



REBUILD
Boosting Livelihoods



HANDBOOK ON REFUGEE ACCESS TO JUSTICE

OCTOBER 2023

Foreword

In the quest for justice, few endeavors are as critical as ensuring access to justice for refugees and asylum seekers. Refugees often fleeing persecution, violence, and unrest, embark on journeys that test the limits of human resilience. Their pursuit of safety and justice is a fundamental human right, one that the legal system is duty-bound to uphold. This handbook is a resource that seeks to make this journey less daunting, a legal compass designed to provide clarity and guidance to the custodians of justice processes, enabling access to justice to people seeking refuge in Uganda.

The "Handbook on Refugees Access to Justice" that you hold in your hands is a testament to our collective commitment to upholding this fundamental human right. It is a comprehensive guide that not only outlines legal procedures but encapsulates the very essence of our legal systems and their universal application.

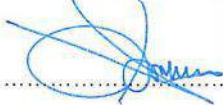
As members of the judiciary, we recognize that access to justice is not merely a slogan but a cornerstone of democracy and human rights. This handbook, crafted jointly by stakeholders including the Judiciary, the Office of the Prime Minister, humanitarian organizations such as the International Rescue Committee (IRC) through the ReBuild Program and representatives of refugees is a repository of knowledge, experience, and empathy. It addresses the unique legal challenges faced by refugees, recognizing their diverse backgrounds and the myriad complexities that come with seeking asylum and justice.

The contributors to this handbook have poured their collective wisdom into its pages, offering practical guidance on navigating the legal intricacies of refugee status determination, asylum proceedings, and the broader legal framework that underpins the protection of refugees. Their insights, rooted in a deep understanding of the refugee experience, will prove invaluable to legal professionals, advocates, and refugees themselves.

The "Handbook on Refugees Access to Justice" is more than a mere legal reference; it is a bridge between the law and the individuals whose lives are profoundly impacted by it. It underscores that justice is not an abstract concept but a lifeline, a source of protection, and a beacon of hope for those who have known adversity and displacement.

Let this handbook be a testament to our shared commitment to justice for all, irrespective of nationality, ethnicity, or circumstance. May it guide our collective efforts to ensure that the doors to justice remain open to those who seek refuge on our lands.

In our pursuit of justice, let us remember that we are not just upholding the law; we are upholding the dignity of all humankind. May this handbook serve as a guiding light on this shared journey toward a more just and equitable world.



Hon. Justice Flavian Zeija

Principal Judge

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Acronyms

CPFU	Child and Family Protection Unit
CRRF	Comprehensive Refugee Response Framework
DCDO	District Community Development Officer
DPP	Directorate of Public Prosecutions
IEC	Information Education and Communication
IRC	International Rescue Committee
JLIRP	Jobs and Livelihoods Integrated Response Plan
JLOS	Justice Law and Order Sector
KCCA	Kampala Capital City Authority
LC	Local Council
LG	Local Government
MoLG	Ministry of Local Government
MOU	Memorandum of Understanding
OPM	Office of the Prime Minister
PSWO	Probation and Social Welfare Officer
REC	Refugee Eligibility Committee
RLOs	Refugee Led Organizations
RSA	Resident State Attorney
SDS	Social Development Sector
SGBV	Sexual and Gender-Based Violence
UGANET	Uganda Network of Law, Ethics and HIV/ AIDS
UHRC	Uganda Human Rights Commission
ULS	Uganda Law Society
UNHCR	United Nations Refugee Agency

1. Introduction and Background

1.1 Introduction

Objective 8 of the Governance and Security Program of the National Development Plan III¹ provides for improved refugee protection and migration management.

The Plan envisages Justice Law and Order institutions working with other actors to enhance access to justice for vulnerable Ugandans and refugees in Uganda. This includes operationalizing the National Refugee Policy and enhancing coordination amongst refugee response and protection interventions.

These commitments are important because of the challenges refugees face when seeking justice in Uganda. This is especially true for urban refugees who do not enjoy the traditional structural and community protection frameworks within refugee settlements.

Accordingly, this document is meant to:

- i. Highlight the experiences of refugees accessing justice and law institutions.
- ii. Raise awareness of Justice and Law institutions on their responsibility and mandate towards refugees.
- iii. Raise awareness of Justice and Law institutions on refugee response framework; and
- iv. Propose a referral pathway of Justice and Law institutions for refugees seeking justice.

It draws on the Court Open Day for Urban Refugees, and the Access to Justice Dialogue that the International Rescue Committee (IRC) organized in 2021 and 2022 respectively; with the support of various partners, including the Judiciary, Office of the Prime Minister (OPM) - Department of Refugees, and the UNHCR.

Key observations from the Court Open Day and the Dialogues are as follows:

- i. Refugees face several bottlenecks that hamper their access to equitable, affordable and quick justice. The bottlenecks include limited refugee knowledge of local justice systems and structures; costly and complex justice processes; language barriers; inadequate geographical coverage of justice and law institutions; and limited knowledge of refugee rights and documentation amongst justice and law providers.
"... for the last 33 years that I have served in the Uganda Police Force, I had never known about the existence of the Refugee Act..." **Participant at the Dialogue.**
- ii. Limited coordination and information are shared about refugees and asylum-seekers across justice, law, and policy agencies in Uganda.

¹ Chapter 19 of the NDP III

- iii. The case management processes of most justice and law institutions do not provide for refugee/asylum-seeker status.
- iv. Refugees and asylum-seekers often face economic, social and other forms of discrimination, which heightens their justice needs.

1.2 Key Recommendations

- i. Justice and law agencies should provide for refugee and asylum seeker status within their case management systems.
- ii. The Access to the Justice Working Group should support the establishment of a justice referral framework for refugees.
- iii. Justice and law agencies should enhance coordination and cooperation with OPM, UNHCR and other agencies responding to refugees through regular inter-agency dialogues, and the District Coordination Committee meetings. The IRC, OPM, and UNHCR will develop and disseminate a mailing list to support coordination with justice and law agencies.
- iv. The IRC, OPM, and UNHCR should support the capacity and knowledge-building of justice and law agencies on refugee matters. The IRC, OPM, and UNHCR should develop an information pack on refugee rights and obligations, which Justice and Law agencies can integrate into their respective training curriculums.

1.3 Challenges and Proposed Solutions

	Challenges	Proposed Solutions	Time Frame
1.	Language barrier (interpretation services remain critical, especially in ensuring clear and concise information during court proceedings)	<ul style="list-style-type: none"> • UNHCR provided a toll-free line at 0800323232, where justice and law institutions can access the UNHCR interpreters pool when handling refugee cases. 	Already implemented

2.	<p>Limited knowledge about refugee documentation amongst JLOS (Governance and Security Secretariat) institutions.</p>	<ul style="list-style-type: none"> • The IRC, OPM, and UNHCR to provide information and sample documents on refugee identification documentation to justice and law institutions. • The judiciary, the IRC, OPM, and UNHCR will utilize access to the justice working group and the District Coordination Committees to enhance awareness of refugee identification documentation among Justice and Law Actors. 	<p>Short-term</p> <p>Short-term</p>
3.	<p>Lack of disaggregation of refugee data within JLOS (Governance and Security Secretariat) institutions</p>	<ul style="list-style-type: none"> • Integrate government data information systems with refugee registration systems. • Justice and law agencies should provide for refugee and asylum seeker status within their case management systems. 	<p>Mid-term to Long-term</p> <p>Mid-term</p>
4.	<p>Limited legal representation for refugees.</p> <p>Difficulty in securing court bail and police bond due to absence of sureties</p>	<ul style="list-style-type: none"> • Establish and strengthen case referrals between justice and law institutions on one part, and legal aid service providers on the other. • Popularize legal aid services and service points to refugees and asylum seekers. • Adjust bail and bond guidelines to accommodate refugees and asylum seekers. 	<p>Short-term</p> <p>Short-term</p> <p>Mid-term</p>

5.	Ignorance of the law and justice processes amongst refugees.	<ul style="list-style-type: none"> Humanitarian organizations, OPM, legal aid service providers and Refugee-Led Organizations (RLOs) should enhance the sensitization of refugees on the law and justice processes. 	Short-term
6.	Limited information-sharing and coordination between JLOS (Governance and Security Secretariat) and refugee response institutions.	<ul style="list-style-type: none"> Establish a refugees' case referral framework through the Access to Justice Working Group. OPM, UNHCR, and JLOS to generate and disseminate a contacts list with the support of the other justice and humanitarian agencies. The contacts list will specify the focal contact person within each institution. 	Short-term Short-term
7.	Delay in registration of new arrivals/asylum seekers (OPM registration staff facing competing activities with the ongoing IPE/ verification exercise).	OPM should increase the pace of registration and provision of identification documents to asylum seekers.	Mid to Long-term

8.	<p>Justice systems do not integrate mental health and psychosocial support services, which is a critical need of refugees and asylum seekers who have suffered harm, violation or abuse.</p> <p>High costs of accessing justice services, especially in the formal system (both documented and undocumented costs).</p> <p>Limited geographical coverage of CSOs providing legal services for refugees. Child unfriendly justice institutions for refugee children.</p> <p>Long distances to access courts and legal services for refugees, especially within refugees' settlements</p>	<ul style="list-style-type: none"> • Strengthen the coordination and partnership between CSOs providing legal aid, MHPSS and other services for refugees. • Lobby for more funding of justice and legal aid services from development partners and the Government. • Strengthen Alternative Dispute Resolution mechanisms for dispute resolution and conflict prevention. • Promote and conduct mobile courts specifically in settlement and other rural areas. • Prioritize the diversion of children in conflict with the law. Enhance partnership with Probation and Social Welfare Officers, and Child and Family Protection Units of the Police in cases of children in conflict with the law. Police Officers and Judicial Officers should ensure child friendly environments when dealing with cases involving children. 	<p>Short-term</p> <p>Short-term</p> <p>Short-term</p> <p>Short-term</p> <p>Short-term</p>
9.	<p>Case backlog, resulting in prolonged detentions and high numbers of pre-trial detainees.</p>	<ul style="list-style-type: none"> • The Government should recruit more judicial officers. 	<p>Ongoing</p>

10.	Logistical challenges (e.g., lack of transport) that hamper ability of Justice and Law institutions to provide timely and adequate services.	<ul style="list-style-type: none"> Advocate for more funding from the Government and development partners. 	Ongoing
11.	Maintaining the civilian/ humanitarian character of asylum: There are no internment facilities in Uganda, making it difficult to ensure that the procedural components of demobilization, rehabilitation, and reintegration are done effectively.	<ul style="list-style-type: none"> Advocate for a policy framework and an internment center for ex-combatants. 	Long-term
12.	<p>Discrimination and conflicts between refugees/ asylum seekers and host community members.</p> <p>Negative coping behaviour amongst refugees has resulted in host community members, stigmatizing them as 'wrong-doers'.</p>	<ul style="list-style-type: none"> OPM, UNHCR, and humanitarian organizations should enhance public awareness on the rights of refugees. RLOs should work together with LCs to promote peace-building and conflict resolution between refugees and the host community. Strengthen community policing interventions to enhance security for refugees and host community members. Provide social and livelihood support programs for refugees to mitigate negative behaviour. 	<p>Short-term</p> <p>Short-term</p> <p>Short-term</p> <p>Short-term</p>

13.	Increasing refugee population likely to cause conflict between the refugee and host Communities.	<ul style="list-style-type: none"> Governments of countries within the Great Lakes Region should explore peaceful resolution of conflicts that cause the refugee influx. 	Mid to Long-term
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2. Basic Definitions

- **Access to justice:** Access to Justice has been defined as the ability of people to seek and obtain a remedy through formal and informal institutions of justice, in conformity with human rights standards.²
- **Asylum:** The granting, by a State, of protection on its territory to persons from another State who are fleeing persecution or serious danger. Asylum encompasses a variety of elements, including non-refoulement, permission to remain on the territory of the asylum country and humane standards of treatment.³ Everyone has the right to seek and enjoy other countries' asylum from persecution.⁴
- **Asylum Seeker:** An Asylum Seeker is a person who intends to or has applied to the Refugee Eligibility Committee (REC) for the grant of refugee status and is awaiting a decision.⁵
- **Non-Refoulement:** A principle of international refugee protection that prohibits contracting states to forceful return (refouler) or expel refugees in any manner whatsoever to the frontiers of territories where their lives or freedom would be threatened on account of race, religion, nationality, membership of a particular social group or political opinion.⁶
- **Forcibly displaced person:** A person who has unwillingly moved away from their home, community or country due to armed conflict, natural disaster and persecution.
- **Host Community:** The society within which refugees and asylum seekers reside.
- **Prima facie refugees:** Refugees who have fled their home country in such large numbers that the Government of Uganda grants all of them refugee status due to mass influx⁷ and are given group recognition by the Prime Minister responsible for refugees.
- **Refugee:** A person who was forced to leave their country of origin, fears returning, does not have the protection of being a citizen, and has a well-founded fear of being

² United Nations Office on Drugs and Crime 2016, Global Study on Legal Aid, Global Report accessed 20th November 2020

³ <https://www.unhcr.org/449267670.pdf>

⁴ Article 14 of the Universal Declaration of Human Rights 1948

⁵ Refugees Act 2006, Section 2: Interpretation session

⁶ Article 33 of the 1951 Refugee Convention (Convention Relating to Status of Refugees)

⁷ GUIDELINES ON INTERNATIONAL PROTECTION NO. 11: - Prima Facie Recognition of Refugee Status <https://www.unhcr.org/558a62299.html>

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. In Uganda’s context, refugees are found within refugee settlements or urban areas (urban refugees).

- **Settlement:** A geographical area designated by the Government of Uganda for relocation and settlement of refugees.

Country of origin	% of Population	Population
South Sudan	61.3%	951,713
Dem. Rep. of the Congo	28.6%	444,308
Somalia	3.7%	56,894
Burundi	2.7%	42,036
Rwanda	1.7%	25,726
Eritrea	1.5%	23,237
Ethiopia	0.3%	4,514
Sudan	0.2%	3,807
Others	0.1%	828
Total		1,553,063

Refugee population in Uganda as of 30th April 2022: Source OPM, UNHCR

3. Legal and Policy Framework

3.1 International legal and policy frameworks

The International legal framework for the protection of refugees and asylum seekers started after the Second World War and it includes international humanitarian law (under which states are obliged to respect, protect, and fulfil refugees and asylum seekers’ rights) and international human rights law.

The International and Regional Instruments include:

Universal Declaration of Human Rights 1948: The Declaration was adopted in 1948 by the General Assembly and is the foundational document for international human rights by affirming that “all human beings are born free and equal in dignity and rights.” As a declaration, it is not legally binding, but it has been integrated into binding international treaties. The right to seek asylum is specifically referenced in Article 14 which provides that, “everyone has the right to seek and enjoy asylum from persecution.”

I. 1949, Four Geneva Conventions (Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, of August 12, 1949. II. Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, of August 12, 1949. III. Geneva Convention relative to the Treatment of Prisoners of War, of August 12, 1949. IV. Geneva Convention Relative to the Protection of Civilian Persons in Time of War, August 12, 1949): The conventions were established for the protection of wounded military personnel, and of the humanitarian conventions which supplement it. Each of these fundamental international agreements is inspired by the respect for human personality and dignity. Together, they establish the principle of disinterested aid to all victims of war without discrimination – to all those who, whether through wounds, capture, or shipwreck, are no longer enemies but merely suffering and defenceless human beings. The ex-combatants also have the right to seek asylum and benefit from refugee protection. They should not be denied because of their past experience in military activities.

International Covenant on Civil and Political Rights (ICCPR) 1966: The Convention was adopted in 1966 by the General Assembly and came into force in 1976. The ICCPR obligates countries that have ratified the treaty to protect and preserve basic human rights, such as the right to life and human dignity; equality before the law; freedom of speech, assembly, and association; religious freedom and privacy; freedom from torture, ill-treatment, and arbitrary detention; gender equality; the right to a fair trial; right family life and family unity; and minority rights. The rights are to be enjoyed on a non-discriminatory basis, and nearly all of its provisions apply to everyone within a state's territory or under its jurisdiction. It protects refugees from expulsion, which shall only be undertaken pursuant to a decision reached in accordance with the law. Uganda ratified the ICCPR in 1995.

The International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966: The Convention was adopted in 1966 by the General Assembly and entered into force in 1976. This treaty works to aims to protect social and economic rights including labour and the right to health, the right to family life, the right to education, and the right to an adequate standard of living. The covenant does not explicitly mention refugees but does refer to the rights of everyone, not just citizens. The non-discrimination provisions reinforce that all the provisions should be applied equally, regardless of birth, social origin, race, or other status etc. Uganda ratified the ICESCR in 1987.

1951 Convention Relating to the Status of Refugees and 1967 Protocol Relating to the Status of Refugees: The Convention was enacted in 1951 and entered into force in 1954. It is the cornerstone of international refugee law. It defines the term "refugee," establishes the principle that refugees should not be forcibly returned to a territory where their lives or freedom would be threatened and sets out the duties of refugees and the states' responsibilities toward them. The 1967 Protocol to the Convention was adopted to expand the scope of the Convention beyond Europe and make it global.

The rights provided for under the Convention include:

- Non-discrimination (Art 3)
- Freedom of worship (Art 4)
- Ownership of Property (Art 13 and 14)
- Right of Association (Art 15)
- Access to Courts (Art 16)
- Freedom of Movement (Art. 26)
- Equality under the tax regime (Art 29)
- Protection From Expulsion (Art 32)
- Non - Refoulement (Art 33)

Uganda ratified the Convention and Protocol in 1967, with reservations around national security (Art. 8,9) expulsion (Art. 32) and most favoured treatment (Art. 7 13, 15, 17, 18, 19 and 21).

The Convention on the Rights of the Child (CRC) 1989: The Convention was adopted in 1989 and came into force in 1990 is a treaty that focuses on the socio-economic, civil, political and cultural rights of children. The CRC codifies three core legal tenants the “best interest” of the child rule, non-discrimination, and the child’s right to participate. While the CRC aims to protect all children, certain articles are frequently applied to refugee children including a child’s right not to be separated from their family. It states that all refugee children should receive protection and humanitarian assistance. It also extends the protection of refugee children by allowing participating nations the capacity to recognize children who do not fall under the strict guidelines of the Convention definition but should not be sent back to their countries of origin. It provides for the principle of non-refoulement to prohibit the return of a child to their country “where there are grounds for believing that there is a real risk of irreparable harm to the child.” Uganda ratified the Convention in 1990.

The Convention on the Elimination of All Forms of Racial Discrimination (CERD) 1965: The Convention was adopted in 1965 and entered into force in 1969, contains detailed prohibitions of, and obligations to prevent, discrimination on grounds of race, colour, descent, or national or ethnic background. This can be particularly relevant for asylum-seekers and refugees who may be the targets of racial discrimination and xenophobia. Uganda ratified the Convention in 1980.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1979: The Convention was adopted in 1979 and entered into force in 1981. It requires state parties to refrain from discriminating against women in any way that directly or indirectly results in denying them equal enjoyment of their rights with men. It emphasizes substantive equality, requiring states to not just ensure the laws do not discriminate against women but for states to ensure the quality of their lives is equal. Women and girls make up the majority of refugees globally and the protections outlined outline how states are responsible for their welfare. CEDAW also provides the international legal

framework to generate acceptance that discrimination as a matter of the violation of human rights constitutes persecution and gender should and now is considered a category for protection for refugees. Uganda ratified CEDAW in 1985.

The Convention on the Rights of Persons with Disabilities (CRPD) 2006: The Convention, which was adopted in 2006 and ratified in 2007, specifically requires state parties to ensure the protection and safety of persons with disabilities in situations of risk, including during armed conflict and humanitarian emergencies. Uganda ratified the Convention in 2008.

The International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) 2007: The Convention was adopted in 2007 and entered into force in 2010. It requires state parties to make enforced disappearance a criminal offence and bring those responsible for it to justice. The Convention protects individuals from extradition if there are substantial grounds for believing that extradition has been requested to prosecuting a person on account of their sex, race, religion, nationality, ethnic origin, political opinions, or membership of a particular social group, or if compliance with the request would cause harm to that person for any of those reasons. It also protects people from being forcibly returned to a State where there are substantial grounds for believing they would be at risk of enforced disappearance. Uganda signed the treaty in 2007 but has not ratified it.

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) 1984: The Convention was adopted in 1984 by the General Assembly and ratified in 1987. This treaty aims to prevent torture and other actors of cruel or inhumane punishments and treatment. It prohibits torture within their jurisdiction and from transporting anyone to a country where they believe they might be tortured. This treaty is important for refugee law because of the following provisions. It defines and prohibits torture and other forms of cruel punishment and treatment that are the source of many claims of refugee protection; it bans refoulement where there are grounds to believe that anyone, not just recognized refugees, might be subject to torture. The ban on refoulement is non-derogable. Therefore, these are rights whose infringements cannot be justified under any circumstance; general rights to life, freedom from torture, and inhuman or degrading treatment. Uganda ratified the Convention in 1986.

3.2 Regional legal and policy frameworks

Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa 1969: The Convention was enacted in 1969 and came into force in 1974 in response to the large-scale displacements of refugees in the wake of the end of colonialism. The Convention adopts the refugee definition found in the 1951 Refugee Convention and expands it to include persons fleeing civil disturbances, widespread violence and war (even if they do not have a well-founded fear of persecution). It states that any act of asylum to refugees should not be considered an ‘unfriendly act’ and emphasizes the importance of solidarity and international cooperation among member states. Uganda ratified the 1969 OAU Convention on Refugees in 1987 with no reservations.

African Charter on Human and Peoples' Rights (Banjul Charter) 1981: The Charter was drafted in 1981 and came into force in 1986. It was developed by the Organization of African Unity (since replaced by the African Union). The Charter promotes and protects Human Rights within the African continent through the creation of a commission and a court; the African Commission for Human and Peoples Rights and the African Court of Human and Peoples Rights. Uganda ratified the Banjul Charter in 1986.

African Charter on the Rights and Welfare of the Child (ACRWC) 1990: The Convention was adopted in 1990 and entered into force in 1999. The ACRWC was drafted by the OAU. It sets out rights and defines principles for the status of children in all areas including civil, political, economic, social and cultural rights. Similarly, to the CRC, the ACRWC ensures the provisions apply to all children, irrespective of their legal status. States should act in the best interest of children and ensure they can participate in decisions impacting them. The ACRWC specifically stipulates that refugee children should receive appropriate protection. Article 23 of the African Children's Charter details that 'all appropriate measures' are to be taken to ensure that children seeking refugee status, or who have been granted refugee status, regardless of whether they are accompanied or not, receive 'appropriate protection and humanitarian assistance in the enjoyment of the rights set out in ... [the Children's] Charter and other international human rights and humanitarian instruments to which the states are parties'.⁸ Uganda ratified the Charter in 1994.

Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa (The Maputo Protocol) 2003: The Charter was adopted in 2003 and entered into force in 2005. This protocol guarantees rights to women and girls in all aspects including sexual and reproductive health, political process, economic empowerment and ending violence against women and girls. It recognizes refugee women have particular needs which may differ from those of men, and includes articles that focus on: equality of access in respect of the refugee status determination process; the provision to refugee women of their own identity as well as other documentation; the inclusion of women in decision-making structures at all levels; and the protection of asylum-seeking, refugee, returnee and displaced women from 'all forms of violence, rape and other forms of sexual exploitation. Uganda ratified the Protocol in 2010.

Intergovernmental Authority on Development (IGAD) in East Africa 1996: The Authority assists and complements the efforts of the Member States to achieve, through increased cooperation, food security and environmental protection, peace and security, and economic cooperation and integration in the region.

East African Community (EAC refugee management policy): This is still a work in progress and the draft will be validated from Nairobi in June 2022. The policy provides for collaboration among member states in the promotion of the rights of refugees, including the protection of forcibly displaced people and regulatory regimes affecting the movement of persons, immigration and refugee management.

3.3 National legal and policy frameworks

Constitution of the Republic of Uganda 1995: Chapter Four provides for a Bill Of Rights that are embodiment of human rights under international instruments. Refugees and asylum seekers as well as all individuals within Uganda enjoy the same rights including the right to life, freedom from torture, equal treatment, and access to justice. Refugee function is a Central Government Service/responsibility under the sixth schedule (Article 189 of the Constitution). These include citizenship, immigration, emigration, refugees, deportation, extradition, passports and national identity cards, defence, security, and maintenance of law and order. Chapter III provides for citizenship and marriage of foreigners to citizens to apply for citizenship after a subsisting marriage of three years.

Refugees Act 2006: The Act makes new provisions for matters relating to refugees, in line with the 1951 Convention relating to the status of refugees and other international obligations of Uganda relating to the status of refugees; to establish an Office of Refugees; to repeal the Control of Alien Refugees Act, Cap. 62, provides for the rights and obligations of refugees, and determination of refugee status and emphasizes that granting of refugee status must be seen as a peaceful and humanitarian act extended to a person as part of their human rights.

Government Residence Policy

- Refugee Settlements
- Refugees live in settlements (not in camps)
- They are allocated plots of land for dwelling and farming
- Urban Refugees
- Formally registered urban refugees, although some still move to live and work in other urban centres/areas outside greater Kampala and across the country; there are other refugees registered under different refugee settlements who move and live in urban areas across the country including Kampala.
- Government policy on urban refugees is that they should be able to fend for themselves, work and be self-reliant.
- Section 44(2) of the Refugees Act (2006) stresses that a refugee who wishes to stay in a place other than the designated places or areas (refugee settlements) may apply to the Commissioner for permission to reside in any other part of Uganda.
- In 2009, the UNHCR also adopted the Policy on Refugee Protection and Solutions in Urban Areas (Urban Refugee Policy) to safeguard and protect the rights of urban refugees.

⁸ Bekker, Gina (2013) The protection of asylum seekers and refugees within the African regional human rights system Afr. hum. rights law j. vol.13 n.1
http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1996-20962013000100002

Uganda refugee inclusion initiatives

- **Self-Reliance Strategy (SRS) for refugees** adopted in 1999 - aimed to integrate the services provided to the refugees into regular government structures and policies
- **Settlement Transformative Agenda (STA)**, linked to **Uganda's National Development Plan II (2015–2020)** aims to address the socio-economic development of refugee-hosting
- **The Comprehensive Refugee Response Framework (CRRF)** aims to strengthen the integrated delivery of services to host communities and refugees through support for the development of **sector-specific response plans** in refugee-hosting districts
- **Integrated services to refugee-hosting areas are provided**—to the degree possible—that ensures refugees and host communities benefit from shared, rather than parallel, services.
- Development resources are distributed to refugees and their hosts based on quotas – **involving the 70:30 principle.**
- **Health and education services** are considered to be the most integrated services
- Refugee children are allowed to **access government-aided schools**; use the Ugandan curriculum; and be taught in English as the common language of instruction, from Primary 3 onward.
- Refugees are **paying the same fees/tuition** as nationals at secondary, tertiary/university levels which is below that paid by other foreigners/aliens in the country.
- Both refugees and Ugandan nationals access free primary health care services at government-aided health facilities.

Refugee Regulations 2010: Provides guidelines in handling matters related to refugees as in the Refugees Act, punishments for selling refugee documents; disclosing information about refugees without consent; non-disclosure of information that is relevant in the determination of refugee status and dealing with ex-combatants who apply for asylum.

The Registration of Persons Act, 2015: Requires registration of all children born in Uganda, including children of refugees and asylum seekers.

The National Environment Act, 2019: An Act that provides for the management of the environment for sustainable development; to continue the National Environment Management Authority as a coordinating, monitoring, regulatory and supervisory body for all activities relating to the environment; to provide for emerging environmental issues including climate change.

The National Forestry and Tree Planting Act, 2003: An Act that provides for the conservation, sustainable management and development of forests for the benefit of the people of Uganda. It provides for sustainable use of forest resources and enhancement of productive capacity of forest as well as provide for the promotion of tree planting.

The Landlord and Tenant Act 2022: The Act restricts payment of more than three (3) months in rent in advance unless the tenant opts to do so in writing. Landlords are prohibited from increasing rent at a rate of more than 10% annually. Landlords are required to give notice of 60 days in case of a rent increment and Landlords are to give 60 months' notice of termination of the agreement.

*The National Child Policy:*⁹ The primary goal of this policy is to achieve improved realization and enjoyment of all children's rights to survival, development, protection, and participation by all children in Uganda. It provides for all children in Uganda, including refugees in accordance with international laws and national legislation. Thus, refugee children are provided for under provisions of the policy unless otherwise stated. Providing for refugee populations remains a mandate of OPM with support from UNHCR, although there are efforts to make refugee response an integrated multi-sectoral response. The Policy integrates refugee children into the national legal framework.

Comprehensive Refugee Response Framework: On the 24th of March 2017, OPM officially launched the CRRF, adapting the principles and objectives set out in Annex 1 of the New York Declaration of Refugees and Migrants to the Ugandan context. The CRRF is a multi-stakeholder coordination model on refugee matters focusing on the humanitarian and development needs of both refugees and host communities. The CRRF in Uganda encompasses five mutually reinforcing pillars as outlined by the global objectives: (i) Admission and Rights, (ii) Emergency Response and Ongoing Needs, (iii) Resilience and Self-reliance, (iv) Expanded Solution, and (v) Voluntary Repatriation. The CRRF is government-led, spearheaded by OPM, facilitated by UNHCR, and guided by the participation of a wide range of stakeholders. To promote coordination between, and help strengthen, existing government and partner institutions, a Steering Group and a Secretariat have been set up to support the application of the CRRF locally.

Jobs and Livelihoods Integrated Response Plan (JLIRP) for Refugees and Host Communities in Uganda 2020/2021: The envisaged change for the plan is a resilient, sustainable, and inclusive development of refugees and host communities, with reduced conflicts and violence in all its forms; increased employment in owned micro and small enterprises among the refugees and host communities; increased volumes and qualities of agro-products in the domestic and regional markets; increased own and formal employment; and increased number of disadvantaged and vulnerable persons socially and economically included from the refugees and host communities in the refugee hosting districts.

⁹ Government of Uganda: National Child Policy 2020

The JLIRP pursues strategic objectives relevant to legal and social protection namely:

- Peaceful coexistence and economic interaction extended and strengthened between refugees and host communities by 2025;
- Sustainable economic opportunities created in 13 refugee hosting districts for improved competitiveness and inclusive growth of refugees and host communities by 2025;
- Food, nutrition and income security of 486,861 refugee and 1,152,087 host community households improved by 2025;
- Skilled refugees and host communities capable of harnessing employment opportunities in the country by 2025; and
- A minimum of 361,000 (five per cent) of refugee and host communities' vulnerable populations will be fully included and actively participating in local development initiatives of the country by 2025.

The plan is designed to run for five years, from June 2020 – June 2025 in the refugee hosting districts including Kampala. This costed plan has anticipated focus areas with prospective partners assigned to each one. This plan has the potential to cover most of the systemic issues barring refugees from the labour market and commerce in Uganda.

3.4 Legal matrix of rights and obligations of refugees

Rights and Obligations	International Law and Conventions	Continent and Regional law	National Law
Right to seek asylum	Art 14 of UDHR	Art 12 (3) of Banjul Charter	S29(1)(b) Refugees Act
Right not to be expelled, except under certain, strictly defined conditions	Art 32 of 1951 Convention	Art 12(4) and (5) of Banjul Charter Art II of OAU Convention	S.38 Refugees Act
The right not to be punished for illegal entry into the territory of a contracting State	Art 31 of 1951 Convention		S.38 Refugees Act
The right to work	Articles 17 to 19 of the 1951 Convention	Art 15, 22 of Banjul Charter	S 29(1)(e), Refugees Act

Right to be issued identity and travel documents. Refugee legal documents include: i. Asylum Seekers certificate ii. Refugee Identity Card iii. Attestation form iv. Conventional Travel document v. Birth certificates for children born in host country vi. Marriage certificate for those married in the host country	Art 27 and 28 of 1951 Convention		S. 29 (1)(a), 31 Refugees Act
Non-discrimination	Art 3 of 1951 Convention	Art 2, 19, 28 of Banjul Charter	S. 29(1)(c) Refugees Act
Freedom of worship	Art 4 of 1951 Convention	Art 8 of Banjul Charter	S. 29(1)(f) Refugees Act
Ownership of Property	Art 13 and 14 of 1951 Convention	Art 14 of Banjul Charter	S.29(1)(e)(i) and (ii) Refugees Act
Right of Association	Art 15 of 1951 Convention	Art 11 of Banjul Charter	S. 29(1)(g) Refugees Act
Access to Courts	Art 16 of 1951 Convention	Art 7 of Banjul Charter	S. 29(1)(h) Refugees Act
Freedom of Movement	Art 26 of 1951 Convention	Art 12 of Banjul Charter	S. 30 Refugees Act
Equality under the tax regime	Art 29 of 1951 Convention		S. 35(f) Refugees Act

Non - Refoulement	Art 33 of 1951 Convention Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	Art II of OAU Convention	
Rights and protection of women	Art 2 of CEDAW		S.33 Refugees Act
Rights and protection of children	Art 19, 22, 23 and 24 of Convention on the Rights of the Child		S. 32 Refugees Act
Right to housing	Art 21 of 1951 Convention Art 11 of ICESCR		Not specifically provided for in the Act or Regulations
Right of refugee families	Art 10 of ICESCR	Art 18 of Banjul Charter	S. 26, 27 Refugees Act
Right to education	Art 22 of 1951 Convention	Art 17 of Banjul Charter	S. 29(1)(e)(iii) Refugees Act
Right to public relief and assistance	Art 23 of 1951 Convention		S. 44 (4)(a) Refugees Act
Rights associated with personal status - E.g., to be domicile in Uganda	Art 12 of 1951 Convention	Art 2 and 5 of Banjul Charter	S. 34 Refugees Act

<p>Duties/Obligations of refugees in host country</p>	<p>Art 2 of 1951 Convention - Conform to the laws of country of asylum</p>	<p>Chapter II of the Banjul Charter</p>	<p>Refugees Act S.35 Refugees Act obligations of refugees</p> <ul style="list-style-type: none"> i. Abide by all the laws and regulations in Uganda ii. Not engage in activities which may endanger state security, harm public interests or disrupt public order iii. Not engage in any political activities within Uganda, against any country, including his or her country of origin. iv. Pay taxes if engaged in gainful employment
<p>Fair Trial - Including the right to legal counsel; right to a fair, speedy and public hearing before an independent and impartial court or tribunal established by law; presumption of innocence until proven guilty; right to have legal or judicial proceedings conducted in a language that they understand, including assistance of an interpreter where required; and penalties or sanction by the law if found guilty.</p>			<p>Chapter 4, 1995 Constitution of the Republic of Uganda</p>

3.5 Cessation of Refugee Status

1. A person shall cease to be a refugee if:

- a.) that person voluntarily re-avails himself or herself of the protection of the country of his or her nationality, or voluntarily re-establishes himself or herself in the country of origin;
- b.) that person surrenders his or her refugee status;
- c.) having lost his or her nationality, he or she acquires it again;
- d.) that person becomes a citizen of Uganda or acquires the nationality of some other country and enjoys the protection of the country of his or her new nationality;
- e.) the circumstances in connection with which that person was recognised as a refugee have ceased to exist, but he or she without compelling reasons arising out of previous persecution—
- f.) continues to refuse to avail himself or herself of the protection of the country of origin or nationality; or continues to refuse to return to the country of former habitual residence or to take on another available nationality;
- g.) being of a class of persons declared to be refugees in accordance with Section 25 of the Refugee Act of 2006;
- h.) that person has committed a serious non-political crime outside Uganda after admission into Uganda as a refugee , or that person has seriously infringed the purposes and objectives of the Geneva Convention or the OAU Convention.

2. The procedure laid down in Section 39 of the Refugee Act

shall apply in relation to a person who ceases to be a refugee in terms of this section.

3.6 Deportation/Expulsion of refugees

1. The Minister responsible for refugees may, after consultation with the Minister responsible for internal affairs, order the expulsion of any recognised refugee from Uganda, if the Minister considers the expulsion to be necessary or desirable in the interest of national security or public order. (Section 40 (1) of the Refugee Act)
2. Before ordering the expulsion of a recognised refugee under subsection (1) of this section, the Minister shall give due consideration to any representation made by the refugee concerned or his or her representative or the representative of the UNHCR. (Section 40 (2) of the Refugee Act)
3. In case a refugee has been convicted of an offence, it should be up to the minister responsible for refugees to consider deportation in accordance with the law after they have served their sentence. (Gachev & Ors v Uganda (Criminal Appeal No. 155 of 2013) [2016] UGHCCRD (16 July 2016)

3.7 Sample best practices in justice delivery for refugees

Justice Gap	Best Practice	Institution
Complex laws and policies	<p>Legal awareness raising</p> <p>Simplified laws and policies</p>	<p>Judicial Service Commission.</p> <p>Humanitarian organizations</p> <p>Non-Governmental Organizations</p>
Language Barriers	Training and provision of court interpreters.	Judiciary with the support of Office of the Prime Minister, UNHCR and Humanitarian Organization.
Long Distances to access legal and judicial services	<p>One stop JLOS centres</p> <p>Mobile courts</p> <p>Training and provision of community paralegals</p>	<p>JLOS (Governance and Security Secretariat)</p> <p>Judiciary</p> <p>UNHCR and OPM</p> <p>Humanitarian Organizations and NGOs</p>
Limited access to legal assistance	<p>Legal Aid Services</p> <p>Support to acquire legal documentation.</p> <p>Information on how to navigate legal and justice institutions.</p>	<p>Judicial Service Commission</p> <p>Legal Aid Service Providers.</p> <p>Humanitarian Organizations</p>
Incompatibility between National Identity Cards and Refugee Identity Cards for eligibility to access services.	Advocacy with legal and policymakers and implementers to promote equitable access services for refugees.	<p>Office of the Prime Minister and UNHCR</p> <p>Humanitarian Organizations</p>

4. Roles of relevant state and non-state actors

Office of the Prime Minister (Department of Refugees)

- Processes asylum applications, registration, and documentation of refugees and asylum seekers.
- Settles refugees and ensures their welfare and protection through coordinated service delivery structures and mechanisms.
- Provides technical advice to the government on refugee matters, and develops policies, guidelines, and standards on service delivery to refugee and host communities.
- Enters MOUs with partners to provide support to refugees and host communities, monitor and supervise service provision to refugees and host communities and mobilize resources for refugees and host communities.
- Undertakes planning and budgeting for refugee management, promote durable solutions for refugee and develop and enforce guidelines for better coordination.
- Builds and supports local response capacity including risk management and strategies.

United Nations High Commissioner for Refugees (UNHCR)

- Protection of refugees and asylum seekers, and provision of humanitarian assistance globally, and in Uganda.
- Facilitate permanent/durable solutions for persons of concern (refugees, asylum seekers, returnees, internally displaced persons and stateless) in partnership with the Government of Uganda and other humanitarian agencies.
- Provides advisory and support roles to the Government of Uganda on humanitarian affairs. These may include resource mobilization, information management of refugees and asylum seekers in Uganda, and the development of refugee policies and structures.

Ministry of Gender, Labor and Social Development

- Promote decent employment opportunities and labour productivity.
- Enhance the effective participation of communities in the development process.
- Enhance the resilience and productive capacity of vulnerable persons for inclusive growth.
- Empower youth to harness their potential and increase self-employment, productivity and competitiveness.

- Promote rights, gender equality & equity and women empowerment in the development process.
- Strengthen the performance of the Social Development Sector (SDS) institutions.
- Redress imbalances and promote equal opportunity for all.

Probation and Social Welfare Officers

- Support legal, justice and humanitarian institutions regarding the protection and welfare of children at risk, children in conflict with the law, and probation matters among others.

Kampala Capital City Authority

- Enact and enforce the by-laws and ordinances for Kampala City.
- Registration and licensing of businesses.
- Support child justice processes through the Probation and Social Welfare Officer.
- Enhance adherence to labour standards and resolve employment-related disputes.
- Coordinate development programs within Kampala City

Judiciary

- Administer justice through resolving disputes between individuals, and between the State and individuals.
- Interpret the Constitution and the laws of Uganda.
- Promote the rule of law and contribute to the maintenance of order in society.
- Safeguard the Constitution and uphold democratic principles.
- Protect the human rights of individuals.

Directorate of Public Prosecutions

- Institute criminal proceedings against any person or authority in any court other than a court martial.
- Conduct appeals arising from those prosecutions, including as the responding party, in any court.
- Directs the police to investigate any information of a criminal nature.

Uganda Police Force

- Ensure disaggregation of refugees at the earliest point of interface with legal and justice institutions.
- Support humanitarian agencies on the initial profiling of asylum seekers.

- Protection of life and property.
- Prevention and detection of crime.
- Maintain law and order.
- Maintenance of overall Security and Public Safety in Uganda.

Uganda Prisons Service

- Ensure that every person detained legally in prison is kept in humane, safe custody, provided in court when required until lawfully discharged or released from prison.
- Facilitate the social rehabilitation and reformation of prisoners through specific training and educational programs.
- Facilitate the reintegration of prisoners into their communities.
- Ensure performance by prisoners of work reasonably necessary for the effective management of prisons.
- Perform other such functions as the Minister after consultation with the Prisons Authority, may from time to time assign to the service.

Justice Law and Order Sector

- Facilitate communication, coordination and cooperation of justice and law institutions for improved justice delivery and coverage. At the district level, these are represented by District Chain Link Committees.

Directorate of Citizenship and Immigration Control

- Ensure disaggregation of refugees at the earliest point of interface with legal and justice institutions.
- Facilitate the legal and orderly movement of persons to and from Uganda.
- Process, verify and grant Uganda citizenship.
- Regulate the issue of national passports and other travel documents.
- Facilitate and provide a conducive immigration environment for foreign investment in Uganda.
- Enforce national and regional immigration laws for the security and development of Uganda.

Refugee-Led Organizations (RLOs) and Community Leaders

- Provide organizational, identity and information support to refugees and asylum seekers. RLOs are traditionally based on the nationality of refugees and asylum seekers.

- Support assessment and articulation of the needs of refugees and asylum seekers.
- Mobilize refugees and asylum seekers to ensure representation and participation in refugee support intervention. This includes the participation in the Refugee Engagement Forum, among others.
- Facilitate linkages and referrals between refugees and service providers.
- Support direct delivery of services to refugee communities.
- Support dispute resolution among refugees, in partnership with host community structures and formal justice institutions.
- Provide interpretation and translation services for refugees and asylum seekers.

Local or Urban councils within the host community

- Mobilize communities for participation in government or humanitarian programs.
- Support identification and verification of refugees for service delivery.
- Support with identification/proof of residence documents.
- Support dispute resolution together with RLOs and formal justice and law institutions.
- Provide information on host country services and service points, laws and cultures for refugees and asylum seekers resident within their communities.
- Support the provision of security, law and order in partnership with the police.

Humanitarian Actors and Legal Aid service providers

- Advise refugees and asylum seekers on humanitarian solutions available to them including voluntary repatriation, integration and resettlement.
- Provide legal assistance, including legal representation of refugees and asylum seekers.
- Support resolution of disputes within refugee communities, and between refugees and host communities.
- Provide information on rights, services and service providers for refugees and asylum seekers.
- Support the provision of services to refugees and asylum seekers. These include health, livelihoods, safety and protection, education, basic needs, water and sanitation among others.
- Identify and advocate for issues affecting refugees and asylum seekers.
- Build knowledge and capacity of state actors, community organizations and CSOs on humanitarian programming and approaches.

Media (television, radio, internet, newspapers)

- Build public knowledge and awareness of the rights of refugees and asylum seekers. This includes documentation of displacement and crises and stories.
- Provide a platform for humanitarian actors to advocate for increased funding and support to the humanitarian sector.
- Facilitate public discussions and engagement in humanitarian matters, to inform policy and other strategy interventions.

Uganda Registration Services Bureau

- Provide registration and documentation for births, deaths, marriages and divorces.
- Provide registration for businesses and business names, patents and intellectual property rights.

Annex 1: Sample Refugee documents

Refugee Identity Card



Asylum seekers certificate



Refugee Family Attestation



Annex 2. Referral Directory (Providers and services available)

Organization	Targeted clients	Free Services Offered	Contact Information
International Rescue Committee (IRC)	Refugees and host communities in targeted communities	Legal counselling, information dissemination, advocacy, coordination with JLOS (Governance and Security Secretariat) institutions regarding cases of refugees in Police, Court and Prisons and strengthening linkages with OPM and UNHCR, GBV Response	0393263673 0200963673 0740312273
United Nations High Commissioner for Refugees (UNHCR)	Refugees, asylum seekers, stateless persons	Feedback channel – Toll free 24hrs open in 24 languages, Durable solutions for refugees, information management, Protection of refugees and asylum seekers, provision of humanitarian assistance, advisory and support roles to government on humanitarian affairs	0800323232 - Refugee Help line Toll - Free (Inter agency Feedback, Referral and Resolution Mechanism - FRRM)
Mercy Corps (MC)	Refugees and host communities in targeted communities	Cash assistance for income generating activities with a preference for groups rather than individuals	+256200522600

Jesuit Refugee Service (JRS)	Refugees and host communities in targeted communities	Cash assistance, adult literacy training, medical assistance mental health and psychosocial support	039 3501790
Norwegian Refugee Council (NRC)	Refugees and host communities in targeted communities	Community based protection, access to education and livelihoods, cash assistance for both groups and individuals, support for the Refugee Status Determination, legal aid, counselling, mediation, and referrals	0783650414 – Access Centre
Care and Assistance for Forced Migrants (CAFOMI)	Refugees and host communities in targeted communities	SGBV and child protection services	041 4530050
Young African Refugees for Integral Development (YARID)	Strong preference for refugees	Cash assistance for groups, adult literacy for elders, community-based protection	0756511335 0200 912345
Refugee Law Project (RLP)	Refugees and host communities in targeted communities	Support for the Refugee Status Determination, legal aid, counselling, mediation and referrals	0800100555/ 0414343556
Uganda Law Society	Indigent persons in need of legal representation or advisory	Legal aid, counselling, mediation and referrals	0800100150/ 0800100151 - Toll Free
Law Development Centre - Legal Aid Clinics	Indigent persons in need of legal representation or advisory	Legal aid to women and children, counselling, mediation and referrals	+256 414 530 235 +256-774876535

Justice Centers Uganda	Indigent persons in need of legal representation or advisory	Legal aid, counselling, mediation and referrals	080 010 0210 - Toll Free
Legal Aid Service Providers Network (LASPNET)	Indigent persons in need of legal representation or advisory	Legal aid, counselling, mediation and referrals	0417893500 080010015 – Toll Free
Federation of the Female Lawyers (FIDA)	Indigent persons in need of legal representation or advisory, with special focus on vulnerable women and children	Legal aid to women and children, counselling, mediation and referrals	0800 111511 – Toll Free 0772827960 0414 530848
Uganda Network of Law, Ethics and HIV/AIDS (UGANET)	Indigent persons in need of legal representation or advisory, with special focus on persons living with HIV, vulnerable women and children	Legal Aid, counselling, mediation and referrals	0800 333123
Women's International Peace Centre (WIPC)	Vulnerable women and girls	SGBV case management/ after care support for victims of SGBV	+256-414-543953
Makerere Business Law Clinic	Indigent persons in need of legal advisory for business and employment	Legal advisory and support for legal compliance in low income earning businesses and employment	+256 200 907251
Platform for Labor Action	Indigent persons or victims of abuse suffered in employment	Legal aid, counselling, mediation and referrals	0312260196 0779220776

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