizations (VTOs), academic researchers, and vendors for the critical support needed to design, manage, and deliver HIAs to affected populations. While these non-traditional actors are important parts of modern humanitarian networks, they are rarely bound by the humanitarian principles or trained in how to abide by them. If humanitarians cannot determine the humanitarian need that an information activity proposed or supported by a non-humanitarian actor is intended to address, it is inappropriate for them to engage in such interventions under the auspices of “humanitarian action.”

Assessing Information Needs: Gaps in Theory and Methodology

Humanitarians must be capable of assessing the degree to which a particular HIA is based on and may respond to a genuine humanitarian need as demonstrated by evidence. As articulated in the ICRC Code of Conduct: “Wherever possible, we will base the provision of relief aid upon a thorough assessment of the needs of the disaster victims and the local capacities already in place to meet those needs.”²⁵

The use of information and ICTs do not become humanitarian by virtue of their use by humanitarians. For these activities to qualify as humanitarian, they must be designed and executed to uphold the humanitarian principles. An information activity is only humanitarian if its aim is to prevent and alleviate suffering, protect life and health, and ensure respect for the individual. If it does so, it is by definition humanitarian assistance as much as any other traditionally accepted form of aid. Information activities that are not humanitarian in nature should be distinguished from HIAs to ensure that activities presented as HIAs primarily serve the population in need and not the agenda of agencies, private sector firms, donors or states.

Whereas traditional needs assessment methods will generally suffice for determining the needs-basis of an HIA designed to directly support the provision or delivery of other forms of aid (food, water, shelter, etc.), these methods fall short in determining the needs-basis of an HIA that constitutes aid itself. Humanitarian actors require common

24. Nathaniel A. Raymond et al., “Building Data Responsibility into Humanitarian Action,” OCHA Policy and Studies Series (New York: UNOCHA, May 2016), 2, [https://docs.unocha.org/sites/dms/Documents/TB18_Data Responsibility_Online.pdf](https://docs.unocha.org/sites/dms/Documents/TB18_Data%20Responsibility_Online.pdf) [https://docs.unocha.org/sites/dms/Documents/TB18_Data Responsibility_Online.pdf](https://docs.unocha.org/sites/dms/Documents/TB18_Data%20Responsibility_Online.pdf).

25. International Committee of the Red Cross and International Federation of the Red Cross, “ICRC Code of Conduct,” 3.

and internal frameworks for assessing such needs as they relate to information and, in turn, designing activities (HIAs) that respond appropriately to these needs.

Despite the widespread use of ICTs by humanitarian actors in a variety of complex emergency environments, the field still lacks a proven theory and methodology for utilizing ICTs to identify and/or respond to the needs of affected populations.²⁶ This absence of theory and methodology stems from two core gaps:

- A. There is no widely accepted approach for information and connectivity needs assessment of populations in specific humanitarian contexts (i.e. a method for assessing how the information and connectivity needs of populations differ by gender, culture, and other demographic factors).
- B. There are no commonly accepted theories or formats for matching affected populations' information needs to the specific activities responders must undertake to address those needs.

Today, the first steps towards these approaches are being taken. In order to identify and understand the information and connectivity needs of populations, pilot information needs assessments have been conducted amongst refugees in Italy in 2017.²⁷ Another is the 2017 work of Poole et al amongst Syrian refugees in Greece, which studied how disparities in access to mobile devices correlate to the mental health status of displaced populations.²⁸

In response to the second gap, to begin articulating such a theory, a common approach for "Need and Information Requirement" planning (hereafter, "NIR") is needed. Building on the work of Raymond and Harrity,²⁹ the *Obligations* propose that such an approach would include the following elements:

- The affected population's specific humanitarian need that an information activity aims to address.
- The related information requirements that must be met in order to effectively deliver the activity and, in so doing, meet the need of the affected population.
- The specific and measurable purpose of a particular activity, related to how this activity will satisfy information requirements and, in turn, help respond to and meet (or contribute to meeting) the specified need of the affected population.
- The tools and tactics necessary and best suited for information activity, with a clear link to the stated purpose, information requirements, and specific humanitarian need.
- To introduce such a model and enable context-specific NIR planning, the humanitarian community must generate a common taxonomy of information-related humanitarian needs and a corresponding evidence base to inform the design of appropriate and tested interventions in response to these needs.

26. Nathaniel Raymond and Casey S. Harrity, "Addressing the 'Doctrine Gap': Professionalising the Use of Information Communication Technologies in Humanitarian Action - ODI HPN," 2016, <http://odihpn.org/magazine/addressing-the-doctrine-gap-professionalising-the-use-of-information-communication-technologies-in-humanitarian-action/>.

27. Rose Foran and Anahi Ayala Iacucci, "Lost in Translation: The Misinformed Journey of Migrants Across Italy" (Internews, May 2017), http://internews.org/sites/default/files/Internews_Lost_In_Translation_Publication_2017-05-23.pdf.

28. Danielle N. Poole, "Technology and Migration Survey," in *IDRG Annual Report 2017* (International Data Responsibility Group Annual Conference, Den Haag, 2017).

29. Raymond and Harrity, "Addressing the 'Doctrine Gap': Professionalising the Use of Information Communication Technologies in Humanitarian Action - ODI HPN."

Section 1.1: The Basis or Source of the Obligation

The positioning of need as the primary basis for humanitarian aid is widely recognized in humanitarian ethical, moral, and legal frameworks. The humanitarian principle of impartiality holds that aid must be provided solely on the basis of need.³⁰ This is reinforced in the ICRC Code of Conduct, the Humanitarian Charter, and the Core Humanitarian Standard.³¹ Linking the notion of a needs-basis to protection outcomes, the Inter-Agency Steering Committee (IASC) asserts that humanitarian response “is driven by the needs and perspectives of affected populations, with protection at its core.”³²

Building on this fundamental obligation to deliver aid based solely on the needs of affected populations, the Sphere Core Standards articulates a method for the **assessment of need**. The Core Standards also provides guidance as to how the findings from such an assessment are utilized in aid program **design**. Sphere affirms that “the priority needs of the disaster-affected population are identified through a systematic assessment of the context, risks to life with dignity and the capacity of the affected people and relevant authorities to respond.”³³ Such assessment must be representative,³⁴ and should form the basis of humanitarian response such that, “the humanitarian response meets the assessed needs of the disaster-affected population in relation to context, the risks faced and the capacity of the affected people and state to cope and recover.”³⁵

Drawing on these core texts, the humanitarian community has articulated a number of additional, more specific recommendations and guidelines related to establishing and maintaining a needs basis in the use of ICTs and data in humanitarian action in recent years. The ICRC *Handbook on Data Protection in Humanitarian Action* articulates a **purpose-limitation principle**, holding that “at the time of collecting data, the Humanitarian Organization should determine and set out the specific purpose/s for which data are processed. The specific purposes should be explicit and legitimate.”³⁶

The handbook goes on to define a list of potentially legitimate purposes for data collection, all of which relate to different dimensions of assessing and responding to the needs of affected populations. Some examples include: providing humanitarian assistance and/or services to affected populations to sustain livelihood; restoring family links between people separated due to humanitarian emergencies; providing protection to affected people and building respect for international human rights law/international humanitarian law (IHL), including documentation of individual violations; providing medical assistance; ensuring inclusion in national systems (i.e. for refugees); providing documentation or legal status/identity to displaced or stateless people; and protecting water and habitat.³⁷ In a similar vein, the WEF Principles on Public-Private Cooperation in Humanitarian Payments call on humanitarian actors to understand the needs, preferences, and livelihoods of affected populations or ‘recipients’ by putting affected populations at the center of program or service design.³⁸

30. As explained in the CHS, “the principles of humanity, impartiality, independence and neutrality are derived from: the Fundamental Principles of the International Red Cross and Red Crescent Movement proclaimed in Vienna in 1965 by the 20th International Conference of the Red Cross and Red Crescent; United Nations (UN) General Assembly Resolution 46/182, 19 December 1991; and UN General Assembly Resolution 58/114, 5 February 2004.” CHS Alliance, Groupe URD, and The Sphere Project, *Core Humanitarian Standard: Core Humanitarian Standard on Quality and Accountability*, 8.

31. “Aid priorities are calculated on the basis of need alone.” International Committee of the Red Cross and International Federation of the Red Cross, “ICRC Code of Conduct,” 3; The Sphere Project, *Humanitarian Charter and Minimum Standards in Humanitarian Response*; The first Commitment of the CHS states: “communities and people affected by crisis receive assistance appropriate to their needs.” CHS Alliance, Groupe URD, and The Sphere Project, *Core Humanitarian Standard: Core Humanitarian Standard on Quality and Accountability*, 10.

32. IASC Secretariat, “Inter-Agency Standing Committee Policy on Protection in Humanitarian Action,” 2013, 1, https://interagencystandingcommittee.org/system/files/iasc_policy_on_protection_in_humanitarian_action_0.pdf.

33. The Sphere Project, *Humanitarian Charter and Minimum Standards in Humanitarian Response*, 61.

34. As explained in Sphere, “Representative assessments: Needs-based assessments cover all disaster-affected populations. Special efforts are needed to assess people in hard-to-reach locations, e.g. people who are not in camps, are in less accessible geographical areas or in host families. The same applies for people less easily accessed but often at risk, such as persons with disabilities, older people, housebound individuals, children and youths, who may be targeted as child soldiers or subjected to gender-based violence.” The Sphere Project, 63.

35. The Sphere Project, 65.

36. Christopher Kuner et al., “Handbook on Data Protection in Humanitarian Action” (Geneva: International Committee of the Red Cross, 2017), 26, <https://www.icrc.org/en/publication/handbook-data-protection-humanitarian-action>.

37. Kuner et al., 26.

38. World Economic Forum, “Principles on Public-Private Cooperation in Humanitarian Payments” (World Economic Forum, 2016), http://www3.weforum.org/docs/1P/2016/FS/WEF_FI_Princi

Section 1.2: The Value and Importance of the Obligation

By ensuring that HIAs are designed and delivered based on the needs of affected populations, humanitarian actors can mitigate a wide range of potential harms. Key areas of harm that this obligation may help address include, though are not limited to, the following:

- Exploitation of affected populations;
- Exclusion of particularly vulnerable, underrepresented, and/or ‘invisible’ groups;
- Waste of humanitarian resources due to redundancy; and
- Undermining other efforts within or outside of agency by eroding the trust of affected populations and/or the legitimacy of overall response operations.

Section 1.3: Implementing the Obligation

In implementing this obligation, humanitarian actors should adhere to the following quality criteria, key actions, and organizational responsibilities:

QUALITY CRITERIA

- Ⓞ Core Humanitarian Standard
- Ⓢ Sphere Core Standards
- Ⓡ Recommendation

Humanitarian response is **appropriate** and **relevant**. Ⓞ

Program design is based on an analysis of the **specific needs and risks** faced by different groups of people. Ⓢ

Program design addresses the **gap** between people’s needs and their own, or the state’s, capacity to meet them. Ⓢ

Program designs are **revised to reflect changes** in the context, risks, and people’s needs and capacities. Ⓢ

ORGANIZATIONAL RESPONSIBILITIES

Policies commit to providing **impartial assistance** based on the needs and capacities of communities and people affected by crisis. Ⓞ

Processes are in place to ensure an appropriate **ongoing analysis** of the context. Ⓞ

Develop and introduce a **common approach to Need and Information Requirement (NIR)** assessment to inform the design and deployment of HIAs. Ⓡ

Ensure that **data sharing agreements** and other mechanisms for facilitating the transmission or sharing of data are based on affected population needs. Ⓡ

KEY ACTIONS

Conduct a systematic, objective and **ongoing analysis** of the context and stakeholders. Ⓞ

Using disaggregated assessment data, analyze the ways in which the disaster has affected different individuals and populations, and **design the program to meet their particular needs**. Ⓢ

Design and implement appropriate programs based on an **impartial assessment of needs and risks**, and an understanding of the vulnerabilities and capacities of different groups. Ⓞ

Adapt programs to changing needs, capacities, and context. Ⓞ

2. Maintain minimum standards of competency, capacity, and capability throughout the course of a HIA.

Humanitarians have an obligation to maintain minimum standards of competency, capacity and capability throughout the course of a humanitarian information activity (HIA).

Humanitarian organizations must ensure that staff and third parties carrying out activities on their behalf have demonstrated and maintain a minimum standard of relevant professional competency³⁹ required for the execution of their duties in relation to HIAs. In turn, humanitarian organizations must ensure that they and/or third parties operating on their behalf have the capacity⁴⁰ to carry out information activities in the manner designed for the entirety of their program cycle. Finally, humanitarian organizations must have the capability⁴¹ to execute an HIA in a manner which carries out its duty of care towards the affected. This means that aid workers require not just the competencies and capacities necessary to exercise their duties, but also the freedoms to do so (e.g. time, space, mandate, support, enabling operating environment).

Collectively, these elements form the basis of humanitarian performance: the set of competencies, capacities, and capabilities required for humanitarian actors to fulfill their duty of care to affected populations. Duty of care is defined as:

... A requirement that a person act toward others and the public with watchfulness, attention, caution and prudence that a reasonable person in the circumstances would. If a person's actions do not meet this standard of care, then the acts are considered negligent, and any damages resulting may be claimed in a lawsuit for negligence.⁴²

In the context of humanitarian aid, the HAP Standard Principles define duty of care to include crisis affected populations, “meeting recognized minimum standards for the well-being of crisis-affected people, and paying proper attention to their safety and the safety of staff.”⁴³ To extend this duty of care to humanitarian information activities, humanitarian actors must understand and recognize the core competencies, capacities, and capabilities required for the responsible design and delivery of such interventions.

Recognizing Core Humanitarian Competencies in the Digital Age

As ICTs and digital data become ever more prevalent in humanitarian operations, the articulation, development, and maintenance of these new competencies, capacities, and capabilities will become ever more central to basic notions of humanitarian performance. To develop a common set of core competencies, capacities, and capabilities required for the responsible design and delivery of HIAs, the humanitarian community should work together to extend and adapt the Core Humanitarian Competencies Framework to this domain.⁴⁴

39. Uma Narayanan, “Review and Development of Core Humanitarian Competencies Framework Report” (The CHS Alliance and Start Network Talent Development Project, September 2016), 7–8, <https://www.chsalliance.org/files/files/Resources/Articles-and-Research/Core-Humanitarian-Competencies-Framework-Review-Final-Report.pdf>.

40. “ReliefWeb Glossary of Humanitarian Terms” (ReliefWeb, August 1, 2008), 14, <http://www.who.int/hac/about/reliefweb-aug2008.pdf>.

41. This notion of capability as defined by an individual’s freedom to perform or freedom to achieve draws on the notion of capability at the core of Amartya Sen’s “capability approach”. The foundations of this approach were first articulated in Amartya Sen, “Equality of What?,” in *Tanner Lectures on Human Values, Volume 1*, ed. S. McMurrin (Cambridge: Cambridge University Press, 1980).

42. Collins Dictionary of Law, “Duty of Care Legal Definition of Duty of Care,” accessed May 9, 2018, <http://legal-dictionary.thefreedictionary.com/duty+of+care>.

43. Humanitarian Accountability Partnership, “Guide to the 2010 HAP Standard in Accountability and Quality Management,” 2010, 9.

44. The Consortium of British Humanitarian Agencies, “Core Humanitarian Competencies Framework,” 2012, <https://www.alnap.org/system/files/>

Competency: The behaviors that employees must have, or must acquire, in order to achieve high levels of performance in their role.

Capacity: A combination of all the strengths and resources available within a community, society or organization that can reduce the level of risk, or the effects of a disaster. Capacity may include physical and technical (including digital) means, institutional abilities, societal infrastructure as well as human skills or collective attributes such as leadership and management.

Capability: The individual and collective ability and freedom of humanitarian actors (local, national, regional and international) to perform effective humanitarian action that meets the needs of affected populations. Capability is distinct from and, in a way, more meaningful than capacity in that it represents the actual freedom to perform, and not just the strengths and resources available to do so.

This framework articulates six ‘competency domains’ and offers ‘competencies and core behaviors’ specific to each domain, against which agencies should measure their overall humanitarian performance. While this framework provides a lens through which the humanitarian community might define more specific competencies, capacities, and capabilities required for responsible HIAs, an intentional and collective effort to articulate these HIA-specific requirements is required. The Protection Information Management (PIM) Core Competencies offers strong foundations for such an effort.⁴⁵ However, given the specific focus on PIM, the PIM Core Competencies require expansion and elaboration in order to fully address the competency, capacity, and capability required for responsible and ethical delivery of HIAs writ large.

Section 2.1: The Basis or Source of the Obligation

Humanitarianism is a profession bound by minimum technical standards for specific aid interventions. Paragraph 11 of the Humanitarian Charter states:

*The Sphere Core Standards and minimum standards give practical substance to the common principles in this Charter, based on agencies’ understanding of the basic minimum requirements for life with dignity and their experience of providing humanitarian assistance.*⁴⁶

The Core Humanitarian Standard states, “Communities and people affected by crisis receive the assistance they require from competent and well-managed staff and volunteers.”⁴⁷ Like other humanitarian activities, information activities encompass a broad and complex range of practices, expertise, and disciplines, and are subject to the same criteria.

To meet the minimum technical standards, organizations require competency, capacity, and capability specific to the technical, contextual and operational elements of a particular intervention. There are no current minimum technical standards for core types of HIAs, and these interventions often require highly specific technical skills. Adding to this complexity, the skill sets required for different types of HIA may vary widely (i.e. remote assessment operations using satellite imagery require a different skill set than communicating with communities).

For HIAs to be performed consistent with humanitarian ethical standards, these activities must become subject to minimum technical standards that will help organizations determine relevant competency in a specific intervention; what capacities are required; and what capabilities need to be possessed by whom and where to execute specific HIAs. Furthermore, it is the responsibility of humanitarian agencies to effectively manage and support aid workers to perform to such standards, as recognized in Sphere:

content/resource/files/main/competencies-framework-2012-colour.pdf.

45. Protection Information Management, “PIM Core Competencies Framework,” 2017, http://pim.guide/wp-content/uploads/2017/01/PIM-Core-Competencies-Framework_v4.pdf.

46. The Sphere Project, *Humanitarian Charter and Minimum Standards in Humanitarian Response*, 24.

47. CHS Alliance, Groupe URD, and The Sphere Project, *Core Humanitarian Standard: Core Humanitarian Standard on Quality and Accountability*, 17.

Core Standard 6: Aid worker performance: Humanitarian agencies provide appropriate management, supervisory and psychosocial support, enabling aid workers to have the knowledge, skills, behavior and attitudes to plan and implement an effective humanitarian response with humanity and respect.⁴⁸

Finally, as recognized in the Core Humanitarian Standard, humanitarian actors must continuously learn and improve⁴⁹ in order to maintain competency, capacity, and capability and thereby deliver improved assistance to populations affected by crisis.

Core Humanitarian Competencies Framework

Keeping crisis-affected people at the centre of what we do



Competency Domains	Understanding humanitarian contexts and applying humanitarian principles	Achieving results	Developing and maintaining collaborative relationships	Operating safely and securely at all times	Managing yourself in a pressured and changing environment	Demonstrating leadership in humanitarian response
Outcomes	Understand operating contexts, key stakeholders and practices affecting current and future humanitarian interventions	Be accountable for your work and use resources effectively to achieve lasting results	Develop and maintain collaborative and coordinated relationships with stakeholders and staff	Operate safely and securely in a pressured environment	Adapt to pressure and change to operate effectively within humanitarian contexts	Demonstrate humanitarian values and principles, and motivate others to achieve results in complex situations, independent of one's role, function or seniority

Section 2.2: The Value and Importance of the Obligation

This obligation is essential to the identification, prevention, and mitigation of all threats and harms inherent in the design, management, and evaluation of any HIA. While all the obligations are important, if humanitarian actors do not possess the necessary competency, capacity, and capability to responsibly and ethically execute an HIA, realizing the other obligations becomes increasingly difficult.

Critically, this obligation compels humanitarian actors to develop, agree, and uphold minimum technical standards for specific types of HIAs. In short, this obligation gives all the other obligations effect and ensures, through its realization, a basis for training, monitoring and evaluation, and other key actions necessary for learning and accountability. Key areas of harm that this obligation may help address include, though are not limited to, the following:

- Violation of the human rights of affected populations through negligence and/or malice.⁵⁰
- Creation of new protection threats or magnification, multiplication, and/or mutation of extant protection threats through a failure to identify, analyze, and anticipate potentially ethically and operationally dangerous proposed interventions.
- Failure to recognize the need to cease an HIA to protect the rights and safety of a population.
- Lacking the technical skill and capacities to ensure that data is accurate, credible, and not misleading to other humanitarian actors and affected populations.
- Deploying tools, procedures and systems that cannot be responsibly secured, maintained, applied, audited, and decommissioned risks the privacy, dignity, and human security of affected populations, responders, others whose data may have been collected.

48. The Sphere Project, *Humanitarian Charter and Minimum Standards in Humanitarian Response*, 71.

49. CHS Alliance, Groupe URD, and The Sphere Project, *Core Humanitarian Standard: Core Humanitarian Standard on Quality and Accountability*, 16.

50. For further discussion, please see: Greenwood et al., "The Signal Code: A Human Rights Approach to Information During Crisis," sec. D.

Section 2.3: Implementing the Obligation

In implementing this obligation, humanitarian actors should adhere to the following quality criteria, key actions, and organisational responsibilities:

QUALITY CRITERIA

Communities and people affected by crisis receive the assistance they require from **competent and well-managed** staff and volunteers. ☉

Programs are adopted in response to **monitoring and learning** information. ☉

Staff are **supported** to do their job effectively, and are **treated fairly and equitably**. ☉

Humanitarian actors **continuously learn and improve**. ☉

KEY ACTIONS

Staff work according to the **mandate and values** of the organization, and to agreed objectives and performance standards. ☉

Staff adhere to the policies that are relevant to them and **understand the consequences** of not adhering to them. ☉

Staff develop and use the necessary **personal, technical, and management competencies** to fulfill their role and understand how the organization can support them to do this. ☉

Continually adapt the program to maintain **relevance and appropriateness**. ☉

ORGANIZATIONAL RESPONSIBILITIES

Evaluation and learning policies are in place, and means are available to learn from experiences and improve practices. ☉

Mechanisms exist to **record knowledge and experience**, and make it accessible throughout the organization. ☉

The organization **contributes to learning and innovation** in humanitarian response amongst peers and within the sector. ☉

The organization has the management and staff **capacity and capability to deliver** its programs. (CHS)

Staff policies and procedures are **fair, transparent, non-discriminatory**, and **compliant** with local employment law. ☉

Job descriptions, work objectives, and feedback processes are in place so that staff have a **clear understanding** of what is required of them. ☉

A **code of conduct** is in place that establishes, at a minimum, the obligation of staff not to exploit, abuse, or otherwise discriminate against people. ☉

Policies are in place that support staff to **improve their skills and competencies**. ☉

Provide managers with adequate **leadership training**, familiarity with key policies, and the resources to manage effectively. ☉

Establish **codes of personal conduct** for aid workers that protect disaster-affected people from sexual abuse, corruption, exploitation, and other violations of people's human rights. Share the codes with disaster-affected people. ☉

Staff and volunteers' **performance reviews** indicate adequate competency levels in relation to their knowledge, skills, behavior attitudes, and the responsibilities described in their job descriptions. ☉

Processes are in place so that staff have a **clear understanding** of what is required of them. ☉

☉ Core Humanitarian Standard
☉ Sphere Core Standards

3. Ensure and encourage the agency of affected populations throughout the course of a HIA.

Humanitarians have an obligation to ensure and encourage the agency of affected populations by engaging and consulting with them at every stage of a humanitarian information activity (HIA).

Approaches for promoting agency of affected populations are well established in humanitarian standards, broader norms and best practices within the humanitarian community, as described in the commentary below. However, the humanitarian community has failed to extend and uphold these approaches consistently regarding HIAs. Doing so is critical not only because it ensures that affected populations remain central to such activities, but also because this empowers people affected by crisis to make informed decisions about their involvement in different forms of HIAs.

This obligation aims to ensure that representative participation and feedback mechanisms figure centrally in any HIA. In turn, it also aims to ensure that affected populations remain sufficiently informed throughout the course of an HIA, including notification of the scope, initiation, and cessation of such an activity.

Representative Participation

Facilitating participation of affected populations at every stage of an HIA is a critical step to ensuring agency. In addition to being an essential component of people's right to life with dignity,⁵¹ participation of affected populations contributes directly to informing more appropriate, effective, and accountable response.⁵² For participation to be meaningful, it must be representative and robust, meaning that a cross-section of the affected population is engaged in a significant way at each stage of an HIA, from design and development through deployment or delivery of a particular solution or service. Humanitarians must understand and address the barriers to participation faced by different affected people in order to ensure balanced participation from all groups. To ensure representative participation, "special efforts should be made to include people who are not well represented, are marginalized (e.g. by ethnicity or religion) or otherwise 'invisible' (e.g. housebound or in an institution)."⁵³

Feedback Mechanisms

To ensure that engagement and consultation with affected populations is not unidirectional, humanitarian actors must establish feedback mechanisms through which those affected can actively inform and provide critical feedback on the elements of different HIAs that concern them. Specifically, as recognized in Sphere:

*Feedback mechanisms provide a means for all those affected to influence program planning and implementation. They include focus group discussions, surveys, interviews and meetings on 'lessons learnt' with a representative sample of all the affected population. The findings and the agency's actions in response to feedback should be systematically shared with the affected population.*⁵⁴

51. "Active participation in humanitarian response is an essential foundation of people's right to life with dignity affirmed in Principles 6 and 7 of the Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief." CHS Alliance, Groupe URD, and The Sphere Project, *Core Humanitarian Standard: Core Humanitarian Standard on Quality and Accountability*.

52. "Effective relief and lasting rehabilitation can best be achieved where the intended beneficiaries are involved in the design, management and implementation of the assistance program. We will strive to achieve full community participation in our relief and rehabilitation programs." International Committee of the Red Cross and International Federation of the Red Cross, "ICRC Code of Conduct," 4.

53. The Sphere Project, *Humanitarian Charter and Minimum Standards in Humanitarian Response*, 57.

54. The Sphere Project, 56.

In the context of HIAs, such feedback mechanisms are particularly important. Feedback mechanisms may represent the only means through which affected populations can exercise their agency to positively influence the design and delivery of an HIA that affects them and their data. Humanitarian information activities are often remotely implemented and managed by humanitarian actors, which can affect the quality and speed of feedback loops. In addition to fostering agency and representative participation, feedback mechanisms help uphold people's right to rectification and redress,⁵⁵ which begins with the widely recognized right to lodge complaints and seek a corresponding response. As outlined in Sphere:

People have the right to complain to an agency and seek a corresponding response. Formal mechanisms for complaints and redress are an essential component of an agency's accountability to people and help populations to re-establish control over their lives.⁵⁶

Notification of the Scope, Initiation and Cessation of Humanitarian Information Activities

Affected populations cannot exercise agency in an HIA unless they are duly notified of the scope, initiation and cessation of an HIA by the humanitarian actors responsible. Humanitarian actors must ensure notification related to the collection and use of data collected about specific individuals and groups of people whenever applicable, consistent with domestic and international laws and standards. The requirement holds not only for HIAs that involve or impact affected populations themselves, but also for HIAs that utilize and/or impact affected populations' data. The scope of notification should include:

- Identification of the organization collecting the data,
- Identification of the uses for which the data is being collected,
- Identification of parties which may be recipient to the data,
- The nature of the data collected and the means by which it shall be collected,
- The policies of the data collector to ensure the quality, security, and integrity of the data, as well as the means by which the subject can seek redress and rectification.

As the ICRC *Handbook on Data Protection in Humanitarian Action* asserts:

In line with the principle of transparency, some information regarding the Processing of Personal Data should be provided to Data Subjects. As a rule information should be provided before Personal Data are processed, although this principle may be limited when it is necessary to provide emergency aid to individuals. Data Subjects should receive information orally and/or in writing. This should be done as transparently as circumstances allow and, if possible, directly to the individuals concerned.⁵⁷

Finally, humanitarian actors should develop plans and criteria for the cessation of HIAs related to two primary scenarios. The first scenario would arise in the event that these programs cause harm to affected populations and/or cease to be sustainable, including contingency plans for transitioning and/or ending a particular program. The second scenario would arise in the event that the program or service to which the HIA was linked was either no longer required or reached its scheduled end-point. In either scenario, cessation plans must include a formal notification to the affected community that the program is ending and explain the reasons for the cessation of the HIA. Similarly, mechanisms for rectification and redress must be established and maintained beyond the cessation of an HIA to ensure proper management of situations in which cessation causes harm to the affected population.

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55. Greenwood et al., "The Signal Code: A Human Rights Approach to Information During Crisis," 19.

56. The Sphere Project, *Humanitarian Charter and Minimum Standards in Humanitarian Response*, 57.

57. Kuner et al., "Handbook on Data Protection in Humanitarian Action," 36.

Section 3.1: The Basis or Source of the Obligation

Humanitarian action is fundamentally people-centered. The Core Humanitarian Standard asserts this at its outset: “People are at the heart of humanitarian action. The primary motivation of any response to crisis is to save lives, alleviate human suffering and to support the right to life with dignity.”⁵⁸ Humanitarian standards and related frameworks consistently acknowledge the importance of placing affected populations at the center of humanitarian action, drawing links between agency of affected populations and the overall effectiveness, appropriateness, and accountability of aid. The Humanitarian Charter captures this commitment to agency and active participation well:

*... We undertake to make our responses more effective, appropriate, and accountable through sound assessment and monitoring of the evolving local context; through transparency of information and decision-making; and through more effective coordination and collaboration with other relevant actors at all levels, as detailed in the Core Standards and minimum standards. In particular, we commit to working in partnership with affected populations, emphasizing their active participation in the response. We acknowledge that our fundamental accountability must be to those we seek to assist.*⁵⁹

This reasoning is reinforced and extended in the Core Humanitarian Standard. Commitment No.4 of the CHS holds that “communities and people affected by crisis know their rights and entitlements, have access to information and participate in decisions that affect them.”⁶⁰ Sphere also indicates the critical importance of information sharing for ensuring the agency of people affected by crisis:

*People have a right to accurate and updated information about actions taken on their behalf. Information can reduce anxiety and is an essential foundation of community responsibility and ownership. At a minimum, agencies should provide a description of the agency’s mandate and project(s), the population’s entitlements and rights, and when and where to access assistance (see HAP’s ‘sharing information’ benchmark).*⁶¹

Complementing and building upon its commitment to regular and meaningful information sharing, Sphere calls for people-centered humanitarian response, asserting that “people’s capacity and strategies to survive with dignity are integral to the design and approach of humanitarian response.”⁶² The central elements of people-centered humanitarian response include focusing on local capacity⁶³ and supporting feedback mechanisms and representative participation.⁶⁴ The importance of participation is underscored in the ICRC Code of Conduct, which calls for humanitarian actors to “strive to achieve full community participation in...relief and rehabilitation programs.”⁶⁵

58. CHS Alliance, Groupe URD, and The Sphere Project, *Core Humanitarian Standard: Core Humanitarian Standard on Quality and Accountability*, 8.

59. The Sphere Project, *Humanitarian Charter and Minimum Standards in Humanitarian Response*, 24.

60. CHS Alliance, Groupe URD, and The Sphere Project, *Core Humanitarian Standard: Core Humanitarian Standard on Quality and Accountability*, 13.

61. The Sphere Project, *Humanitarian Charter and Minimum Standards in Humanitarian Response*, 57.

62. “The Sphere Project | Fostering Greater Coherence among Humanitarian Standards | Standards Partners.”

63. Contributing to and reinforcing *local capacity* is addressed more directly in Obligation No.7.

64. “Feedback mechanisms provide a means for all those affected to influence program planning and implementation (see HAP’s ‘participation’ benchmark). They include focus group discussions, surveys, interviews and meetings on ‘lessons learnt’ with a representative sample of all the affected population (see ECB’s Good Enough Guide for tools and guidance notes 3–4). The findings and the agency’s actions in response to feedback should be systematically shared with the affected population” and “Representative participation: Understanding and addressing the barriers to participation faced by different people is critical to balanced participation. Measures should be taken to ensure the participation of members of all groups of affected people – young and old, men and women. Special efforts should be made to include people who are not well represented, are marginalized (e.g. by ethnicity or religion) or otherwise ‘invisible’ (e.g. housebound or in an institution). The participation of youth and children should be promoted so far as it is in their own best interest and measures taken to ensure that they are not exposed to abuse or harm.” The Sphere Project, *Humanitarian Charter and Minimum Standards in Humanitarian Response*, 56.

65. International Committee of the Red Cross and International Federation of the Red Cross, “ICRC Code of Conduct,” 4.

Building on and reinforcing these foundational texts, the Inter-Agency Steering Committee (IASC) moves beyond the values of effectiveness, appropriateness, accountability, and participation to recognize the direct link between agency and protection:

Protection demands meaningful engagement with affected persons during all phases of a response in a manner that recognizes and is sensitive to age, gender and diversity. A meaningful engagement that goes beyond dialogue and risk assessment should enable humanitarian actors to respond to the priorities of affected persons and determine the impact of humanitarian action (or inaction) on them and, in turn, to design, implement and adapt activities that address or prevent patterns of violence, abuse, coercion and deprivation and assist people to claim their rights.⁶⁶

This link between agency and protection is critical regarding HIAs, and must be treated with equal importance as the other key considerations and values associated with agency to ensure that people affected by crisis are empowered and protected throughout the course of humanitarian response.

Section 3.2: The Value and Importance of the Obligation

Ensuring the agency of affected populations is an essential component of both developing and maintaining the trust of a community with which humanitarian actors are engaging, as well as ensuring that HIAs are designed in ways that are culturally appropriate, sustainable, and based on real needs. When HIAs are developed without intentional and comprehensive strategies for ensuring agency, it is impossible to meaningfully realize other foundational obligations such as protection, data privacy and security, and accountability, including rectification and redress for negligence and other harms.

Key areas of harm that this obligation may help address include, though are not limited to, the following:

- The implementation of HIAs without the affected population knowing that they are occurring, that their data is being collected, and that they have rights that may pertain to how, when, and why the activity is undertaken.
- The infliction of harms through the collection, use, and sharing of inaccurate and/or potentially harmful personally identifiable and/or demographically identifiable data and information without the knowledge and engagement of the affected population necessary to ensure rectification and redress.
- Deployment of culturally inappropriate, technologically foreign, or contextually inappropriate HIAs without the necessary feedback required to appropriately design them for the specific population that they seek to benefit.
- Potentially dangerous and harmful rumors, misperceptions, and anxiety are created due to the lack of intentional, prolonged, and culturally appropriate communications strategies and education campaigns necessary to socialize an HIA and educate a population about it.
- Disengagement by an affected population due to a perceived lack of agency and control over their data, access to services, receipt of appropriate and/or timely information, and other outcomes expected from HIAs and related operations. This disengagement can result in already vulnerable populations seeking information and services from other networks and channels that may potentially negatively affect their human security status and increase their vulnerability.

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66. IASC Secretariat, "Inter-Agency Standing Committee Policy on Protection in Humanitarian Action," 3.

Section 3.3: Implementing the Obligation

In implementing this obligation, humanitarian actors should adhere to the following quality criteria, key actions, and organizational responsibilities:

QUALITY CRITERIA

Humanitarian response is based on **communication, participation, and feedback**. ☺

Disaster-affected people conduct or actively participate in regular meetings on how to organize and implement the response. ☺

Monitoring and evaluation sources include the views of a **representative number** of people targeted by the response, as well as the host community. ☺

Accurate, updated, non-confidential progress information is shared with the people targeted by the response and relevant local authorities and other humanitarian agencies on a regular basis. ☺

ORGANIZATIONAL RESPONSIBILITIES

Policies are in place for **engaging communities and people affected by crisis**, reflecting the priorities and risks they identify in all stages of the work. ☺

All levels of leadership in organizations hold themselves and their staff accountable for the effective and consistent implementation of [the IASC Policy on Protection]. Specifically, this requires a **commitment to advancing protection as an outcome**, ensuring that effort of affected persons to rebuild their resilience and their own protection are supported, including through a meaningful and consistent engagement with humanitarian actors and involvement in decision-making. ①

Establish mechanisms through which **affected populations can provide feedback** on specific HIAs throughout the project cycle. ②

KEY ACTIONS

Communicate in languages, formats, and media that are easily understood, respectful and culturally appropriate for different members of the community—especially vulnerable and marginalized groups. ☺

Ensure representation is **inclusive**, involving the participation and engagement of communities and people affected by crisis at all stages of the work. ☺

Encourage and facilitate **communities and people affected by crisis** to provide feedback on their level of satisfaction with the quality and effectiveness of the assistance received, paying particular attention to the gender, age, and diversity of those giving feedback. ☺

Establish **systematic, transparent** mechanisms through which people affected by disaster or conflict can provide regular feedback and influence programs. ☺

Ensure a **balanced** representation of vulnerable people in discussions with the disaster-affected population. ☺

Provide information to the affected population about the humanitarian agency, its project(s), and people's entitlements in an accessible format and language. ☺

Progressively increase disaster-affected people's **decision-making power and ownership** of programs during the course of a response. ☺

Listen to an inclusive range of people in the assessment: women and men of all ages, girls, boys, and other vulnerable people affected by the disaster as well as the wider population. ☺

Establish systematic but simple, timely, and participatory mechanisms to **monitor progress** toward all relevant Sphere standards and the program's stated principles, outputs, and activities. ☺

Share key monitoring findings and, where appropriate, the findings of evaluation and other key learning processes with the affected population, relevant authorities, and coordination groups in a timely matter. ☺

Enhance **sustained recovery** by planning for and communicating exit strategies with the affected population during the early stages of program implementation. ☺

- ☺ Core Humanitarian Standard
- ☺ Sphere Core Standards
- ① IASC Policy on Protection
- ② Recommendation

4. Identify and minimize adverse effects throughout the course of an HIA.

Humanitarians have an obligation to identify and minimize adverse effects at every stage of a humanitarian information activity (HIA). Such adverse effects include any economic, social, civil, or political consequences that negatively impact the rights of affected populations.

While the commitment to ensuring that affected population protection is present in each of the nine obligations articulated in this document, the fourth obligation focuses on upholding this commitment through proactive identification and minimization of harms that may result directly from HIAs. The humanitarian community recognizes that protection must be placed at the center of humanitarian action to ensure complete protection of affected populations:

In a statement issued in December 2013, the Principles of the Inter-Agency Standing Committee (IASC) affirmed that all humanitarian actors have a responsibility to place protection at the center of humanitarian action. As part of preparedness efforts, immediate and life-saving activities, and throughout the duration of a crisis and beyond, it is thus incumbent on Humanitarian Coordinators, Humanitarian Country Teams and clusters to ensure that “protection of all persons affected and at-risk [informs] humanitarian decision-making and response, including engagement with States and non-State parties to conflict.” The IASC has committed to a system wide and comprehensive response to conflict and disasters. This response is driven by the needs and perspectives of affected persons, with protection at its core.⁶⁷

In the context of HIAs, realizing the commitment to protection requires humanitarian actors to anticipate and mitigate any potential adverse effects of HIAs. In order to do this, humanitarians must first understand and acknowledge the risks and potential harms associated with HIAs and—in some cases—may preclude certain activities from being undertaken. Critically, preventing the deployment of potentially harmful HIAs is an essential part of the obligation to protect populations from adverse effects, and is core to realizing the right to protection enshrined in the humanitarian charter.⁶⁸

Whereas extant core humanitarian frameworks do not explicitly address the potential adverse effects of HIAs, they offer clear language on the importance of protection as a guiding principle for interventions involving ICTs and data. This relates to data protection as well as more general notions of protection throughout the course of an HIA.

Section 4.1: The Basis or Source of the Obligation

Protection is the fundamental concept of the ethical, moral, and legal frameworks that inform humanitarian action. It is both a right of affected populations and a responsibility of humanitarian actors. The Humanitarian Charter asserts:

The right to protection and security is rooted in the provisions of international law, in resolutions of the United Nations and other intergovernmental organizations, and in the sovereign responsibility of states to protect all those within their jurisdiction. The safety and security of people in situations of disaster or conflict are of particular humanitarian concern, including the protection of refugees and internally displaced persons.⁶⁹

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⁶⁷. IASC Secretariat, 1.

⁶⁸. The Sphere Project, *Humanitarian Charter and Minimum Standards in Humanitarian Response*, 22.

⁶⁹. The Sphere Project, 22.

The core humanitarian principle of Humanity holds that “the purpose of humanitarian action is to protect life and health and ensure respect for human beings.” The Core Humanitarian Standard “is underpinned by the right to life with dignity, and the right to protection and security as set forth in international law, including within the International Bill of Human Rights.”⁷⁰

The ICRC *Professional Standards in Protection Work* (PSPW) offer humanitarian actors a foundational set of principles “central to protection work undertaken by humanitarian and human rights actors, and that are common to all protection activities and strategies.” The PSPW principles are as follows:⁷¹

Respecting the Principles of Humanity, Impartiality and Non-discrimination

- Protection actors must ensure that the principle of humanity is at the core of their protection work.
- Non-discrimination and impartiality must guide protection work.
- Protection actors must ensure that their activities do not have a discriminatory effect.

Avoiding Harmful Effects

- Protection actors must avoid harmful effects that could arise from their work.
- Protection actors must contribute to the capacity of other actors to ensure that no harmful effects derive from their actions.

Putting the Affected Population, Communities and Individuals at the Center of Protection Activities

- Protection work must be carried out with due respect for the dignity of individuals.
- Protection actors must seek to engage in dialogue with persons at risk and ensure their participation in activities directly affecting them.
- Whenever appropriate and feasible, protection actors should contribute to and strengthen the possibility for affected populations to access information that can help them to avoid or mitigate the risks they are exposed to.
- Protection actors should consider building on the capacities of individuals and communities to strengthen their resilience.
- Protection actors working with affected populations, communities and individuals should inform them about their rights, and the obligations of duty bearers to respect them.

The Protection Principles articulated in Sphere complement the principles and framework offered in PSPW, and help form the contours of protection across all domains of humanitarian action:⁷²

Protection Principle 1 | Avoid exposing people to further harm as a result of your actions.

Protection Principle 2 | Ensure people’s access to impartial assistance—in proportion to need and without discrimination.

Protection Principle 3 | Protect people from physical and psychological harm arising from violence and coercion.

Protection Principle 4 | Assist people to claim their rights, access available remedies, and recover from the effects of abuse.

Humanitarian organizations must proactively work to integrate such interpretations of existing principles and guidance into HIA design and delivery.

70. CHS Alliance, Groupe URD, and The Sphere Project, *Core Humanitarian Standard: Core Humanitarian Standard on Quality and Accountability*, 2.

71. International Committee of the Red Cross, “Professional Standards for Protection Work Carried out by Humanitarian and Human Rights Actors in Armed Conflict and Other Situations of Violence,” 2013, 22–29.

72. The Sphere Project, *Humanitarian Charter and Minimum Standards in Humanitarian Response*, 28.

Humanitarian doctrine offers clear guidance on the importance of ensuring protection in relation to information, ICTs and data in humanitarian contexts. The foundational guidance in this regard comes from Sphere, the IASC Policy on Protection in Humanitarian Action, and the *Handbook on Data Protection in Humanitarian Action*. Sphere provides strong guidance on managing sensitive information. Specifically, it offers the following steps to humanitarian actors to promote more protective and responsible practice:

- **Protection-related data may be sensitive.** Humanitarian agencies should have clear policies and procedures in place to guide their staff on how to respond if they become aware of, or witness, abuses and on the confidentiality of related information. Staff should be briefed on appropriate reporting of witnessed incidents or allegations.
- **Referring sensitive information:** Consider referring information concerning abuses to appropriate actors with the relevant protection mandate. These actors may be present in other areas than where the information is found.
- **A policy on referring sensitive information** should be in place and should include incident reports or trends analysis. It should specify how to manage sensitive information and the circumstances under which information may be referred. As far as possible, agencies should seek the consent of the individuals concerned for the use of such information. Any referral of information should be done in a way that does not put the source of information or the person(s) referred to in danger.
- **Information on specific abuses and violations of rights** should only be collected if its intended use is clear and the detail required is defined in relation to the intended use. Such protection information should be collected by agencies with a protection mandate or which have the necessary capacity, skills, systems and protocols in place. Collecting this information is subject to the condition of informed consent and, in all cases, the individual's consent is necessary for the information to be shared with third parties.
- **The possible reaction of the government or other relevant authorities** to the collection and use of information about abuses should be assessed. The need for the continuation of operations may have to be weighed against the need to use the information. Different humanitarian agencies may make different choices in this regard.

In a similar vein, the IASC Policy on Protection provides extensive guidance on data and information **sharing, collection, and management**. Recognizing the importance of data and information sharing, collection, and management as part of humanitarian actors' efforts to design and enact protection policies, the IASC policy frames clear parameters within which such activities must be realized.⁷³

*Data and information collection, sharing and management...must adhere to data protection standards, principles of confidentiality and a defined purpose. It must be done in a manner that protects the individuals and groups providing information from harm, including through the use and respect of informed consent.*⁷⁴

Finally, the ICRC/Brussels Privacy Hub *Handbook on Data Protection in Humanitarian Action* offers extensive guidance on the subject, including a set of guiding principles to inform humanitarian data protection and processing efforts, and should serve as a critical reference for all humanitarian actors to identify and minimize adverse effects throughout the course of an HIA.⁷⁵

73. "Insofar as mandates, expertise and confidentiality protocols permit, humanitarian actors must endeavor to collect and share data and information that is relevant to the protection of affected persons. In doing so, humanitarian actors provide the necessary evidence-base for analysis, programming and advocacy as well as for all components of the HPC and the development, review and update of a comprehensive protection strategy." IASC Secretariat, "Inter-Agency Standing Committee Policy on Protection in Humanitarian Action," 6.

74. IASC Secretariat, 6.

75. Kuner et al., "Handbook on Data Protection in Humanitarian Action."

Section 4.2: The Value and Importance of the Obligation

Protection is at the heart of any ethical conception of humanitarian action, regardless of what role information, data, and ICTs may or may not play in specific activity, scenario, or context. The importance of this obligation is to explicitly include the identification, prevention, and mitigation of the potential harms and threats that the use of information, data, and ICTs by both non-humanitarian actors and humanitarian actors may cause and/or exacerbate as now being part of the humanitarian's existing protection obligations in the 21st Century.

In many cases, information and data-related activities in the humanitarian sector may be treated as being somewhere on a scale of impact between “protection neutral” and “protection positive” in their potential effects. They are not.

Information, ICTs and data—whether in the context of a recognized HIA or simply as an ambient, external dynamic in a particular operational environment—must never be treated as inherently protection neutral; the unique, specific threats and harms of these activities and technologies should be intentionally addressed in any protection assessment matrix. These threats and harms may include, though are not limited to, the following protection issue categories:

- Intentional public release, security breach or intercept, or other disclosure of information or data generated by humanitarians may cause or support the targeting of populations through identifying their real or perceived locations, vulnerabilities, or other attributes about them.
- Humanitarian actors, their partners, and/or populations that they work with are targeted because they are perceived to be engaging in espionage, active support of military operations, or in any way politically aligned for or against certain specific actors due to the deployment of certain ICTs, processes, or procedures.
- Weaponization of social media platforms and communication networks is occurring in an operational context by state and/or non-state actors to encourage or incite targeted violence, abuse, or social exclusion against a particular population, including humanitarian actors.
- Government, private sector, civil society, and/or other actors are using the collection, processing, analysis, sharing, and eventual disposal of information and data generated by humanitarian actors to economically exploit a disaster-affected population, including price gouging and the illegal or unethical sale or commodification of individual or group data.
- The manner in which data and information is created, presented, shared, utilized, or disposed of causes or exacerbates discrimination and social exclusion against a specific population based on ethnicity, gender, religious affiliation, infectious disease status, sexuality, or other demographic distinction—whether that information or data is accurate or inaccurate.
- Negligence by humanitarian actors in how they design, manage, or in any way conduct an information activity, whether meeting the criteria of an HIA or not, risks increasing the potential vulnerability of a population to either pre-existing or new threats.
- Violations of domestic or international privacy, data handling standards and regulations, and minimum standards of data protection by humanitarian actors causes affected populations to not trust humanitarian actors, reducing their engagement with them in ways that may increase their vulnerability.
- The deployment of experimental uses of information, data and ICTs violates human subjects research protection and other human rights of a disaster-affected population, regardless of whether this intervention does or does not increase the vulnerability of a population to pre-existing and/or new threats and harms.

Section 4.3: Implementing the Obligation

In implementing this obligation, humanitarian actors should adhere to the following quality criteria, key actions, and organizational responsibilities:

QUALITY CRITERIA

The form of humanitarian assistance and the environment in which it is provided **do not further expose** people to physical hazards, violence, or other rights abuse. ⑤

Humanitarian agencies **manage sensitive information** in a way that does not jeopardize the security of the informants or those who may be identifiable from the information. ⑤

The **affected population is not subjected to violent attack**, either by interventions dealing with the source of the threat or by those designed to help people avoid the threat. ⑤

ORGANIZATIONAL RESPONSIBILITIES

Engage collectively to achieve meaningful protection outcomes that **reduce overall risks** to affected persons by decreasing threats, reducing vulnerability, and enhancing capacities. ①

Evaluate commitments and progress toward placing **protection at the center** of the humanitarian response. ①

All levels of leadership in organizations hold themselves and their staff accountable for the effective and consistent implementation of this policy. Specifically, this requires a **commitment to advancing protection as an outcome**, ensuring that:

- Effort of affected persons to rebuild their resilience and their own protection are supported, including through a meaningful and consistent engagement with humanitarian actors and involvement in decision-making; ②
- Protection considerations, including an analysis of threats, vulnerabilities, capacities, and the potential for unintended negative consequences are applied before, throughout, and beyond a humanitarian response—including in recovery and development activities; ②
- Humanitarian Coordinators and HCTs report on and are supported in making progress toward defined protection outcomes, including with the technical capacity and resources required. ①

KEY ACTIONS

Ensure that the program design and approach supports all aspects of the **dignity** of the affected individuals and populations. ⑤

Analyze all contextual factors that increase people's **vulnerability**, designing the program to progressively reduce their vulnerability. ⑤

Design the program to **minimize the risk of endangering people**, worsen the dynamics of a conflict, or create insecurity or opportunities for exploitation and abuse. ⑤

When analyzing activities, regularly reflect on the following nonexhaustive list of **questions on the rights of people** who have been historically marginalized or discriminated against: ⑤

- What does the affected population gain by our activities?
- What might be the unintended negative consequences of our activities for people's security, and how can we avoid or minimize these consequences?
- Do the activities take into consideration possible protection threats facing the affected population? Might they undermine people's own efforts to protect themselves?
- Do the activities discriminate against any group or might they be perceived as doing so? Do the activities protect the rights of people who have historically been marginalized or discriminated against?
- In protecting and promoting the rights of such groups, what will be the impact on the relationships within and beyond the community?
- Could the activities exacerbate existing divisions in the community or between neighboring communities?
- Could the activities inadvertently empower or strengthen the position of armed groups or other actors?
- Could the activities be subject to criminal exploitation?
- In protecting and promoting the rights of such groups, what will be the impact on the relationships within and beyond the community?
- Could the activities exacerbate existing divisions in the community or between neighboring communities?

- ⑤ Core Humanitarian Standard
- ⑤ Sphere Core Standards
- ① IASC Policy on Protection
- ② Recommendation

5. Protect and promote the dignity of individuals and populations.

Humanitarians protect and promote the dignity of individuals and the populations they are a part of by ensuring free and meaningful consent, abiding by and applying internationally accepted human subjects research protections. Humanitarians recognize disaster-affected people as autonomous individuals with agency over their bodies and their data, giving them control over how data about them is collected and used. Humanitarians respect the right of all individuals to refuse participation in activities involving their bodily integrity and personal data.

Central to this obligation is the recognition that humanitarians are duty-bearers responsible for ensuring that individuals provide free and meaningful consent for humanitarian actors to collect, share, process, aggregate, and use their personal data at all times—regardless of any potential research or experimentation involving that data.⁷⁶ Thus, humanitarians have a duty to affected populations to address the inherent situational complexity of ensuring free and meaningful consent in operational environments. As duty-bearers, humanitarians assume responsibility for identifying, preventing and mitigating the challenges to realizing the rights of individuals in these contexts. Humanitarians distinguish between interventions that employ experimental technologies or methods, research, and accepted operational humanitarian practice of HIAs at all times. An example of this is the medical definition of clinical practice: procedures and treatments which have been rigorously tested and demonstrated to work to established standards such that they are not considered experimental. In keeping with the humanitarian principles and human subject research standards, experimental and research activities are only undertaken to seek to improve operational practice of HIAs consistent with accepted conceptions of beneficence and non-maleficence—to benefit others and to avoid doing harm—and are not undertaken simply because they are believed to be technically feasible.

Humanitarian actors must always endeavor to do no harm when engaging in research and experimentation; when the potential harm of a proposed activity cannot be reasonably determined and mitigated, the activity should not be undertaken. Though research and experimentation often occurs in the context of exigent, emergency circumstances where new procedures and processes may appear indispensable to a population's survival, adherence to the humanitarian principles and broadly and internationally accepted standards of human subjects research always take precedence. These standards such include the Declaration of Helsinki and the Council for International Organizations of Medical Sciences' (CIOMS) *International Ethical Guidelines for Biomedical Research Involving Human Subjects*.

Section 5.1: The Basis or Source of the Obligation

For humanitarian actors, the obligation is fundamentally rooted in the humanitarian principle of humanity, which is defined as follows: “Human suffering must be addressed wherever it is found. The purpose of humanitarian action is to protect life and health and ensure respect for human beings.”⁷⁷ Central to this principle is the concept of “dignity”, which is enshrined as the fifth right of the Humanitarian Charter as the “Right to life with dignity”, which reads:

76. A challenge to truly addressing issues of informed consent in humanitarian response is the fundamental power imbalance that exists when the provision of consent is a prerequisite for an individual to access assistance necessary for basic survival. Regardless of the degree to which consent can be deemed “informed,” these power dynamics may preclude consent from being considered “freely given.”

77. Simon Bagshaw, “OCHA on Message: Humanitarian Principles” (UNOCHA, 2012), http://www.unocha.org/sites/dms/Documents/OOM-humanitarianprinciples_eng_June12.pdf.

*The right to life with dignity is reflected in the provisions of international law, and specifically the human rights measures concerning the right to life, to an adequate standard of living and to freedom from torture or cruel, inhuman or degrading treatment or punishment. The right to life entails the duty to preserve life where it is threatened. Implicit in this is the duty not to withhold or frustrate the provision of life-saving assistance. Dignity entails more than physical well-being; it demands respect for the whole person, including the values and beliefs of individuals and affected communities, and respect for their human rights, including liberty, freedom of conscience and religious observance.*⁷⁸

The basis of this obligation is the humanitarians' duty to ensure that respect for the whole person and their human rights as articulated in the Humanitarian Charter and other core humanitarian frameworks. Realization of this right is impossible without humanitarian actors working to ensure that individuals are 1) able to freely and meaningfully consent to how and why their individual data is collected, and 2) that their data is used in ways consistent with internationally recognized human subjects protections.

This obligation is grounded in the central tenets of IHL as well. Rule 92 of Customary IHL states, "Mutilation, medical or scientific experiments or any other medical procedure not indicated by the state of health of the person concerned and not consistent with generally accepted medical standards are prohibited." The commentary on Rule 92 details the many sources of this prohibition:

*"Biological experiments" are prohibited by the First and Second Geneva Conventions, while the Third and Fourth Geneva Conventions prohibit "medical or scientific experiments" not justified by the medical treatment of the person concerned. Conducting "biological experiments" on persons protected under the Geneva Conventions is a grave breach and a war crime under the Statutes of the International Criminal Court and of the International Criminal Tribunal for the former Yugoslavia. Additional Protocol I prohibits "medical or scientific experiments". In the Brandt (The Medical Trial) case in 1947, the US Military Tribunal at Nuremberg convicted 16 persons of carrying out medical experiments on prisoners of war and civilians.*⁷⁹

While this rule is interpreted in the context of the behavior of states party to the Geneva Convention towards people in their custody or control, these precedents are important for humanitarian actors to be aware of as they seek to realize this obligation. One source of customary IHL played a foundational role in shaping human subjects research protections in the aftermath of World War II: *United States of America v. Karl Brandt et al.*⁸⁰ The first principle of the Nuremberg Code provides a basis for all later conceptions of informed, free and meaningful consent that would come to be seen as accepted practice of human subjects research:

The voluntary consent of the human subject is absolutely essential:

This means that the person involved should have legal capacity to give consent; should be so situated as to be able to exercise free power of choice, without the intervention of any element of force, fraud, deceit, duress, over-reaching, or other ulterior form of constraint or coercion; and should have sufficient knowledge and comprehension of the elements of the subject matter involved, as to enable him to make an understanding and enlightened decision. This latter element requires that, before the acceptance of an affirmative decision by the experimental subject, there should be made known to him the nature, duration, and purpose of the experiment; the method and means by which it is to be conducted; all inconveniences and hazards reasonably to be expected; and the effects upon his health or person, which may possibly come from his participation in the experiment.

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78. The Sphere Project, *Humanitarian Charter and Minimum Standards in Humanitarian Response*, 22.

79. International Committee of the Red Cross, "Customary IHL - Rule 92. Mutilation and Medical, Scientific or Biological Experiments," accessed January 24, 2018, https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_cha_chapter32_rule92.

80. *United States vs. Karl Brandt et al. (Military Tribunal I August 20, 1947)*.

*The duty and responsibility for ascertaining the quality of the consent rests upon each individual who initiates, directs or engages in the experiment. It is a personal duty and responsibility which may not be delegated to another with impunity.*⁸¹

Two other critical standards inform this obligation: the 1979 *Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research* and the World Medical Association's *Declaration of Helsinki: Ethical Principles for Medical Research Involving Human Subjects*. In the case of the Belmont Report, the Humanitarian Charter's "Right to life with dignity" directly intersects with, and is supported by the three ethical principles enumerated by the report: Respect for Persons, Beneficence, and Justice.⁸²

The report was written to address both medical and social science research and experimentation. The Helsinki Declaration, while specifically focused on medical research, is also considered a core pillar of social and behavioral human subjects research protections. A critical contribution of the Declaration, among the many it makes to this field, is the call to weigh "risks, burdens and benefits" when designing and conducting research:

*Physicians may not participate in a research study involving human subjects unless they are confident that the risks involved have been adequately assessed and can be satisfactorily managed. Physicians must immediately stop a study when the risks are found to outweigh the potential benefits or when there is conclusive proof of positive and beneficial results.*⁸³

While traditionally applied to medical interventions, humanitarian organizations have previously applied principles from medical ethics to non-medical activities. In 2014, MSF began requiring review of routine surveys by its Ethical Review Board (ERB), recognizing the potential population-based harms created by these "minimal risk" activities.⁸⁴ From the UN Convention on the Rights of the Child, UNICEF and others recognize a right to be properly researched, which asserts that subjects of research must be protected from harm and able to express their agency.⁸⁵ UNICEF also draws explicitly from Belmont in its *Procedure for Ethical Standards in Research, Evaluation, Data Collection and Analysis*.⁸⁶ While not directly drawing from Nuremberg, Belmont, or Helsinki, IOM's *Guidelines for the Collection of Data on Trafficking in Human Beings* including comparable Indicators does invoke a rights basis for informed consent, drawing on European Human Rights Law.⁸⁷

Human subjects protections and conceptions of what constitutes appropriate consent are founded on almost eighty years of doctrinal development and evolution. However, it is important to acknowledge that this field is constantly evolving to adapt to and address new technological innovations and emerging ethical challenges that these framing ethical texts could not have fully anticipated or addressed at the time they were conceived. Thus, humanitarian actors must see themselves as participants in this iterative and ongoing process of normative development in the area of human subjects protections. To do so, humanitarian actors must hold themselves to the standards forged by other fields, particularly medicine and social science, while translating these core pillars of international law and ethics in terms appropriate to the humanitarian sector.

81. *United States vs. Karl Brandt et al.* at 181–82.

82. National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, *The Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research* (Washington, D.C.: Department of Health, Education, and Welfare, 1979), 4–5, <https://www.hhs.gov/ohrp/regulations-and-policy/belmont-report/read-the-belmont-report/index.html>.

83. World Medical Association, "World Medical Association Declaration of Helsinki Ethical Principles for Medical Research Involving Human Subjects," 2008, 3, <http://www.wma.net/en/30publications/10policies/b3/>.

84. Doris Schopper et al., "Innovations in Research Ethics Governance in Humanitarian Settings," *BMC Medical Ethics* 16 (February 26, 2015): 8, <https://doi.org/10/f7gn4d>.

85. CP MERG, "Ethical Principles, Dilemmas and Risks in Collecting Data on Violence against Children: A Review of Available Literature," Literature Review (New York: UNICEF Statistics and Monitoring Section/Division of Policy and Strategy, 2015), 15, https://data.unicef.org/wp-content/uploads/2015/12/EPDRCLitReview_193.pdf.

86. UNICEF, "UNICEF Procedure for Ethical Standards in Research, Evaluation, Data Collection and Analysis" (UNICEF Division of Data, Research and Policy (DRP), April 1, 2015), 9.

87. International Organization for Migration, Österreich, and Bundesministerium für Inneres, *Guidelines for the Collection of Data on Trafficking in Human Beings Including Comparable Indicators* (Geneva [u.a.: Internet. Organization for Migration, 2009), 127.

Section 5.2: The Value and Importance of the Obligation

This obligation supports the protection of affected populations' basic human rights, maintains trust and transparency between responders and communities, and helps ensure that agencies adhere to international and domestic laws that govern consent related to data collection, research and experimentation. Additionally, the obligation equips humanitarian actors with a framework for identifying subtle but profound pathways for unintentionally violating the rights of and inflicting harm to highly vulnerable populations.

For affected populations and many humanitarian practitioners alike, ICTs are “black box” technologies. As such, humanitarians may not fully understand the potential risks and harms of the technologies and data applications for which they are asking affected populations to grant their consent (e.g. when using mobile devices, artificial intelligence (AI), machine learning, and remote sensing).

In an era of aggregated data, individuals may not be able to grasp the totality of the privacy and security implications of a particular analysis, process, or procedure.⁸⁸ This general lack of legibility and transparency regarding the use of aggregated individual data by is compounded in disaster situations, when individuals may make decisions based on different criteria than they would in “normal”, non-disaster scenarios.⁸⁹ Consent subsequently becomes increasingly difficult to implement in a fashion that can ethically be considered informed. Key areas of harm that this obligation may help address include, though are not limited to, the following:

- Loss of agency, dignity, and privacy of affected individuals, and subsequent harm arising from the violation of these rights;
- Loss of right to redress and rectification for harms, and ability to mitigate against future harms;
- Potential for irrevocable harm in the form of violence and exploitation;
- Loss of trust between humanitarian responders and affected populations; and
- Violation of international and domestic data and human subjects protections, regulations, and laws.

A key reason these harms may occur is that there is no common humanitarian agreement in the ICT, data, and information space of what constitutes experimental versus operational practice.⁹⁰ Schuchardt discusses this challenge in the context of medical research, writing:

The most important difference between “research” and “practice” is the degree of risk each procedure entails. Research, by its very nature, involves procedures that are new and not well understood. The risk to the human subject is that the procedure will be unnecessarily applied, performed in a negligent manner, or cause anomalous injuries due to the ignorance about the procedure. Practice, on the other hand, involves therapies that are standard or performed frequently because their risks are known and the procedure is expected to benefit the patient.⁹¹

88. Daniel J. Solove, “Privacy Self-Management and the Consent Dilemma,” *Harvard Law Review* 126, no. 7 (2012): 1880–1903, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2171018; Matthew Zook et al., “Ten Simple Rules for Responsible Big Data Research,” ed. Fran Lewitter, *PLoS Computational Biology* 13, no. 3 (March 2017): 3, <https://doi.org/10.1371/journal.pcbi.1005399>.

89. Solove, “Privacy Self-Management and the Consent Dilemma”; Kate Crawford and Megan Finn, “The Limits of Crisis Data: Analytical and Ethical Challenges of Using Social and Mobile Data to Understand Disasters,” *GeoJournal* 80, no. 4 (August 2014): 491–502, <https://doi.org/10.1007/s10708-014-9597-z>; Brent Daniel Mittelstadt and Luciano Floridi, “The Ethics of Big Data: Current and Foreseeable Issues in Biomedical Contexts,” *Science and Engineering Ethics* 22, no. 2 (April 2016): 312–13, <https://doi.org/10.1007/s11948-015-9652-2>.

90. Fulfilling this obligation challenges the current “humanitarian innovation” theme dominating shaping humanitarian action today. Humanitarian innovation, the political economy of technological research development, and experimentation are compelling the formation of new partnerships with non-traditional actors, including technology companies and voluntary technical organizations (VTOs) These often private sector entities and volunteer networks have built business models and change theories predicated on constant experimental iteration and ad hoc deployment of data-reliant “solutions” to humanitarian problems. This innovation paradigm, along with lack of guidance on what constitutes experimental versus operational application of technology, represents a significant obstacle to realizing this obligation, as well as preserving the spirit and letter of the humanitarian principles. Keith Hiatt, Michael Kleinman, and Mark Latonero, “Tech Folk: ‘Move Fast and Break Things’ Doesn’t Work When Lives Are at Stake” *The Guardian*, February 2, 2017, sec. Working in Development, <https://www.theguardian.com/global-development-professionals-network/2017/feb/02/technology-human-rights>; The power imbalance present in many data collection scenarios that represent an emerging “clinical practice” is another source of potential harm. Kristin Bergtora Sandvik, Katja Lindskov Jacobsen, and Sean Martin McDonald, “Do No Harm: A Taxonomy of the Challenges of Humanitarian Experimentation,” *International Review of the Red Cross*, October 2017, 1–26, <https://doi.org/10.1017/S181638311700042X>.

91. Elliott J. Schuchardt, “Walking a Thin Line: Distinguishing between Research and Medical Practice during Operation Desert Storm,” *Columbia Journal of Law and Social Problems* 26, no. 1 (1992): 93.

At present, humanitarian actors are engaged in many information related activities that employ new, poorly understood uses of ICTs and data. This approach makes the provision of informed consent to affected populations problematic and potentially morally hazardous when the practitioners themselves may not be considered “informed” about the risks, harms and benefits of these new procedures.

Section 5.3: Implementing the Obligation

In implementing this obligation, humanitarian actors should adhere to the following quality criteria, key actions, and organizational responsibilities:

QUALITY CRITERIA

Humanitarian **response** is based on communication, participation, and feedback. **Ⓞ**

The form of humanitarian assistance and the environment in which it is provided **do not further expose** people to physical hazards, violence, or other rights abuse. **Ⓢ**

ORGANIZATIONAL RESPONSIBILITIES

Policies, strategies and guidance are designed to **prevent** programs having negative effects (e.g. exploitation by staff) and **strengthen** local capacities. **Ⓞ**

Develop, promulgate, and encode a **standard for distinguishing** between accepted clinical practice of HIAs and experimental applications of information, data, and ICTs. **Ⓡ**

Provide **independent assessment and oversight** to research and experimental activities consistent with relevant standards of human subjects protection at every stage of an activity. **Ⓡ**

Ensure systems are in place to **safeguard** any personal information collected from communities and people affected by crisis that could put them at risk. **Ⓡ**

Develop common, shared procedures for **independent research review** and **prohibitions** on certain experimental activities, in advance of crisis situations. **Ⓡ**

- Ⓞ Core Humanitarian Standard
- Ⓢ Sphere Core Standards
- Ⓡ Recommendation

KEY ACTIONS

Take all reasonable steps to ensure that the affected population is not subject to **coercion**. **Ⓢ**

Provide information to the affected population about the humanitarian agency, its project(s), and people’s entitlements in an **accessible** format and language. **Ⓢ**

Ensure that the program design and approach supports all aspects of the **dignity** of the affected individuals and populations. **Ⓢ**

Begin an intentional, iterative sector-wide process of defining what constitutes **consent** in humanitarian action and what represents **operational versus experimental practice**. **Ⓡ**

Identify, agree, and enshrine a common definition of **“free and meaningful” consent** applicable to the reality of humanitarian operational contexts, consistent with human rights standards. **Ⓡ**

Determine when, where, and why research and experimentation is strictly **prohibited** in humanitarian contexts, and how that prohibition is enforced. **Ⓡ**

6. Ensure data privacy and security at every stage of an HIA.

Humanitarians have an obligation to ensure data privacy and security at every stage of a humanitarian information activity in any operational context.

When data privacy and security cannot be reasonably defined, agreed upon, and operationally realized for all stages of an HIA, then that activity cannot, by definition, be considered humanitarian in nature. Starting to collect, use, store, share, aggregate, or process data without being able to identify, articulate and implement reasonable data privacy and data security standards undermines the intent, meaning, and letter of the humanitarian principles. In turn, if issues related to the definition and realization of data privacy and security arise in the course of an HIA, the activity should be halted until these issues are resolved.

Individual and group privacy protection, including ensuring the security of data about individual people and the groups that they may be construed to be a part of, is a fundamental prerequisite for realizing the right to privacy and right to life, liberty, and security of person guaranteed by the Universal Declaration of Human Rights. Realizing the principle of humanity in the digital age—which includes ensuring respect for the dignity of individuals—requires data privacy and security as an essential core competency of humanitarian actors, humanitarian agencies, and the humanitarian data ecosystems they inhabit.

Thus all humanitarian actors, whether they are directly engaged in an HIA involving individual and/or group data or not, are the duty-bearers of this obligation at every stage of the disaster response cycle. Due to the integral role that both personally identifiable and demographically identifiable data plays in all stages and aspects of modern humanitarian response, both individual members of an affected population and the entire affected population itself should be considered rights-holders in the context of an HIA.

The tension between individual and group privacy must be mitigated in ways that ensure the dignity of the individual at all times. The humanitarian actor shall seek to identify and address the unique harms and threats to individuals—social, economic, political, and physical—that the data they collect and information they generate may create and magnify in specific contexts.

Domestic and international law may vary on the precise definitions of privacy and the specific and explicit steps necessary for its realization from context to context. Therefore, the duty of care requires humanitarian actors to agree a common, minimum standard of data privacy and security and, in turn, implement this standard within their organization as required for individual HIA use cases. This standard should be consistent with both evolving legal precedents in the area of digital data and traditionally accepted human rights law in order to fulfill this obligation.

Section 6.1: The Basis or Source of the Obligation

The rights basis for data protection and security in humanitarian contexts is well established, based on international law and existing humanitarian moral and ethical frameworks.⁹² Despite this, humanitarian standards are largely silent on matters of data privacy and security.

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⁹². Greenwood et al., “The Signal Code: A Human Rights Approach to Information During Crisis,” 26.

To date, the 2017 ICRC/Brussels Privacy Hub *Handbook on Data Protection in Humanitarian Action* represents the most extensive, specific, and detailed overview of key legal and technical considerations regarding data privacy and security in the humanitarian sector. The ICRC *Professional Standards for Protection Work* also provides an important resource. However, these sources have their limitations. The *Handbook* is not yet widely recognized as humanitarian ethical guidance. Similarly, protection information guidelines are concerned with protection data and issues, which should not be conflated with data protection more broadly. The proliferation of organizational codes of conduct and responsible data policies indicates demand for recognized humanitarian guidelines for data security and protection. These existing policies alone are insufficient, but represent a start in the right direction.

Section 6.2: The Value and Importance of the Obligation

Data privacy, security, and consent are inherently related concepts: without each, the others cannot exist. Giving these concepts meaning and effect has been complicated by the growing use of modern digital information technologies. Information communication technologies allow for large data set aggregation and the processing, analysis, storage, sharing, and disposal of data in ways that make traditional notions of privacy and consent insufficient and difficult to apply in a range of scenarios and across sectors.

The humanitarian obligation to protect affected populations from harm extends protecting their data as well. This requirement exists in an information environment which may be more challenging than in a non-crisis setting, and an environment where the data breaches are potentially more harmful, and is compounded by these technological developments. As the 2017 International Committee of the Red Cross *Handbook on Data Protection in Humanitarian Action* states, “Protecting individuals’ Personal Data is an integral part of protecting their life, integrity and dignity. This is why Personal Data protection is of fundamental importance for Humanitarian Organizations.”⁹³ While scant quantitative evidence is available, it can be reasonably assumed that data protection violations, intercepts of data transmissions, and/or breaches of physical data infrastructure may result in irrevocable harm to vulnerable populations. Key areas of harm that this obligation may address include:

- Potential for irrevocable harm created by loss of privacy affecting the protection status of vulnerable people and populations, including but not limited to: refoulement, arbitrary detention, human trafficking, torture and disappearance, extrajudicial killings, social exclusion, economic exploitation, and expulsion from home communities.
- Loss of dignity due to social exclusion and emotional distress related to the breach of private data.
- Loss of livelihood or other financial losses due to theft, identity loss, or expense of mitigating against future harms arising from the original breach.
- Erosion of trust between humanitarian responders and the affected population and subsequent loss of access to aid by the affected.
- Violation of right to data agency and informed consent.

Humanitarians may be unable to effectively manage and mitigate these threats because most humanitarian data protection frameworks and guidance focus on protecting PII. Emerging concepts such as demographically identifiable information (DII) are relatively new and highly relevant to HIAs because they focus on population-wide data, analytics, and assessment frameworks.⁹⁴ Security becomes increasingly complex as technical and human systems become more sophisticated and interdependent, vulnerable to attacks and prone to accidents and failures.⁹⁵ Technical solutions alone, such as anonymization, are far from foolproof or sufficient to address these problems.⁹⁶ These issues are even more acute in armed conflict, low connectivity, and infrastructure-poor contexts.

93. Kuner et al., “Handbook on Data Protection in Humanitarian Action,” 14.

94. Nathaniel A. Raymond, “Beyond ‘Do No Harm’ and Individual Consent: Reckoning with the Emerging Ethical Challenges of Civil Society’s Use of Data,” in *Group Privacy: New Challenges of Data Technologies*, ed. Linnet Taylor, Luciano Floridi, and Bart van der Sloot, 1st ed., vol. 126, Philosophical Studies Series (SPRINGER INT PUBLISHING AG, 2017).

95. Karen Marais, Nicolas Dulac, and Nancy Leveson, “Beyond Normal Accidents and High Reliability Organizations: The Need for an Alternative Approach to Safety in Complex Systems” (Engineering Systems Division Symposium, Cambridge, 2015).

96. Mittelstadt and Floridi, “The Ethics of Big Data,” 326; Yves-Alexandre de Montjoye et al., “Unique in the Shopping Mall: On the Reidentifiability of Credit Card Metadata,” *Science* 347, no. 6221 (January 30, 2015): 536–39, <https://doi.org/10.1126/science.1256297>; Zook et al., “Ten Simple Rules for Responsible Big Data Research,” 3.

Section 6.3: Implementing the Obligation

In implementing this obligation,⁹⁷ humanitarian actors should adhere to the following quality criteria, key actions, and organizational responsibilities:

QUALITY CRITERIA

Humanitarian agencies **consistently manage sensitive information**, particularly information about specific individual beneficiaries and vulnerable populations, to commonly agreed and regularly updated standards of data security and protection. **C**

When the **data privacy** and **security of individuals** and/or populations may be compromised, humanitarian agencies work expediently and transparently to address the issue, notify those affected, provide rectification and redress for any negative impact stemming from the incident, and take steps to prevent it from occurring again. **R**

ORGANIZATIONAL RESPONSIBILITIES

Humanitarian agencies manage sensitive information in a way that does not jeopardize the security of the informants or those who may be identifiable from the information gathered. **S**

Implement privacy management programs and Data Protection Impact Assessments appropriate to the scope of a project's exposure to sensitive and personal data. **C**

Systems are in place to safeguard any PII and DII collected from communities and people affected by crisis that could put them at risk. **R**

Provide mechanisms for the evaluation of humanitarian performance in upholding these rights and accountability to the populations served. **R**

Establish accountability mechanisms by which a data subject can seek recourse within a timely manner and at minimal cost. **R**

Establish internal mechanisms for oversight, critical incident response, and the ongoing monitoring and assessment of data collection. **R**

- C** Core Humanitarian Standard
- C** ICRC Data Protection
- S** Sphere Core Standards
- R** Recommendation

KEY ACTIONS

Design the program to minimize: the risk of endangering people; worsening the dynamics of a conflict; or creating insecurity or opportunities for exploitation and abuse. **S**

Establish sector- and agency-wide policies, procedures, and governance structures capable of handling sensitive PII and DISS across the humanitarian ecosystem, standardized legal agreements for the sharing of sensitive data, and common minimal technical and ethical standards for data handling, use, and disposal. **R**

Review and understand the implications of the data policies, licensing terms and conditions, and security features of all ICTs used for sensitive activities. **R**

Do not use ICTs whose terms and conditions, data policies, and security features are incompatible with these obligations and the Humanitarian Principles. **R**

Develop sector- and agency-wide mechanisms for reporting on and learning from critical data incidents, and for holding humanitarian actors accountable to the communities they serve. **R**

Develop sector- and agency-wide standards for routine auditing of data governance and management systems. **R**

Determine minimum competency, capacity, and capability required for core HIAs and repeating component factors. Encode these requirements into minimum technical standards. **R**

Develop common Status of Data Agreements (SODA) templates that comport with humanitarian principles and human rights standards for use in negotiating data sharing with governments as part of gaining access to populations. **R**

97. As in the other obligations, this section draws on existing standards and frameworks where possible to inform the Quality Criteria, Key Actions, and Organizational Responsibilities presented below. However, as explained above, these existing standards and frameworks are largely silent on matters of data privacy and security. In view of this, the section includes significantly more *recommendations* than for other obligations.

7. Ensure that HIAs strive to reduce future vulnerability and neither degrade nor disrupt local capacity.

Humanitarians have an obligation to ensure that HIAs strive to reduce future vulnerability and neither degrade nor disrupt local capacity.

The humanitarian's responsibility to reduce an affected population's future vulnerability by building—and not disrupting—local capacity is widely recognized in core humanitarian ethical, moral, and legal frameworks. In placing communities and people affected by crisis at the center of humanitarian response, humanitarian actors recognize the critical importance of local capacity and agency. By building local capacity, humanitarians help ensure that “communities and people affected by crisis... are more prepared, resilient and less at-risk as a result of humanitarian action.”⁹⁸ To achieve this, humanitarian actors recognize that the investments, programs, and individual activities comprising a humanitarian response must build on local capacity and, wherever possible, help reduce future vulnerability of populations affected by crisis.

Just as more robust methodologies are required for assessing the needs-basis of HIAs (see NIR method proposed in Obligation 1 above), more robust methodologies are also required for assessing vulnerability and existing capacity of affected populations. Such methodologies would enhance humanitarians' understanding of existing vulnerability and capacities related to ICTs and data and, in turn, support the identification of opportunities for building capacity and reducing future vulnerability of affected populations.

Vulnerability and Capacity Assessments for the Digital Age

Traditional modes of vulnerability and capacity assessment—such as the Multi-Sector Initial Rapid Assessment (MIRA)—do not capture critical details related to relevant vulnerabilities and capacities of affected populations vis-a-vis information, ICTs and digital data. While the MIRA analytical framework⁹⁹ includes an assessment of capacities to respond, the specific dimensions of this do not systematically cover affected communities' and local organizations' specific information, ICT- and data-related capacities, nor does the broader MIRA framework adequately assess vulnerabilities in this domain. Updated and enhanced vulnerability and capacity assessments are thus required to inform humanitarian action in the digital age.

Section 7.1: The Basis or Source of the Obligation

Humanitarian standards consistently acknowledge the central role of affected populations in humanitarian response. Core Standard 1 of Sphere states: “People's capacity and strategies to survive with dignity are integral to the design and approach of humanitarian response.”¹⁰⁰ The central importance and inherent value of affected populations' capacities require that they be acknowledged, understood, and reinforced wherever possible throughout a humanitarian response. The same holds true for HIAs.

The first commitment articulated in the Humanitarian Charter acknowledges the importance of affected populations' active involvement in response efforts, and suggests that this active involvement should be determined not just by populations' needs but also by their capacities. The commitment states:

98. CHS Alliance, Groupe URD, and The Sphere Project, *Core Humanitarian Standard: Core Humanitarian Standard on Quality and Accountability*, 8.

99. “Capacities and responses (planned or ongoing) refer to the ability of main stakeholders involved in the humanitarian response to meet the population's needs. It is measured at different levels (national and international capacity, coping mechanisms of the affected population).” Inter-Agency Standing Committee, “Multi-Sector Initial Rapid Assessment Guidance,” August 13, 2015, <https://www.humanitarianresponse.info/en/programme-cycle/space/document/multi-sector-initial-rapid-assessment-guidance-revision-july-2015>.

100. The Sphere Project, *Humanitarian Charter and Minimum Standards in Humanitarian Response*, 55.

*We offer our services in the belief that the affected population is at the center of humanitarian action, and recognize that their active participation is essential to providing assistance in ways that best meet their needs, including those of vulnerable and socially excluded people. We will endeavor to support local efforts to prevent, prepare for and respond to disaster, and to the effects of conflict, and to reinforce the capacities of local actors at all levels.*¹⁰¹

Building on and reinforcing local capacity not only improves the overall relevance and effectiveness of humanitarian response—it contributes directly to the realization of affected populations’ rights and improving well-being over time. The third commitment of the Core Humanitarian Standard requires that humanitarian response strengthens local capacities.¹⁰² Sphere, in turn, acknowledges the practical and inherent value of local capacities:

*Disaster-affected people possess and acquire skills, knowledge and capacities to cope with, respond to and recover from disasters. Active participation in humanitarian response is an essential foundation of people’s right to life with dignity... Self-help and community-led initiatives contribute to psychological and social well-being through restoring dignity and a degree of control to disaster-affected populations. Access to social, financial, cultural and emotional support through extended family, religious networks and rituals, friends, schools and community activities helps to re-establish individual and community self-respect and identity, decrease vulnerability and enhance resilience.*¹⁰³

In addition to building on existing capacity, core humanitarian frameworks hold that response efforts should help reduce future vulnerabilities wherever possible. The Red Cross NGO Code of Conduct articulates this principle as follows:

*Relief aid must strive to reduce future vulnerabilities to disaster as well as meeting basic needs. All relief actions affect the prospects for long-term development, either in a positive or a negative fashion. Recognizing this, we will strive to implement relief programs which actively reduce the beneficiaries’ vulnerability to future disasters and help create sustainable lifestyles. We will pay particular attention to environmental concerns in the design and management of relief programs. We will also endeavor to minimize the negative impact of humanitarian assistance, seeking to avoid long-term beneficiary dependence upon external aid.*¹⁰⁴

In a similar vein, Sphere encourages “actions taken at the earliest opportunity to strengthen local capacity, work with local resources and restore services, education, markets and livelihood opportunities,” asserting that such actions “promote early economic recovery and the ability of people to manage risk after external assistance has ended.”¹⁰⁵ Finally, Commitment 3 of the Core Humanitarian Standard holds that “Communities and people affected by crisis are not negatively affected and are more prepared, resilient, and less at-risk as a result of humanitarian action.”¹⁰⁶

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101. The Sphere Project, 23.

102. The Sphere Project, 9.

103. The Sphere Project, 56.

104. International Committee of the Red Cross and International Federation of the Red Cross, “ICRC Code of Conduct,” 4.

105. The Sphere Project, *Humanitarian Charter and Minimum Standards in Humanitarian Response*, 66.

106. CHS Alliance, Groupe URD, and The Sphere Project, *Core Humanitarian Standard: Core Humanitarian Standard on Quality and Accountability*, 12.

Section 7.2: The Value and Importance of the Obligation

There are at least two major gaps in current practice that must be filled to adequately begin to address the harms that this obligation seeks to prevent and mitigate:

- The ability to assess a specific population’s HIA-related capacity to respond to a discrete disaster, and
- The ability to assess that population’s inherent vulnerability as it relates to information and data needs and capacity gaps.

Underlying these gaps sits a broader theoretical deficit that Poole et al term “tele-demography”: the ability to assess a population’s connectivity, information, and data requirements across ethnic, economic, cultural, and gender differences and disparities.¹⁰⁷ At present, the humanitarian community lacks common theory and methodology to standardize these assessments. If these practical and theoretical gaps remain unaddressed, several types of existing risks and harms will be difficult to effectively manage:

Key areas of harm that this obligation may help address include, though are not limited to, the following:

- Inaccurate and/or inappropriate assessments of vulnerability and capacity in the context of HIAs lead to poorly designed interventions that may degrade and/or disrupt local capacity.
- Local capacity, voices, solutions, and skilled professionals are displaced by redundant, contextually inappropriate, underutilized, and/or unsustainable interventions that rely on likely costlier outside professionals and capacity.
- Short and long-term efforts to build local competencies, capacities and capabilities to support disaster preparedness and resilience are undermined by the injection of outside actors.
- Failure of humanitarians and other actors to recognize, adopt, and integrate innovative solutions developed by local populations utilizing ICTs, data, and other information activities into best practice.

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¹⁰⁷ Danielle Poole, Mark Latonero, and Jos Berens, “A Survey of Mobile Phones, Mental Health, and Privacy at a Syrian Refugee Camp in Greece” (Data and Society & Harvard Humanitarian Initiative, 2018).

Section 7.3: Implementing the Obligation

In implementing this obligation, humanitarian actors should adhere to the following quality criteria, key actions, and organizational responsibilities:

QUALITY CRITERIA

Humanitarian response **strengthens local capacities** and avoids negative effects. ②

Project strategies are explicitly linked to community-based capacities and initiatives. ②

Disaster-affected people **conduct or actively participate in** regular meetings on how to organize and implement the response. ②

The number of **self-help initiatives** led by the affected community and local authorities increases during the response period. ②

ORGANIZATIONAL RESPONSIBILITIES

Policies, strategies, and guidance are designed to: **prevent** programs having any negative effects; and **strengthen** local capacities. ②

Systems are in place to **safeguard** any personal information collected from communities and people affected by crisis that could put them at risk. ②

- ② Core Humanitarian Standard
- ② Sphere Core Standards

KEY ACTIONS

Support local capacity by identifying community groups and social networks at the earliest opportunity, and build on community-based self-help initiatives. ②

Ensure programs **build on local capacities** and work toward improving the resilience of communities and people affected by crisis. ②

Use the results of any existing community hazard and risk assessments and preparedness plans to guide activities. ②

Enable the development of **local leadership** and organizations in their capacity as first responders in the event of future crises, taking steps to ensure that marginalized and disadvantaged groups are appropriately represented. ②

Plan a transition or **exit strategy** in the early stages of the humanitarian program, to ensure longer-term positive effects and reduce the risk of dependency. ②

Identify and act upon potential or actual **unintended negative effects** in a timely and systematic manner, including in the areas of:

- People's safety, security, dignity and rights;
- Sexual exploitation and abuse by staff;
- Culture, gender, social and political relationships;
- Livelihoods;
- The local economy;
- Informal online information networks; and
- The environment. ②

8. Coordinate, ensure complementarity, and prevent redundancy.

Humanitarians have an obligation to coordinate, ensure complementarity, and prevent redundancy in designing and implementing Humanitarian Information Activities (HIAs).

Coordination plays an essential role in humanitarian response. A range of coordination processes and systems exist within the humanitarian sector, designed to maximize the efficiency, coverage, and effectiveness of interventions before, during, and after a crisis. These include processes such as joint needs assessments, consolidated funding appeals, information sharing agreements, and mechanisms like the cluster system. While the configuration of these processes and systems varies across contexts, the overarching approach and intent remains the same: assisting people when they most need relief or protection through coherent, effective, and principled humanitarian action in partnership with national and international actors.¹⁰⁸

The cluster system represents one of the most important mechanisms for humanitarian coordination. Introduced in 2005 under the auspices of the Humanitarian Reform Agenda, the Cluster Approach plays a central role in bringing humanitarian organizations together for coordinated response activities. Unfortunately, information activities are neither officially designated nor recognized as constituting a humanitarian sector on their own, and thus no Humanitarian Information Activity cluster exists.

The cluster coordination system lacks a specific cluster designated for mitigating these problems and managing information and data flow. Similarly, there are no mechanisms for coordinating the deployment of different ICTs, ranging from drones and satellites to big data analytics and mobile device-based interventions. While the Emergency Telecommunications Cluster (ETC) and the Communicating with Communities (CWC) working group play critical roles, there is an unaddressed HIA coordination gap in the current humanitarian architecture. Critically, HIAs that provide information as a form of aid fall outside of the ETC's mandate and current operational structure.¹⁰⁹ Coordination of such HIAs is ad hoc, with individual thematic clusters following different processes and protocols for the coordination of HIAs in their sector. This status quo may lead to fragmentation and undermine efforts to ensure complementarity, prevent redundancy, and prevent harm as a result of HIAs.

Section 8.1: The Basis or Source of the Obligation

The importance of coordination is widely recognized in humanitarian standards. Standard 6 of the Core Humanitarian Standard requires that “communities and people affected by crisis receive coordinated, complementary assistance.”¹¹⁰ Similarly, Sphere Core Standard 2: Coordination and Collaboration holds that:

108. See the UN Office of Coordination of Humanitarian Affairs (UN OCHA) website for more information.

109. Traditionally, the ETC has focused on providing “timely, predictable, and effective information and communications technology (ICT) services (to) support improved: response and coordination among humanitarian organizations; operational security environment for staff and assets; and decision-making through timely access to critical information.” While the ETC 2020 vision offers an expanded view of the role that the ETC can and should play and includes the provision of connectivity to affected populations, this vision has yet to materialize as a consistent and standard feature of humanitarian response. For more information on the ETC, visit the official website: <https://www.etcluster.org/about-etc>

110. CHS Alliance, Groupe URD, and The Sphere Project, *Core Humanitarian Standard: Core Humanitarian Standard on Quality and Accountability*, 15.

...Humanitarian response is planned and implemented in coordination with the relevant authorities, humanitarian agencies and civil society organizations engaged in impartial humanitarian action, working together for maximum efficiency, coverage and effectiveness.¹¹¹

The Humanitarian Charter identifies coordination and collaboration as essential to ensuring effective, appropriate, and accountable response.¹¹² Sphere offers a more detailed description of what coordinated humanitarian responses should look like and, if executed coherently, help ensure:

Coordinated responses: Adequate program coverage, timeliness and quality require collective action. Active participation in coordination efforts enables coordination leaders to establish a timely, clear division of labor and responsibility, gauge the extent to which needs are being collectively met, reduce duplication and address gaps in coverage and quality.¹¹³

Humanitarian frameworks also explicitly call for coordination and collaboration in data and information-related activities. In this domain, Sphere specifically addresses efficient data-sharing,¹¹⁴ collaborative pooling of pre-disaster information,¹¹⁵ and sharing assessments.¹¹⁶ Extending this guidance to a specific programming area, the IASC calls for coordination to help ensure protection in humanitarian response.¹¹⁷ The WEF *Principles for Public-Private Cooperation in Humanitarian Payments* call for coordination in both the design and delivery of technology-enabled interventions related to humanitarian cash transfers.¹¹⁸ The WEF guidance further addresses the balance between sharing information to promote coordination versus safeguarding information to ensure individual and group protections.

Section 8.2: The Value and Importance of the Obligation

Mounting anecdotal examples illustrate the consequences of lacking fit-for-purpose, effective, and comprehensive coordinative structures for HIAs. These include the lessons learned from the 2015 Nepal Earthquake response, the Haiti Earthquake Response, and other recent complex emergencies.¹¹⁹ In these two emergencies, the cluster system was overwhelmed by massive flows of new data types at unprecedented volumes: geospatial data (Nepal) and crowdsourced, crisis mapping data (Haiti). This phenomenon is known as “data deluge”—one of several different types of “big data disasters” identified by Raymond and al Achkar.¹²⁰ Data deluge can be caused in even connectivity-poor environments when the amount of raw and processed data products surpass a humanitarian data ecosystem’s absorptive capacity.¹²¹

111. The Sphere Project, *Humanitarian Charter and Minimum Standards in Humanitarian Response*, 58.

112. The Sphere Project, 23.

113. The Sphere Project, 59.

114. “Efficient data-sharing will be enhanced if the information is easy to use (clear, relevant, brief) and follows global humanitarian protocols which are technically compatible with other agencies’ data. The exact frequency of data-sharing is agency- and context-specific but should be prompt to remain relevant. Sensitive information should remain confidential (see Core Standards.” The Sphere Project, 61–65.

115. “Pre-disaster information: A collaborative pooling of existing information is invaluable for initial and rapid assessments. A considerable amount of information is almost always available about the context (e.g. political, social, economic, security, conflict and natural environment) and the people (such as their sex, age, health, culture, spirituality and education). Sources of this information include the relevant state ministries (e.g. health and census data), academic or research institutions, community-based organizations and local and international humanitarian agencies present before the disaster. Disaster preparedness and early warning initiatives, new developments in shared web-based mapping, crowd-sourcing and mobile phone platforms (such as Ushahidi) have also generated databases of relevant information.” The Sphere Project, 62.

116. “Sharing assessments: Assessment reports provide invaluable information to other humanitarian agencies, create baseline data and increase the transparency of response decisions. Regardless of variations in individual agency design, assessment reports should be clear and concise, enable users to identify priorities for action and describe their methodology to demonstrate the reliability of data and enable a comparative analysis if required.” The Sphere Project, 65.

117. IASC Secretariat, “Inter-Agency Standing Committee Policy on Protection in Humanitarian Action,” 3.

118. World Economic Forum, “Principles on Public-Private Cooperation in Humanitarian Payments,” 19.

119. David Sanderson and Ben Ramalingam, “Nepal Earthquake Response: Lessons for Operational Agencies,” ALNAP Lessons (London: ALNAP/ODI, 2015), <http://www.alnap.org/resource/20140>; Harvard Humanitarian Initiative, “Disaster Relief 2.0: The Future of Information Sharing in Humanitarian Emergencies” (Washington, D.C. and Berkshire, UK, 2011), <https://hhi.harvard.edu/sites/default/files/publications/disaster-relief-2.0.pdf>.

120. Nathaniel Raymond and Ziad Al-Achkar, “Data Preparedness: Connecting Data, Decision-Making, and Humanitarian Response,” *Standards and Ethics* (Cambridge, MA: Harvard Humanitarian Initiative, 2016), 4, <https://hhi.harvard.edu/publications/data-preparedness-connecting-data-decision-making-and-humanitarian-response>.

121. Raymond et al., “Building Data Responsibility into Humanitarian Action.”

These types of negative secondary effects stemming from large scale adoption of ICTs by responders and affected populations alike should no longer be considered either aberrant or rare occurrences. Instead, these phenomena should be considered common and repeating dynamics of modern response operations. Key areas of harm that this obligation may help address include, though are not limited to, the following:

- Inaccurate, inappropriate, or duplicative/concurrent/redundant assessment of and response to the needs, vulnerabilities, and capacities of affected populations.
- Exclusion of or failure to cater for particularly vulnerable, underrepresented, and/or 'invisible' groups.
- Waste of humanitarian resources due to duplication of efforts.
- Undermining other efforts within or outside of agency by eroding the trust of affected populations and/or the legitimacy of overall response operations.

See following page: 8.3 Implementing the Obligation.

Section 8.3: Implementing the Obligation

In implementing this obligation, humanitarian actors should adhere to the following quality criteria, key actions, and organizational responsibilities:

QUALITY CRITERIA

Humanitarian response is **coordinated and complementary**. ②

Assessment reports and information about program plans and progress are **regularly submitted** to the relevant coordinating groups. ③

The humanitarian activities of other agencies in the same geographical or sectoral areas are **not duplicated**. ③

Commitments made at coordination meetings are **acted upon and reported** in a timely manner. ③

The agency's response takes account of the **capacity and strategies of other humanitarian agencies**, civil society organizations, and relevant authorities. ③

KEY ACTIONS

Participate in general and any applicable sectoral coordination mechanisms from the outset. ③

Be informed of the responsibilities, objectives, and coordination role of the state and other coordination groups where present. ③

Provide coordination groups with information about the agency's mandate, objectives, and program. ③

Share assessment data in a timely manner and in a format that can be readily used by other humanitarian agencies. ③

Use program information from other humanitarian agencies to inform analysis, selection of geographical area, and response plans. ③

Regularly **update coordination groups** on progress, reporting any major delays, agency shortages, or spare capacity. ③

ORGANIZATIONAL RESPONSIBILITIES

Collaborate with other humanitarian agencies to strengthen advocacy on critical shared humanitarian concerns. ③

Establish clear policies and practices regarding the agency's engagement with non-humanitarian actors, based on humanitarian principles and objectives. ③

Participate in multi-sectoral, joint- or inter-agency assessments wherever possible. ③

Leadership supports and promotes collaboration to harness the diverse mandates and expertise of IASC organizations in achieving protection outcomes, while simultaneously promoting accountability - including accountability to affected persons. ①

Insofar as mandates, expertise, and confidentiality protocols allow, all humanitarian actors **actively contribute to protection outcomes** by: collecting and sharing data and information; contributing to analysis; reporting on violations; engaging in advocacy; and committing programming, activities, funding, and other resources in support of protection outcomes. ①

② Core Humanitarian Standard

③ Sphere Core Standards

① IASC Policy on Protection

9. Be accountable and transparent in every stage of an HIA.

Humanitarians have an obligation to be accountable and transparent in every stage of a humanitarian information activity.

Accountability and transparency are acknowledged as essential components of principled humanitarian action. Accountability requires the following critical activities:

1. Formally investigating when an HIA may have caused harm to an affected population through negatively affecting their human security, human rights, and/or social and economic status;
2. Communicating the findings of such investigations and after-action reviews;
3. Establishing the capacity to engage in redress and rectification related to data collection and processing, as well as information dissemination activities.

In a broader sense, accountability must be respected as one of the key principles for data protection and processing in all aspects of humanitarian action. The ICRC *Handbook on Data Protection in Humanitarian Action* states:

2.9 The principle of accountability: The principle of accountability is premised on the responsibility of Data Controllers to comply with the above principles and the requirement that they be in a position to demonstrate that adequate and proportionate measures have been undertaken within their respective organizations to ensure compliance with them.¹²²

Section 9.1: The Basis or Source of the Obligation

Accountability is central to humanitarian doctrine, both as an overriding principle and as a core objective of the various standards and doctrinal frameworks that guide humanitarian action.

The primary objective of the Core Humanitarian Standard is to “facilitate greater accountability to communities and people affected by crisis, and improve the quality of services provided to them.”¹²³ Accountability is not simply one of the standards, but a central thrust of the entire set.

Principle 9 of the ICRC Code of Conduct clearly articulates a commitment to accountability and transparency:

122. This can include measures such as the following, which are all strongly recommended in order to allow Humanitarian Organizations to meet data protection requirements: drafting of Personal Data Processing policies (including Processing Security policies); keeping internal records of data Processing activities; creating an independent body to oversee the implementation of the applicable data protection rules, such as a Data Protection Office, and appointment of a Data Protection Officer (DPO); implementing data protection training programs for all staff; performing Data Protection Impact Assessments (DPIAs); and registering with the competent authorities (including data protection authorities), if legally required and not incompatible with the principle of “do no harm.” Kuner et al., “Handbook on Data Protection in Humanitarian Action,” 35–36.

123. CHS Alliance, Groupe URD, and The Sphere Project, *Core Humanitarian Standard: Core Humanitarian Standard on Quality and Accountability*, 20.

We hold ourselves accountable to both those we seek to assist and those from whom we accept resources: We often act as an institutional link in the partnership between those who wish to assist and those who need assistance during disasters. We therefore hold ourselves accountable to both constituencies. All our dealings with donors and beneficiaries shall reflect an attitude of openness and transparency. We recognize the need to report on our activities, both from a financial perspective and the perspective of effectiveness. We recognize the obligation to ensure appropriate monitoring of aid distributions and to carry out regular assessments of the impact of disaster assistance. We will also seek to report, in an open fashion, upon the impact of our work, and the factors limiting or enhancing that impact. Our programs will be based upon high standards of professionalism and expertise in order to minimize the wasting of valuable resources.¹²⁴

The Humanitarian Charter similarly emphasizes the importance of accountability and transparency, both as means for making humanitarian response more effective and as a method for giving value and weight to the technical standards devised to guide humanitarian action. Importantly, the Humanitarian Charter places primacy on accountability to affected populations over other groups: "...we acknowledge that our fundamental accountability must be to those we seek to assist."¹²⁵ By acknowledging this fundamental accountability of humanitarian actors, the Humanitarian Charter establishes a more rigorous requirement than the Code of Conduct in this regard.

Realizing accountability and transparency requires action across the humanitarian programming cycle. Key components of accountability and transparency will include but are not limited to mechanisms for feedback mechanisms and complaints from affected populations.¹²⁶ Such measures help ensure monitoring and improvement of humanitarian performance over time, as acknowledged in Sphere Core Standard 5.¹²⁷

Although it has been incorporated and reflected in more recent humanitarian frameworks, the Humanitarian Accountability Partnership (HAP) Standard offers a critical frame through which humanitarian actors can recognize, interpret, and strive to meet their obligations to be transparent and accountable in delivering aid.¹²⁸ The HAP Standard Principles demonstrate the degree to which accountability and transparency interrelate with the core tenets of humanitarian standards, and thus play a central role in the delivery of principled humanitarian assistance.

Section 9.2: The Value and Importance of the Obligation

The consequences of a lack of transparency and accountability are well understood in traditional, non-HIA forms of response by humanitarian actors. These impacts include damage to trust and acceptance of humanitarian actors by disaster-affected populations, more complex, restrictive and challenging relationships with governments, and negative impacts on public and financial support for humanitarian work.

However, in the context of HIAs, what transparency and accountability means and operationally requires is still being conceptualized. By the same token, the potential negative impacts of a lack of accountability and transparency as it relates to information, data, and ICTs in the 21st Century is still being ascertained. Scant quantitative data is available in this area to date and this is due, in part, to limited methodologies and theories of causality for studying this area.

124. International Committee of the Red Cross and International Federation of the Red Cross, "ICRC Code of Conduct," 4.

125. The Sphere Project, *Humanitarian Charter and Minimum Standards in Humanitarian Response*, 24.

126. "Complaints: People have the right to complain to an agency and seek a corresponding response (see HAP's 'handling complaints' benchmark). Formal mechanisms for complaints and redress are an essential component of an agency's accountability to people and help populations to re-establish control over their lives." The Sphere Project, 56.

127. The Sphere Project, 68.

128. Humanitarian Accountability Partnership, "Guide to the 2010 HAP Standard in Accountability and Quality Management."

The potential harms that effective transparency and accountability mechanisms seek to address in the realm of HIAs are clearer. These harms may include, but are not limited to, the following:

- Contracting humanitarian space for engaging in HIAs, including increased operational restrictions by governments, private sector entities, and international organizations on what humanitarians are allowed to do related to HIAs.
- Avoidance by affected populations of, and hostility towards programs, contexts and operations where humanitarians are collecting, aggregating, sharing, using, and disposing of the data of individuals and groups.
- Increased limitations on funding, data sharing, cooperative agreements, and other forms of support and partnerships by governments and private sector entities.
- Excessive or restrictive regulation of the use of data, ICTs, and information by humanitarians as a result of a perceived lack of accountability and transparency.
- Armed groups can target humanitarians for cyberattack, including misinformation and cyber kinetics, with impunity due to a perception that humanitarians themselves do not uphold legal or regulatory standards.

See following page: 9.3 Implementing the Obligation.

Section 9.3: Implementing the Obligation

In implementing this obligation, humanitarian actors should adhere to the following quality criteria, key actions, and organizational responsibilities:

QUALITY CRITERIA

Agencies have **investigated** and, as appropriate, acted upon complaints received about the assistance provided. ⑤

Monitoring and evaluation sources include the views of a **representative** number of people targeted by the response, as well as the host community (if different). ⑤

Accurate, updated, non-confidential **progress information is shared** with the people targeted by the response and relevant local authorities and other humanitarian agencies on a regular basis. ⑤

Performance is regularly monitored in relation to all Sphere Core and relevant minimum technical standards (and related global or agency performance standards), and the main results shared with key stakeholders. ⑤

Agencies consistently conduct an **objective evaluation** or learning review of a major humanitarian response in accordance with recognized standards of evaluation practice. ⑤

Transparency and accountability systems (e.g. rectification and redress mechanisms) are available and accessible to the entire population. ⑤

④ Core Humanitarian Standard

⑤ Sphere Core Standards

⑥ Recommendation

KEY ACTIONS

Establish systematic but simple, timely, and participatory mechanisms to **monitor progress** toward all relevant Sphere standards on the program's stated principles, outputs, and activities. ⑤

Establish basic mechanisms for monitoring the agency's **overall performance** with respect to the agency's management and quality control systems. ⑤

Monitor the outcomes and, where possible, the early impact of a humanitarian response on the affected and wider populations. ⑤

Establish systematic mechanisms for **adapting** program strategies in response to monitoring data, changing needs, and an evolving context. ⑤

Conduct periodic **reflection and learning exercises** throughout the implementation of the response. ⑤

Carry out a **final evaluation** with reference to its stated objectives, principles and agreed minimum standards. ⑤

Participate in joint, inter-agency, and other collaborative learning initiatives wherever feasible. ⑤

Share key monitoring findings, and, where appropriate, the findings of key learning processes with the affected population, relevant authorities, and coordination groups in a timely manner. ⑤

Establish **grievance** procedures and take appropriate disciplinary action against aid workers following confirmed violation of the agency's code of conduct. ⑤

ORGANIZATIONAL RESPONSIBILITIES

Formal mechanisms for **complaints and redress** are an essential component of an agency's accountability to people, and help communities re-establish control over their lives. ⑤

At a minimum, agencies should provide a description of the agency's **mandate** and project(s), the population's entitlements and rights, and when and where to access assistance. ⑤

Establish systematic, transparent mechanisms through which people affected by disaster or conflict can provide regular **feedback** and influence programs. ⑤

Provide information to the affected population about the humanitarian agency, its project(s) and people's entitlements in an **accessible format and language**. ⑤

Enable people to lodge complaints about the program easily and safely; establish transparent, timely procedures for response and remedial actions. ⑤

Progressively **close the gap** between assessed conditions and the Sphere minimum standards, meeting or exceeding Sphere indicators. ⑤

Evaluation and learning policies are in place, and means are available to learn from experiences and improve practices. ⑤

Staff policies and procedures are fair, transparent, non-discriminatory, and compliant with local employment law. ⑤

A **code of conduct** is in place that establishes, at a minimum, the obligation of staff not to exploit, abuse, or otherwise discriminate against people. ⑤

Conclusion

Professionalizing the use of ICTs by humanitarians is—and will continue to be—an iterative and dynamic process. The success or failure of this trajectory depends on whether humanitarian practice in the field matures in ways that embed ethics into the fabric of everyday operational activities, not on the codification of proposed standards in a document. However, it is the belief of the authors that the ongoing series of *Signal Code* publications can play a role in helping inform this evolution.

The publication in 2017 of *The Signal Code: A Human Rights Approach to Information during Crisis* was intended to begin the first phase of this process, the articulation of what human rights people may have related to data, ICTs, and information in emergency settings. This document, *Signal Code: Ethical Obligations*, aims to provide a starting point for the second phase of this effort: Articulating and standardizing the ethical obligations of practitioners to realize these core human rights.

Looking ahead, the logical next step and third phase of the arc of professionalization of humanitarian action related to HIAs will likely require a collaborative, multi-stakeholder effort to develop minimal technical standards. These standards will need to be tailored to specific HIAs, such as the use of biometrics, mobile surveys, Wi-Fi provision to displaced populations, and other common areas of ICT application and deployment. It is the authors' hope that the first two volumes of the *Signal Code*—the rights based approach to HIAs and this overview of core ethical obligations—can support the eventual development of minimum technical standards for HIAs that remain grounded in the foundational principles that have historically defined what constitutes humanitarian action.

Glossary

Accountability | The means or process by which organizations and individuals are held accountable by different stakeholders, with the goal of ensuring their activities are conducted appropriately and resources are used responsibly.

Affected Population | People (individuals and groups) impacted by a disaster or crisis situation; may also be called “crisis-affected population” or “disaster-affected population.”

Capability | The individual and collective ability and freedom of humanitarian actors (local, national, regional and international) to perform effective humanitarian action that meets the needs of affected populations. Capability is distinct from and, in a way, more meaningful than capacity in that it represents the actual freedom to perform, and not just the strengths and resources available to do so.¹²⁹

Capacity | A combination of all the strengths and resources available within a community, society or organization that can reduce the level of risk, or the effects of a disaster. Capacity may include physical [and technical (including digital)] means, institutional abilities, societal infrastructure as well as human skills or collective attributes such as leadership and management.¹³⁰

Competency | The behaviors that employees must have, or must acquire, in order to achieve high levels of performance in their role.¹³¹

Complex Emergency | A humanitarian crisis in a country, region, or society where there is total or considerable breakdown of authority resulting from internal or external conflict, and which requires an international response that goes beyond the mandate or capacity of any single agency and/or the ongoing UN country program (IASC).

Conflict | A situation in which at least two parties are in serious, usually protracted, disagreement. In humanitarian contexts, “conflict” usually refers to violent or armed disagreement, or scenarios in which there is a threat of violence to certain populations.

Crisis Response Cycle | All activities pertaining to crisis preparedness and response, including pre-crisis preparedness, early crisis response, and long-term activities. These activities tend to be (but are not always) organized in a predictable, cyclical system.

Data | Information—either quantitative or qualitative—that is collected and analyzed for the purpose of decision-making. In the humanitarian context, “data” usually refers to information in an unprocessed or unorganized form that can be digitally stored and interpreted.

Data Controller | A party competent to make decisions about the contents and use of personal data, whether that data is collected, stored, or processed by that party or an agent or agents operating on its behalf.

Data Life-Cycle | The life-cycle that a data point or data set undergoes, usually including collection, storage, processing, transmission, consumption, and destruction as stages.

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129. Combaz, “Humanitarian Capability: Definitions and Components”; Sen, “Equality of What?”

130. “ReliefWeb Glossary of Humanitarian Terms.”

131. Narayanan, “Review and Development of Core Humanitarian Competencies Framework Report.”

Data Minimization | The principle that a data controller should limit the amount of data collected and the length of time the data is stored to that which is strictly necessary for accomplishing a specified purpose. In the humanitarian context, the principle directly opposes the collection of as much data as possible in the service of unanticipated or currently unknown future needs.

Data Preparedness | The ability of organizations to be ready to responsibly and effectively deploy and manage data collection and analysis tools, techniques and strategies in a specific operational context before a disaster strikes.

Demographically Identifiable Information (DII) | Data points that enable the identification, classification, and tracking of individuals, groups, or multiple groups of individuals by demographically defining factors. These may include ethnicity, gender, age, occupation, and religion. May also be referred to as **Community Identifiable Information**, or “CII.”

Emergency | An event (usually unforeseen) in which it is necessary to immediately meet the needs of people at risk; this can include natural and technological disasters as well as armed conflict.

Experiment | To explore the effects of manipulating a variable; to test or implement a new invention or process based on untested theory, procedures, or techniques.

Humanitarian Actor(s) | Organization(s) or individual(s) of a humanitarian and impartial nature involved in crisis response.

Humanitarian Information Activities (HIAs) | Activities and programs that may include the collection, storage, processing, analysis, further use, transmission, and public release of data and other forms of information. HIAs also include the establishment and development of communications capacity and infrastructure by responders and/or populations. These activities occur as part of humanitarian action throughout the response cycle and include, but are not limited to, improving situational awareness; disaster preparedness and mitigation; intervention design and evaluation; connecting populations to response activities and to each other; and supporting ongoing operations, including the delivery of assistance.

Information Communication Technologies (ICTs) | Devices, sensors, software, hardware, systems, and networks used for the collection, processing, analysis, and dissemination of information often, though not always, in a digital format.

Informed Consent | Informed consent is when subjects of data collection or interventions agree to participate in an experiment, intervention, or process after having achieved a full understanding of what the activity involves and its potential impact on them and their own welfare.

Informed Participation | A state in which populations participate in a given experiment or project with an understanding of how their data will be used, and with the knowledge that they can give input into the ongoing use of this data.

International Humanitarian Law (IHL) | A set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not or are no longer participating in the hostilities and restricts the means and methods of warfare. International humanitarian law is also known as the law of war or the law of armed conflict and includes the Geneva Conventions. These laws govern what constitutes humanitarian action, the conduct of war, and protected persons.

Natural Disaster | Events brought about by natural hazards with catastrophic results, often including loss of life and damage to infrastructure and local economies.

Networked Age | Refers to the ongoing proliferation of information communication technologies and the commonplace use of digital data through online networks, including the impact these technologies have on humanitarian activity.

Personal Data Breach | A security breach that leads to the accidental or intentional release of secure data to untrusted or unknown sources can include the loss, alteration, and destruction of data.

Personally Identifiable Information (PII) | Information that can be used to identify a specific individual, this may include a name, a personal address, online accounts and identifiers that are specific to a person's "physical, physiological, mental, economic, cultural or social identity."

Preparedness | Actions and activities taken in advance of a disaster, intended to minimize the impact of expected or unforeseen hazards on people and property.

Protection | Term describing 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, i.e. human rights law, international humanitarian law and refugee law." These activities include actions and programs to safeguard the human security and wellbeing of vulnerable populations.

Processing | Operations and theory concerned with gathering, describing, manipulating, storing, retrieving, and classifying data or information.

Rectification | The correction of inaccurate or incomplete personal data.

Redress | Satisfaction of some kind for damages or injury incurred by another's actions.

Transparency | Refers to a state of honesty and openness about one's actions and motivations; linked to accountability.

Vulnerable Populations | Refers to particular groups who are especially susceptible to certain difficulties and hazards, often due to specific factors.

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