

**Uganda Protection Cluster  
Meeting with Dr. Walter Kalin,  
RSG on HR of IDPs**

UNHCR Representation  
Kampala

July 16, 2009

# Child Protection Sub-Cluster

Lead:  
UNICEF

# Protection context

- **Challenges** of return process

- safety
- security
- the wellbeing of children and families
- health
- \nutrition
- livelihoods and
- economic independence of vulnerable groups

- Targeted figures

- 150, 000 children in Acholi
- 40,000 children in Teso

→ **190,000** children in situation of concern

# Progress since 2006

## Structures for Coordination and Response

- Prior to 2006, Child Protection response was largely fragmented
- From 2006, Child Protection Committees were established
- Focus on child protection systems
- Overall response to child protection cases has increased from less than 20% of identified/ reported cases in 2006 to 56.4% at the end of 2008

# Priority child protection challenges and gaps

- **Over 40% of households leave children behind in camps\* to:**
  - Access to school
  - Access to health care
- **Major consequences:**
  - **Temporary separation from primary caregivers (leading to exposure of the children “left behind” to violence, abuse and exploitation; New phenomena have arisen from this process:**
  - **1. Increased abandonment of children in the camps**
  - 2. Increased numbers of Street Children**
  - 3. Children “left behind” are more vulnerable to sexual exploitation especially girls**
  - 4. Incidence on Early marriages**

\* Inter-agency assessments carried out in in Gulu and Amuru – 2008.

## Specific child protection challenges regarding “access to land”

- Reports of increased vulnerability of orphans and child headed households (CHH) who fail to access family land.  
→ This has forced many orphans and CHH to remain in the IDP camps
- Reintegration challenges faced by children formerly associated with the LRA who find their land had been appropriated on their return, depriving them of a means of support

# Gaps in the response

Coverage of Government services remains limited and response capacity is low even in areas with coverage

→ Not able to provide children with the required protective services in camps, transit and return areas

# Suggestions of actions to reach “durable solutions” (1/2)

## **1. Support existing Community Based Structures to:**

- identify and adequately handle individual cases
- promote community solution to prevent/mitigate child protection violations related to displacement and return

## **2. Support NGOs serving as lead agencies to facilitate referral and access to:**

- emergency medical care
- food
- shelter
- care assistance and psychosocial support for children exposed to violence, abuse and exploitation as a result of displacement or the return process



# Suggestions of actions to reach “durable solutions” (2/2)

3. Provide dedicated support to the community based response capacities
4. Provide technical assistance to secure functional Government led child protection coordination and referral mechanisms at sub-county level on child protection violations related to displacement and return



“Durable Solution”

**All children identified by Community Based Child Protection structures, NGOs and Government agencies as vulnerable or suffering from harm due to abuse, exploitation and violence due to displacement and return process should access care and protection**

# GBV SUB CLUSTER

# Protection context

- Changing face of GBV: move from sexual violence perpetrated by armed forces/rebels to violations by civilians
- Most common forms of GBV now domestic violence (most times with fatal consequences), rape, early/forced marriages and economic violence
- Areas of operation: Acholi, Teso and Karamoja sub regions



# Progress since 2006

- Introduced IASC standards of preventing and responding to GBV among GBV service providers
- Brought to the attention of the world the GBV faced in the north especially by women (abductions, sexual slavery, forced marriages, forced pregnancy)
- Introduced safe systems for reporting GBV cases and for referral to services
- Strengthened skills and increased knowledge among service providers on responding to the various needs of survivors
- Introduced a harmonized way of collecting data on reported cases of GBV (GBV IMS)
- Encouraged community dialogue and community based mechanisms for GBV prevention
- Cluster system allowed greater coordination of GBV prevention and response actors which in turn promoted synergy and complementarity in our work

# Gaps and Challenges

- Service provision especially in return areas remain woefully weak (health, justice, security and psycho social support)
- Some positive changes in gender and social relations have been noted in the 20 years people have spent in camps. As people return home these changes can potentially cause more GBV risk especially for women
- Food insecurity increasing vulnerability to GBV
- Recognition of GBV as a protection priority by the district authorities in the face of other competing interests
- Land disputes have also taken on a gender dimension with widows and FHH facing the most challenges

# Proposed solutions

- PRDP not to be used to focus on hardware at district level but funds to be also used to address key challenges faced by women e.g. GBV, participation in peace negotiation and conflict resolutions fora
- Service provision in police, justice, health needs to be prioritized in return areas for survivors to have access to life saving interventions and access to justice and security services
- Donors need to remain on board to support returnee populations' transition to recovery and not pull out at conclusion of humanitarian relief operations
- Lastly positive changes in gender relations and roles need to be safeguarded, programmes focusing on recovery need to consider the changed gender relations in their programmes and minimize harm and prejudice to communities
- Food security issues to be addressed from a multi-sectoral perspective and not just food aid distribution only





# Human Rights and Rule of Law Sub-Cluster

Presentation by OHCHR, Sub-Cluster  
Lead

# Land problem in the IDP context

- Land rights, specifically concerning security of tenure, the resolution of disputes and the need for political and legal commitment to provide IDPs with reparations for lands lost during and after the conflict in Northern Uganda, lie at the centre of the IDP return and attainment of durable solutions.

# Displacement and return has caused two widespread needs

## Compensation for land & property

- Restitution is the preferred remedy in displacement situations above compensation. Compensation as a form of redress is viewed as an acceptable substitute for restitution only where it is factually impossible for the housing, land and property to be restored or in situations where IDPs choose or express a clear preference for compensation.
- National IDP Policy provides for restitution and in-kind compensation for violations of land rights solely and makes no reference to restitution or compensation for loss of, or damage to, housing and property.

## Security of tenure & ownership is crucial to return process

- Whereas Uganda's National Policy for IDPs provides for the recovery of land, it fails to frame this as a right.
- The PRDP is silent on any express provision on housing, land and property restitution for returning IDPs.
- 93% of the land in northern Uganda is held under customary title, there are obvious problems of land demarcation and ownership.
- No registering of boundaries in customary titles and the conflict consequences have allowed for deliberate and illegal redrawing of boundaries, followed by a corresponding call for a clear system of land demarcation.

# Voluntary Return

**IDPs wish to return  
to their original  
homes and villages**

## Human Rights concerns:

- **Land disputes over boundaries, ownership**
- **Poor functioning land adjudication mechanisms that limits access to justice**

# Local Integration

**IDPs wish to settle at the IDP camps and transit camps**

## Human Rights related issues:

- Most of the IDPs camps are situated on private land and requires permission by private landowner to stay- rental fees charged
- Government evictions in the name of development projects to transform camp to urban centers
- EVIs tend to stay in the camps due to lack of support from family or clan to reconstruct their homes and access to land; children may have lost access to land.

# Settlement Elsewhere

**IDPs wish to settle in towns or other districts**

## Human Rights related Issues:

- IDPs have been denied access to other districts
- Cannot buy the land in other districts, or cannot afford it
- No programmes in place to facilitate it.

# **Gaps** in land Administration and Adjudication

- **ADMINISTRATION and LAND ADJUDICATION systems are not functional, especially Land Committees and Land Tribunals**
- **The domestic legal framework on land administration and legislation still in flux. The Land Act was not translated in a policy framework. Some policy development and legislative reforms has been very controversial.**

# **Challenge: Camp Closure by Government Authorities**

## **REASONS:**

- **Development purposes such as the construction of roads or urban centers**
- **Extension of parameter of national parks**

## **Human Rights related concerns:**

- **Forced Eviction of IDPs**
- **Inadequate consultation and notice given to the IDPs**
- **Demolition of huts and loss of property**
- **EVIs have no place to relocate leading to homelessness**
- **Rent fees are sometimes demanded by land owners**
- **Land disputes sometimes leading to trespass charges, arrests and detention**
- **No compensation/ reparation to landowners**



# **Challenge: Forced Eviction by private land owners & landlords**

## **REASONS:**

- **Private landowners have resorted to charging rental fees**
- **Private investors wish to acquire and develop the lands**

## **Human Right concerns:**

- **Not enough consultation or notice is given to the IDPs before demolition**
- **Demolition of huts and loss of property**
- **EVI have no place to be relocated - homelessness**
- **Rent fees are sometimes demanded by land owners**
- **Land disputes between clans & families over land**

# Recommendations to Government for Land Legislation & Policy Reform

- Conduct a comprehensive reform of law relating to land to provide for prompt, adequate and fair compensation
- Amend existing laws and policies (draft National Land Policy) relating to IDPs and housing, land and property with a view to explicitly enacting the right to housing, land and property restitution & Develop a National Resettlement Policy
- Amend existing laws and policies, in particular the Land Act and Succession Act so as to provide legal protection of equal rights of men and women, with a view to ensure co-ownership of land and equal inheritance rights.

# Recommendations to Government for Immediate Measures to Ensure the Right to Adequate Housing for IDPs

- Adopt legislation and take interim measures to protect those remaining in IDP camps against forced evictions by the legitimate landowners
- Ensure that public officials are trained on and uphold procedural and substantive requirements provided for in the framework of prevention of forced evictions
- Develop and implement a clear policy on compensation for landowners whose land might have been used by others, including IDPs and the UPDF, during the displacement period
- Develop enabling strategies to ensure the enjoyment of IDPs' right to adequate housing, focusing on ensuring access to adequate housing by disadvantaged groups

# Recommendations to Government on Land Restitution Procedures, Institutions and Mechanisms

- Develop comprehensive guidelines concerning the restitution process for all mechanisms involved and ensuring that they are widely disseminated including through simplified versions, and understood by all implementing agencies and IDPs.
- Issue guidelines which clearly explain the respective and complementary roles and functions of the customary tenure system, on the one hand, and the formal land administration and adjudication system, on the other.
- Provide logistical, infrastructural and financial resources to the statutory institutions involved in land management and dispute resolution, in particular the Area Land Committees and the Local Council courts, with a view of ensuring that they can discharge their mandate professionally, efficiently and in accordance with national laws and policies.

# Recommendations to Government on Land Restitution Procedures, Institutions and Mechanisms

- Ensure that the **role and function of traditional institutions** involved in the mediation and restitution of land disputes are in line with national and international human rights norms and standards, in particular with respect to gender- and age-equality.
- **Train members of formal and informal mechanisms** mandated to deal with the housing, land and property restitution process on (i) the relevant national legal and policy frameworks, and (ii) international norms and practices related to housing, land and property rights; in particular the *Pinheiro Principles*, the *UN Guidelines on Internal Displacement* and *Framework on Durable Solutions*.
- Take positive measures to, **ensure access to effective dispute settlement for vulnerable groups** especially by making housing, land and property disputes in relation to the restitution process free of charge.

# Recommendations to Government on Land Restitution Procedures, Institutions and Mechanisms

- Develop and implement an **effective information strategy** in relation to housing, land and property restitution rights, and procedure and redress options for the wider public and community leaders as well as relevant civil society organizations.
- **Translating key national and international policies and legal instruments** of relevance to land, housing and property rights into local languages and simplified versions widely disseminated.

# Recommendations to UN/Donors on Land Restitution Procedures, Institutions and Mechanisms

- Provide **technical assistance and financial** resources to the statutory institutions involved in land management and dispute resolution, in particular the Area Land Committees and the Local Council courts, with a view of ensuring that they can discharge their mandate professionally, efficiently and in accordance with national laws and policies.
- **Support training** of members of formal and informal mechanisms mandated to deal with the housing, land and property restitution process on (i) the relevant national legal and policy frameworks, and (ii) international norms and practices related to housing, land and property rights; in particular the *Pinheiro Principles*, the *UN Guidelines on Internal Displacement* and *Framework on Durable Solutions*.

# Recommendations to UN/Donors on Land Restitution Procedures, Institutions and Mechanisms

- Support programmes that **ensure access to effective dispute settlement for vulnerable groups**, especially by making housing, land and property disputes in relation to the restitution process free of charge.
- Support the development and implementation of an effective **information strategy** in relation to housing, land and property restitution rights, and procedure and redress options for the wider public and community leaders as well as relevant civil society organizations.
- Support the **translation of key national and international policies and legal instruments** of relevance to land, housing and property rights into local languages and simplified versions widely disseminated.



# Uganda Protection Cluster

Lead:  
UNHCR

# Progress Towards the Achievement of Durable Solutions

## Context

- **2006**  
Successfully advocate for **freedom of movement, freedom of choice**
- **2007-2008**  
Support initial **recovery process in villages of origin:**
  - Construction of over **500km** of community access roads
  - Relocation of **253** schools
  - Material support to local police & councils



## C. Number of Camps as of 2006 and their current status as of 2009

### West Nile sub region

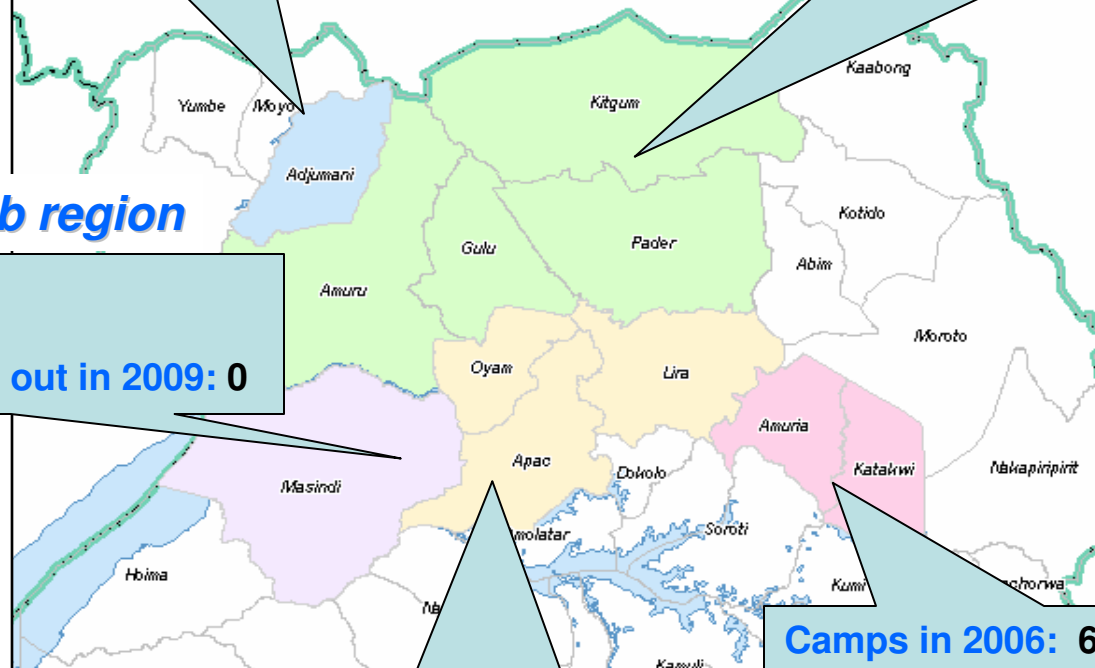
Camps in 2006: 8  
Camps closed: 0  
Assessed for phase out in 2009: 0

### Acholi sub region

Camps in 2006: 121  
Camps closed: 0  
Assessed for phase out in 2009: 60

### Bunyoro sub region

Camps in 2006: 0  
Camps closed: 0  
Assessed for phase out in 2009: 0



Camps in 2006: 61  
Camps closed: 61  
Assessed for phase out in 2009: 0

Camps in 2006: 61  
Camps closed: 42  
Assessed for phase out in 2009: 0

### Teso sub region

### Lango sub region

## **Progress** Towards the Achievement of Durable Solutions

- In 2006, to address insecurity and widespread violation of human rights in IDP camps, Protection Cluster (PC) introduces **Protection Monitoring** to identify, document, report and advocate for solutions to protection cases of forceful eviction, land disputes, SGBV, and child protection.

# Progress Towards the Achievement of Durable Solutions



- Support to **PSN/EVIs**
- About **2,500** assisted with shelter, NFI and livelihood activities in return areas.

# Progress Towards the Achievement of Durable Solutions



- 2008

Adopted **Framework for Durable Solutions:**

Advocates improvement of indicators of former IDP communities to levels on par with other stable regions of the country.

# Progress Towards the Achievement of Durable Solutions

- In 2006, all camps under military control.
- In 2008, PC successfully advocates for **restoration of civilian rule in camps with leadership reverting to local councils.**

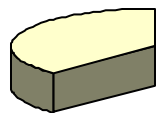
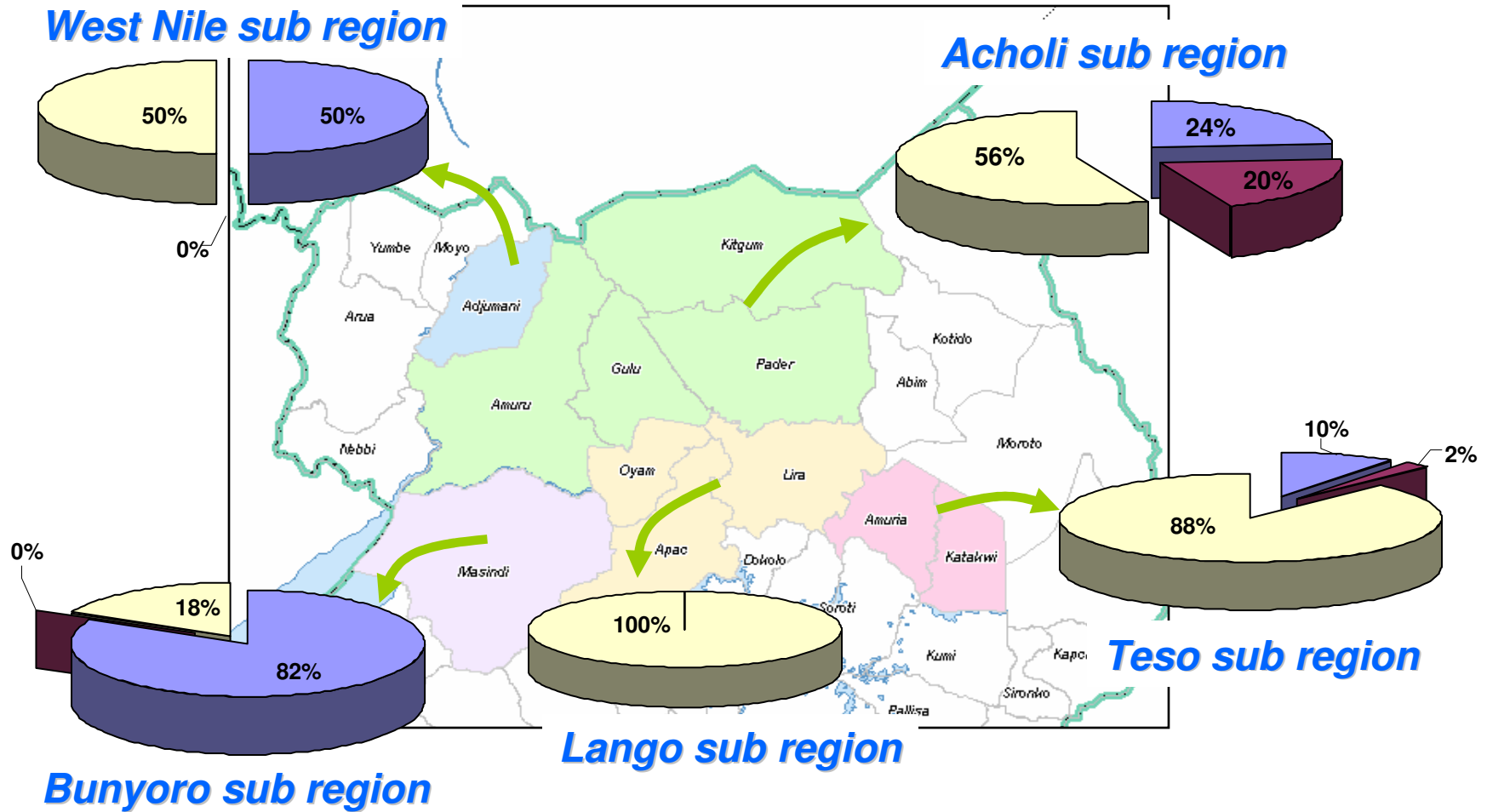


# **Progress Towards the Achievement of Durable Solutions**

- **April 2007**, Lango sub-region DDMCs **pioneer camp phase-out process**, culminating in **first-ever district-wide camp closures** and completion of exercise by March 2008.
- **Camp phase-out Guidelines officially launched** later in 2008.
- Presently, **Camp Phase-Out Cmtes (CPCs)** operating in Acholi and Teso Sub-regions only, and overseen by **District Camp Phase-Out Cmtes**.



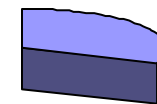
## B. IDP Population Movement from Camps, Transit Sites and Villages of Origin by sub region as of 2009



In village of origin



In transit

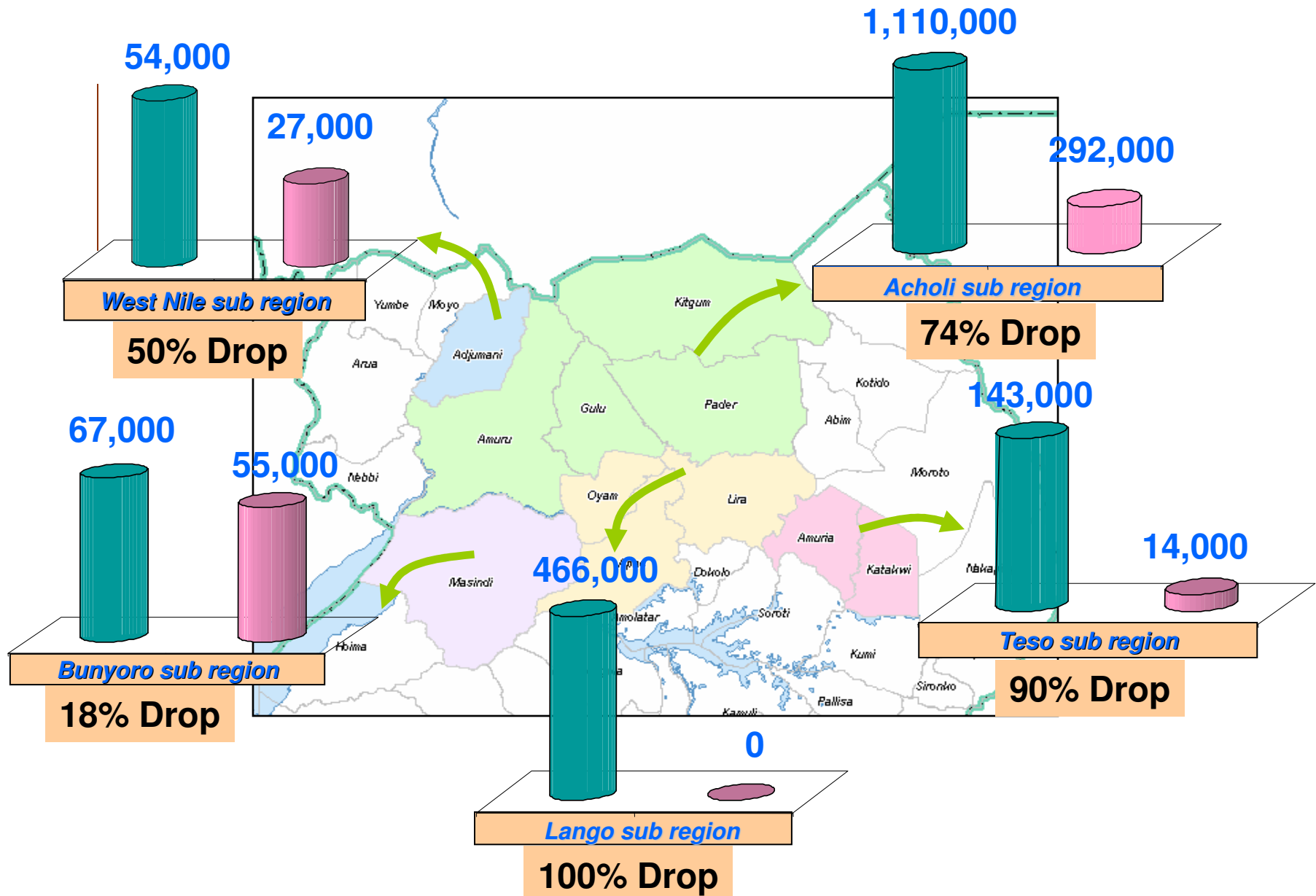


In camp

# Progress Towards the Achievement of Durable Solutions

- Prior to 2008 and as a result of the insurgency, local government was no longer registering population movements.
- In 2008, PC **introduced a new data management strategy** to:
  - track population movements from camps to return areas; and
  - Revive capacity of local councils to manage local population statistics.
- Current reports indicate **around 20% of the peak IDP population remain in camps.**

# A. IDP Camp population in 2006 and 2009 by sub-region



Total estimated CAMP Population in 2006: **1,840,000**; in 2009: **388,000**. Average decline in CAMP population: **78.9%**



As of 2006



As of 2009

# Obstacles to Achieving Durable Solutions

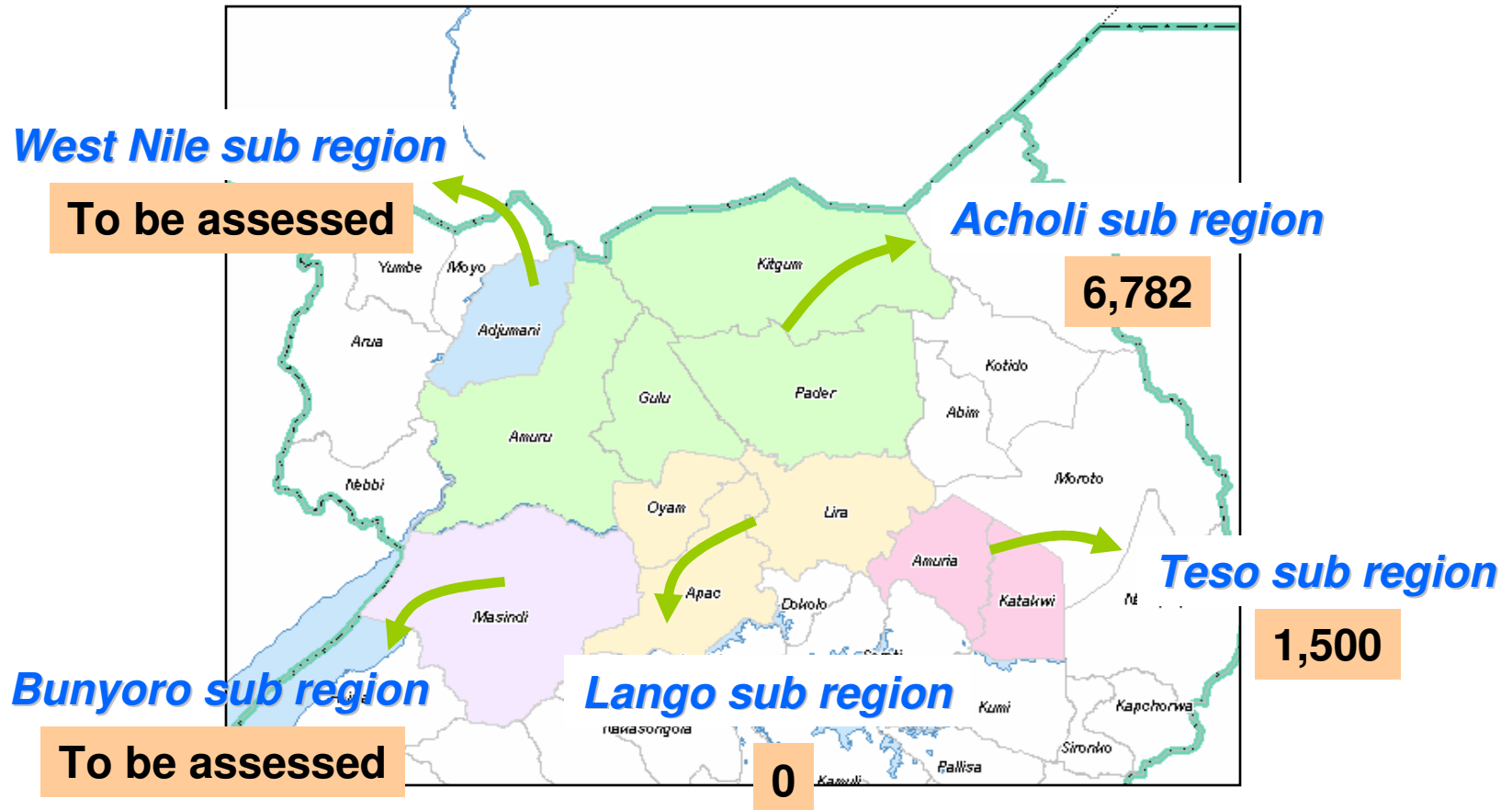
- Little support in many return areas, with existing **initial reintegration** indicator levels falling short of key protection benchmarks, namely:
  - **Food insecurity and malnutrition**
  - **Land and property disputes**
  - Non-existent to limited **coverage of and access to basic services**. Most affected are PSN/EVIs.
  - Non-existent to limited **local government resources, services and response capacity**
  - **Environmental degradation**

# **Sustainability** of Durable Solutions

## **Protection gaps and challenges**

- Inadequate **initial reintegration prospects** and support in return areas
- **Forced evictions** against principle of voluntariness
- Limited coverage and presence of **legal clinics**.
- **PSN/EVIs** return and reintegration needs far outstrip available resources.
- **Urban IDPs**, specifically **PSN/EVIs**, have yet to be profiled, registered, and supported for return and initial reintegration.

## D. EVIs/PSNs in IDP Camps as of 2009



# Sustainability of Durable Solutions

## Protection gaps and challenges

- In view of 2009 proposed disengagement of clusters and full handover of protection and human rights operations, **PC strategy reorienting focus to process of capacity-building of local and national institutions-** starting from a fairly low base in many areas.
- **Unsustainable no. of districts** and associated challenges of capacity and resources
- **Regional disparities** within IDP-affected areas: some areas better off than others in service coverage, capacity, resources and support

# Sustainability of Durable Solutions

## 2008

- As part of the **PC exit strategy**, DPC merged with DHRPP (District HR Promotion and Protection Cmte).
- **DPC chaired by Uganda Human Rights Commission**, with UNHCR as co-chair and OHCHR as Secretariat.
- As returns continued gathering momentum, **CCCM and PC clusters merge at Central level**



# Sustainability of Durable Solutions

2009

## Recommendations

### Advocate for and support to:

- **Capacity-building** of local government and independent national entities to lead and coordinate recovery and development processes, (e.g. offer university scholarships to students from the north as part of affirmative action scheme, informed by sub-regional and gender-balance criteria).
- **Align mobilization and allocation of resources** with District recovery priorities in **actual and potential return areas**
- **Rehabilitation of persons (psychosocial services)** to be gender- and child-sensitive and a basic foundation of sustainable recovery
- **Development actors to redress regional imbalances** in terms of coverage, assistance and allocated resources
- **Address information deficit** in Teso, Lango, West Nile and Bunyoro sub-regions

# Sustainability of Durable Solutions

2009

## Recommendations

### Advocate for and support to:

- **Camp phase-out** administrative structures at district and local levels, including transformation of camps into viable communities
- **GoU policy on compensating** owners of IDP-occupied land
- **PSN/EVIs** achieve durable solutions through more active community participation
- **Stronger and deeper links** among relief, recovery and development in return areas
- Expand coverage and presence of **legal clinic concept** throughout IDP-affected sub-regions
- **Review Durable Solutions Framework** to include:
  - Psychosocial support
  - Transitional justice