

Terms of reference Protection Cluster Zimbabwe

January 2010

1. Background

Long term economic decline and food insecurity in Zimbabwe have led to increased levels of poverty and vulnerability in rural and urban areas, all of which have recently been exacerbated by a cholera outbreak in 2008 during which the most vulnerable populations were increasingly marginalized. The situation is further complicated by a changing socio-political environment. Against this background, protection concerns emanate from sexual and gender-based violence (SGBV), violence, exploitation and abuse of children, trafficking in persons, HIV and AIDS, lack of access to basic social services and documentation, contentious human rights issues and allegations of politically motivated violence, displacement as a result of different government policies and political violence as well as natural disasters, insecurity of land tenure, and protection issues for returning migrants and refugees.¹

The current situation, with a Government of National Unity, offers opportunities for increased cooperation with the authorities to address these and other protection issues. The government's intention to work on reconciliation and peace-building, and the implementation of joint assessments, training and awareness raising is welcomed by the cluster.

2. Structure of the Protection Cluster

In Zimbabwe, a Protection Sector Working Group (PSWG) was established in September 2007. The PSWG was established as a result of the protection needs resulting from the humanitarian situation in the country. In July 2009, at the request of the Humanitarian Coordinator, the UN Under-Secretary for Humanitarian Affairs and Emergency Relief Coordinator officially activated the Protection Cluster, thereby formalizing the work carried out by the PSWG thus far.

The Protection Cluster is led by UNHCR, assisted by a Steering Committee (SC) consisting of representatives of the sub-clusters or working groups on displacement, child protection and gender based violence, as well as the human rights / rule of law sector. Members of the Steering Committee are UN agencies, national and international NGOs.

The Protection Cluster shall function as long as the cluster system is operational in Zimbabwe as the system for humanitarian coordination. The cluster plays a role in the phases of emergency response, early recovery and contingency planning. The cluster will, where possible, create linkages with existing or new initiatives in the emergency and development field. These include coordinating mechanisms of civil society organisations as well as governmental initiatives, such as the Rights and Interest cluster under the STERP.

The Protection Cluster is working on different themes, including but not limited to internally displaced people (IDPs); child protection; SGBV; and human rights/ rule of law. For IDPs and GBV, subclusters have been established, while for child protection

¹ An updated Protection Cluster Strategy and Workplan will be annexed to this TOR. The Strategy will contain more background information.

a working group is being formed in partnership with the Ministry of Labour and Social Services.

Existing coordinating groups working on protection related issues maintain clear and operational linkages with the protection cluster to ensure coordinated analysis and response and to avoid the proliferation of coordination mechanisms. The Protection Cluster will cooperate closely with other clusters on all transversal issues related to protection. Members of the Protection Cluster participate in the other humanitarian clusters to ensure that protection issues are mainstreamed.

The Protection Cluster is based in Harare. The cluster as well as its subclusters can set up regional coordinating mechanisms in provinces or districts where this is required and possible.

The work of the Protection Cluster will be guided by the principles of neutrality, impartiality and independence. The Protection Cluster will manage the information in its possession according to the utmost confidentiality and safeguard of beneficiaries, communities, staff and, organizations involved.

3. Sub-clusters

The pre-existing IOM-led Working Group on Mobile and Vulnerable Populations (MVPs) has become an official subcluster on IDPs under the Protection Cluster. The subcluster on IDPs deals with assistance and protection to new and existing communities of displaced persons. The IDP subcluster also deals with the coordination of shelter and non food items to IDPs.

A GBV subcluster is co-led by UNFPA and an NGO partner, and deals with the coordination of prevention of and response to gender based violence in the country, particularly where linked to a humanitarian emergency.

Coordination of child protection in an emergency situation has not yet been formalised, but discussions are underway with the Government of Zimbabwe to establish a subcluster or other coordinating mechanism to address child protection, with a particular focus on children on the move.

The TORs for subclusters will be annexed to this TOR.

4. Protection definition

The Protection Cluster shall be guided by the 1999 IASC 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 Cluster is also guided by relevant national and international legislation, principles, guidelines, conclusions and studies (e.g. the Constitution of Zimbabwe and subsequent laws, the Guiding Principles on Internal Displacement, the Basic Principles and Guidelines on Development-based Evictions and Displacement, the IASC Operational Guidelines on Human Rights and Natural Disasters, the African Union Convention for the Protection and Assistance to Internally Displaced Persons in Africa (Kampala Convention), the IASC Guidelines on Prevention of GBV in

Emergencies, the IASC Guidelines on Accompanied and Unaccompanied children, and the IASC Guidelines on Psychosocial Support and Mental Health).

5. Objectives

- a) To ensure a more coherent and effective response to protection issues.
- b) To ensure that gaps in the response to protection issues are systematically identified and addressed and that funding is allocated for this response.
- c) To support the Humanitarian Coordinator to implement his/her responsibilities related to the strategic coordination of the IASC response to protection and assistance needs of the emergency affected population, ensuring that gaps are addressed.
- d) To ensure that the Government of Zimbabwe is supported in upholding its obligations and responsibilities to protect the rights of the emergency affected civilian population under international and national law.
- e) To ensure that protection is mainstreamed in other sectors and that clear information sharing mechanisms between different sectors are in place.
- f) To establish joint and standardized systems for information gathering, monitoring and reporting on protection issues, trends and patterns.
- g) To advocate for a protective environment for vulnerable groups such as displaced persons, survivors and those at risk of gender-based violence, children and young persons, persons with disabilities and older persons.
- h) To promote durable solutions for the displaced population which are based on voluntary decisions and the full participation of the internally displaced persons and returning migrants and refugees. Identify gaps in capacity to implement such durable solutions and work together to build capacity in a coordinated and cost effective manner.

6. Target population

The target group of the Protection Cluster consists of all affected populations with particular attention to those in need of humanitarian assistance. This includes displaced populations², those at risk of displacement and host communities, survivors of gender-based violence, and orphaned and vulnerable children as well as other vulnerable populations such as people with disabilities, returnees, chronically ill, and stateless persons.

7. Membership

Members of the Protection Cluster include international agencies, local and international NGOs with a protection/human rights mandate and representatives of different Ministries of the Government of Zimbabwe.

Representatives of donors are invited to participate as observers in the cluster.

² The Protection Cluster follows the definition of the Guiding Principles on Internal Displacement for the identification of internally displaced persons as "... persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human made disasters, and who have not crossed an internationally recognized State border."

Members from the Protection Cluster will be encouraged to participate in the other clusters as cluster representatives to facilitate the mainstreaming of protection issues in other programme areas, while representatives of other clusters can participate in the Protection Cluster as observers.

8. Activities

The Protection Cluster shall undertake the following activities by mobilizing groups of agencies, organizations and NGOs to respond in a strategic manner with a clearly designated lead, as agreed by the Humanitarian Coordinator and the Inter Agency Standing Committee (IASC):

- a) Overall coordination of the work of all partners related to protection, including information sharing and mainstreaming of protection considerations throughout the humanitarian response;
- b) Carrying out joint needs assessments and analysis using participatory and community based approaches, agreeing on common priority areas for action and joint tools, and developing joint protection strategies and plans of action and budget proposals, including CAP and CERF proposals;
- c) Ensure regular input to the assessment and analysis of the protection situation.
- d) Based on a Who Does What Where (3W): mapping operational capacity, agreeing on geographic areas of responsibility when appropriate, identifying gaps, and mobilizing resources;
- e) Raising awareness on various protection concerns and undertaking joint advocacy / communication activities with relevant stakeholders, including the national and local authorities, UN bodies and donors, to ensure that preventive, responsive, remedial and environment building actions are undertaken by the relevant authorities and actors;
- f) Measuring the protection impact and evaluating the protection response using participatory and community based approaches within specific protection programmes and across all clusters;
- g) Developing contingency planning and preparedness plans for new emergencies.
- h) Support capacity building of members of the Protection Cluster and partners.
- i) Ensure protection is reflected in joint and multi-cluster initiatives such as the contingency plan and various pooled funding and flash appeal processes.

9. Meetings

The Protection Cluster meets on a monthly basis. Ad hoc meetings can be called by the coordinator or any of the members. Sub-clusters also meet on a monthly, or as-needed basis.

10. Responsibilities of the Cluster Lead³

- a) Ensure inclusion of key humanitarian partners for the sector, respecting their respective mandates and program priorities.

³ The full and generic responsibilities can be found in the "Generic Terms of Reference for Sector/Cluster Leads at the Country Level", <http://www.humanitarianreform.org/humanitarianreform/Default.aspx?tabid=218>

- b) Prepare and manage meetings of the Protection Cluster, including facilitating the identification and designation of its member(s) to implement agreed response actions.
- c) Ensure timely and regular information-sharing, including sharing with Protection Cluster members, other clusters as appropriate, the HC and other protection mechanisms on the regional or national level relevant information, policies and other documentation.
- d) Provide support to subclusters and ensure that relevant information is shared with and between subclusters.
- e) Ensure appropriate links with national and local authorities, State institutions, local civil society and other relevant actors and ensure appropriate coordination and information exchange with them.
- f) Ensure that protection issues and concerns are mainstreamed throughout the activities of the other clusters.
- g) As provider of last resort⁴, the sector lead is responsible for ensuring that wherever there are significant gaps in the humanitarian response there are continued advocacy efforts and explanation of the constraints to stakeholders.
- h) In partnership with members, remain the guardian of data and determine what information should remain confidential and whether, when and how information linked to the Protection Cluster work can be shared externally.
- i) Prepare a regular report to the Humanitarian Coordinator and ensure appropriate input to the assessment and analysis of the protection situation outlining needs and gaps, as well as actions taken and foreseen.
- j) Provide advice on protection issues, including human rights law and the Guiding Principles on Internal Displacement to members of the cluster and within inter-agency coordination mechanisms.
- k) Assess training needs on protection issues and support capacity building of members of the Protection Cluster and partners.

11. Responsibilities of the Steering Committee

The cluster coordinator is assisted by a Steering Committee consisting of representatives of the different subclusters. Responsibilities of the Steering Committee are:

- a) To serve as the point of first contact in case of emergencies.
- b) In collaboration with the cluster lead, facilitate the development of a strategy to deal with emergencies as they occur, including assessments, assistance and the development of advocacy messages.
- c) To ensure that issues are adequately being addressed in the wider Protection Cluster.
- d) To ensure the development of clear operational linkages (e.g. through development of TORs) with the Protection Cluster on reporting and responding to key protection issues and concerns emanating from the work of the sub-cluster groups.

⁴ 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 sector leads to do their utmost to ensure an adequate and appropriate response. It is necessarily circumscribed by some basic preconditions that affect any framework for humanitarian action, namely unimpeded access, security, and availability of funding.

- e) To ensure that the Protection Cluster supports and complements the work of other groups and forums so as to avoid duplication of efforts within the Cluster or other existing groups and forums.
- f) To represent the sub groups and partners of sub groups as far as they are not members of the Protection Cluster.
- g) To set performance standards and indicators for protection work with vulnerable groups. The Steering Committee will also commission periodic reviews to assess the adherence of such standards by partners.
- h) To carry out a yearly review of the cluster's performance amongst its members and facilitating the process for cluster to act upon the findings to improve its functioning

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