



Terms of Reference UKRAINE PROTECTION CLUSTER

Background

2015 Humanitarian Response Plan first objective:

‘Respond to the *protection needs* of displaced and other conflict-affected people, with due regard to international law and humanitarian norms and standards’.

Since the conflict in Ukraine began in mid-April 2014 and until 26 February 2015, at least 5,807 people (including 63 children) were killed and 14,735 (including 169 children) were wounded in the conflict area. As of 24 February, the Ministry of Social Policy reports 1,069,809 internal displaced persons (IDPs) in the government controlled territory. The number of IDPs in territory under the control of armed groups is difficult to assess, in as much as there is not a systematic registration of the displaced population who settle in private accommodation with neighbours or relatives. Unconfirmed reports states that up to 10,000 IDPs may be residing in collective centres in the region of Donetsk. Nearly 700,000 people have fled to neighbouring countries, a third of whom are children. As many as 5 million people now need protection and assistance in shelter, health, food security and nutrition and other key areas. On 23 July, the International Committee of the Red Cross (ICRC) qualified the situation in eastern Ukraine as a ‘non-international armed conflict’ and called for the application of international humanitarian law.

The cluster approach was activated in Ukraine as the humanitarian crises is beyond the scope of any one agency’s mandate and the Protection Cluster (PC) is meant to facilitate predictable and quality response to the protection concerns stemming from the conflict. The Protection Cluster (PC) is an integral aspect of humanitarian effort of the Humanitarian Country Team (HCT) and is accountable to the Humanitarian Coordinator (HC). UNHCR and OHCHR are co-leads of the cluster.

Two sub-clusters have been formed within the Protection Cluster:

- (i) Child Protection sub-cluster led by UNICEF, and
- (ii) Gender Based Violence (GBV) sub-cluster led by UNFPA.

The Protection Cluster and sub-clusters are based in Kyiv, with a country-wide coverage. The establishment of sub-national clusters will be done so based on presence, access, resources and security.

At the national level, a Strategic Advisory Group (SAG) has been formed to support the Protection Cluster and sub-clusters with strategic guidance and technical support. The SAG consists of members from the cluster and sub-cluster lead agencies and NGOs, in addition to the coordinators.

Protection Cluster meetings are held on a bi-weekly basis. The preparation, hosting and follow up to the meetings alternate between the co-leads.

The co-leads are accountable to the Humanitarian Coordinator and represent the Protection Cluster in the Humanitarian Country Team and the inter-cluster coordination group. It is the



responsibility of the co-leads / co-coordinators to advise both meetings of Protection gaps and challenges with appropriate recommendations and advocacy points. Outcomes of both meetings should be communicated the Cluster members.

The Protection Cluster, through the co-leads, will work with the Government and national partners to highlight protection gaps, challenges and needs. It will make recommendations for change to respond to protection concerns.

Protection cluster: Aim and cluster objectives

The aim of the Protection Cluster is to ensure *a coordinated, predictable, accountable and effective response by humanitarian organizations to the protection concerns stemming from the current conflict in Ukraine.*

As per the 2015 Humanitarian Response Plan (HRP)¹, the Protection Cluster, including with the sub-clusters for child protection and gender-based violence and any other future sub-clusters or working groups established under the Protection Cluster, aims to protect, support and strengthen the resilience, well-being and family unity of the conflict-affected population. Its objectives are framed by International Human Rights Law (IHRL) and International Humanitarian Law (IHL).

The cluster, with the sub-clusters, will maximize resources and capacity in line with the following areas of engagement:

- Ensure continuous protection monitoring, leading to evidence-based advocacy and a protection response for conflict-affected populations (with particular attention to the protection of civilians and other segments of the population that may be more vulnerable to protection risks, such as women, children, older persons, and minorities.
- Target those in immediate need, including strengthening capacity for registration of IDPs, providing child protection services, legal aid and other legal services, referral mechanisms, and provision of multi-purpose cash assistance for particular groups.
- Document and analyse violations of IHRL and IHL to address protection gaps and to support efforts to prevent and respond to such violations.
- State and civil society capacity strengthened to include improved information management, age-, gender-, diversity-protection mainstreaming, community-based interventions, GBV prevention and protection, and child- and gender-based systems of advocacy / reforms.
- Ensure protection mainstreaming throughout the humanitarian response.
- Develop mechanisms for accountability to affected people.

¹ https://www.humanitarianresponse.info/system/files/documents/files/UKRAINE_HRP_2015%20FINAL%20%281%29.pdf [see pages 45-48].



HRP cluster objectives:

- (i) **Cluster Objective 1:** Protection for people of concern strengthened;
- (ii) **Cluster Objective 2:** People of concern benefit from full and non-discriminatory access to public and civil services and enjoyment of social and economic rights especially for vulnerable groups (children/caregivers, women, IDPs, SGBV/GBV survivors, demobilized combatants, older persons, minorities) and other marginalized or vulnerable groups. Informed decisions are supported upholding family unity and wellbeing; and
- (iii) **Cluster Objective 3:** Durable solutions for people of concern are developed to support their making an informed decision about voluntary return in safety and dignity, local integration and/or relocation in a manner that is voluntary and in accordance with national and international norms and standards.

Definition of Protection

According to the Inter-Agency Standing Committee (IASC) definition, protection encompasses all activities aimed at ensuring full respect for the rights of the individual in accordance with the letter and the spirit of relevant bodies of law, including IHL, IHL and International Refugee Law.

In practical terms this means, but is not limited to, activities as listed below:

- The delivery of goods and services, such as legal aid, psycho-social support, the removal of children from armed forces and groups, mine clearance, restoration of property etc;
- Mainstreaming protection considerations in the delivery of other services, such as gender-sensitive WASH activities, access to healthcare and education;
- Activities, which are normally carried out by protection actors, such as IDP profiling, analysis or advice on standards;
- Monitoring and reporting on protection concerns, including rights of individuals in accordance with International Humanitarian Law and International Human Rights Law;
- Advocacy on protection related matters.

Participation in the Protection Cluster

Participation in the Protection Cluster is open to all actors with a demonstrated interest in and operational capacity to respond to protection concerns. Participants are expected to demonstrate adherence to humanitarian principles and those of partnership.

All partner agencies commit to the implementation of the Protection Cluster strategy and the highest standard of collaboration and coordination to ensure efficient use of resources, greater



accountability and transparency and, as a result, a more effective provision of operational support to field based protection actors.

All partners are committed to the main objectives, and agree to a way of working that includes to; (i) report on protection issues at PC meetings with a focus on main protection concerns, gaps and responses (ii) identify trends to ensure early warning (iii) implement the action points as identified in PC Meetings; (iv) contribute to coordination through information sharing and completion of 4Ws [who does what, where and when]; (v) contribute to cluster activities, including assessing needs, development of plans, policies, guidelines; advocacy as well as mainstreaming work.

Objectives, Goals and Areas of Focus

Specific activities of the Protection Cluster include:

- Identification of priority protection concerns, gaps and challenges and focus on early warning;
- Raising awareness and building capacity of key stakeholders on protection matters;
- Ensuring that regular protection assessments based on harmonised approaches are carried out with a special focus on vulnerable populations and groups with special needs;
- Supporting effective coordination of protection activities responding to the identified key concerns in Ukraine, and strive to reduce duplication of humanitarian action;
- Developing protection sensitive response strategies and plans of action clearly identifying roles and responsibilities and report on their implementation;
- Undertaking coordinated advocacy efforts to support preventive, remedial and reparatory actions by the relevant authorities in accordance with their obligations; including increased accountability of all duty bearers under IHL and international human rights law to fulfil their responsibilities under domestic and international law.
- Supporting resource mobilisation initiatives for the Cluster and its Members;
- Enhancing protection of civilians initiatives within the context of humanitarian action. Protection is cross-cutting and transcend across all clusters and the PC will provide guidance and support to other clusters to ensure that a rights based approach.

Annexes

1. Protection Cluster Action plan;
2. 4W template;
3. TORs of sub-clusters.