Protection Cluster Strategy:

Zimbabwe

April 2010 – March 2011

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1.   Background:

In October 2008, the Zimbabwe Protection Sector Working Group adopted its first Protection Strategy for the humanitarian response to protection concerns in the country. Since then, the situation in Zimbabwe has changed considerably. Based on the September 2008 Global Political Agreement between ZANU (PF) and the two MDC formations, an inclusive government was formed in February 2009. Since the end of 2008, humanitarian access to vulnerable populations has improved considerably and there has been increased engagement between the humanitarian community and the Government. Furthermore, due to the introduction of the multi-currency system, the socio-economic situation of many Zimbabweans has improved considerably.

Nevertheless, there are still serious humanitarian challenges that need to be addressed. The impact of the past decade with a collapsed economy, hyper inflation, deteriorating infrastructure, provision of basic services, and large-scale unemployment cannot be reversed overnight. There is still a high level of food insecurity, and poverty levels are high. Significant numbers of displaced people, former farm workers, and poor urban and peri-urban dwellers have lost their livelihoods and are often living in poor conditions. Lack of access to basic social services such as proper water and sanitation, health, education and shelter remains a major problem for millions of Zimbabweans. As a consequence, a significant number of Zimbabweans still rely on humanitarian assistance.

The current situation 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 humanitarian community.

Protection actors in Zimbabwe aim to respond to protection concerns, but also work on preparedness as well as transitional objectives. Response activities aim to address immediate humanitarian needs. Preparedness and contingency planning is done in case of a deterioration of the situation, while transition implies a move to more long term interventions, largely aimed at reintegration, durable solutions and strengthening of the rule of law.

As part of the new humanitarian coordination system, in May 2009 a Protection Cluster was officially rolled out under the coordination of UNHCR.

2.   Key Protection Concerns:

2.1.   Internal Displacement[1]:

Internal displacement in Zimbabwe is not new. People have been forcibly displaced for a variety of reasons since long before independence. Unlike in many other countries, displacement in Zimbabwe was not caused by armed conflict or large-scale natural disasters, but more significantly by a succession of events and policies that led to the displacement of groups of people from their habitual residences.

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[1] For a full overview of internal displacement in Zimbabwe, see Joint IDP Assessment, Final Report, April 2010.

The total number of internally displaced persons in Zimbabwe is not known, due in large part to the fact that there are no camps where people are consolidated. IDP communities are believed to be scattered throughout the country, in many different types of accommodation and communities. A comprehensive profiling of the displaced population in the country is scheduled to take place in 2010.

A Joint IDP Assessment that took place between the Government of Zimbabwe and the United Nations in August 2009, showed that the situation of IDPs differs per location. While some IDP communities are still clearly in an emergency state and in need of emergency humanitarian assistance, others are in a state of early recovery or permanent integration. Some communities are still living in makeshift shelters without access to basic services, and live in dire conditions. Other communities have resettled and are integrating in their new communities. Amongst the basic needs for most displaced communities are access to food, access to adequate health care, water and sanitation, shelter, sustainable livelihoods, land tenure, and access to education.

Causes for displacement in Zimbabwe are varied. The main reasons for displacement in Zimbabwe include, but are not limited to: natural disasters (annually between December and March, localised floods cause temporary displacement of several communities), politically motivated violence and inter-party clashes (particularly in the period leading up to the second round of the Presidential elections between March and June 2008), Operation Murambatsvina (the urban clean-up operation in 2005 targeting illegal constructions and informal traders), and those who have lost their residences as a result of losing their livelihoods (mainly former farm workers who lost their jobs and their houses after the farms on which they were living were acquired by new owners).

The identification of durable solutions and the need for assistance and protection vary greatly, depending on the time spent in displacement and the conditions in the host community. Humanitarian access to displaced communities is not always allowed, largely due to the political sensitivities surrounding some of these communities. It should be stressed that political considerations should not lead to the denial of the right to basic services for the population concerned.

Most of those displaced as a result of inter-party clashes have since returned to their communities or relocated to new communities, although they often still need assistance to reintegrate in their places of origin or places of current residence. In many cases they lost not only their houses but also livestock and other forms of livelihoods, making it more difficult to restart their lives. Also, people displaced by natural disasters such as floods or droughts have been able to return, although many remain at risk of renewed displacement in case of extreme weather conditions.

For many people who lost their homes as a result of Operation Murambatsvina or as a result of losing their land and livelihoods, return to the places they were displaced from is not possible. Some of the displaced were able to go back to their rural homes, although especially for those of foreign origin and those who lack ties in rural areas this is not possible. Others were resettled by the Government in organised resettlement schemes. Again, their situation differs significantly between different rural and peri-urban locations. Many former farm workers stayed on the same plots of land,

yet due to their loss of livelihoods they are as vulnerable as the groups who moved. They are not, however, displaced according to the officially agreed upon definition[2].

The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention, 22 October 2009), which was signed by President R.G. Mugabe on October 2009 in Kampala, Uganda, developed a legal framework to protect and assist internally displaced persons in Africa. The Convention still requires ratification by fifteen AU member countries. Concretely, the Kampala Convention calls upon State Parties to provide protection of and assistance to internally displaced persons within their territory or jurisdiction without discrimination of any kind. International organisations and humanitarian agencies, in their activities to provide assistance and protection to IDPs, are bound by principles of humanity, neutrality, impartiality and independence. While the Convention requires ratification from 15 countries to become legally binding, its signing, including by the President of Zimbabwe, represents a first and very important step in reaffirming the work on protection and assistance of IDPs in Africa.

In terms of durable solutions, those who wish to remain where they are currently located would do so provided that they receive assistance such as security of land tenure, access to land, and access to other basic services. This coordinated integration assistance and the commitment to forward-looking local planning processes are key variables in the success of durable solutions sought by the Government and the humanitarian community. However, it should be noted that durable solutions should always be based on the voluntary decision of the affected population, regardless of whether this involves return, local integration or resettlement. The Kampala Convention referred to above calls upon State Parties to seek lasting solutions to the problem of displacement by promoting and creating satisfactory conditions for voluntary return, local integration or relocation on a sustainable basis and in circumstances of safety and dignity. The Convention also stipulates that internally displaced persons shall be enabled to make a free and informed choice on whether to return, integrate locally or relocate, by consulting them on these and other options and ensuring their participation in finding sustainable solutions.

In addition to internal displacement, large numbers of Zimbabweans have left the country in recent years and many of these continue to reside as economic migrants, refugees and asylum-seekers in neighbouring and other countries. Once they decide to return, many of them will need to be assisted to achieve peaceful and sustainable reintegration.

2.2.   Child protection:

The protection situation for children as well as young persons in Zimbabwe remains poor. It is estimated that a significant proportion of children in Zimbabwe do not have access to basic social services including primary education, health, water and sanitation and adequate shelter. It is further estimated that there are more than a million orphans and vulnerable children in Zimbabwe, including children affected by HIV/AIDS and child-headed households although only 29% of these have received any form of external support[3]and many of whom are in situations of poor or inadequate care. It is estimated that a large number of children suffer from violence, exploitation

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[2] Internally Displaced Persons are persons or persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, and who have not crossed an internationally recognized State border.

[3] Multiple Indicator Monitoring Survey, 2009, Central Statistics Office and UNICEF

and abuse given the economic strain on families and poor and inadequate support services for vulnerable children and families although precise data is not yet available. Access to basic services including birth registration (37% of children have birth certificates in Zimbabwe), social welfare and justice services is problematic for many children, in particular the most vulnerable due to displacement or poverty and for those who are the main caregivers. The situation of children in conflict with the law and those in detention is also not known and requires urgent address.

Child protection mainstreaming has improved in the past year and more attention has been paid to increased coordination and sharing of experiences between different humanitarian actors and authorities. Child protection mainstreaming includes the design and implementation of interventions to ensure that they do not worsen the situation for children or put them at risk of harm, ensuring that children have a voice in the way programmes are implemented and ensuring response to cases of abuse. Some positive examples are the inclusion of children during inter-agency assessments as respondents, the development of assessment tools with a child focus, reviewing and modifying programmes when child protection risks are identified, mechanisms to prevent and address sexual exploitation and abuse, and ensuring that reports of child abuse are not ignored.

In addition, the referral and response system (particularly the Victim Friendly Units and Victim Friendly Courts) has improved and more reports on child abuse were filed, including by the children themselves. In 2009, the Victim Friendly Unit of the Police received more than 3,000 cases of which at least 64% involved children. . Although reports to service providers may be increasing, however, there is still a lack in consistency in mainstreaming, and a lack of human resources amongst the main service providers and the courts. There is also a lack of cooperation between the traditional courts and the magistrate's courts, which creates gaps in response.

There are a number of reasons why many schools in Zimbabwe are considered an unsafe and unfriendly learning environment. Sexual abuse by teaching and other staff is rife, and bullying by other students is common. Physical and humiliating punishment is not endorsed by the Protection Cluster. There are, however, domestic laws and regulations which allow the use of physical punishment in a very restricted and regulated manner, and as a last resort, to manage the behaviour of individual children. Studies have shown that the application of corporal punishment in schools is, nevertheless, generally not in accordance with even these standards. Both humiliating and severe physical punishment are often used not only inappropriately as classroom management strategies but also to punish children for things that are not related to bad behaviour (such as non-payment of school fees, non-wearing of proper uniforms, late attendance, etc.). As a result of joint advocacy between the Education and Protection clusters, discussions are underway with the Ministry of Education aimed at developing alternatives for classroom management as well as creating friendly and safe environments in which children can learn without fear.

The issue of street children and the underlying reasons for their increasing numbers remains largely unaddressed. There are children as young as eight years of age living on the street, as well as young girls with babies. The phenomenon of street children is often linked to domestic violence and abuse in the home, as well as to parents/caregivers who have joined the diaspora or who have died (often due to AIDS or old age). Despite the existence of a few organisations working specifically with this group, street children are largely excluded from regular child protection and other programmes such as education, health and psychosocial counselling, likely because

this is seen to be the domain of these specialist organisations. . Livelihoods opportunities for youth that have left school are too few, while child labour remains a problem.

Cycles of poverty continue to dismantle family livelihoods, forcing children - often at the instigation of their families - to engage in risky coping mechanisms which can include transactional sex, early marriage, child labour, and migration to neighbouring countries, all of which expose them to ongoing and worsening abuse and exploitation.

Within all of these groups, children with disabilities are likely to be the most marginalised and least visible thus requiring special consideration during programming.

2.3.   Gender Based Violence:

The risk of exposure to gender based violence (GBV) in Zimbabwe is high. GBV, and in particular sexual violence, is a serious, life-threatening protection issue which primarily affects women and children. GBV is a public health and human rights issue and needs functional systems to provide comprehensive prevention and response.

GBV results in women and girls becoming vulnerable to physical injuries, unwanted pregnancy, STIs and HIV. Damage to mental health may lead to anxiety, post traumatic stress disorder, depression and suicide. Survivors who fail to receive appropriate treatment and counselling can suffer these effects for years, greatly diminishing their ability to care for themselves or their families. The families and communities of survivors may be traumatized as well.

A recent UNFPA - UNICEF – IOM study[4], which was carried out in Harare and Mberengwa, Mudzi and Mutare Districts in May 2009, highlighted that young girls, orphans and unaccompanied minors (especially girls), women in female-headed households, both married and unmarried women, and young boys are most at risk of GBV. According to this study, GBV takes place in homes as well as in public places, including along roadsides, and secluded areas, such as locations where firewood is collected. Displaced communities are particularly at risk of GBV due to poor shelter and other conditions.

Perpetrators that were most commonly mentioned by respondents included male relatives and neighbours; other gangs both in communities and in border areas; and men with economic stability ("sugar daddies").

The economic environment has contributed to an increase in risky behaviour (such as commercial sex work and transactional sex), including reports of girls engaging in providing sexual favours to older men to obtain money for their school fees. In the study mentioned above it was also mentioned that girls are sometimes pushed by their parents into sexually exploitative relationships with teachers, who have power/influence in the community.

Poor economic conditions and depressed incomes also play a major role in the increase of cases of domestic violence. This is largely linked to women having become the main breadwinners in the family and trying to exert control over family incomes, leading to cases of partner violence.

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[4] Joint UNICEF, UNFPA & IOM Gender-Based Violence Field Mission Zimbabwe: May 2009

Despite the establishment of one-stop service centres in several locations and the engagement of more actors on GBV there are still major needs and challenges. Referral mechanisms are often unclear or unknown by the population. State institutions lack the necessary capacity and resources to respond, leading to limited access to services for survivors, particularly in the rural areas.

There still is lack of coordinated understanding of the scope of GBV. GBV specific policies have been drafted, though there remain significant gaps in their implementation. Mainstreaming and coordination of GBV initiatives are most effective through a holistic, multi-sectoral approach. In order to mitigate and respond to instances of GBV, there is an increased need for rape treatment kits, psychosocial services and better referral protocols. Subsequently, community capacity needs to be strengthened to address the lack of understanding of the severity of GBV and its polarisation in communities, while training on GBV guiding principles and specific targeting of vulnerable groups should contribute to prevention.

As the region prepares for the FIFA World Cup in South Africa in June 2010, there is a heightened risk of human trafficking, irregular child migration and human smuggling. Zimbabwe is regarded as a source, transit and destination country for men, women and children trafficked for the purposes of forced labour and sexual exploitation and domestic servitude. Human rights of the victims of trafficking are violated, their survival and development are threatened, and their rights to education, to health, to protection from exploitation and abuse are denied.

Reports suggest that cases of transactional sex are on the increase due to economic hardship, as women and girls are forced to engage in high-risk activities to support themselves and their families. This is particularly the case where men are unable or unwilling to meet their customary responsibility to take care of the family. The potential for domestic violence and marital rape to increase is also present in the context of Zimbabwe's current humanitarian situation. Domestic violence, or intimate partner violence, is said to be largely under reported.

The political violence of 2008 had a negative effect on women and led to an increase in GBV cases. While reports suggest that men were the main targets of political violence, women have also been directly affected. For example, women were less able to flee quickly if threatened because of their caretaker role within the family. Because of this, some women became a target in place of their husbands, who have managed to flee. In cases where women and girls fled, their exposure to the risk of GBV increased due to inadequate shelter, overcrowding, lack of food, and lack of safe access to water and sanitation facilities. Due to rape, some women contracted STIs and others gave birth to children whose fathers are not known. While there is an intention to roll out peace building and reconciliation activities in the communities, the cases of politically motivated gender based violence have not yet been addressed and there have not yet been opportunities for truth telling, reparation, accountability and compensation.

2.4.   Human rights and rule of law:

The human rights situation in Zimbabwe remains precarious, although it has impro8ved considerably in comparison with the post-election period in 2008 which was marred by inter-party violence. Nevertheless, there are new reports about incidents of politically motivated violence in different communities, reportedly linked to the new Constitution making process.

The proposed amendments of the Public Order and Security Laws are welcomed, as this would improve accountability and transparency.

Despite the establishment of an Organ on National Healing, Reconciliation and Integration in 2009, there are questions about its effectiveness. In addition, the National Reconciliation and Healing Process could potentially lead to the increase of tensions in communities and the desire to see justice done. Many of the participants to the process lack adequate peace-building skills. As part of the process, there is a need to include compensation for lost or destroyed property, as during the period of violence prior to and after the 2008 elections a significant number of houses were burnt, assets were destroyed, and livestock was confiscated. Compensation for lost property and loss of livelihoods is also required for those who were affected by Operation Murambatsvina and for ex-farm workers who lost their houses.

In the first months of 2010, there has been an alleged increase in incidents of threats, attacks and harassment of human rights defenders, civil society organisations and media personnel. Also at the community level in several districts, there also reports of threats and intimidation by youth and militia groups. In several cases the victims of intimidation are allegedly the same people who were responsible for acts of violence in 2008. On a small scale, people are reporting they have had to flee their homes after being threatened with physical abuse if they participated in the constitution-making process.

While elections are only planned for 2011, there is a need for all organisations concerned to start working with the different actors at the central and the community level to prevent an escalation of tensions.

2.5.   Access to and loss of identity documents:

The lack of identity documentation such as identity cards, birth certificates and passports seriously undermines an individual's ability to exercise his or her rights, including accessing essential services like health care and education. In the long-term, the lack of identity documentation compromises the ability of displaced persons to re-establish themselves and re-integrate into mainstream society. The lack of access to proper travel documents forces those who wish to migrate – including many young persons – to do so irregularly at great risk.

At present in Zimbabwe, the extent of the loss of essential identity documentation is not known. Reports have been received which document the deliberate destruction of identity documents, whereas others have not been able to obtain documentation for economic reasons or lack of understanding about the procedures.

In collaboration with the Registrar General's Office, there is a need to assess the need for issuance of identity documentation and where possible to

2.6.   Statelessness:

Reports indicate that a proportion of Zimbabwe's resident population is stateless or potentially so. This applies in particular to the descendants of migrant workers from neighbouring countries such as Mozambique, Malawi and Zambia. These migrant workers also make up a significant proportion of displaced people.

Existing legislation has made it difficult for people with dual nationality to acquire Zimbabwean citizenship, requiring them to formally renounce their second citizenship to acquire or retain their Zimbabwean nationality. The strict, and – it has been suggested – at times incorrect, application of the relevant laws by the authorities, specifically by the Registrar General; the lack of legal counselling or advice to the affected population; the lack of effective access to administrative and judicial systems as a consequence of the socio-economic situation; all are factors which are believed to contribute to the problem of statelessness.

3.   Overview of possible scenarios

In general, two potential and broad scenarios are envisaged as relevant over the period of this strategy:

(1)   The most likely scenario for 2010 – 2011 is a gradual improvement of both the political and the socio-economic situation.
- The majority of contentious issues in the GPA will be addressed and implemented. Preparations for the 2011 elections lead to an increase in community level intimidation and violence, but will not lead to large scale displacement.
- Increasing numbers of refugees and migrants in the region and Europe are returning to Zimbabwe and are in need of reintegration assistance.
- Despite an improvement in the economic situation, people's coping mechanisms have been seriously affected leading to continuous high levels of domestic violence and child abuse.
- The continuing low salaries in the public sector and limited spending power will lead to demonstrations and strikes. Demonstrations remain largely peaceful.
- The process of National Healing will create more trust in communities, but will at the same time exacerbate existing tensions.
- Health care and other basic services remain weak and lack the capacity to adequately respond to outbreaks of diseases.
- People continue to lose their houses as a result of losing their livelihoods on farms and other businesses, and become displaced as a result.
- There is an increase in trust between the GoZ and NGOs / humanitarian organisations resulting in more joint programming.
- The attention for displaced persons increases and more joint assistance is offered by the GoZ and the humanitarian community to assist them and to identify durable solutions.
- The humanitarian community as a whole is gradually transitioning into a longer term development framework.

(2)   The worst case scenario for 2010 – 2011 sees a deterioration in the protection of many vulnerable Zimbabweans, in particular in rural areas. This deterioration is largely due to the Constitution making process and the preparations for elections in 2011.
- A lack of political progress leads to a break-up between the political parties and tensions rise further in the height of the election preparations. As a result politically motivated violence starts again on a large scale leading to an overall deterioration of the rule of law and displacement of large numbers of people, as well as detentions and intimidation. The humanitarian space for NGOs and humanitarian

organisations decreases and affected populations have less access to assistance.

- The economic situation deteriorates again, leading to lack of access to basic services, loss of livelihoods, increased levels of school dropouts, disruption in HIV/AIDS services, increased poverty and increased violent crime. The most vulnerable groups have no coping mechanisms and end up suffering disproportionately. Gender based violence and trafficking is likely to increase.
- Demonstrations and strikes increase as a protest against the breakdown in services and low standard of living of those in the public sector. These demonstrations turn violent and the response from the law enforcement agencies is severe and in some cases violent.
- The National Reconciliation and Healing Process leads to the increase of tensions in communities and the desire to see justice done. Participants to the process lack adequate peace-building skills.

4. Cluster Objectives and Priority Activities:

The overall goal of the protection cluster is: To ensure the protection needs of the population of concern are identified and addressed in an appropriate and effective manner, through a coherent and coordinated response involving all relevant humanitarian partners.

In order to achieve the above objective, the cluster has identified the following 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.

The detailed activities of the cluster and its members are described in the Work Plan 2010 – 2011 (see annex V). In general, 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.

5. Coordination:

A Protection Sector Working Group (PSWG) was established in September 2007 and met on a regular basis. This mechanism was useful in monitoring and reporting protection concerns and sharing information among partners. In the beginning the PSWG had a rotational chair amongst agencies represented. In order to strengthen the leadership, accountability and continuity of the sector, this was later changed to a joint leadership of four agencies – IOM, Save the Children Alliance, UNHCR and UNICEF, with OCHA providing administrative and organisational support.

In May 2009, the PSWG was replaced by a Protection Cluster along the lines of the Humanitarian Reform process. UNHCR, in line with its global mandate, took on the coordination of the cluster. The introduction of the cluster system was due to the desire to have improved leadership, partnership, predictability and accountability. The Protection Cluster currently has a membership of 23 national NGO, 22 international NGOs, 4 Government departments and 9 UN agencies. ICRC and six donors participate as observers. A Steering Committee consisting of UN and NGO representatives oversees the activities of the cluster.

Under the cluster, there are sub-clusters on internal displacement (led by IOM) and gender based violence (led by UNFPA and Musasa project). The IDP sub-cluster aims to. ensure that effective coordination is in place to strengthen the focus on humanitarian action for IDPs(including populations at risk of displacement) paying particular attention to improved humanitarian access to this group . The sub cluster also seeks to promote advocacy for protection of these vulnerable group as well as promotion and provision of durable and long term solutions for this particular group.

The GBV sub-cluster has as its mandate to improve and support the prevention of and response to GBV in Zimbabwe. The GBV sub-cluster aims to consider all types of gender based violence in its coordination, planning, and advocacy activities, and will give special emphasis to increasing access to holistic services and support to survivors of GBV at all geographical levels. The sub-cluster works on capacity building and the establishment of standardised referral procedures at all levels. With the establishment of information management systems and procedures the sub-cluster hopes to improve access to data on trends, patterns, gaps, and needs and information dissemination.

Regarding child protection talks are underway with government on the formation of a working group / sub cluster, which will initially deal with irregular child migration and later expand its work to other areas of child protection.

As the situation in Zimbabwe continues to improve and more room is created for development and early recovery activities, the humanitarian coordination system is increasingly looking at ways to work towards long term interventions. To this end, most of the clusters are forging closer links with the mechanisms under the Government-led Short Term Economic Recovery Programme (STERP) and the Mid-term Programme (MTP), as well as with the clusters and working groups under the Zimbabwe United Nations Development Assistance Framework (ZUNDAF). For the Protection Cluster, this means a closer collaboration with the Social Protection Thematic Group under the Social Cluster and the Rights and Interest Cluster.

6.   Conditions:

In seeking to address the protection concerns identified in this strategy, the Protection Cluster remains acutely aware of the number of conditions which needs to be met.

These extend to which these conditions are met has an impact on the efficacy of the sector's activities, and include but are not limited to:

- Adequate national capacity and political will to address protection and human rights issues.
- Unimpeded humanitarian access to vulnerable communities and humanitarian space.
- Secure and stable operating environment.
- Adequate capacity of the Protection Cluster and willingness to collect and share information.

7.   Conclusion:

The analysis contained in this strategy identifies some key protection concerns and priorities, as well as the constraints which affect the sector's ability to address them. These have been considered and an Work Plan designed accordingly (see Annex III). The Work Plan will guide the day-to-day activities of the PSWG and provide a bench-mark against which to measure its performance over time. It is not intended to represent a comprehensive response to all the protection needs in Zimbabwe. Rather, it is intended to reflect activities and indicators that the Protection Cluster deems to be both realistic and achievable at the present time. Its successful implementation will necessarily rely on the support of all agencies involved in protection work. Both this Strategy and the Work Plan which accompanies it will be reviewed on an annual basis or more often if deemed necessary.

Annex I

Basic Principles: The principles of humanitarian action on which the work of the protection sector will be based.

- **Humanity:** Saving lives and alleviating suffering wherever it is found.
- **Neutrality:** A non-partisan approach to victims in need of protection.
- **Impartiality:** Non-discrimination on the basis of nationality, race, religious belief, **political views, sexual orientation, social or other status.**
- **Independence:** Humanitarian objectives are carried out with autonomy and separate from the political, economic or military objectives of other actors where humanitarian action is being implemented.
- **Do no harm principle:** Ensure that our actions do not adversely affect individuals or communities.
- **Participation approach:** Consulting with affected communities (women, children, disabled persons and the elderly).
- **Confidentiality:** Ensure that victims, witnesses, and information sources are protected especially in this context where retribution is being taken against witnesses.

<u>**Annex II**</u>

Legal Framework: The following provides a brief analysis of the applicable international and national laws in Zimbabwe:

<u>International Human Rights Law</u>: Zimbabwe is a party to the following international human rights instruments (date of ratification noted) –

- *International Covenant on Civil and Political Rights (ratified on 13 May 1991)*
- *International Covenant on Economic, Social and Cultural Rights (ratified on 13 May 1991)*
- *International Convention for the Elimination of All Forms of Racial Discrimination (ratified on 13 May 1991)*
- *Convention on the Elimination of All Forms of Discrimination against Women (ratified on 13 May 1991)*
- *Convention on the Rights of the Child (ratified on 11 September 1990)*
- *The Convention against Torture (not ratified)*
- *1951 Convention Relating to the Status of Refugees (ratified 1981)*
- *1967 Protocol Relating to the Status of Refugees (ratified 1981)*
- *1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa (ratified 1988)*
- *1954 Convention Relating to the Status of Stateless Person (ratified*
- *2009 AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa (signed October 2009, ratification pending)*

<u>National Laws:</u> Zimbabwe's international obligations under human rights law are enshrined in a number of instruments including, the Constitution of Zimbabwe, which provides for the right to life, prohibits torture, inhuman or degrading treatment or punishment, provides for freedom of religion, conscience or belief and freedom of expression and protects the right to property.

<u>Additional relevant normative frameworks</u>: The Guiding Principles on Internal Displacement, Framework on Durable Solutions for Internally Displaced Persons, the Pinheiro Principles.

Annex III

Terms of Reference
Protection Cluster Zimbabwe

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.

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 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.

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

i) To ensure a more coherent and effective response to protection issues.

j) To ensure that gaps in the response to protection issues are systematically addressed and that funding is allocated for this response.

k) 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.

l) 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.

m) To ensure that protection is mainstreamed in other sectors and that clear information sharing mechanisms between different sectors are in place.

n) To establish joint and standardized systems for information gathering, monitoring and reporting on protection issues, trends and patterns.

o) 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.

p) 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.

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 populations[5], 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.

Members from the Protection Cluster will be encouraged to participate in the other clusters as cluster representatives to facilitate the mainstreaming of protection issues

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[5] 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.*"

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):

j)   Overall coordination of the work of all partners related to protection, including information sharing and mainstreaming of protection considerations throughout the humanitarian response;

k)   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;

l)   Ensure regular input to the assessment and analysis of the protection situation.

m)   Based on a Who Does What Where (3W): mapping operational capacity, agreeing on geographic areas of responsibility when appropriate, identifying gaps, and mobilizing resources;

n)   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;

o)   Measuring the protection impact and evaluating the protection response within specific protection programmes and across all clusters;

p)   Developing contingency planning and preparedness plans for new emergencies.

q)   Support capacity building of members of the Protection Cluster and partners.

r)   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 Lead[6]

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

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.

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[6] 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

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 resort[7], 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 sub clusters. 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, develop 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.
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.

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[7] 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.