

1. Introduction

2. Refugees and Asylum Seekers are entitled to the same measure of protection and respect for rights of the individual. Similarly, the status of rights of refugees' host communities is key for purposes of establishing non-discrimination and equality in the enjoyment of rights. Akin to refugees' rights and those of host communities are the post conflict communities who have had similar experience in the human rights arena.
3. Uganda received 226 recommendations in the second cycle held in November 2016 of which it accepted 148 and noted 78 recommendations. Of these recommendations, three were specific to refugees and asylum seekers while eight other recommendations related to issues that directly affect refugees, asylum seekers and individuals in host and post-conflict communities.¹
4. This report assesses the status of rights in regards to refugees, asylum seekers, refugees host communities and post conflict communities in Uganda. It also assesses on Uganda's implementation of the recommendations made to it in the 2nd cycle in 2016. It also highlights the existing gaps and scores ways through which the gaps can be addressed to better Uganda's human rights record in regards to refugees, asylum seekers and individuals in host and post-conflict communities.

I. Methodology

5. The compilation of this report involved consultation with the key stake holders including refugees and refugees' Welfare Councils, refugees' host communities, post conflict communities and civil society organisations. Representation from government Ministries, agencies and departments included local government leaders, representatives from the office of the Prime Minister, Ministry of Gender Labour and Social Development, the Judiciary, Uganda Prisons and the Uganda Police Force. The different areas visited included the districts of Kamwenge, Pader, Adjumani and Kampala in Western, Northern, West Nile and central parts of Uganda respectively. The consultations included interviews based on questionnaires with open ended questions, 8 focus group discussions and three activity-based workshops were conducted. A validation workshop with the stakeholders including civil society actors and representatives of refugees, refugees' host communities and post conflict communities was held to share the findings, assess the report to establish gaps and solicit information to close the gaps.

II. Updates from the Previous Review

6. In 2016, Uganda was reported to be hosting 646,465 refugees in refugee settlements and urban areas from Burundi, the Democratic Republic of Congo and South Sudan.² By May 2021, the refugee and asylum population in Uganda was placed at 1,494,505 with the Democratic Republic of Congo, and South Sudan as the main contributors.³ Of this number, 1,471,990 are refugees

¹ Human Rights Council, Thirty-fourth session 27 February-24 March 2017, "Report of the Working Group on the Universal Periodic Review," <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/441/95/PDF/G1644195.pdf?OpenElement>

² Republic of Uganda Joint Submission to the UN Universal Periodic Review 26th Session of the UPR Working Group 31 October – 11 November 2016—Refugees and Post Conflict Communities, available at <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=2992&file=EnglishTranslation> (accessed June 10, 2021).

³ UNHCR, "Refugee Statistics May 2021," available at <https://reliefweb.int/sites/reliefweb.int/files/resources/Uganda%20-%20Refugee%20Statistics%20May%202021.pdf> (accessed June 10, 2021)

while 22,515 are asylum seekers.⁴ Women and children constitute the highest number 1,205,495 (81%) while the elderly are 41,507 (3%).⁵ Of the total, females total to 769,939 (52%) while youth total to 352,526 (24%).⁶ The total number of households for the refugees are 375,715.⁷ Those who live in settlements are 1,401,776 (94%) while those living in urban areas account for 92,729 (6%).⁸

7. Uganda has a progressively enabling legal and policy framework especially the Refugee Act of 2006 that facilitates the enjoyment of rights and freedoms of refugees and asylum seekers including movement and employment, access to education, health and courts, ownership and transfer of property, right to associate though exclusive of political actions, rights of children and women.⁹ This framework is in line with the Geneva Convention relating to the Status of Refugees, 1951, the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, 1969, Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. Uganda in 2019 also adopted the Data Protection and Privacy Act which protects privacy of the individual.
8. In 2016, United Nations Summit for the Refugees declared Uganda 's policy a model and the country has moved a step forward by adopting the Comprehensive Response Framework (CRRF) in a bid to realize the triple nexus of humanitarian, peace and development and has integrated the refugee response into key sectors and the National Development Plan 111(NDP 111)
9. Uganda currently hosts the largest number of refugees and asylum seekers in Africa. Uganda's open policy is commendable as men, women and children at most risk of conflicts and natural disasters are allowed into the country.¹⁰ 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
10. COVID-19 has fundamentally affected the refugee settlements including their rights and social economic life. Uganda has proactively tested 8219 refugees of which 503 tested positive, 419 fully recovered while nine are the registered fatalities.¹¹ In March 2020, Uganda responded to the COVID pandemic by closing borders to new refugees and asylum seekers.¹² The borders were later reopened after government putting in place stringent procedures of screening the fleeing refugees for COVID-19 before entry into Uganda.
11. During the period under review, government was able to facilitate processes of refugee status determination and over 20 refugee eligibility committee sessions were conducted on a weekly basis and, 800 refugee applications were assessed on average for each year. Furthermore, over

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

⁹ Refugees Act 21 of 2006, available at

<http://www.judiciary.go.ug/files/downloads/Act%20No.%2021of%202006%20Refugees%20Act2006.pdf>

¹⁰ See for instance, Sulaiman Momodu, "Uganda stands out in refugees hospitality," Africa Renewal December 2018 - March 2021, available at <https://www.un.org/africarenewal/magazine/december-2018-march-2019/uganda-stands-out-refugees-hospitality> (accessed June 10, 2021).

¹¹ UNHCR Uganda Settlement COVID-19: COVID 19 statistics among the refugees in Uganda, available at <https://data2.unhcr.org/en/dataviz/153?sv=0&geo=220> (accessed June 10, 2021).

¹² UNHCR, "Uganda Refugee Response Influx Dashboard," available at <https://data2.unhcr.org/en/dataviz/68?sv=0&geo=220> (accessed June 10, 2021).

12 Refugee Appeals Board (RAB) operational sessions were conducted and 360 refugee appeals were assessed by RAB on an annual basis and at least over 80 asylum applications were rejected annually.

12. During the period, there were also coordinated efforts between the government and development partners to provide better services for refugees, host and post conflict communities. The services extended to education, water, health, sanitation, infrastructure, food aid and financial handout. Specifically, the Development Response to Displacement Impacts Project (DRDIP),¹³ Development Initiative for Northern Uganda (DINU),¹⁴ and NUSAF3¹⁵ have been key in pushing for social economic transformation of the affected individuals. A long side these programmes is the integration of the Sustainable Development Goals (SGDs) 2030 Agenda.
13. There was also support to voluntary repatriation for refugees. Hence the government held four Inter-ministerial repatriation commissions annually and carried out voluntary repatriation of 231 Burundian refugees in October 2020.¹⁶
14. It is worth noting that in September 2020, the Uganda government suspended 208 refugee aid organisations operations in the country over non-compliance with the laws leaving only 69 in operation.¹⁷ The reasons for suspension were cited as expired permits, running unauthorised projects and lack of memoranda of understanding with the office of the prime minister.¹⁸ Moreover, the suspension came at a time when there was influx of refugees especially from the violence haunted Democratic Republic of Congo and a surge of the COVID-19 pandemic.¹⁹
15. Despite the above developments, specifically the measures undertaken by government and development partners, refugees and host communities as well as the post conflict communities face a number of challenges that have undermined their rights that immediate action is eminent.

III. Right to education

16. The Government of Uganda has to be commended for some of the efforts it has undertaken with a view to improve the right to education for refugees, asylum seekers, host communities and post-conflict communities. For example, the Government constructed and renovated classrooms and other facilities such as laboratories and toilets in the affected communities

¹³ Office of the Prime Minister, "Development Response to Displacement Impact Project (DRDIP)," available at <https://opm.go.ug/drdirp/>

¹⁴ Office of the Prime Minister, "Development Initiative for Northern Uganda (DINU)," available at <https://opm.go.ug/dinu/>

¹⁵ Office of the Prime Minister, "Northern Uganda Social Action Fund (NUSAF) 3," available at <https://opm.go.ug/northern-uganda-social-action-fund-nusaf-3/>

¹⁶ ¹⁶ Office of the Prime Minister, "Refugee Management," supra.

¹⁷ Samuel Okiror, "Uganda suspends three-quarters of refugee aid agencies from operating," *The Guardian*, September 2, 2020, available at, <https://www.theguardian.com/global-development/2020/sep/02/uganda-suspends-three-quarters-of-refugee-aid-agencies-from-operating#:~:text=Uganda%20suspends%20three%2Dquarters%20of%20refugee%20aid%20agencies%20from%20operating,-This%20article%20is&text=The%20Ugandan%20government%20has%20suspended,agencies%2C%20including%2085%20international%20groups> (accessed June 10, 2021).

¹⁸ Ibid.

¹⁹ Ibid.

through programmes such as the Development Response to Displacement Impacts Project. Ministry of Education and Sports supported informal education like skilling and vocational trainings for post conflict communities and accelerated education programs for the refugees.

17. Furthermore, UNHCR through its implementing partner Finn Church Aid have supported refugee children in different settlements to access education. 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
18. 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 to continue their education from home. The Government also made efforts to provide meals in partnership with civil society organisations. However, 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, access to electricity and other sources of power to facilitate education process, provisions of meals is no longer operational, 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 districts²⁰.
19. 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, the pupil teacher ratio raises to 94:1 and 133:1 respectively.

Recommendations to the Government of the Republic 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) Take measures including balanced and free secondary education and increase access to university, technical and vocational education based on merit to benefit refugee communities including women and girls.
- (a) 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

²⁰ <https://data2.unhcr.org> documents (accessed June 13, 2021).

towels and community sensitization on the importance of education for the girl child.

- (b) 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

20. The Constitution of the Republic of Uganda imbeds access to justice in Article 28. Similarly, the Refugee Act provides for access to justice under section 29(1)(h). To enhance this right, government has strengthened community policing, taken 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.
21. 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, 20 cases of which 19 were completed in Kyaka II and 56 cases of which 47 were completed in Nakivale in 2019/2020²¹ which significantly brings justice nearer to the people and acts as a solution to the long distances (up to 80 km) to access formal courts. Government also in the years 2019/2020, organised a community policing programme in ten refugee camps of Isingiro, Adjumani (163), Yumbe (123), Kikuube (98), Arua (50) and Kiryandongo (131) totalling to 600 refugees (150 females and 450 males) attended.²² However, 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 Maaji 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.
22. The frustration of access to justice is further aggravated by discrimination between refugees and nationals in the administration of justice. Further, there is lack of relevant information on the justice processes, forceful extraction and obtaining of evidence by security agencies especially the police, long distances between litigants and courts making physical access difficult due to 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.
23. Government is also commended for taking necessary measures to ensure that children are separated from adults while in detention. This is more common in police cells. However, 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 children justice also undermines diversion which aims at child reformation due to separation from native communities and parents.

Recommendations to the Government of the Republic of Uganda

²¹ The Justice Law and Order Sector: Annual Report 2019/20, p.104, available at <http://www.oag.go.ug/wp-content/uploads/2021/03/OAG-PERFORMANCE-REPORT-2020-FINAL.pdf> (accessed July 12, 2021)

²² The Justice Law and Order Sector: Annual Report 2019/20, p.91, Ibid.

- (a) Establish more juvenile detention facilities especially remand homes in refugees and host communities as well as in post conflict communities to facilitate easy administration of justice for juvenile offenders.
- (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 organising 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) Specifically, strengthen local council courts through training and skilling of the members since they are closer to the affected communities to enable easier access to justice.
- (d) Equip the police with both financial and human resources especially female officers to better and strengthen their security initiatives including rapid response to community calls, sexual and gender-based violence policing, investigations, community policing in refugees and host communities and in post conflict communities.
- (e) 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.
- (f) Create a favourable environment that promotes civil society operations in refugee and post conflict communities including through repealing of regressive legislation and enactment of favourable laws and adoption of progressive policies and provision of incentives to facilitate smooth operations.

V. Right to Health

- 24. The right to health is not specifically provided for by the Constitution of Uganda. However, objective XVI of the national objectives and directive principles of state policy provides for access to health services, Article 39 provides for the rights to a clean and healthy environment and Article 34(4) makes reference to children's health while at work. The Health Sector Development Plan (HSDP, 2015/16 – 2019/20) set reduction of Maternity Mortality Rate (MMR) and sexual reproductive health rights as a priority, and as a result MMR reduced from 524 deaths in 2000/2001 to 368 in 2016.²³ Government in partnership with development partners has over the years undertaken measures to better the health of refugees, host communities and post conflict communities.
- 25. These include construction, upgrading and availability of some 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 Uganda²⁴.
- 26. Further, the Constitutional court in 2020 held that the right to health is a constitutional right for which government should undertake reasonable steps and measures to ensure its realisation by

²³ UDHS 2016 survey report. Uganda Bureau of Statistics (UBOS), Kampala; CEDAW, "Combined eighth and ninth reports submitted by Uganda under article 18 of the Convention, due in 2014,"

²⁴ <https://www.voanews.com/covid-19-pandemic/misinformation-clouds-ugandas-effort-vaccinate-refugees>

the citizens.²⁵

27. However, refugees, host and post conflict communities face major challenges including 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, 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 against locals in favour of refugees and asylum seekers, 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.

Recommendations to the Government of the Republic 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) Enhance the remuneration packages and employment benefits for health workers in refugee communities and post conflict communities to improve health services delivery.
- (c) Take all measures that promote equity and universal access to health services in the refugee communities and post conflict communities irrespective of nationality or status.
- (d) Improve access to clean, safe and portable water for the communities including refugees' and refugees' host and post conflict communities.
- (e) 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.

VI. Rights of the Child

28. Children must be protected from all harms at all times. The Constitution of the Republic of Uganda provides for the rights of the child in Article 34. The Children Act also enumerates the rights of the child. Government has enacted other laws that seek to protect rights of the child including the Refugee Act which in Section 32 accords refugee children the same treatment as nationals including the right to education.
29. The government has placed probation and social welfare officers in the affected communities and gone ahead to ensure that refugee children are registered and enjoy same rights as those of nationals including the right to food, health especially through immunisation and health care, access to water, access to justice such as representation of refugee children in courts, and two were South Sudanese Refugees between 2019 and 2020,²⁶ and construction of shelter known as protection house and juvenile holding centre in partnership with non-governmental organisations in Kamwenge district to accommodate juvenile offenders. Furthermore, government has established child protection committee cluster heads and refugee welfare councils who identify and take up cases of child abuse and neglect within the settlements.

²⁵ The Center for Health Human Rights and Development (CEHURD) and 3 Others v Attorney General, Constitutional Petition No. 16 of 2011 (Constitutional Court of Uganda at Kampala), available at <https://www.cehurd.org/download/7109/>

²⁶ The Justice Law and Order Sector: Annual Report 2019/20, p.65, supra.

30. However, numerous factors have curtailed the full realisation of children's rights. These include inadequate shelter leading to sharing of single shelters with their parents, misunderstanding of the difference between rights and duties of children, ignorance of child related legislation and child neglect.
31. As a result of COVID-19, children in refugees, host and post conflict communities have been exposed to sexual harassment, early marriages, early pregnancies²⁷ of up to 4,000 underage girls in Northern Uganda alone during COVID-19 lock down in 2020, unsafe abortions, school dropouts, child labour, drug abuse, rape and delayed child justice processes in waiting for COVID-19 certificates. Sexual abuse has been coupled with corruption where perpetrators of sexual violence are released due to financial advantage over the victims.
32. Rights of the girl child affect the girl child who is more vulnerable and prone to violation including through sexual harassment, denial of the right to education in preference of marrying them off and higher preference of boys in cases of inheritance. However, in some instances, the exercise of rights tends to favour the girl child in comparison to the boy child to the level of going offensive. For instance, in cases of child-to-child sex, the boy child is most times condemned and lies are usually made about the age of the boy child and defilement charges preferred against him. This causes controversies and renders injustice upon the boy child as opposed to shared responsibility of the joint conflict with the law.

Recommendations to the Government of the Republic of Uganda

- (a) Popularise and implement the existing national, regional and international laws on the protection of children against exploitation of refugee children and the locals.
- (b) Further strengthen the existing health care systems including through timely registration of the newly born and immunisation for refugee children and the locals.
- (c) 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.
- (d) Take deliberate efforts that aim to maximally enrol children in schools in refugee and local communities from primary through secondary to university.
- (e) Continue to support refugees by constructing more, better and habitable shelters to facilitate separation of children from parents or spouses from sharing same rooms.
- (f) Accord equal protection to the boy child in refugee and refugee host communities and post conflict communities against injustice handed on them in favour of the girl child.

VII. Rights of Women and Girls

33. Women's rights are provided for in Article 33 of the Constitution of the Republic of Uganda. The rights extend to equal treatment with men. The government has taken legislative measures to protect women including the Domestic violence Act, 2010, the Prohibition of Female Genital Mutilation, 2010, the National Women's Council Act as amended and the Human Rights Enforcement Act, 2019. The government has also taken initiatives to ensure that key leadership positions constitute at least the minimum number of women. For example, the current cabinet

²⁷ The Independent, "Over 4,000 Acholi girls made pregnant during lockdown," available at <https://www.independent.co.ug/over-4000-acholi-girls-made-pregnant-during-lockdown/> (accessed July 14, 2021).

composition is 43 percent women from the previous in which women constituted 27 percent.²⁸ Further, women today hold 33 percent of the Parliamentary seats and 46 percent of local government positions.²⁹

34. Government in partnership with others stakeholders like humanitarian organizations has created a voice for women. Representation of women in the local community structures such as refugee welfare councils and local council courts leaders for their host counter parts. They can choose their own marriage partners, have some level of control over land and those with ability can purchase and own land, in refugee communities and are free to register like their male counterparts. Further, today, girls who get pregnant are allowed to continue with school unlike in the past when it meant automatic elimination from school. In Pagirinya settlements Adjumani district refugee women are employed as community-based facilitators and hygiene promoters to create awareness on sexual reproductive health rights. Government has also through partnership with development partners established health centres to better their maternal health. In 2020, the Constitutional Court ruled that the right to health is constitutional rights.³⁰ In 2021, Parliament of Uganda passed the Succession Act (Amendment) Bill, the Sexual Offences Bill, and these await assent by the President to become law.
35. Despite the existing measures, sexual and gender-based violence and domestic violence, rape, defilement and sexual harassment is very common in the refugees and host communities and post conflict communities. The practice of harmful traditional practices and other forms of discrimination against women and girls continue to persist and are entrenched in the social and cultural norms and practices in most Ugandan societies where patriarchy is deeply rooted. GBV continues to escalate 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.
36. Furthermore, 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. Yet victims especially women and girls do not report these cases in fear of stigmatisation or loss of dignity. There is high prevalence of teenage pregnancies with perpetrators going unpunished for their wrongs as parents settle for compensation in disregard of the law due to poverty hindering gender justice. For example, in Pader district it is reported that by March 2021 there were 1,996 teenage pregnancies³¹. In some instances, women are obstructed from participating in meetings by their spouses.
37. While there are government measures such as laws, policies and initiatives, there is ignorance in the communities about the existing government initiatives and individuals' rights. This is coupled with weak access to justice and human rights enforcement mechanisms in the communities. In some cases, 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

²⁸ Jabulani Sikhakhane, "Women appointed to top positions in Uganda, but feelings are mixed," The Conversation, June 15, 2021, <https://theconversation.com/women-appointed-to-top-positions-in-uganda-but-feelings-are-mixed-162614> (accessed July 9, 2021)

²⁹ Ibid.

³⁰ Center for Health Human Rights and Development (CEHURD) and 3 Others v Attorney General, Constitutional Petition No. 16 of 2011, *Supra*.

³¹ <https://www.ntv.co.ug/news/national/Pader-registers-an-increase-in-teenage-pregnancies>

for their wrongs and impunity seems to dominate the refugee and post conflict communities.

Recommendations to the Government of the Republic of Uganda

- (a) Continue to take progressive steps that aim to empower women, socially, politically and economically in refugee and local communities including through programme planning, implementation and monitoring.
- (b) 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.
- (c) Take measures that aim to sensitise and raise awareness of all women in refugee settlements and post conflict communities on their rights and freedoms, duties and obligations.
- (d) Revise and translate laws and policies which affect refugee women and the local communities into local languages to enable easy community understanding and localised application.
- (e) 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.

VIII. Persons with Disabilities

38. Rights of persons with disabilities (PWDs) are provided for under Article 35 of the Constitution of the Republic of Uganda. The Persons with Disabilities Act, 2020³² has given effect to Article 35 of the Constitution and provides for the respect and promotion of the fundamental and other human rights and freedoms of persons with disabilities. Under the Refugees Act, Section 22 (2) (a) provides for applications requiring urgent attention in determining refugee status as including those made by persons with disabilities. Further section 48 provides for regulations which may be made by the minister for refugees in affirmative action of among others refugees with disabilities.
39. Over the years, government has taken affirmative action and enabled PWDs, both refugees and locals extra time within which to complete national exams. There are also disability special grants provided by government in sub-counties. Some schools like Pakele girls school in Pakele town council, Adjumani district for PWDs have been constructed in partnership with development partners and wheel chairs and other supportive materials given. PWDs are representatives on the different leadership structures of refugee welfare councils and local councils with the settlements and host communities
40. However, there are various challenges affecting PWDs in refugees, host communities and post conflict communities including negative cultural norms that are discriminative in nature, difficulty in access to public places like courts and justice with poor representation, stigma, discrimination in land use and, in employment. There are also very few schools for PWDs which is worsened by lack of trained teachers to handle PWDs, yet the illiteracy levels amongst PWDs remain very high. These factors have affected the social and economic lives of PWDs.

Recommendations to the Government of the Republic of Uganda

³² Available at <https://ulii.org/akn/ug/act/2020/3/eng%402020-02-14> and https://www.scribd.com/document/469890311/Uganda-Persons-With-Disabilities-Act-2019#download&from_embed

- (a) Work towards full implementation of the universal design to facilitate easy access to public places including hospitals, health centres, schools and toilet facilities by refugees and other persons with disabilities in refugees host communities and post conflict communities.
- (b) Strengthen implementation of laws and policies to address the needs persons with disabilities in refugees and post conflict communities including through the implementation of affirmative action for women and children.
- (c) Work in partnership with other stakeholders including development partners and civil society organisations to better the status of persons with disabilities in refugees' and host communities and post-conflict communities by providing wheel chairs to ease movements and ICTs such as the integration of Interactive Voice Response in mobile phone services and provision of other assistive technologies and their waiver from taxation.

IX. Land Use Rights

- 41. Though with the highest number of refugees in the region and with opportunity to provide land to the refugees, the government is largely constrained due to competing demand for land with the locals.
- 42. The land given to refugees is not enough to support settlement including construction of shelter and farming of food for family survival. While some land is given it is not sufficient for survival and therefore unsustainable. On the other hand, locals have raised concerns about encroachment on their land by refugees and have warned a possible outbreak and escalation of conflict between them and the refugees. 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.
- 43. Furthermore, 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. Land wrangles are also a common characteristic in the community.

Recommendations to the Government of the Republic of Uganda

- (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.

X. Registration of Refugees

- 44. Though Uganda has the largest number of refugees on the continent, the office of the Prime Minister through the department of refugee management in partnership with development partners like UNHCR and LWF has been working tirelessly to ensure that profiling and registration of refugees and asylum seekers including children is carried out promptly and at least 80 percent of refugees of 17 years and above have been issued with identity cards.³³ In the

³³ Office of the Prime Minister, "Refugee Management," available at <https://opm.go.ug/refugees/> (accessed June 10, 2021).

year 2019/2020, the National Identification and Registration Authority (NIRA) facilitated child protection through issuance of NIRA Birth Registration Certificates to 112,000 children aged less than 5 years across six refugee settlements and host communities of Kyangwali, Rwamwanja, Lobule, Rhino Camp, Ayilo, Pagirinya. Further, government has over the period laboured to ensure that all conventional travel documents requested by refugees are processed.³⁴

45. However, registration of refugees and refugees' children is currently flawed with some corrupt practices where refugees are demanded for payment before registration by some unscrupulous individuals. This has tainted the image of the Uganda government. Similarly, there has been delayed registration of some refugees since 2017. Yet still, identification and verification of record of refugees takes so long. This affects the status of refugees in the country and makes them vulnerable queries and at times to attacks

Recommendations to the Government of the Republic of Uganda

- (a) Put in place mechanisms including electronic means that swiftly promote registration, issuance of refugee identity cards and renewal of expired identification documents.
- (b) Proactively deal with cases of extortion and corruption in refugee registration processes by apprehending and punishing corrupt officials.

³⁴ The Justice Law and Order Sector: Annual Report 2019/20, p.105, supra.