

**Virtual Workshop for NGOs: Refugee Protection in the Context of COVID-19**

Session 2: Protection Monitoring During COVID-19:

Identifying Needs, Vulnerabilities, and Risks; Referrals and Responses

**Analysis and feedback on case study**

**NOTE:**

- The following scenario is hypothetical. Any resemblance to actual persons or events is purely coincidental. We have considered a number of complicated issues as a learning tool, so that participants can spot the issues, and apply protection principles and discuss what they would do to address the issue.
- The compilation of feedback from the workshop is based on the limited notes available and capture the actual discussion.

Case Study Text	Facilitator’s analysis	Participants’ feedback (compiled from workshop)
<p>Following news of boat pushbacks in the region and boat arrivals and disembarkation in nearby countries, xenophobia and stigma against refugees and the humanitarian workers who work with them escalated in your country (Country A). Both refugee communities and humanitarian workers began to be labelled “carriers” of the disease. The government of Country A has begun making public statements, that no boat will be allowed to disembark in the country, and that they will work towards repatriation of refugees in the country within the year.</p> <p>→ <i>What protection concerns does this give rise to?</i></p> <p>→ <i>What kind of response, if any, would be strategic?</i></p>	<p><i>What protection concerns does this give rise to?</i></p>	
	<ul style="list-style-type: none"> <li>• Risk of mass forced return/refoulement</li> <li>• Xenophobia and stigma against refugees raise concerns about equal treatment and non-discrimination; and inciting violence against persons on account of their actual or perceived health status. Stigma can operate as a significant barrier to seeking health care – a result that endangers both the groups that are targeted and the public at large.</li> <li>• Xenophobia and stigma against humanitarian workers raise concerns about the rights and safety of humanitarian workers and the capacity to conduct humanitarian work.</li> </ul>	<ul style="list-style-type: none"> <li>• Xenophobia raises concerns regarding the safety of the humanitarian workers and the refugees.</li> <li>• Could lead to denial of protection for asylum seekers</li> <li>• Refugees at risk of being sent back/refoulement</li> <li>• Risk of conflict between refugees and host community</li> <li>• Could restrict access to services</li> <li>• Restriction of movement between countries, requirement</li> </ul>
	<p><i>What kind of response, if any, would be strategic?</i></p>	
	<ul style="list-style-type: none"> <li>• What relationship or avenues for engaging with the government exist?</li> <li>• Different organizations have different capacities. Some organizations working primarily on advocacy may issue statements. Those working primarily on services to the population would generally always want to</li> </ul>	<ul style="list-style-type: none"> <li>• Respond to the refugees’ needs – if they are not well, then they need treatment. If they need food and water, we need to provide for those.</li> <li>• Awareness-raising campaign with the host community about the situations that refugees face and COVID-19</li> </ul>

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	<p>contribute to the exercise and protection of rights and access to remedies for rights violations (inform, educate, empower, refer, intervene); and they would want to identify protection gaps and rights violations (systemic and in the individual case), document them, advocate and collaborate to address them. This is another reason why a “whole of society approach” is important, each stakeholder contributing to a collective whole.</p>	<ul style="list-style-type: none"> <li>○ Could identify the local community leaders (secular and religious) and recruit them to assist on the awareness-raising</li> <li>● Document human rights violations</li> <li>● Advocacy campaign to engage the government</li> </ul>
<p>On July 7th, a boat quietly lands on the coast of your country. The people are weak from several weeks at sea with inadequate food and water, and many collapse onshore. Staff of your organization is called to the scene to help out.</p> <p>→ <i>What should they be looking for?</i></p>	<p><i>What should they be looking for?</i></p>	
<p>While at the location, some of your trained staff have conducted simple needs assessment interviews with those capable of engaging with you, and have learned the following: They said</p>	<p><i>What does this information tell us the protection issues are?</i></p>	
	<ul style="list-style-type: none"> <li>● Immediate humanitarian, basic needs (water, food, acute medical needs)</li> <li>● Other secondary needs: shelter, registration, quarantine, advice, family (re-)unification</li> <li>● Situations of Vulnerability (i.e. children, the elderly, pregnant women, those with disabilities, those with physical health needs)</li> <li>● Call partners and mandated actors for support to your organization and to manage the situation</li> </ul>	<ul style="list-style-type: none"> <li>● Identify who the family members are so that they stay together</li> <li>● Information on deaths on board and conditions in the boat.</li> <li>● Identify particularly vulnerable people within the group, including unaccompanied youth, pregnant women, elderly</li> <li>● Determine whether the trafficker is still there</li> <li>● Give them water and food</li> <li>● Identify basic needs, including medication, shelter, and food, and provide for them</li> <li>● Once the basic needs are addressed, determine what should be done to assist them going forward.</li> <li>● Use referral mechanisms to reach out to mandated agencies for further support.</li> </ul>
	<ul style="list-style-type: none"> <li>● There may be refugees among the group or they may all be refugees, and refoulement is a concern.</li> </ul>	<ul style="list-style-type: none"> <li>● Violation of protection Principle 6 on Non-return and access to territory</li> </ul>

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<p>they had set sail from country B because everyone was being killed or rounded up and put into closed camps. They said they had been pushed back two times, once by country C, and once by country D. People started to die on the boat after supplies ran out. They spoke of the men in charge of the boat, who had demanded ransom from everyone on board, after they had failed to disembark anywhere. Those who could not pay were put onto a separate boat and set adrift until they landed here. Some people had been forced to separate from their children, all young girls who the people put on a third boat and sailed in a different direction.</p>	<ul style="list-style-type: none"> <li>• There may be significant trauma among the group with both physical and psychological consequences for them.</li> <li>• There may have been a number of rights violations both in Country B, as well as resulting from the push-backs by countries C and D.</li> <li>• There may have been trafficking and other crimes may also have been committed, particularly by those in charge of the boats.</li> <li>• There is likely more to the story about the children being separated out from families and taken away, and this is something that requires further investigation.</li> </ul>	<ul style="list-style-type: none"> <li>• Denial of basic human rights- food, water, deaths on board, separation of families</li> <li>• Psychosocial issues</li> <li>• Trafficking</li> </ul>
<p>→ <i>What does this information tell us the protection issues are?</i></p>	<p align="center"><i>What additional information might we need?</i></p>	
<p>→ <i>What additional information might we need?</i></p>	<ul style="list-style-type: none"> <li>• Full registration of all individuals would be helpful, with the opportunity for private, individual, confidential interviews by a qualified protection staff, to corroborate and triangulate details – both with regard to the reasons for flight, for an understanding of what happened during flight, and for an understanding of the needs, vulnerabilities, and risks of the entire group.</li> <li>• Numbers, disaggregated by age and gender.</li> </ul>	<ul style="list-style-type: none"> <li>• Age group, gender-segregated data, information about diversity, health conditions, food requirements, who had died, how many people died, how they died, how they came to be in the situation, who pushed them and who the traffickers are.</li> </ul>
<p>→ <i>What do we do with this information?</i></p>	<p align="center"><i>What do we do with this information?</i></p>	
	<ul style="list-style-type: none"> <li>• Make quality and relevant referrals, based on the identification of persons with urgent and specific needs.</li> </ul>	<ul style="list-style-type: none"> <li>• Use this for advocacy with international community, local authorities</li> </ul>

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	<ul style="list-style-type: none"> <li>• Identify rights violations and contribute to the exercise and protection of rights and access to remedies for those violations (inform, educate, empower, refer, intervene).</li> <li>• Identify needs and gaps, bear witness, document them, and advocate and collaborate to address them.</li> </ul>	<ul style="list-style-type: none"> <li>• Refer people to appropriate actors (could be protection actors, could be local authorities)</li> <li>• Identify needs and provide immediate assistance (food, water, medical support)</li> <li>• Humanitarian appeal to protestors while calming them down.</li> <li>• If situation becomes violent, humanitarian agencies must prioritise staff safety and security while continuing to advocate with relevant actors.</li> </ul>
<p>A group of locals start to gather nearby and shout threats that they are all infected, and we should push them back out to sea. The shouts were getting angrier, and the crowd was getting larger.</p> <p>→ <i>How could this situation have been prevented?</i></p> <p>→ <i>Now that it has happened, how can we de-escalate an escalating situation?</i></p>	<p><i>How could this situation have been prevented?</i></p>	
	<ul style="list-style-type: none"> <li>• As an unexpected and spontaneous arrival, prevention may not have been possible, but preparedness is possible, with training and protocol for relevant staff to be able to cope with such an event and such contingencies.</li> </ul>	<ul style="list-style-type: none"> <li>• Know Your Rights trainings</li> <li>• Coordination with authorities</li> </ul>
	<p><i>Now that it has happened, how can we de-escalate an escalating situation?</i></p>	
	<ul style="list-style-type: none"> <li>• Call for assistance, as necessary. If there is no immediate threat and transportation is available, consider evacuation to a safer site. If evacuation is not possible, secure the site as best as possible, call for assistance.</li> <li>• In a highly charged, emotional atmosphere, a crowd can sometimes erupt into an unruly mob. If a spark is ignited, stay focused, calm, and behave professionally. (Do not swear, argue, or become hostile. Speak firmly but respectfully, and without judgment or emotion. Be polite, but not subservient so people don't feel invited to "take over". Do not</li> </ul>	<ul style="list-style-type: none"> <li>• Call the local authorities, take the refugees to a safe place, sensitise the masses</li> <li>• Protect our staff as well</li> </ul>

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	<p>respond to taunts, threats, or agitation. Maintain an even tone of voice and try not to “out shout” the crowd.)</p> <ul style="list-style-type: none"><li>• Keep your team members and supervisors advised of any conditions that may provoke mob behavior. Know who to contact for assistance: police, fire, emergency and humanitarian personnel. Maintain regular communication and check-ins between site personnel.</li><li>• Visible presence of a uniformed symbol of authority can affect behavior and help prevent the eruption of mob behavior. Consider security cameras to view any disturbances and video tape as much activity as possible. When people are aware that their behavior is being recorded, they are more likely to conform to social norms, and so recording can result in modifications to behavior and de-escalation.</li><li>• Allow angry individuals to “vent” and actively listen, de-escalating by making it a conversation rather than a fight, but do not allow yourself to be surrounded, and always be aware of escape routes.</li><li>• Move people to (pre-selected if possible) safe havens and secure the site with visible staff at all open access points. Be prepared to be as self-sufficient as possible with first aid and other supplies fully stocked. Be prepared with communications equipment (cell phones and radios) should be fully charged.</li><li>• If control is not possible, get yourself and others to safety as quickly as possible,</li></ul>	
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	<p>immediately call for assistance, and secure the premises to the best of your ability</p>	
<p>Other humanitarian agencies arrive at the scene to help. The local police and military arrive and begin to round people up and take them away. Several of your staff members are arrested by the police.</p> <p>→ <i>Is there any protocol we might consider with regard to multiple humanitarian agencies on sight?</i></p> <p>→ <i>What about with government, police, and military on sight?</i></p> <p>→ <i>What response can we take if our staff is arrested?</i></p>	<p><i>Is there any protocol we might consider with regard to multiple humanitarian agencies on sight? What about with government, police, and military on sight?</i></p> <ul style="list-style-type: none"> <li>• What relationship or avenues for engaging with other humanitarian agencies already exist? Time spent developing these relationships before an emergency takes place is well spent, so that these relationships can be called upon in an emergency, and so that protocol is agreed upon in advance where possible.</li> <li>• Early agreement on responsibilities and objectives to avoiding coordination difficulties. A process of familiarization with each other's operational objectives and formalization of coordination, liaison, communications, and information-sharing protocols moving forward will be a priority.</li> <li>• Clarifying the core objective of humanitarian action by the organization: saving lives and maintaining basic human dignity without discrimination. Consider sharing each other's codes of conduct and operating protocols.</li> <li>• Regular inter-agency meetings to improve cooperation and avoid duplication of efforts.</li> </ul>	<ul style="list-style-type: none"> <li>• Basic coordination, NGO platforms that have been working in the area, OCHA or other such orgs, working groups, etc.</li> </ul>
	<p><i>What response can we take if our staff is arrested?</i></p>	
	<ul style="list-style-type: none"> <li>• Moving in groups and clearly identifying staff will reduce the risk of being arrested. Ensuring that staff have all legally required documents</li> </ul>	<ul style="list-style-type: none"> <li>• There should be support on a case-by-case basis.</li> </ul>

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	<p>including visas and permits and always carry valid ID can help. An organization ID that proves that the person is working for a humanitarian organization with a contact number on it will also be helpful. Documenting field presence and movements of staff in advance and a contact plan in case it is needed will ensure earlier notice of the arrest.</p> <ul style="list-style-type: none"> <li>• Report the incident (including: the identity of the staff arrested, where it took place, when, under what circumstances, by what authority was the person arrested, for what reason, where was the person taken to) by the fastest means of communication available to a designated focal point, the designated focal point will contact the relevant authority to seek all relevant information about the arrest or detention (including their current location, any charges being brought, etc.), and to seek as a matter of urgency access to the individual(s) arrested or detained.</li> <li>• Consider whether consular protection, legal counsel, or cooperation from partners may be needed and available for the person(s) arrested or detained.</li> </ul>	
<p>After reports emerge that the people are back on a boat anchored offshore, the boat is located. While some local groups protest to set the boat adrift, a group of locals shout slogans to let the</p>	<p><i>What specific needs, vulnerabilities, and risks can you see arising in this situation and among this group?</i></p>	
	<ul style="list-style-type: none"> <li>• The specific risks for children and pregnant women are apparent.</li> </ul>	<ul style="list-style-type: none"> <li>• Need to provide basic needs to the pregnant women, including WASH, food, shelter.</li> </ul>

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<p>boat disembark and help the distressed persons on board. Among the people on board are a number of children, and two pregnant women, and they are calling out for help and to be brought ashore. Finally, some community members alongside some of the local fishermen tether the boat and pull it back to shore taking the children in their arms and bringing them ashore in defiance of the police and military who, at this stage, do not intervene to prevent them from being brought ashore.</p> <p>→ <i>What specific needs, vulnerabilities, and risks can you see arising in this situation and among this group?</i></p> <p>→ <i>How could this have been prevented?</i></p> <p>→ <i>Now that it is happening, what could we do?</i></p>	<ul style="list-style-type: none"> <li>• The humanitarian imperative to prevent vulnerable persons from being pushed back out to sea is acute.</li> <li>• This may be a violation of the non-refoulement obligation.</li> <li>•</li> </ul>	
	<p><i>How could this have been prevented?</i></p>	
	<ul style="list-style-type: none"> <li>• It is unclear if this could have been prevented, but generally speaking the greater quality of existing relationships with key representatives of various authorities, and the greater quality of advocacy can make the difference.</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Coordination with government authorities, including coast guard</li> </ul>
	<p><i>Now that it is happening, what could we do?</i></p>	
	<ul style="list-style-type: none"> <li>• All of the above content on de-escalation apply.</li> <li>• Document the event and actions of relevant actors.</li> <li>• Negotiate for disembarkation on the basis of humanitarian imperatives.</li> <li>• Advocacy can include every legal means to persuade, restrain, and prevent human rights abuses and atrocities (tug at the heartstrings, speak to shared interests, make economic arguments, invoke religious or ethical teachings, protest, litigation, etc.).</li> <li>• Urgent communication with mandated actors for joint intervention.</li> </ul>	<ul style="list-style-type: none"> <li>• Advocacy with the government to support the people in need</li> <li>• Humanitarian workers should coordinate among themselves and conduct protection monitoring and negotiate with the authorities and prepare and respond to scenarios. Adequate monitoring and meeting needs should also work for prevention of tragedies. Monitoring should also lead to adequate advocacy on facts at effective timing.</li> </ul>
<p><i>What additional information might we need?</i></p>		

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<p>Following intense negotiations by the local community and humanitarian agencies, the authorities allowed refugees to remain in country A. Humanitarian agencies are not allowed access to them. They were taken to a warehouse in a nearby village managed by the Military who said that they will provide shelter, food and medicines. Some of the refugees you work with in the refugee camps in Country A come to you saying that their family members are among those who were on those boats and they want to be reunited with them. Only a senior member of the local administration and a WHO team of a doctor and a nurse are allowed to visit them once a week.</p> <p>→ <i>What additional information might we need?</i></p> <p>→ <i>What strategies will you adopt to support this group?</i></p> <p>→ <i>What kind of protection advocacy will you conduct and with whom?</i></p>	<ul style="list-style-type: none"> <li>• We should try to document what we know: those who have family members who were on the boat, all those they know of who were on the boat and their details, what they know about their current location and condition, whether they have some means of ongoing communication.</li> </ul>	<ul style="list-style-type: none"> <li>• Place of origin of the refugees</li> <li>• Refugees’ demographics (age, vulnerabilities, etc.)</li> <li>• Whether their basic rights have been fulfilled</li> <li>• What they’ve been doing in terms of social distancing</li> <li>• See whether the humanitarian agencies have identified particular vulnerabilities and what they’re doing to address them</li> </ul>
	<p><i>What strategies will you adopt to support this group?</i></p>	
	<ul style="list-style-type: none"> <li>• We want everyone connected to everyone else; we want everyone to have the capacity to recognize protection needs, vulnerabilities, and risks; we want improved access to protection and services.</li> <li>• Ideally those with access are empowered to recognize and identify the full spectrum of protection needs, vulnerabilities, and risks, so that they can inform the larger group, they can inform the advocacy that is needed and provide an evidence base, and they can negotiate for access for other actors in accordance with confirmed needs.</li> </ul>	<ul style="list-style-type: none"> <li>• Have contact with ICRC to establish contact with the people</li> </ul>
	<p><i>What kind of protection advocacy will you conduct and with whom?</i></p>	
	<ul style="list-style-type: none"> <li>• Document what we know about the population, the circumstances, the relevant authorities, and the actions and reach of relevant actors.</li> <li>• Negotiate on the basis of humanitarian imperatives and protection principles.</li> </ul>	<ul style="list-style-type: none"> <li>• Joint advocacy to provide for basic needs and to ensure that the 14 principles are met</li> </ul>

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	<ul style="list-style-type: none"> <li>• Advocacy can include every legal means to persuade, restrain, and prevent human rights abuses and atrocities (tug at the heartstrings, speak to shared interests, make economic arguments, invoke religious or ethical teachings, protest, litigation, etc.).</li> <li>• Urgent communication with mandated actors for joint intervention.</li> <li>• Relationships are important, with authorities, partners, and the population. The more we develop those relationships ahead of time, the better. Developing relationships is part of the strategy.</li> </ul>	
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**Analysis of Case Study in Brian Barbour’s Presentation**

Case Study Text	Facilitator’s analysis
<p>You meet with a husband and wife and conduct an interview with them together. It is about a dispute with a person from the local community who did not pay the husband for 2 months of work. Two months later you meet again with the husband and wife, and while her husband is meeting with a staff, the wife asks to speak to you and says that she was raped by the local community member. The husband does not know about the rape and the wife is only willing to disclose it to you on the condition that the husband never finds out. After the wife comes out of the office with you wiping tears away, the husband angrily asks why his wife is so upset.</p>	<ul style="list-style-type: none"> <li>• Protection concerns (ethics contribute to protection): Refugees and those close to them may be in real danger. Disclosure, or worse, publication of confidential information (even just the client’s name) can result in humiliation, persecution or death of loved ones back home, increased persecution of the applicants themselves, and more</li> <li>• Vulnerability (ethics reduce exposure to risks of harm): Conflicts of interest often arise between family members. Dealing with such issues is complicated, we need to support each other in that process.</li> <li>• “Best Practices” (Ethics work): They are an effective way to earn trust and encourage complete and accurate disclosure.</li> <li>• What are the issues here? What are the issues here? (confidentiality, conflicts of interest, integrity, protection/safety, rights and remedies?)</li> <li>• Confidentiality: confidentiality and managing sensitive information</li> </ul>

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<ul style="list-style-type: none"><li>• <i>Why are ethics important?</i></li><li>• <i>Why are ethics particularly important in the refugee context?</i></li></ul>	<ul style="list-style-type: none"><li>○ Confidentiality is owned by the client (the information is hers not yours to decide what to do with). If you are wondering whether or not you can disclose the information, the answer is no, check with the client --- confidentiality may be waived only with a client’s explicit consent.</li><li>○ Includes how you maintain files and records, extends beyond the termination of the client relationship</li><li>○ Here confidentiality is owed to both the husband and the wife. You may not disclose what the wife told you to the husband. (We have a duty to prevent harm...even disclosure of the fact that they are receiving assistance can put them at risk)</li><li>• Conflicts of Interest:<ul style="list-style-type: none"><li>○ There may be a conflict of interest between the husband and the wife, and if that is the case, it may not be possible for you to support both of them. You probably must refer one or both of them to other/separate service providers.</li><li>○ Where that is not possible: after seeking ways to limit the scope of interaction and minimize conflicts, the organization clearly, but carefully, notifies the clients of potential conflicts of interest, and the general practice of gender sensitivity and individual meetings, and organizes separate meetings on an ongoing basis.</li></ul></li><li>• Integrity: strive to resolve ethical issues through the exercise of sensitive, professional and ethical judgment, guided by principles in one’s Code of Conduct, principles of protection, human rights and non-discrimination; and strive to interact with others in a courteous and respectful manner.</li><li>• Protection/safety:<ul style="list-style-type: none"><li>○ Strive to prevent physical threats or rights abuses from occurring, stop ongoing violations by responding to incidents of violence and other rights abuses, reduce exposure or vulnerability to any such threats or abuses, and assist survivors or victims assert claims, access remedies, and begin recovery.</li><li>○ Sexual and Gender-Based Violence (SGBV) can occur in any setting, but the risk is higher in situations like this one: close quarters, insecure environment, high stress, unequal power balance, dependency on others for basic needs and protection.</li></ul></li><li>• Rights/Remedies: Promote legal protection such that those they mean to assist have the opportunity to claim entitlements, assert and enjoy their rights, and access remedies. What would you do?</li></ul>
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	<ul style="list-style-type: none"><li>• What urgent referrals could have been made on the spot? What avenues for consultation and assistance are available? What follow up opportunities would there be?</li><li>• What opportunities for redress are available? Police/legal/health/protection for prevention of future/ongoing abuses. These should be presented to her.</li><li>• What does the client say she wants? This is of paramount importance after she is informed of what options are available. We do not make decisions for her, but we strive to mitigate risks, and ensure protection, and access to remedies.</li><li>• Responding to husband's concern/frustration: It is very normal in this context for people to become emotional. It is a very stressful situation. Your frustration is also understandable. I apologize if we have caused you any stress, is there anything in particular you are worried about?</li><li>• Point to general office policy and practice and explain it if necessary. We speak to each individual who comes into our office as a matter of office policy and practice. This is considered a matter of good practice in order to identify all relevant needs and risks. Gender sensitivity is also important, and privacy is part of that.</li></ul>
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