



Note on Protection Considerations for Transitioning from POC sites to IDP camps

Background

On 4 September 2020, the Special Representative of the Secretary-General and head of UNMISS announced the beginning of the process of withdrawal of UNMISS troops and police from POC sites in South Sudan. The withdrawal is based on security assessments, conducted by UNMISS, suggesting that threats, which became the ground for the establishment of the POCs are no longer present today. The withdrawal has progressively begun in Wau and Bor POCs, followed by Juba POCs, Malakal and Bentiu.

Following the withdrawal, the issue of durable solutions comes as the most important priority, although it is recognized that the situation in some areas of South Sudan is not yet conducive for large-scale return. The Advisory Group on Solutions (AGS) suggested that few possible scenarios on solutions can be proposed – 1) voluntary return, 2) remaining at the PoC/Transitioned IDP sites, 3) protective relocation. Secondary displacement might also take place as an outcome of the responsibilities transferred from UNMISS to the Government of South Sudan, including provision of physical protection and security. However, humanitarian organizations will continue provision of services at the IDP camps.

Key protection considerations

The security situation in South Sudan remains worrisome for the lives of civilians and has led to several new sizeable displacements in the past months. The threats that have evolved from the national armed conflict and which remain as a driver of subnational organized violence, ongoing inter-communal violence and cattle raids continue to affect the whole country. The current level of new displacements, number of violent armed incidents, including women and children, in which abductions and conflict related sexual violence was also reported in several areas indicating that the provision of safety and security is the most crucial point to control the protection threats to those IDPs who have sought protection on these sites. This applies to provision of security at the sites and surrounding areas, and most importantly, at the locations of potential returns.

Several IDPs residing at the POC sites have specific protection needs, including those who sought protection due to political persecution, who continue to express the need for physical security due to other protection related reasons, such as the risk to different forms of gender based violence or specific protection concerns. IDPs express disagreement with possible changes, as the process of establishment of the Transitional Government of National Unity is still not completed, and a vacuum of authority still exists in some locations. Lack of capacity in terms of setting up security, law enforcement, legal authorities, including availability of courts on the ground, raise concerns in implementation of the security arrangements. Special considerations must also be elaborated for those at risk of secondary displacement.

The transitioning process must be centred on protection principles to guarantee the fulfilment of the human rights norms and safety of the residents of the POC sites. Joint coordination and planning between UNMISS and protection partners are essential for protection of those with specific needs. The



process must be transparent, informing the residents of the POCs of all actions and include them in the decision-making process.

Next steps

Mapping of government actors taking over responsibilities - Mapping of the governmental actors conducted jointly by UNMISS and humanitarian community both at the national level and on the ground, including the exact governmental institutions expected to take over responsibilities in:

- security and physical protection;
- social services;
- settlement of HLP issues
- access to justice.

Identification and support of IDPs with special protection needs - Some IDPs with special protection profiles will need to receive special support during the transitioning, particularly, those who moved to the POC sites, due to the fear of political and other forms of persecution. UNMISS and protection partners must establish joint mechanisms to assess and address cases with special protection concerns with clear referral mechanisms. However, do-not-harm approach shall be strictly ensured.

Conduct protection risk assessment - A protection risk assessment are being conducted to take a snapshot on protection concerns and situations. The Protection Cluster and UNMISS are to work with protection partners to identify the risks for these IDPs (protection or security risk) to define an individual targeted approach for each case.

Revise ToRs on transitioning process, which assigns responsibilities of UNMISS and humanitarian partners working in the POCs - ToRs for humanitarian partners working in the POC sites (drafted in 2019) need to be revised. With the re-designation of the sites and the transfer of control, the ToRs that define the engagement between UNMISS and the humanitarian organizations working at the POCs need to be revised to reflect the new configuration of the sites.

Revise the HCT return checklist - The HCT return checklist should be revised to reflect realistic actions that can be undertaken by humanitarian organizations. The checklist should continue to highlight mandatory benchmarks, including voluntariness, safety and dignity. Assessments for ensuring the completion of the benchmarks should be conducted in a community level.

Recommendations

- UNMISS Security Risk Assessments (SRA), which reported to be conducted previously, needs to be updated as a joint process with UN agencies.
- UNMISS to ensure that IDPs aren't forced to flee the PoCs/transitioned sites stated in the MOU between UNMISS and respective governor.
- Ensure family unity and prevent family separation: Every child has a right to family life and family unity is essential for a child's development and well-being. Therefore, any humanitarian action which will disrupt the parent-caregiver relationship can be highly traumatic to children, with negative long-term consequences for their safety and development, including increased risk of exposure to violence, abuse and exploitation. Unaccompanied children and other vulnerable children should be immediately referred to relevant Child Protection Actors



- Ensure the GBV concerns are seriously considered by all parties including provision of force protection by UNMISS and including holding perpetrators accountable. The respective concerns and/or reported incidents of GBV have to be channeled to the designated GBV actors as per the referral pathways in line with the GBV guiding principles and survivor centered approach;
- Improve communication and community engagement strategy, information sharing and involving IDPs in the decision-making process – the transitioning process must occur in a transparent and inclusive way. Consultations with residents of the POCs must increase, involving protection partners in joint communication to ensure two-way communication with the IDPs and unified content of the messages.
- Consider HLP issues and inclusiveness of GBV considerations with responses including legal redress in the transitioning process, including on returns and relocations, the transitioning may increase the risk for HLP issues, including:
 - the status of land plots, where some of the POCs are located, and risk of forced evictions;
 - ensuring the HLP rights for those, who will decide to return, as in places of origin or of habitual residence, many IDPs have had their houses occupied and others destroyed, which requires further assistance from partners. The transitioning process should be gradual to allow proper support for those IDPs with HLP issues. Particular attention has to be paid to the laws and customs, prohibiting women and girls from owning or inheriting HLP, widows and separated/divorced women are often particularly vulnerable because they may not be documented as heads of households with land tenure rights, thus being subjected to forced marriages or obligated to stay in violent domestic situations.
- Consider strengthening mechanisms of access to justice. Inadequate level of presence and capacity of judicial and prosecution staff, including for juvenile justice, limited resources, destroyed infrastructure (court buildings, police stations, juvenile reformatory centers) and equipment constitute the major obstacles across the country. This compounded by low levels of transparency and accountability in discharging functions, pluralism in the legal systems with variety of community and clan-based dispute resolutions mechanisms, which create low public trust in the justice sector.