

Darfur Protection Cluster

Terms of Reference

August 2009

I. Background

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.

II. Definition of Protection

The most globally acknowledged definition of protection and therefore the one that the DPC will use as the basis for its activities is the Inter Agency Standing Committee (IASC) definition: 'all activities aimed at ensuring full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law (i.e. human rights law, international humanitarian law and refugee laws)¹. The DPC also recognises the importance of regional human rights protection systems, such as the African Union Conventions, charts and Institutions, as well as sub-regional protocols and Declarations of which Sudan is part.

The DPC will also take into consideration the principles contained in the Interim Constitution of Sudan as well as other relevant national laws and policies.

III. Structure and Sub-Clusters

¹ Inter-Agency Standing Committee 63rd Working Group Meeting **Cluster Working Group on Protection: Progress Report** 21-22 November 2005, page 3.

The DPC will be led by UNHCR and will have the following sub-clusters:

- Child Protection with UNICEF as lead
- Prevention of and Response to Gender Based Violence with UNFPA as lead
- Return with IOM as lead²

Protection Cluster Working Groups (PCWG) will be based in each of the three States (North Darfur/El Fasher; South Darfur/Nyala; and West Darfur/El Geneina), who will report to the DPC. The three PCWG will have ToRs, with standard principles but at the same time reflecting the specificities of each region.

II. Cluster Membership and participation

The core members of the DPC will be the following:

- a) UNHCR
- b) UNICEF
- c) IOM
- d) UNFPA
- e) UNDP
- f) UNAMID/Human Rights (OHCHR)
- g) NGO representative³

The ICRC will have a standing invitation to attend the DPC meetings in an observer capacity if they so wish.

Depending on the relevance to the issues on the agenda of the DPC meetings, other UN agencies, including those participating in the Global Protection Working Group, organizations and/or UNAMID sections may be invited to attend.

The cluster chair should review membership on a regular basis (and in any event at least twice a year) and if appropriate make recommendations to extend the core membership.

III. Working Principles

Members of the DPC will be working in accordance with the humanitarian imperatives and with the Cluster principles of accountability, predictability and partnership. They will be respectful of each other's mandates and recognise that all members have different areas of expertise and operational capacities.

Planning, policy and strategy setting as well as information sharing shall be:

- inclusive but effective
- transparent but sensitive
- with due regard for principles of neutrality, impartiality and confidentiality

² The return sub-cluster will be lead by IOM as part of the Protection Cluster in Darfur (led by UNHCR). This set-up in no way undermines the existing LoU/MoU structures or mandates and serves to reinforce the cooperation between UNHCR and IOM and their partners on return issues. Thus, IOM will lead efforts regarding return issues in the North and South Darfur, while UNHCR in the West Darfur.

³ Discussions are ongoing with the NGO community to explore the most feasible option for them to be represented in the DPC

- with the overall objective of building on members' individual strengths and developing complementarity.

The minutes of the DPC, together with information shared in the DPC, are considered to be internal. Agencies wishing to use such information for purposes other than activities of the DPC must seek the approval of the source of the information and the chair of the DPC.

V. Objectives of the Darfur Protection Cluster

The overall objectives of the DPC are the following:

- Ensure a coherent, accountable and predictable humanitarian protection approach across Darfur
- Set policies, strategies and ensure right-based standards for protection interventions on specific issues.
- Identify good practices, tools, monitoring and evaluation indicators and guidelines and ensure timely dissemination among the PCWGs at State level
- Provide adequate support and advice as required to the PCWGs at state level.
- Developing an understanding of protection in Darfur by raising the awareness and build the capacity – including through training - of all relevant actors, including the Government of Sudan, humanitarian agencies, civil society stakeholders and donor agencies
- Advocate for protection concerns to receive appropriate attention in the humanitarian response and cross-cutting issues to receive appropriate attention and response within and across the clusters
- Identify and analyse protection issues and gaps, and using that information to:
 - advocate with relevant authorities for remedial action and solutions
 - tailor capacity building initiatives aimed at preventing and addressing protection concerns;
 - coordinate with agencies to respond to identified gaps;
 - enhance the ability of individuals and communities to develop positive self-protection mechanisms;
- Advocating with and mobilise donors to fund protection initiatives, coordinate at regional level Protection Cluster inputs for the UN & Partners Work Plan and manage/ report on CHF allocation processes.
- Ensure that the (D)HC is kept abreast of protection issues and concerns through standard and ad hoc reporting on major protection concerns in Darfur.
- Represent the Protection Cluster in inter-cluster coordination structures.

VI. Relationship with Other Bodies

The office of the Deputy Humanitarian Coordinator (DHC)

The (Deputy) Humanitarian Coordinator is *inter alia* responsible for overseeing the development of a comprehensive strategic plan for responding to the assistance and protection needs of IDPs and identifying the most appropriate collaborative arrangements amongst operational agencies for implementing the plan, ensuring that all needs are met. The

DPC aims to keep the DHC regularly informed of trends and issues arising in the protection sector and where appropriate seek his/her good offices in relation to advocacy initiatives and constructive dialogue with national authorities and the diplomatic and donor communities.

Other Clusters

The DPC recognises that protection is not only a sector but also a cross-cutting issue that must be mainstreamed into other clusters. The DPC will promote protection mainstreaming into all other sectors and share technical information and advice (such as protection standards and checklists) and offer training for all other sector members on protection challenges arising in the field and protection mainstreaming.

Khartoum level

Discussions are ongoing how the Darfur-based clusters will be liaising and represented in various coordination mechanisms existing at Khartoum level, covering all Sudan, including the HCT and the Steering Protection Working Group. Once agreed upon, the DPC will ensure adequate representation in these fora.

VIII. Administration

Meetings

UNHCR as the cluster lead agency will chair the DPC meetings. If UNHCR is not able to attend a meeting, UNHCR will arrange for another agency to chair. The meeting venue can rotate across Darfur States as agreed by the DPC cluster members. Meetings will be held every two months with ad-hoc meetings being called upon request. In addition, regular communication and information-sharing between the core members of the DPC will take place by E-mail and/or telephone. UNHCR will provide overall support, inter alia through drafting of meeting agendas, provide minutes, coordinate follow-up on agreed action points, etc.
