



Refugee Law Project
Faculty of Law, Makerere University

Annual Report 2005

RLP'S VISION

RLP's vision is *Human Rights for All*. All people in Uganda are entitled to enjoyment of human rights irrespective of their status, as Ugandan citizens, refugees, or aliens. That vision is informed by the proclamations stipulated in the Charter of the United Nations, the Universal Declaration of Human Rights, and subsequent international human rights treaties, all of which have found expression in Uganda's constitution.

RLP'S MISSION STATEMENT

To remove obstacles that are embedded in law, policy and institutional dysfunctions at many different levels that prevent asylum seekers, refugees, host communities and internally displaced persons in Uganda from enjoying their human rights and leading dignified lives.

OUR APPROACH

The RLP believes that the basis for any social progress is the ability of individuals and communities to enjoy fundamental human rights and freedoms, for therein lie the foundation for democracy, peace, and stability. Free people are creative, productive, and independent; controlled people have less opportunity to be creative and are more dependent for everything in life on structures external to themselves. Therefore, social policy, economic policy, political systems and structures, law, and practices should promote greater independence for the individual, the basic unit of the community. Similarly, refugee policy, law, and practice should promote autonomy and should conceive of refugees as people with skills and capabilities that can benefit host communities.

The RLP also believes that the extent to which refugees and aliens lawfully in the country of asylum enjoy human rights and other freedoms reflects the extent to which citizens of that country enjoy their rights and the effectiveness of democratic institutions and other mediating structures. Thus, in advocating for refugee rights, the RLP believes it will influence the process of democratisation and respect for human rights in Uganda generally.

In our day-to-day work we seek to work across departments and disciplines and to plan and conduct joint activities.

2005: a year of success and challenges

2005 proved to be a successful year for all the RLP's different department and activities, with considerable expansion of staff and client numbers. A notable improvement was the introduction of a counselling element to the project to complement the existing legal aid provision.

Challenges were both of a political and technical nature. On the political side our legal aid and research activities continued to generate difficult relationships with UNHCR and its implementing partner, Inter-Aid Kampala, and with the Ministry of Disaster Preparedness and Refugees.

Primary factors in this include our position on fundamental issues such as the settlement policy and its implications for the broader human rights issues affecting refugees and the international refugee regime. We have continued to argue, basing on our research findings and interactions with refugees, including those seeking asylum, that the settlement policy is not good for refugees and host communities, despite claims to the contrary by its advocates; it not only limits freedom of movement but reduces refugees to passive victims who must be controlled by benevolent humanitarian actors but also kills their creativity and independence. A second important factor is the issue of legal representation for refugees and asylum seekers. Both UNHCR and OPM protection officers appeared not to welcome the fact that refugees do seek legal representation with third parties, and that, as a consequence, their decisions are open to question by legal officers or third parties a refugee has sought help from. The challenge for us is how to engage other actors without a backlash for refugees.

On the technical side challenges included the lack of sufficient space for the expanding staff, and a funding short-fall of just under \$100,000, as a result of which certain training activities had to be cut back. There were also delays in the disbursement of funding, and insufficient staff to respond to the needs of those presenting at the RLP. The need for a full-time advocacy officer to ensure that research recommendations are fed into policy and practice remains pressing, as does the need to increase the administrative support function, and to have greater access to IT specialists. Internet connectivity remained a problem, as did the ubiquitous power cuts, and, despite the purchase of a second vehicle, our transport was not sufficient to respond to emergency calls from refugees around the country.

Legal Aid & Counselling

Refugees seeking legal aid more than doubled in 2005, from 227¹ to 568. In response to this ever-increasing caseload we significantly expanded the structural capacity of the Legal Aid and Counselling Department to provide quality *pro bono* legal aid and outreach to rural refugee camps.

Country of origin	Total	Percentage (%)
DRC	422	74.3
Rwanda	56	10
Burundi	34	6

¹ See, Refugee Law Project, Annual Report 2004, p.5

Sudan	26	4.5
Ethiopia	20	3.5
Somalia	7	1.2
Kenya	3	0.5
TOTAL	568	100

Table 1. Cases by country of origin

Case type	Total	Percentage (%) of total cases handled
Physical safety	429	75
Women at risk	31	5
Status determination	24	4.2
Urban status requests	2	0.3
Family reunification	5	0.8
Camp relocation	4	0.7
CTD application	1	0.1
Wrongful detention	3	0.5
Medical cases	24	4.2
Material assistance	8	1.4
Survivor of torture	6	1
Education	2	0.3
Unaccompanied minors	13	2.3
Former child soldier	1	0.1
Victim of crime in Uganda	7	1.2
Voluntary repatriation	1	0.1
Vulnerability	12	2.1
Others	4	0.7
TOTAL	568	100

Table 2: Nature of complaints received

Gender Ratio	Total	Percentage (%)
Male	460	81
Female	108	19
TOTAL	568	100

Table 3: Nature of complaints disaggregated by gender

An important addition to the services provided was the recruitment of a psycho-social counselor to help address the many psycho-social problems experienced by our clients. In the first eight months alone she was able to work with 125 clients. 80 (approximately 63%) were women and 46 (approximately 36%) men. Additionally 25 (approximately 19%) were below the age of 18. While initially refugees were referred for counselling by the legal officers, as the refugee community became aware of this service, many began to seek counselling directly.

In April, following complaints received by the LAC suggesting that cases involving violation of the human rights of refugees in Kyaka II (a refugee camp in western Uganda) were on the rise, the LAC together with the research and advocacy department sent out a team of two legal officers, an intern and a researcher fellow to investigate the accuracy of the allegations of these violations. The team focused on understanding the general livelihood of refugees in the camp, the security situation, access to justice for refugees and abuse of authority by the camp authorities.

The team established that many refugees in Kyaka II faced serious problems with regard to access to adequate health services, access to education for children, no proper measures in place to address the needs of children unaccompanied either by parents or next of kin and there was widespread abuse of power by camp officials. The findings indicated the need for major interventions to address these abuses.²

In addition to working with individual clients, our advocacy for refugee rights in general included a review of all sections of the Refugee Bill, and submission of our comments to experts on refugee law. To increase public access both the Refugee Bill and its predecessor, the Control of Aliens & Refugees Act, were posted on the RLP website. Information sessions for refugees to inform them about their rights and obligations, resettlement, and the role of the Refugee Law Project, were revived.

In addition to recruiting additional legal officers and a full-time counsellor, a vehicle, new computers and furniture were purchased, and additional office space was created through partitioning of existing offices. The installation of the Abacus case management system software helped to improve case-management.

Research & Advocacy

The Department continued to enjoy a high public profile, with a total of ten field research trips conducted during the course of 2005, the publication of five working papers, and the convening of monthly seminars which attracted good audiences and strong participation.

The research trips covered a range of issues in different parts of Uganda:

- Self-settled refugees in Koboko county, Arua, now Koboko district (10th – 25th February).
- Traditional mechanisms of justice in Northern Uganda (3rd – 16th March).
- The situation of urban refugees living Kampala (January – March).
- Traditional mechanisms of justice in Yumbe and Arua districts (18th April – 1st May).

² Now that a vehicle is available for the LAC's use, we are making specific work plans to expand our services beyond Kampala at our January Strategic Meeting

- The effects on refugees of secondary displacement, with specific focus on the Achol-Pii refugees who were relocated from Kiryandongo Settlement to Ikafe Refugee Settlement in Yumbe District (7th – 16th June).
- The security situation of self-settled refugees in South-western Uganda (25th July – 4th August).
- Knowledge and practice of traditional methods of conflict resolution and reconciliation in South-western Uganda (8th – 20th August).
- Three-day fact-finding mission into Nakivale settlement to investigate media reports alleging forced eviction of Rwandese refugees from a section of settlement land by some locals.
- The implementation of the UN's recommendations on the human rights of IDPs in Northern Uganda (1st – 21st October), The research was conducted in collaboration with the Norwegian Refugee Council (NRC). The final report was submitted to the NRC in the final week of December.

In addition, the department undertook two DANIDA funded studies. The first, from 17th April – 1st May, involved a Risk Analysis in the West Nile region. The second, commissioned by the Coalition for Teso IDPs Rights (COTIR), focused on the implementation of the IDP Policy.

The working papers were as follows:

- Working Paper 14, the first in the MacArthur series, entitled *'We are all stranded here together': The local settlement system, freedom of movement and livelihood opportunities in Arua and Moyo districts.* (February)
- Working Paper 15, *Whose Justice? Perceptions of Uganda's Amnesty Act 2000: The potential for conflict resolution and long-term reconciliation.*
- Working Paper 16, the second in the MacArthur series, entitled *'A Drop in the Ocean': Assistance and Protection for Forced Migrants in Kampala.* (May)
- Working Paper 17, *Peace First, Justice Later: Traditional Justice in Northern Uganda.* (July)
- Working Paper 18, *"There are No Refugees in this Area": Self-settled Refugees in Koboko.* (December)

The following seminars were held:

- **January:** Alice Alaso, MP Womens Soroti, presented on the role of parliament members in formulating policy related to displaced persons in Uganda.
- **February:** Mr. Sharouh Sharif, Head of UN Mission in Congo (MONUC), made a presentation entitled, "Sustained Instability in the DRC: Causes of Continued Displacement." This seminar resulted in an article in the *New Vision*.
- **March:** Lucy Hovil and Zachary Lomo presented research findings from RLP Working Paper 15.
- **April:** Dr Paul Omach (Senior Lecturer, Political Science, MUK) and Ms. Caroline Ort (Norwegian Refugee Council) presented on the issue of protection and security in northern Uganda. Approximately 60 people were in attendance, and there was an excellent debate on the issues.
- **May:** Professor Sylvia Tamale, Dean of Law, Makerere University, presented a seminar on the gender dimensions of forced migration. Again, the seminar was very well attended, with active audience participation.

- **October:** Mr Yosa Wawa of Windle Trust and Professor Mwale of Makerere University presented on “Implementing the Right to Education for Refugees in Uganda.” This seminar was reported in the *New Vision*.
- **December:** Dr Sverker Finnstrom of Uppsala University (Sweden) and Zachary Lomo presented on “War and Humanitarianism,” with Timothy Bishop (Chief of Party, IRC-CRD) chairing.

Education & Training

In 2005 the department trained 41 newly recruited immigration officers in refugee and human rights law. Participants included those working at border posts. Participants were given reading materials they can use for reference during the course of their work. A draft training manual for training police officers in Uganda was also developed and is now being reviewed to ensure that it accurately captures the local cultural, social, economic, and political context.

In collaboration with the Research & Advocacy Department and administration, the department developed a collaborative *Knowledge and Skills project* aimed at improving the protection of internally displaced persons in northern Uganda. This proposal was initiated when Maria Maas from Novib-Oxfam visited the RLP during the year to discuss prospects of working together with the RLP. The Knowledge and Skills project has a training and research component which aims to improve the knowledge and skills of official actors in IDP hosting districts. The first training workshops under this project were carried out with district leaders from Gulu and Kitgum in December 2005. These focused on human rights standards, the Guiding Principles on Internal Displacement and the National Policy on Internally Displaced Persons.

Following demands from NGOs and other institutions, the department developed a project proposal for short courses in refugee and human rights law. It is anticipated that participants for these short courses will pay a fee which, in the long run, will make the department partially self-sustaining; a high priority, given erratic donor funding that has drastically affected its activities. We were also involved in discussions with the International Training Programme in Peacekeeping, Good Governance for African Civilian Personnel (ITPPG) of the Legon Centre for International Affairs (LECIA), University of Ghana about the possibility of developing a similar programme at the RLP to cater for the Great Lakes Region. A draft proposal was jointly developed during the year and was to be further discussed in January 2006.

Sarah Dryden Peterson, a doctoral education student at Harvard University, affiliated to the RLP, organised a workshop in Nakivale Refugee Settlement to disseminate her research findings on the education of refugee children in Uganda. The department was invited to participate in this workshop and was represented by Mr. John Ekwamu.

In addition to its outreach activities, the RLP runs a small information centre which accommodates a collection of books, journals, newspapers, and magazines on forced migration and refugee law. The information centre is open to the public, especially students with a keen interest in human rights, refugees and internationally displaced persons.

Structure

As currently constituted the structure of the RLP is as follows: The Dean of Law, as the overall administrator and overseer of Faculty projects and programmes supervises the administration of the RLP and ensures that all University financial guidelines for accountability are strictly followed. S/he provides technical advice as well as approving project design, implementation, monitoring, evaluation, and reporting. Depending on the specific issue at hand, the Dean of Law reports to the Faculty Board and/or the Finance Committee about the activities of the RLP.

The Director of the RLP is responsible for the planning, organising and coordination of RLP's activities and the day-to-day running of the project including fundraising and preparing reports. The Project is structured into four departments, namely, **Finance & Administration**, which plays a pivotal role in the implementation of all RLP activities; the **Research & Advocacy Department** which carries out action-oriented research and advocacy programmes seeking to raise the profile and awareness of human rights, refugee rights, refugee law, policy, and other related issues; the **Legal Aid & Counselling Department** which provides free legal services and representation to asylum seekers and refugees; and the **Education & Training Department** which provides training for practitioners in the field, government officials and other interested parties in human rights and refugee law and related issues. The heads of the four departments and their staff are answerable to the Director, who in turn reports to the Dean of Law and attends meetings of the Finance and Administration Committee of the Faculty Board.

At its 54th meeting, the Faculty of Law's Finance and Administration Committee, which currently provides both financial and administrative oversight of the RLP, approved a proposal for the establishment of a Board of Governors. It is anticipated that this board will commence its oversight activities in the course of 2006. The formation of an external advisory board is also under consideration. The long-term goal is to develop the RLP into a leading centre for the study of forced migration and advocacy for the rights of forcibly displaced persons, namely, refugees and IDPs.

Staffing and Staff Development.

From a staff of 8 in 2001, we grew to 17 staff members, 5 local volunteers in the Legal Aid Department and 5 international interns in the Research and Advocacy Department. In the course of 2005 three additional legal officers, one psycho-social counselor, one LDC clerkship and one driver were recruited.

One of our legal officers visited AMERA Egypt for a month in order to share experiences on provision of legal aid to refugees, including those seeking asylum, and to bring new issues to the attention of the LAC Department.

The Education and Training Department developed a three-week internal training in communication and inter-personal relations skills for the staff of the Refugee Law Project in order to maximise performance of individuals and departments and to maintain good relations between staff and refugees.

Evaluation

From December 10 – 20 the activities of the Legal Aid & Counselling Department were evaluated, for the first time, by two independent consultants from Canada, Sharryn J. Aiken and Rudhramoorthy Cheran. This evaluation exercise is to be repeated on a yearly basis. The RLP

also received three visits from AMERA board members to review the utilisation of Comic Relief funding.

Funding

The RLP depends almost entirely on donations for its activities. The remainder of the funding is raised through consultancies. In 2005 we were grateful to receive the following monies;

a) The Ford Foundation provided a two-year grant (Sept 2005 – August 2007) for \$240,000 for expansion of activities. The year 2005 part of the grant amounting to \$120,000 has been disbursed.

b) Comic Relief made a two-year grant (Jan 2005 – Dec 2006) of British Pounds Sterling £131,807 through AMERA UK that allowed us to carry out institutional expansion of the Legal Aid and Counselling Department and to purchase additional equipment and furniture. In 2005 we received £60,573.

c) Christian Aid gave US \$26,220 for advocacy work and dissemination of the research findings on the conflict in northern Uganda.

d) CARE Uganda donated Ushs 66,465,202 (US \$36,925) for research on traditional justice mechanisms running from January 2005 to February 2006. Of this, Ush 46,701,150 was received in 2005.

e) Novib gave Euro 130,000 (November 2005 – Oct 2006) for advocacy work and dissemination of the research findings on the conflict in northern Uganda and popularisation of IDP policy in Northern Uganda. Euro 65,000 was received in 2005.

Capitalisation

We purchased a 4WD pickup truck, four (4) desks, four (4) filing cabinets and twelve office chairs. We also purchased five (5) computers and two (2) printers. In addition we bought a complete set of the Laws of Uganda, 2000 edition. In March two additional office spaces were created through partitioning, and an external reception area for refugees was also created.

The Way Forward in 2006

In 2006 we envisage a continuation and expansion of the activities in the different thematic areas. In particular we hope to:

- Expand the activities of the Legal Aid and Counselling Department, especially in reaching out to refugees in settlements and self-settled areas. The Psychosocial counsellor and Senior Legal officer are working on an action plan that includes the following:
 - Group counselling sessions for women and teenagers. Legal officers will be invited to these sessions in order to determine what legal interventions these groups might require.
 - The counsellor will, whenever possible, accompany legal officers to the field in order to get more insight into the psychosocial issues affecting refugees in camps (a self funded intern may be sought to help with this work). At the end of the year, the psychosocial counsellor will develop a strategy to address psychosocial issues in refugee camps. One possibility to worked with the Transcultural Psychosocial Organisation (TPO) is the training of community counsellors.
 - Regular staff debriefings
 - Establishing relationships with various mental health specialists/groups (interns will be sought to help with this work).
- In addition, we plan to recruit at least two more legal officers and purchase a vehicle for the Legal Aid and Counselling Department to facilitate our ability to respond promptly to SOS calls from refugees far away from Kampala.
- Continue research in refugee and IDP policy and practice in Uganda and the Great Lakes Region. This is the bedrock of our activities because it ensures that our interventions on behalf of refugees or internally displaced persons are based on information that is accurate and up-to-date.
- Continue with training activities, focusing on immigration officers, officials and teachers in the districts of Gulu, Kitgum, and Pader. In addition, we shall develop funding proposals for training activities in Adjumani and Lira districts. These districts are selected because they host the greatest number of internally displaced persons in Uganda today.
- Networking and advocacy especially in influencing changes in policy and the passing of progressive legislation on refugees in Uganda.
- Develop strategies and funding proposals for a building for RLP
- Develop a five-year strategic Plan for the RLP
- Endeavour to open more channels of communications with the relevant offices in OPM and UNHCR to explain our perspectives and review our current methods of work.
- Take steps in the planning and fund-raising for a new RLP 'House' which can accommodate the expanding staff complement, and can also have sufficient facilities to serve as an income-generating opportunity for the project.