

PROTECTION



UNITED NATIONS OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS SOMALIA

PROTECTION ISSUES IN SOMALIA

Since 1991 Somalia has been characterised 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 deteriorated and changed in scope due to the conflict between the Transitional Federal Government (TFG) – backed by Ethiopians troops - and the Islamic Court Union (ICU) and other anti-government elements. The ICU, which took control of much of south/central Somalia during the summer of 2006, was defeated by the TFG in December 2006. By January, the TFG/Ethiopian forces controlled, much of southern Somalia, including Mogadishu.

Anti-government elements have continued to battle with Ethiopian/TFG forces. The result has been escalating insecurity in Mogadishu as well as other pockets of south/central Somalia. The fighting is currently considered to be among the worst in over a decade and has compounded difficulties of access to vulnerable populations in Mogadishu and surrounding areas. This year alone, Somalia has witnessed three major waves of population movement resulting in approximately 600,000 people today being newly displaced.

New or increased human rights abuses have accompanied the recent conflict. Child recruitment carried out by all parties to the fighting continues. Indiscriminate mortar attacks as well as gun battles in Mogadishu heavily residential areas have resulted in hundreds of civilian deaths and many more wounded. During the first two weeks of August, fifty separate incidences impacting on civilians, involving the use of roadside bombs and other explosives were recorded. This new trend has increased during the course of the year and is becoming common place in Mogadishu and surrounding areas. The impact has created a climate of fear amongst the population resulting in the continued displacement out of the capital. Revenge killings of individuals viewed as ICU sympathisers have occurred as well as assassinations of those seen to be TFG supporters or TFG public servants and human rights workers. As IDPS have attempted to move to safer locations, they have been subject to rape, harassment, intimidation and the looting of their possessions by freelance militia. Other vulnerable individuals have been similarly targets 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. Gender based violence also continues and is particularly high among marginalised clans and in IDP settlements. Minorities remain highly vulnerable, as lack of clan protection leaves them exposed to a range of human rights abuses and often limit their access to basic social services. In addition, the northern port town of Bossaso is a key route for human smuggling and trafficking and results in severe abuse of vulnerable segments of the population. (See related Fact Sheet on Trafficking).

What is Protection?

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.

ACCESS

Humanitarian access in Somalia remains critical to the country's most vulnerable populations in urgent need of humanitarian assistance and protection, particularly the large number who reside in South/Central who are extremely food insecure or internally displaced. The operating environment remains varied throughout Somalia. Some areas such as Somaliland and Puntland have experienced degrees of political development, economic recovery and relative stability with humanitarian access generally unhindered; there have been reports from Puntland of targeting of aid workers. Access to parts of eastern Sool and Sanaag also remained restricted due to border disputes between Somaliland and Puntland. In October, fighting broke-out between the two factions displacing about 50,000 people in Sool region and beyond. Following assessments by the humanitarian community, about 30,000 people mainly women and children were categorised as vulnerable and in need of assistance. Response to this group commenced in November.

South/Central, on the other hand, remains unstable. Despite on-going struggles to negotiate access with local authorities, the response does not meet the needs. There are a number of roadblocks reported all over South/Central with most of them imposing taxation on humanitarian commodities and creating huge impediments on aid delivery.

Throughout 2006/2007, OCHA Somalia has received funding from:
Australia, ECHO, Ireland, Italy, Republic of Korea, Netherlands, Norway, Sweden, and United Kingdom, SIDA, USA, DFID
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In addition, continued piracy of ships carrying humanitarian relief, recurrent security incidences around relief distributions has marred humanitarian access and operational space. In November with the support of the French military escort, two WFP ships carrying humanitarian aid docked at the Marka port.

KEY RESPONSES

Movement of civilians within Mogadishu is restricted due to heavily handed security operations conducted by both Ethiopian and TFG forces in search of weapons. The targeted districts are closed by use of roadblocks, house-to-house searches and stopping of civilians on the streets. These have seriously hindered access of civilians to basic social services including healthcare. This is also impeding the movement of aid workers within the city.

The IDP Working group and protection cluster (both jointly chaired by UNHCR and OCHA) were formed in 2005. Protection partners have developed a range of inter-agency initiatives to strengthen the response to systematic patterns of protection violations. Activities include joint advocacy initiatives, strengthening national capacity, development of preventative mechanisms and the shaping of inter-sectoral programmes that alleviate the effects of abuses. Many of the initial activities focused on addressing major information gaps and strengthening of coordination at the field level. These initiatives include:

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 responses with local and national authorities and community leaders. To date over 35 national NGOs are involved in the network and expansion is planned. The PMN is closely linked with a population tracking system that has been developed to track the rapid and constant movement of people. Both have functioned in 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 ten years old. As part of a global attempt to gather more systematic information on the situation of IDPs, Somalia has piloted profiling exercises throughout the country, including Mogadishu. The information is now central to planning for all clusters.

Joint Operating Principles: To ensure a principled humanitarian action and a 'minimize' harm approach, the humanitarian community has developed 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 provide a framework that articulates concrete standards that aim to strengthen coherence and best practice among the aid community in Somalia.

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.

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 seminars, with the participation of about 1,200 elders, resulting in a significant change in the guiding principles of *xeer*.

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