Uganda

Publication of a report: "The Human Rights of IDPs in Uganda - A Few Encouraging Steps"

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Description :

Legal cooperation Programme FIDH/Foundation for Human Rights Initiative (FHRI)

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Executive Summary:

Objectives of the Legal Cooperation Programme:
The International Federation for Human Rights (FIDH) has been conducting the Legal Cooperation Programme (LCP) since 1993 to strengthen the influence and capacity of human rights defenders vis-à-vis the government and the international community. Through the LCP, the FIDH provides a forum of exchange between human rights defenders and State authorities on key human rights issues in the country. The principle of the LCP is that the forum is only a first step and that the outcome, the recommendations adopted at the end of the workshop, are thoroughly pursued thereafter.

i. The preparatory mission took place from 13-17 November 2000.
It gave FIDH-FHRI the opportunity to establish contacts with high-level authorities and NGOs, and to explore the themes which would most benefit the get-together of human rights defenders and authorities. The FIDH-FHRI delegation met with the Minister of Justice, the Minister for Refugees and Disaster Preparedness, the Prime Ministers Office, the Acting Chief of Military Intelligence and Security, a Judge of the Supreme Court, the Uganda Human Rights Commission (UHRC), as well as the ambassadors of donor countries: the European Union, France, and Great Britain. As there had been little attention for the rights of IDPs, a major problem in Uganda, it was decided that this should be the focus of the workshop.

The event was the first to explicitly focus on the human rights of IDPs in Uganda. FIDH-FHRI built on the last IDP meeting in Kampala (March 1999) hosted by the NRC and the Office of the High Commissioner for Human Rights, which had a more humanitarian focus. The workshop achieved a dialogue among IDP camp representatives and the government. Solidarity was created among the IDP leaders from the North and the West of Uganda (the main internal conflict zones), and cooperation was strengthened among human rights and humanitarian NGOs. This later led to the creation of the IDP Core Group. The Recommendations (see below) were adopted by the NGOs and authority representatives. The Minister for Refugees and Disaster Preparedness met with the delegation
once again at the end of the workshop and promised to help ensure the implementation of the Recommendations.

**Participants:** IDP camp leaders, NGOs from internal conflict zones, Gulu and Kitgum from the North, and Kasese, Bundibugwo, and Kabarole from the West, human rights and humanitarian NGOs from Kampala and from the region of IDPs, as well as police (one from the west), military (from the Human Rights Desk), and the Ministry of Refugees and Disaster Preparedness (which deals with IDPs).

**Main highlights:** The discussions focused on the rights of IDPs as enshrined in the UN Guiding Principles on Internal Displacement. In the context of Uganda, special focus was on the right to return, the right to participation, the right to property, and access to the law. The NGOs reiterated the State’s responsibility and obligation to ensure the protection of IDPs. Although recognising that relief provided to IDPs is important, it is not an end in itself: root causes of the armed conflict should be addressed. IDP representatives and NGO emphasised the right to return. Resource persons from Kenya and Somalia shared their experiences on IDPs in Rwanda and Somalia, and the issue of access to the law. The workshop also provided an overview of the situation of IDPs in Uganda (their whereabouts, problems and needs). It served to remind authorities not to add to the problem by violating the rights of an already vulnerable group. The IDP camp representatives expressed to the Minister their weariness as to just how temporary their situation was, given that they have been hearing this for over ten years.

The Minister for Refugees and Disaster Preparedness said that the Government of Uganda was aware that IDPs have the same rights as its other nationals, their main concern being to ensure that the IDPs have water, sanitation and medical care, other rights notwithstanding. In an emergency situation, the Government may not be able protect other rights like access to education as this situation is a temporary one. He also said that the Government had tried to protect the rights of IDPs through peaceful conflict resolution and deployment of UDPF at boarders, passing of the Amnesty Law, the disarmament of Karamajong, encouragement of humanitarian NGOs working with IDPs, and the establishment of a Department of Disaster Management and Refugees. In his conclusion, the Minister reiterated that the Government of Uganda recognises the plight of IDPs and is committed to protecting their rights.

**Recommendations:** A realistic number of recommendations were adopted, each attributing tasks to the responsible body
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(government ministries and officials, district authorities, OCHA, UHRC, and FHRI). The Recommendations included that the Government of Uganda "continues to initiate and promote dialogue with warring Parties and promote lasting solutions to conflicts in the Country", that "there should be systematic human rights monitoring by local and international monitors of human rights violations of IDPs in Uganda and IDPs should have enhanced protection and... prompt and adequate recourse to all legal processes, including recourse to the court"; that "the Draft Bill on Disaster Management should take into consideration the needs and rights of IDPs as stipulated in the UN Guiding Principles on Internal Displacement" to be made available to civil society; that Local District Units and Home Guards be made aware of international human rights law; that "an adequate proportion of the National budget should be directed towards promoting the rights of IDPs and, in particular, to their right not to fall below the nationally accepted average standard of living"; that "IDPs and the general public should have proper access to information and data concerning [their] situation"; that the Guiding Principles be widely disseminated and translated in relevant local languages; that the police monitor the situation of human rights in the camps, in particular those of women and children; that the temporary return of IDPs be facilitated; that to "better protect the right of IDPs to their property, District Land Boards should issue Customary Certificates of Land Tenure"; that the Secretary-General's Representative for IDPs make a visit to Uganda as soon as possible; and that FHRI create a specific programme for campaigning on the rights of IDPs.

Media: There was media coverage which generally deplored the IDP situation, bringing needed attention to the plight of IDPs (see Annexes).

iii. Follow-up activities FIDH and FHRI undertook follow-up of the workshop and its recommendations. The following are some of the IDPs related activities:

- Wide dissemination of Recommendations locally and internationally to relevant governmental officials, the Special Representative of IDPs, UN agencies, and NGOs.
- OCHA (Uganda) continued to work with FHRI, and brought the Recommendations to the "UN Conference on IDPs: Lessons Learned and Future Mechanisms" in Oslo, Norway on 23 May 2001.
- FHRI initiated the IDP Core Group in the follow-up meeting, supported by the Human Rights and Democratisation Programme of Danida/EU, on 22 November 2001 to further strengthen the network of cooperation for promoting and protecting the rights of IDPs. The identified priorities of the IDP Core Group formed at the meeting were: development of a government policy on IDPs; addressing the insecurity; and insufficient advocacy by civil society on behalf of IDPs as well as district authorities on their plight.
The Uganda Government issued a policy on IDPs in February 2002. A major breakthrough was the government's decision to draft a policy on internal displacement. The Office of the Prime Minister and the Department for Disaster Preparedness and UN OCHA began to work on "The National Policy on Internal Displacement - Policy and Institutional Framework." The most recent policy is from April 2002 and refers to the UN Guiding Principles on Internal Displacement. It contains provisions concerning the institutional arrangements, including the functions of a national technical committee responsible for monitoring human rights violations, which is also the function of the District Disaster Management Committee (DDMC). The draft policy has a provision on protection of IDPs against arbitrary displacement and during return. Property rights, family unification, food security, shelter, clothing, education, health, water/sanitation, resettlement kits, rehabilitation of infrastructure and graduated tax are all included in the draft policy. The draft provides for a protection sub-committee which has a joint responsibility with the UHRC to monitor respect for the rights of IDPs.

Uganda ratified the Optional Protocol to the Convention on the Rights of Children on the Involvement of Children in Armed Conflict in March 2002. This convention states that recruitment of children below the age of 18 is forbidden.

The NGO Human Rights Focus (HURIFO) launched its report "Between Two Fires - human rights violations in the 'protected' camps" on 26 February 2002. Human rights violations by the LRA and the UPDF are documented in several IDP camps in the North. The report received world media coverage. No government response was received at the time of the follow-up mission.

The FIDH-FHRI delegation met with the Ministry of State for Disaster Preparedness and Refugees, the Commissioner for Disaster Preparedness and Refugees, the Minister of State for Defense, the UPDF Human Rights Desk, and the Inspector General of Police. It also met with the UHRC, NGOs, and visited IDP camps and their representatives in the North, mainly Pagak, Pabbo, and Awer. The purpose was to assess the progress on the implementation of the Recommendations.

The main findings were that there were many positive developments (such as listed above) as well as the fact that some IDPs have begun to return home in the West and the East. The North remains the most difficult situation as the security of IDPs is still not secured. Unfortunately, little coordination has happened among stakeholders, in particular lack of dissemination of important information, such as the recent
report of HURIFO documenting violations in the northern IDP camps. The fact that the UN Guiding Principles on IDPs had been translated into Luo was not widely known. Monitoring of human rights violations in IDP camps, although improved in some cases, was still not been carried out in a systematic manner. A very positive feature was that OCHA shared the draft policy with FHRI and other key groups. Government authorities have been receptive and responsive during this mission, and the Inter-Ministerial Committee seems to be moving on the issues, though it could not yet be assessed to what extent. It was concluded that continued strong coordination was imperative for the successful implementation of the recommendations on the rights of IDPs.