

STRATEGY PAPER: EVICTION PREVENTION AND RESPONSE WAYS OF WORKING IN SOMALIA

1.0 INTRODUCTION

The practice of forced evictions involves the involuntary removal of persons from their homes or land, directly or indirectly attributable to the state. The right not to be forcibly evicted is an element of the human right to adequate housing.ⁱ The UN Committee on Economic, Social and Cultural Rights defines forced eviction as the permanent or temporary removal against the will of individuals, families or communities from their homes or land, which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.ⁱⁱ

The UN Basic Principles and Guidelines on Development-based Evictions and Displacement (2007),ⁱⁱⁱ further expanded the definition of forced evictions to mean; acts and / or omissions involving the coerced or involuntary displacement of individuals, groups and communities from homes and / or lands and common property resources that were occupied or depended upon, thus eliminating or limiting the ability of an individual, group or community to reside or work in a particular dwelling, residence or location, without the provision of, and access to, appropriate forms of legal or other protection.

The UN also has addressed the issue of forced evictions in Resolution 1993/7716 and Resolution 2004/2817 of the Human Rights Commission. In Resolution 2004/28, the Commission recognised that: the often-violent practice of forced eviction involves the coerced and involuntary removal of persons, families and groups from their homes, lands

In Resolution 1993/77,¹⁸ the UN Human Rights Commission stated that, “The practice of forced eviction constitutes a gross violation of human rights, in particular the right to adequate housing.” When forced evictions are carried out, they violate a range of internationally recognised human rights. These include the;

- Human right to adequate housing;
- Human rights to security of the person, and security of the home;
- Human right to health;
- Human right to food;
- Human right to water;
- Human right to work / livelihood;
- Human right to education;
- Human right to freedom from cruel, inhuman and degrading treatment;
- Human right to freedom of movement;
- Human right to information; and,
- Human right to participation and self-expression.

The perpetrators of forced evictions especially violate people’s entitlements to security of tenure and freedom from forced evictions; access to, and benefit from, public goods and services; information, capacity and capacity building; participation.



2.0 PURPOSE

The objective of this document is to coherently illustrate a step-by-step guide for how certain sectors should be responding to prevention and response eviction activities in Somalia and Somaliland. This document should be used as a guide by certain respective agencies that are providing cross-cutting evictions prevention and response activities to ensure that coordinated site-level activities are ongoing, and that partners are aware of their responsibilities during occasions of eviction.

Note: there could be locations where sectors may have coverage gaps or may not be able to provide the full activity portfolio outlined within this document. Therefore, there is a need for each district/state to contextualize this document so that it captures activity capacities at the sub-national level with all respective sectors and partners aware of the roles of responding agencies.

3.0 EVICTION RESPONSE

3.1 Prevention

All activities aimed at mitigating the impact of/or likelihood of evictions are conducted by key stakeholders with this work transcending the Housing Land and Property (HLP) Area of Responsibility.

The below table provides highlights eviction prevention initiatives conducted by each sector at the IDP site-level:

Activity	Description of Activity	Responsible Sector	Coverage Locations
Eviction Risk Data Collection	CCCM partners managing IDP sites in Somalia and Somaliland are collecting eviction risk data monthly for the IDP sites that they are managing. The sub-national and national CCCM cluster to regional and national HLP focal points by the 7th of each month sends this template (here) which features consolidated eviction risk data. This data is then captured within	CCCM	All

	the HLP eviction risk map dashboard with HLP partners targeting high/extreme risk sites with HLP eviction prevention activities		
Establishing Site-Level Eviction Referral Pathways	Through working with the Camp Management Committee (CMC) and site leaders, ensure that site governance structures are aware of how to access eviction support via district/regional HLP partner, or in situations where an HLP partner is not present, the CCCM partner providing camp management activities	CCCM	All
Conflict Analysis	This is aimed at addressing triggers and symptoms of land conflict. The goal is addressing root causes of HLP issues and related conflicts.	CCCM, Shelter and HLP AoR	All
Providing Dispute Resolution Trainings to partners, committees and key stakeholders	CCCM partners, through the CCCM cluster standard CMC training package, are carrying out conflict resolution trainings with the aim of empowering site governance representatives to ameliorate site-level tensions such as eviction threats directly with relevant stakeholders. Administrating conflict resolution trainings with CMCs should be coordinated directly with the HLP partner present at the district/regional level as such trainings are best conducted if jointly facilitated. In locations where the HLP partner has capacity, HLP partners should be leading eviction risk/conflict resolution trainings with site-level governance representatives with ample coordination supplied by the CCCM partners	CCCM, HLP AoR	All

Site Decongestion	Through cross-sector, site decongestion activities in IDP sites, CCCM, Shelter, Protection and HLP partners are bringing together local authorities, community leaders and landowners to discuss improving site planning. This activity is an entry point into discussing land tenure agreements and the feasibility of leveraging site decongestion works to secure longer-term land agreements or permanent agreements.	CCCM, Shelter, Protection, HLP	All
<i>Facilitating and supporting the establishment of Eviction Taskforces led by Government Authorities</i>	Undertaking joint analyses, mapping and advocacy on eviction risks. Facilitate eviction monitoring, Undertaking capacity development initiatives for more sustainable eviction programmes. This includes materials and tools development.	HLP AoR, Protection cluster, Local/National Authorities	All
<i>Preventive engagement</i>	Facilitating access to tenure security, Building the capacity (training/material & technical support) of national and local authorities to address HLP and eviction risk, HLP specific advocacy including multi-stakeholder HLP forums	HLP AoR/PC/Shelter Cluster/CCCM/DSWG	All
<i>HLP Due Diligence</i>	This investigative process is conducted mainly to verify the ownership of the property, any encumbrances on the property and potential disputes. It aims to prevent the risk of evictions and improve the security of tenure	Shelter actors or any organisation building infrastructures	All

3.2 Assistance and remedial action

These activities are specific to HLP cases identified and recorded at IDP sites, and tend to be led by HLP partners, with complementary services provided by other sectors when needed. The below table highlights initiatives conducted by each sector at the IDP site-level:

Activity	Description of Activity	Responsible Sector	Coverage Locations
Eviction Alerts	Site leader notifies HLP partners of an eviction incident, risk or threat directly, or through CCCM partners that are providing camp management support in a site. Such alerts may be generated via IOM's DTM, UNHCR's PRMN or NRC's Eviction portal. These updates are circulated widely at both the state and national levels. In situations where HLP partners are not present, CCCM partners may raise an eviction alert with this information sent directly to OCHA at the state-level, and regional HLP focal points.	HLP AoR, OCHA, CCCM, Shelter, Protection cluster.	All
Eviction Reports	The HLP partner with coordination occurring between the HLP partner OCHA, CCCM sub-national cluster and Shelter sub-national cluster conducts a situation overview and assessment highlighting the key needs of the evicted caseload. In locations where HLP partners are unable to generate this report, OCHA through close collaboration with the CCCM, Shelter and Protection clusters should be responding within 72 hours with a comprehensive report that highlights the primary needs of the evicted caseload.	HLP, OCHA, CCCM, Shelter, Protection	All
Site Monitoring and gap analyses	Subject to the scale of the eviction, CCCM partners will conduct site monitoring and site-level CFM operations. These activities are aimed at providing partners with an understanding of settlement-level gaps and needs. In case of widespread evictions, these activities could be incorporated into special reports in order to provide an overview of gaps/needs that exist in newly created IDP sites, and caused by eviction, or established IDP sites that	CCCM	All

	have accumulated large amounts of households from evicted IDP sites.		
<i>Provision of Shelter/NFI Support to Affected Evicted Households</i>	The provision of shelter and non-food items (NFI) assistance is a critical, life-saving intervention that provides the affected population with safety, protection from the elements, health risks and other factors that could increase their vulnerabilities.	Shelter Cluster.	All
<i>Cash Assistance for HLP specific violations Provided to Affected Households</i>	Cash assistance for housing, post eviction stress, basic and other social services including relocation, stamp duty and legal fees	HLP AoR, Protection cluster	All

ⁱ Fact Sheet No. 25, Forced Evictions and Human Rights, United Nations Office of the High Commissioner for Human Rights. Available at: <http://www.ohchr.org/Documents/Publications/FactSheet25en.pdf>.

ⁱⁱ General Comment 7, 'The right to adequate housing (Art. 11.1 of the Covenant): forced evictions,' United Nations Committee on Economic, Social and Cultural Rights, 1997. Available at: [http://www.unhcr.ch/tbs/doc.nsf/\(symbol\)/CESCR+General+Comment+7.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(symbol)/CESCR+General+Comment+7.En?OpenDocument)

ⁱⁱⁱ Presented in the report of the UN Special Rapporteur on Adequate Housing, Miloon Kothari, A/HRC/4/18, February 2007. Available at: http://www2.ohchr.org/english/issues/housing/docs/guidelines_en.pdf.