



2. Evictions in Mogadishu and impact on civilians

2.1. Policy framework

International human rights standards on evictions are embodied in the Basic Principles and Guidelines on Development-Based Evictions and Displacement by the UN Office of the High Commissioner for Human Rights (OHCHR, 2007). These include the evictees' rights to information, consultation, sufficient notice, protection from (illegal or disproportional) use of force, protection from direct or indiscriminate attacks or other acts of violence, access to remedies, including compensation and relocation/resettlement.[165](#)

In 2012, a first Compact on the Protection Against Evictions of Internally Displaced Persons in Mogadishu - in line with OHCHR principles - failed to be endorsed by the government. Building upon it, in 2014, the Ministry of Interior and National Security of the FGS developed a draft Policy Framework on Displacement within Somalia[166](#).[167](#) However, while such draft policy document provided 'far greater details on the definition of IDPs, the roles and responsibilities of various stakeholders, protection measures, approaches to protracted displacement and durable solutions', the document and its 'remarkably progressive approach'[168](#) also failed to be implemented.[169](#)

Finally, in December 2019, the FGS adopted the National Policy on Refugees-Returnees and Internally Displaced Persons,[170](#) the National Eviction Guidelines,[171](#) and the Interim Protocol on Land Distribution for Housing to Eligible Refugee-Returnees and IDPs,[172](#) which were developed with support from IDLO. The new National Policy groups together all persons of concern - IDPs, refugees and returnees - and seeks to protect them from further displacement while providing support towards finding durable solutions.[173](#) In the frame of this policy, refugee-returnees and IDPs 'are Somali citizens or habitual residents of Somalia', and 'remain equally entitled to all constitutional and human rights as granted to other citizens, without discrimination'.[174](#) In combination with this, according to the Eviction Guidelines, the FGS and the Somali competent authorities are responsible for refraining from and protecting against, 'arbitrary and forced eviction of occupiers of public and private properties, from homes, encampments and lands' and for protecting the human right to adequate housing and other related human rights.[175](#)

However, as reported by various sources, implementation and enforcement of the legal and policy framework in force, including the eviction guidelines, remains challenging.[176](#) For further information on these challenges see section [2.3 Recent instances of evictions in Mogadishu](#) and section [2.4 Impact of evictions on the general population and vulnerable minority groups](#).

- [165](#)

UN OHCHR, Basic Principles and Guidelines on Development-Based Evictions and Displacement, A/HRC/4/18, 2007, [url](#), para. 37-68

- [166](#)

Somalia, FGS, Policy Framework on Displacement within Somalia, 2014, [url](#)

- [167](#)

Mahad Wasuge et al., Land Matters in Mogadishu, 2017, [url](#), pp. 85-87

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- [169](#)

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