

## UNHCR PROTECTION STRATEGY

### FOR INTERNALLY DISPLACED PERSONS RESPONSE IN THE DEMOCRATIC REPUBLIC OF CONGO

#### I. SUMMARY

The DRC has the largest displaced population in Africa with more than 4.5 million internally displaced persons, including 2.7 million children in 2017 (OCHA). In 2018 alone, an estimated total of 2.1 million people were newly displaced. Moreover, population movement dynamics are highly complex in DRC, and marked by recurrent cycles of displacement as well as significant return trends. In early October 2018, more than 400,000 people (according to official government figures) had returned to the provinces of Kasai, Kasai Central, Kasai Oriental, Kwango and Lualaba provinces following the wave of Congolese expelled from Angola.

To respond to the needs of IDPs and Returnees, UNHCR's protection strategy is centered on 2 strategic objectives: (1) **a protection-centered and right-based response to IDPs and Returnees**, (2) **integration of resilience and solutions approaches into governmental, humanitarian and development response to internal displacement**.

UNHCR will engage operationally to achieve both objectives and fulfil its role as lead of the protection cluster to ensure an effective coordination of the IDP response during all phases of the humanitarian program cycle.

UNHCR will engage effectively in in all phases of the humanitarian crisis, from preparedness and emergency response to the search and promotion of durable solutions, and responsible disengagement. UNHCR's protection response aims to strengthen local, provincial and national capacity to take ownership of the management and coordination of the IDP response and to increase the participation of displaced and/or returned women, men and youth in community structures and decision-making. This operational framework is structured around interventions defined in the following documents:

- ✓ UNHCR Protection Strategy 2017-2019 for the Democratic Republic of Congo ;
- ✓ Stratégie Nationale de Solutions Durables pour les Populations Déplacées Internes et les Rapatriés;
- ✓ Plan de Réponse Humanitaire (PRH) en RDC 2017 – 2019;
- ✓ UNHCR's Strategic Directions 2017-2021;
- ✓ UNHCR intervention in Situations of Internal Displacement (The "IDP Footprint");
- ✓ Operational Review of UNHCR's Engagement in Situations of Internal Displacement: Final Report, September 2017.

Each province will develop or update its strategy in order to reflect the priorities below.

#### II. SITUATIONAL ANALYSIS

##### Operational context

Since the beginning of 2017, the already complex humanitarian crisis in DRC has continued to deteriorate, as a result of competition over resources, increasing political tensions mainly due the continued uncertainty around the date of the overdue presidential elections, the social and economic challenges, as well as the

worsening of the health situation with the cholera epidemic among the worst recorded in the last decade and spreading rapidly in some of the provinces.

Over a year ago, a wave of violence has transformed the Greater Kasai region into one of the most serious humanitarian crises in the world. The conflict began in August 2016 with the killing of a local chief by the Congolese armed forces. This resulted in generalised unrest flaring throughout the area.

The peak of violence in one of the country's poorest provinces has died down but the humanitarian needs among displaced people and local communities are extremely high. OCHA reports a total of 710,000 returnees in the provinces of Kasai Central, Lomami and Kasai Oriental. Access to the displaced population is constrained by the lack of security and impassable roads.

### Purpose and scope of the strategy

The definition of "Protection" adopted in this strategy is holistic and "encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of international human rights, refugee and humanitarian law. Protection involves creating an environment conducive to respect for human beings, preventing and/or alleviating the immediate effects of a specific pattern of abuse, and restoring dignified conditions of life through reparation, restitution and rehabilitation."<sup>1</sup>

It is designed to provide a predictable IDP response along the displacement continuum where UNHCR fully plays its Protection leading role in line with IASC commitments as well as its role as refugee lead agency in the framework of the Refugee Coordination Model particularly in the context of new displacements coupled with new refugee arrivals. From the Operational Review of UNHCR's engagement in IDP situations, it was recommended that "UNHCR engage automatically in situations of internal displacement including in preparedness activities and in anticipation of cluster activation when UNHCR perceives a clear protection imperative and when the requirements set out in relevant UN General Assembly resolutions and Executive Committee conclusions are met."<sup>2</sup>

The key is that the protection strategy allows national and field offices to assume UNHCR's role as lead agency for the coordination of activities within the protection cluster. This should be in line with the Statement of the IASC principals of December 2013<sup>3</sup> which emphasizes the crucial role of the protection cluster in "supporting humanitarian actors to develop protection strategies including to mainstream protection throughout all sectors and to coordinate specialized protection services for affected populations." This is an area in which UNHCR should highlight its role as lead agency for protection and its expertise in protection delivery as an added value.

The strategy considers all five principles of UNHCR strategic orientations (2017-2021): 1) responding to the emergency, 2) supporting state authorities, 3) participation of all relevant stakeholders, 4) empowering IDPs, returnees and host populations and 5) finding solutions.

The protection strategy will be implemented via:

- A **right-based approach**, key to protection interventions as per IASC Policy on Protection in Humanitarian Action through the inclusion of cross-cutting issues such as HIV, Gender, Protection Mainstreaming, Protection from Sexual Abuse and Exploitation;

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<sup>1</sup> UNHCR, *Handbook on the Protection of Internally Displaced Persons*, 2010, <https://www.unhcr.org/4c2355229.pdf>

<sup>2</sup> Operational Review of UNHCR's Engagement in Situations of Internal displacement available at <https://www.unhcr.org/protection/idps/5a02d6887/operational-review-unhcrs-engagement-situations-internal-displacement.html>

<sup>3</sup> IASC, Centrality of Protection in Humanitarian Action, Statement of the IASC Principles, December 2013, available at <http://www.refworld.org/docid/52d7915e4.html>

- A **community-based approach** used in all phases to seek the inclusion of all affected population groups and their participation in evaluations of their needs and proposals for interventions and solutions;
- A **solutions-based approach** that promotes dialogue, peaceful co-existence and resilience of local communities that host IDPs or returning IDPs.

#### Protection analysis

1. The progressive disappearance of the state authority and the increased presence of armed groups beyond their traditional operational areas, contribute to the very weak if not inexistent protection environment.
2. The local population lives in fear of reprisals from both armed groups and the national army. Displacement is particularly frequent when a territory changes hands. There are consistent reports of protection incidents, including sexual violence, forced recruitment and arbitrary killings, looting, and kidnapping.
3. Each of the provinces shows distinct dynamics and trends. The security situation has slightly improved in South Kivu, Tanganyika, and Maniema. In Kasai Central and Kasai Oriental, while fighting with armed groups have reduced massive human rights violations, what continues to be reported are violations by individuals, by state and non-state armed groups and forces against populations. In Ituri however, the security situation has sharply deteriorated whilst that in the province of Kasai (Tshikapa) remains fragile; especially after the expulsion of Congolese from Angola which resumed during the last quarter 2018.
4. The highest number of violations are perpetrated by the national army - FARDC and non-state armed groups and it is mainly related to violation of properties, looting, extortions used as a way to finance the fighting and for their own provision of food and other core items. They also often resort to kidnapping and illegal taxes.
5. Most IDPs live in host families which makes identification difficult. Humanitarian partners mostly direct their assistance to the ones in IDPs sites; thus reaching a minority of affected persons. A community based approach which subjects assistance to vulnerability rather than status needs to be developed.
6. With repeated displacements, the capacity of displaced families and communities to cope has weakened considerably. Humanitarian access is very limited, partly as a result of security restrictions. As a result of dwindling resources, many NGOs are no longer operational in the province. Moreover, UNHCR's engagement with IDPs in the past year has been minimal with only 18% of protection monitoring alerts being responded.
7. The increased pressure of armed groups who prey on populations has led to secondary displacements of populations who are unable to move freely or have access to their livelihoods.
8. As the displacement is prolonged in areas such as North Kivu (approx. 10 years of displacements for some populations), the prospects for return are fading and the means of survival are completely depleted. In a context where 60% of the province (North Kivu) remains inaccessible due to security constraints, few options remain to build the resilience of populations and work on "possible solutions".
9. These solutions remain however largely possible in many areas (Kasai, Maniema, Tanganyika and South Kivu) where an increase in spontaneous returns have been noted.
10. While peace initiatives through humanitarian partners and MONUSCO are underway in several locations, they lacked backing of the central Government which was often perceived as biased or bearing a political agenda.

### III. Strategic Objectives

#### Strategic Objective 1: Protection-centered emergency and rights based response to IDPs, returnees (including spontaneous returnees from neighbouring countries) and host populations

##### *Key programmes areas*

##### 1. Protection coordination, centrality of protection and protection of civilians

###### *1.1 Protection from effects of armed conflict strengthened*

- Protection by presence approach will contribute to early warning mechanisms. With the deployment of protection monitors able to capture the protection situation, provide real time analysis that can direct the planning and response of the humanitarians involved in IDPs programs
- Monitors will work in close collaboration with community-level structures and actors to ensure a better protective environment and timely response to protection incidents  
Rights of internally displaced persons and returnees promoted through training and capacity-building sessions on the protection of civilians for local authorities and other key actors

###### *1.2 Protection monitoring and coordination*

- Ensure protection leadership and coordination
- Detailed protection monitoring activities (targeted monitoring and thematic monitoring (SGBV, Land and Property, Shelter, Multipurpose Cash Assistance, CBI for protection, Child protection, Peaceful Coexistence) will inform and guide the overall humanitarian response. Thus, to enhance ability to provide adequate operational recommendation:
  - Frequently review data collection procedures
  - Ensure regular reporting and wide dissemination of monitoring activities
- Expand partnerships to community-based organizations in order to strengthen community and area-based monitoring and response
- Support local structures to enhance their ability to contribute to protection monitoring with the setting/reinforcement (community network-including; committees for protection and mediation, key informants, community and religious leaders and civil society organization)
- Community participation geared towards refining data collection on population movements, improvement of prevention and response to human rights violations and optimize the analysis of protection incidents affecting population on an AGD approach
- Area-based monitoring to:
  - a. Provide IDP figures, vulnerabilities, needs, and preferred solutions for both IDPs in site and host communities
  - b. Provide disaggregated data collected at household and key informants' levels
  - c. Contribute to resilience and solutions efforts
- Coordination with the DPKO mission through PoC WG, SMPG and similar mechanisms
- Work within the Protection Cluster to reinforce inclusive coordination
- Reinforce protection analysis and sharing through the clusters and the strategic advisory group (SAG)
- Contribute to mechanisms such as MRM (1612), MARA (SGBV)

###### *1.3 Protection information is collected, analysed and shared*

- Lead and/or participate in joint assessments, planning and evaluation exercises

- Identification and reporting of critical protection risks and specific areas on violations of human rights and international humanitarian law, individuals or groups at risk of abuse and violence (through, for example, monitoring, field missions to displaced and/or enclaved communities, strengthening communication with communities);
- Harmonize tools for the collection, collation, presentation and dissemination of data/information (dashboards, statistics, sitreps, profile maps, etc....)
- Enhance profiling mechanism to collect multi-sectoral data protection needs and services available Purposeful dissemination of monitoring results, whilst monitoring and evaluating how protection monitoring data is used

#### *1.4 Mapping and referral systems organized*

- Establish the mapping of service providers and available services
- Work within the Protection Cluster to reinforce referral systems

#### *1.5 Protection is mainstreamed in all sectors of the response*

- Ensure that all cluster action plans include protection mainstreaming activities
- Participation in evaluations by Protection Cluster, Inter-cluster et RRMP to ensure the centrality of protection in multi-sectoral responses

## 2. Protection operational response

### *2.1 Operational coordination*

- Ensure the overall operational coordination of the protection response to IDPs, including through leadership in the protection cluster
- Create links between humanitarian actors and development actors to ensure that specific challenges in the areas of child protection, the prevention and response to SGBV, access to and enjoyment of education, access to justice, reconciliation are effectively addressed

### *2.2 Access to legal assistance and legal remedies provided*

- Collaboration with UNDP and other development actors  
Support provided to access to justice; land titles, prevention and response to sexual and gender-based violence, discrimination and other forms of abuse linked to displacement and to civil and status documentation

### *2.3 Community based protection mechanisms organized including complaints/feedback mechanisms*

- Organize/reinforce community protection mechanisms building on existing community support networks or mechanisms
- Consolidate/harmonize to avoid multiplication of committees
- Reach out to communities, ensuring the representation of all age, gender and diversity groups, to identify jointly and address their specific needs and/or protection risks
- Advocate for the access of IDPs to self-reliance activities
- Support peaceful co-existence initiatives, community peace education and outreach activities
- Promote the establishment of various common community projects
- Strengthen the capacity of host communities to respond to new displacement
- Provide support to affected communities, enabling them to restore their autonomy right from the beginning of a crisis, whilst reinforcing their community mechanisms such as early warning/recovery
- Accountability to Affected Populations (AAP) via collective approaches to community engagement and accountability of UNHCR's impact on PoCs, by ensuring that decision-making and strategic planning, including that of the HCT, is informed by feedback data from affected communities, including,

proactive efforts to include the voices of women and girls, as well as vulnerable and marginalized groups

- Protection and CCCM Clusters to closely collaborate with OCHA-led Common Feedback Project (CFP), UNICEF's coordinated Communication and Community Engagement Initiative (CCEI) and other related mechanisms
- Community mobilization strengthened and expanded: Existing structures identified and capacities strengthened in protection monitoring and documentation of protection incidents (including both analysis of risks and protection problems) as well as reporting on population movements
- Members from the community-based structures and community leaders capacitated in terms of conflict resolution, conflict management, mediation, advocacy approaches as well as awareness raising approaches as regards prevention and response to SGBV and HIV/AIDS and peaceful co-existence
- Strengthen capacity of local peace committees in coordination with other agencies and organization present in targeted areas
- Local structures further reinforced to enhance community participation, including IDPs' participation in decision-making processes
- Support communities to take action to reduce and prevent human rights violations and orient victims to services available in their communities
- Dialogue between local authorities and community networks reinforced through consultation forums to help local authorities evaluate populations' needs, complaints and protection risks culminating within formal framework of concertation between authorities and humanitarian actors (CPCH)
- Community-led approaches in shelter interventions
- Increase community awareness about land and property rights

#### *2.4 CBIs, NFIs and shelter*

- Ensure that assistance is steered by protection analysis
- Provide emergency assistance based on human rights approach for new IDPs and returnees
- Ensure targeted support to persons with specific needs
- Emergency shelters prioritized in newly affected areas
- Self-reconstruction/rehabilitation and effective participation of accepted population with financial support through cash based interventions (CBI)
- Variation from emergency shelter to settle in host communities or during the first phase of return, as well as transitional shelters when return is more permanent
- The use of cash transfer modality systematically considered and prioritized over in-kind distribution in support of emergency and transitional shelter interventions
- In-kind material assistance for core relief items and locally unavailable materials and tools
- Adopt a holistic approach to meet shelter needs, but also legal needs related to land, housing, property and documents using community-based approaches
- Ensure integrated interventions whenever possible

#### *2.5 SGBV prevention and response*

- Reinforce coordination and referral mechanisms
- Contribute to and/or co-facilitate GBV working groups
- Ensure multi-sectoral survivor-centered appropriate response:
  - Ensure physical safety and security measures to prevent and respond to SGBV (Training of law enforcement officers /setting up safe spaces)
  - Support of psychosocial activities
  - Reinforce access to justice and legal remedies; with an emphasis on emergency procedures

- Core relief items
  - Cash grants or vouchers (multi-purpose)
  - Sanitary materials
- Support authorities to increase their ability to act in the framework of Prevention and Protection Working groups
- Promote community-based approaches as well as awareness raising regarding prevention and response to SGBV and HIV/AIDS

#### *2.6 Prevention of Sexual Exploitation and Abuse (PSEA)*

- Promote PSEA
- Ensure implementation of measures to prevent SEA
- Collaborate with HCT's PSEA initiatives

#### *2.7 Child protection*

- Work within the clusters to reinforce referral systems
- Reinforce case identification
- Capacity-building on child protection
- Contribute to Child Protection Working groups
- Strengthen community-based child protection structures
- Advocate for alternatives to detention of displaced children and children associated with armed forces
- Promote the issuance of civil documentation
- Strengthen the UASC existing mechanisms

#### *2.8 Contribute to Mine Action working group*

- Awareness raising activities to sensitize on mine action in area of major concerns, as well as schools

#### *2.9 Housing, land, property and access to documentation*

- Contribute to adjudicative mechanisms in place to adequately address land and property disputes
- Advocate for and promote respect for the rights of IDPs to land, housing, property and civil documentation
- Shelter projects developed with a strong protection component – targeting communities with high level of tensions over access to land, women at risk, or very vulnerable groups
- Coordination with the HLP working group

#### *2.10 Access to HIV and reproductive health*

- Ensure optimal access to reproductive health and HIV related services in close coordination with the Health Cluster
- Reinforce advocacy to Health Cluster, in particular in regards to PEP kits
- Promote community-based approaches as well as awareness raising regarding prevention and response to SGBV and HIV/AIDS

**Strategic objective 2: Resilience and solutions approaches are integrated into governmental, humanitarian and development response to the IDPs displacement**

#### *Key programmes areas*

##### 1. Coordination and Partnerships Strengthened

- 1.1. Ensure broad coordination mechanisms under Government leadership, such as the

*Cadre Provincial de Concertation Humanitaire (CPCH)* based on a 2013 National Directive and chaired by Provincial governors supported by the Humanitarian Affairs Division, to coordinate the humanitarian action

- 1.2. Coordinate with the CPCH, humanitarian and development and private sectors, in order to facilitate early recovery and the self-reliance of the affected groups
- 1.3. Strengthen community-based protection mechanisms of IDP communities
- 1.4. Support humanitarian coordination mechanism for return

## 2. [Promote durable solutions](#)

- 2.1. Support durable solutions strategic framework:
  - Ensure that durable solutions approaches are integrated into the response of government, humanitarian and development actors
  - Advocate for and support the development or updating of a provincial durable solutions strategy by state authorities.
- 2.2. Support initiatives which create conditions (housing, education, health, civil registration, documentation and livelihoods) conducive to the reintegration or integration of IDPs
- 2.3. Ensure area- based implementation plans

## 3. [Registration and profiling](#)

- 3.1. Promote civil registration and civil documentation by national institutions
- 3.2. Ensure the registration and/or profiling of IDPs with a view to finding durable solutions
  - Profiling of areas of displacements and return
  - Profile and living conditions of IDPs to
    - i. provide the most appropriate response
    - ii. provide accurate data and households affected by the conflict
  - Profile infrastructure destroyed and remaining suitable structures

## 4. [Support to housing, land, property and documentation](#)

- 4.1. Housing and shelter are key protection elements
- 4.2. Maximise impact of UNHCR's interventions with coherent response to shelter linked to protection and adapted to local practice
- 4.3. Reinforce capacity of SWG coordinators, partners and officials
- 4.4. Ensure that information management and protection monitoring take shelter under consideration
- 4.5. Ensure that persons with specific needs are taken under consideration to enhance impact
- 4.6. Access to legal assistance and legal remedies
- 4.7. Ensure advocacy for access to land and establishment of land allocation, community fields
- 4.8. Reinforce UNHCR's presence on displacement sites and settlement
- 4.9. Support the establishment of a CCCM Working Group, when necessary

5. [Support resilience, integration and return through shelter \(transitional\) and livelihood](#)
  - 5.1. Inclusion in national and provincial planning and prioritization strategies and projects
  - 5.2. Attenuate causes of displacement to reinforce durability of returns
  - 5.3. Self-reliance activities, composed of a comprehensive and integrated approach
  - 5.4. Community-based approach that promotes self-reconstruction/rehabilitation and effective participation of affected persons, with financial support through cash-based interventions
  - 5.5. Multi-purpose cash grants to support IDPs in order to facilitate either their return to their area of origin or local integration, via improvement/rehabilitation/reconstruction of individual shelter (in kind or mixed modality or cash grant) using local construction practices and improvement of public infrastructures in the most stable and accessible return areas. Linkages with other actors and strategic partners
  - 5.6. Multisector cash grant in a community of their choice
  
6. [Capacity-building for field operations and civil society](#)
  - 6.1. Encourage and support the active engagement of national and local civil society in the overall humanitarian response to IDPs, as per the IASC Principals
  - 6.2. Strengthen the capacity of national and local organisations in researching and implementing sustainable solutions
  
7. [Enhance peaceful coexistence mechanisms](#)
  - 7.1. Support peaceful co-existence initiatives between affected communities
  - 7.2. Promote IDP participation in local decision-making (through peaceful co-existence projects)
  - 7.3. Promote transitional justice mechanisms, including appropriate reconciliation processes
  
8. [Law and policy developed](#)
  - 8.1. Encourage the government to domesticate the AU 2009 Kampala Convention for the Protection of and Assistance to IDPs
  - 8.2. Engage in promoting access to legal and judicial support
  - 8.3. Train authorities on protection principles, international humanitarian and human rights law
  
9. [Responsible disengagement](#)
  - 9.1. Make financial and other resources available for multi-year strategies for strengthening local and national engagement that align with and re integral to the protection and solutions strategy
  - 9.2. Initiate inter-agency discussions on cluster de-activation as a step towards responsible disengagement
  - 9.3. Pilot a disengagement process in real-time to derive lessons learned and provide guidance [e.g., a checklist and benchmarks to measure progress in implementing a responsible disengagement strategy
  
10. [Develop an inter-agency approach, for the gradual transition to a government-managed response supported by development partners](#)

#### **Partnership and resource mobilization**

- Partnerships (UN agencies, sub-clusters and working groups) effectively established and managed
- Participation in existing coordination mechanisms

### Advocacy and communication

- Advocate with respective clusters for a more protection-centred and coordinated IDP response in both site and host community settings;
- Promote UNHCR's global level responsibilities by organising periodic and regular meetings, capacity building workshops, formulating strategies, developing tools, and providing situational analyses;
- Advocacy on behalf of affected populations to inform and influence the priorities of the Humanitarian Coordinator, UNCT/HCTs, other clusters, national and local authorities and other relevant audiences in order to ensure effectiveness of protection delivery.