



# ADVOCACY MESSAGES

SEPTEMBER 2021

## Key Protection Messages for IDPs in Mozambique

### Recommendations to weapon bearers

- **Obligations under International Humanitarian Law:** All parties to the conflict are urged to respect the principles of distinction, proportionality and precaution and all provisions concerning the protection of civilians, including children, and the prevention of forced displacement.
- **Safe Passage:** All parties to the conflict should cease indiscriminate attacks, which may result in civilian casualties, forcible displacement, and prevents safe passage of children internally displaced persons, in particular older persons and people with disabilities.
- **Protection of children in armed conflict:** Mozambique is a signatory to the Convention on the Rights of the Child and its Optional Protocols, as well as the Safe Schools Declaration, accordingly, all parties to the conflict are obligated to protect children (any person below the age of 18) from forced recruitment, sexual violence in all its forms (including witnessing), targeting schools or using schools for military purposes, or hindering access to services for children, teachers and health workers.
- **Protection of women and girls in armed conflict:** All parties to the conflict are called upon to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual violence, in accordance with UNSCR 1325.
- **Protection from Sexual Exploitation and Abuse (PSEA):** All parties to the conflict are urged to strictly follow internationally agreed core principles that protect displaced and host communities from any form of sexual exploitation and abuse, including those committed by armed forces, ensure that sexual misconduct is rigorously investigated and sanctioned and that victims and witnesses are protected.
- **Protection of schools and hospitals:** All parties to the conflict should cease attacks targeting schools and hospitals, and the military use of schools. Deliberate, intentional attacks on schools and hospitals are a direct violation of international humanitarian law and human rights law, and undermine children's rights to education and healthcare, and other internationally protected human rights.

### Recommendations to authorities

- **Durable solutions must be voluntary:** The three accepted solutions for displacement - return, resettlement, and local integration - are not hierarchical, and therefore one should not be prioritized over another, but rather support the choices of IDPs themselves. IDPs have the right to make a voluntary and informed choice on which durable solution to pursue. Therefore, solutions should always be based on a free, informed and voluntary decision of IDPs. The views of women, children and persons belonging to groups with specific needs or are potentially marginalized should be fully taken into account in all matters and decisions concerning them, with particular attention provided to children and adolescents who are unaccompanied or separated.
- **Preservation of family unit must be ensured during relocations and returns:** solutions such as relocations or sustainable returns should respect the principle of family unity. All efforts should be made to keep families together during movements towards a durable solution. If separation becomes necessary, efforts should be made to keep children with their parents or caregivers, and where possible ensure siblings remain together, and to establish mechanisms to ensure that families can be swiftly and efficiently be reunited. Furthermore, preservation of family unit should also be considered in the larger sense such as, for instance, ensuring that persons with disabilities and older persons are not separated from their caregivers and/or their formal and informal support networks.
- **Dignified and accessible transportation of IDPs during movements:** Transportation of IDPs towards a solution should be conducted with integrity, dignity, safety and accessibility. Special

consideration should be made for IDPs with disabilities so that they are able to access the means of transportation as well as take with them their mobility aid.

- **Livelihood and self-reliance at an early stage of the response:** The promotion of durable solutions is vital from the very beginning of displacement, and improving livelihoods is a crucial component to achieve this. Leveraging the provision of both humanitarian assistance and livelihood opportunities at an early stage can lead to better outcomes for IDPs in later phases of displacement. Enabling durable solutions requires the integration of a gender equality perspective, the engagement of a broad range of stakeholders, and the collaboration of humanitarian and development actors can help bridge the humanitarian-development divide in the response to displacement needs.
- **Access to education for IDP children:** The right to education for all children is protected by the Convention on the Rights of the Child, accordingly, authorities should ensure that displaced children have access to free, quality education, whether or not living in camps, as soon as conditions permit.
- **Host communities should also be supported:** More than 80 percent of displaced people in northern Mozambique reside amongst the host community. As provided by the Kampala Convention, communities hosting IDPs and impacted by their arrival must be consulted and provided with equitable humanitarian aid, access to development projects and services that are being offered to IDPs.
- **Resettlement plot distribution should be done in consultation with host communities:** Allocation of resettlement plots and associated cultivation areas should be done by meaningful (i.e. by taking into consideration age, gender and diversity) consultation with host communities in order to avoid tensions. These consultations should also consider issues related to housing, land and property (HLP) and natural resources tenure.
- **Facilitate access to IDPs in hard-to-reach areas:** it is important to support the large numbers of IDPs in areas that are hard to reach. For these IDPs, humanitarian agencies should be granted safe, unhindered access to deliver adapted life-saving assistance and protection. Examples of such areas include districts of Mueda, Nangade and Ibo.
- **Facilitate visas for humanitarian personnel and customs clearance for humanitarian aid:** Swifter visa processes are key to ensure greater presence of protection actors in the field. Furthermore, humanitarian organizations have experienced customs clearance delays for materials and goods that have been imported into the country for the purpose of supporting vulnerable Mozambicans. Customs procedures should be swifter to ensure those in need have quick access to humanitarian assistance.
- **Freedom of movement is a human right:** The ability to move freely and in safety within one's country is a basic right and a pre-condition for the enjoyment of other rights. The State must ensure that the freedom of movement of IDPs is adequately protected in national legislation and respected by all agents of the State at the national, regional and local levels.
- **There should not be any impediments for those seeking to flee to reach safety:** recent reports by IDPs indicate that some groups wishing to leave specific conflict-affected areas have encountered challenges to do so. IDPs have told humanitarian agencies that they have had to pay large sums of money to access evacuation flights and boats, and even to remain in protected areas. Therefore, authorities should ensure that civilians seeking to flee areas in which there is an imminent threat to their physical integrity are able to do so.
- **Civilian character of IDP camps must be ensured:** The presence of armed elements in existing sites, or IDP population areas, threatens the fundamental principle of the civilian and humanitarian character of IDP sites, and can result in serious security concerns for IDPs (particularly women and girls and vulnerable groups), host communities, as well as humanitarian workers. For IDPs in an already fragile security situation, the presence of armed elements exacerbates the situation as it can lead to protection concerns. It can also make IDP areas vulnerable to external attacks.
- **Access to Civil Documentation for IDPs facilitated:** Authorities should make special efforts to provide or replace civil documentation to all IDP groups and establish facilitated procedures for issuing or reissuing essential documentation to IDPs, including use of alternative forms of evidence available to IDPs. Without civil documentation, IDPs face several obstacles to exercise basic rights, such as move freely, vote, access education, employment, healthcare, bank services and access to humanitarian aid. Special consideration should be given to women, children, elderly, persons with disabilities, especially those coming from rural areas or who are heads of households.
- **No separate "IDP card" issued by the authorities is advised:** A separate IDP card is not recommended since being an internally displaced person (IDP) is not a legal status and IDPs are under

the jurisdiction of their own government. A separate civil document will create complications with IDPs having access to different sets of rights than other citizens and instigate discrimination. Instead, every effort should be made to ensure the interoperability of existing legal IDs to be used for humanitarian aid and/or social services being provided.

- **Housing, Land and Property considerations:** IDPs' choice to relocate, in the absence of the possibility to be able to return (or not wishing to return) to the IDPs' location of origin, must not be considered as a renunciation of the right to return in safety and with dignity to the original place of residence, should that option later become feasible. Nor must it be considered a renunciation of the right to have restored to them any HLP assets or recompense of same of which they were arbitrarily deprived during displacement.
- **Forced eviction:** IDPs right to not be subjected to forced eviction must be protected.
- **Gender mainstreaming in HLP:** Special consideration should be given to ensure that women's rights to own, manage, enjoy and dispose of property are inherent in the rights to be free from discrimination, to an adequate standard of living (including adequate housing), to enjoy financial independence and to earn a livelihood. Securing women's rights to land, housing and property become essential when fulfilling the rights of all to HLP.
- **Strengthening the Mozambican legal system to protect IDPs:** On 3 August 2021, Mozambique's Council of Ministers adopted a "Policy and Strategy on Internal Displacement Management" (not yet published in the Official Bulletin). Although its development was initiated particularly to integrate displacement in disaster risk reduction and disaster management frameworks, the document addresses all causes and all phases of displacement and identifies the INGD as national focal point for the response to internal displacement. While the adoption of this Policy and Strategy is a welcomed development, it does not complete neither the process of integration of the African Union Convention on the Protection and Assistance to IDPs in Africa (Kampala Convention) in Mozambique law nor include the gender dimensions of displacement and protection in relation to displacement. For this reason, the Protection Cluster encourages the government to continue on its path to fully incorporate the obligations of the Kampala Convention by law and work with partners, such as UNHCR, who are ready to support such efforts.
- **Disarmament, Demobilization and Reintegration (DDR):** DDR is an important process for situations emerging from conflict to order to pave the way for sustainable peace, recovery and development. DDR involves demilitarizing official and – in the case of northern Mozambique – unofficial non-state armed groups by controlling and reducing their possession and use of arms, disbanding the groups and assisting former combatants to reintegrate into civilian life. In this regard, special consideration must be made for women and girls, men and boys who had previously been involved with non-state armed groups. DDR is extremely important to ensure that ex-combatants are reintegrated appropriately into civilian life and an agreed community-based process should be in place to ensure that reintegration of ex-combatants is made smoothly and takes into consideration the gender dimensions of the conflict. Children who have been previously involved with NSAG should automatically be considered as victims. Special consideration should be made for physical rehabilitation and provision of mobility aids that is often needed for wounded combatant, along with insertion.
- **Children Associated with armed groups should be treated as victims:** Any child allegedly associated with an armed group, including armed groups designated as violent extremist and/or terrorist groups, shall be primarily considered as victim and afforded the rights set forth by the international legal framework related to child victims. Accordingly, children who have been allegedly associated with armed groups should not be prosecuted or threatened with prosecution or punishment solely for their membership of the group, and all feasible measures should be taken to ensure that children associated are demobilized, disengaged, or otherwise released, and provided with all appropriate assistance for their physical and psychological recovery and their social reintegration.

## Recommendations to humanitarian actors

- **Coordination and interagency work on protection issues in the humanitarian response must be strengthened by all actors:** Quick action and advocacy for early warning and response is essential to

saving lives. A commitment to protection mainstreaming should be prioritized by all actors. Development of guidance on responding to civilian protection concerns should be developed to guide both protection and non-protection actors. Coordination with government actors should be reinforced at all levels.

- **Gender analysis should be considered:** Internally displaced women are especially vulnerable during conflict. It is well established that NSAGs specifically target women as a part of their general conflict strategies and use rape as a weapon of war. Therefore, protection actors should strive to ensure gender analysis in order to ensure the rights of displaced women. Assessments should also include a gender analysis and take into account persons who have special needs or might be marginalized within the displaced population.
- **Call to action:** Partners committed to the [Call to Action](#) need to strengthen accountability from the humanitarian system in Mozambique towards addressing GBV issues during the crisis.
- **Placing children at the centre of a response:** Children's needs, in accordance with their rights as protected under international law, must be mainstreamed across all sectors to ensure that all programmes and staff "Do No Harm". Children, including the most vulnerable, have equal access to services, food and core relief items; that humanitarian responses do not create incentives for family separation and that humanitarian workers do not violate child rights and adhere to existing codes of conduct.
- **Presence of armed actors should be mitigated:** Mitigation of risks posed by armed actors should be implemented in the design of IDP communities and resettlement areas ensuring that access in and around children's services are free from the presence of armed actors.
- **Unaccompanied and separated children (UASC) should be protected:** These children are at greatest risk and it is therefore imperative to identify, register and document both unaccompanied and separated children as quickly as possible and provide immediate support for family tracing and reunification with their parents, relatives or caregivers, in coordination with communities and government authorities, and to also provide services for interim care, while preserving family unity, including of siblings, consistent with children's overall protection and well-being.
- **Taking into consideration children's opinion:** Children's opinions should always be sought especially with regards to care, movements and camp management.
- **Assessments should include child protection lens:** Assessments should also include a child protection lens and take into account children who have special needs (e.g. children with disability) or might be marginalized within the displaced population.
- **Older persons should be prioritized:** Older persons are disproportionately affected and particularly vulnerable to abuse, maltreatment and violence in such situations, and Mozambican authorities should ensure inclusion, targeting and prioritization of older persons in post-disaster recovery and reconstruction efforts, in compliance with humanitarian and human rights principles, and based on the recommendations of the Independent Expert of Older persons.
- **Persons with disabilities should be prioritized:** Mozambique should review its legal and policy framework on disaster risk reduction and management to be aligned with articles 9, 11 and 31 of the Convention on the Rights of Persons with Disabilities, and ensure that all the stages of the humanitarian assistance adequately address the needs of persons with disabilities without discrimination, in particular children, including the use of appropriate methodologies to collect data, accessible communication, transportation and infrastructure of relocation sites and prioritization/non-exclusion from aid distribution, and make available human resources trained to respond to the different kinds of disabilities, e.g. those with hearing and psychosocial disability. Greater details can be found in [IASC 2019 Guidelines on inclusion of Persons with Disabilities](#).
- **Gender Based Violence:** The impacts of the crisis are different for women and girls, men and boys and this must be addressed in an adapted manner. The protracted nature and legacy of conflict has impacted women, girls, boys and differently and GBV remains a widespread and serious issue. Humanitarian actors must prioritize the active engagement and support of women, girls and boys as they remain highly excluded from the response. The availability of resources and capacity to enable GBV personnel to guide implementation of inter-agency multi-sectoral GBV programme response remains critical to ensuring provision of accessible, confidential, survivor-centred services to address GBV and to ensuring it is appropriately addressed across all sectors.

- **GBV programming in hard-to-reach areas:** International Non-Governmental Organizations with expertise in GBV and Protection programming are encouraged to consider operational presence in hard-to-reach areas including utilising a localisation approach; to support the scale-up of GBV Specific services for women, girls, men and boys in both host and displaced communities, and to promote humanitarian principles and enhance protection by presence.
- **Special consideration for Adolescent girls:** The specific needs of displaced girls, adolescent girls and host communities should be prioritised, including by investing in age- and gender-responsive sexual and reproductive health services so that girls and young women can access life-saving health care, including for survivors of gender-based violence.
- **Localisation of the response should be pursued where possible and feasible:** The [World Humanitarian Summit](#) in 2016 placed a strong emphasis on 'localisation', recognising and supporting 'crisis affected people' as important first responders. Localisation was recognised as a means to increase the legitimacy and effectiveness of humanitarian aid. In the IDP context, IDPs themselves should be active participants in IDP response and governance. A 'multi-stakeholder and partnership approach' should take into consideration the important role of 'local actors' and community-based organisations including those lead by women.
- **Humanitarian actors should incorporate psychosocial approach into their programmes:** The number of people in need of Mental Health and Psychosocial Support (MHPSS) has remained high due to traumatic events during the displacement, limited access to the basic services in the destination location, and challenging living conditions. While MHPSS experts of humanitarian and government agencies address the needs, other actors should integrate psychosocial approach in their activities, that will contribute positively to the wellbeing of the communities and protect their dignity.

## Recommendations to the international community and donors

- **Refoulement of Mozambican asylum-seekers from Tanzania:** According to Mozambican border authorities, more than 10,000 people who fled into Tanzania have been forcibly returned to Mozambique through the Negomano border point since January this year. Protection Cluster members reiterate the call of UNHCR and African Commission on Human and People's Rights (ACHPR), the Special Rapporteur on refugees, asylum-seekers, migrants in Africa, Ms. Maya Sahli Fadel, for those fleeing the conflict in northern Mozambique to have access to territory and asylum, and, in particular, for Tanzania to uphold the principle of *non-refoulement* (no forced return) under international and regional refugee and human rights law. Refugees must not be forced back into danger. Protection Cluster members also call for the Government of Tanzania to provide humanitarian access in Tanzania's southern border region and to ensure family unity and prevent that families are separated.
- **The humanitarian response must be sufficiently funded to be able to deliver adequate humanitarian assistance:** Disparity exists between current humanitarian needs and resources. While most sectors suffer from a funding gap, needs in all protection sub-sectors (Child Protection (CP), Gender-Based Violence (GBV) and Housing, Land and Property (HLP) severely affects the ability to maximize protection impacts. Increased resource mobilization is needed to close gaps in the response.
- **Funding for PSEA is urgently needed:** Specific activities related to Protection from Sexual Exploitation and Abuse (PSEA) mainstreaming should also be funded to reduce Sexual Exploitation and Abuse (SEA) risks across the humanitarian operation in Mozambique.

## Recommendations to the Humanitarian Country Team (HCT)

- **The centrality of protection should be promoted:** The HCT should ensure that all humanitarian actors, and the response, mainstream protection and proactively consider the serious protection risks that women and girls, boys and men, especially those with specific needs face in Mozambique. Special attention should be given to children who are still and increasingly at risk of forced recruitment, and other grave violations of children's rights such as maiming and killing, abduction, access to humanitarian assistance, sexual violence, attacks on education or health facilities.
- **HCT should engage in joint advocacy for enhanced impact:** The HCT should work collaboratively to develop a joint advocacy approach and messages on protection.

- **HCT Protection Strategy should be developed:** the HCT should consider establishing an HCT Protection Strategy for Mozambique. Humanitarian County Team (HCT) protection strategies are an important step in establishing the centrality of protection in practice. HCT protection strategies are a reference point for highlighting protection issues and a tool that acts as a catalyst that brings together existing and new activities under the HCT umbrella and can contribute to protection outcomes, including monitoring of conflict dynamics, monitoring and responding to the rights violations. Inclusion of protection is a mandatory responsibility according to IASC.
- **Protection needs to be a standing agenda item in the HCT:** The HCT should consider having Protection (including Gender Based Violence, Child Protection and Housing, Land and Property) discussions as an agenda item during its bi-monthly meetings to support joint understanding and continued action on protection programming by humanitarian partners in Cabo Delgado Province.

## Recommendations to development actors

- **Prioritise safety and dignity** of the individuals for whom the programme is intended. Consider if any potential harm may arise because of the development programme, whether intended or unintended. Where possible and relevant, agencies can undertake the Do No Harm Assessment in order to check how the programme can affect the community.
- **Mainstreaming accessibility:** Make sure that people have equitable access to assistance and services, being sensitive to the vulnerabilities and additional challenges that some groups might be facing. This can include planning and budgeting for inclusive and accessible actions and constructions from the very conception of development projects.
- **Gender-based violence from a development perspective:** Prior to the displacement, there were existing harmful traditional practices such as Child, Early and Forced Marriage (CEFM) and gender inequalities that continue to affect the lives of adolescent girls and young women. There is need for dedicated programming to address these pertinent issues in Cabo Delgado to enable women and girls attain their full potential.
- **Protection mainstreaming in preparedness:** Development of emergency preparedness and early warning systems that include mainstreaming protection, mitigation and prevention of violence and abuse including gender-based violence and ensuring the inclusion of women and children's voices in the planning process.