

Republic of Uganda

Submission to the United Nations Universal Periodic Review

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Refugees in Kampala and in four settlements (Nakivale, Rwamanja, Kyaka II and Kyangwali)

Joint Submission by refugee led organizations and refugee communities in Uganda: Foundation People for Peace and Defense of Human Rights (Foundation PPDR), Hope for Refugees in Actions (HRA), United Association for Peace and Development (UAPD), Young African Refugees for Integral Development (YARID), Darfurian Refugee Community plus Nuba Mountain and Blue Nile, Congolese Refugee Community in Uganda (CRC), Rwandan Refugee Community in Uganda, Refugee Development Vision (RDV), and South Sudan Refugee Community in Uganda.

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Summary

1. The last five years from (2011-2015) have been marked by the increase of refugees in Uganda from about 350,000 in 2011 to about 512,000 by the end of 2015 representing 1.3 % of the entire Ugandan Population based on the 2014 national census which attributed it to more than 37 million. The majority of these refugees come mainly from wars in neighbouring countries such as the Democratic Republic of Congo, South Sudan, Central African Republic, and Somali where Uganda has deployed its army to support either directly or indirectly one side of the belligerent and in Burundi which is affected by instability since 2015 and others countries such as Sudan, Rwanda, Ethiopia, Eritrea among others. Refugees are hosted in camps called settlements while others live urban areas.
2. This report was compiled through information gathered from refugees in Kampala, Rwamanja, Kyaka II, Kyangwali, and Nakivale settlements by consulting refugee leaders at different levels and focused groups which were held in December 2015, January and February 2016. Eight focus groups were held in Kampala bringing together different refugee opinion leaders from Rwanda, Burundi, D R C, South Sudan, and Darfur and 83

refugee leaders were consulted during three field visits in different settlements and then information was also collected through our networks in different places. We focused more of refugee civil rights while in Uganda, the refugee regime, the cause of refugee movement and the refugee status determination process.

The refugee rights and legal frameworks in Uganda

3. The refugee rights are spelled out from international legal framework, regional framework which Uganda is signatory and which are domesticated in the Refugee Act 2006, Uganda also established a directorate in charge of refugees under the Office of the Prime Minister which also works in collaboration with the UNHCR and other agencies.

Receiving refugees in Uganda is an act of justice

4. We cannot fully address the question of refugee rights in Uganda without looking at the political and military roles played by Uganda in different countries where refugees come from mainly Rwanda in 1994, in D R Congo since 1996, in South Sudan since 2013 and in Somalia since 2010, receiving refugees in Uganda should be more an act of justice through reparation and compensation than an international and moral obligation, especially where Ugandan army has abused human rights and forced people to run away from their countries.

Recommendations

We call upon Uganda to desist from interfering in other countries internal political affairs, any kind of political and military support should be through regional or international mandate limited only to peace purpose,

We call upon Uganda to compensate the damage faced by these refugees which was caused by Uganda military interventions in their countries of origin, especially in Rwanda, D R Congo, South Sudan, Central African Republic and Somalia,

While in Uganda refugees who survived abuses committed by Ugandan troops in their countries of origin, should be in Uganda as a transit country for not more than 6 months after which resettlement to others countries should prioritized,

Uganda should put in place specific budget allocation in advance to refugees as they continue coming as this may be expected rather than waiting for the humanitarian aid from the international community,

Protection against military recruitment

5. While Uganda has international obligation to ensure the protection of refugees on its territory, Congolese refugees were recruited into M23 rebel group and benefited the military training from Ugandan army in 2012 and 2013, this information was also

confirmed by the United Nations Security Council reports (<http://www.jeuneafrique.com/173825/politique/rdc-selon-le-rapport-final-des-experts-de-l-onu-le-rwanda-et-l-ouganda-soutiennent-le-m23/>). After the defeat of M23 in east of D R Congo, some among refugees who were recruited came back to Uganda and the civilians who survived M23 atrocities sought refuge in Uganda where since 2013 were forced to live together with M23 combatants in Rwamanja, Nakivale, Kyaka II settlements and in Kampala. The period 2011 up 2015 were marked by secret deportation and killing of Rwandan (more than 10) and Congolese refugees in Uganda who were wanted by their respective states more than 4. More than 5 Rwandan refugees and asylum seekers and more than 5 Congolese refugees and asylum seekers were killed in Uganda, among those who were kidnapped, while in 2013 Rwandan refugees were forced to go back to Rwanda from Nakivale settlement.

Recommendations:

We call upon the government of Uganda to end unlawful deportation of Congolese and Rwandan refugees,

We call upon the government of Uganda to put to the end the habit of recruiting Congolese refugees into rebels groups while in Uganda, and ensure that Uganda which is host of refugees does not at the same time host Congolese rebel groups,

Uganda should ensure the physical security of all refugees but particularly Rwandan and Congolese refugees who are often a target by their governments and put in place specific measures of protection for those at risk through quick interventions within less than 24 hours,

Uganda should strongly use its diplomatic influence to ensure refugees who were secretly deported are brought back to Uganda, and deportation should follow the requirement of the law,

Rwandan refugees are often excluded from enjoying asylum

6. Much as other refugees and asylum seekers from different countries do enter Uganda without many challenges, Rwandans asylum seekers in Uganda indicated that they cannot be allowed to cross through the official borders with Uganda but have to take risky and illegal paths in order to reach Uganda, refused to start the process from the Police Old Kampala on ground that Rwanda is safe while other refugees from other countries are required to bring traveling documents and identity cards from their countries of origin at the Police. Generally all refugees are left on their own from different borders refugees take up their own risks up to Kampala and in this process they end up being coned their money, things, or sexually abused.

Recommendation

We call upon the government of Uganda to make clear its position about the protection of Rwanda refugees and asylum seekers in Uganda, assure all Rwandans asylum seekers about the willingness of Uganda to open up its borders to them,

Uganda should offer entrance to Rwandans, who are running away from Rwanda to Uganda seeking for asylum, and ensure that undocumented asylum seekers are given opportunities to lodge in their cases,

We call upon the government of Uganda to put in place civilian offices near the borders to receive refugees and lead them to Kampala and in other settlements and discourage the move to ask refugees travelling documents and identity cards from their countries, and build relationship with other stake holders such as drivers in all parts of the countries.

We call upon Uganda to put in place mechanisms which ensure direct collaboration between the Directorate of refugees, the Police and the Courts so that asylum seekers who are in conflicts with the law are not viewed and treated as illegal migrants,

Challenges during the Refugee Status Determination Process

7. Whereas asylum seekers from different countries are accorded the refugee status in Uganda, the process is highly affected by the following shortcoming: Bribe which favours some to get the refugee status quickly in 3 to 6 months while others have to wait from 2, 3 up to five years and others do give up when it takes long, some asylum seekers do not feel safe enough to start the process from the police because of phobia against people in military uniform, some opt not to tell their true stories especially those who were persecuted by Ugandan soldiers in their countries of origin, and then, while the refugee status is generally granted to different people, Rwandan asylum seekers are either denied it, takes long to get it, or faced with the legal confusion in the East Africa. With these challenges some Rwandan asylum seekers end up changing their nationalities by calling themselves Congolese, or take names from one tribe in Uganda. As refugees reach in different offices they are also confronted with the issue of ethnicity of the people interviewing them especially this is common from Rwandans and Congolese depending on their tribes or ethnic belonging. The high dominance one ethnic group in different offices handling refugees especially staff members from western Uganda is a challenge to many refugees in terms of telling their true stories.

Recommendation

To put in place a civil office which will be in charge of the registration of asylum seekers to replace the Old Kampala Police Refugee Desk, end the system of middlemen called “*brokers*” and take disciplinary measures against officers who deal with the brokers,

To empower refugee communities which receive asylum seekers for the first time in order to orient them and assure them about the service delivered by the government of Uganda to both refugees and asylum seekers,

To make clear the East Africa legal framework on the issue of the protection of refugees within the region especially those who come from a member state and make it uniform. While Rwandan are denied refugee status on ground that they are in East Africa, this has not been applied to Burundians and South Sudanese who seek refuge in Uganda,

Carry out an awareness campaign for those who resisted registering as refugees to do so and consider to put in place staff members from either Eastern Uganda or Northern Uganda, who are viewed as neutral as far as tribe and ethnicity are considered,

To ensure that old cases are reviewed during the refugee eligibility process and are granted refugee status, those who are rejected should be accorded a fair hearing during the appeal process and have access to legal representation where necessary, and put in place complaint Desks and motivated interpreters for all, recruit interpreters and volunteers for all nationalities,

Confusion on who is a refugee in Uganda

8. While the conditions for the grant of the refugee status is well streamlined in all legal frameworks, in Uganda there is a whole confusion on who is a genuine refugee, and this has created tensions to access services, inequalities, stereotypes and exclusions. Sometimes armed people from different countries are granted refugees status such as M23 rebels in 2013 and 2014, cases of individuals who are registered as refugees in Uganda but reside in their countries of origins are made more visible, cases of Ugandans nationals holding refugee identification cards, cases of foreign students who come for studies and then acquire refugee status, even people working in their Embassies but holding the refugee status, and those who come for business then register as refugees, those who are victims of trafficking and many others have created unrests among refugees who genuinely think they ran away from persecutions and should access the available assistance. This diversity of refugees has also been the basis of number of stereotypes and myths against refugees by staffs. In Kampala all the new arrivals have been left out in the hands of their own because there are no established transit centers and this has caused various human rights violations to asylum seekers in Uganda.

Recommendation

We call upon the government to build up strong partnership with refugee communities which can result to a regular flow of information from both sides,

We call upon the government to restore the refugee leadership in all parts of Uganda through their representatives who can easily coordinate with other stakeholders and give guidance to all who would prefer to register as refugees,

We call upon the government to strengthen the existing refugee initiatives which serve as transit centers for new asylum seekers in Uganda,

Make the refugee status determination process more transparent where by information sessions can be held in different refugee communities,

The settlement option violates human rights

9. We noted that the requirement that all refugees should live in settlements does not have any law base and is more of a human logic, on the same note denying humanitarian aid to refugees in urban areas is arbitrary much as there are persistent contradictions on extending humanitarian aid to refugees in urban areas as some **under Urban Refugee Caseload** do get humanitarian aid and others do not. On the same note while refugees are not equally treated, there have been unbalanced ways to consider refugees as Ugandan Nationals in order to access certain services such as primary education, primary health care, security, among others and as foreigners like access to secondary and tertiary level, access employment among others. Based on the definition of who a refugee is there is no accurate information to treat refugees as nationals or as foreigners.

Recommendations:

To make uniform all interventions towards refugees and ensure all refugees access available assistance without discrimination,

Treat refugees as they are and to put end to consider them equal to nationals or foreigners, where they must share the available opportunities, measures of equity should be considered for refugees,

Put in place different interventions which are based on the social diversity of refugees and ensure that tailored responses are in place for specific needs of refugees depending on where they are, for example while in camps refugees can be given land, in urban areas refugees should be exposed to livelihood opportunities, including long term development actions such as roads, electricity, clean water and other forms of investment,

Discourage and eventual eliminate all unlawful interventions towards refugees and ensure that all kinds of interventions are in line with human rights standards, are inclusive, available and accessible to all refugees,

10. The Humanitarian Relief Aid in the hands of the few

Uganda depends greatly on the relief aid from the international community which is offered generously to alleviate the plight of refugees. On ground only 50 million \$ USA is needed per year in order to offer 6 Kg of food to all refugees in Uganda, only 24 million USA is needed to ensure that each single refugee in Uganda access primary education, 48 million USA dollars is needed for each refugee to have access to health treatment. But still many refugees do not access the Humanitarian Aid Services. While it is officially claimed that the aid is for refugees in settlement, many refugees in Kampala came from the settlements where they viewed this aid as symbolic, not always available, not easily accessible and not of quality and lacks quantity, for example 6 kg of grain of Maize per person and per month is inhuman. In October 2013 more than 300 Congolese refugees lost their lives on Lake Albert as they ran away from hunger in different camps in Uganda. While some refugees in urban areas are excluded from the Relief Aid, information from refugees in different camps especially in Nakivale indicated that there are thousands of ghost refugees who consume thousands of tones of food each single month through a well- organized system between food suppliers, camp authorities and refugee welfare councils. While in Kampala refugees under caseload do share their aid with staffs of the organizations which give them the aid. They told me this *“I will approve your assistance today and I will defend it in the meeting but make sure that part of the money and things will be yours and the rest mine”*.

Recommendations:

To ensure the aid is given to all refugees regardless of where they are, the aid should be of quantity, and quality, available and accessible to by everyone and it is processed and distributed in a transparent manner,

End completely the issue of ghost refugees through a regularly updated lists and put in place specific places where refugees should collect their food from, especially those who are registered in camps but who live in urban areas and travel back to collect their food,

To work directly with refugees in order to reduce the chain from the food providers to the consumers by linking the consumer and the producer together, and due to the fact Uganda produces a lot of food; money should be encouraged to refugees than food items which give refugee more freedom to buy what they want,

11. Commercial farming and refugee businesses

Some refugees are engaged in farming and once they harvest, they have not been allowed selling their products outside the settlement where they are sold at very cheap price. A Kg of Maize in Rwamanja if sometimes 250 Ug Sh or 300 Ug Sh while in Kampala it is at 1,500 Ug Sh. The camp authorities have put in place measures where specific traders come and buy products in camps at low costs. Since last year 2015 the government came with the policy of 70% and 30 % to number of interventions for refugees which has no legal back and which has deprived refugees from the right to ownership. While other nationals can access loans and financial transactions

refugees are not allowed to open a bank account, to get loans and access other funding opportunities due to well-constructed stereotypes.

Recommendation:

To guarantee the freedom of movement to refugees including leaving and coming back to camp in order to access better opportunities and sell their products outside the settlements,

To remove the policy of 70% and 30 % which require refugees to include nationals in refugee private affairs and let refugee own their initiatives,

We urge the government to eliminate all myths and stereotypes against refugees and help them access available opportunities including loans, and open bank accounts,

12. Durable solutions to refugees

While Uganda has maintained the settlement solution to some category of refugees, and voluntary repatriation to others, the country has not done enough to encourage resettlement to other countries as one among the best solutions to refugees as resettlement has remained the most little known by refugees and how to access it, Uganda has completely denied refugees the opportunities for local integration, naturalizations and development options, as the voluntary repatriations exercises have been faced with a lot to desire in terms of not being based on free will, free decisions and accurate information. Uganda has unique characterised of different categories of refugees especially those who have been in the country since 1964, since 1996, those who have been here 20, 15, 10 years back these can no longer be considered as temporal and cannot be left to their own anymore in name of “self-reliance”. While some refugees do access resettlement, refugees from Sudan especially Darfur have not been granted the resettlement options since 2006.

Recommendation

Uganda should adopt a multi-sectorial approach which aims at integrating refugees in field of their professions,

Uganda should put in place the local integration programme instead of self-reliance to all refugees,

We ask for naturalization of refugees, development options to others and local integration to others, while resettlement options should be granted to others according to where they come from, and to put in place clearly defined circumstances in which refugees can access all durable solutions and all the possible steps for the process,

We ask the government to put in place and independent refugee directorate authority which will deal with refugee issues on a more realistic manner,

13. Governing refugees in Uganda

In response to refugee participation in decision making, governance issues, and leadership at all levels, Uganda introduced the Refugee Welfare Councils (RWC) both in camps and in urban areas. In camps these RWC lack independency from the camp authorities and their levels of influencing decisions making is very limited, sometimes they are part of the human rights abuse regime and sometimes they are perceived as a government militia. While the RWC do exist in camps, in urban areas like Kampala they were stopped since 2010 up to now. As refugees struggle to set up their own independent refugee led organizations and associations, are often ignored by the regime during decision making. Refugees have been denied chance to learn about issues like human rights, leadership, all civic rights, accountability, justice and other relevant topics for their human development. Refugee have limited access to press and media, fragmented ways to access and give information, and totally put aside from national issues.

Recommendations

To restore and organize regular elections of refugee leaders in urban areas and ensure they work independently from the refugee regime, and to ensure that RWC in camps are operating independently from the camp authorities, given quality training skills in leadership, human rights a governance issues by independent qualified organizations,

To ensure that more of human rights education sessions are offered to refugees which will liberate them from fear, than the current trend of telling refugees only about criminal Code (law) which creates more fear among refugees. Encourage refugees to take part in different community development issues including leadership where they can contribute their skills,

To have a specific parliamentarian committee which looks at the issues of refugees in Uganda, and a particular Refugee Rights Desk which monitors the refugee rights situation in Uganda,

To put in place a mechanism where refugees and the refugee regime agree on what should be the priorities, mechanism to evaluate the activities and the implementation process. And to put in place mechanism where all actors in the refugee affairs are accountable to people as well as their donors and communication options between the beneficiaries and the donors,

14. The protection of women

It is widely documented that refugee women have been victims of rape from their countries of origin and in Uganda; UNHCR has published reports which show that refugee women are engaged in risky survival sex and some among those who get pregnant have lost their lives due to complications, lack of urgent treatment and comprehensive services.

Recommendations

We call upon the government to put in place comprehensive health responses to all refugee women including the right to safe-abortion, and economically empower refugee women,

We call upon the government to prioritize Sexual and Reproductive Health Rights awareness campaigns among refugee communities, including the fight against HIV/ AIDS.

15. Freedom of movement in the region and of Assembly

Refugees are still requested to pay for visa in order to enter Rwanda and Kenya. Other refugees have been faced with challenges to obtain the Conventional Traveling Document and have been faced with suspicions in order to be granted visas.

Since 2012 up to 2015 refugees applied 4 times to the Inspector General of Police to grant them permission for marching as means to express their grievances but permission was not granted. Attempts by refugee to sit down and hold hunger strike at the office of the United Nations High Commissioner for Refugees have been violently stopped by the police, in 2012 about 6 refugee opinion leaders were threatened for deportation by the Directorate of Refugees because of being engaged in refugee consciousness awareness activities, all those who have been attacked or threatened by state organs also face challenges to access humanitarian services because they are always labelled as “*dangerous*” people, as most of them are human rights defenders who are engaged in the promotion of refugee human rights in Uganda.

Recommendations

We call upon Uganda to use its diplomatic powers to ensure that refugees are not asked to pay visas in East Africa Countries; refugees do access the CTD and are given the visa opportunities like any other Ugandan,

Refugee should be given opportunities to express themselves through different ways including rallies, marching, sit in, hunger strikes among other non-violent mechanisms and the police should desist from using violence against peaceful demonstrations,

We call upon the government to ensure that refugee opinion leaders are not stigmatized against accessing all available services because of their engagement in the promotion of refugee rights in Uganda. And particular review the situation of refugee human rights defenders in Uganda, to ensure their cases are given attention and their rights are fully respected.

Thanks

On behalf of the above refugee led organization, I'm **Kulihoshi Musikami Pecos**

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