

**Terms of Reference<sup>1</sup>**  
**Afghanistan Protection Cluster (APC)**

Recognizing that states have the primary responsibility to protect all persons within their jurisdiction in accordance with international and national legal provisions, the Humanitarian Country Team (HCT) on 2 March 2008 took the decision to establish the Afghanistan Protection Cluster (APC). This initiative is intended to strengthen the co-ordination of humanitarian action in Afghanistan by facilitating a more predictable, accountable and effective approach by humanitarian and human rights protection actors.

Through its leadership, the APC is accountable to the Humanitarian Coordinator for the responsibilities defined by the global terms of reference for cluster leads. The following Terms of Reference (TOR) set out the objectives, scope, structure and operating procedures of the APC:

**I. Objectives of the Protection Cluster**

1. To achieve a common understanding of what the priority protection problems are, allowing for regional and thematic differences;
2. To adopt a coordinated approach for protection actors working within the humanitarian sphere to address these problems;
3. To enhance effectiveness, efficiency and reduce duplication of humanitarian action;
4. To enhance the protection of civilians within the context of humanitarian action including civilians impacted by conflict, targeted persecution and natural disasters;
5. The work of the APC is guided by the principles of neutrality, impartiality, independence, and the humanitarian principle of 'Do no harm'.

**II. Protection Issues of Concern to the APC**

6. Numerous protection issues will need to be addressed to enhance the safety and well-being of Afghans in need of humanitarian access and co-ordinated humanitarian action;
7. The nature and composition of populations of concern will vary over time and the APC will achieve a common understanding of the main protection problems which will inform the APC Work Plan and Strategy;
8. This will include persons with the most acute protection problems including internally displaced persons (IDPs), refugee returnees; conflict-affected civilians and those affected by natural disasters. Amongst these, those with specific protection needs such as women, children, elderly, disabled and minority groups will require special attention;
9. The APC will agree upon a defined humanitarian population and prioritize issues that are acute and require urgent attention. This will be distinct from issues that are chronic, in need of longer-term structural strategies within a development framework.
10. The APC recognizes that priorities within various regions differ and should be identified at a field level, with the active guidance of the APC.

**III. Structure of the APC – (Membership and its Sub Clusters / Task Forces)**

11. **Cluster Leadership:** The APC will be chaired by UNHCR as cluster lead. UNHCR is committed to its obligations according to and specified within its global responsibilities as lead agency of the Global Protection Cluster. One selected / elected NGO will inhabit the role of Deputy Chair. Currently the Norwegian Refugee Council (NRC) serves as Deputy Chair. The selection of a Deputy Chair should be regularly reviewed with the objective of periodic rotation. The Cluster Leadership should undergo regular evaluations

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<sup>1</sup> These Terms of Reference have been developed by the APC in consultation with the Global Protection Cluster in 2010

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by the members of the APC. The secretariat support will be shared by the Chair, Deputy Chair and Sub Cluster leadership as well as with other relevant members.

**12. Sub Clusters/ Task Forces/ Thematic Working Groups:** Distinct Sub-clusters and Taskforces will be formed to represent forums addressing and responding to issues of particular concern. Sub-clusters and Taskforces are led by specialized agencies that also provide operational responses to similar equivalents at regional level. Sub Clusters and Task Forces under the auspices of the APC are as follows:

- a) Child Protection including members of the National Child Protection Action Network – CPAN and the Country Task Force on MRM-SC1612- led by UNICEF;
- b) Gender Based Violence- led by UNFPA;
- c) National IDP Task Force – led by UNHCR;
- d) Housing Land and Property Task Force – led by UNHCR jointly with NRC

13. Sub-clusters/ Taskforces are coordinated by the APC (cluster leads) on basis of the ToR and APC strategy;

14. Sub Clusters/ Task Forces will individually define their terms of references, membership criteria, meeting schedules, and humanitarian caseloads;

15. Substantive issues will primarily be addressed within the respective sub-cluster/ task forces, or other coordination groups, while key issues will be brought to the APC for discussion, comprehensive overview and co-ordinated response;

16. Regular reports will be provided by the Sub Clusters/ Task Forces, while the chair of such groups will report / raise the relevant protection issue at the APC;

17. Temporary Thematic Working Groups can be established by the APC leadership for redress to particular protection issues of concern. The thematic WG will report to the APC.

**18. Membership:** While the APC Sub Clusters and Task Forces will engage with the Government for operational responses, the APC will remain confined to humanitarian protection agencies. The APC will be comprised of the following members:

- (a) Relevant international NGOs with a protection profile, such as the NRC, IRC, Save the Children, OXFAM, CARE International etc;
- (b) The Afghan Independent Human Rights Commission (AIHRC);
- (c) Relevant UN organizations including UNHCR, UNAMA-HR/ OHCHR, UNICEF, UNMAS, WFP, WHO, UNFPA, UNIFEM, UNDP, UN Habitat, and IOM;
- (d) National NGOs through Co-ordination Bodies i.e. Agency Co-ordination for Afghan Relief (ACBAR) and the ANCB;
- (e) Other agencies as necessary and agreed upon by the APC leadership for the distinct purpose of protection co-ordination and cross fertilization with other clusters.

**19. Observers:** The Red Cross and Red Crescent Movement: International Committee of the Red Cross (ICRC), Afghan National Red Crescent Society (ARCS), and International Federation of Red Cross Societies (IFRC).

**IV. Regional Protection Coordination Mechanisms:**

20. As part of the roll-out of the cluster system in Afghanistan, regional protection working groups will be established within each region. The purpose of establishing such protection co-ordination mechanisms is to:

- a) ensure comprehensive overview of protection issues in the region;
- b) improve coordination and communication between field protection actors;
- c) map protection activities and expertise, of ‘who does what, where’ with the objective of gaps identification, needs assessment and analysis;

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- d) agree on a division of labour and contingency planning;
- e) facilitate reporting of significant field issues to the country level clusters;
- f) facilitate identification of funding needs confronting organizations in the field;
- g) enhance the profile of protection issues in the region through the APC.

**21. Structures of Regional Protection Working Groups (RPWG):**

- (a) RPWGs will be based in Regional capitals and may have further field protection working groups reporting to them as considered necessary;
- (b) RPWGs will adopt terms of references reflecting those of the APC, though these should be defined by the local RPWG members for adaptation to the region. As with the APC, the RPWG should function in ways that respect the roles and mandates of different humanitarian organizations and be as inclusive as possible and relevant;
- (c) RPWGs will keep the APC informed of their activities, which will provide support and guidance as necessary.

**IV. Role of the APC**

22. The APC will form the inter link between the regional and other protection actors with the inter cluster mechanism and with the Humanitarian Co-ordinator. In order to streamline its functions, the APC should produce the following:

- (a) Contribute to Protection Profiling of humanitarian needs
- (b) Protection Cluster Strategy
- (c) Protection Cluster Work Plan
- (d) Protection Cluster Annual Evaluation

**23. Consultation and Information Sharing**

- (a) The APC will meet at least once a month although Extraordinary meetings may be called by the Chair/Deputy Chair, or at the request of three other members of the APC;
- (b) The APC will provide appropriate guidance and support to RPWGs as necessary;
- (c) Decisions of the APC on joint strategies will be based on general support of the members following a transparent, inclusive, and well-informed process, taking into account alternative views of members;
- (d) Draft agenda will be circulated to APC members for comments 5 days before the monthly meeting. Draft minutes will be circulated within ten days of the meeting for suggested revisions within 72 hours, following which the minutes will be considered adopted;
- (e) While the agenda and minutes will be in English, effort will be made to translate these into Dari. This responsibility will be shared amongst the APC Chair and Deputy Chair;
- (f) The APC Agenda and Minutes will be shared with RPWGs for their information.

**24. Reporting and Coordination**

- (a) APC member agencies will regularly submit reports to the Chair, highlighting the protection issues/ problems on which they are engaged. These reports will be circulated in advance, while key issues will be discussed at the monthly meeting.
- (b) The APC will share information received from RPWGs as necessary.
- (c) The Chairs of the APC Sub-clusters/ Task Forces will provide updates on their activities and decisions, and highlight issues that require discussion and action by the APC. Harmonised formats of these reports will be used for reporting by the Chair.
- (d) Each month, the Chair will consolidate the above mentioned reports, as well as any decisions, actions, or activities of the APC, into a single report to the Humanitarian Coordinator and the Global Protection Cluster (GPC).
- (e) Additional or thematic reports may also be prepared at the request of the GPC, APC members, and/ or as directed by the Chair.

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- (f) The APC, represented by its Chair/Deputy Chair, will participate in the monthly Inter-Cluster meetings to raise protection issues and for coordination with the other clusters.
- (g) Issues of concern expressed by the RPWGs will be received by the APC, co-ordinated and shared as necessary.

**V. Functions of the APC**

25. The APC is focused on enhancing protection through coordination, information-sharing, and advocacy. More specifically, the Cluster will aim at ensuring the following:

- (a) Develop effective monitoring, information-sharing and reporting on protection issues in Afghanistan;
- (b) Ensure appropriate coordination with all humanitarian partners through the establishment/ maintenance of protection coordination mechanisms, including workings groups at the national and regional level, and through the complementary co-ordination mechanisms of different humanitarian actors;
- (c) Secure commitments from humanitarian partners in responding to needs and filling gaps, ensuring an appropriate allocation of responsibilities within the APC, with clearly defined focal points for specific issues as necessary;
- (d) Represent the interests of the APC in discussions with the Humanitarian Coordinator, in Inter-Cluster meetings, and with other stakeholders on prioritization of issues for humanitarian action, resource mobilization, and advocacy;
- (e) Facilitate the mainstreaming of protection into humanitarian action undertaken by other clusters and provide support to other clusters as necessary. Raise awareness among other Clusters and Cluster Leads regarding their responsibility to ensure that protection concerns related to their respective clusters are addressed
- (f) Enable funding support to local actors through the OCHA led Humanitarian Action Plan (HAP) and other funding mechanisms of CERF and ERF;
- (g) Suggest how synergies can be maximized and efforts streamlined including at the regional/ provincial levels;
- (h) Conduct effective and coherent needs assessments and gaps analysis on protection issues, by involving relevant partners and with due regard to age, gender and diversity;
- (i) Ensure utilization of participatory and community-based approaches in sectoral needs assessment, analysis, planning, monitoring and response;
- (j) Ensure adequate contingency planning and preparedness for new emergencies and evolving protection issues;
- (k) Liaise with national/ local authorities, state institutions, local civil society, and other relevant actors and, where appropriate, advocate with them, encouraging all concerned parties to be fully engaged and to assume their protection responsibilities;
- (l) Facilitate links with other clusters and appropriate bodies for resolution and referral of issues of concern.
- (m) Periodically review the Cluster's Terms of Reference with a view to their modification or amendment.