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## **Protection Cluster in Myanmar Terms of Reference**

### **I. Background**

On 2 and 3 May 2008, Cyclone Nargis struck the coast of Myanmar and moved inland across the Ayeyarwady Delta and southern Yangon Division, causing massive devastation. During the first six months of humanitarian responses to the impacts of cyclone Nargis, protection issues have been addressed primarily through the Cluster for the Protection of Children and Women, and the Vulnerability Network. Building on the constructive experiences of these mechanisms, an opportunity exists to further strengthen the efficiency of protection response and to broaden the spectrum of protection issues to be addressed under an overarching Protection Cluster.

The primary responsibility for the protection of civilians in situations of natural disaster lies with the Government of the Union of Myanmar. The role of IASC agencies is to promote human rights principles as the legal underpinning of all humanitarian work, and to support and enhance the Government's capacity to a) prevent circumstances that may lead to protection problems in emergency situations, and b) respond and mitigate the effect of any protection issues that do arise. To achieve this, the Protection Cluster in Myanmar emphasizes the need for community-based approaches and prioritises a strong relationship with the Humanitarian Coordinator, the wider humanitarian community, affected communities, and the Government of the Union of Myanmar.

### **II. Definition of Protection and relevant standards**

In the spirit of the IASC definition, protection is the responsibility of the State, with humanitarian and development actors playing an important role. 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 the Universal Declaration of Human Rights, relevant international human rights obligations applicable to the Government of the Union of Myanmar, relevant provisions of the ASEAN Charter and the relevant national laws including the Constitution of the Union of Myanmar.

### **III. Cluster Membership**

Cluster meetings are open to all UN agencies, international NGOs, local and national NGOs, the ICRC and the IFRC with a focus on protection issues. UN agencies with a protection mandate are expected to actively participate and support the functions of the cluster. In consultation with the sub-clusters, working groups and cluster participants, the Chair will invite Government bodies, donors and other relevant partners to attend cluster meetings on an ad hoc basis.

### **IV. Working Principles**

Members of the Protection Cluster will be respectful of each other's mandates and recognise that all members have different areas of expertise and operational capacities. All activities will be conducted in a transparent and sensitive a manner with due regard for principles of informed

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consent and confidentiality. The Cluster Chair will ensure an inclusive working environment and devote adequate resources to translations of written documents as well as interpretation during meetings into Myanmar when necessary.

#### V. Sub-Clusters, Working Groups and Field Clusters

The Protection Cluster in Myanmar will have a sub-cluster on the protection of children, a sub-cluster on the protection of women, a working group on land and a working group on return, resettlement and integration. Each sub-cluster and working group is responsible for developing and adapting its own respective Terms of Reference, but within the context, and in consultation with the overall Protection Cluster. Issues related to forced labour, inter alia, may need to be addressed in the context of land, child rights, human resources, return, reintegration and resettlement, and thus should be borne in mind as a potential cross-cutting issue among the overall sub-clusters. Mechanisms for addressing protection issues and concerns on the field level will in consultation with relevant agencies be established in accordance with technical capacity and relevance in each location. All sub-clusters, working groups and field structures report to the cluster lead.

#### VI. Objectives of the Protection Cluster in Myanmar

IASC principles constitute the foundation for all activities of the Protection Cluster. In pursuit of this, the Protection Cluster in Myanmar aims:

- To develop an understanding of protection in Myanmar by providing awareness-raising and training to all relevant actors, including the Government of the Union of Myanmar and humanitarian agencies.
- To actively encourage and technically support other sectors of the humanitarian community to mainstream protection into their activities.
- To identify protection issues and gaps and to use that information to:
  1. advocate with the Government of the Union of Myanmar and support it through capacity building initiatives aimed at preventing and addressing protection concerns;
  2. coordinate agencies to respond to identified gaps;
  3. enhance the ability of individuals and communities to develop positive self-protection mechanisms; and
  4. advocate with and mobilise donors to fund protection initiatives
- To develop a protection strategic direction based on priorities defined for the PONREPP report.
- To develop a contingency plan for the activation of the protection cluster in accordance with directives from the UNCT.

#### VII. Administration

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*Chairing and venue of meetings*

UNHCR and the ProCap Senior Adviser will co-chair the cluster meetings. If UNHCR is not able to attend a meeting, then they will arrange for the ProCap Senior Adviser or another agency to chair. The meeting venue can rotate as agreed by cluster members.

*Agendas, action points and minutes*

UNHCR in collaboration with OCHA will draft meeting agendas, summary record and action points from meetings, and be responsible for circulating them to cluster members.

*Reporting*

Cluster members will produce a protection report highlighting protection trends, identifying gaps, updating on progress in implementing the inter-agency work plan, outlining constraints and making recommendations. UNHCR will facilitate this process and the report will be confidential and shared with the Humanitarian Coordinator as well as the UN Country Team's sub-group on human rights and cluster members that contribute to it.

*Meetings*

Meetings will be held fortnightly until the end of February after which meetings will be held monthly. UNHCR will ensure that resources are available for interpretation during meetings if necessary.

*Coordination of other clusters*

UNOCHA shall be responsible for coordinating meetings between the Protection Cluster and other clusters and coordinating the protection focal points in other clusters.

*Information Management*

The highest standards of consent and confidentiality must be adhered to in all management of information going through the cluster.