

# Protection Cluster Working Group

## Terms of Reference

August 2009

---

### I. Background

The Protection Cluster Working Group (PCWG) is a working group within the Darfur Protection Cluster at state level to voice concerns, share information, and find solutions to protection issues in each state.

The following PCWG will be established at the field level:

- **North Darfur PCWG**, based in El Fasher and which will be complemented by separate working groups on Child Protection, on GBV and on Returns;
- **South Darfur PCWG**, based in Nyala and which will be complemented by separate working groups on Child Protection, on GBV and on Returns; and
- **West Darfur PCWG**, based in El Geneina and which will be complemented by separate working groups on Child Protection and on GBV. For now, there is no separate Return WG for WD and return issues will be addressed specifically in the PCWG.<sup>1</sup>

The most globally acknowledged definition of protection and therefore the one that the PCWG will use as the basis for its activities is the 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 (ie. human rights law, international humanitarian law and refugee law)”.

In addition to international law, the PCWG also recognises the importance of regional human rights laws as set out in African Union conventions, sub-regional declarations and the relevant national laws including the Interim Constitution of Sudan.

### II. Membership

PCWG meetings are open upon their acceptance of the principles of attendance (see Annex I) to all UN agencies, UNAMID sections, and international NGOs with an interest in protection issues as participants or observers as agencies so wish. Any other interested parties should contact the cluster chair, who will consult the participants and then revert to the interested party with a decision as promptly as possible.

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

---

<sup>1</sup> This arrangement reflects existing institutional responsibilities of IOM and UNHCR as per their respective MoU/LoU related to issues of returns.

The PCWG chair should review membership on a regular basis (and in any event at least twice a year) and if appropriate make recommendations to the participants about inviting other interested parties to participate in meetings, either as members or observers.

### **III. Working Principles**

Members of the PCWG will be respectful of each other's mandates and recognise that all members have different areas of expertise and operational capacities. Planning and strategising shall be done in as transparent and sensitive a manner as possible, with due regard for principles of neutrality, impartiality and confidentiality and with the overall objective of building on members' individual strengths and developing complementarity.

### **IV. Objectives of the PCWG**

The IASC definition of protection is the foundation for all activities of the PCWG. In pursuit of this, the PCWG aims to:

- Support effective coordination of protection activities in the state, among protection actors and other thematic working groups (e.g., Child Protection Working Group, GBV Working Group and Return Working Group), including but not limited to: (i) *ad hoc*/integrated research work and assessments, (ii) trainings and workshops (including capacity building for government and local authorities), (iii) information management and response to urgent protection concerns.
- Ensure that regular assessments of protection needs in the state are carried out, either through protection-specific assessments or in the context of general needs assessments. Assessments should be coordinated through the PCWG and ideally an inter-agency approach should be applied.
- On the basis of assessed protection needs, develop appropriate protection response strategies and plans of action clearly identifying roles and responsibilities. This includes determining the required actions, and monitoring and ensuring the timely implementation of actions decided upon by the PCWG.
- Undertake advocacy efforts with relevant actors with a view to ensuring that preventive, remedial and reparatory actions are undertaken by the relevant authorities and/or communities in accordance with their obligations.
- The PCWG should aim to establish strategic relations with other stakeholders such as IDPs, at risk or conflict-affected communities to ensure that their protection concerns are known and addressed within the overall protection strategy and response. In doing this, the PCWG should ensure utilization of participatory assessment and community based approaches in assessments, analysis and programme implementation, and the mainstreaming of age, gender and diversity in such processes.
- Encourage and support information campaigns aimed at disseminating timely and accurate information on human rights and on protection conditions throughout Darfur.
- Provide and disseminate protection policies, guidelines and best practices to all relevant actors and target groups including through organising and/or supporting training programmes, seminars and workshops.

- Ensure protection concerns are fully taken into account by relevant actors during needs assessments and programming.
- Establish monitoring and reporting mechanisms in the state, to be used as regularly and widely as possible. This includes the collection, verification and analysis of information on violations throughout the state (via direct reporting of incidents by field staff, other protection forums, etc.) with recommended response actions.
- At the state and local level, ensure that protection issues of concern are raised to relevant mechanisms to ensure the development of coordinated and consistent response and advocacy strategies, including bringing to the attention of the ADPC for consideration and follow up action.

## **V. Relationship with Other Bodies**

The PCWG aims to have a strong working relationship with the relevant coordinating bodies involved in humanitarian assistance and protection in particular.

### *The office of the Darfur Humanitarian Coordinator (DHC)*

Protection is a sector that is particularly sensitive and the support that the DHC can lend to protection initiatives is crucial to the cluster achieving its objectives. In order to ensure a consistent, coordinated and efficient coordination, all protection relevant issues which require the attention and support of the HCT will be channelled through the ADPC for further follow up.

### *Other Clusters and Working Groups*

The PCWG recognises that protection is not only a sector but also a cross-cutting issue that must be mainstreamed into other clusters at the state level. The PCWG Support Cell<sup>2</sup> member will therefore attend other cluster meetings as deemed appropriate. The PCWG 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.

## **VI. Administration**

### *Meetings*

UNHCR will chair the PCWG. If UNHCR is not able to attend a meeting then UNHCR will arrange for another agency to chair. Meetings will be held weekly, with ad-hoc/additional meetings being called upon request.

### *Responsibilities of the Chair*

- Prepare and manage meetings of the PCWG, including facilitating the identification and designation of PCWG member(s) to implement agreed response actions and follow up on them.
- Ensure timely and regular information-sharing, with PCWG members, other PCWGs, the KPSG, ADPC and other protection forums/actors on the regional or national level, as appropriate on including, but not limited to (i) briefs on the

---

<sup>2</sup> The PCWG Support Cell is further clarified in the respective ToR.

- activities of other protection forums and protection related activities in the state, (ii) policy papers and other relevant documents.
- Ensure the existence of regular channels of communication with external actors e.g., local and national authorities, non-state actors, UNAMID, community leaders, civil society, donors, etc.
  - Represent the PCWG at the state level *vis-à-vis* the national and local authorities, UNAMID, and other forums in the state.
  - Ensure coordination of PCWG activities with the GBV WG, Child Protection WG, the Return WG, camp coordination meetings and other protection-related forums in the state.
  - Provide input on the protection situation in the state for internal and external UN reports, with due respect for confidentiality issues.
  - Coordinate the input from the state Protection Sector to the UN Work Plan

**Annex I**  
**Principles for attendance in the**  
**Protection Cluster Working Group:**

- All agencies are requested to send only one representative to PCWG meetings and in order to strive to maintain continuity in the work of the PCWG nominate a focal point on protection who will attend meetings, as well as an alternate representative who will attend when the focal point is precluded from participating.
- The PCWG is the primary forum for coordination of protection activities among agencies engaged in protection related activities in the State. As such, the PCWG is to be notified about any plans UN agencies, other international organization and international and national NGOs have to follow up on protection issues discussed in this forum.
- Agencies should participate in the PCWG with a view to sharing information - within the limits of their mandates and principles of confidentiality - on protection issues, and to contributing actively to the identification of solutions to such protection problems.
- The minutes of the PCWG, together with information shared in the PCWG, are considered to be internal. Agencies wishing to use such information for purposes other than activities of the PCWG must seek the approval of the source of the information and the chair of the PCWG.
- Agencies attending the PCWG should seek to preserve confidentiality regarding the identity of victims/survivors of protection incidents and otherwise observe “do no harm” principles whenever sharing protection related information, reporting on such information, and when following up on reported protection issues.
- PCWG participants should strive to report only on confirmed protection incidents, or otherwise to specify whenever unconfirmed information is shared in the forum.

- The source of information on protection issues is to be concealed unless otherwise indicated by the source. Any agency reporting outside this forum about discussions taking place in the PCWG should also respect this principle.
- The PCWG may decide to grant an agency observer status in the working group, which implies that the agency would be exempted from participating in decision making within the forum.
- The principles outlined above are binding on all agencies attending the PCWG and the PCWG can review the attendance of agencies if the principles are found not being adhered to.

---