

Integrated Humanitarian Country Team Protection Strategy in Burundi

(January – December 2019)

I. INTRODUCTION

1. Guiding Principles

Non-discrimination in the context of neutral humanitarian action

Humanitarian action must be carried out on the basis of need alone, giving priority to the most urgent cases of distress and making no distinctions on the basis of nationality, race, gender, religious belief, class or political opinions. Humanitarian action must also not discriminate, reinforce or create inequalities among affected civilian, and enhance ways to identify and address differential forms of exclusion, including those based on societal discrimination, power structures, vulnerability, age, and gender.

Guiding principles on Internal Displacement and international Refugee Law

The Guiding Principles on Internal Displacement issued by the Secretary General of the United Nations identify and recognise human rights and guarantees of persons who have been forcibly displaced from their homes. They provide guidance to all relevant actors regarding protection against displacement, the framework for humanitarian assistance and protection in accessing to durable solutions. International refugee law (IRL), including the 1951 Convention relating to the Status of Refugees, international instruments and customary law, deals with the rights and protection of refugees

Centrality of Protection in Humanitarian Action¹

Protection of all persons affected and at risk must inform humanitarian decision-making and response, including engagement with States and non-State parties to conflict. It must be central to our preparedness efforts, as part of immediate and life-saving activities, and throughout the duration of humanitarian response and beyond. While protection of the rights of people is primarily the duty of member states and, in conflict, the parties to a conflict, Humanitarian Coordinators and Humanitarian Country Teams are responsible for ensuring that protection is the purpose and intended outcome of humanitarian response.

Humanitarian Access

Humanitarian access concerns humanitarian actors' ability to reach populations affected by crisis, as well as an affected population's ability to access humanitarian assistance and services. States bear the primary responsibility for ensuring that the basic needs of civilian populations under their control are met, and if unable or unwilling, humanitarian organizations may have the right to provide assistance, to ensure the affected population's right to receive assistance, and to deliver assistance in accordance with IHL and humanitarian principles.

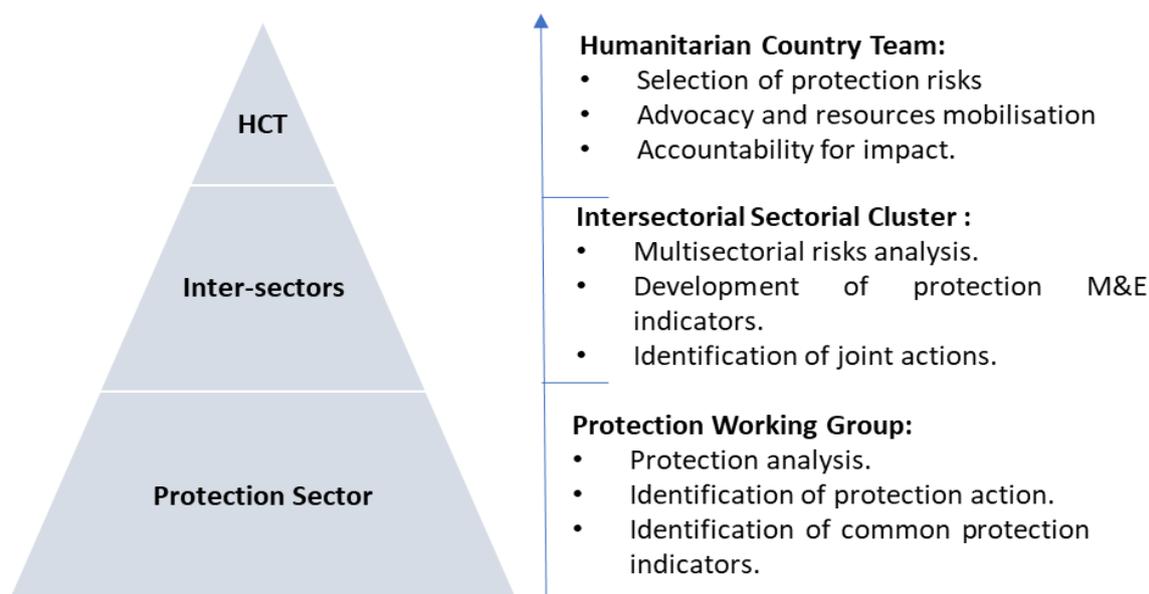
Accountability to affected population (AAP)

Accountability to affected population leads humanitarian leadership and governance to demonstrate commitment to accountability by ensuring feedback and accountability mechanisms into country strategies, programme, and active monitoring and evaluations. It aims at providing accessible and timely information to affected populations on procedures, structures and processes and ensure that they can make informed decisions and choices. It seeks the views of affected populations to improve policy and practice in programming, ensuring that feedback and complaints mechanisms are streamlined. It enables affected populations to play an active role in the decision-making processes that affect them through the establishment of clear guidelines and practices to engage and ensure that the most marginalised and affected are represented and have influence.

¹https://interagencystandingcommittee.org/sites/default/files/centrality_of_protection_in_humanitarian_action_statement_by_iasc_principles.pdf

2. Collective responsibilities

The development process of this strategy and identification its response priorities was articulated around three levels of responsibilities. In accordance to the principles contained into the IASC Centrality of Protection Declaration, the HCT under the leadership of the Resident Coordinator has the obligation to ensure protection challenges are addressed, including in establishing a whole of system protection strategy and carry the responsibility of its implementation. Technical support is provided by the Protection Working Group and the Inter-sector Group.



3. Axes of the response

The key objective of this strategy is to ensure adequate and fare assistance to affected peoples with the aim to address three level of needs:

- Immediate response to man-made and naturel disasters and emergencies.
- Reparative actions on acute vulnerabilities, in particular through the promotion of durable solutions.
- Protective environment, including the identification of actions building resilience and assisting communities in ensuring the self-protection during when confronted to disasters.

II. PROTECTION RISKS ANALYSIS

General Protection situation in Burundi is affected by combination of man-made insecurity and increasing natural disaster factors:

Threats against the persons :

The protection of civilian in Burundi remains worrying due the socio-political situation still affecting the country. The insecurity takes its sources from national political climate that is often expressed by pressures made by political activists against the communities, including returnees and IDPs and the incursion of armed elements from the Democratic Republic of Congo along the borders with DRC and Rwanda. This situation is often accompanied by the robberies of essential belongings of civilian, physical abuses, sexual violence and other form of violence against civilian.

Access to civil and political rights:

Recognition of civil and political human rights by the person in remain a challenge in Burundi and a factor of communal tensions, especially in the upcoming electoral pool in 2020. Lack of intercommunal mediation mechanisms, exclusion or lack of participation of certain categories of peoples within local governance structures constitute a major obstacle for post crisis peace and solutions, including for internally displaced peoples and Burundian refugees repatriated from abroad.

In addition, the loss or lack of civil documentation constitute aggravating vulnerability factors, including in accessing services essential for the survival of the most vulnerable (e.g. nutrition, health, education, shelter, etc.).

Access to essential services and humanitarian assistance

Access to services for the civilian population is becoming increasingly difficult in Burundi. Administrative boundaries, corruption of public service providers and excessive control of the state on humanitarian services resulted in the vulnerable population having limited access to social services essential to their survival. This situation has aggravated on 27 September 2018, when the Government has suspended for three months the activities of the international NGOs for them to apply the constraining regulation of the law regulating the work of international NGOs voted in January 2017 and presenting serious concerns with regards to the respect of Humanitarian Principles. In addition to this situation, the poor socioeconomic general conditions of the population in Burundi, combined to the pressure made on poor communities with the return of Burundian from abroad or the displacement of population resulted in the obligation made to beneficiaries to share the assistance received.

Natural disaster and climate changes:

Exposure of civilian population to increasing disasters related to climate changes such as landslides, flooding, drought together with weak preparedness and resilience capacity of the communities has resulted in the displacement of some 24 000 peoples since January 2018 and affected over 80 000 individuals across the country, most of them having not yet recovered their capacities. Endemic socioeconomic vulnerabilities and weak management of house, land and property by the authorities have resulted in civilian population settling in areas exposed to natural disaster and climatic events.

Impacts of Human mobility and forced displacements :

In addition to the internal displacement of over 150000 individuals, 54000 repatriated and some 360000 Burundian still refugees in neighbouring countries, Burundi has been increasingly affected by internal and cross border economic movements, which include secondary movements of IDPs and repatriated refugees toward urban centres and border areas.

Increased denial of access to third country territories of Burundian asylum seekers and refoulement of refugees (especially from Tanzania and Rwanda) increased protection threat and socioeconomic pressure on hosting communities (60% of IDPs are hosted and 70% repatriated Burundians live in temporary shelter).

Access to house, land and property :

Communities are particularly affected by violent land and property conflicts, thus increasing with the return of Burundians refuged abroad and the presence of IDPs. Many peoples forced displaced were forced to sell informally, contracted debt or were spoiled of their properties when abroad. Land ligitations constitutes brought in front of the local tribunal (80%) and the supreme court (70%). Among them 35% of the cases were accompanied by physical violence. This situation predominantly affects IDPs and Burundian refugees repatriated.

Human trafficking

Human trafficking is becoming a rising concern in Burundi as an internal and transnational issue, including Burundian refugees in Tanzania and Uganda. The common expression of abuses as reported by victims and relatives are forced labour, domesticity and sexual exploitation.

Sexual, Gender Based Violence :

SGBV is an endemic issue in Burundi with over 36% of women between 15 and 49 year old reporting having faced physical violence 23% sexual violence according to a government led study in 2017. Peoples affected by forced displacements are particularly to SGBV, including IDPs and repatriated refugees.

Child protection

Protection of children constitute a serious challenge in Burundi, mainly for those on the move separated from their families. Access to birth registration remains a priority in the country, including for IDPs and repatriated Burundian who lacks civil documentation essential to access education and health services, including nutrition. Extreme poverty and lack of general education result in high level of violence within the households against children. Access to and the condition in which children have access to education constitute a particular protection concern with over 170000 who had abandon school, including 81000 girls.

The annex 2 of the overall document contain a detail protection risk analysis.

III. PROTECTION Priorities

Priority 1. Affected population have impartial and protected access to humanitarian assistance through an integrated protection information management system

Acknowledging the need to establish a well-informed risk analysis system to address humanitarian needs and vulnerabilities, the HCT with the technical support from the Protection Cluster and the Inter-Cluster will support through an integrated protection information management system:

- The provision of monthly update on the major evaluation in the protection situation to HCT;
- Provide a detailed protection analysis every three month accessible through a secure online link, thus integrating specific protection topics and issues, and the impact of the inter-sectoral response;
- Ensure accountability of the common response with the beneficiaries through an active M&E and complaint mechanisms;
- Conduct adapted advocacy with external partners, including governmental counterparts and international partners;
- Ensure the integration of protection risks analysis into the planning of resilience and development programming.

Priority 2. The HCT promote the access of peoples affected by forced displacement to durable solutions options

The situation of peoples affected by forced displacements (IDPs, repatriated and host communities) remains particularly precarious and needs an integrated response ensuring the response to urgent needs and building their resilience capacity. Through the establishment of a specific coordination and planning framework, the HCT under the leadership of the Resident Coordinator commits itself to:

- Integrated the coordination of durable solutions as the key priority of the HCT;
- Provide support to the government of Burundi in establishing the objective profile of peoples affected by forced displacements, including the impartial identification of their protection needs, socioeconomic status and their intentions;

- Survey and provide a strong analysis of the situation of house, land and property in its human security dimension and identifying existing obstacles and opportunities for durable solutions;
- Support the efforts of the Ministry of Human Rights, Social Affairs and Gender in its mandate to ensure durable reintegration of peoples affected by forced displacement and disaster through capacity building of the Government led Durable Solutions Working Group and strengthening the link with the HCT;
- Ensure the integration of durable solutions of displacement affected communities as part of the development agenda and resilience framework in Burundi.

Priority 3. Populations affected by natural and man-made disasters benefit from specific preparedness and protective measures

Considering the efforts made by the Government of Burundi in developing its 2018-2021 Action Plan as part of the 2018-2025 National Strategy for Preventing and Mitigating Disaster Risks, the HCT under the direction of the Resident Coordinator engages itself to reinforce the protection response during disaster and emergencies and accompany public institutions and communities exposed to natural hazards and displacements to reduce the impact and reinforce resilience capacities:

- Elaborate a framework to reinforce structural and response capacities of public institutions during emergencies in the their responsibilities to provide protection, most specifically the National Platform to Prevent and Manage Disaster Risks;
- Provide assistance to public institutions in developing Standards Operational Procedures addressing protection needs of peoples affected by disasters, including specific measures to reinforce community base protection;
- Accompany the actors responding to emergencies in the application of those standards and establish protection coordination during emergency;

IV. Implementation

1. Rational

Taking into account existing humanitarian programme cycle, this Protection Strategy will cover a one year period alongside the 2019 Humanitarian Response Plan, thus integrating similar population of concern as prioritised by the HNO:

- Voluntary and forced returnees: Repatriated Burundian refugees, deported migrants and refugees;
- Internally Displaced Peoples and host communities;
- Peoples affected by natural disasters.

This strategy will contribute to reinforce the capacity and guide the Humanitarian Country Team in the implementation of the humanitarian response and search of durable solutions, thus in coherence and strengthening existing frameworks :

- National Strategy for the Socioeconomic Reintegration of Disaster Affected Peoples (2016);
- Interagency Repatriation and Reintegration Plan;
- National Development Plan (2018-2027);
- National Strategy to fight Sexual and Gender based Violence (2017-2021).

2. Coordination

This strategy will ensure the implementation of specific coordination capacities and strengthen existing systems :

- Collect and analysis of protection data across all sectors;
- Inter-agency coordination in priorities by the HCT together with the representatives of the Government of Burundi and donors;
- The strengthening of advocacy tools and mechanism.

3. Monitoring & Evaluation

This strategy emphasise particularly the need to strengthen monitoring and evaluation of the humanitarian response in its protection objectives. In addition to provide a tool to evaluate the efforts made by the HCT as per the process defined by this strategy, the responsibilities are defined as follow:

- Accountability in reaching the common objectives: the HCT under the responsibility of the Resident Coordinator will be accountable of the efforts deployed to accomplish the objectives, this including the conduct of all necessary advocacy actions. A core group composed of agencies with protection mandates, an INGO and an agency having an observing status within the HCT;
- Responsibility in the technical implementation : The Protection Cluster and the Inter-Cluster will provide the technical support for the implementation of this strategy. Protection will be systemically at the agenda of the monthly HCT meeting and reinforce through the Protection M&E system.
- Independent evaluation : The Global Protection Cluster shall ensure mid-term and final evaluations of the strategy and provide a lesson learnt on the process.