



UGANDA 2016 - LOCAL INTEGRATION FOCUS

DURABLE SOLUTIONS FRAMEWORK

Overview – Key achievements and remaining gaps



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Front page: Photo by William Vest-Lillesoe, Kyaka II refugee settlement in Uganda, 2013

About ReDSS

The search for durable solutions to the protracted displacement situation in East and Horn of Africa is a key humanitarian and development concern. This is a regional/cross border issue, dynamic and with a strong political dimension which demands a multi-sectorial response that goes beyond the existing humanitarian agenda.

The Regional Durable Solutions Secretariat (ReDSS) was created in March 2014 with the aim of maintaining a focused momentum and stakeholder engagement towards durable solutions for displaced and displacement affected communities.

The secretariat was established following extensive consultations among NGOs in the region, identifying a wish and a vision to establish a body that can assist stakeholders in addressing durable solutions more consistently. ReDSS is managed through an Advisory Group comprising of 11 NGOs: DRC, NRC, IRC, World Vision, CARE International, Save the Children International, OXFAM, ACTED, INTERSOS, Mercy Corps and Refugee Consortium of Kenya with IRC and DRC forming the steering committee.

The Secretariat is not an implementing agency but a coordination and information hub acting as a catalyst and agent provocateur to stimulate forward thinking and policy development on durable solutions for displacement affected communities in East and Horn of Africa. It seeks to improve joint learning and research, support advocacy and policy development, capacity building and coordination.

About ReDSS Solutions Framework

ReDSS adapted the Inter-Agency Standing Committee Framework for Durable Solutions for Internally Displaced Persons to develop ReDSS Solutions framework, using 30 indicators organised around physical, material and legal safety to measure durable solutions achievements in a particular context. Addressing physical, material and legal safety of displaced people as a whole is critical in the search of durable solutions. The framework offers a snapshot in time to assess to what extent durable solutions for displaced populations have been achieved in a particular context.

A traffic light system has been developed to assess the status of each indicator. The traffic light provides a comparative assessment of conditions between the displaced and the host community. Green indicates that a durable solution can be achieved, orange indicates that the benchmark for a durable solution has not been met, red indicates that the benchmark for a durable solution is far from being met. White indicates missing data.

This review is part of a series aiming at piloting the ReDSS framework in different operational and policy contexts in the region, in order to test the indicators and to collect and record lessons learnt to adapt and improve it. The framework can be used as an analytical and programmatic tool and as a joint monitoring and evaluation tool to support coordination and identify gaps and needs of displacement affected communities. It provides common overall outcomes (minimum skeleton) and then detailed activities based on the result will be developed and adapted to the local context. The objective is to improve and standardize the generation and availability of relevant data and analysis to better and more consistently operationalize joint response plans based on evidence in the search of durable solution in East Africa. Further guidance will be developed to score and rate the indicators and to adapt the framework to different contexts.

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ACRONYMS

CPIMS	Child Protection Information Management System
DAR	Danish Assistance to Refugee Hosting Areas
DRC	Danish Refugee Council
FGD	Focus Group Discussion
IASC	Interagency Standing Committee
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICGLR	International Conference of the Great Lakes Region
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of the Red Cross
IMS	Information Management System
LWCs	Local Water Committees
OUA	Organization for African Unity
OPM	Office of the Prime Minister
NFI	Non Food Item
PWSN	Person with Special Needs
ReDSS	Regional Durable Solutions Secretariat
RLP	Refugee Law Project
ReHOPE	Refugee and Host Population Empowerment strategy
RWC	Refugee Welfare Committee
SCI	Save the Children International
UNCT	UN Country Team
UDHR	Universal Declaration of Human Rights
UNHCR	United Nations High Commission for Refugees
WASH	Water supply, Sanitation and Hygiene

INTRODUCTION

UNLOCKING SOLUTIONS FOR THE DISPLACED

Refugee movements and other forms of migration¹ continued to feature prominently in global news coverage in the first quarter of 2016. The total number of people displaced in the East Africa region was just over 11 million, with 3.2 million counted as refugees as reported by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in February 2016. UN High Commission for Refugees (UNHCR) reports that Uganda hosts 525,168 refugees and asylum seekers as of March 2016.²

Many of these refugees and asylum seekers have lived in displacement in Uganda for over 5 years, while at least 112,188 were newly displaced in 2015 alone.³ The situation in Uganda is not unique. Several of the displacement situations in the East and Horn of Africa today have lasted over 20 years, and the asylum space is constantly under pressure, with new influxes of persons fleeing from conflict, natural or manmade disaster. Governments and agencies are struggling, in an environment where displacement drivers are interlinked, to determine the status of the displaced. This focus may be necessary as roles and responsibilities of all actors towards the displaced differ according to status also in terms of supporting displaced persons in finding their 'Durable Solution'.⁴ Humanitarian, development, human rights and where conflict is the cause of displacement peace-building actors must work in tandem to address the challenges that arise when people are forced to flee their homes for any length of time, and particularly when their displacement becomes protracted. With the traditional durable solutions (voluntary returns, local (re)integration and resettlement) becoming increasingly difficult to achieve, protracted displacement remains a key challenge in the region, with basic rights and essential economic, social and psychological needs of refugees and asylum seekers remaining unfulfilled. Given that less than one per cent of the world's refugees were relocated to third countries last year, and that the protracted nature of the world's conflicts has meant voluntary return is not an option, some form of local integration in the place to where they fled, is often the default reality for most of refugees.

HOW TO DEFINE REFUGEES

According to Article 1 of the 1969 Organization of African Unity (OAU) Convention on Specific Aspects of Refugee Problems in Africa refugees are defined as:

"i)...every person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or who, not having a nationality and being outside the country of his former habitual residence as a result of such events is unable or, owing to such fear, is unwilling to return to it.

ii)...every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality." (OAU, 1969, Art 1 (2))

¹ Migration can be voluntary, or it can be forced or it can be both. Forced migration results in people being internally displaced, that is, displaced from their homes to another part of the country where they live; or externally displaced, forced outside the borders of their state of origin, seeking refuge. Mixed migration is result of mass movements of people, some of whom are forced to flee due to conflict or natural disaster, and others feel compelled because of economic/financial circumstance. See the UNHCR and World Bank's "Forced Displacement and Mixed Migration in the Horn of Africa." 2015. <http://pubdocs.worldbank.org/pubdocs/publicdoc/2015/7/892801436371029880/forced-displacement-horn-of-africa-Report.pdf>

² UNHCR. Uganda Monthly Refugee Statistics Update March 2016

³ http://reliefweb.int/sites/reliefweb.int/files/resources/2015December_UgandaInfo-graphMonthlyRefugeeSituationUpdate.pdf

⁴ A 'durable solution' is achieved when IDPs no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement. (IASC, 2010, p. 5) <http://www.unhcr.org/50f94cd49.pdf>

The above OAU definition expands on that of the UN Convention Relating to the Status of Refugees (Refugee Convention), which has been signed and ratified by most of the world (148 countries), and arguably its defining principle, that of 'non-refoulement'⁵, is now considered customary international law and therefore all states are required to uphold it. (Robins, S. 2013, 51).

In addition, all displaced persons are entitled to basic protections codified both in customary international law, and also, a host of international human rights conventions, such as the Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), International Convention on Economic, Social and Cultural Rights (ICESCR), as well as conventions protecting specific groups such as children, the aged and women. In addition, there are the Guiding Principles on Internal Displacement, now considered a global standard.

In addition to laws and principles between states, there are principles, codes of conduct and standards of practice to which humanitarian and development agencies adhere, such as the Protection Principles, the Sphere Standard, International Committee of the Red Cross (ICRC) International Federation of the Red Cross (IFRC) Code of Conduct, and the World Bank's Involuntary Resettlement Source Book.

Though the laws and principles exist, they do not prescribe how to ensure such protections are granted, nor how to ensure coherency across different regions and legal jurisdictions. There is, however, growing recognition that the traditional understanding of durable solutions for displaced persons must be malleable and is a process rather than a single action or decision.

UGANDA

Uganda is considered exemplary for its favourable 'out of camp' policies for refugees and asylum seekers from neighbouring countries, which includes the right to freedom of movement enshrined in their 2006 Refugee Act. (See more in sections on Legal and Physical Safety). The majority of those seeking refuge come from the Democratic Republic of Congo (42%) and South Sudan (39%) with significant populations from Somalia (7%), Burundi (6%), Rwanda (3%), Eritrea (2%) and approximately 1% respectively from Eritrea and Sudan.⁶

Refugees are mainly located in settlements in Kyaka II, Naikivale, Oruchinga, Kyangwali, Kiryandongo, Adjumani, Rwamwanja, Arua,⁷ with an approximate 14% registered in Kampala.⁸ These areas correspond with some of the poorest areas of the country, and in some areas, women who are considered a marginalised group, out-number men 5-1.⁹ It is therefore notable that communities already facing their own difficulties provide refugees with a warm reception on their arrival. Refugees who live outside of settlement areas are expected to be self-sufficient, and as such, their experience varies considerably from those who live in settlements.

Refugee and Host Population Empowerment Strategy (ReHOPE)

Unlike many other refugee-hosting countries in the region, Uganda has taken the lead in acknowledging the importance of connecting aid and development, in relation to the displaced. Some of the generally understood reasons for the settlement, as opposed to camp, policy¹⁰ as well as the Self-Reliance Strategy for Refugee-Hosting Areas in Moyo, Arua and Adjumani Districts and 2006 Development Assistance for Refugee

5 According to the Refugee Convention, non-refoulement prohibits states from "expell[ing] or return[ing] a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." (Refugee Convention, 1950, Art. 33(1)), <http://www.unhcr.org/3b66c2aa10.html>

6 http://reliefweb.int/sites/reliefweb.int/files/resources/2015December_UgandaInfo-graphMonthlyRefugeeSituationUpdate.pdf

7 UNHCR Monthly Refugee Statistics Update 31 March 2016.

8 UNHCR Monthly Refugee Statistics Update 31 March 2016.

9 Draft ReHOPE Strategy. Uganda UN Country Team. May 2015, p.16

10 Settlements are to be distinguished from camps in that, in line with its own Refugee Act and policy changes that took place in response to UNHCR's "Alternative to Camps Strategy", the government does not limit where and how refugees live and move within the country, and, as mentioned, it along with the host community provides plots of land to each refugee family, as opposed to simply a tent in a large settlement. The land they are given is formally theirs for the duration of their time as a recognised refugee living in the settlement.

(DAR) Hosting Area Programme¹¹ were said to be to ensure that development and aid work were linked, laying a foundation and framework for a joined-up approach.¹²

In order to address these and other challenges of refugee-hosting, the Uganda Government under the Office of the Prime Minister is now finalising an implementation strategy based on the multi-year Refugee and Host Population Empowerment (ReHOPE) strategy, in collaboration with UNHCR on behalf of the UN Country Team. The ReHOPE strategy plans to support resilience-building efforts targeting refugee-affected districts by implementing a coordinated, multi-sector programme. In addition, the government of Uganda has integrated refugees in the National Development Plan for 2016-20, through the Settlement Transformative Agenda.¹³

While strategies are in place for enhanced protection and improved standards of asylum for refugees, it remains paramount that a continuous and realistic appraisal of the conditions that promote durable solutions for refugees be made, to measure how far solutions have been achieved, and the challenges and/ or opportunities that exist for collaboration in attaining durable solutions.

EU Emergency Trust Fund for Africa

In November 2015, the European Union initiated a Trust Fund for Africa, with the Horn of Africa being one of three regions to where funds would be available. Its objective is to:

“...help foster stability in the regions and to contribute to better migration management. More specifically, it aims to address the root causes of destabilisation, forced displacement and irregular migration, by promoting economic and equal opportunities, security and development.” (European Commission, 2015, p.1)

Agencies in Uganda are now receiving these funds, which have the potential to help create an environment for durable solutions, in that unlike most funding, which is divided by humanitarian, development, human rights or peace-building work, the fund aims at work that would sit in each of these disciplines as it relates to migration and durable solutions.

OBJECTIVES AND RATIONALE

The Regional Durable Solutions Secretariat (ReDSS)¹⁴ seeks to examine the conditions for durable solutions for displaced persons in East and Horn of Africa, and to highlight the important roles and contributions of the various humanitarian, development, human rights and peace-building disciplines in creating favourable conditions in the search for durable solutions.

Affirming that the three solutions (voluntary repatriation, local integration or resettlement elsewhere) are processes¹⁵, ReDSS adapted the IASC Framework for Durable Solutions for IDPs to develop the ReDSS Solutions framework for displacement affected communities. It comprises 30 indicators organised around physical, material and legal safety¹⁶. The framework offers a snapshot in time to assess to what extent durable solutions for displaced populations have been achieved in a particular context. A traffic light system has been developed to assess the status of each indicator. The traffic light provides a comparative assessment of conditions between the displaced and the host community.

¹¹ Crawford, N., Cosgrave, J., Haysom, S. & Walicki, N. 2015. Protracted Displacement: uncertain paths to self-reliance in exile. Annex 8, p.54-71. HPG. ODI. Available at <<http://www.odi.org/publications/9906-refugee-idp-displacement-livelihoods-humanitarian-development>, accessed 22 Jan 2016]

¹² Draft ReHOPE Strategy. Uganda UN Country Team. May 2015, p.14

¹³ Government of Uganda, NDP II. 2015; Interview with Bafaki Charles, Office of Prime Minister, 13 April 2016/ibid, p.12

¹⁴ www.regionaldss.org

¹⁵ Page 8 of IASC Framework on Durable Solutions for Internally Displaced Persons specifically notes "...a long-term process of gradually diminishing displacement-specific needs, while ensuring that IDPs enjoy their rights without discrimination related to their displacement" and that, "a solution may become durable only years, or even decades, after the physical movement to the place of origin or place of settlement has taken place, or the decision to locally integrate has been made."

¹⁶ <http://www.regionaldss.org/research-and-information-management>

METHODOLOGY

Building on ReDSS previous research and Solutions Statements conducted in Kenya and Somalia, this review considers ReDSS 30 indicators against Uganda's policy and operational context and compares them against its Solutions Framework that offers a snapshot in time to assess the conditions for local integration in Uganda at the national level.

Bearing in mind the above-mentioned international conventions and standards and their applicability to the situation for refugees in Uganda, the review begins by providing three infographics with a traffic-light system, accompanied by an analysis divided by the ReDSS Framework's three thematic areas of Legal, Physical and Material Safety.

- Green means the indicator is well on the way to being achieved
- Orange means some obstacles exist and the indicator has not been fully met
- Red means the indicator is far from met
- White means no data and information
- White with grey dots means some data exist but it is incomplete

Each section outlines the relevant standards and the findings against the indicator groupings of: access to Documentation, Family Reunification, Participation in Public Affairs, Access to Effective Remedies & Justice, Safety & Security, Adequate Standard of Living, Access to Livelihoods and Housing, Land & Property. It concludes with a final traffic-light infographic that brings together each of the preceding three sections, and a written analysis of the broad opportunities and challenges for government, agencies, donors and others stakeholders working to support displaced persons in the search for durable solutions in Uganda, and provide some key recommendations. The rating for each indicator has been decided based on information available at the time of the review, consensus during validation workshops and subsequent information shared.

The review is a result of qualitative research, including a desk review of recent literature on the situation of the displaced groups in Uganda, as well as semi-structured and unstructured interviews with key stakeholders, including the Office of the Prime Minister in Kampala, local authorities in Adjumani, Kyaka and Arua, focus group discussions (FGD) with urban refugees and interviews with refugees and host communities representatives from Kyaka as well as two validation workshops involving government, refugee representatives, host communities representatives, NGOs, UN agencies, and donors.

CHALLENGES AND ASSUMPTIONS

By its nature, the Solutions Framework relies on quantitative and qualitative, subjective interpretation of the available information and taking into consideration the consensus on each indicator from validation workshops. Therefore, not every reader will read the information as presented and necessarily agree with the assigned rating. As the Solutions Framework is refined, the criteria for assigning ratings will also be further developed. The review confirmed what ReDSS members have clearly articulated and advocated — there is a great need for universal agreement on the indicators. Like the IASC Framework on Durable Solutions for IDPs, so should there be a high level framework for durable solutions refugees. The ReDSS Framework is an important step in that direction, however it became apparent during the course of the review that whilst ReDSS members, *who are a significant proportion of agencies working on displacement in the region*, agreed on the indicators, they are yet to be universally agreed in all countries and by all key agencies working on displacement, and as alluded to, require some refinement. Notably, because the indicators have not been agreed by the government in advance or by the UNHCR, it was difficult to gather quantitative data. It should be noted that finding overall figures, even without using pre-conceived framework, in relation to the assessment of the situation of refugees in Uganda was also highlighted as a key issue in a comprehensive study on protracted displacement by the Humanitarian Policy Group, which included Uganda as a case study.¹⁷

¹⁷ Crawford, N., Cosgrave, J., Haysom, S. & Walicki, N. 2015. Protracted Displacement: uncertain paths to self-reliance in exile. Annex 8, p.54-71. HPG. ODI. Available at <<http://www.odi.org/publications/9906-refugee-idp-displacement-livelihoods-humanitarian-development>>

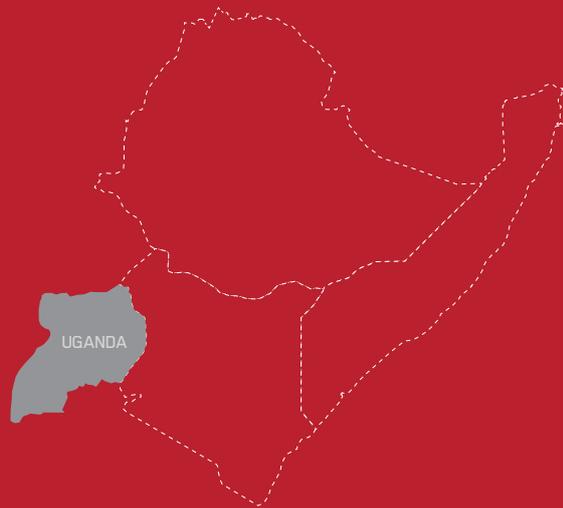
All indicators are based on comparisons to the resident population or national average, depending on the information available and/or against the international, regional or national legal standard specific to refugees. Comparative analysis with local populations and national standard in many cases was not available. UNHCR reported during the field visit that it was carrying out a comprehensive baseline study with the World Bank that may help to shed some light on these issues. It is also clear that the tool could be used to provide a localised snapshot of each refugee Settlement to better understand gaps and complement this national overview.

Currently, the indicators used are humanitarian in nature, which aim to achieve minimum standards, in comparison to areas where local standards were already of a low standard or to reduce displacement specific vulnerabilities, so that the displaced are on par with the local population however poor or disempowered. This raises questions of the 'quality' of durable solutions available in contexts experiencing or at risk of chronic crises.

In addition, over the course of the review, it became clear that some of the indicators from previous reviews of other contexts, which have IDPs and refugees were not relevant in relation to a refugee-only, such as "% participating in elections". Therefore two new indicators were developed under the sub-heading of Participation in Public Affairs in order to better measure needs specific to refugees.

Finally, as mentioned earlier, the majority of the refugee population resides in eight settlement areas, however approximately 15-20% are living in urban centres. Given that the Ugandan Refugee Act requires that they be self-sufficient, they receive no government sponsored assistance and very little private agency assistance. With that in mind, it was challenging to come up with an overall rating for the refugee population, as refugees living in and outside of settlements often have quite varied experiences.

SOLUTIONS FRAMEWORK UGANDA 2016



LEGAL SAFETY



Access to Documentation

No legal or administrative obstacles to obtain birth certificates, ID cards or other relevant personal documents

Mechanisms to obtain documents are accessible and affordable given the local context

% of refugees without birth certificates, ID cards or other relevant personal documents



Family Reunification

Mechanisms to reunite separated family members. No movement restriction to prevent reunification

Number of refugee children who haven't been reunified

Number of unaccompanied and separated refugee children who haven't received best interest determination when needed



Participation in public affairs

Refugees face no legal or administrative obstacles not faced by the resident population and/or other legal foreign residents related to freedom of expression; have a legally established participatory mechanism to effectively engage in public decision-making processes related to refugees issues that are sufficiently resourced, non-discriminatory and inclusive

No undue legal or administrative obstacles exist to naturalization/ assimilation for refugees



Access to Effective Remedies & Justice

Existence of accessible mechanisms that have the legal mandate and actual capacity to provide returnees /refugees with effective remedies for violations suffered, including violations committed by non-state actors

% who consider violations suffered have been effectively remedied and justice restored

All indicators refer to the attainment of benchmarks for a refugee / returnee in comparison to the host community

- The indicator is well on the way to being achieved
- Some obstacles exist and the indicator has not been fully met

- The indicator is far from met
- Data unavailable
- Incomplete data exists

LEGAL SAFETY

Uganda, a signatory to the Organization for African Unity (OAU) Convention on Refugees, not only has what is generally considered to be a progressive Refugee Act (enacted in 2006), but also, is considered in the forefront of the global movement to officially recognise IDPs, being one of the first countries in the world to have its own law on IDPs (2004) and being the site of the Kampala Convention. It was in Uganda in 2012, that the first continent-wide convention on the treatment of IDPs came into being. In addition, Uganda provides prima facie recognition to refugees from South Sudan and the Democratic Republic of Congo.¹⁸ Also, unusually in the region, refugees are by law explicitly allowed to have full freedom of movement, though there have been some instances where, in practice, movement is curtailed.¹⁹ Nonetheless, refugees and agency stakeholders all affirmed that there are very few barriers to freedom of movement for refugees, due in part to the clarity of the 2006 Refugee Act (Refugee Act) and the 2010 Refugee Regulations, and the generally hospitable environment for refugees in the country. Furthermore, as a member of the International Conference of the Great Lakes Region (ICGLR), it is bound by the Pact on Security, Development, and Stability in the Great Lakes Region (The Pact). Protocols 8 and 9 require specific protections for IDPs and for property rights for returning persons. Article 20 of The Pact also puts a positive obligation on the state to:

"...promot[e] policies aimed at disaster prevention, protection, assistance and the search for durable solutions..." and "...promot[e] relevant policies to guarantee access to basic social services by the populations affected by conflicts and effects of natural disasters." (The Pact, Article 20, para a & b)

According to the Refugee Act, refugees have a choice to live in settlements, where the government provides a piece of land, and government and aid agencies provide other assistance; or to be self-reliant and live where they choose in the country, without any form of state assistance.²⁰ The Refugee Act also provides refugees with the right to work, albeit with some lack of clarity in articulation and interpretation whilst maintaining a reservation to the Refugee Convention's Article 17 on employment.²¹

However, the Ugandan legal framework makes it very difficult, if not impossible, for refugees, no matter the length of time lived in the country, to ever fully call Uganda home. Contrary to Article 34 of the Refugee Convention,²² the Refugee Act and the Constitution apparently bar refugees and their children from obtaining Ugandan citizenship through naturalisation or registration.²³

However, some steps have been taken by the government signalling that some form of naturalization may be possible for a select group of refugees who have been in country for more than 20 years. An Inter-Ministerial Taskforce has been constituted to look into the requirements to enable an interim solution such as long-stay residence permits for 15,000 refugees who have been in the country for more than 10 years. In addition, the government is further committed to exploring the possibility of providing naturalization to 2,318 individual refugees who all arrived before 1995.²⁴

Further, although the government and host communities generously provide plots of land in refugee settlements to all refugees who choose to live in the settlements, at times refugees have been told they are

18 That is, people fleeing from both countries are welcomed at the border or at their first contact with officialdom as refugees, with all the rights such recognition confers.

19 See more in Section II of this report on Physical Safety.

20 According to the OPM's Department of Refugees' webpage, under the section 'Refugee Settlement', "Asylum seekers and refugees who opt to stay in Kampala rather than in the designated settlements are expected to be self-reliant. Those who are no longer able to sustain themselves in Kampala are always advised to approach OPM for relocation to the Settlement. In general, the government of Uganda and UNHCR do not provide accommodation and material assistance to asylum seekers and refugees in Kampala. Basic material assistance is only provided to refugees residing in refugee settlements. This was also confirmed as the policy in interviews with all aid agencies.

21 "In respect of article 17: The obligation specified in article 17 to accord to refugees lawfully staying in the country in the same circumstances shall not be construed as extending to refugees the benefit of preferential treatment granted to nationals of the states who enjoy special privileges on account of existing or future treaties between Uganda and those countries, particularly states of the East African Community and the Organization of African Unity, in accordance with the provisions which govern such charters in this respect." See https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mtmsg_no=V-2&chapter=5&Temp=mtmsg2&lang=en#EndDec

22 "The Contracting States shall as far as possible facilitate the assimilation and naturalisation of refugees. They shall in particular make every effort to expedite naturalisation proceedings and to reduce as far as possible the charges and costs of such proceedings" (Refugee Convention, Article 20).

23 Constitution of Uganda Article 10(1)(a), "Every person born in Uganda and who has lived continuously in Uganda since independence (9th October 1962), whose parents or grandparents were not refugees or diplomats at the time of his or her birth can apply to be registered as a citizen of Uganda." See also the Uganda: The Refugee Act 2006 [Uganda], Section 45, 24 May 2006, available at: <http://www.refworld.org/docid/4b7baba52.html>; and The Refugee Law Project's (RLP), "Critique of the Refugees Act, Recommendation 28, (2006)", http://www.refugeelawproject.org/files/legal_resources/RefugeesActRLPCritique.pdf

24 UNHCR 2016b. Uganda Protection and Solutions Strategy 2016-2020. 5 May 2016

not allowed to plant perennials, and many refugees do not have access to the larger markets in Kampala.²⁵ In addition, many in the north and west do not have plots larger than a garden on which to farm, so whilst subsistence farming is helpful, it is not generally a livelihood option that will assist many refugees in reaching their durable solution.²⁶

In addition, Sudanese refugees who have been in the country for over 20 years, or indeed, are born to refugees, have only been allowed the option to stay as refugees, voluntarily return to Sudan or be resettled to a third country.²⁷ Uganda has facilitated such third party relocations for refugees in the last year, however it should be noted that globally less than 1 per cent of refugees are resettled in a third country.²⁸ Again, however, Uganda has not allowed for the option to locally integrate, though there are ongoing discussions with UNHCR and legal challenges taking place to challenge this obstacle.²⁹

The government is currently reviewing a Draft Refugee Policy that was circulated amongst many refugee advocates to help clarify the Refugee Act and 2010 Regulations on Refugees, with the aim of avoiding dual interpretations of the law, which will be useful particularly in relation to employment, buying property, and determination factors for plot size as refugee numbers grow.³⁰

Limitations

No quantitative data was available for the following indicators:

- % of refugees without birth certificates, ID cards or other relevant personal documents
- Number of refugee children who haven't been reunified
- % of refugees who consider violations suffered have been effectively remedied and justice restored

ACCESS TO DOCUMENTATION

Applicable Standard(s):

- » Article VI(i) of the OAU Convention states: "Subject to Article III, Member States shall issue to refugees lawfully staying in their territories travel documents in accordance with the United Nations Convention relating to the Status of Refugees and the Schedule and Annex thereto, for the purpose of travel outside their territory, unless compelling reasons of national security or public order otherwise require. Member States may issue such a travel document to any other refugee in their territory."
- » Article 25(2) of the UN Refugee Convention states: "The authority or authorities mentioned in paragraph 1 shall deliver or cause to be delivered under their supervision to refugees such documents or certifications as would normally be delivered to aliens by or through their national authorities."

Mechanisms

On arrival, refugees are registered with the Office of the Prime Minister (OPM) either at a Refugee Registration Centre in a settlement or at the Old Kampala Police Station and then with the OPM in Kampala.³¹ Official policy dictates that all births and deaths can be registered in the same way as Ugandan nationals, with the provision that a refugee shows his/her refugee card.³² Fees for such registrations have been waived since 2013, but it was unclear from interviews whether this was always followed. It was reported by many during the course of the field visit that refugees do not have any special challenges in obtaining driver's licences or

²⁵ Frank, A. 2014. The Self-Reliance Strategy and Refugee Livelihoods: Evidence from Oruchinga Refugee Settlement, South Western Uganda. *International Journal of Research in the Social Sciences*, 4(5), p.59

²⁶ Crawford, N., Cosgrave, J., Haysom, S. & Walicki, N. 2015. Protracted Displacement: uncertain paths to self-reliance in exile. Annex 8, p.54-71. HPG. ODI. Available at <<http://www.odi.org/publications/9906-refugee-idp-displacement-livelihoods-humanitarian-development>, accessed 22 Jan 2016

²⁷ US State Department, 2014. Human Rights Report, Uganda. Available at <<http://www.state.gov/documents/organization/236630.pdf>, accessed 21 Jan 2015

²⁸ See <http://www.unhcr.org/pages/4a16b1676.html>, accessed 17 May 2016

²⁹ Interview with UNHCR, 1 Dec 2016

³⁰ Interview with RLP 9 Dec 2015; Interview with Danish Refugee Council (DRC)-Uganda 2 Dec 2015; Interview with Lutheran World Federation (LWF) 2 Dec 2015

³¹ See Office of the Prime Minister's website: <http://opm.go.ug/departments/department-of-disaster-preparedness-management-refugees/department-of-refugees.html>

³² Interview with RLP 9 Dec 2015

other civil documentation, although it was said that as with any Ugandan national who may not be aware of the rules, it would not be uncommon to find an opportunistic fixer or civil servant who takes advantage. According to the law, once refugee status is fully confirmed, refugees are able to obtain travel documents,³³ with government having introduced a formal 'passport system' in 2014.³⁴

Obstacles

Refugees face some obstacles to full enjoyment of their right to access documentation. Key obstacle given in the course of interviews in Kampala were:

- Language barriers
- Lack of awareness of their rights or where to seek assistance, especially on arrival
- Lack of awareness amongst those who issue birth and death certificates that the fee that applies to registration of births and deaths for other foreigners or in the case of death, for nationals, is not applicable to refugees
- Individual petty corruption that targets vulnerable groups
- Queues for obtaining a travel document are reportedly long and can require multiple long journeys with overnight stays in Kampala which can add to the costs for obtaining such documents. Businesspersons and those needing to travel for medical or educational purposes are prioritised above people who would like to travel to see family members.³⁵

FAMILY REUNIFICATION

Applicable Standard(s):

- » Article 4(3)(b) of the 1977 Additional Protocol II to the Geneva Conventions provides: "All appropriate steps shall be taken to facilitate the reunion of families temporarily separated."
- » Article 22(2) of the 1989 Convention on the Rights of the Child states, "States Parties shall provide, as they consider appropriate, cooperation in any efforts by the United Nations and other competent intergovernmental organisations or non-governmental organisations cooperating with the United Nations ... to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family."
- » Article 25(2)(b) of the 1990 African Charter on the Rights and Welfare of the Child provides: "State Parties ... shall take all necessary measures to trace parents or relatives [of children] where separation is caused by internal and external displacement arising from armed conflicts."

Mechanisms

Focal points for reunification are varied, with the ICRC, Uganda Red Cross, UNHCR, and lead child protection agencies all playing a role. In theory, at the point of registration, unaccompanied minors should be referred to a child protection desk/focal point that can assist with reunification. In practice, this was reported to be happening inconsistently. As of May 2016, according to statistics provided by UNHCR, only 30 per cent of children have had Best Interest Determination (BID) processes initiated or completed.³⁶ However, in 2015 UNHCR's database, proGress, its Child Protection Information Management System (CPIMS) have synced with a regional CPIMS, managed by Save the Children (SCI) which has begun to assist the speed and ease of reunifying children with family members.³⁷

³³ The Refugee Act, para. 31(a) 2006

³⁴ NTV Uganda, https://www.youtube.com/watch?v=OtvnEK_Gsbk

³⁵ Email 16 Dec 2015 from RLP in follow-up to interview on 9 Dec 2015; Validation Workshop with NGOs and Refugee Representatives, Africana Hotel, Kampala, 12 April 2016

³⁶ UNHCR, Email, 10 May 2016

³⁷ Interview with UNICEF Eastern and Southern Africa Regional Office 14 Dec 2015

Obstacles

- Lack of clear focal points on child protection
- Inadequate number of child protection officers at reception centres
- Mismatched information on different IMS platforms
- Freedom of movement of refugees and the lack of aforementioned clear focal points means it is more difficult to track/ follow-up on individual cases.³⁸

PARTICIPATION IN PUBLIC AFFAIRS

Applicable Standard(s):

- » Article 34, UN Convention on Refugees states, “The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.”
- » Article 10(1) of the Banjul Charter states, “Every individual shall have the right to free association provided that he abides by the law.”
- » Articles 19-21 of the ICCPR state,

“Article 19

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others;
 - (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 20

1. Any propaganda for war shall be prohibited by law.
2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 21

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.”

Mechanisms

Refugee Settlements have Refugee Welfare Committees (RWCs), whose members are democratically elected by the refugees themselves in each Settlement. In Kampala, whilst refugees are not allowed to be members of the quasi RWC equivalent, the local council, they have gained observer status.³⁹ Refugees are otherwise unable to participate in local or national politics or run the risk of losing their refugee status.⁴⁰

³⁸ Ibid

³⁹ Interview with Interaid 3 Dec 2015

⁴⁰ Refugee Act, para. 35(d) and (e). See also the RLP's Commentary 22 in their Critique of the Refugee Act (2006), http://refugeelawproject.org/files/legal_resources/RefugeesActRLPCritique.pdf, accessed 20 Jan 2015

Obstacles

Whilst refugees have some say in resolving disputes through the RWCs, it should be noted that the Settlement Commandant and Ugandan police have legal authority, whereas RWCs do not. Refugees therefore have no legal representation, depending on advocacy from the RWCs, aid agencies and goodwill of government.

- Whereas Article III of the OAU Convention requires that refugees “abstain from any subversive activities against any Member State of the OAU,” Section 35(d) of the national Refugee Act prohibits refugees from participating in “any form of political activity” related to Uganda, their country of origin or elsewhere, which is inconsistent with the Universal Declaration on Human Rights, the ICCPR, and the African Charter on Human and People’s Rights (Banjul Charter).⁴¹
- The current lack of path to permanent residency or citizenship is an additional obstacle to refugees, with special note of those who have been born in the country and lived there for their entire lives, to participation in the political sphere.

ACCESS TO EFFECTIVE REMEDIES & JUSTICE

Applicable Standard(s):

- » Article 16 of the Refugee Convention states:
 1. A refugee shall have free access to the courts of law on the territory of all Contracting States.
 2. A refugee shall enjoy in the Contracting State in which he has his habitual residence the same treatment as a national in matters pertaining to access to the courts, including legal assistance and exemption from *cautio judicatum solvi*.”
- » The Sphere Standard Protection Principle 3 states, “The affected population is helped to claim their rights through information, documentation and assistance in seeking remedies. People are supported appropriately in recovering from the physical, psychological and social effects of violence and other abuses.”

Mechanisms

The previously mentioned RWCs are the main fora for non-criminal/lower-level dispute resolution and for community project/ programme planning. The committees sit at three levels, (village, parish and Settlement) for each Settlement area.⁴² RWCs work with local councils in the host population as/when needed, to a reported varying degree of success depending on the councils and locations.⁴³ Otherwise, government appointed Settlement commandants, police, and the court system are by law meant to be as open to refugees as they are to Ugandan nationals.⁴⁴ With a few exceptions, it was generally said during the course of interviews and Focus Group Discussions (FGD) with refugees that refugees felt as comfortable with using Ugandan justice mechanisms as the host population, whether that meant they felt the police were equally reliable or unreliable was dependent on the respondent.

⁴¹ Section 35(d) Refugee Act.

⁴² DRC. Conflict Assessment Adjumani and Arua Refugee Settlements. April 2015. p.9-10

⁴³ Ibid

⁴⁴ Interview with DRC 1 Dec 2015

Obstacles

- Language barriers and lack of court-provided interpreters, though this is largely alleviated by the RWCs or aid agencies⁴⁵
- Lack of awareness of how to access the system, though there are several agencies available to assist.
- Perceived or real bias within the RWCs, favouring majority ethnic/gender groups⁴⁶
- Lack of qualified persons/qualification criteria for members of the RWC⁴⁷
- In some Settlements, there is a lack of voter anonymity built into the elections process⁴⁸
- Urban refugees do not have RWCs, and therefore have to rely on aid agencies or in some cases, observer status on Ugandan local councils to have their concerns heard⁴⁹

⁴⁵ Several agencies met during 1-4 Dec 2015 field visit: raised language barriers as an issue

⁴⁶ Ibid, 43

⁴⁷ Ibid, p.11

⁴⁸ Ibid p.11

⁴⁹ Ibid, 40

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PHYSICAL SAFETY



Safety and Security

Refugees/ returnees face no discriminatory or arbitrary restrictions of their freedom of movement

Safety & security perceptions in areas of displacement

Number of police stations and courts, trained police and judicial personnel

Reported acts of targeted violence or intimidation

Prevalence of violent crimes

All indicators refer to the attainment of benchmarks for a refugee / returnee in comparison to the host community

-  The indicator is well on the way to being achieved
-  Some obstacles exist and the indicator has not been fully met

-  The indicator is far from met
-  Data unavailable
-  Incomplete data exists

PHYSICAL SAFETY

Whilst generally safe from war or warring parties, physical safety is a concern for many both in the settlements and also in urban areas. In all the settlements, intimate partner violence is considered a serious problem; sexual and other violence towards children is also prevalent.⁵⁰ In addition, minority groups living in areas predominantly controlled by one tribe have described feeling at risk.⁵¹ In the settlements hosting mostly South Sudanese, there are also conflicts between refugees from the pre-2013 caseload and newer arrivals.⁵² Many reported during field interviews that police presence is stronger in some areas than others, and that corruption can allow favouritism in trying to access justice. Urban refugees who are financially struggling reported physical safety being at risk due to their lack of material safety. They reported problems with homelessness and eviction from homes due to lack of rent. They also reported a fear of the political violence from which they fled following them to Uganda. This was particularly true of Burundians and Rwandans.⁵³

However, there was little allusion to refugees being targeted for being refugees. Some refugee women report that some RWCs are not enabling environments for reporting on violence against them, and agencies noted that their lack of awareness of their rights as well as family networks contributes to their vulnerability. Some women refugees attribute this in part to the low level of women elected to the Committees⁵⁴, although there is a requirement that the committees comprise at least one-third women.⁵⁵

The UN-World Bank ReHOPE⁵⁶ Strategic Framework and government led National Development Plan II, which includes a specific strategy for refugees, both state that they are working to support governance and refugee resilience, which if meaningfully implemented should reduce perceived and real threats to personal security.

Limitations

No quantitative data was available for the following indicators:

- Number of police stations and courts, trained police and judicial personnel
- Reported acts of violence or intimidation

SAFETY & SECURITY

Applicable Standard(s)

- Sphere Handbook Protection Principle 3: “Protect people from physical and psychological harm arising from violence and coercion”
- UDHR Article 3: “Everyone has the right to life, liberty and security of person”.

Mechanisms

The RWCs, child protection focal points (where existing), police, schools and settlement commandants tend to be the first port of call for making a complaint about violence. In addition, there are certain agencies in some camps that have remits for persons with special needs (PWSN). By and large, complaints tend to go first to the RWC or are informally discussed with a service provider, like a teacher or a doctor and then are referred to the RWC, settlement commandant or police.

⁵⁰ Interview with DRC-Uganda 2 Dec 2015

⁵¹ FGD with refugees on 4 Dec 2015; DRC. Conflict Assessment Adjumani and Arua Refugee settlements. April 2015, p.16

⁵² DRC. Conflict Assessment Adjumani and Arua Refugee settlements. April 2015, p.12

⁵³ FGD with refugees on 4 Dec 2015 51 Adjumani and Arua Refugee settlements. April 2015, p.12

⁵⁴ Refugee and Host Population Empowerment (ReHOPE)

⁵⁵ Interview with Bafaki Charles, Office of the Prime Minister, Kampala, 13 April 2016

⁵⁶ UNHCR and UNCT. Draft ReHOPE Strategy. May 2015

Obstacles

- Lack of clear focal points for child protection
- Gender bias on RWCs, potentially due to the lack of gender diversity on the Committees
- Tribal bias on the RWCs, potentially due to the lack of tribal diversity on the Committees
- Corruption

NO RESTRICTIONS ON FREEDOM OF MOVEMENT

Applicable Standard(s)

- » Article 26 of the Refugee Convention states, “Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence and to move freely within its territory subject to any regulations applicable to aliens generally in the same circumstances.”

Mechanisms

By guaranteeing the right to freedom of movement in the Refugee Act, refugees in Uganda are at a particular advantage compared to refugees in neighbouring jurisdictions. According to Article 30 of the Refugee Act, “refugees are entitled to freedom of movement, subject to reasonable restrictions applicable to aliens in the same circumstances, especially on grounds of national security, public order, public health, public morals or the protection of the rights and freedoms of others.” In practice this law has been respected, with few exceptions.

Obstacles

- Some refugees believe that they must ask for travel documents in order to leave settlement areas. Before the introduction of ID cards, these documents were used as their identification. Though refugees now have ID cards, in some cases settlement commandants still expect to be asked and some police expect refugees to carry them. Therefore, some refugees feel more secure travelling with them. In other cases, refugees feel that they unnecessarily have to explain their comings and goings.⁵⁷ In Kyaka settlement, it was both reported by the local government representative of the area and observed when refugees from Kyaka travelled to the ReDSS validation workshop that refugees are required to obtain permission from the Commandant to travel.⁵⁸
- The Refugee Law Project reported in their Rapid Needs Assessment of March 2015 that due to lack of awareness of refugee rights, community leaders and police have put up roadblocks to stop refugees from leaving Settlements.⁵⁹

⁵⁷ Interview with LWF 2 Dec 2015

⁵⁸ Interview with Agaba Hillary from Kyaka, 14 April 2016

⁵⁹ Refugee Law Project, 2015. Rapid Assessment Briefing Paper 2, Report On Rapid Assessment Of South Sudanese Refugee Influx Into Northern Uganda

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MATERIAL SAFETY



Adequate Standard of Living

No legal or administrative obstacles preventing refugee children from going to school

Refugees do not face specific obstacles to access public services, assistance or remittances from abroad compared to local residents with comparable needs

Assistance programs in place for provisions of essential food, potable water, basic shelter, sanitation and essential health care

Numbers malnourished or homeless

% of refugees without access to essential food, potable water, basic shelter, sanitation or essential health care compared to the resident population

% of refugee children with access to at least primary education in adequate conditions and quality, compared to the resident population

% living in overcrowded housing/shelter, compared to the resident population



Access to Livelihoods

No legal or administrative obstacles to refugee employment or economic activity that the resident population does not face

Types and conditions of employment of the returnees /refugee population compared to the non-displaced population, including rates of informal-market employment and access to labor law standards, such as the minimum wage, as appropriate

Unemployment among refugees compared to the resident population, the situation before displacement or the national average, as appropriate

Poverty levels among returnees /refugees compared to the resident population, the situation before displacement or the national average, as appropriate



Housing, Land & Property

Existence of effective and accessible mechanisms to ensure access to land and/or secure tenure

Refugees have access to support programs (including access to credits) to secure/improve housing, land or property on the same basis as the resident population

% of returnees /refugees remaining without adequate housing, reduction in this percentage over time and comparison with the percentage for the resident population

All indicators refer to the attainment of benchmarks for a refugee / returnee in comparison to the host community

- The indicator is well on the way to being achieved
- Some obstacles exist and the indicator has not been fully met

- The indicator is far from met
- Data unavailable
- Incomplete data exists

MATERIAL SAFETY

The vast majority of refugees have basic shelter consisting of tarpaulin and poles, provided within a few days of arrival, meeting the UNHCR Core Relief Team Distribution Standard. There has also been principled agreement of building more durable semi-permanent shelters.⁶⁰ On the whole, for the refugees living in settlements who have arrived in the last five years, it was reported that agencies are meeting Sphere Standards for Water supply, Sanitation and hygiene promotion (WaSH), with the exception of adequate water supply in Nakiavale settlement. The same is true in some outposts in other settlements.⁶¹ Agencies explained this was largely due to a funding shortfall for older caseloads of refugees, and the expensive nature of supplying water in areas that are very dry/without access to local or national water supplies.⁶² It was generally agreed that food needs and the need for basic Non-Food Items (NFIs) are being met at the Sphere standard.

Livelihoods opportunities were generally reported as the greatest challenge. Although there are few legal restrictions on refugees' ability to access employment, the challenge of living in areas that are already some of the poorest areas of the country with high unemployment and inadequate infrastructure — combined with the fact that refugees are reportedly not allowed to seek employment in government agencies — refugees find it challenging to earn a livelihood that allows them to move from dependency on assistance.

Whilst children can attend Ugandan free primary schools and there are schools built in some of the settlements, the need outweighs the supply in terms of facilities and structures.⁶³ According to child protection partners in Uganda, 58% of primary school aged South Sudanese refugee children are enrolled in school.⁶⁴ It was generally agreed that access to primary education is relatively high,⁶⁵ even if enrolment at 65% is still insufficient. However, there is low access to secondary and university education and training.⁶⁶

Urban refugees interviewed asserted that they had real challenges with accessing adequate food and shelter, and all refugees mentioned that the costs for sending their children to school, including for school supplies, registration, exam fees and uniforms. Urban refugees have the option to go to settlements but many felt that this option was not a genuine choice, as they would lose access to livelihoods or their freedom to live without intimidation.⁶⁷

Limitations

No or partial quantitative data was available for the following indicators:

- Number of refugees who are malnourished or homeless
- % of refugees without access to essential food, potable water, basic shelter, sanitation or essential health care compared to the resident population
- % of refugees living in overcrowded housing/shelter, compared to the resident population
- % of refugees without adequate housing
- Poverty levels among refugees compared to the resident population

⁶⁰ Interview with Bafaki Charles, OPM, Kampala, 13 April 2016

⁶¹ Interview with American Refugee Committee (ARC) - Uganda 2 Dec 2015

⁶² Interview with American Refugee Committee (ARC) - Uganda 2 Dec 2015

⁶³ Interview with UNICEF Eastern and Southern Africa Regional Office 14 Dec 2015

⁶⁴ UNHCR, UNICEF, LWF and World Vision, 2015. Report on the Regional Child Protection Framework. Available at <http://reliefweb.int/sites/reliefweb.int/files/resources/UGANDA_CPFramework_Final_10715_Rev.pdf>, accessed 21 Jan 2016

⁶⁵ ReDSS Validation Workshop with NGOs, Host communities and Refugee Representatives, Kampala, 12 April 2016; ReDSS Validation Workshop with Donors and UN agencies, Kampala, 12 April 2016

⁶⁶ UNHCR, Email 10 May 2016

⁶⁷ IDRC. Conflict Assessment Adjumani and Arua Refugee settlements. April 2015. Interviews with refugees and refugee representatives from Kyaka settlement, 12 April 2016.

ADEQUATE STANDARD OF LIVING

Applicable Standard(s):

- » Article 21 of the Refugee Convention states: “As regards housing, the Contracting States, in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord to refugees lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances”
- » Article 22 of the Refugee Convention states
 1. The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.
 2. The Contracting States shall accord to refugees treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.
- » Minimum Standards on Education in Emergencies⁶⁸
- » The Sphere Minimum Standards on WASH; food security and nutrition; and NFIs; health action.⁶⁹

Mechanisms

On arrival at Refugee Reception Centres, new arrivals receive shelter kits within a week and are housed in communal accommodation whilst waiting/constructing; seedlings for planting crops for consumption; food and NFIs. Refugees are also supposed to be referred to specialist providers for education, health, etc., as needed. All refugees choosing to live in settlements are allotted a plot of land.

Obstacles

- Lack of transparency in the distribution process can cause some tension between host and refugee communities and older and new refugee caseloads (and a lack of trust on the part of the host community of aid agencies and government)⁷⁰
- There is an inadequate number of health posts and many are felt to be ill-equipped, including lack of adequate medicines, or too distant, although this has been steadily improving⁷¹
- Inadequate number of schools and teachers and poor quality of school structures/furnishings⁷²
- Urban refugees who do not have the means to support themselves but do not want to live in a Settlement reported high levels of hunger, homelessness and poor living conditions⁷³
- Refugees who have been in the country for more than 5 years are not always self-sufficient in terms of food, but they are not eligible for assistance unless they fall into the categories of persons with special needs. Nonetheless, it is not clear that their predicament is very different from some of Uganda’s poorest nationals.⁷⁴

68 See http://www.unicef.org/violencestudy/pdf/min_standards_education_emergencies.pdf for more information, accessed 25 April 2016

69 See the Sphere Handbook for more information: <http://www.spherehandbook.org> 66 IDRC. Conflict Assessment Adjumani and Arua Refugee settlements. April 2015, p.11

70 Ibid, 43, p.11

71 Interview with ARC-Uganda 2 Dec 2015

72 DRC. Conflict Assessment Adjumani and Arua Refugee Settlements. April 2015; Interview with UNICEF Eastern and Southern Africa Regional Office 14 Dec 2015; FGD with refugees on 4 Dec 2015

73 Buscher, D. 2011. The Living Ain't Easy. Urban Refugees in Kampala. Women's Refugee Commission. Available at <<http://womensrefugeecommission.org/programs/livelihoods/research-and-resources/701-the-living-aint-easy-urban-refugees-in-kampala>, accessed 22 Jan 2016

74 DRC, 2015. Conflict Assessment Adjumani and Arua Refugee Settlements. Crawford, N., Cosgrave, J., Haysom, S. & Walicki, N. 2015. Protracted Displacement: uncertain paths to self-reliance in exile. Annex 8, p.54-71. HPG. ODI. Available at <<http://www.odi.org/publications/9906-refugee-idp-displacement-livelihoods-humanitarian-development>, accessed 22 Jan 2016

ACCESS TO LIVELIHOODS

Applicable Standard(s):

- » Article 17 of the Refugee Convention states,
 - “1. The Contracting States shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage-earning employment.
 2. In any case, restrictive measures imposed on aliens or the employment of aliens for the protection of the national labour market shall not be applied to a refugee who was already exempt from them at the date of entry into force of this Convention for the Contracting State concerned, or who fulfils one of the following conditions:
 - (a) He has completed three years' residence in the country;
 - (b) He has a spouse possessing the nationality of the country of residence. A refugee may not invoke the benefit of this provision if he has abandoned his spouse;
 - (c) He has one or more children possessing the nationality of the country of residence.
 3. The Contracting States shall give sympathetic consideration to assimilating the rights of all refugees with regard to wage-earning employment to those of nationals, and in particular of those refugees who have entered their territory pursuant to programmes of labour recruitment or under immigration schemes.”

Mechanisms

According to the Refugee Act, there are no legal barriers to employment for refugees. Therefore, refugees have the right to work in the same manner as nationals.

Obstacles

- Lack of clarity in the wording in the Refugee Act has caused confusion for the Immigration Department, employers and refugees,⁷⁵ causing many refugees to seek work permits, when they are not necessary, according to several agencies interviewed. The confusion has also meant that some employers do not employ refugees because they are concerned about the cost-burden of obtaining a work permit.
- Lack of awareness amongst refugees, employers and some in the Immigration Department⁷⁶
- High unemployment in the country as a whole
- Language barrier
- The locations of settlements are said to provide little opportunity for livelihoods beyond some subsistence farming and petty trading, as well as some casual labour⁷⁷
- Predatory individuals who seek vulnerable groups, such as those lacking formal skills and training, and take advantage of their lack of knowledge of their right to work.⁷⁸

Applicable Standard(s):

- » Article 21 of the Refugee Convention states:

“As regards housing, the Contracting States, in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord to refugees lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.”
- » Sphere Shelter and settlement standard 1 states: “Strategic planning Shelter and settlement strategies contribute to the security, safety, health and well-being of both displaced and non-displaced affected populations and promote recovery and reconstruction where possible”

⁷⁵ All agencies interviewed during 1-4 Dec 2015 field visits confirmed or affirmed this confusion.

⁷⁶ Interviews with LWF, DRC, Interaid and RLP 1-4 Dec 2015

⁷⁷ Crawford, N., Cosgrave, J., Haysom, S. & Walicki, N. 2015. Protracted Displacement: uncertain paths to self-reliance in exile. Annex 8, p.54-71. HPG, ODI. Available at <<http://www.odi.org/publications/9906-refugee-idp-displacement-livelihoods-humanitarian-development>, accessed 22 Jan 2016. UNHCR-World Bank, 2015. Forced Displacement and Mixed Migration in the Horn of Africa. Eastern Africa, HOA Study. Available at <<http://pubdocs.worldbank.org/pubdocs/publicdoc/2015/7/892801436371029880/forced-displacement-horn-of-africa-Report>, accessed 20 Jan 2016. Frank, A. 2014. The Self-Reliance Strategy and Refugee Livelihoods: Evidence from Oruchinga Refugee settlement, South Western Uganda. International Journal of Research in the Social Sciences, 4(5), p.59

⁷⁸ Interview with Interaid 3 Dec 2015

- » Shelter and settlement standard 2 states:
“The planning of return, host or temporary communal settlements enables the safe and secure use of accommodation and essential services by the affected population.”
- » Shelter and settlement standard 3 states:
“Covered living space People have sufficient covered living space providing thermal comfort, fresh air and protection from the climate ensuring their privacy, safety and health and enabling essential household and livelihood activities to be undertaken.”
- » Shelter and settlement standard 4 states:
“Local safe building practices, materials, expertise and capacities are used where appropriate, maximising the involvement of the affected population and local livelihood opportunities.”
- » Sphere Shelter and settlement standard 5 states:
“Shelter and settlement solutions and the material sourcing and construction techniques used minimise adverse impact on the local natural environment.”

Mechanisms

Refugees who choose to live in settlements are allotted a parcel of land by government and the host community. Stated government policy has been 50x50 sq. meters⁷⁹ but recently there has been a land shortage in some areas, and plot sizes have been 30x30 sq. meters. Interviewees reported that whilst refugees are given tenure, there is no mechanism for obtaining ownership, and permanent structures cannot be built on the land. Refugees living outside the settlement areas should in principle be allowed to live and buy property as any foreign national can, according to the Refugee Act.⁸⁰ They therefore, can obtain leaseholds but not freeholds. Refugees in principle can also access credit mechanisms such as mortgages, as any other foreign national can.⁸¹

Obstacles

- It has been reported that some landlords will increase rent for refugees and use the lack of knowledge or their poverty as leverage⁸²
- Accessing credit requires having a financial footprint and bank accounts, and refugees take longer to establish these in part because of their lack of awareness. Also institutions that provide credit may not always be aware that refugees can use their services.⁸³
- Although not reported as a problem, there is a legal obstacle for refugees in purchasing property in that they are currently barred from purchasing a freehold, and only able to obtain a leasehold, as is the case with all foreigners legally residing in the country.
- Lack of awareness means both would-be buyers and sellers do not know that refugees, or all foreigners, are not allowed to be freeholders, and that causes some complications when it comes to completing transactions or having two sets of owners claiming to be the rightful owners of property.⁸⁴

⁷⁹ Interview with DRC and UNHCR 3 Dec 2015

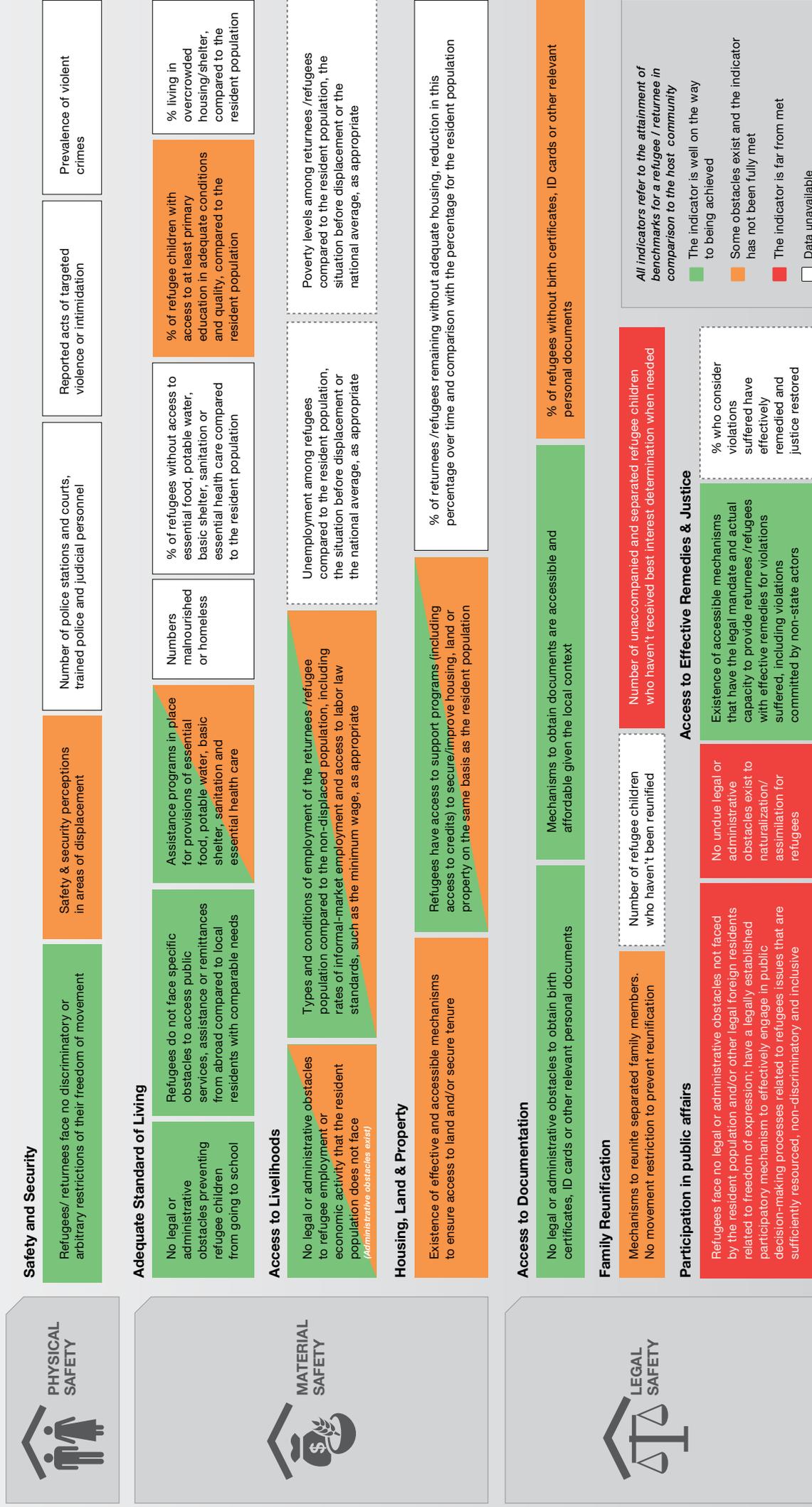
⁸⁰ See Paragraph 65 of the Refugee Act (2006)

⁸¹ Interviews with DRC and RLP 1-9 Dec 2015

⁸² Interview with Interaid 3 Dec. 2015; Interview with RLP 9 Dec 2015

⁸³ Interview with RLP 9 Dec 2015

⁸⁴ Interview with RLP 9 Dec 2015



All indicators refer to the attainment of benchmarks for a refugee / returnee in comparison to the host community

- The indicator is well on the way to being achieved
- Some obstacles exist and the indicator has not been fully met
- The indicator is far from met
- Data unavailable
- Incomplete data exists

The Durable Solutions framework, adapted from the IASC Framework on Durable Solutions for Internally Displaced Persons, has been developed by the Regional Durable Solutions Secretariat (ReDSS) using 30 indicators organised around physical, material and legal safety to measure durable solutions achievements in a particular context. The framework analysis serves as an evidence base to enable relevant stakeholders to work more effectively and consistently in the search and realization of durable solutions. This infographic offers a snapshot in time to assess to what extent local integration for refugees in Uganda have been achieved.

CONCLUSION

Uganda provides a welcoming context for refugees in the region. Picking up the traffic light analogy, in terms of providing a welcoming and generous environment, it unreservedly deserves a green light rating. Though refugees naturally face barriers specific to their displacement, they are seldom targets of negative rhetoric or perceptions, which is rare for refugees in host countries across the globe, including in other countries in East Africa. Being granted the right to work on the same level as nationals is an invaluable opportunity for many, especially those who have professional skills, such as doctors or lawyers, as there are programs that exist to support them in transferring their credentials and where necessary learning the English language. In addition, again uniquely in the region, their freedom of movement is guaranteed in law, barring public order/ national security concerns. However, discussion of durable solutions seems to be a rarity in public space, other than the assumption that Uganda is providing a temporary space for refugees until they are able to return home. The general political intention appears to be that Uganda has a moral obligation to provide asylum to refugees, but like in many other places in the world, there continues to be an assumption that refugees are only in the country temporarily. That said, significant progress has been made, with the Government integrating refugees into their National Development Plan II.

A Welcoming Environment in a Challenging Region

- » At an official level, refugees are generally considered welcome in the country. This is in part evidenced by the fact that unlike other countries in the region, the government department that works with refugees sits in the Office of the Prime Minister, not in a security arm of the government.⁸⁵
- » There is a demonstrable commitment by the government of Uganda to link humanitarian aid with development initiatives in order to support refugees in reaching their durable solutions
- » Freedom of movement is guaranteed in the Refugee Act
- » Refugees officially have the right to work on par with Ugandans
- » Refugees are assisted as soon as they present themselves for registration and have basic shelter within five days of their registration
- » Refugee children are allowed to take part in Uganda's free universal primary schooling on par with Ugandan nationals
- » Registration of births and deaths is free for refugees
- » All refugees are offered the option of tenure of a plot of land which allows for the possibility of some self-reliance in terms of food and nutrition needs
- » Refugees generally have the same perceptions of, and reported experiences with, law enforcement and justice system as Ugandan nationals.

In summary, the generous context in Uganda has a great many opportunities to provide lessons for all refugee contexts. Not everything is transferable, but with the ReDSS Solutions Framework, key points of entry for expanding the conditions to create a suitable climate for durable solutions can clearly be seen.

⁸⁵ UNHCR – World Bank, 2015, p.85

Finding a durable solution, though a long-term process, should eventually provide an end. With all the positive policies and laws in place, the majority of refugees in Uganda continue to live in a state of limbo. De-facto local integration is happening, but day-to-day subsistence is the norm. This is in part because of the above-mentioned expectation by the government that repatriation will be their choice. Further, there is a disconnect between the expectation on the part of donors to refugee agencies that the majority of refugees are displaced for a short time, when reality is more complex. The conditions in countries of origin have not changed substantially enough to encourage many to want to return, and the reality is that having been forced to flee, often more than once, means that refugees who have started to establish a new life are not keen after a long period of time to return.

In addition, whilst the government has been willing to assist, and has assisted with, voluntary returns and third-country relocations, it is currently seemingly impossible for the vast majority of refugees to choose the third option, local integration, no matter for how long they or their family has been in the country. A key challenge for Uganda in fully respecting all refugees' journeys to finding their best solution is to find a way to offer a path for a refugee or refugee child to naturalise. Of course, not all refugees will want this option nor can the government be expected to offer it to all refugees, but at the moment, the option is seemingly expressly prohibited by the Ugandan constitution.⁸⁶ Full local integration must be an option for some refugees if the voluntary nature of durable solutions is to be respected. Likewise, Resettlement countries must work to increase their rate of acceptance of refugees globally so that the option is a realistic possibility for some.

Attention must also be given to problems with clarity in a few key clauses in the Refugee Act and creating awareness of refugee rights amongst the private and public sector and even within some parts of government, such as the Immigration Department and aid agencies.

Importantly, the needs of 'old caseload refugees' and 'new caseload refugees' must be addressed in a transparent way, ensuring that both groups' needs are addressed. Whilst the needs of refugees who have been in the country longer are undoubtedly different than for those who have first arrived, the fact of their continued displacement and lack of traditional durable solution must be taken into consideration. That is, if refugees are not being allowed to fully locally integrate, have restrictions on where they may settle in that they will not receive assistance if they live outside of a settlement area, and are not able to repatriate or be resettled then they are entitled to special protections as a result of their ongoing displacement. A stark illustration of the difference in funding for these groups is demonstrated by the committed funding for Uganda at the end of 2015. Almost 27 million US dollars has been committed for refugees arising from the South Sudan situation, and a further near 5 million for those arriving from Burundi. There is no specific funding for the second largest group of refugees from the Democratic Republic of Congo. Some argue that old caseload refugees continue to receive some or even the same support, as others e.g. they are allowed to continue to live in settlements, have access to schools, health centres etc., however, they no longer receive the food assistance that was needed on arrival and that this is the difference between humanitarian and development support. However, it is worth recalling that refugees fit in both categories, and as such they will always have needs that are particular to their displacement that may look similar to those of the local population but in fact are in part a result of their displacement. Food support may not be required for those without special needs after 5 years, however, currently it is reported that such support is felt to be needed because without it, the little income earned by the majority of refugees in settlements does not enable them to move beyond subsistence.

It is a good sign that the National Development Plan II and the UN Development Assistance Framework (UNDAF) include refugees in their planning, as is it a welcome sign that so many mentioned during the course of interviews the importance of sustainable livelihoods interventions and plans for them. Furthermore, the EU Emergency Trust Fund for Africa brings with it the promise of supporting merged humanitarian, human rights and development programmes. Initiatives going forward may therefore decrease the sense of injustice many 'old caseload' refugees feel and agencies serving them note on attracting support for this group. It is hoped

⁸⁶ Until now, no refugee has tried to naturalise because legal thought has been uniform that the Constitution prohibits it. In a 9 December 2015 interview with the Refugee Law Project, it was noted that although the Court ruled against the claim they made that challenged the ability of refugees to naturalise, the Court left open the possibility of bringing another claim once a refugee had indeed gone through the process of applying and being rejected. See also: The Constitutional Court's 6 October 2015 ruling on the petition for refugees to become Ugandans: http://refugeelawproject.org/files/others/constitutional_court_ruling_on_refugees_eligibility_to_become_Ugandans.pdf, accessed 21 Jan 2016

that further research will be done to delineate the specific needs of protracted refugees for new arrivals, and that other donors will follow the EU initiative which would more adequately address an environment for durable solutions.

Uganda requires ongoing support with its ground-breaking efforts to respect the dignity of refugees and its own population which hosts them. The government should prioritise making its civil servants and private sector aware of refugee rights that impact on their ability to gain employment or buy property. With the ReHOPE Strategy and National Development Plan II's Settlement Transformative Agenda, aid agencies have an opportunity to provide the government with the support it needs to ensure that its generosity toward refugees does not contribute to conflict with the both generous, and also very poor, host communities. Transparency and accountability by all parties, and donor willingness to support host communities in step with the current policy of 70/30⁸⁷ is key, as is the government's commitment to including refugees in all of its development planning.

RECOMMENDATIONS

KEY RECOMMENDATIONS

- The Government of Uganda, with the technical and financial support of its international partners, should lead the development of a common framework, with standard indicators, through a collective and inclusive process—involving displacement affected communities—by which actors can gauge progress towards durable solutions and allow disaggregation of data. The adoption of a common framework addressing physical, material and legal rights and needs of displacement affected communities will allow actors to better work together based on joint analysis, targeting and planning.
- Disaggregated data for refugees and the national population should be made available on housing; employment; hunger/malnutrition; WASH; essential healthcare; poverty levels; prevalence of violent crime and access to basic services, justice and education.
- Work to ensure seamless or near-seamless integration of information management systems and designate a clear focal point on family reunification at all points of registration
- Ensure that programming and resources as part of ReHOPE, the National Development Plan II, UNDAF, EU Emergency Trust Fund on Africa or other initiatives reflects the articulated strategy for supporting livelihoods so that refugees can sustainably transition from requiring assistance and aid to a sustainable livelihood that supports their path to a durable solution
- Ensure that high level consideration of how to adapt Ugandan law is consistent with article 34 of the Refugee Convention on Naturalisation, and supports the on-going dialogue on finding a path to permanent residency, especially for individuals who have been in the country for more than 20 years and/ or were born in and lived their entire lives in the country
- Work urgently to clarify the issues of right to employment, and completion of the Refugee Policy to ensure both awareness and continuity of implementation of the law

Legal Safety

- Ensure that the Refugee Act is compliant with international and regional obligations in relation to political participation so that individual personal opinion and peaceful assembly and association related to political opinion is not criminalised
- Consider how refugees might be formally included in local councils that are outside settlement areas but have large numbers of refugees

⁸⁷ This policy was mentioned by all agencies interviewed 1-4 Dec 2015 and noted in the draft policy presentation circulated by the government to aid agencies.

Physical Safety

- Ensure there are an adequate number of competent/ qualified police, other law enforcement and judicial personnel and courts to satisfy the safety and security needs of refugees
- Provide for interpretation/translation in accessing public services, including criminal justice and other justice mechanisms, and provide funding for it in the National Development Plan II

Material Safety

- Improve the access of refugees living in outlying areas to schools, health posts and available staff
- Work with aid agencies and other partners to improve the quality of schools, school furnishings and teachers

Cross Cutting

- Prioritise more child protection focal points in the government
- Strive for greater transparency by providing more public information on services rendered, for example a public portal or information boards to understand upcoming projects and disaggregate findings by population/gender/PWSN/ age to ensure that communities are engaged, and to enable a better understand of who might be left behind

TO AID AGENCIES

- Support the standardization, generation and availability of relevant data and analysis to allow for comparative analysis within and across groups, to identify displacement-specific protection and assistance gaps and needs, as well as to analyse potential discrimination against displaced populations
- Support the government in tracking and making available information related to standard indicators
- Provide technical assistance, including staff and material support in the health, education, child protection and social services sectors as required for areas with a high density of refugees
- Ensure that identified vulnerable groups, including PWSN, minority groups in settlements, children, the elderly and refugee women are adequately supported in programming as well in strategic planning, and in RWCs. This should include finding novel options for childcare and ensuring their access to learning opportunities

TO DONORS

- Provide financial support for child protection focal points, interpretation/translation for refugees, and childcare for programming that enables refugee women to gain education or employment
- Following the example set by the EU Emergency Trust Fund for Africa, provide robust financial support programmes linking aid with development and human rights work, ensuring 'old' and 'new' refugee caseloads are treated transparently and equitably in terms of funding programs and streams,
- Encourage joint planning process between humanitarian and development partners when allocating resources to displacement affected communities to boost the joint planning efforts
- Provide adequate long-term and predictable financial support to Uganda and its communities that host refugees, in such ways that improve access to services and economic opportunities.

TO IGAD AND REGIONAL ACTORS

- Share Uganda lessons learnt in refugee management and policies with neighbouring countries and support cross learning.



DRC DANISH
REFUGEE
COUNCIL

ReDSS 
Unlocking Protracted Displacement

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