

STATEMENT UPR PRE-SESSION ON UGANDA, 8TH DECEMBER 2021 DELIVERED BY: LUTHERAN WORLD FEDERATION.

1- Presentation of the Organisation

This statement is delivered on behalf of Lutheran World Federation Uganda, a Country program of the larger Lutheran World Federation (LWF), an international organization based in Geneva, Switzerland. The Lutheran World Federation World Service offices in Uganda is dedicated to working against poverty, promoting justice and defending human rights, encouraging community empowerment and self-reliance.

LWF Uganda heads the Refugees, Asylum Seekers and Post- Conflict Communities cluster under the National Stakeholders' Forum on the UPR. The cluster consists of about 30 organizations both local and international, with some refugee led and refugee founded and jointly undertakes advocacy and monitoring initiatives aimed at assessing and complementing the efforts of government of Uganda in the implementation of the UPR recommendations that affect the refugees and post conflict communities.

LWF has participated in UPR processes at the national level since 2015 and submitted two reports for the 2016 review and the upcoming one in 2022.

2- National consultations for the drafting of the national report

Compilation of this report involved consultation through 8 focus group discussions and 3 activity-based workshops with the key stake holders including refugees and refugees' Welfare Councils, refugees' host communities, post conflict communities and civil society organisations plus one validation workshop. Representation from government Ministries, agencies and departments included local government leaders, the office of the Prime Minister, Ministry of Gender Labour and Social Development, the Judiciary, Uganda Prisons and the Uganda Police Force.

3- Plan of the Statement

This statement addresses the following issues:

(1) Rights of women and girls (2) Access to justice. (3) Right to livelihood and health

4- Statement

I. Violence against refugee, host, and post-conflict women and girls.

A. Follow-up to the first review

During the first review in 2011, Uganda had only one recommendation that was directly linked to refugees made by Holy See on "Improving the living conditions of refugees in Uganda". It was quite broad and general in nature and very hard to evaluate whether the recommendation was implemented by government. However, in the second cycle Namibia gave a specific recommendation for active measures to be taken in elimination of gender-based violence against women, specifically refugee women, and take immediate appropriate measures to eliminate all forms of discrimination against women, in line with the Convention on the Elimination of All Forms of Discrimination against Women.

Gender Based Violence continued to escalate among the refugees, host communities and post conflict communities with worrying statistics during the COVID-19 Pandemic. Uganda Police crime reports indicates a significant surge in GBV cases with an average of 2,707 cases of sexual and gender-based violence reported every month from March to June 2020. Child marriage and sex for survival became more common among refugees during the pandemic because of severe economic hardship and reduced food assistance.

B. New developments since the first review

Since the last review, the government has taken initiatives to ensure that key leadership positions constitute at least the minimum number of women. Representation of refugee women in the local community structures such as refugee

welfare councils and local council courts leaders for their host counter parts. By July 2019 there was 50.6% female representation in the Refugee Welfare Council leadership in Adjumani and other settlements.

In 2021, Parliament passed the Succession Act (Amendment) Bill and the Sexual Offences Bill. The Succession Act (Amendment) Bill seeks to remove sections in the Succession Act, that discriminates against women and girls and promote their rights to inheritance, the Sexual Offences Bill addresses long standing issues with regard to sexual offences. However, the president deferred signing off the two bills into law and referred them back to Parliament for reconsideration.

A National Plan of Action on Sexual and Gender Based Violence and Violence Against Children 2019/30 was developed with the sole purpose of ending gender-based violence and violence against children in Uganda.

Economic empowerment of refugee women in most settlements where they are employed as community-based facilitators and hygiene promoters to create awareness on sexual reproductive health rights, this improves the overall economic status of households and reduces instances of economic exploitation of women and other forms of GBV.

Women in the refugee and host communities can choose their own marriage partners, have some level of control over land and those with ability can purchase and own land and are free to register like their male counterparts.

Uganda has made strides to facilitate capacity building of police officers and health workers in Adjumani, Obongi, Lamwo and Rwamwanja settlements including Police Criminal Investigative Departments, DPC, Offices in charge of police stations, Child Family and Protection Unit officers, midwives and clinical officers from the settlements, host and post conflict communities to ensure an integrated package for GBV prevention and response like case management and evidence gathering.

National efforts to combat violence against refugee women and girls includes organizing community dialogues in the settlements and host and post conflict communities, using music, dance and drama aimed at promoting SGBV awareness, media campaigns (radio, TV and social media) during 16 days of activism and International Women's Day celebrations.

Through the Office of the Prime Minister (OPM) and UNHCR police posts have been provided vehicles and motorcycles to enhance their patrol capacity within the settlement and introduced community policing using the refugee welfare council systems to ensure that SGBV cases are identified and addressed.

As a way of fulfilling its obligations of reporting to the treaty bodies specifically CEDAW, the government of Uganda has submitted the state progress report to the Committee on Elimination of Discrimination against women for the upcoming review in 2022.

The gaps identified:

Although a National Plan of Action for Sexual and Gender Based Violence and Violence Against Children 2019/30 was developed, the teenage pregnancy rate of 25% in Uganda is worrying. This high prevalence of teenage pregnancies coupled with perpetrators going unpunished for their wrongs as parents settle for compensation in disregard of the law due to poverty hindering gender justice. Further Police crime reports indicated that over 2,300 schoolgirls were pregnant and over 128 were married off during the 2020 COVID-19 lockdown, an increase of over 80% from the cases recorded in 2019. In Pader district it is reported that by March 2021 there were 1,996 teenage pregnancies. Yet victims especially women and girls do not report these cases in fear of stigmatization.

Much as there are government measures and several domestic laws that combat gender-based violence and violence against children including the Domestic Violence Act (2010), The Prevention of Trafficking in Persons Act (2009), the children' Act as amended 2016, Penal Code Act CAP 120 and the Prohibition of Female Genital Mutilation Act 2010, there is ignorance in the communities about the existing government initiatives and individuals' rights and limited awareness of the law.

Weak access to justice and human rights enforcement mechanisms in the communities for instance victims are asked to provide fuel for police vehicles before response to their complaints can be made. As a result, perpetrators are not held accountable for their wrongs and impunity seems to dominate the refugee and post conflict communities.

Weak implementation and gaps in the applicable legal framework as well policies. Although there have been significant developments of the legal framework and policies, there are significant gaps with regards to its dissemination and implementation.

C. Recommendations:

We therefore recommend that the Government of Uganda:

- a) Continue to take progressive steps that aim to empower women, socially, politically and economically in refugee and local communities through programme planning, implementation and monitoring.
- b) Government should reconsider the passing of the Sexual Offences Bill and the Succession (Amendment) Bill upon review to enable the fight against gender-based violence in Uganda, access to justice for GBV survivors and protect property rights of women and girls.
- c) Strengthen the capacity of the judiciary and other justice institutions to timely respond and prosecute perpetrators of gender-based violence against refugee women and refugee host and post conflict communities so as to end impunity for the violations.

III Right to Education for refugee children, host and post conflict communities.

A. Follow-up to the first review

Many countries during the previous review gave general recommendations regarding education, but there were no explicit recommendations save for Libya that asked Uganda to continue increasing the enrolment rate of children in primary schools and achieve equal gender opportunities, particularly in setting up policies that strengthen the rights of girls in education and provide education to all those who have been deprived (vulnerable groups), and improve the quality of the public education system.

With the onset of the global COVID-19 pandemic and as part of its efforts to reduce the spread of the virus through social distancing measures, the Government introduced home study initiative and provides study materials to students in Uganda to continue their education from home.

B. New developments since the first review

Government developed the *National Education Response Plan (2018-2021)* to ensure that all refugee and host community children and adolescents across Uganda have access to quality education at all levels. By 2019, 56.5% of school-age refugee children were now in education, compared to 43% when it launched.

The Government constructed and renovated classrooms and other facilities such as laboratories and toilets in the affected communities through programmes such as the Development Response to Displacement Impacts Project.

By close of the year 2020, in the refugee settlements of Kyaka, Rwamwanja and Bidibidi, 15,215 children (7420 Males, 7795 Females) accessed early child development education, 82,308 children (43686 males, 38622 females) accessed primary education, and 10,184 Refugee children (7148 Males, 3036 Females) accessed secondary education in Kyaka, Rwamwanja, Bidibidi and Palorinya respectively.

All if not majority of age going children within the settlements and host communities have been enrolled in schools, children with disabilities have been enrolled into different schools and sign language teachers recruited in Rwamwanja Kamwenge district.

The gaps identified:

Access and realisation of the right to education is still very difficult with very long distances between homes and schools making education unfavourable with far-reaching ramifications for the girl-child, high school drop-outs and there is congestion with a very high teacher-student ratio of for instance the average current pupil: teacher ratio in primary schools is 85:1 in refugee hosting schools and 60:1 in non-refugee hosting schools in the target districts.

Primary schools within the host community are already oversubscribed with 120.8% gross enrolment, indicating a large number of overage children within the schools. This coupled with half of all primary aged refugee children being enrolled in primary schools has resulted in congestion and poor conditions in the classrooms. This makes learning difficult for all, and particularly difficult for learners with disabilities, who may need additional support. In Bidi Bidi settlement in Yumbe, and Imvepi settlement in Arua district, the pupil teacher ratio rose to 94:1 and 133:1 respectively.

C. Recommendations to the Government of Uganda:

a) Strengthen and enhance access to education services for the refugees by improving on infrastructure including toilet facilities, roads to ease access, physical structures to accommodate increased numbers of pupils and students enrolling for education and increased numbers of teachers in refugee and post conflict communities.

b) Support and strengthen girl child education in refugee settlements and post conflict communities through deliberate programmes that promote girls' and boys' child sex education and provision of incentives that promote their education including through the provision of safe spaces for the girl-child, provision of sanitary towels, skilling them to make reusable sanitary towels and community sensitization on the importance of education for the girl child

c) Proactively take measures that not only provide but also support and strengthen the provision of food for school feeding programs including in refugees' and post conflict communities

IV. Access to justice for refugees, host and post conflict communities

A. Follow-up to the first review

Although but there were no explicit recommendations regarding access to justice for refugees, asylum seekers host and post conflict communities, save for Zambia, that called for separation of juveniles from adults in detention and rehabilitation centres generally.

With the COVID 19 pandemic that led to lockdown, access to justice was affected since movements were limited and court hearings put on halt for some time. In addition to over congestion in prisons due to backlog of cases.

B. New developments since the first review

Government of Uganda is commended for taking necessary measures to ensure that children are separated from adults while in detention. This is more common in police cells.

Construction of protection house and juvenile holding center in partnership with non-governmental organizations in Kamwenge district to accommodate juvenile offenders in 2018 and established child protection committee cluster heads and refugee welfare councils who identify and take up cases of child abuse and neglect within the settlements.

To enhance this right, government has also strengthened community policing and in 2019/2020 organised a community policing programme in ten refugee settlements of Isingiro, Adjumani (163), Yumbe (123), Kikuube (98), Arua (50) and Kiryandongo (131) totalling to 600 refugees (150 females and 450 males) attended.

Government put in efforts to improve on the court system through provision of paralegal services as well as empowering local council courts to solve small differences in communities and also enacted the Human Rights enforcement Act 2019 as a means to promoting access to justice by making perpetrators personally liable for human rights violations.

Further, Government through the Justice Law and Order Sector and in partnership with Lutheran World Federation and ALIGHT conducts mobile court sessions within the settlements. For example, out of 20 cases 19 were completed in Kyaka II and 56 cases of which 47 were completed in Nakivale in 2019/2020.

Government has placed Probation and Social Welfare Officers in the affected communities and have supported juvenile justice such as representation of refugee children in courts. This is done in Pader, Adjumani and Kamwenge districts.

The gaps identified:

The remand homes for detention of children are very limited with one remand home in some cases serving five or more districts which are usually very far apart. This gap in juvenile justice also undermines diversion which aims at child reformation due to separation from native communities and parents.

The refugee and post conflict communities face access to justice challenges including, long periods taken during investigations, inadequate detention facilities despite efforts by development partners that have set up a few such as in Maaaji II refugee settlement in Adjumani district, detention beyond mandatory law periods without trial, language barrier, long delays of 4 to 10 years before judgement is made and absenteeism of judicial officers including judges and magistrates and absence of Courts such as in Adjumani district, there is no Chief Magistrates Court and High Court sessions were last held in 2018. The recent one is being held in November 2021.

High transport costs and poor road networks, corruption, high legal fees and under funding and understaffing of the justice sector which has worsened case backlog.

C. Recommendations to the Government of Uganda:

a) Establish more juvenile detention facilities especially remand homes in refugees and host communities and fully support the judiciary to facilitate juvenile justice by providing resources such as funds to set up systems that promote safety of the child during court proceedings or processes.

b) Take progressive steps towards enhancing access to justice in refugees and host communities as well as in post conflict communities by constructing court premises and organizing more High Court sessions, appointing more court officials to preside over cases, improvement on the road infrastructure to ease access to courts, providing court language interpreters to ease court processes.

c) Fast track the enactment process of the National Legal Aid Bill 2020 to enable access to justice for the poor, vulnerable and indigent including refugees in Uganda.

V. The right to Livelihood

A. Follow-up to the first review

In the first UPR, there was no recommendation on this except the general one however in the 2016 review Serbia gave two recommendations in one that Uganda continues its efforts to improve the livelihood of refugees and IDPs by taking measures aimed at further improving the health-care system in refugee settlements, ensuring that all refugees attain the highest level of access to health services

We commend the Government of Uganda for continuing to host refugees and seeking to meet its obligations under the Comprehensive Refugee Response Framework (CRRF) and progressive refugee policy that permits refugees to own land and engage in economic activities to boost their resilience, opening up access to local services, providing land and allowing greater integration of refugees with local populations.

B. New developments since the last review

During the period under review, at least 13 new refugee settlements were gazetted for settling refugees, 209,224 acres of land demarcated for refugee settlements due to the significant increase of numbers of refugees in the last five years. Through this, they can undertake economic activities thus promoting peaceful co-existence by enabling refugees to access land for agricultural production.

Uganda has provided refugees with plots of land in rural settlements, allowing them to engage in subsistence farming. Vibrant and entrepreneurial markets have emerged in many of its main refugee settlements in the south-west of the country, notably in the Pagirinya Nakivale, Kyangwali, and Kyaka II settlements. Refugees who wish to live in cities like Kampala are able to do so, provided that they give up access to nearly all assistance

Government has promoted peaceful co-existence by enabling refugees to access land for agricultural production. The local leaders in the community have also been engaged in dialogue meeting with refugee's leaders in offering land to the refugees and signing MoUs between refugees and land owners.

The government launched the *Jobs and Livelihoods Integrated Response Plan for Refugees and Host Communities in 2021*, which will be implemented from 2020 to 2025 and this builds on existing frameworks that address the well-being of refugees and host communities. This fosters peaceful coexistence and economic interaction between refugees and host communities, sustainable economic opportunities created in 13 refugee-hosting districts for improved competitiveness and inclusive growth of refugees and host communities, Food, nutrition and income security of 486,861 refugee and 1,152,087 host community households improved by 2025 and skilled refugees and host communities capable of harnessing employment opportunities in the country by 2025.

The government has played a key role by linking the refugees to the financial institution for credit accessibility and enabling different financial service institutions and micro finance to operate within the refugee's community for easy access of financial services like saving, loan borrowing by the refugees and other transactions.

Government has allocated livelihood zonation for the implementing and operating partners in a given zones or settlements. This has enabled equal distribution of resources to refugees across the settlements.

The gaps Identified:

The land given to refugees is not enough to support settlement including construction of shelter and farming of food for family survival. the government provides land, assigning small plots measuring 30 square meters. This is not sufficient for survival and therefore unsustainable.

Besides the challenge of a reduction of the monthly stipend to UGX 19,000 per individual and a 30% reduction of the food ratio given to refugees and other services due to the drastic drop in humanitarian funding. The most vulnerable women, children and the elderly are increasingly at risk of becoming malnourished, which can in turn impact their immune systems and make them more likely to be infected by disease, amidst a COVID 19 pandemic.

By March 2021, the employment rates for these communities had dropped to 32 per cent, falling by 24 percentage points in comparison to pre-lockdown times. In contrast, after an initial drop, the host community's employment rates were able to return to pre-pandemic levels.

Food insecurity among refugees measured as the share of households that have run out of food was much higher than among their host communities (64 versus 9 per cent). Refugees were forced to reduce the amount and frequency of meals eaten in a day.

The host communities and post conflict communities have underlying land use issues with men having upper control in comparison to women. In some instances, land which is used for family survival has been sold off by men, which usually escalates into conflict

C. Recommendations

a) Office of the Prime Minister to work hand in hand with the host communities to find more land and amicable ways of allocating land to refugees that is sustainable so as to minimise on possible land conflicts.

b) Take measures such as through boundary demarcation for refugees', and land rights awareness raising to ensure protection, peaceful and sustainable land use in post conflict communities especially between families including spouses.

VI. The right to health for the refugees, host and post conflict communities

A. New developments since the last review

Government has constructed, upgraded and made available drugs in the health centres like in Pagirinya health centre II Adjumani district, immunization and registration of refugee children, conducting of community health outreaches, training of village health teams in various villages to support communities with managing minor medical needs and constructing some boreholes to facilitate access to safe and clean water in sub counties of Latanya and Acholibur in Pader district. Refugees are also accessing COVID 19 vaccination just like their hosts counter parts in the settlements in Uganda.

Refugees are also accessing COVID 19 vaccination just like their hosts counter parts in the settlements in Uganda as a result of government interventions.

Government has through partnership with development partners established health centres to better the women's maternal health in the settlements. In 2020, the Constitutional Court ruled that the right to health is constitutional right for which government should undertake reasonable steps and measures to ensure its realization by the citizens. **In the case of Center for Health Human Rights and Development (CEHURD) and 3 Others v Attorney General, Constitutional Petition No. 16 of 2011.**

The gaps Identified:

Absence of transport inform of Ambulances in case of emergencies, lack of essential drugs, and medicines in health facilities due to limited supply and theft by staff, inadequate medical staff and discrimination, self-imposed health policies to attend to specific categories on given days and lack of enough clean, safe and portable water. These challenges have resulted in denial or limited enjoyment of the right to health.

Refugees, host and post conflict communities face major challenges lack of enough water due to broken down water sources like in Kikurra Rwamwanja settlement, long distances to health facilities yet with poor access roads.

C. Recommendations

In order to address the issues faced by refugees, asylum seekers and post conflict communities, we make the following recommendations to the Government of Uganda:

- a) Establish new, and revamp the near failing health facilities in refugees and host communities and post conflict communities, and ensure these health facilities are functional and supplied with requisite health material and equipment.
- b) Take appropriate measures to ensure provision of sexual and reproductive health services for women and girls, including family planning services, contraception, and pre-natal and post-natal care.
- c) Take steps to better maternal health by improving the road network and providing standby transport to facilitate timely access to health centres and referrals for women refugees and the local communities during labour of child delivery.
- d) Enhance the remuneration packages and employment benefits for health workers in refugee communities and post conflict communities to improve health services delivery.

Many thanks for your attention.