

PROTECTION CLUSTER – HAITI

Terms of Reference

I. Background

The strongest earthquake in Haiti in more than 200 years, measuring 7.0 on the Richter scale, rocked the island on 12 January. The earthquake struck Ouest Province with the epicenter some 17km south-west of Haiti's capital, Port-au-Prince. The nearby cities of Carrefour and Jacmel, as well as other areas to the west and south of Port-au-Prince, were also affected. Thousands of people died, many more were injured. The affected population is estimated to 3 million. 300 000 people fled the capital and 800 000 people are in need of shelters.

The level of casualties sustained by civil servants and the damage to public buildings and services have significantly reduced the capacity of national authorities and the Emergency Relief Coordinator on the request of the Humanitarian Coordinator have decided to (re)activate the cluster approach in Haiti to support the Government in leading and coordinate the humanitarian response.

As a result, the pre-existing Protection Cluster in Haiti¹ led by the Human Rights Section (HRS) of MINUSTAH has been re-enforced, with a joint OHCHR/HCR mission to strengthen the HRS. At headquarters level UNHCR is the Global Cluster Lead agency, to ensure overall coordination of protection activities.

Prior to the Earthquake, the human rights situation in Haiti was precarious with “widespread poverty and unemployment, combined with a lack of access to acceptable and affordable food, housing, education, and healthcare, and the ongoing deterioration in the environment, posing a threat to individual rights and national stability”². There were serious concerns regarding the rule of law with weak rule of law institutions and ongoing impunity. Arbitrary arrest and detention, ill-treatment during detention, long periods of pre-trial detention, prison overcrowding and abuse of authority were prevalent. Gender-based violence, particularly against women and girls, was a key issue, and children were particularly vulnerable to exploitation and abuse relating to criminal gangs, trafficking for sexual and other economic exploitation, and domestic service. Social safety nets were reportedly largely non-existent and most basic services were run by private actors.

These protection concerns have been exacerbated by the new crisis and additional priority protection issues, including security around the settlements and access to assistance for vulnerable groups, in particular older persons and people with disabilities, have been identified.

¹ In Haiti, the Protection Cluster was initially established as a result of the needs arisen from the hurricanes and tropical storms Fay, Gustav, Hanna and Ike that hit Haiti in August and September 2008

² Report of the Secretary General on the United Nations Stabilization Mission in Haiti, 1 September 2009, S/2009/439

II. Definition of Protection and operational principles

The Protection Cluster shall be guided by the 1999 IASC³ definition of protection as the premise for its work, namely: *“the concept of protection encompasses all activities aimed at obtaining full respect for the rights of the individuals in accordance with the letter and the spirit of the relevant bodies of law (human rights, humanitarian and refugee law)”*.

The Protection Cluster is also guided by relevant principles and guidelines including the Guiding Principles on Internal Displacement, the IASC Operational Guidelines on Human Rights and Natural Disasters, IASC Guidelines on prevention of GBV in emergencies, IASC guidelines on accompanied and unaccompanied children, IASC Guidelines on psychosocial support and mental health.

It is widely recognized that the primary responsibility for the protection lies with the Government of Haiti. The role of protection agencies working in Haiti is to support and enhance the Government’s capacity to prevent protection concerns from arising, to identify protection challenges, to respond, mitigate and provide remedies to the effect of any protection issues. The Protection Cluster also acknowledges that the communities contribute to the creation of a protective environment and should be engaged through a participatory approach that takes into consideration age, gender and diversity.

III. Structure and Membership

The Protection Cluster in Haiti is led by MINUSTAH/OHCHR⁴, which is the ‘provider of last resort’⁵ and as such responsible for ensuring that wherever there are significant gaps in the protection humanitarian response they continue advocacy efforts to address the protection concerns.

In addition, the Protection Cluster has the following areas of responsibilities’ working groups (AOR⁶):

- Prevention of and Response to Gender Based Violence led by UNFPA
- Child Protection led by UNICEF

The Protection Cluster in Haiti is based at the capital level in Port au Prince and two provincial protection clusters are activated in Artibonite (Gonaives) and Jacmel. The provincial protection clusters will report to the Protection Cluster in Port au Prince as part of the national protection strategy but at the same time reflecting the specificities of each region.

The core members of the Protection Cluster in Haiti will be the following:

- a) Governmental representatives (Ministere de la Protection civile)

³ Inter Agency Standing Committee

⁴ Office of the High Commissioner for Human Rights

⁵ The ‘provider of last resort’ concept is critical to the cluster approach, and without it the element of predictability is lost. It represents a commitment of cluster lead agency to do their utmost to ensure an adequate and appropriate response.

⁶ Commonly referred as ‘sub-cluster’

- b) INGOs (HelpAge, Handicap International, the IRC, Care, World Vision, CRS, Internews, Baptist Bible Fellowship International, Heartland Alliance, US Committee for Refugees, Terre des Hommes, Save the Children)
- c) National NGOs and civil society (GARR, Réseau National des Droits de Humains)
- d) MINUSTAH and UN Agencies (including UNFPA, UNIFEM, UNICEF, UNHCR)

The ICRC will have a standing invitation to attend the Protection Cluster meetings in an observer capacity if they so wish.

Depending on the relevance to the issues on the agenda of the Protection Cluster meetings, other stakeholders may be invited to attend.

All organisations should make every effort to ensure consistency in representation and also that representation is at a sufficiently senior level to enable decision-making.

IV. Working principles and administration

Members of the Protection Cluster in Haiti will be working in accordance with the humanitarian imperatives and with the Cluster principles of accountability, predictability and partnership. They will be respectful of each other's mandates and recognize that all members have different areas of expertise and operational capacities. Planning, policy and strategy setting as well as information sharing shall be:

- inclusive but effective
- transparent but sensitive
- with due regard for principles of neutrality, impartiality and confidentiality with the overall objective of building on members' individual strengths and developing complementarity.

Chairing and venue of the meeting

MINUSTAH/OHCHR as the cluster lead agency will chair the Protection Cluster meetings. If MINUSTAH/OHCHR is not able to attend a meeting, MINUSTAH/OHCHR will arrange for another agency to chair.

The meeting venue is the MINUSTAH HQ. Meetings are held twice a week during the emergency phase with ad-hoc meetings being called upon request.

MINUSTAH/OHCHR provides overall support, inter alia through drafting of meeting agendas, provide minutes and coordinate follow-up on agreed action points.

Decision-making

Wherever possible decisions should be made by consensus but where this is not possible, the Chair will take into account the majority opinion

V. Relationship with other bodies

1. Other Clusters

The Protection Cluster recognizes that protection is not only a sector but also a cross-cutting issue that must be mainstreamed into other clusters. The Protection Cluster in Haiti will promote protection mainstreaming into all other clusters and share technical information and advice (such as protection standards and checklists) and offer training for all other sector members on protection challenges arising in the field and protection mainstreaming.

2. Humanitarian Coordinator

The Protection Cluster aims to keep the Humanitarian Coordinator (HC) regularly informed of trends and issues arising in the protection sector and where appropriate seek her good offices in relation to advocacy initiatives and constructive dialogue with national authorities and the diplomatic and donor communities.

VI. Objectives of the Protection Cluster in Haiti

The overall objectives of the Protection Cluster in Haiti are the following:

- Ensure a coherent, accountable and predictable humanitarian protection approach across Haiti;
- Ensure that humanitarian assistance is provided in close coordination with local authorities and that the public is duly informed of what humanitarian assistance is being provided;
- Set policies, strategies and ensure right-based standards for protection interventions on specific issues;
- Establish more standardized systems for monitoring and reporting on protection issues;
- Identify good practices, tools, and guidelines and ensure timely dissemination among the Protection Cluster members;
- Develop an understanding of protection in Haiti and in the context of natural disaster by raising the awareness and build the capacity – including through training - of all relevant actors, including the Government of Haiti, humanitarian agencies, civil society stakeholders and donor agencies;
- Advocate for protection concerns to receive appropriate attention in the humanitarian response and cross-cutting issues including age, gender, diversity, HIV/Aids and mental health and psychosocial support to receive appropriate attention and response within and across the clusters;
- Identify protection issues and gaps and use that information to :
 1. advocate with the Government and support it through capacity building initiatives aimed at preventing and addressing protection concerns;
 2. coordinate agencies to respond to identified gaps;
- Represent the Protection Cluster at the inter-cluster coordination level and ensure that the HC is kept abreast of protection issues and concerns through standard and ad hoc reporting on major protection concerns in Haiti.
- Identify and promote durable solutions for displaced population
- Work on adequate contingency planning and preparedness in case of new emergencies
- Provide adequate support and advice as required to the Protection coordination mechanisms outside Port au Prince

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