

Terms of Reference - Protection Cluster Working Group (March 2008)

Protection encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with human rights, humanitarian and refugee law without discrimination of any kind. Protection is first and foremost the responsibility of the State, however human rights and humanitarian actors also have protection responsibilities.

Protection activities can be divided into three broad categories:

- 1) **Responsive action** – activities undertaken in the context of an emerging or established pattern of abuse and aimed at preventing its recurrence, putting stop to it and/or alleviating its immediate effects.
- 2) **Remedial action** – activities aimed at restoring individual's dignity and ensuring adequate living conditions through effective remedy and reparation, including supporting due process of law and justice for victims while combating impunity; and
- 3) **Environment building** – activities aimed at creating or consolidating an environment conducive to full respect for the rights of individuals.

Protection of civilians is the primary responsibility of national governments given their sovereign responsibility for, an authority over, all those living within their territory. It is only when protection by national governments is inadequate that external actors from the international community may step in.

Participants:

UNDP, UNFPA, UNICEF, UNFPA, OHCHR, UNMAS, UN HABITAT, UNHCR, OCHA, Mine Action, NRC, IRC, SCF Alliance, NHRC, Women Development Network, INSEC, Advocacy Forum, WOREC, UNIFEM, Ministry for Peace and Reconstruction, Ministry for Home Affairs, MoWCSW. Observer: ICRC

Justification

Need for coordination, predictability and partnership in the protection response. The working group will function both as a separate protection cluster as well as providing support to other clusters on protection as a cross cutting issue.

Promotion and Facilitation of Solutions in the areas of

1. Rule of Law, Justice and law enforcement
2. Prevention and Response to GBV
3. Mine Action
4. Land, Housing and Property Issues
5. Protection of Persons or Groups of Persons with specific protection needs
6. Prevention and response to threats to physical safety and security or other human rights violations
7. Psycho-social support

Sub groups:

- Child protection
- Internally Displaced Persons from violence

Activities:

1. **Information sharing**
Early warning indicators

- Incidents of obstruction of humanitarian aid
- Incidents of IED explosions
- Strengthening of militarist trends within some political groups
- Further deterioration of public services
- Strengthening in localized militaristic "administration"
- Human rights abuses, especially disappearances
- Increased involvement of children in violent activities
- Sudden demographic changes and displacement/movements of people
- Rise in criminal activities due to security vacuum
- More frequent bandh or street protests
- Increasing "territoriality" of groups/peoples
- Deliberate acts of governments against a specific group or region
- Destruction or desecration of religious sites
- Rise in "societal" intolerance and prejudice
- Increase in gender-based violence
- Intervention or support on behalf of one of the parties/groups by an external actor
- Influx of refugees from a conflict in a neighboring country

General

- Reports from sub-groups
- Activities undertaken, e.g. training.
- Developments in transitional justice
- Dissemination to the field

2. *Standards and policy setting*

- Gender analysis of national legislation
- Sphere and relevant IASC guidelines

3. *Building response capacity*

- Mapping of vulnerable groups in potentially affected areas
- Mapping of victims and their situation
- Mapping of support structures and referral mechanisms
- Provide training to relevant sectors including security forces, judges and lawyers, health practitioners and service providers.
- Strengthen national capacity to monitor and seek redress for violations of human rights/IHL
- Integrate human rights protection into humanitarian need assessment, programming, monitoring and evaluation.
- Training partners to conduct protection rapid assessment

4. *Operational support*

- Conduct a rapid assessment/comprehensive situation analysis
- Develop protection check lists for other clusters
- Develop assessment tools
- Develop monitoring tools
- Develop a database with the information gather from different organisations

5. *Advocacy*

- Promote human rights, IHL and good practices
- Promote mainstreaming of protection concerns

- Encourage ratification of international instruments, and advocate for full compliance and effective implementation
- Encourage the adoption and implementation of national IDP directives

The group will meet once a month unless circumstances require more frequent meetings. Notes from every meeting will be shared with regional and local presences of agencies and organizations.

Workplan

The group will over the next three months:

1. Conduct regular meeting in accordance with above.
2. Conduct a mapping of the mandates and resources of the organisations working in the protection area.
3. Develop a Contingency Plan based on the four scenarios developed by OCHA.
4. Develop assessment tools
5. Review and develop check lists for other clusters.

These terms of reference will be subject for review after three months.