

PROTECTION



UNITED NATIONS OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS SOMALIA

PROTECTION ISSUES IN SOMALIA

Somalia has been characterized since 1991 by violence and instability, weak governance structures and limited humanitarian access to populations in need of assistance and protection in many parts of the country. Over the years, systematic human rights violations have become endemic. The protection environment has most recently been made worse by the conflict of late 2006 between the Transitional Federal Government (TFG) – backed by Ethiopian troops – and the Islamic Courts Union (ICU). The ICU, which had taken control of much of South/Central Somalia during the summer of 2006, was defeated by the TFG in this latest conflict. By January 2007, the TFG/Ethiopian forces controlled much of southern Somalia, including Mogadishu.

Protection encompasses all activities aimed at securing full respect for the rights of individuals in accordance with the letter and spirit of the relevant bodies of human rights, humanitarian and refugee law. Protection activities aim to create an environment in which human dignity is respected, specific patterns of abuse are prevented or their immediate effects alleviated, and dignified conditions of life are restored through reparation, restitution and rehabilitation *

Although major hostilities between the warring parties have ceased, anti-TFG factions have continued to battle with TFG/Ethiopian forces. The result has been escalating insecurity in Mogadishu (as well as in other parts of South/Central Somalia). Between 1 February and 10 May, an estimated 394,000 people were displaced from the capital, the largest movement of people in the world this year. The fighting is considered to be among the worst in over a decade and has compounded the difficulties of accessing vulnerable populations in Mogadishu and its surrounding areas.

New or increased human rights abuses have accompanied the recent conflict. Child recruitment was carried out by all parties to the fighting. Indiscriminate mortar attacks as well as gun battles in Mogadishu in heavily residential areas have resulted in hundreds of civilian deaths and many more wounded. There were reports of Ethiopian troops arbitrarily arresting and harassing members of the Oromos community, many of whom have been seeking refuge in Somalia for over 10 years. Revenge killings of individuals viewed as ICU sympathizers have occurred as well as assassinations of those seen as TFG supporters and of human rights workers. IDPs have been moved from some public buildings so that military forces could occupy them. As IDPs have attempted to move to safer locations, they have been subjected to rape, harassment, intimidation and the looting of their possessions by freelance militia. Other vulnerable individuals have been similarly targeted at checkpoints in southern Somalia.

Meanwhile, several long-standing protection issues have persisted into 2007. Reports continue of arbitrary detentions, with individuals held in undisclosed locations without any notification to their families. Sexual and Gender-Based Violence (SGBV) also continues and is particularly high among marginalised clans and in IDP settlements. Women and girls risk being raped when collecting firewood or water. Minorities remain highly vulnerable, as their lack of clan protection leaves them exposed to a range of human rights abuses and often limits their access to basic social services.

KEY RESPONSES

Protection partners have developed a range of inter-agency initiatives to strengthen the response to systematic patterns of human rights/protection violations. Activities include strengthening national protection capacity, collaborative advocacy interventions, rights-based programming, development of preventative mechanisms and the shaping of inter-sectoral programmes that alleviate the effects of abuses. Many of the initial activities focus on addressing major information gaps and strengthening coordination at the field level.

Population Movement Tracking

The Population Movement Tracking (PMT) initiative began with the onset of drought in South/Central Somalia in December 2005 and has expanded to cover displacement caused by floods, clan conflict, clashes and cross-border movements. It now includes data from Somaliland and Puntland as well. The PMT data on displacement caused by the sudden onset of an emergency situation supports an early warning system. It also provides an overview of areas of displacement, patterns of movement, trends, protection issues and urgent humanitarian needs. Additionally, the PMT acts as a trigger for investigation into protection issues that come to light through the process of tracking. All of this information – which is provided by local and international partners on the ground – is compiled, analyzed and mapped before being presented on a monthly basis by UNHCR Somalia to agencies at Nairobi and Headquarters level as well as among the tracking partners. Over 20 national NGOs are involved in the PMT. Most recently, the PMT has proved extremely valuable in tracking movements, human rights violations and protection issues throughout the conflict of late 2006 and during the insecurity that has since prevailed. (see box)

* 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.

Child Recruitment

The recruitment of children into armed militia has been a reality in Somalia for the last several years. It escalated in Mogadishu and other urban centres of South/Central Somalia during the recent conflict. Eyewitnesses, child protection monitors and media have reported armed children, mostly between the ages of 14 and 18 (though some as young as 12), working checkpoints and visible on the back of militia vehicles. Recruitment has been carried out by all parties to the conflict.

UNICEF and partners have finalized a strategy on prevention of child recruitment into armed groups, and activities will be integrated into programming in the coming months. UNICEF is already undertaking several advocacy and public information initiatives on child recruitment with local partners in south Somalia.

Working with Traditional Elders

In response to a request from elders in Somaliland for support in revising the 'xeer' (customary law) in accordance with international human rights standards and the teachings of Islam, Danish Refugee Council (DRC) – in collaboration with local NGO Haqsoor – facilitated seminars in which customary law was revised. Elders identified and discussed what they termed 'harmful xeer' and decided to prohibit practices such as revenge killing and forced marriage, while reaffirming the rights of minorities, women, children and foreigners. Elders then signed a declaration/revised xeer committing to honour the changes, and conducted awareness campaigns in their constituencies. By mid 2006 the six regions of Somaliland had held such seminars, with the participation of about 1,200 elders, resulting in a significant change in the guiding principles of xeer.

Protection Monitoring Network

In early 2006, the UN and NGOs established a Protection Monitoring Network (PMN) to track systematic patterns of protection concerns and to inform protection activities, including advocacy with local and national authorities and community leaders. To date over thirty national NGOs are involved in the network and expansion is planned. The PMN is closely linked with the PMT and has also functioned during the recent conflict to alert all concerned parties to emerging protection issues, new areas of vulnerability and intensification of long-standing problems.

IDP Profiling

Due to limited access, information about those in protracted displacement has been minimal and in some cases over 10 years old. In order to facilitate programming and to seek protection and assistance for the protracted displaced, a profiling exercise has been undertaken in Somalia. As part of a global attempt to gather more systemic information on the situation of IDPs, Somalia has piloted profiling exercises in North and South Galkayo and Bossaso (Puntland), Burao and Borama (Somaliland), Baidoa (Bay) and in all 16 districts of Mogadishu. The information is now available for planning purposes and provides protection information, as well as data on the basic needs and intentions of displaced populations.

Joint Strategy on IDPs

The Joint UN Strategy for IDPs aims to address the situation of IDPs, returnees and other vulnerable groups and to improve the protection situation of these populations through interventions that can improve current living conditions and foster durable long-term solutions. In guiding the development of responses to IDP/returnee issues, the Strategy outlines coordination mechanisms between UN agencies and local authorities. IDP/Protection Working Groups have been established in Nairobi, Somaliland and Puntland, and it is planned that one will soon be operational in South/Central Somalia. Joint programming and implementation has begun in Puntland and Somaliland.

Gender Based Violence (GBV)

Throughout 2006, the protection cluster in Somaliland prioritized a collaborative plan for the prevention and response capacity of authorities and communities on GBV. This model is to be replicated in 2007 where possible. In addition to awareness raising, the focus has been on developing practical response capacity. This has involved working with the Ministry of Women's and Family Affairs to develop a gender policy, strengthening the justice system to deal with GBV cases, working with the elders to ensure that customary law provides protection to women, training of police and medical staff, and developing a referral system that includes psycho social care.

Joint Operating Principles

To ensure principled humanitarian action and a 'do no harm' approach, the humanitarian community is developing a set of Joint Operating Principles (JOPs), aiming to promote behaviours in line with basic humanitarian principles in order to avoid fuelling the re-establishment of the system of coercion and violence perpetrated in the past by 'gatekeepers'. The JOPs reinforce, in the Somalia context, the core humanitarian principles of humanitarian assistance which relief organizations have signed up to globally. They provide a framework that articulates concrete standards and aim to strengthen coherence and best practice among the aid community in Somalia. While the primary responsibility to protect the rights of the local population lies with local and national authorities, the role of the aid community is to support and assist in the realisation of these rights, including access to food, shelter, water, health and education; freedom from poverty and discrimination; and access to justice, peace and security. An action plan is being developed which outlines the implementation of the JOPs.

Inter-Agency Standing Committee (IASC) Advocacy Strategy for Somalia

A joint IASC advocacy strategy is being finalized targeting actors within Somalia as well as the international community. Key objectives of the strategy include improving access to vulnerable groups in need of assistance and protection, raising awareness about the rights of citizens, and raising the profile of Somalia amongst the international community.

HUMANITARIAN PARTNERS

The IDP/Protection working group was formed in Nairobi in 2005 and is critical to the protection cluster collaborative approach. Chaired by UNHCR and OCHA, its most active members are OHCHR, UN-HABITAT, UNICEF and UNIFEM together with international organizations and NGOs, including IOM, Danish Refugee Council, and Norwegian Refugee Council.

Throughout 2006/2007, OCHA Somalia has received funding from:

Australia, ECHO, Ireland, Italy, Republic of Korea, Netherlands, Norway, Sweden, and United Kingdom
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Updated 10 May 2007