



Terms of Reference UKRAINE PROTECTION CLUSTER

Background

2018 Humanitarian Response Plan first objective:

‘Advocate for and respond to the **protection needs** of conflict-affected people, with due regard to international norms and standards’.

Since the conflict in Ukraine began in mid-April 2014, and until December 2017, at least 2,530 civilians were killed and between 7,000 and 9,000 were wounded in the conflict area. As of January 2018, the Ministry of Social Policy reports 1,492,100 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. Protection Cluster partners in NGCA report that up to 10,000 IDPs may be residing in collective centres in Donetsk NGCA. As many as 4.4 million people now need protection and assistance in shelter, health, food security and nutrition and other key areas. 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 is the Protection Cluster Lead Agency.

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

- (i) Child Protection sub-cluster led by UNICEF
- (ii) Gender Based Violence (GBV) sub-cluster led by UNFPA
- (iii) Mine Action sub-cluster led by UNDP.

There is an Age and Disability Technical Working Group (chaired by HelpAge International) active under the Protection Cluster and a Housing, Land and Property Technical Working Group (chaired by NRC), under the umbrella of the Protection and Shelter/NFI Clusters.

The Protection Cluster and sub-clusters are based in Kyiv, with a country-wide coverage. In the field, protection coordination is done through Protection Working Groups. Coordination meetings are convened in Kharkiv, Sievierodonetsk, Sloviansk and in Non-Government Controlled Areas.

At the national level, a Strategic Advisory Group (SAG) has been formed, which consists of the cluster and sub-cluster coordinators.

Protection Cluster meetings are held on a monthly basis.

The coordinator is accountable to the Humanitarian Coordinator and represents the Protection Cluster in the Humanitarian Country Team and the Inter-Cluster Coordination Group. It is the



responsibility of the coordinator to advise both meetings of protection gaps and challenges with appropriate recommendations and advocacy points.

The Protection Cluster, through the Cluster Lead, will work with the government and 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 2018 Humanitarian Response Plan (HRP),¹ the Protection Cluster, including the child protection, gender-based violence and mine action sub-clusters, Age and Disability Technical Working Group and Housing, Land and Property Technical Working Group 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.

HRP cluster objectives:

- (i) **Cluster Objective 1:** To strengthen protection for persons of concern, including prevention and mitigation of rights' violations;

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



- (ii) **Cluster Objective 2:** Persons of concern benefit from full and non-discriminatory access to essential services and enjoyment of their rights with particular attention to the most vulnerable.
- (iii) **Cluster Objective 3:** Improve the social cohesion and resilience of conflict-affected people; support persons of concern in identifying durable solutions.

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 IHRL, 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, 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 5Ws; (v) contribute to cluster activities, including assessing needs, development of plans, policies, guidelines; advocacy as well as mainstreaming protection.



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. The Protection Cluster will provide guidance and support to other clusters to ensure a rights-based approach informs humanitarian response.

Annexes

1. 5W template;
2. TORs of sub-clusters.