

2009 Darfur Protection Cluster Strategy

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Current context

In late 2008, the Humanitarian Country Team decided to adopt the Cluster approach in the Sudan; subsequently it was decided to adopt the cluster approach in Darfur. Protection Sector coordination mechanisms already existed at the three Darfur States level, with regular meetings of Protection Working Groups, Child Protection WG, Gender Based Violence WG and Return WG as well as yearly Darfur-wide discussions. The two-tiered accountability and leadership structure was already essentially in place, but humanitarian actors felt a particular need to strengthen the protection coordination and response at the all Darfur level. For this reason, it was decided to put in place a Darfur Protection Cluster (DPC), which brings together the three Darfur States.

It is widely recognised that the primary responsibility for the protection of civilians in situations of internal conflict and natural disaster lies with the Government of Sudan. The role of protection agencies working in Darfur 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 that do arise. The DPC 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 and that all humanitarian agencies have a role to play in ensuring that positive coping mechanisms are supported and enhanced at grass roots levels.

The main protection challenges faced by protection actors in Darfur include, among others:

Ongoing attacks against civilian population, physical security and displacement: Significant clashes between GoS, SLA/MM and JEM forces occurred in Um Baru, North Darfur, in Muhajeriya in South Darfur, and there remain ongoing albeit minor clashes between GoS and JEM in the Jebel Moun area of West Darfur. There continue to be cross-border tension between Chad and Sudan. These actions, coupled with some increases in inter-ethnic/tribal tensions and internal tensions in Central African Republic, have led to some additional, often temporary, internal displacements and refugee flows.

Arrest and detention: In the second half of 2008, and after the ICC announcement, there were several conflict related arrest and unlawful detentions mainly targeting suspects with links to Sudan Liberation Army/ Abdul Wahid (SLA/AW) and selected Kalma IDPs. From March 2009, a new unprecedented wave of arrests has been observed as government reacted to the warrant of arrest issued against the

president by the ICC. Some detained persons have been ill-treated in custody. Even though the situation has calmed down since mid 2009, there is still a serious concern that the upcoming elections will lead to a crackdown on human rights defenders and an upsurge of arrest and detention cases.

Humanitarian space and access: Attacks on both UNAMID and humanitarian workers and assets continue including another (ongoing) abduction of 2 international humanitarian aid workers in Kutum, North Darfur. UNAMID forces have increased from about 64% to 70% of planned capacity. While this has led to a marginal increase in overall UNAMID capacity, provision of important operational assets such as helicopter gunships remains stalled and it now appears that the full complement of Peacekeepers will not be achieved until the end of 2009. That said, the “rainy season” has begun and it is generally observed that this leads to a reduction in the tempo of hostilities because, *inter alia*, physical mobility is reduced and the population are generally pre-occupied with the commencement of the all-important cultivation season. The UN remains, however, at Security Phase 4 which continues to limit access of both peacekeepers and humanitarian workers, especially to rural and remote areas.

Freedom of movement and choice of place of residence (durable solutions including voluntary return, local integration and relocation): With the advent of the rains, a definite increase in “seasonal return” for purposes of cultivation has been observed, as compared to last year. This may be due in part to improvements in physical security in some areas, and in part owing to the reduced WFP food ration. Capitalizing on these movements, the government and some community leaders are aggressively promoting an agenda of permanent return to areas of origin. While voluntary return is indeed one of the three important durable solutions (together with local integration and relocation) for persons in displacement, obstacles to permanent, voluntary and sustainable return are numerous. In addition to ongoing conflict and general lawlessness and insecurity, lack of humanitarian access (including unhindered access) makes it both difficult to assess areas of potential return (and convey those assessments to IDPs) and likewise difficult to follow-up on and monitor claimed returns. Moreover, the tendency by various factions, community leaders and others to politicise the returns, manipulate the geography of the population and the demography of the territories and the genuine desire of persons to return when conditions are suitable, may create undue pressures on displaced communities to undertake returns in less than fully voluntary and secure circumstances. Urbanization of IDP populations and unresolved issues related to land occupation and tenure also seriously constrain returns. In this context, greater attention needs to be given to other possible durable solution, in particular local integration.

Child Protection, with particular reference to children affected by armed conflict Attacks against civilians and the forced displacement are affecting the protective environment for children in different ways: direct threats to life and loss of their parents and/or foster caretakers; violence, including sexual assaults; deterioration

of their psychosocial wellbeing for those children who may have witnessed killing of relatives or other violent acts, forced displacement of their families from homes, and the stress of living in IDP Camps. This all has increased children's vulnerability and their potential exposure to violence, abuse, neglect and exploitation. In addition, despite declarations and commitments undertaken also by Non-State Actors, ongoing enforced and voluntary recruitment is reported by regular forces, rebel groups, tribal militias and Chadian armed opposition groups.

*Protection of women and girls against gender-based violence*¹: Understanding and respect for basic human rights principles and women's rights, by state and non-state actors, remain a challenge. Prevention and response to GBV remain inadequate. Federal and state policies and procedures for preventing or addressing GBV are not clearly defined. Dissemination of protocols, guidelines and circulars by the State has not been systematic and widespread. The technical capacity and systems in place to handle GBV cases are sorely lacking. Gender and GBV mainstreaming in all programmes and projects remains challenging. Considerable effort and resources need to be devoted to institutional and community capacity building. Availability of basic health care, mental health services for survivors, and, are critical issues. Social stigma and a lack of confidentiality hinder the reporting of cases. Many of the healthcare providers who were trained to provide clinical management of rape to survivors (CMRS) are gone. Medical supplies for rape treatment and post rape prophylaxis are difficult to transport to clinics in rural areas where access is restricted. Trusted health promoters that linked clinics and communities are also missing, resulting in a decrease of survivors seeking services. Psychosocial support services for GBV survivors are greatly lacking and referral pathways that were previously established are now deprived of meaningful service providers and community outreach workers.

Expulsion of INGOs: The recent NGOs' expulsion has substantially affected the Protection/ Human Rights sector/cluster in North Sudan. 8 of the expelled international NGOs and 3 national NGOs directly implemented PHR projects. It is evident that the expulsion has excluded persons of concern from specialised services and activities, e.g. closure of child friendly spaces and women centres, interruption of legal aid clinics, psychosocial support for children and GBV survivors and livelihood activities. In addition, the reduced presence goes hand in hand with a reduced presence/capacity for monitoring and referrals and in the meantime decreased the capacity to report on protection and human rights issues. Support for national NGOs/CBOs was terminated as the cooperating NGOs were expelled and other protection actors, be it directly or indirectly, are more reluctant to engage in activities which are perceived to be 'sensitive'. Overall, a deterioration of the protection-conducive environment has been noted, especially as activities in other

¹ Gender-Based Violence is an umbrella term for any harmful act that is perpetrated against a person's will, and that is based on socially ascribed (gender) differences between males and females (IASC Guidelines for GBV Interventions). In Darfur the term is inclusive of sexual violence, domestic violence, forced/early marriage, female genital mutilation/cutting (FGM/C), sexual exploitation and abuse (SEA), sexual harassment and any other forms of violence based on gender differences.

sectors (health, education, livelihood) were interrupted which contributed to prevent or respond to protection risks.

Strategy

The Darfur Protection Cluster (DPC) aims to ensure appropriate protection and cross-cutting responses to the main protection challenges identified above in a coordinated, predictable and accountable manner. At the DPC level, the strategy for achieving these aims, building on the UN Sudan and Partners Work Plan, is to: (1) identify and validate key protection issues; (2) identify and validate key objectives for addressing these issues; (3) identify and focus on defining key activities in support of achieving these objectives; (4) provide guidance and support to the Protection Cluster Working Groups (PCWGs) and Sub-Clusters in implementing action plans they developed at the State level for addressing these issues; and (5) undertake advocacy with UN leadership and other relevant actors in support of State-level actions and cross-border initiatives.

Principal actors in addressing these protection concerns are the Government of Sudan, UN agencies, inter-governmental agencies, I/NGOs and UNAMID. They work together in a spirit of partnership, respecting their specific mandates and programme priorities, as well as their expertise. The cluster acknowledges the importance of UNAMID's role in the protection of civilians and the mutual benefit to cooperate closely with full respect of the distinction between the mission and humanitarian actors taking into account UNAMID's role as outlined in the Mission Directive on PoC endorsed in February 2009. The DPC will likewise keep the (Deputy) Humanitarian Coordinator (D/HC) and other key players abreast of protection concerns, responses and cross-cutting issues. It is expected that the D/HC and other key players will devote appropriate attention to and support for addressing these issues at the highest levels, and in connection with mainstreaming protection concerns and responses within other clusters.

Bearing in mind the overall situation described above, the following objectives are given priority. The PCWGs and the respective Sub-Cluster (Child Protection, GBV and Return) will be responsible to elaborate in more details on these objectives and activities by formulating Action Plans (a template is attached as Annex I) which take into consideration their regional priorities in all segments of the protection activities.

Objective 1: To improve protection for civilians in Darfur, the respect and the realization of their human rights through targeted and coordinated interventions, taking into account age, gender and diversity and the humanitarian imperative of independence, neutrality, impartiality and humanity.

- Coordination mechanisms for prevention, response/intervention and call for accountability of all parties to the conflict in the protection of civilians are

strengthened including through presence, monitoring, information sharing, and reporting on threats, abuses, violations of humanitarian and human rights law.

- Advocacy with the government, parties to the conflict and all relevant stakeholders to meet their protection obligations, including safeguard for humanitarian access, and accountability under relevant international and national laws and policies is enhanced.
- The voluntariness, safety and dignity of returns is monitored and interventions are implemented which allow individual IDPs to make free and informed decisions related to their durable solution.

Objective 2: To improve the capacity of the government to prevent and respond to human rights violations and to fulfill their responsibility to protect civilians and promote the respect and realization of human rights, with particular attention to those with specific needs

- Support the government at each level to develop, amend and/or reinforce relevant laws and policies pertaining to protecting civilians, with particular emphasis on women and children.
- Enhance the capacity of officials working in direct contact with children on improving the protection and the realization of children's rights.
- Increase the awareness and the capacity of local authorities and other stakeholders in assuming their responsibilities to prevent and respond to all forms of Gender Based Violence and to improve overall protection of women and girls in situations of vulnerability.
- Gender mainstreaming to ensure gender equality in resource mobilization and allocation, as well as in employment and all aspects of humanitarian interventions is strengthened.
- Provision of psycho social support services with an emphasis on children affected by armed conflict, women survivors on GBV, elderly and other persons with specific needs is ensured and referral mechanisms are strengthened.
- Legal aid and institutional support systems and mechanisms - including at the community level - to provide and ensure access to justice, to redress human rights violations (abuses, harassments and exploitation) and restore rights are strengthened.

- The capacity of the authorities to set up and mechanisms to address land and property issues are enhanced, in cooperation with other specialized institutions and actors.
- Strengthen the capacity of the criminal justice system (police, prosecutors, etc.) to prevent and investigate human rights violations according to international human rights standards.

Objective 3: To empower communities and individuals to know and exercise their rights, in particular the rights of women and children

- Community awareness of their rights and obligations and their ability to address the competent authorities and seek redress to human rights violations is improved.
 - Community-based mechanisms for participation in identifying and responding to community needs and priorities including e.g. grassroots peacebuilding and conflict mitigation are promoted and strengthened, and community/women centres are reopened and functional.
 - Develop and undertake appropriate interventions towards marginalized communities, including nomadic and pastoralist groups.
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