

PROTECTION



UNITED NATIONS OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS SOMALIA

Overview of Protection

Protection has been defined as encompassing all activities aimed at obtaining full respect for the rights of individuals in accordance with the letter and the spirit of the relevant bodies of law i.e., human rights, humanitarian and refugee law. A protection activity is defined as any activity – consistent with the above-mentioned purpose – aimed at 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 *

The Human Rights Situation in Somalia

On the basis of reports prepared by NGOs, the UN independent Expert on human rights in Somalia, first hand observations from the field and other organizations, human rights abuses in Somalia are usually created by a combination of factors:

Conflict related violence: The conflict and inter-clan fighting have led to a prevalence of violence and terror such as rape, killings and burning of villages targeting civilians and resulting in forced displacement. Violence, attacks and repression of civilians as well as the use of children by militias and forced displacement of populations are violations of international humanitarian and human rights law. People who then become displaced are more vulnerable to violence and abuse as they may no longer benefit from the protection afforded by the clan. Furthermore, the capacity of families and communities to protect the most vulnerable is weakened.

Discrimination and marginalization of vulnerable groups such as IDPs, refugees, economic migrants and minorities. Somalis in south/central are often chased away from their normal place of residence or are forced to flee because of conflict. Various assessments of IDP camps describe how IDPs live in appalling conditions with very poor access to basic services and protection from the wider or local authorities. Minorities are routinely persecuted and marginalized, having weak political representation and few employment opportunities. Arbitrary arrests are not uncommon leading to security and protection problems for vulnerable groups, hampering freedom of movement. Children without primary caregivers, living or/and working on the streets or in conflict with the law are also particularly vulnerable to violations of their human rights. The largest IDP population (an estimated 250,000) lives in Somalia's most dangerous city – Mogadishu, where they are often forced to flee militia clashes and are exploited or abused by gunmen who control their settlements. These 'gate keepers' extort aid rations or money from IDPs and force them to work or evict them when they cannot pay. **Poverty forces girls into exploitative work relationships and child labour is one of several survival mechanisms for many IDP families.**

Gender-based violence and discrimination against women: In a broader context, Somali women are systematically discriminated and subordinated such as limited inclusion in decision making structures and leadership roles, limited access to reproductive health, higher rates of stigmatization from HIV/AIDs and Sexually Transmitted Diseases, denial of due process rights, abuse of women's rights in divorce cases, denial of custody of children, denial women's rights of property ownership and inheritance under customary law. A general lack of awareness of women's human rights both in the judiciary and law enforcement have a negative impact on women in custody and during police detention. Gender based violence is on the increase; violations in the form of rape as a means of intimidation and weapon of war and domestic violence are rife. Female Genital Mutilation (FGM) forced early marriages and using violence as a tool for discipline have caused tremendous suffering. Perpetrators of sexual and gender-based violence are rarely prosecuted, given the weakness of the judiciary system and the lack of recognition of these violations. IDP women are particularly vulnerable, having lost their clan protection and common victims of murder, rape and kidnap.

Lack of protective environment conducive to the respect of human rights, with the absence of central and authoritative government able to enforce the rule of law as well as of functioning legal and social institutions, individuals are left without appropriate channels for claiming their rights. Traditional Somali society is conditioned not to openly discuss issues such as domestic violence and rape which hampers women's rights to access justice against gender based violence. Women from minorities experience particular difficulty accessing legal mechanisms. A decade of conflict, displacement and impoverishment of the Somali people have also weakened the capacity of communities and families to provide protection to the most vulnerable individuals among them. At community level, duty bearers have neither the capacity nor the commitment to fulfill their obligations towards vulnerable and marginalized populations.

Challenges

In the past there has been a systematic lack of monitoring and assessment of the human rights situation throughout the country, due mainly to the problem of access, insecurity and the absence of mechanisms to collect and analyze data. Until 2005, the capacity of UN agencies and partners has also been weak in the field of human rights as humanitarian interventions tended to prioritize the understanding of humanitarian needs of populations - rather than the scope and causes of human rights abuses and violence against civilians. And the absence of a central government over the past fifteen years has meant that organizations tended to focus on the capacity building of local partners. However, much work remains to be done. Initiatives on behalf of the restoration of the rule of law and justice system have been mainly conducted in Somaliland, where there is peace and security and the presence of nascent governmental structures.

* These definitions of protection and protection activity were adopted by some 50 humanitarian and human rights organizations who participated in a Protection Workshop process initiated by the ICRC (starting in 1996). The workshop examined the legal, practical and policy issues relevant to protection work and achieved a widely acceptable consensus regarding a definition of protection, which has been adopted by Somalia's Inter Agency Standing Committee.

Response

To ensure the protection needs of Somalia's vulnerable groups are met – the Somalia Inter Agency Standing Committee (IASC) and the protection cluster have outlined a number of interventions, which would lay the foundations for improving Somalia's protective environment. These include

1. Establishment of inter-agency monitoring mechanisms, which help identify human rights abuses and trends so that the needs can be better identified, interventions planned and information used for advocacy purposes.
2. In conjunction with the access-working group an advocacy strategy developed which targets Somali duty bearers and informs both beneficiaries and the international community of their rights.
3. Capacity Building on protection and human rights through workshops in Somalia, in particular the awareness raising of key duty-bearers (authorities, parties to the conflict, community leaders, religious leaders, business community), as well as to raise the capacity of duty-bearers to understand their responsibility and accountability for the protection of vulnerable groups, in particular IDPs. The protection cluster has also developed a training module on protection specifically for Somalia to ensure Somalis take ownership to further develop their human rights capacity.
4. Strengthening of a protective environment and institutions, through law enforcement, judiciary reform, DDR, control of small arms prevalence and mitigation of their humanitarian impact on civilians, humanitarian mine-action and psychosocial support to victims of violence and abuse.
5. In IDP locations – using the collaborative approach to assist IDPs access health, education, water and sanitation, shelter and food and from the protection perspective working with landlords/traditional leaders to agree on basic rights and working to get them enshrined in law.
6. Community mobilization – by understanding problems and supporting and enhancing coping mechanisms to help provide solutions and mobilize communities to help them help themselves and demand their rights.
7. The joint UN strategic Framework to address the situation of IDPs (finalized in 2005) developed the collaborative approach and seeks primarily to enhance the protection situation of IDPs, returnees and other vulnerable population by focusing interventions on three areas: clan discrimination; protection within IDP settlements and protection of vulnerable groups.
8. Developing joint programmes that pilot all the elements of the IDP strategy with the end goal of protection being enshrined in legal frameworks.

Humanitarian Partners and Coordination Mechanisms

The IDP and Protection working group was formed in Nairobi in 2005 and is critical to the protection cluster collaborative approach. The most active members are OCHA, UNHCR, UNICEF, UN-HABITAT, Office for the Commissioner of Human Rights, the NGO Consortium, International NGOs and local NGOs. In order to implement protection plans, an objective is identified and broken up into components and then the work is disseminated amongst most appropriate organizations – as the case study below demonstrates. At field level there are IDP/Protection working groups in both Somaliland and Puntland. It is hoped that one will be set up in south/central before too long.

IDPs / Returnees and Bosasso Case Study

A road map was produced to provide concrete proposals on how to operationalise the UNCT approved joint UN strategy to address the needs of IDPs/Returnees in Bosasso, based on discussions held in Bosasso in December 2005 with the international aid community and the local and regional authorities. UN Habitat took the lead of the small inter-agency task force, which worked with a working group established by the Puntland authorities.

Bosasso, a booming port town in the northeast of Puntland, has experienced strong demographic and economic growth, thanks to its relative political and social stability in the region. However, the city's spatial and economic development are severely constrained by the highly congested, inadequate road network, the lack of services and urban infrastructure and a lack of town planning to deal with the rapid urban growth and an increasing number of displaced moving from less stable areas.

To deal with the settlement problems of the displaced in Bosasso, the Joint UN Strategy is being translated into an operational road map, clarifying the roles and responsibilities of international organizations and local counterparts. Two committees were formed: one for the improvement of current settlement sites of the displaced and one to deal with resettlement to sustainable locations.

Previously the authorities struggled to find suitable land for resettlement but the committees managed to convince landowners to donate 5 parcels of land to be serviced and partially used for demonstration houses. Each will accommodate about 50 families, fully integrated into the host community. More land will be made available through land-sharing agreements.

A priority action is to extend the water system through the eastern outskirts, where new expansion is expected to take place, servicing also existing temporary settlements. While this is being implemented, a broader planning framework is developed in parallel.

Another priority is to decongest the central market area and the main road by creating a new artery on the eastern part of town. This will divert the heavy flow of trucks away from the congested central area, improve accessibility and hygienic conditions – and increase business - for the many informal vendors, who often originate from the displaced communities. These developments should give the East of Bosasso an economic boost.

Some agencies focus on water and sanitation, others on community mobilization, livelihood development and security. UNHABITAT, through its expertise in planning and urban design, provides an integrated framework beneficial to all, focusing on the provision of shelter (through self-help housing) and appropriate options for security of tenure.

Joint action in Bosasso has been undertaken in collaboration with OCHA, UNDP, UNICEF, UNHCR, WFP and the Danish Refugee Council.

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Updated May 2006