1. Background

The Government is primarily responsible for ensuring the protection of internally displaced persons (IDPs) in the Philippines. Natural disasters, violence, and armed conflict cause frequent and recurring displacement of communities, including in areas within the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM). The Protection Working Group (PWG), based in Cotabato City, is being convened to support the provision of protection interventions and services to these disaster- and conflict-affected communities. Protection is defined by the Inter-Agency Standing Committee as “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 law, as well as relevant provisions of domestic law).

The Organic Law for the BARMM (Republic Act 11054, or the Bangsamoro Organic Law) also contains provisions relevant to protection, under the sections on Basic Rights and Social Justice:

“The Bangsamoro Government shall fully respect human rights.” (Article IX, sec. 6)

“The Bangsamoro Government shall provide, maintain, and ensure the delivery of basic and responsive health programs, quality education, appropriate services, livelihood opportunities, affordable and progressive housing projects, power and electricity, and water supply, among others, to the Bangsamoro people and other inhabitants of the Bangsamoro Autonomous Region. It shall maintain appropriate disaster-preparedness units for immediate and effective relief services to victims of natural and man-made calamities. It shall also ensure the rehabilitation of calamity-affected areas and victims of calamities.” (Article IX, sec. 8)

The said law also has provisions guaranteeing the protection of women, and the rights of youth and of children (Article IX, sections 12, 13, and 14).

2. Purpose and Scope of Working Group

To strengthen coordination among relevant actors with a protection role (from regional and provincial down to municipal and community level) in order to: (a) ensure timely prevention of and response to protection issues in the BARMM region; and (b) facilitate timely information-sharing among these actors, in support of effective planning and implementation.

3. Working group objectives

A. Serve as a platform for joint analysis, advocacy, and assessment of, and response to, protection risks and humanitarian needs of populations of concern (including IDPs, returned communities, indigenous peoples, and other vulnerable groups) by:
i. Consolidating, sharing, and verifying information on protection issues with all relevant parties within BARMM, and outside the region as needed;

ii. Carrying out joint and coordinated assessments of the protection situation in displacement contexts within BARMM;

iii. Identifying priority protection needs and gaps, in line with applicable standards and guidelines; taking appropriate action in partnership with the affected communities and with duty-bearers, particularly at local level; referring other issues/gaps to appropriate agencies/organizations for the necessary action; and following up and reporting on the progress made;

iv. Supporting duty-bearers in validating displacement data by providing technical guidance and orientation/training on relevant data-gathering and analysis tools, and carrying out (or contributing to the conduct of) protection assessments, reporting and verification;

v. Developing strategies and key messages for joint protection advocacy, and contributing to broader advocacy initiatives of the Humanitarian Country Team (HCT), the Mindanao Humanitarian Team (MHT), and other relevant bodies; and

vi. In line with humanitarian protection principles, establishing measures to ensure the confidentiality of sensitive information pertaining to persons of concern, for compliance by all members of the Working Group.

B. Strengthen interagency collaboration (among Government actors, local and international NGOs, UN agencies and other international organisations, and civil society) by:

i. Ensuring alignment and collaboration among relevant coordination mechanisms, from grassroots/community-based networks (including preparedness and early-warning networks) to national and international protection structures;

ii. Strengthening coordination with the Bangsamoro government and other key stakeholders in the region, regarding protection-centered policy agenda such as a regional IDP Law and other protection concerns relevant to BARMM;

iii. Sharing information and collaborating with the Joint Child Protection and Gender-Based Violence Working Group (JCPGBVWG) at all levels, including but not limited to identifying specific action points and thematic areas to be addressed, such as mainstreaming protection principles in all response sectors; and

iv. As appropriate, sharing key updates with the Humanitarian Country Team (HCT), Mindanao Humanitarian Team (MHT) and/or other platforms, and disseminating relevant information from these mechanisms to protection actors;

v. Identifying core protection information needs to assist Information Management specialists in: reviewing protection information and other relevant data/updates shared with persons of concern, and working with other sectors (and with the protection focal points for specific thematic areas such as Child Protection and GBV) to ensure that protection considerations guide all aspects of the IDP response in BARMM;

vi. As needed, creating ad hoc Task Groups on identified thematic areas (e.g. Housing, Land, and Property; Mine Risk Awareness; etc.), enabling interested agencies/organisations to carry out focused tasks in relation to specific issues, and/or sub-Working Groups to more closely address protection concerns relevant to particular geographic areas within BARMM (e.g. the island provinces); and

vii. As needed, coordinating with relevant actors in areas outside BARMM to contribute to a more effective response to urgent and cross-cutting protection issues affecting vulnerable populations in various regions of Mindanao.
C. Support State actors, including the security sector (Armed Forces of the Philippines and Philippine National Police) and local government units at every level, as well as humanitarian/development/civil society actors, in strengthening their capacities to: protect IDPs’ rights; raise awareness on the UN Guiding Principles on Internal Displacement and other legal frameworks for rights protection; and strengthen preparedness capacities and contingency planning measures, especially at local level and within fragile communities.

4. Working group modalities

Coordination meetings

A. The Coordination Meeting is the primary platform for PWG Members to:

   i. Provide oversight to the Protection sector overall, including the Joint Child Protection and Gender-Based Violence Working Group (JCPGBVWG) in the BARMM;
   ii. Direct the mainstreaming of Protection in other sectors and all aspects of humanitarian programming and implementation; and
   iii. Keep abreast of developments affecting IDPs and other Persons of Concern (PoCs) in BARMM.

B. Leadership of the PWG will be held by the BARMM Ministry of Social Services (MSS), co-lead by the United Nations High Commissioner for Refugees (UNHCR). The focal person from MSS will convene and preside over the meetings, with support from UNHCR as Secretariat.

C. Regular meetings of the Protection Working Group shall be held every two months, on the last Wednesday of the month. The venue of the meeting will be at the BARMM-HEART conference room in Cotabato City, unless otherwise indicated. Ad hoc meetings can be called by the PWG lead and/or co-lead in case of emergencies (e.g. mass displacement in BARMM) or for other urgent purposes.

D. Membership will comprise Government departments/line agencies with protection roles, relevant LGU offices, NGOs and local CSOs, United Nations (UN) agencies, and other international and national organisations implementing protection-related activities in BARMM.

E. Minutes of the meetings will be circulated by UNHCR following approval of MSS in a timely manner, and posted on the Protection Cluster Website at: www.protectionclusterphilippines.org. Other relevant documents for review and/or inputs by the PWG members will be shared internally through email or other appropriate means of communication.

5. Membership and Structure

A. Membership in the PWG is open to any protection actor with an operational presence in Mindanao, and engaged in protection activities in BARMM.

B. There shall be no limit to the number of members of the PWG but, for logistical purposes, there should be one representative of each agency present at PWG meetings. Active member agencies of the PWG shall designate a focal person to represent them at these meetings.
C. The Joint Child Protection and GBV Working Group (JCPGBVWG) shall coordinate with the PWG leadership regarding its regular activities in BARMM.

6. Application and Review of Terms of Reference

These Terms of Reference govern the meetings, activities and publications by or on behalf of the PWG or any related activities. They are subject to review 12 months following their adoption by the PWG, or by agreement of the members of the Working Group.

For further information regarding the PWG, please contact:

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[Approved on 26 June 2019]