

# Report

## Legal Cooperation Programme

### The Human Rights of IDPs in Uganda : A Few Encouraging Steps

FIDH - FHRI 2000 - 2002

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### **Acronyms and glossary**

ADF	Allied Democratic Force (rebel armed group in Western Uganda)
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CRC	Convention on the Rights of the Child
CRC OPAC	Optional Protocol to the CRC on the Involvement of Children in Armed Conflict
FIDH	International Federation for Human Rights
FGM	Female Genital Mutilation
FHRI	Foundation for Human Rights Initiative
FIDA	International Federation of Women Lawyers
HURIFO	Human Rights Focus (human rights NGO in Gulu, northern Uganda)
HUR�PEC	Human Rights and Peace Center
HURINET	Human Rights Network (Uganda)
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDPs	Internally Displaced Persons
Guiding Principles	United Nations Guiding Principles on Internal Displacement
LC3	Local Council 3
LCP	Legal Cooperation Programme (Jointly organised by FIDH and FHRI in Uganda)
LDU	Local Defense Unit
LRA	Lord's Resistance Army (rebel armed group in Northern Uganda)
NGO	Non Governmental Organisation
NRC	Norwegian Refugee Council
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
RDC	Resident District Coordinator
UHRC	Uganda Human Rights Commission (UHRC)
UPDF	Uganda Peoples Defense Force (the government's military)
UPE	Universal Primary Education
WFP	United Nations World Food Programme

### **Acknowledgements**

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We also thank the Ministry of Disaster Preparedness and Refugees for their ongoing cooperation and efforts in making the IDP policy a reality. Also special thanks to the Uganda Human Rights Commission and the Ministry of Justice. Most of all, we thank those IDP camp leaders who made every effort to pass on the human rights messages from our meetings to their camps.

This report is the result of the tireless work of Sheila Muwaga, Sophie Kyagulanyi, and Berna Bakidde of FHRI. Simia Ahmadi, FIDH Chargee de Mission on East Africa, and Sophie Kyagulanyi, FHRI Legal Officer were the co-organisers of the LCP in Uganda.

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### **Executive Summary**

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

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

**ii. The workshop "The Rights of the Internally Displaced Persons in Uganda"** took place from 7- 11 May 2001. The event was the first to explicitly focus on the human rights of IDPs in Uganda. FIDH-FHRI built on the last IDP meeting in Kampala (March 1999) hosted by the NRC and the Office of the High Commissioner for Human Rights, which had a more humanitarian focus. The workshop achieved a dialogue among IDP camp representatives and the government. Solidarity was created among the IDP leaders from the North and the West of Uganda (the main internal conflict zones), and cooperation was strengthened among human rights and humanitarian NGOs. This later led to the creation of the IDP Core Group. The Recommendations (see below) were adopted by the NGOs and authority representatives. The Minister for Refugees and Disaster Preparedness met with the delegation once again at the end of the workshop and promised to help ensure the implementation of the Recommendations.

**Participants:** IDP camp leaders, NGOs from internal conflict zones, Gulu and Kitgum from the North, and Kasese,

Bundibugwo, and Kabarole from the West, human rights and humanitarian NGOs from Kampala and from the region of IDPs, as well as police (one from the west), military (from the Human Rights Desk), and the Ministry of Refugees and Disaster Preparedness (which deals with IDPs).

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

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

**Recommendations:** A realistic number of recommendations were adopted, each attributing tasks to the responsible body (government ministries and officials, district authorities,

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

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

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

- Wide dissemination of Recommendations locally and internationally to relevant governmental officials, the Special Representative of IDPs, UN agencies, and NGOs.

- OCHA (Uganda) continued to work with FHRI, and brought the Recommendations to the "UN Conference on IDPs: Lessons Learned and Future Mechanisms" in Oslo, Norway on 23 May 2001.

- FHRI initiated the IDP Core Group in the follow-up meeting, supported by the Human Rights and Democratisation Programme of Danida/EU, on 22 November 2001 to further strengthen the network of cooperation for promoting and

protecting the rights of IDPs. The identified priorities of the IDP Core Group formed at the meeting were: development of a government policy on IDPs; addressing the insecurity; and insufficient advocacy by civil society on behalf of IDPs as well as district authorities on their plight.

- The Uganda Government issued a policy on IDPs in February 2002 A major breakthrough was the government's decision to draft a policy on internal displacement. The Office of the Prime Minister and the Department for Disaster Preparedness and UN OCHA began to work on "The National Policy on Internal Displacement - Policy and Institutional Framework." The most recent policy is from April 2002 and refers to the UN Guiding Principles on Internal Displacement. It contains provisions concerning the institutional arrangements, including the functions of a national technical committee responsible for monitoring human rights violations, which is also the function of the District Disaster Management Committee (DDMC). The draft policy has a provision on protection of IDPs against arbitrary displacement and during return. Property rights, family unification, food security, shelter, clothing, education, health, water/sanitation, resettlement kits, rehabilitation of infrastructure and graduated tax are all included in the draft policy. The draft provides for a protection sub-committee which has a joint responsibility with the UHRC to monitor respect for the rights of IDPs.

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

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

**iv. Follow-up Mission** (18-23 March 2002) The FIDH-FHRI delegation met with the Ministry of State for Disaster Preparedness and Refugees, the Commissioner for Disaster Preparedness and Refugees, the Minister of State for Defense, the UPDF Human Rights Desk, and the Inspector General of Police. It also met with the UHRC, NGOs, and visited IDP camps and their representatives in the North, mainly Pagak, Pabbo, and Awer. The purpose was to assess the progress on the implementation of the Recommendations.

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

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# **I. Introduction**

## **1. Description of the Legal Cooperation Programme (LCP)**

The International Federation for Human Rights (FIDH) has been conducting the Legal Cooperation Programme (LCP) since 1993 to strengthen the influence and capacity of human rights defenders vis-à-vis the government and the international community. Through the LCP, the FIDH provides a forum of exchange between human rights defenders and State authorities on key human rights issues in the country. The LCP responds to needs clearly identified by FIDH's local partners. Themes have varied from the police and human rights, the administration of justice, the struggle against impunity, and the rights of Internally Displaced persons (IDPs).

The invited government representatives comprise the ministers, police, security forces, army, prison officials, magistrates, judges, etc. These programmes are particularly effective thanks to the multidisciplinary character and the diverse geographical origins of FIDH experts.

The principle of the LCP is that the forum in the form of a workshop is only a first step and that the outcome, the recommendations adopted at the end of the workshop, must be thoroughly pursued thereafter and during the follow-up. During the workshop, emphasis is placed on international and regional human rights instruments, as well as human rights mechanisms and recourse procedures.

In the first phase 1993-1996, the FIDH has conducted the LCP in 14 other African countries mostly in western and central Africa, as well as former Yugoslavia and Latin America, always in close coordination with its local partners.

In this second phase 2000-2002, FIDH conducts the LCP in 10 African countries, including Kenya, Uganda, and Zimbabwe and several countries in the Great Lakes region. The LCP generally encompasses three phases:

1. Preparatory Mission The goal is to identify pressing human rights issues in the country to determine the theme of the workshop, by consulting high-level authorities on the theme of the LCP, emphasizing the element of dialogue and the involvement of those responsible for human rights protection and enforcement. Finally, the preparatory mission allows the FIDH and its members to prepare for the workshop.

2. Workshop The workshop normally takes place 2 months after the preparatory mission, and focuses on a particular theme in the case of Uganda the theme was "The rights of Internally Displaced Persons". The workshop is set up in order to be conducive to dialogue. Each expert is professionally specialised in one of the areas of the workshop's theme. Together, the team is composed of 2-3 from Africa, and 2-3 from elsewhere. Having different experiences, these experts are best able to complement each other on the various issues. The participants usually do not exceed 50, with a good balance of various human rights NGOs, lawyers, and government officials. The FIDH tries to ensure that representatives of governments are duly mandated by the highest instances. The press is not invited during the workshop except for the opening and perhaps the closing ceremonies. Finally, at the end of the workshop, human rights defenders and representatives of the government jointly adopt Recommendations. The establishment of a follow-up committee is encouraged, while emphasis is placed on the follow-up mission.

3. Follow-up Mission approximately 8 months after the workshop, experts will evaluate the results of the workshop by verifying the implementation of the recommendations while at the same time identifying obstacles to their realisation. Meetings are held with the relevant high-level authorities and NGOs concerned with the relevant theme.

## **2. Presentation of the International Federation for Human Rights (FIDH)**

The International Federation for Human Rights (FIDH) is an international non-governmental organization for the defence of human rights as enshrined in the Universal Declaration of Human Rights of 1948. Created in 1922, the FIDH brings together 115 human rights organisations from 90 countries. FIDH has undertaken over a thousand missions of investigation, trial observations, and training in more than one hundred countries. It provides them with an unparalleled network of expertise and solidarity, as well as guidance to the procedures of international organisations. The FIDH works to:

- a) Mobilise the international community
- b) Prevent violations, and support civil society.
- c) Observe and alert.
- d) Inform, denounce, and protect.



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The FIDH is historically the first international human rights organisation with a universal mandate to defend all human rights. FIDH enjoys observer status with the United Nations Economic and Social Council, (UNESCO), the Council of Europe's Permanent Committee, the International Labour Organization (ILO), and consultative status with the Africa Commission for Human and Peoples' Rights. FIDH is represented at the United Nations and the European Union through its permanent delegations in Geneva and Brussels.

FIDH facilitates each year the access and use of existing international mechanisms to more than 200 representatives of its member organisations and supports their activities on a daily basis. FIDH also aims to protect human rights defenders. In order to serve the specific needs of its members and partners, the FIDH conducts the Legal Cooperation Programme to contribute to a dialogue between human rights defenders and State authorities on key human rights issues.

The International Board is composed of: President: Sidiki Kaba; General-secretaries Catherine Choquet, Anne-Christine Hubbard, Claude Katz, Driss El Yazami, Francois Xavier Nzansuwera; Treasurer: Philippe Vallet, Vice-Presidents: Dobian Assingar (Chad), Akin Birdal (Turkey), Hafez Habu Saada (Egypt), Karim Lahidji (Iran), Lucie Lemonde (Canada-Quebec), Siobhan Ni Chulachain (Ireland), Vilma Nunez de Escorcia (Nicaragua), Jose Rebelo (Portugal), Thierno Sow (Guinea), Alirio Uribe (Mexico).

### **3. Presentation of Foundation for Human Rights Initiative (FHRI)**

The Foundation for Human Rights Initiative (FHRI) is an independent, non-governmental, non-partisan and non-profit human rights organisation. It was established in December 1991 in response to the growing need for human rights awareness in Uganda.

FHRI is registered as a NGO under the Non-Governmental Organisations Registration Statute (1989) as a charitable, non-profit organisation. FHRI has observer status with the African Commission on Human and Peoples Rights and collaborates with a large number of groups at the local, regional and international level.

The organisation seeks to enhance the knowledge, respect, and observance of human rights, and to encourage exchange of information and experiences through training, education, research, advocacy, lobbying and networking.

FHRI's aims and objectives are:

- a) Promoting citizen awareness of basic fundamental rights obligations guaranteed in the Uganda Constitution and other international human rights.
- b) To undertake fact-finding, research and documentation of human rights.
- c) To promote good governance, respect for the rule of law, democracy and legal protection of human rights
- d) To promote best practices in the administration of justice in Uganda.
- e) To improve the knowledge of legal rights and remedies of vulnerable groups such as women, children, the disabled, prisoners, minorities and the internally displaced persons.
- f) To establish a resource centre and archives for human rights books, journals magazines, newsletters and videotapes.
- g) To promote solidarity and partnership building with and among similar institutions on a national, regional and international basis.
- h) To promote, public interest litigation and legal aid service delivery to deserving cases.
- i) To encourage a closer a closer exchange of information and experiences between human rights organisations, individuals government and the community.

FHRI Advocacy Programme seeks to create a policy framework for better respect for human rights, the rule of law and promotion of good governance by focusing on the nation's prisons, monitoring the human rights situation in the country, campaigning for greater respect for the freedom of association assembly and expression, encouraging debate and understanding of economic, social and cultural rights and working for peace and respect for the rights of internally displaced people in Uganda. Advocacy has five major integral projects namely Research, Monitoring and Documentation., Access to Justice, Conflict Management and Prevention, Technical and Advisory Services, Police and Prison Reform.

The organisation addresses the entire range of human rights: - civil and political as well as economic, social and cultural as defined in international human rights covenants. This is achieved through public education, training of community leaders, media campaigns, legislative analysis, mass empowerment, and the dissemination of human rights reports, research, documentation and advocacy.

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### **4. Uganda**

#### **A. Recent political and general human rights situation (2001-2002)**

The National Resistance Movement Government under President Yoweri Museveni which has held power since 1986 has made some improvements in Uganda's human rights record. However, owing to a lack of strong democratic institutions, a legacy of repressive legislations, limited access to legal aid services, a prevalence of conflicts and generally the absence of a constitutional and human rights culture, human rights violations still continue. Therefore although hailed as progressive, the Movement Government's human rights record is largely characterised by domination, political exclusion, and economic and social marginalisation of large sections of the Uganda population.

The army and other security organs namely the Local Defence Units, Internal and External Security Organs and the Directorate of Military intelligence interfere in the electoral processes and the work of the police

Reports of abuse of human rights especially for people with divergent views through arbitrary arrests, use of excessive force, torture and detention without trial are common, and were prevalent during the year. A clear record of political intolerance of the opposition is noticeable as several of these are threatened with arrests and prosecution. A number of people are charged with treason mainly due to differences in political opinion. The press is not entirely free as it is subject to certain repressive laws under the Penal Code; it experiences intimidation, threats and harassment by authorities.

The Uganda Police is regarded as endemically corrupt and reports of corruption and abuse of human rights in the police force are very common. There are many prisoners on remand and they have been there for long, prison conditions are harsh and mob justice which undermines the principle of fair trial is still existent. The death penalty is applicable in Uganda.

NGOs continue to operate without major hindrances. However fears of restriction loomed with the introduction of the NGO Amendment Bill (2000), which provides that NGOs stand to be de-registered if they are critical of government.

Although the Ugandan Constitution makes provision for rights of women, children and minorities, mechanisms of implementation are still lacking. A National Planning Authority

and Equal Opportunities Commission vital for their realization are yet to be established. The overdue Domestic Relations Bill which addresses issues such as gender based violence and co-ownership of land is pending parliamentary debate. Government's genuine commitment to the advancement of the rights of women is subject to debate.

On the socio-economic front, despite a widely acclaimed economic performance, Uganda remains highly indebted and the UNDP Human Development Index ranking at 125 out of 146 Countries of the world presents a gloomy picture. With a population of about 24 million people, it is still dependant on the Agricultural sector which accounts for 44 % of its Gross Domestic Product. Access to improved drinking water is low with a desperate figure of 52% of the population having access to safe water.

Access to basic health is limited, as a result preventable diseases such as cholera, malaria and tuberculosis, are very common.

A number of government efforts are geared at enhancing human rights situation. Important to note is the Justice Law and Order Sector, The Community Service Act and setting up the Community Service National Committee, the Constitutional Review Commission (CRC) and the government supports to the right to education through support to Universal Primary Education (UPE) with marked increase in pupil enrolment. However, the quality of education taking into account the teacher/ pupil ratio, pupil /textbook ratio, inter alia are below accepted standards.

#### **B. Specific problems of the rights of IDPs in Uganda (2000-2002)**

Background After the overthrow of the Obote I regime in 1971, Idi Amin ordered several hundred Acholi officers and its leaders to be killed (from the northern districts of Gulu, Kitgum, and Pader, home of the Acholi ethnic group). In 1979, with support from Tanzania, the Obote was restored to power and again Acholi came to dominate the ethnic mix in Government.. In 1981, the National Resistance Army under Yoweri Museveni began an armed insurgency and in 1985 overthrew the Obote II government. Fearing revenge, many Acholi forces fled to Sudan where they formed the Lord's Resistance Army (LRA).

The Alliance of Democratic Forces (ADF) emerged in the west in the 90s. Isolated by the Rwenzori mountain range, western districts from Budibugyo, Kabarole, and Kasese were

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frustrated from their inability to benefit from economic growth. Ethnic elements also contributed to the internal conflict.

A wave of ethnic conflict surrounds the North and North Eastern Uganda among the Karamojong and the people of Teso. The influx of arms into the region worsened the already volatile situation.

During the past sixteen years, approximately 560,000 Ugandas have been displaced from their homes by the internal conflicts in northern Uganda with the Lords' Resistance Army (LRA) and southwestern Uganda, with the Allied Democratic Front rebels (ADF). Of these, approximately 47,000 have already returned home, primarily in Kitgum (west). Apparently in April 2002, some 450,000 were still living in the "protected villages".<sup>1</sup>

The Government started in 1996 to move rural families in conflict areas into "protected villages" located near UPDF detachments as means of protection, but also as a counter insurgency measure to deny a possible support to the LRA. There were calls by politicians in 1999 for the Government to terminate the "protected villages" strategy. During 2001, larger camps were being re-grouped into smaller settlements (the Government refers to this as 'decongestion'). Pressure was mounting on Government to dismantle 'protection villages' in the north and on Sudan to show its seriousness about reconciling with Uganda by organising the return of children abducted by Ugandan rebels and taken to southern Sudan.

Conditions in the internally displaced camps are generally below the agreed standards. The authorities have only partially lived up to their obligations under international law to provide for basic physical need. Food security in camps remains poor. Since camps ('the protected villages') were first created local people have consistently complained that the army has failed to protect them from assault by the LRA seeking to abduct children and loot food.<sup>2</sup>

Human Rights Violations of IDPs Since 1996, IDPs have had their rights violated by rebel groups (LRA, ADF), but also by Local Defense Units, Home Guards, and the UPDF. These include:

- Attacks on persons (killings, torture, rape)
- Women and children are particularly vulnerable to human

rights abuses

- Abduction of children for use as child soldiers, or sexual services
- Lack of protection / high insecurity
- Violation of the right to participation
- Violation of the right to property
- Discrimination
- Separation of families
- Lack of care and maintenance. Economic and social rights are violated on a daily basis. There is lack of proper food and medical care. AIDS/HIV and other diseases are rampant.
- Lack of education

As OCHA summed it up well at the Conference on IDPs "Lessons Learned and Future mechanisms" (May 2001, Oslo) *"Under the Geneva Convention, the Government of Uganda has the right to move or contain people if, for reasons of insecurity, such relocation is in the people's best interest. In the majority of cases, it would appear as if displaced Ugandans have been able to exercise their right to residence and movement and that their choice of location/abode has generally been voluntary. Due consideration must be given to the fact that rebel movements have not only failed to establish a basis of civilian support but have continuously launched campaigns of terror against the civilian population. Rarely do they engage in combat with the UPDF."*

### **C. Status of Ratification of human rights instruments**

Uganda has ratified the following international human rights treaties :

**CAT** : Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1986)

**CEDAW** : Convention on the Elimination of All Forms of Discrimination against Women (1985)

**CERD** : Convention on the Elimination of All Forms of Racial Discrimination (1980)

**ICCPR** : International Covenant on Civil and Political Rights (1995)

**ICESCR** : International Covenant on Economic, Social and Cultural Rights (1987)

**CRC** : Convention on the Rights of the Child (1990)

**CRC OPAC** : Optional Protocol to the CRC on the Involvement of Children in Armed Conflict (March 2002) - entered into force on 12 February 2002

1. According to OCHA figures.

2. Amnesty International Report, 17 March 1999 "Breaking the Circle".

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## **II. Preparatory Mission: 13-17 November 2000**

### **A. Summary**

The preparatory mission was most useful in establishing contacts with high-level authorities and other NGOs, building good links between FHRI and FIDH, and preparing the ground for the workshop. The FIDH-FHRI delegation met with Minister of Justice Hon. Mayanja Nkangi, Minister for Refugees and Disaster Preparedness Tom Butime, Director in-charge of Refugees Carlos Twesigomwe, Prime Ministers Office, Acting Chief of Military Intelligence and Security Lt. Col. Noble Mayombo, and Judge of the Supreme Court, His Lordship Justice Tsekoko. In consultation with those it met, FIDH and FHRI explored themes, which would most benefit the get-together of human rights defenders and authorities. It was also a chance to consult the donors, i.e. EU, France, and Great Britain (the mission met with the ambassadors).

The mission was composed of the following delegation: Sophie Kyagulanyi, Legal Officer FHRI, Simia Ahmadi-Thoolen, East Africa Coordinator FIDH, Betty Murungi, FIDA Kenya, and David Goldberg, FIDH from Scotland. The goal was to prepare the ground for the upcoming Workshop in early 2001: to examine themes, location, dates, participants, etc, and to meet with stakeholders: authorities, donors, NGOs, and UN agencies in order to involve them as close as possible in the programme. Mary Kabogoza, Acting Director of FHRI joined the delegation in meeting the Minister of Justice.

### **B. Meeting with authorities**

Minister of Justice Hon. Mayanja Nkangi was particularly concerned with children's rights and children in armed conflict. He referred to the Children's Statute and the Domestic Relations Bill. Regarding people influx (refugees and IDPs), he said one could not avoid looking into the issue of conflict resolution. He also suggested examining the problems of the administration of justice, the role of military/police and cases of court marshalling.

Minister for Refugees and Disaster Preparedness Hon. Tom Butime welcomed the LCP initiative, and was particularly worried by the IDP situation which falls under his mandate, and he hoped the LCP would address that issue in the workshop. Mr. Butime strongly advised the delegation to meet Mr. Bireke Kaggwa, the Ag. Commissioner for Disaster Management and Mr. Owen Ojoke, Minister for the North with

regard to the IDP situation. They were not in at the time the delegation was in Kampala, however it was possible to meet briefly Ms. Rose Nakabugo, Senior Settlement Officer of the Prime Ministers Office.

Director in-charge of Refugees Carlos Twesigomwe and Senior Settlement (Protection) Officer, Douglas Asimwe, Directorate of Refugees, Prime Ministers office: they agreed that little training had been done for government officials (including immigration officers) on "refugee under the law". Refugees themselves are unaware of their rights, and apparently the 20 implementing partners of the government lack this knowledge. Mr. Twesigomwe mentioned the new Refugee Bill at the time in Parliament, which would strengthen the rights of refugees.

Ag Chief of Military Intelligence and Security Lt. Col. Noble Mayombo received the delegation and expressed interest in the LCP. He fully acknowledged that the military and his department are responsible for human rights violations and could use as much training as possible. He said these violations are not 'State-inspired', but are rather due to 'institutional weaknesses', i.e. lack of adequate training, lack of effective judicial framework, lack of investigators, and overcrowded cells. He realises that civil society demands more from them and that they do not want torture, killings and detentions. Betty raised the issue of the military law being oppressive Court-martial appeals still existing in Uganda, which he did not deny. He said a bill is coming up which would bring military law in line with the Constitution. He mentioned the human rights military desks, which receive complaints from soldiers and citizens. Regarding the war in Congo, he said "*we are accountable to Ugandans and Congolese and we are willing to discuss this in the forum*" With regard to the issue of the distinct roles of the military and the police, he said that he was aware that it is the role of police to arrest human rights violators among the LRA and ADF, but he claimed that "they don't have the capacity." He even mentioned that a 'group' in Uganda was investigating the charges that the UPDF is involved in gold-diamond export from Congo.

Judge of the Supreme Court, His Lordship Justice Tsekoko was interested in the ideas floated by the LCP and thought that Principle Judges and Magistrates should attend. He mentioned the issue of domestic violence and the rights of

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children, especially under the Children's Statute. He was of the view that if the programme wanted to focus at refugee law as an issue, then it should inquire from UNHCR about the training of 10 judges recently conducted. He also raised the issues of mob justice, delayed justice, and torture at the hands of the police and said "*We have appeals here of police that have tortured prisoners*".

### **C. Meeting with Uganda Human Rights Commission (UHRC)**

The delegation had the opportunity of meeting with Mr. B.K. Byenkya the Chief Investigations Officer ; Dr Mohammed Ndaula the Senior Education Officer ; and Ms Christine Birabwa the Legal Research Assistant, all of Uganda Human Rights Commission (UHRC).

They informed the delegation that the UHRC was involved at the onset in human rights training at different levels: district and local council, and recently in governmental organs, i.e. prisons and police. At that time, they had recently trained the media in skills of human rights coverage in stories. The Danish Center for Human Rights trained the police and produced a Police Training Manual for district training officers. UHRC expressed total support of the programme

### **D. Meeting with NGOs**

Human Rights Network (HURINET). The delegation met with Ms Margaret Ms Rubaire, Data Centre Manager, on behalf of Reverend Grace Sentongo, the Deputy National Coordinator. She said that HURINET would be willing as an Umbrella Organization to coordinate activities of the Programme through its member organisations.

International Federation of Women Lawyers Uganda (FIDA) (U)

The delegation was received by Ms Sarah Banenya, the Executive Director. She welcomed the programme and suggested that FIDA will be interested in focusing on its relations with the Domestic Relations Bill, as there are important provisions in it regarding inheritance and property rights, as well as violence and harmful cultures such as FGM.

### **E. Meeting with UN agencies**

United Nations Children's Fund (UNICEF). The delegation had the pleasure of meeting Mr. Keith Wright, the Children in Armed Conflict and Human Rights Officer. He stated that UNICEF decided that they should not only mainstream human rights in all their activities, e.g. access to health, but that

special attention should be given to children in armed conflict, one of the largest abuses against children in Uganda.

One main problem he outlined was the access to the children in war torn areas, e.g. in Bundibugyo and Kitgum. This leads to a real human rights crisis. He forwarded issues on the Domestic Relations Bill, child abuse, domestic violence, and the Land Act to be discussed under the programme. He also mentioned the ongoing community-based problems, which are abduction, internal displacement of people, and child soldiers.

United Nations Development Programme (UNDP), The delegation met with Mr. Sam Ibanda the Assistant Resident Representative. He suggested that the delegation should consider looking at the rights to development, the administration of justice, and minorities whose rights are increasingly abused. UNDP in Uganda is planning a 2001-2005 governance programme under which human rights and equity falls.

United Nations High Commissioner for Refugees (UNHCR), the delegation had the pleasure of meeting with the Hon Saihou Saidy, the Country Representative, and Mr Abel Mbilinyi, the Senior Protection Officer.

They raised the issue of refugees protection under the administration of justice where refugees are arrested and remanded. Mr. Saidy said that "*The legal protection of refugees is of keen interest to us*". This was in reference to the Refugee Bill, which he likened to the UN 1951 Convention. Abel raised the issue of discrimination against minority groups, and said that UNHCR was involved in training LC3 and RDC, as well as camp commanders on refugees under the law and their rights.

### **F. Meeting with donors**

European Union Ambassador (EU), the delegation was honoured with meeting Hon. Bernard Ryelandt, the European Union Ambassador to Uganda and Mr Jean-Marc Ruiz the Economic Counsellor. They expressed great interest in the LCP and expressed the wish to be closely involved. They informed the delegation of their upcoming April 2001 programme on human rights and democracy, which includes support to the Uganda Human Rights Commission, conflict prevention, pluralism, and reform of the judiciary. The Ambassador suggested that the programme should look at internally displaced people rather than refugees. The other areas he suggested the programme to focus on are land

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rights, the Domestic Relations Bill, and cultures that hinder rights of women for example female genital mutilation, penal reform, the role of police and military and corruption. He recommended that the UHRC should play a prominent role in the long-term follow-up.

United Kingdom Embassy. British High Commissioner Hon Tom Phillips, and Philip Rouse the Deputy High Commissioner, advised not to hold the activity prior to or during elections, and to avoid exploitation of the issue of 'political participation'. He said that the U.K. approach towards the Ugandan government is one of 'friendly criticism' with regard to respect of human rights and the road to democracy. As for themes, he suggested: role of military and police, the Northern conflict, the protection of rights during conflict, and the Court system.

French Embassy Mr. Yves Drillet, the First Counsellor, suggested we meet the Ms Barbara Armstrad of the International Committee for the Red Cross to seek advice on workshop regarding human rights violations in armed conflicts. French Ambassador Rene Roudaut, who was able to meet the FIDH at a later occasion, mentioned his strong interest in the development of the workshop.

Following these meetings and after thorough examination of the added value of the workshop, it was decided by FHRI and FIDH that the theme of the workshop would be on the rights of IDPs.



### **III. Workshop “Rights of Internally Displaced Persons in Uganda”, 7- 11 May 2001**

#### **A. Summary**

The workshop on the Rights of the Internally Displaced Persons in Uganda, from 7-11 May 2001 in Kampala was relevant and timely. This was the first time there was an explicit focus on specifically the human rights of IDPs on the national agenda, and that the needs of IDPs were dealt with through a human rights approach. The workshop took into consideration the need to also build on the last IDP meeting held in Kampala in March 1999, hosted by the Norwegian Refugee Council and the United Nations Office of the High Commissioner for Human Rights. That meeting had a more humanitarian approach.

The proportion of NGOs and authorities participants was well balanced and the workshop clearly achieved a dialogue among IDP camp representatives and the government. It also was a forum in which solidarity was created among the IDP leaders from the north and the south-west of Uganda (areas experiencing the IDP problem). The Ministry was quite cooperative and made strong statements at the workshop. At the end of the workshop, he promised to pay full attention to the Recommendations, which were adopted by all the participants, NGOs and authority representatives. It was agreed that FHRI-FIDH would use the recommendations as a lobby tool so as not to lose momentum.

Workshop attracted Participants such as several IDP camp leaders and NGOs from districts having internal displacement including Gulu and Kitgum in the north, and Kasese, Bundibugwo, and Kabarole in the west. There were other human rights and humanitarian NGOs from Kampala, some IDPs (from Gulu and Kasese), the Police (from the west), the Human Rights Desk under the UPDF, the military, and the Ministry of Refugees and Disaster management which is directly responsible for IDPs in Uganda.

**Main Highlight of the workshop** The discussions focused on the rights of IDPs as expressed in the UN Guiding Principles on the Internally Displaced, and as relevant to Uganda. Special focus was on the right to participation and the right to property and access to the law. The NGOs reiterated the State's responsibility and obligation to ensure the protection of internally displaced persons. Although recognising that relief provided to IDPs is important, it is not an end in itself to their problems, therefore root causes for internal

displacement should be addressed. The right to return was also emphasised by the NGOs. Resource persons from Kenya shared their experiences on IDPs in Rwanda and Somalia, and the issue of access to the law. The dialogue between the government, IDPs, and NGOs on this issue is covered below.

The workshop also provided an overview of the situation of IDPs in Uganda (their whereabouts, problems and needs). It served to remind authorities of their obligation to protect IDPs' rights, and not to add to the problem by violating the rights of an already vulnerable group. It is noteworthy that the police officer attending the workshop made the suggestion that her department, Protection of Women and Children, allows close monitoring of major IDP camps. Network was formed among human rights and humanitarian NGOs, as well as among IDP camp representatives to lobby for the implementation of the recommendations that were made.

**Minister for Refugees and Disaster Preparedness** Hon. Tom Butime mentioned that the Government of Uganda is aware that IDPs have the same rights as its other nationals and that no difference/ discrimination is encouraged. He said that Uganda recognises the plight of IDPs and is committed to protecting their rights.

In response, the IDP camp representatives asked the Minister how temporary the situation of IDPs was, given that they have been hearing this for over 10 years. On the security of IDPs, the Major refuted the 'allegation' made by participants that the UDF camped inside the camps while the IDPs were exposed to the rebels and were in the fire zone. He made reference to camps he had visited in Gulu which he reiterated, did not hold such a scenario. Furthermore, although the Government was working towards meeting the basic needs of the IDPs, participants noted that living conditions therein were almost unbearable (sanitation, food, and health). In response, the Minister clarified that the Government was working with some international and local NGOs to provide health services and improve sanitation. However, he said that a perfect situation could not be achieved given the resource constraints.

**Media** There was a fair amount of media coverage throughout (usually quite positive about the workshop, while deploring the IDP situation), and it can be concluded that the event did bring a fair degree of needed attention to the plight of IDPs

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who suffer various human rights violations (see Annex E copies of articles from "The Monitor").

**International and regional resource persons** Betty Murungi, a lawyer from Kenya, put much effort into ensuring the success of the workshop, including forming contacts with government and IDP leaders. David Goldberg (FIDH expert) was key in steering the working groups and ensuring that there were well-articulated and feasible Recommendations.

**Recommendations and follow-up** 15 practical recommendations were formulated, each specifying which bodies were responsible for carrying out its task (see Section IV E). A Follow-up Committee of twenty-two people was enthusiastically established. UN Office of Coordination of Humanitarian Affairs (OCHA) showed support by offering to host the first follow-up meeting, originally planned for the end of July 2001.

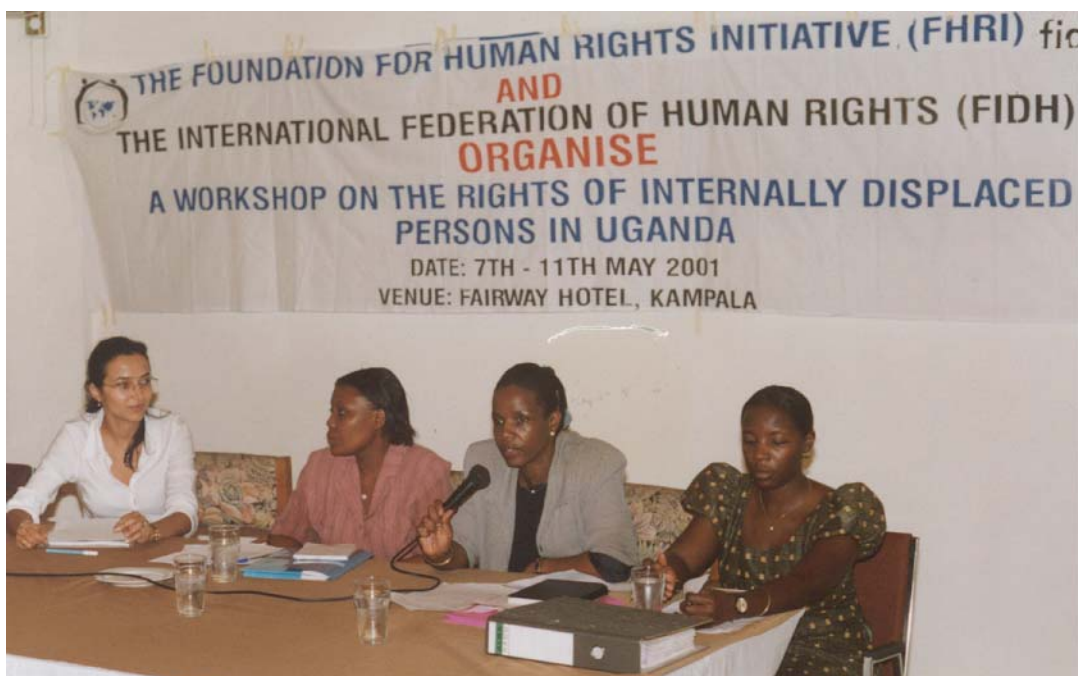
### **B. Opening**

**Mrs Simia Ahmadi-Thoolen, East Africa Coordinator (FIDH)** She highlighted the objective which was to provide a constructive dialogue among human rights activists and government authorities on IDP situation. The theme for the workshop, rights of IDPs, was borne from the preparatory mission in November 2000 where a FIDH-FHRI delegation met several authorities including the Chief Justice and the Minister for Disaster Preparedness and Refugees. Whatever

the similarities between refugees and IDPs, the relationship between IDPs and the Government is a traditional human rights one. Persons displaced are therefore more vulnerable to abuse, which should lead the government to take extra measures to protect their rights, rather than neglect or abuse their rights. The State has the final responsibility for their human rights protection. One of the UN Guiding Principles clearly states: "*Displacement shall last no longer than required by the circumstances*" (Principle 6.3). The idea of the workshop was also to build on the recommendations of the last workshop on IDPs organised by the Norwegian Refugee Council in March 1999 in Kampala.

**Mrs Robinah Kiyingi, Ag. Chairperson, Advisory Board, FHRI** Mrs. Kiyingi welcomed participants to the workshop on the rights of IDPs in Uganda. She outlined the intended objectives and outcome of the workshop;

- To create awareness of State obligations, rights and policies in favour of IDPs in Uganda;
- To examine the causes and consequences of internal displacement of people in Uganda and the Great Lakes Region;
- To develop a collective strategy for the protection, assistance and respect of the rights of IDPs in Uganda and;
- To produce a forum of exchange of ideas and search for solutions among all stake holders regarding the plight of IDPs. She hoped that the participants would share openly on the issue as all relevant stakeholders were ably represented.





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### **C. Summary of discussions**

#### **Keynote addresses: Bernard Ryelandt, Head of Delegation, European Union**

Mr. Ryelandt said that the issue of IDPs in Uganda is important to the EU which he announced would start income generating projects to improve their welfare. This will prepare them to return to normal life. It is necessary that the human rights of IDPs be observed, including their right to return soon. The EU is also interested in helping the Uganda government in resolving the conflict in the North.

#### **Rose Nakabugo, Senior Settlement Officer, Ministry for Disaster Preparedness and Refugees**

She said that government was aware of violations of human rights among internally displaced so it tries to put them in protected camps.

#### **Discussions**

#### **Ms. Nelly Badaru, Country Representative, Ockenden International**

Mrs Badaru made reference to the causes of internal displacement in the different regions of Uganda. For Eastern Uganda, it was mainly cattle rustling, while in the North and West, it was conflict as a result of rebel activity by the Lord's Resistance Army (North) and the Allied Democratic Front (West). For the Eastern part of Uganda, cattle rustling, the search for water and invasions from Kenya were among the causes of displacement.

*Magnitude of the Problem:* According to up-dated figures since the last National Census in 1994, Gulu district in Northern Uganda has the highest number of IDPs in Uganda : approximately 338,427. 90% of the population of Gulu District are internally displaced. Kitgum district on the other hand, has held IDPs longest in Uganda where out of 84,000 people, 357,184 are displaced. Figures available on IDPs in other districts of Uganda indicate the following:

<b>No.</b>	<b>District</b>	<b>Number of IDPs</b>
1.	Bundibugyo	97,457
2.	Moroto	84,072
3.	Kasese	65,000
4.	Kabarole	23, 722

In totality therefore, the number of IDPs in Uganda at the time of the workshop stood at approximately 584,942.

On special reference to Pabo camp, Ms. Badaru, mentioned that this camp held over 30,000 displaced persons who stay

very close together in very semi permanent housing facilities and in the middle of the camp, an army barracks. It therefore appeared that the civilians were the protective shields of the army who were supposed to protect them.

On the effects of internal displacement, the following were mentioned.

- Breakdown of the traditional respect system; especially for the man.
- This has caused many psychological problems, as one feels totally worthless.
- Gender based violence; women are exposed as they are taken to have 'ursped' the role of men in terms of fending for the families.
- Children in these camps hardly have any access to education, cannot play and their health leaves a-lot to be desired. Adolescents are idle and this greatly affects their development and well-being.
- Unemployment
- Their right to participation is hampered which has affected their contribution to society.
- The IDPs lack various services like banks, schools, micro finance institutions and they do not have any collateral. They do not have the land to mortgage those services.
- Uncertainty prevails in these camps as people have stayed in these camps for over 10 years and have had nothing useful to do.
- Epidemics are common in the IDP camps, as the health facilities have been left wanting. Examples of preventative diseases like measles usually break out in the camps.
- Little or no access to employable skills is a characteristic of these camps. Access to various job opportunities is affected. Even though various opportunities through training have been accessed by various agencies, both local and international, this has only created dependency, as they cannot exercise what they have learnt. Temporary Schools have also been set up in the camps to enable children go to school.

*Challenges: dilemma facing various actors working with the IDPs:* The situation of IDPs is not as clear as that of refugees. Whereas the State has a primary responsibility to protect its citizens, the policy of Governments towards the IDPs in Uganda does not reflect this commitment as reflected in the situation of IDPs. The situation is made even worse as there is no specific body directly responsible for IDPs in Uganda let alone at the international level. She recommended the following:

1. Civil society organizations should act as independent observers to monitor the situation of IDPs in the country and

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also provide accurate figures.

2. An early warning mechanism that will detect the occurrences of internal displacement.

3. Researched information on the current situation of IDPs in Uganda as blanket information exists. The information should be categorised under gender, origin, and causes of displacement among others.

4. Acceptability of the situation on the ground regarding the situation of IDPs in Uganda should also be encouraged.

5. The IDP situation should be analysed from the human rights perspective.

### **Discussions**

Mr Mugambwa from the Kasese District Disaster Management Committee and the representative of the Chief Administrative Officer, Kasese in the Western Region said that with regard to the issue of commitment by Government and the district, although this was always there, lack of resources has always hindered implementation of IDP programmes. An example of Kasese District was given where out of the total district budget, only one million shillings (approx. \$600) has been allocated to IDPs.

James Odong from the World Vision International, reiterated the need to not only concentrate on the needs of the IDPs in the camps like food but also go a step further and look at the effects on the IDPs in this situation and therefore address the effects. He made mention of the psychological problems that they face as a result of their stressful situation. Their children and entire families had to be given priority as well.

In response, the presenter, Ms. Badaru reiterated the importance of setting priorities during budgeting especially at the district level. The Government should be urged to prioritise the issue of IDPs because it can no longer be avoided. She also reiterated the importance of empowering the IDPs in all spheres of their development.

### **"Human Rights in International Law" Mr. Apolo Makubuya, Lecturer, Faculty of Law, Makerere University**

From the onset, Mr. Makubuya noted that IDPs have no international law specifically applying to them. The international law that applies therefore would be International Conventions that individual State Parties have ratified and therefore have a domestic responsibility to protect and promote the rights of its citizens, IDPs inclusive:

- The UN Charter
- The Universal Declaration of Human Rights
- International Convention on Civil and Political Rights and

that on Economic, Social and Cultural Rights.

- Treaties including CEDAW, CRC, CAT, CERD, the Genocide Convention

- Regional human rights treaties and mechanisms like the African Charter on Human and Peoples' Rights.

In all the above instruments, the rights embedded therein, both civil and political rights as well as economic, social and cultural rights are rights that apply to the IDPs.

On the principles as a background to International Law Mr. Makubuya mentioned the following:

1. Equality and non discrimination
2. Universality
3. Indivisibility and interdependence of Human Rights and
4. Inalienability.

The above principles he reiterated were important as they applied to the situation of IDPs in Uganda. In his conclusion, he said that the articulation of the rights of refugees and IDPs should be dealt with similarly as their circumstances are similar.

### **Discussions**

Throughout the discussions, participants noted and agreed that most of the international conventions have a parent body that deals with issues therein, which was not the case for the IDPs. The challenge therefore was on placing a mandate or an institution to focus on the issue of the IDPs. An international instrument was paramount as a step towards the protection of human rights of the IDPs.

### **"Human Rights and the role and responsibility of the State: The UN Guiding Principles"**

#### **Mr. Samuel Tindifa- Human Rights and Peace Centre- HURIPEC**

At the onset he noted that the Guiding Principles were entirely relevant to Uganda. He discussed the concept of the Guiding Principles as opposed to international instruments or treaties, the rights of the IDPs, and as to whether there was need to discuss them separately, and the role of the State and the international community in the protection of the rights of IDPs. While the number of the refugees was a downward trend, the number of IDPs in the world was on the increase. 20 - 35 million of the world's population were IDPs of which Africa shared the greatest number. The causes of internal displacement varied in the parts of the world, ranging from fire in Austria and America to armed conflict and natural disasters like floods and earthquakes in Africa.

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On the rights of the IDPs, the question was not whether the IDPs had rights but what could be done for them within international law in situations where a state failed to protect its citizens. Therefore on the available institutions relating to IDPs, the presenter noted that UNHCR had come up with its definition of IDPs in an effort to access services to the same. However, the institution could only apply to IDPs if requested by the UN Secretary-General.

The UN had also within their own arrangements attempted to protect and promote the rights of the IDPs. From a study and analysis undertaken by experts led by Prof. Francis Deng , Special Representative of the UN Secretary-General on the legal status of IDPs in the world, it was pointed out that States had a responsibility of protecting the rights of IDPs and that no legal instrument actually existed to deal with these rights. The report further recommended that Guiding Principles be put in place to enable States to deal sufficiently with the situation of IDPs in their own localities.

*The UN Guiding Principles:* those are statements that States have to abide by to protect the rights of the IDPs in the world. These statements are however not binding on States, as they are not enshrined in a convention or treaty. However, these statements are relevant to Uganda because the country holds IDPs whose number is on the increase. Prof. Tindifat noted that it was a challenge for the human rights activist, stake holders and for the workshop to advocate for the domestication of these Guiding Principles under the laws of Uganda.

### **Discussions**

Participants noted that it was important to continue to discuss the Guiding Principles as a basis (as opposed to only the conventions) and to convert them to documents that are binding on the respective States. States have to be continuously made to realise that the protection of IDPs is a State responsibility and that there is a need to have a binding document to reinforce these rights.

### **Organisations Represented at the Workshop**

During this session, participants shared on the work of the organisations in relation to the IDP situation in Uganda.

**Sudan Human Rights Association (SHRA)** started in 1996. Until recently, their work concentrated on refugees in Sudan, however to-date the mandate encompasses refugees from Uganda, Sudan, and the Congo. SHRA has two main arms including human rights monitoring which has extended to the IDP camps and working with refugees in Uganda, Sudan and

Congo. The organisation wants to be more active in advocacy.

**Mr. Nyeko Paulina, Human Rights Focus (HURIFO)- Gulu, teacher by profession and Chairperson of HURIFO- Gulu,** an NGO which was started in 1996 by a group of lawyers and human rights activists. HURIFO engages in advocacy, counseling, litigation, paralegal training, providence of human rights information through a resource centre, one of the biggest in the north, research and human rights monitoring on human rights situation in refugee and IDP camps, in Pabo and Awer Camps.

**Mr. Samuel Tindifa, Director of Human Rights and Peace Center (HURIPPEC), and Professor of Human Rights at the University of Makerere,** lawyer by training and teacher by profession at the Faculty of Law, Makerere University. His scope of activities has now moved from pure law to human rights and peace and conflict management. The HURIPPEC at the University also continues to develop research programmes relating to governance and conflict management. He also notes that it is important that relief provided to the IDPs is not an end in itself to the problems of the IDPs but that the root cause should be addressed, which is a HURIPPEC's focus.

**Mr. Lemoyi Denis, Camp leader, Pagak Camp & Vice Chair Person of IDPs in Gulu District** It was important this kind of workshop be organised at the grass root with the IDPs. He hoped that this workshop would come up with practical solutions to ending the war in the North and thus the issue of IDP's situation.

**Mr. Patrick Muwanga, Uganda Consumer Protection Association** Works towards the Rights of Consumers. Was interested in the rights of the IDPs and hoped that this fora would forge ways of improving the situation of IDPs in Uganda.

**Dr. Munaaba Elliot L, Technical Advisor (Health), AMREF-Gulu, PHC Project** works with IDPs in Gulu District and the major challenge has been drawing the line between the legal status of IDPs and refugees. Refugees are more recognised than the IDPs and yet their situation is very similar. The IDP situation should be clearly defined under international Law and specifically dealt with as well.

**Rebecca Gashaw- Dillon, Country Representative, Africa Humanitarian Action**

**Adjumani District** works with IDPs and is interested in the legalities of IDPS and issues that affect them.

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**Mr. Didas Mugamba, Member, Kasese District Management Committee, Rep of the Chief Administrative Officer - Kasese,**

The participant is a member of the District Disaster Management Committee that is chaired by the Chief Administrative Officer. He said that the district had suffered from both man made and natural disasters including floods, landslides, armed conflicts among others. The District however lacks the capacity to handle some of these disasters, which have been the cause of the displacement in Kasese. The number of IDPs in Kasese district has gone down leaving only 6 camps in the district. Although there are a big number of IDPs returning to their homes, they lack property to help them re-start their families. Aid has been solicited from the Irish Government and the UNICEF who have promised to provide money, transport, housing and food among other to the IDPs. He however mentioned that Government should focus more on the IDPs as the IDPs have been neglected a lot.

**Mr. Kenneth Godi, Trans-cultural Pyscho-Social Organisation, Adjumani District**

Provides counseling and pyscho-social support to the refugees and IDPs in Adjumani, Moyo and Arua Districts.

Other members who introduced themselves include **Mr. Justus Kimekeke, IDP Representative from Kasese District, and Mr. Joseph Katyana from Good Hope Foundation for Rural Development, Kasese and Action Arise.**

**Hellen K. Alyek (S.P), Superintendent of Police- Coordinator Women, Child and Family Protection Unit, Uganda Police Force** She has been visiting areas and camps of IDPs and gone to Bundibugyo and to Gulu as well. She hopes to acquire better knowledge to work with IDPs.

**Mrs Okot Catherine, Gulu Empwerment Women Network, Gulu** focuses on training women in modern systems of agriculture as a means of empowerment for women who have suffered from the effects of war for over 15 years, including women IDPs.

**"The Right to Property and the Right to Participation in Relation to IDPs in Uganda", Commissioner J. M Aliro Omara, Uganda Human Rights Commission (UHRC)**

In summary, the Commissioner's paper discussed the right to property and participation in relation to IDPs and issues of land reclamation, ownership and compensation of lost property, implications of the right to participation of IDPs on their fate and the general protection of economic and social rights of IDPs leading to self-reliance. Invariably, the legal and

institutional aspects enabling these rights were explored and recommendations were made.

On the definition of the right to property, the Commissioner mentioned that this right is narrowly understood to require that the institution of (private) property is guaranteed and that acquired property rights are protected from arbitrary interference. Reference was made to Article 17 of the Universal Declaration of Human Rights and other international instruments which provide for this right. Article 26 of the Uganda Constitution also provides for the right to own property either alone or in association with others and prohibits its arbitrary deprivation unless there is a fair and full compensation.

It was however noted that the right to property is not absolute and that the State is given rather a wide margin of discretion in deciding when interference is in the Public Interest. However, human rights instruments also provide that where deprivation of property takes place, a just and fair compensation must be made by the perpetrator.

*The Right to Property and IDPs*

As a consequence of conflict, natural and human disasters and Government's intervention in the name of public interest, IDPs abandon their land and homes, crops, sources of wealth, movable property and animals. In many instances, their property is destroyed when forcible occupation of their homes by the military and paramilitary forces occurs. And when opportunity for them to return home arises, they may find their belongings and properties taken over by other people. Displacement therefore causes property related problems for IDPs requiring the institution of legal measures to address the problems.

The UN has drawn Guiding Principles on Internal Displacement and specifically Principle 21 provides for the Right to property of the IDPs. This right however, is not restricted only to the property owned or occupied by IDPs before displacement but also that acquired during and after displacement. The right therefore requires that:

- Where an IDP wishes to return to his or her original place of abode, his personal property should be returned.
- Where the IDP wishes to return to his or her original home, he or she should be assisted to transport his belongings/ property.
- Land originally occupied by the IDP must be given back to him or her. She or he must be assisted to re- occupy the land.

*The Role of IDPs in their fate: the right to participation*

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Although it was often assumed that they did not have a role to play in managing their fate, IDPs should not be considered passive endurers of their fate: they can and should be involved in the decisions that affect their lives. Civil society organisations working with IDPs were particularly urged to ensure this.

In making reference to the Guiding Principles that require that IDPs be involved in decision-making, he cautioned that it was necessary to recognise the problems that may be faced when promoting the quick participation and empowerment of IDPs. Because displacement occurred in emergencies, IDPs were normally traumatised and disorganised. In such situations therefore, the stronger of the IDPs may seek to dominate, intimidate and exploit. Participatory programmes therefore had to be designed in such a way that prevents domination, exploitation and abuse. On some of the ways that could be used to avoid this included ensuring that :

- The IDPs enjoy the right to freedom of thought, conscience, religion or belief, opinion and expression;
- IDPs enjoy the right to communicate in a language they understand;
- IDPs enjoy the right to associate freely and participate in community affairs;
- The IDPs enjoy the right to vote and to participate in community affairs;
- The IDPs enjoy the right to vote and to participate equally in government and public affairs.

### *Self Reliance and Protection of Economic and Social Rights of IDPs*

These rights largely depend on the ability of the individual to self-reliance. However, armed conflict or disasters disrupt the very atmosphere and environment which create self-reliance and therefore the enjoyment of economic and social rights. However, in the case of IDPs, they find themselves in camps where basic facilities are lacking. These conditions violate the economic and social rights of IDPs because they are living below the minimum standard of living required for their physical, mental, economic and social well-being.

The Commissioner therefore suggested that it is important that programmes geared towards the IDPs should, apart from alleviating the immediate problems, aim at creating self-reliance on their part. This could be done through : preserving family and community links, assisting IDPs to organise themselves and activities that address their problems and such programmes, employ IDPs where possible.

In his concluding remarks, he reiterated that IDPs would always find great difficulty enjoying rights as displacement makes them vulnerable to abuse and exploitation. They are often traumatised, while their social relations/structures are disorganised. Because of all this, it's difficult to facilitate the IDPs rights to participation, promote their self-reliance and protect their economic and social rights. Nonetheless, these difficulties should not hinder efforts towards building opportunities for IDPs and assisting them to enjoy the right to property and participation.

### **Discussion**

Participants wondered what the Uganda Human Rights Commission (UHRC) had done in relation to IDPs in Uganda. The Commissioner responded that the UHRC had visited IDPs in the North and Western Uganda camps. An appeal was made to the Government and various UN humanitarian agencies on the situation in the camps . The UHRC continues to attend coordination committee meetings with various UN agencies on the rights of IDPs in Uganda.

In July 2001, the UHRC plans to open offices in Kasese and Fort portal which are partly a response to the IDP problem.

### **IDP Representative Denis Lemoyi, Camp Leader, Pagak Camp, Gulu District, also Vice Chair of IDP camp leaders in the North**

Mr Denis Lemoyi shared part of his experience in the camps. He reiterated the fact that one of the reasons why people were being displaced from the homes into IDP camps was because even the UPDF that was supposed to be protecting them was involved in killings of people and therefore had to flee their homes. He therefore urged the Government and the UPDF representatives at the workshop to follow up on some of these matters as this violated the right to life and security of the IDPs. He also corrected an impression that had been created on people who prefer to live in their camps because of the aid extended to IDPs other than working for themselves. He therefore clarified that nobody desired to stay in the camps where they could barely survive. They just want to leave if only they had an assurance that the war in the North would come to an end.

On women' s rights, rape and defilement, the camp leader shared that a lot of violations were taking place with regards to women and children's rights. Rape and defilement were rampant and culprits were mainly the rebels but also the UPDF. Children too, continued to be abducted. Some culprits had been arrested while others had been let scot free or were on the run.



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Mr Nyeko of HURIFO provided an example of a woman from Olwe Camp who had been raped by a soldier while she was on her way from a funeral and before he was arrested, he killed himself. Other crimes other than rape and defilement however also existed in the camps.

The camp leader mentioned that the Lords Resistance Army abducted children. Some of the children have however escaped while others have been taken into Sudan. Those who have been rescued by Government authorities are taken by some NGO agencies. However, if these children are re-abducted, they are often killed by the rebels.

On the children's right to education, the camp leader mentioned the Universal Primary Education, which some of the children are attending. However, very few children have not gone on to attend Secondary School because of the lack of funds.

A discussion on home guards ensued. It was understood that home guards were young boys who were recruited by the UPDF as soldiers who were used to guard the IDPs. Because of their vulnerability as children (below 18 years) the rebels have killed them. Challenges surrounding the home guards range from the fact that their legal status is not clearly defined and to the fact that no compensation has been given to their families.

### ***"Recent Government Legal/ Policy decisions, regarding the rights of the IDPs", Hon. Major Tom Butime, Minister of Disaster Management and Refugees***

The Minister made a clarification on his department, which was the Department on Disaster Management and Refugees. On the causes of displacement, the Hon. Minister mentioned that internal displacement included armed conflict, natural disasters and man made disasters which has led to internal displacement from districts to districts, e.g. Kisoro to Kabale.

As a background, the IDP situation in Uganda started in 1988 in northern Uganda that was a result of armed conflict of the various rebel groups including the Lakwena Group and the Lords Resistance Army, which is still fighting today without any agenda. Reference was made to Mr. Olara Otunnu's statement made at the last session of the UN Commission on Human Rights, referring to the war in the north, entitled; *'The Dark Agenda in Acholi'*.

Reference was also made to the ADF in Western Uganda which has also led to internal displacement in this area and continues to attack the civilians who are the soft targets who

have fled to the camps. In Kabarole, there are 23,000 IDPs with 18,000 people living in the camps and protected villages. In totality therefore, the number of IDPs in Uganda stands at 500,000.

Cattle rustling has been another cause of displacement and has been commonly experienced in Northern Uganda, Kapchorwa, Soroti, Katakwi among others. People like the Karamajong have been forced out of the region through to other areas. Other causes that have been identified as responsible for internal displacement include floods around lake Kyoga, Land Slides around mount Elgon and earth quakes in Bundibugyo, Majia County.

*The Human Rights of IDPs* The Minister said that the Government of Uganda is aware that IDPs have the same rights as its other nationals and no difference/ discrimination is encouraged. Some of the rights include the right to life, shelter, education, food, property, family, clean environment and employment among others. However, unlike refugees who are protected by the HCR, there is no international agency to protect or assist IDPs .

As a response to this emergency situation of the IDPs, the Government of Uganda 's main concern is to ensure that the IDPs have water, sanitation and medical care, other rights not withstanding. Therefore, in an emergency situation, government may not be able promote other rights like the access to education as this situation is a temporary one. However, with the UPE now, internally displaced children have been encouraged to attend school.

One of the tools that Government has employed to try and meet the needs of the IDPs as well as protecting their rights has been;

1. Peaceful conflict resolution and deployment of UDPF at borders
2. Passing of the Amnesty Law
3. The disarmament of Karamajong
4. Encouragement of Humanitarian NGOs working with IDPs
5. Establishment of a Department of Disaster Management and Refugees

In his conclusion therefore, the Minister reiterated that the Government of Uganda recognises the plight of IDPs and is committed to protecting their rights.

### **Discussion**

Throughout the discussions, participants suggested that

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there should be a direct department focusing on IDPs as there is for refugees. In response to this, the Minister reiterated that the IDP situation was well taken care of under the Department of Disaster Management. Further, the IDP situation was a temporary situation which, it was hoped would come to an end soon. The role of the Government was to keep the IDPs alive and to meet some of their basic requirements.

On the security of IDPs, the Major refuted the 'allegation' made by participants that the UPDF camped inside the camps while the IDPs were exposed to the rebels and were in the fire zone. He made reference to camps he had visited in Gulu which he reiterated did not hold such a scenario. This was an unprofessional act, which could mean that the army wanted to expose the civilians to danger and to the fire.

On whether Government could lobby the UNHCR to address some of the needs of the IDPs like it was for the refugees, the Minister responded by saying that the IDP situation was outside the mandate of the UNHCR and thus the institution only came in to help if asked by the Government of Uganda. The Government was in turn trying to persuade the UN body to respond to this need. However, he cautioned that the IDPs situation was still a responsibility of the Government of Uganda since they were its citizens. However, the World Food Programme continued to provide food for the IDPs in their camps.

Participants also wondered whether the children in the IDP camps were able to access Universal Primary Education. Reference was made to camps in Gulu where some of these children were not able to do so. Further, although Government was working towards meeting the basic needs of the IDPs, participants noted that living conditions therein were almost unbearable. In response, the Minister clarified that the Government was working with some international and local NGOs to provide health services and improve sanitation. A perfect situation could not be achieved given the resource constraints.

On UPE, it was clear at every district where the IDPs were that UPE had to be accessed by every child, including those in the camps. Schools could not be built in the camps as this situation was envisaged to be a temporary one.

Several IDP camp leaders addressed the Minister with regard to just how temporary their situation was, given that the Government has been saying this for over ten years now.

At the close of the discussions, participants urged the

Government to demonstrate genuine commitment to the IDPs who were her own people and therefore needed to be taken care of. Even though it was a temporary situation, the IDPs needed to access at least the basic facilities with a certain degree of ease.

### ***"Protecting the Rights of the IDPs" the Military, Captain C. Kisembo, In charge of Training - Cheiftaincy Military Intelligence, Uganda Peoples Defense Forces (UPDF)***

The Captain explored the causes of internal displacement and reiterated the fact that in all aspects, the military is supposed to help and assist in relocating people in situations of emergency. Training of the military was needed to help the army deal with disaster. The UPDF is currently undertaking such a training.

His paper also explored the experiences of UPDF with IDPs which he mentioned dated back from its guerilla days in the Luwero triangle where it co-located with large sections of displaced persons as far back as 1985. The army always provided for food and medical needs of these people.

At present, the UPDF is involved in the protection of IDPs in northern and western Uganda in the IDP camps. On the issue of deployment of the UPDF in the camps, the Captain reiterated that it was not professional to have the IDPs placed in the outer ring of the camp while the soldiers in the inner ring. The civilians are a soft target of the rebels and must be protected. The Human Rights Desk of the UPDF would follow up on this instance. This Desk has been set up to deal with violations and disciplinary issues of the soldiers in relation to civilians. Human rights training for the soldiers was also carried out under the Human Rights Desk.

### **Discussions**

Throughout the discussion, it was emphasised that there was a need for the UPDF to genuinely protect the IDPs as they were vulnerable. Instances of human rights violations committed by the UPDF were raised and most of these had not been followed up to completion by the security organ. Monitoring of these excesses was paramount.

### ***"Accessing the Law by Internally Displaced Persons", Mr. Nyeko Paulinus Chairperson, Human Rights Focus (HURIFO) - Gulu.***

In his paper, he examined the common crimes that occur in the camps. Gulu district was used as a case study. Some of the crimes he cited included rape and defilement, abductions, fighting for scarce resources, plot disputes, murders, illegal curfews and intimidation among others. He

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shared that the camps had some administrative structures. All the camps have leaders and the people in the camps who preside over cases, which arise in the camps, select their Local Councils. They are responsible for the welfare of the people. Problems, which they are not able to solve, are forwarded to higher authorities. However, it has been reported that some of these local authorities have tried cases of a capital nature like rape and defilement, which are outside their jurisdiction. Fines ranging from a chicken or goat or money are levied from the victims.

Cases involving the soldiers can normally effectively be handled when reported to the commanders. Some have been handled well and in some of these cases the soldiers involved have been convicted and sentenced.

There are a number of victims from the camps who report to the HURIFO offices to present cases when not satisfied with decisions taken by the local authorities. In cases where soldiers are involved HURIFO office works together with the office of the RDC or UPDF to handle some of these. Suffice it to mention that some of the cases involving the military are sensitive usually because of the fear for life, they are not pursued by the victims.

As a conclusion for the law to be accessed by IDPs, Mr. Nyeko suggested the following;

1. Cooperation of the army commanders in cases which involve the UPDF and LDUs.
2. The readiness of the camp leadership that is the commanders, LCs to assist the victims
3. The readiness of the victims themselves, that is they must be able and willing to push their cases forward instead of being intimidated and chickening away.
4. Sensitisation of camp resident on human rights as is being done in some camps by HURIFO.

### **Discussions**

Participants focused on the security of the IDPs especially when they often opted to go back to their homes in search for food and other commodities inevitably when the handouts are not adequate at all. The IDPs needed to be escorted by the army to ensure their security. In response, Mr. Nyeko mentioned that some camp commanders had made provision for this in some of the camps.

On the administrative structures in the camps, participants noted from the presentation that LCs had taken to trying cases, which were outside their jurisdiction. Participants therefore agreed on the importance of

sensitisation of the community leaders and the population on the provisions of the law so that such cases were appropriately handled and referred. HURIFO had made an effort in this direction by carrying out various sensitisation workshops for the local leaders and the people themselves on human rights and the law. Emphasis was placed on the fact that local leaders and especially the LCs had to assist the IDPs access the law.

On possible remedies, participants also suggested that counselling of victims especially of rape and defilement was important. Collaboration with organisations such as Hope after Rape would be explored to help the victims regain their confidence and personalities.

Mr. Nyeko said that, although counselling was an effective remedy, it was very difficult to identify the victims, as most of the cases were never reported for very oblivious reasons. Their families, their spouses inclusive also rejected them. A lot of confidence therefore had to be built within the women in order for them to report these cases. The Department of Community Policing in the Uganda Police had also been helpful in helping IDPs access the law. On the number of camps in Gulu, Mr. Nyeko responded that the number kept fluctuating, as some of the camps were more temporary. However on approximation, there were about 20 camps with over 5000 IDPs.

On possibilities of having boreholes, participants shared that AMREF as well as other NGOs like ICRC, World Vision and SIDA had built bore holes, rehabilitated and improved water springs and shower wells. As for Government, there were always no funds to provide such facilities in the camps.

### **"Women and Access to the Law", Ms. Betty Murungi, Advocate, High Court of Kenya Counsel, International Centre for Human Rights and Democratic Development, Montreal Canada**

From the onset, Ms. Murungi mentioned that women and children are the majority of the internally displaced and this was a universal occurrence. She addressed the question of the existing normative and institutional frameworks to deal with the IDPs and whether there were any legal mechanisms that existed to protect the human rights of internally displaced women. She also addressed the issue of responsibility : who has the burden to implement policies that are in place to protect and assist internally displaced woman or girl, and if no such policies or framework exist.

On the normative framework, she shared on the process of



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the development of the Guiding Principles, which are intended to comprehensively address the needs of IDPs. With respect to the physical safety of women and children, the principles explicitly protect them against rape and gender specific violence, forced prostitution, and sexual slavery. The principle of humanitarian assistance calls for efforts to ensure full participation of women in the planning and distribution of relief supplies. The principles further seek to address the special needs of women and children and focus on the ' particularly vulnerable' categories who include expectant mothers, mothers with young children, female heads of households and unaccompanied minors.

However, the reality on the ground is different. Sharing experiences from her visits in the villages of displaced women in Rwanda and Uganda, it is clear that there is minimal consultation of these women on issues that concern them. The absence of comprehensive systematic response to situations of internal displacement has exasperated the situation.

On the question of responsibility, the presenter mentioned that ultimately the development of an institutional framework lay squarely on the Government. An example of Rwanda was given where budgetary allocations have been made to this effect.

NGOs and Regional bodies could also contribute by filling in the gaps in terms of carrying out the monitoring, reporting and documentation of human rights violations, legal aid, health, counseling among others. Involvement of women in decision making on the things that concern them should be maintained.

In countries where there has been significant involvement by the military or armed militia in conflict, and who are the worst violators, there is need to sensitise train security and military personnel on the rights of the internally displaced women and to ensure swift prosecution of those that violate their rights. The International Criminal Court regime which has codified crimes against women as crimes against humanity and war crimes provides the best hope for women to receive protection under the national laws of their own countries, notably internally displaced women and children. These crimes include, rape, sexual violence, forced pregnancy, sexual slavery and enforced prostitution.

Other innovative means of ensuring protection of internally displaced women : making governments accountable to their international obligations contained in the various

international and regional human rights instruments that they have ratified or acceded ; and utilising the international tribunals and eventually the International Criminal Court as mechanisms for holding individual violators of international law accountable for their actions. In conclusion, Ms. Murungi suggested innovative means to ensure protection for internally displaced women. These included :

- Making governments accountable of their international obligations contained in the various international and regional human rights instrument that they have ratified or acceded
- Utilising international tribunals and eventually the International Criminal Court as mechanisms for holding individual violators of international law accountable for their actions.

She reiterated the importance of national and international NGOs in assisting the IDPs.

### ***Ms. Eva Mulema, Ag. Director, FIDA- Uganda***

The Ag. Director, Ms. Mulema could not agree more with the previous presenter. From a different perspective however, the presenter argued that according the Uganda Constitution, every one had the right to access the law, to a quick and fair hearing and to a fair remedy before an independent and impartial court or tribunal established by law. Internally displaced women were not excluded from this.

In her analysis, she questioned the fairness of the administration of justice and access to justice by IDPs and women in particular and wondered whether it was reasonable, just and appropriate. She also questioned the security of the victims and witnesses in these circumstances, the independence and impartiality of tribunals hearing these cases. Reference was particularly made to the camp leaders, the camp administrative structures and the LCs who normally constituted themselves as Courts to hear cases brought to them by IDPs. Throughout her discussion, she noted that among some of the problems faced by the women was that courts of law were so far away from where they resided and were in themselves, not friendly to the lay person. This affected their accessibility to justice.

*Who are the Actors?* First, the State has a duty of affirmative action to the IDPs, and it must come up with strategies to redress the imbalances in society, in particular for internally displaced women. Secondly, civil society has the responsibility to help those in need, including local leaders and neighbours.

***"The IDP Situation in Somalia" Mr. Yusuf A. Sala, UN Office For the Coordination of Humanitarian Affairs - OCHA Kenya***

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Mr. Sala said that over 300-350,000 of Somalia's estimated 7 million inhabitants are internally displaced. This figure includes some 40 - 50,000 Somalis displaced in 1999 and a total of about 70,000 displaced and recent returnees in northern Somalia.

However quantifying displacement was extremely difficult in Somalia given the prevalence of nomadic and semi nomadic social structures. Even prior to the collapse of the central state, populations still traveled great distances in search for food, pasture and water. Since the onset of the conflict therefore, there have been dramatic demographic changes as sub-clans moved to original clan areas which led to an exodus from urban areas, particularly from the Capital Mogadishu. This concomitant displacement therefore offers its own analytical challenges, particularly given the recurrence of multiple waves and directions of displacement.

Some of the different categories of migrants and displaced within Somalia included those who had been displaced by conflict or severe drought, - *qaxooti* or refugee and *barakak*. Other internal migrants include the *tahreeb*, economic migrants, particularly in search of employment in the Gulf states, seasonal labourers among others.

International organisations working in Somalia therefore are confronted by difficulties of identification. They therefore focus upon those groups who have integrated into new settings and remain marginalised and destitute due to loss of belongings, including livestock and little access to stable employment. Varying levels of vulnerability faced by individual IDPs can be partly attributed to clan and sub-clan affiliations. Therefore, a degree of protection is offered through kinship networks to IDPs living amongst fellow clan members. However, other IDPs receive little community protection and are actually vulnerable. Today IDPs constitute nearly half of the 750,000 Somalis living in a state of chronic humanitarian need.

However providing assistance to IDPs is still complicated by Somalia unstable security situation, particularly in Southern and Central Somalia. Mr. Sala mentioned the coordination mechanisms linking the international and Somali communities, such as the Somali Aid Coordination Body which was created in 1993 to reduce the duplication of aid efforts and raise standards of aid programming. The body brings together over 100 partners, including donors, UN Agencies and over 60 international and Somali NGOs.

Some of the services provided by these agencies to the IDPs include health, food security, emergency nutrition, shelter,

education, water and sanitation, protection, return, reintegration and rehabilitation. Otherwise, the general health, education, water and sanitation services listed above assist IDPs in rehabilitating their livelihoods.

Given that most IDPs live in conditions of poverty, more international assistance is required to strengthen household resource bases. Moreover, there has been no comprehensive studies on return, reintegration and rehabilitation of IDPs in recent year.

### ***"IDP Situation in Sudan and how it reflects onto Uganda", David Burgen***

#### ***Sudan Human Rights Association (SHRA)***

On comparison with the IDP situation in Sudan and Uganda, to date, 4 million people had been displaced in Sudan as a result of internal and external conflict and famine. Another cause of displacement and conflict has been the struggle for resources-oil whereby people have been pushed out of these oil rich areas and therefore displaced. From Uganda's perspective/side, there are 220 refugees from Sudan in Uganda.

The situation of IDPs in Uganda, as compared to the Sudan was not as organised. Whereas the Government of Uganda provides shelter for the IDPs in the form of protected camps, most of the IDPs in Sudan have to build their own shelter in what could be termed as scattered dwellings. The settlements are more sparsely populated because the land around is barren. Some of the violations of the rights of IDPs include 1) insecurity between the LRA and the Government troops as citizens are always caught up in the cross fire especially in Southern Sudan, 2) women are raped and livelihood is destroyed, 3) destruction of lives: land mines have been placed near water sources, bore holes and fields. Women are most vulnerable as they are normally the ones in these areas, and 4) abductions by the LRA and SPLA are very rampant. Sudanese girls have been taken as slaves and wives of the rebels while the boys are integrated into the forces, 5) famine in Sudan has been a problem. Relief food has stopped because of the war and conflict. and 6) Health and education is a problem. Unlike Uganda which is trying to empower the IDPs in order for them to be self reliant, Sudan still depends on international organisations and systems to cater for the welfare of the IDPs. Some of the NGOs working in the Sudan include notably the African Refugee Commission and the ICRC.

### **Discussions**

Participants wondered how NGOs in Sudan worked amidst the conflict in the country. Most of the NGOs work from

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neighbouring countries like Uganda and Kenya and can help especially the people in the South. Some of their districts of operation in Uganda are Adjumani and Moyo. Some of the NGOs are situated in Northern Sudan and through a lot of diplomacy, may send assistance to the people in the South.

On whether IDPs in Southern Sudan paid tax, the presenter shared that Southern Sudan was still a very young state and such structures and institutions such as those responsible for tax collection were not yet in place.

### **D. Closing**

#### ***David Goldberg FIDH***

David went through the workshop proceedings from day one to day five. He acknowledged the fact that the workshop was informative with participants very active in developing the Recommendations for the workshop.

#### ***Simia Ahmadi - Thoolen, FIDH East Africa Coordinator***

On behalf of FIDH, she thanked the authorities, the police, the Military, NGOs involved, but most of all the IDPs themselves. She thanked the resource persons from Uganda, Kenya and Somalia for their informative input. FIDH was grateful to the FHRI Staff for their tireless efforts and dedication towards the successful implementation of the workshop and the LCP in general. She again reiterated the importance of the participation of the IDPs who will go back tomorrow to face the harsh realities in the camps and whose rights are continuously violated. She hoped that the recommendations adopted would improve the protection of their rights. The recommendations were feasible and practical and it was important that the new IDP steering committee works towards their full realisation.

#### ***Livingstone Sewanyana, Executive Director, Foundation for Human Rights Initiative (FHRI)***

Mr. Sewanyana addressed the guests, distinguished participants and members of the press. On behalf of FHRI he thanked them for responding to the invitations and for their active participation in the workshop. Appreciation was extended to FIDH who have also encouraged the spirit of partnership with FHRI. He thanked the staff of FHRI who worked towards the successful realisation of the objectives of the workshop. He extended his gratitude to those participants who came all the way from Gulu, Kasese, Bundibugyo, Adjumani and for the resources persons who travelled from afar to attend the workshop.

On the rationale for holding the workshop and the principle of

partnership, FHRI was focusing on policy reform and emphasis had been placed on lobbying and advocating for reform. Although a lot of work had been done in educating the public on their rights and responsibilities, it was important that efforts be focussed towards lobbying for reform at the policy level in order to adequately address the in-equalities.

The IDP area is a grey area both at the international and national levels. The Guiding Principles are soft law and although the ICCPR can be used as part of international law to protect the rights of IDPs and impress onto Government its responsibilities towards its citizens, procedures relating to IDPs have to be put in place and well elaborated under international law.

How can we ensure therefore that the rights of IDPs are protected at the national level and that national obligations and responsibilities are upheld? The UN Guiding principles on IDPs such as Principle 22 need to be seriously understood. What does the right to participate actually mean and how can the IDPs effectively participate in such activities especially when they have been marginalised and are a vulnerable group?

We need to ensure both the political commitment and the practical commitment because these rights have to be practically implemented. Mr. Sewanyana also made reference to Article 125 of the Uganda Constitution and called upon the State to set up the National Planning Authority. He commended the Government to set up some of the relevant commissions to protect human rights but reminded that the Equal Opportunities Commission which was critical in providing a framework and deliberate action plan that would deal with the issue of the marginalised, IDPs inclusive, was not yet in place.

Further, States (including Uganda) have a duty under international law to establish judicial, administrative, legislative and other measures to address the plight of its citizens, IDPs inclusive. Therefore, national mechanisms should be drawn and effectively implemented for the purpose.

This workshop was therefore a first step in this direction. It is important that we go a step further from the Recommendations made and ensure that policy procedures, administrative and institutional mechanisms are effected by these recommendations.

Finally, Mr. Sewanyana reiterated FHRI's commitment to take forward the Recommendations. Boldness will be ensured to

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engage into constructive discussions with the army, the media and Government to ensure that the problems of IDPs are tackled. Reference was made to the workshop in Gulu which FHRI organised in relation to the conflict in the Northern Uganda in which FHRI urged Government and the rebels to stop fighting and urged Government to be consistent with regard to following peaceful measures to end the war.

He thanked the participants again for their active participation and wished them a safe journey home.

**Ewan Ormiston, Second Secretary, Political/ Press and Public Affairs  
British High Commission, Kampala**

He thanked FHRI for inviting him to the closing of the workshop. He mentioned that the British High Commission had supported FHRI activities for some time and promised continued support in relation to the follow up of the Recommendations made on the IDP situation in Uganda together with FHRI.

**Denis Lemoyi, IDP Camp Leader Pagok Camp. Gulu District**

Denis Lemoyi thanked FHRI and FIDH for organising the workshop and inviting among other stake holders, the IDPs themselves. He shared that the problems of IDPs especially in Northern Uganda had been discussed extensively. It was important that for these problems to be solved, the Government of Uganda had to show practical commitment to ending the war in the North and to building a genuine relationship with the people in that area.

He hoped that the Recommendations put forward would help strengthen Government's commitment. They would also help to give a clear direction on some of the issues that local and international NGOs working with IDPs can work on. He wished all participants a safe journey home.

**Chief Guest Michael Jones, Coordinator, OCHA, Kampala**

He emphasised the importance of considering the underlying causes and problems relating to IDPs in Uganda such as security and poverty. Efforts had to be invested in issues that were sustainable and would help to solve the problems of the IDPs. Relief in itself was not sustainable, which is why it was important to consider the causes. He reiterated the fact that although Uganda had its weaknesses, it was a very progressive country in terms of security and working environment. We had to take advantage of this.

Government however has a role to play in terms of meeting its international obligations with regard to international law. As much as the Government together provided food, jerry cans,

there was need for the State to invest in peace in order to practically help the IDPs. Investment had to be made in job creation and the whole issue of poverty. The national budget had to reflect this.

He reiterated OCHA's commitment towards improving the situation of IDPs in Uganda and promised to help facilitate the follow-up meeting on the Recommendations made during the workshop in terms of providing transport for the participants. A proposal to the same effect would be developed together with FHRI and FIDH and would be circulated to the potential donors for possible support. He urged the participants to follow through with the Recommendations in their own capacities. He then declared the workshop closed.

### **E. Recommendations adopted by participants at the Workshop**

#### **RECOMMENDATIONS of the Workshop on the Rights of the Internally Displaced Persons in Uganda 7th - 11th May 2001 at Fairway Hotel- Kampala**

All participants of the Workshop recommend the following:

1. Noting that armed conflict has been a major cause of Internal Displacement, that the Government of Uganda continues to initiate and promote dialogue with warring Parties and to promote lasting solutions to conflicts in the Country.

Action : Government of Uganda

2. (a) There should be systematic human rights monitoring by local and international monitors of human rights violations of Internally Displaced Persons in Uganda and

(b) IDPs should have enhanced protection and should have prompt and adequate recourse to all legal processes, including recourse to the courts.

Action: Civil society, Uganda Human Rights Commission, Office of the High Commissioner for Human Rights, The Judiciary, UPDF, Uganda Police, and Local Governments in the areas of IDP Concentration

3. The Draft Bill on Disaster Management should:

(a) take into consideration the needs and rights of IDPs as stipulated in the *UN Guiding Principles on Internal Displacement* and the final Recommendations of this workshop;

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(b) be tabled before Parliament immediately after the new Parliament convenes and

(c) be made available to NGOs and civil society as soon as possible to enable lobbying for the strongest measures for the promotion and protection of IDP rights to be included in the Bill.

Action : Office of the Minister of Disaster Management and Refugees.

4. In order to strengthen the response to internal displacement, the work of the District Disaster Committees and Councils should continue the monthly meetings of representatives of the police, military and IDPs; and, in order to ensure the timely attendance of IDPs, FM radios should be provided to all camp leaders so they can be alerted to announcements about scheduling of meetings.

Action : The office of the Permanent Secretary- Coordination Committee of the District Committees on Disaster Management.

5. Commanders in charge of the IDP camps should monitor the relationships between individual IDPs and police or military personnel and take action where these prejudice the proper discharge of the latter's duties.

Action : The Army Commander of the UPDF and the Inspector General of Police.

6. In the light of concerns about the role and activities of the Local Defense Units (LDU) and the Home Guards in relation to IDPs, there should be:

a) a proper recruitment policy for LDUs and Home Guards and, in particular, no person under the age of 18 should be recruited; and

b) a training and sensitisation programme for LDUs and Home Guards concerning international human rights law in general and the UN Guiding Principles on Internal Displacement in particular.

Action : In respect of recruitment - the Office of the Army Commander and in respect of Human Rights training - the UPDF Human Rights Desk in conjunction with the Uganda Human Rights Commission.

7. An adequate proportion of the National budget should be directed towards promoting the rights of IDPs and, in particular, to their right not to fall below the nationally

accepted average standard of living.

8. IDPs and the general public should have proper access to information and data concerning the situation of internal displacement in Uganda and, in particular, comprehensible information on the budgetary allocation should be made public.

Action : The Minister of Disaster Management and Refugees and Chief Administrative Officers.

9. Due to their specific vulnerability, IDPs should be exempted from paying Graduated Tax

Action : The Minister and Ministry of Local Government

10. Whilst endorsing the UN Guiding Principles on Internal Displacement,

a) dissemination of the Principles be should improved;

b) the *Principles* should be translated into the major local languages of Uganda where IDPs are located;

c) Guiding Principle 19 (1), concerning the right of access to psycho- social services should be further strengthened by the creation of special support mechanisms to deal with traumatisation of children and young persons as a result of being displaced;

d) Guiding Principle 22, concerning the right to participate, should be further strengthened by enhancing the participation of IDPs at all levels and including Members of Parliament in the meetings of the District Disaster Management Committees; and

e) In light of the emergency situation regarding IDPs, a Parliamentary Committee on IDPs should be established as soon as the new Parliament is convened.

Action : As regards dissemination: OCHA, Translation: OCHA and UHRC. As regards participation of MPs : MPs and the DDMCs

11. Considering that the majority of Camp residents are women and children, the Children and Family Protection Unit of the Uganda Police Force should pay regular visits to the camps in order to:

a) monitor the situation of women and children and;

b) receive complaints of human rights violations in the camps and take appropriate action.

Action : Inspector General of Police.

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12. Consideration should be given to organising the temporary return of IDPs to their natural homes and land, to be facilitated by the appropriate authorities.

Action : IDP Leaders, Army Commander - UPDF and Inspector General of Police

13. In order to better protect the right of IDPs to their property (Guiding Principle 20), District Land Boards should issue Customary Certificates of Land Tenure.

Action : District Land Boards and IDPs

14. The Representative of the Secretary-General on Internally Displaced Persons should pay special attention to the human rights situation of IDPs in Uganda and make a country visit as soon as possible.

Action : Office of the High Commissioner for Human Rights; with regards to invitation for the country visit: the Government of Uganda.

15. FHRI should create a specific project to cater for the human rights interests of the IDPs, specifically training, sensitisation, dissemination of materials and monitoring.

Action : Foundation for Human Rights Initiative (FHRI)



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### **IV. Activities following the Workshop**

#### **A. Immediately following the workshop**

- The Recommendations were disseminated to all participants and government officials concerned in Uganda. Locally, FHRI ensured that they were well-distributed, at the same time extending its gratitude to the government for its involvement in the workshop.
- The Recommendations were also sent to Mr. Francis Deng, Representative of the Secretary-General on IDPs.
- FHRI worked extensively to set up the first follow-up meeting which prioritised action on the Recommendations.
- OCHA brought the Recommendations to the "UN Conference on IDPs: Lessons Learned and Future Mechanisms" in Oslo, Norway, 23 May 2001. In its paper "The Uganda Case Study" under Lesson 6: Human Rights, OCHA quotes Recommendations 5, 6, 8, 10, and 11 of the May 2001 Workshop,

#### **B. First IDP Follow-up Meeting: 22 November 2002, Kampala (summary)**

A follow-up group composed of representatives of NGOs, authorities, and IDP leaders was spontaneously formed at the end of the May IDP workshop. The group met in November and worked out a Plan of Action with the intention to have a wider representation of IDP leaders in the country. This meeting, supported by Human Rights and Democratisation Programme DANIDA, was apparently useful in keeping the momentum on the issue of IDPs. A core group of 10 persons comprising NGOs (both human rights and humanitarian) and IDP camp leaders was officially formed. UPDF Human Rights Desk, OCHA, NRC, OXFAM, Action Aid, Good Hope Foundation, Refugee Law Project, the police, the military, HURIFO, HURINET were represented at the one-day meeting, approximately half of which had attended the May workshop on the Rights of IDPs.

A positive outcome was that, following the May workshop, the UPDF Human Rights Desk informed this meeting that the Desk had embarked on sensitization of soldiers to human rights, beginning with the army headquarters in Bombo, then proceeding to Mbale, Katakwi and Mbarara. *"Before there was a gap between the army and civilians as a whole, however such workshops have played an important role of bringing both groups together and complaints are brought up in their presence seeking for remedies"* said a participant

from the UPDF's Human Rights Desk who attended the May workshop and the follow-up meeting.

The participants concluded that the '*government had failed to provide security in the country*', and that there was '*insufficient advocacy by civil society on behalf of IDPs as well as district authorities on the plight of IDPs.*' The Core Group agreed to focus on advocating for a policy and legal framework on IDPs as a priority, and '*alternatively work towards ensuring IDPs' interest in the proposed law on Disaster Management.*' It gave itself the task to be '*charged with the duties of sensitising on IDP rights, disseminating information in the camps, and lastly give feedbacks on the prevailing situations.*' The Core Group will monitor and report on the rights of IDPs while advocating for the policy to incorporate the UN Guiding Principles on IDPs.

#### **Members of the Core Group are:**

- FHRI
- ACTION AID
- Baleke Kayiira Peter (c/o ActionAid, Mubende)
- Wedime Mary Assimwe, Bundibugyo, RDC's office
- Dennis Lemoyi, Pagak Camp (North)
- Mukhwana David (c/o Actionaid Kapchwora)
- Paulinus Nyeko, HURIFO
- Agnes Kabajuni, Kabarole Research Centre, Fort Portal
- Kahyana Joseph, Good Hope Foundation for Rural Development, Kasese
- Mbakania Isaiah, Kyamukube Peoples Camp, Fort Portal

#### **Report of the First IDPs Follow-up Workshop - 22 November 2001, Kampala**

Mr. Atone Baare, Advisor of Human Rights and Democratisation Programme (DANIDA), opened the meeting Chief Guest. The programme is a joint programme by DANIDA and the European Union as a mechanism in support of human rights and civil society. The programme is adjusting to the conflict in the country, and is moving away from Kampala for an outreach programme in the districts of Katakwi and to Kapchwora which districts have been affected by armament, ethnic conflict and land disputes. Northern Uganda with the LRA armed conflict, and ADF armed conflict Western Uganda. He further mentioned that the programme is not only related to poverty alleviation but also to conflict. The first dimension

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of this conflict is violent, which inevitably results into human rights violations of the basic economic, political, social and cultural rights of people. The second dimension is abject poverty, which results into systematic violation of civil and political rights and causes structural violence.

**Bundibugyo District** The first participant, an IDP representative of Nyakawuka Camp informed the gathering that the district is divided into three counties of which two host IDPs. The problems faced by IDPs there are lack of food, family breakdown and high number of school dropouts, the congestion in camps, poor sanitation, limited drug supply and disease are prevailing in the IDP camps of Bundibugyo. In addition the Ag Resident District Commissioner Mrs Bwabaseki Rose informed members of the various organisations operating in district, which work with IDPs such as ActionAid, World Vision, World Harvest Mission, MSF France, ICRC, Action Faime, Oxfam, North Rwenzori Rural Agricultural Link.

**Kapchwora District** Cattle rustling by neighbours in Karamoja and Kenya coupled with the gazettement of Mt Elgon are the major causes of displacement in Kapchwora.

**Kasese District** The sole causes of displacement is the armed conflict by the ADF rebels and gazettement of Rwenzori mountains. The number of IDPs has considerably decreased in Kasese district, with only two camps still actively operating. Most of the IDPs have resettled with the help from the UPDF and other organisations. However there are still problems such as shortage of food in the camps, insufficient social services and education facilities, and increased rates of immorality.

**Gulu District** There are 33 IDP camps, which camps are unplanned and highly congested. Some persistent problems are the following: schools have also been displaced, poverty is prevailing, cultural norms are diminishing with high levels of illiteracy, early marriages, teenage pregnancies, lack of social services, food shortage, people having to walk long distances to till their land which exposes them to danger, and abduction. The government is thinking of decongesting the camps, which has caused concern among the beneficiaries who argue that this will only lead to the creation of smaller camps.

**Katakwi District** There are 53 camps in 2 counties of Katakwi. The insecurity prevailing is due to the Karamojong cattle rustlers. The conditions in the camps are appalling; education is dwindling, there is food shortage and people are not engaged in any form of agricultural activity. Organisations like the Baptist Church provide some food. Access to health

facilities, proper medical care is lacking while the living conditions are pathetic. They lack clean drinking water, and have no latrines. During the discussion, members advocated for disarmament of the Karamojong which will promote unity among themselves and enhance discussions on peace. Further the discussion also focussed on the need for the involvement of religious leaders and the media.

**Norwegian Refugee Council (NRC)** also shared their experience with members. The council operates in the districts of Gulu and Kitgum implementing food distributions of WFP. The organisation has also built a number of schools. There is a 3 year education project in Gulu under which NRC have constructed temporary and permanent schools to give training to teachers. They plan to work in conjunction with government, under the Ministry of Education and Ministry of Finance.

**Mr Erasmus Ibom from OCHA** gave a detailed report on their recent visit to Kitgum where they spent two weeks talking to stake holders there, on the issues of return and resettlement of IDPs. As per the research carried out in Kitgum, land mines in the Agoro mountains were planted by the UPDF, thus causing the masses to move from the original homes. He further said in order to develop a national policy there is the need to address the question of who is doing what and in which area as regards IDPs nationally and internationally.

**OXFAM Country Representative Mr. Dereje Worodfa** said the issue of IDPs should better catch public attention, as well as authorities and donors. OXFAM's action plan in support of IDPs revolves around the strategies of advocacy campaigns, information gathering and exchange, focussing on the critical information among the public and authorities.

Secondly they will consider looking into problems in the North in a comprehensive manner, the cause of insecurity, suffering in camps and the peace initiatives different groups have taken.

Thirdly a study is being conducted every 2 years under the Uganda Participatory Poverty Assessment Programme (UPPAP). The focus is on government to change the budget and policies to include health and social services. There is need for more consistent advocacy campaign for an intensive understanding of applicable laws and duties that accrue to the various organisations.

As regards the arms trafficking in Karamoja he stressed that the issue is not the number of guns but the fact that people in Karamoja acquired them for security reasons. He stressed the need for a clear legal framework on IDP's so as to make a



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change. The issue of respect for laws and improving already existing ones should be addressed.

**Capt Sonko, UDPF Human Rights Desk** informed members that following the May workshop, UDPF Human Rights Desk had embarked on sensitization of soldiers to human rights. This process began at the army headquarters in Bombo, then proceeded to Mbale, Katakwi and Mbarara. The officers sensitized are mainly commanders who will disseminate the information to the lower ranks.

He told the members that IDP camps were created spontaneously by a situation and a situation will also remove them. The major responsibility of the government is to create conditions favourable for people to return. It is still a problem and there is no immediate solution. He noted that the army is aware of the problems prevailing and the conduct of security personnel in camps. However something is being done, for instance seminars have been held to enlighten the army on the prevailing circumstances. Before there was a gap between the army and civilians as a whole. However such workshops have played an important role in bringing both groups together and complaints are brought up in their presence seeking for remedies. Concerning soldiers causing in family breakdowns, the president warned those operating in the disarmament process, that those who will go out of their limits, will be punished.

**Mr. Zachary Lomo, Director, Refugee Law Project** agreed that the problems faced by IDP's are man-made and of a political nature, thus requiring a political solution. Those are economic problems as well. The mentality that the situation is temporary and will go away thus calling for relief should end. He stressed that plans to address the problem should involve the people so affected. He observed that the recommendations discussed are good, however they never materialise, no matter how civil society speaks out. He recommended that the probable short term solution to the problem of IDPs is for all those helping IDPs to change their attitudes.

**Bwabaseki Rose Ag. RDC Bundibugyo** appreciated efforts by NGOs and maintained that human rights have been violated. She wanted to know the efforts that have been put in place through peace-building organisations to reach the rebels to dialogue and the security measures that have been put in place on return. She recommended strengthening human rights collaboration between NGOs and government. Further she urged all those involved in the struggle to consider looking at other governments involved in the conflict.

**Mbakania Isaiah IDP representative Kyamukube Displaced Peoples Camp Kapchorwa** recommended reduction of guns in Karamoja instead of disarmament. Further he suggested that government should take up the matter of displacement urgently and called for more relief to rescue the situation on basic necessities.

**Nyeko Paulinus, Chairman of HURIFO - Gulu.** said that whereas camps in other areas sprung up spontaneously, those in Gulu were created by force. He emphasised the need to seek the views of the people before actions such as decongesting and resettlement are considered or implemented. He also looked at de-mining the areas infested with land mines as a first remedy before return. While addressing disarmament of Karamojong, he stressed the need to stop trafficking of arms from neighbouring countries. There should be a way of economically empowering the Karamojong to avoid idleness by encouraging cultivation through irrigation.

**Akelo Frances Chairperson Katakwi District Development Actors Network (KADDAN)** mentioned the need to encourage agriculture as an immediate solution for the situation in Katakwi. This will be done by securing land for cultivation, gardening tools and seeds. She said that distribution of relief should be continuous until the problem is solved. Lastly she urged all those involved in the disarmament and eventual resettlement process that the element of people participation and collaboration with government should be the pillar of their strategies.

**Charles Uma Ag. Chief Administrative Officer - Gulu** addressed the Amnesty Law which does not address peace and he pointed out that a clause on cease fire should have been included so as to reveal who is violating the law and to avail protection to those who have surrendered. He further added that government should take full responsibility and have a proper policy for displacement. As regards the issue of cattle rustling in Karamoja he stressed that government should control the border so as to fight external aggression.

**Mr. Jackson Oculi, ActionAid** said that the districts he would cover were Mubende, Kapchorwa, Bundibugyo and Katakwi. Among others participants from Gulu, he addressed the need for resettlement, support of lasting peace and a sustainable situation and in addition negotiation as the only way to further peace. Contact should be made with traditional and religious leaders and NGOs. External and internal factors have to be addressed and to a larger extent the internal factor affects us most (the LRA). However in our advocacy effort we need to look at the external factors too. There is need for a clear peace strategic policy.

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**Baleke Kayiira Peter IDP Representative Buwekula Mubende**, informed members that the reason for displacement was investment and deployment of the army in order to evict civilians from their land. In the drive for investment, economic goals will be achieved at the expense of the social ones.

Members also saw the need to address people who are unwilling to return home or who do not have where to go because upon displacement many people have become non-productive.

There is need to know the number of people who reside in an area the camp occupies and where they are from. When camps have been situated on land which belonged to other people and there has been degeneration of the land, the government should compensate the land owners. There are those who want to exploit the situation ; in order to address this problem, institutions should therefore advocate and campaign for a policy to take care of the IDP issue.

The following were the priorities the participants identified to draw governments attention:

- Development of government policy on IDPs (displacement, return and resettlement), government should clearly define who is concerned with the issue of IDPs.
- Insecurity: Government has failed in its duty to provide security in the country.
- Lack of consultation when prospects are being embarked on.
- Insufficient advocacy by civil society on behalf of IDPs as well as district authorities on the plight of IDPs.

IDP's have not been acknowledged and recognised as a serious problem in Uganda. Ministry of Disaster Preparedness and government should fully recognise the IDP situation to be able to devise a solution to it .

- Members present identified the need to form a Core Group which will be charged with a duty of engaging relevant stakeholders to lobby and advocate for a policy or framework on IDP's. Alternatively its important to work towards having IDP's taken care of in the proposed law on Disaster Management.
- The Core Group formed was composed of (10) ten members who will be charged with the duties of sensitizing on IDP rights, disseminating information in the camps, and lastly giving feedbacks on the prevailing situations.

### **C. The Uganda Government decides to issue a policy on IDPs - February 2002**

A major breakthrough is the government's decision to draft a policy on internal displacement. The Office of the Prime Minister

and the Department for Disaster Preparedness and UN.OCHA began to work on "The National Policy on Internal Displacement - Policy and Institutional Framework." The draft is currently for official use only. OCHA was consulted on the draft and asked for its input. The most recent policy is from April 2002 and refers to the UN Guiding Principles on Internal Displacement.

It is made up of provisions concerning the institutional arrangements, including the functions of a national technical committee responsible for monitoring human rights violations, which is also the function of the District Disaster Management Committee (DDMC). The draft policy has a provision on protection of IDPs during return and protection against arbitrary displacement. Property rights, family unification, food security, shelter, clothing, education, health, water/sanitation, resettlement kits, rehabilitation of infrastructure and graduated tax are all mentioned in the draft policy.

The draft provides for a protection sub-committee which has a joint responsibility with the UHRC to monitor respect for the rights of IDPs.

### **D. Uganda ratifies the Optional Protocol to the Convention on the Rights of Children on the Involvement of Children in Armed Conflict - March 2002**

This convention states that recruitment of children below the age of 18 is forbidden. It is imperative for NGOs to encourage this positive step and see that the Ugandan government is taking all the necessary measures to comply with this international instrument.

### **E. HURIFO launches its report "Between Two Fires - human rights violations in the 'protected' camps" - 26 February 2002**

Human rights violations by the LRA and the UPDF are documented in several IDP camps in the North. The report received world media coverage. No government response had been received at the time of our mission. Some ministries and NGOs that we met, as well as UHRC had not yet received a copy of the report.

It is in this context that the Follow-up Mission evaluated the progress of the May workshop, the November meeting and action by the government, activities of NGOs and the UN.

## **V. Mission of Evaluation (follow-up mission) 18-23 March 2002**

### **A. Introduction**

The mission was composed of the following delegation: Sophie Kyagulanyi, Legal Officer and Conflict Management and Prevention project, FHRI, and Simia Ahmadi-Thoolen, East Africa Coordinator FIDH. Regrets were received from Betty Murungi from Kenya (who still follows developments). This mission is inscribed in the mandate of the LCP and occurred 10 months after the May 2001 workshop on the Rights of IDPs in Uganda. The goal of the mission was three-fold:

- to verify and evaluate to what extent the recommendations adopted at the workshop were implemented by the relevant stakeholders (authorities, NGOs, and UN agencies),
- to continue the dialogue on the improvement of the human rights situation of the IDPS,
- to visit a few IDP camps at random in order to establish the basic human rights situation in those camps, and to meet with those IDP leaders that attended the May 2000 workshop and those who also attended the November 2001 meeting.

### **B. Main Findings**

There are many positive developments (IDP policy due to the possibility to return, draft Disaster Bill, signing of the UN Convention on age of recruitment, etc..) and some IDPs have begun to return home in the West and the East. The North remains the most difficult issue as the security of IDPs is not secured. It is good that a Core Group was formed in November, following the May workshop, which mainly exchanged information on the situation of IDPs and appealed for advocacy on policy.

Unfortunately, little coordination has happened among stakeholders, in particular lack of dissemination of important information, such as the recent report of HURIFO documenting violations in the northern IDP camps, or lack of knowledge that the UN Guiding Principles on IDPs had been translated into Luo. Monitoring of human rights violations in IDP camps has not been done on a systematic basis. OCHA and FHRI have had limited contact, though it seems to be increasing.

It is good that OCHA shared the draft policy with FHRI and other key groups. Government authorities have been

receptive and responsive during our meetings during this mission, and the inter-ministerial committee seems to be moving on the issues, though we could not assess to what extent. The momentum should not be lost and coordination is key to a successful implementation of the recommendations on the rights of IDPs.

### **C. Meeting with authorities**

Minister of State for Disaster Preparedness and Refugees  
Ms. Christine Jane Aporu

Commissioner for Disaster Preparedness and Refugees  
Mr. Carlos Twesigomwe

They informed the delegation that the government intends to return the IDPs home. The Minister of State said that the IDP situation in Katakwi, Rwenzori, Karamoja, and Acholi must be handled separately as each situation was different and could not be compared. She said that councils are supposed to sensitise the IDP leaders on the safe return of IDPs. The ADF is weakened and the UPDF army must still clear mines. The Ministry was in close contact with the government and the Inter-Ministerial Committee on the safe return of IDPs and all relevant issues concerning their fate. Concerning Recommendation 1 (finding lasting solutions to conflicts), one must appreciate the history of the North and the positive role played by President Museveni in meeting with President Bashir of Sudan to resolve the conflict and eliminate Kony. On the right to return and protection, Carlos said: "we have been implementing this, but not necessarily in law, as the Disaster Bill has not yet been passed." (This is part of Recommendation 3). The Policy on IDPs has yet to be finalised, though it does reflect the Guiding Principles.

They assured the delegation that monthly meetings (Recommendation 4) are still taking place, and that the standard of living of IDPs has improved since the May workshop. There has been decongestion of the camps as well as decentralisation of IDPs to sub-counties so that they can go to parishes. The decongestion exercise has apparently worked well in the South Western region, IDPs having themselves contributed. As for Recommendation 7 (adequate portion of National budget towards IDPs), they said that indeed this had been considered, in particular the Ministry of Health has well contributed to IDPs, and the Inter-Ministerial Committee is continuously looking into this issue. As for proper access to information (Recommendation 8), they said

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that the upcoming policy will address this. On endorsing the UN Guiding Principles and their dissemination, they had not done anything specific, though they say that most IDP leaders are aware of the Guidelines and that the District Disaster Management Committees and Community based Organisations have been trained. Finally the Deputy Minister was concerned for the rights of children and women IDPs.

Minister of State for Defense Ms. Ruth Nankabirwa , PDF Human Rights Desk Captain John Paul Sonko.

The delegation went over the Recommendations for discussion and review of progress. On Recommendation 1, the Minister of State for Defense was grateful to the UPDF Human Rights Desk for its work and accredited any improvement with regard to conflict-solving, credit goes to President Bashir's commitment to eliminate Kony (of LRA), the main cause of the displacement. She informed us that President Museveni had asked the Ministry of Justice to set up courts at sub-county level. As far as the responsibility of commanders-in-charge of IDP camps to monitor the relationship between IDPs, police and army (Recommendation 5) she said that the police should play a greater role, although they lack facilities.

On recruitment of LDUs and their training (Recommendation 6), she mentioned that in Karamoja, LDUs were recruited to retain security (there are 60 per sub-county). The Ministry of Internal Affairs is working out a framework to govern LDU operations which will address the question of age recruitment. On organising the return of IDPs, she mentioned the need to be sure that there is security, and this can be achieved once the issue of the LRA is resolved. (The meeting was taking place just as Sudan agreed to allow the UPDF to deploy troops around Juba in Sudan).

Mr. Sonko, who had been at both the May workshop and the November meeting, said that as far as Recommendation 2 on monitoring the human rights situation of IDPs and ensuring their protection, the positive development concerning UPDF violating the rights of IDPs in the North is that monitoring reports are being regularly sent to his office from the 'Civil and Military Relations Officer' in Gulu. As for training, he said that the military are systematically trained on human rights issues in military schools under the Human Rights Commission Training Programme. He informed us that they are in the process of developing a training manual which addresses the need for fair protection. However, the most urgent need, according to him, is the necessity to train brigades and

battalions at division level. On Recommendation 6, he mentioned that beginning March 2002, Uganda ratified the Optional Protocol to the Convention on the Rights of Children on the Involvement of Children in Armed Conflict.

Since the May workshop, Mr. Sonko had been mostly active in Karamoja dealing with the disarmament. He told to the FIDH delegate that, due to the language barrier, it was difficult to sensitise the LDUs and home guards because their establishment was ad hoc on one hand and they are under the command of the government, and at other times under the command of the police. He was of the view that this is where the UHRC could assist: by providing the UN Guiding Principles in local languages to be part of the training curriculum (and OCHA could support it). He mentioned his interest to also assist the UHRC in sensitizing UPDF officers in human rights. He also stated that the UPDF's Human Rights Desk was only initiated in 1999 and still lacks adequate resources to carry out much of the activities. He asked us about the Draft Disaster Bill and whether it will incorporate the issues of security and landmines. (Editor of 'Tarehe Sita', Capt Okei Rukogota was also present to cover the meeting.)

Inspector General of Police Major Katumba Wamala

The delegation expressed satisfaction with the participation of Ms. Helen Alyek of the Child and Family Protection Unit of the Police in the May workshop and of Mr. Atuhaire Hope, Assistant Inspector of Police, Community Affairs, in the November meeting.

On the monitoring of human rights violations of IDPs and their recourse to courts under Recommendation 2, he reported that there are no courts in the IDP camp vicinity. The constraint is that to some extent police jurisdiction has been overtaken by the military, where the military mostly have primacy in IDP camps. As a law enforcement agency, they needed to educate the public (including IDPs) on the law. He believes that the police has a role to play in the return, resettlement and reintegration plan, saying that law and order were needed, and that it is their role, not of the military. He felt that IDPs for so long have lived out of the arm of the law, and the risk is that they will take the law into their own hands as they return home, especially concerning property destruction. The police would want to be prepared since the process of dismantling goes hand in hand with the law.

Recommendation 5 specifically implies the police (relationship between IDPs and police and military). It was pointed out to the Inspector General of Police that police presence is minimal in

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IDP camps, which he acknowledged. If given proper resources, the police are ready to extend its assistance to IDPs, as presently under 'Community Affairs Programme' they have no budget to extend to monitoring of IDPs.

### **D. Meeting with Uganda Human Rights Commission**

Commissioner Mr. Aliro Omara In charge of Monitoring and Treaties Department

The UHRC, in its 2000-2001 report calls for an IDP policy. On Recommendation 1, he said that UHRC was working on requesting the government to solve the issues in the North. On Recommendation 2, UHRC had not received cases, though they had just sent a team to Bundibugyo, and last year, one to Gulu, Kitgum and Katakwi. They had neither done any training on IDP issues as recommended in Recommendation 6 nor translated the UN Guiding Principles on IDPs in local languages under Recommendation 10. However, if given the funds, they are willing to do so as well as carry out their dissemination. UHRC had not lobbied on the Draft Disaster Bill either because they were not aware of its process.

He informed us that he receives complaints about the Local Defence Units (LDUs). UHRC is involved in training of army commanders, and it is also supposed to cover LDUs. UHRC is planning a 'crash' programme in Karamajong because of the problems there. He claimed that when the army leaves, the LDU remains, and these need to be targeted to receive human rights education. As for IDPs exemption from graduated tax stated in Recommendation 9, we informed him that apparently this is addressed in the draft policy. As for monitoring the human rights situations of IDPs, he agreed that UHRC should be involved in the monitoring of the return of IDPs though he did not specify what plans UHRC had in store for this. He is of the opinion that FIDH should ask the UN Special Representative on IDPs to provide international assistance in this area.

### **E. Meeting with NGOs**

HURINET Deputy National Coordinator Rev. Grace Erisa Sentongo

The Reverend attended both the May workshop and the November meeting. He stressed that the Disaster Management Bill would be important and that there should be an agreed strategy among key NGOs on the IDP policy. He said that coordination on the IDP question is still lacking and remains a problem, though he seemed appreciative of our initiatives and the formation of the Core Group. He also

mentioned that as a follow up HURINET hosted a public dialogue on the rights of IDPs on the 10th of December to commemorate Human Rights Day.

Refugee Law Project Head of Research and Advocacy Ms Lucy Hovil

Ms. Lucy Hovil had attended both the May workshop and the November meeting. It was some time after the latter that the Refugee Law Project decided to take up the issue of IDPs within their project, mainly because of the security situation. The meeting was mostly an exchange of information. Ms. Lucy Hovil agreed to cooperate with FHRI and the Core Group on the results of their research of the situation of IDPs. Though this does not cover human rights monitoring per se, it was agreed that any exchange would be mutually beneficial.

### **F. Meeting with UN agency: OCHA**

OCHA (Office of the Coordination of Humanitarian Affairs), Head of Office Mr. Michael Jones

On 18 March, OCHA held a 1-day training on the UN Guiding Principles in their offices for a few NGOs and UN agencies (some of which had been either in the May workshop or the November meeting or both). This was also useful in reinforcing the network on the IDP issues. FHRI was ably represented at this meeting.

He said that the UN Guiding Principles on IDPs had indeed been translated by OCHA in Luo and Swahili, though they had not been disseminated yet (the translations are apparently still awaiting official language approval). FIDH-FHRI stressed that these need to be translated into other relevant languages and that UHRC is willing to assist should funds be provided and the dissemination of the Guiding Principles remained an important task yet to be implemented.

He agreed to support the Group's future activities once upon clarity of its strategy.

### **G. Meeting with donors**

European Union Counsellor Mr. Jean-Marc Ruiz

Mr. Ruiz commended the LC in Uganda and said that it was thanks to the May workshop that a dialogue had been set on the rights of IDPs and the UN Guiding Principles. He was glad to know that some of the Recommendations were being implemented, though much remained to be done, including human rights monitoring. He said that the EU had raised the issue of the Draft Disaster Bill to the relevant Ministry and had also discussed the dismantling of the camps. EU also held discussions with OCHA with regard to technical assistance. It seems that ECHO (European Community Humanitarian Office)



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might help if there is a contingency plan at district level. He thinks that funds should be available within the Acholi Programme and the Justice and Peace Commission. As for the EU, there would be interest in funding a nation-wide survey on the rights of IDPs (which we asked him about) only if there a real gap is identified, and if OCHA supports the initiative.

Human Rights and Democratisation Programme Programme (DANIDA) Advisor Mr. Anton Baaré, NGO Liaison Officer Pamela Okille Etiang.

Human Rights and Democratisation Programme (DANIDA) may support the Core Group if a clear agenda and strategy is developed, as well as better coordination among key groups. The Advisor Mr. Anton Baare said that a nation-wide human rights survey of IDPs might not be a priority now, but more the role that human rights groups can play in the advocacy. There are district plans as well as the Acholi Programme where funds are available. He also was of the view that UHRC has a role to play in the return of IDPs.

### **H. Visits in Gulu and IDP camps Pabbo, Pagak and Awer**

#### **1. Meeting with authorities**

Civil-Military Liaison Officer, 4th Division Mr. Achoka Francis Ongom

Mr. Ongom's role is to help establish security and confidence in the camps. He agreed this was key to the return issue. The key role here is apparently protection. He is of the view that rebels might want to run after IDPs as they return home, therefore the issue of security is very important. He felt that the IDPs themselves should be involved in their return.

He informed us that his office is responsible for seeing that no crime is committed or goes unpunished, including violations committed by UPDF. He said he conducted training on children's rights and had attended UHRC's seminars.

#### **2. Meetings with NGOs**

Human Rights Focus (HURIFO), Secretary-General Mr. James Otto, and Chairman Mr. Nyeko Paulinus, and Human rights monitor Ms. Christine Onen.

They agreed that coordination in the Core Group was most important and that the group should have input into the IDP policy. HURIFO will provide us with more copies of report 'Between Two Fires' which we discussed at length (an electronic version will soon be appearing). Apparently there had been no response from government on the report at the

time of our mission (the report was launched 26 February 2002). It was agreed that, due to limited time, FIDH-FHRI should look into a couple of cases in the relevant camps that might need follow-up

HURIFO appeals for a Judicial Commission of Inquiry for Northern Uganda. Many violations had occurred from 1986 to 1995. HURIFO would continue to monitor the human rights situation of IDPs. He also believed collaboration with FHRI was very important.

Norwegian Refugee Council (NRC), Resident Representative Hallvard Hollyen

The NRC has been in Gulu since 1997 in cooperation with the World Food Programme concerning food distribution. NRC is currently involved in 4 pillars for IDPs: shelter, food, education, and legal aid. He said Legal aid consists of counselling and information. The programme will in principle begin on 1st September 2002. NRC has already discussed the programme with HURIFO and Legal Aid Project as well as with the office for the coordination of Human Rights affairs. In addition to this, NRC is seeking partnership with the UHRC. We wondered whether this project could consider supporting monitoring and training, where we could bring in the comparative advantage. Nothing concrete was agreed, except that we would be touch with regard to cooperation on the Legal Aid Project.

#### **3. Meeting with UN agency: OCHA**

OCHA, Senior Humanitarian Officer Steinar Sundvoll, Marc Vincent (IDP Advisor, seconded by NRC)

FIDH-FHRI stressed that the rights of IDPs should be fully respected at all times: at present, during decongestion of camps, and upon their return. OCHA also expressed alongside FIDH-FHRI its concerns over security. FIDH-FHRI focused on the UN Guiding Principles of IDPs, reminding that Principles 28-30 emphasizes the full participation of IDPs in their fate during return and resettlement. These provisions also request authorities to allow for NGOs and humanitarian organisations to assist IDPs. The provisions also request the government to ensure the recovery of their possessions, and where this cannot be provided, the government is responsible for compensation or other forms of reparation.

#### **4. Meeting with the Uganda Human Rights Commission - Office of Gulu**

Investigation Officer Mr. Anthony Androa informed the delegation that UHRC has only dealt with a very limited number of IDP cases due to the problem of transport.

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He himself had mostly been to Pabbo. According to him HURIFO gives Uganda Human Rights Commission (UHRC) cases, but not necessarily concerning IDPs. At UHRC, cases of deprivation of liberty and torture concerning the UPDF were due for hearing in April 2002.

With regard to the IDP return issue, he believed security had to be ensured, and said that UHRC could work with those providing the security, such as Chief Administrative Officer (CAO) and LCV. He did not think the army should protect during the decongestion, but rather special 'police constables' should be recruited

### **5. Visit to Pabbo Camp** (42'000 IDPs as of March 2002, according to the camp leader)

The delegation met with two persons who had assisted HURIFO in documenting human rights violations in the camp. The delegation visited the Health Dispensary which seemed clean and well run at first sight. It also met with the LCIII Mr. Obiya Ikarekiyak who told us that rebel activities continued. The preparation of return remains a problem as long as there is insecurity, he said. He informed us that he had met with the District authorities on the 8th March to discuss the congestion of camps in Gulu.

The delegation then met with the IDP Camp leader Mr. Okema Thomas Charles who had participated in the May workshop, inquiring whether he had disseminated the UN Guiding Principles on IDPs to other representatives of the camp. He had orally shared the experience of the workshop, but not necessarily disseminated knowledge on the UN Guiding Principles. He told us that the district authorities had asked people in need to go home, which is when the first decongestion of camps occurred. He mentioned that the new decongested camps were suffering from attacks and that their security was not assured. Many parts of the camps remain congested.

The delegation also met with a victim of serious human rights abuses. He felt that return would only partly help him. Meanwhile he remains in hiding and vulnerable to potential attacks.

### **6. Visit to Pagak Camp** (12'500 IDPs as of March 2002, according to the camp leader)

The delegation did not visit the camp per se but rather spent time discussing human rights violations in Pagak with IDP leader Mr. Denis Lemoyi, who is also the Vice-Chairman of all

IDP leaders in the North, and is member of the Core Group (he attended both the May workshop and the November meeting). He said he had tried to implement the Recommendations of the workshop to the best of his ability the moment he returned to his camp by disseminating information on the UN Guiding Principles. Between May and November, the peace negotiations had broken due to misunderstanding by the politicians, according to him. Rebels started burning vehicles and killing people. January - February 2002 worsened, as rebels moved to and fro', he said. UPDF is also violating the rights of IDPs. He also said that the decongestion started but the rebels were also attacking those camps.

Mr. Lemoi states: *'There is no security in Kurukela camp, in Kilamo sub-county, where rebels had recently come, as it remains unprotected. The elderly are used as carriers and the young are abducted. One teacher and one farmer were recently killed (the teacher was buried on 20th March). The camp Kaladima used to be safe, however after Parliamentary elections, the security personnel (that is home guards) were removed and the IDPs were left unprotected. Some came back to Pagak or Olwal as it ensured some better degree of protection. In the dark of course more attacks occur'*.

### **7. Visit to Awer Camp** (12'600 IDPs as of March 2002, according to the camp leader)

The delegates met with Mr. Benjamin Oballim who met them in a reception office before he gave them a short tour of the camps. He said that upon return from the May workshop, he had immediately rang the bell to call his people and inform them about the key issues of the workshop. He had also mobilised four zonal leaders and asked them to inform village leaders to give the message to the people. He said the UN Guiding Principles on IDPs were indeed useful concerning the return issue. As far as the November meeting, Mr. Denis Lemoi had briefed him before and after the event.

Abduction continued in the Pagoro parish, in Lamogi sub-county and Kurukela camp (as mentioned by Mr. Denis Lemoi). He said that many IDPs want to return home but the problem remains the insecurity. *'As for the abducted children, where are they now, he asked, do they come back? There does not seem to be shelter in place for those wishing to return'* he said. Problems in the camps remain: theft, malnutrition, abuse of drugs and alcohol, and fear.

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## **VI. Second Meeting of Core Group of IDPs Rights'**

### **The following persons participated in the second core-group meeting, which took place in April 2002 :**

Mr. Stuart Katwiririce, World Vision  
Mr. Jackson Occuli, Action Aid Uganda (AAU), Kampala  
Ms. Agnes Kabajuni, Kabarole Research Centre (KRC)  
Mr. Businge J. Richard, KRC  
Mrs. Wedime Mary Asimwe, IDP Rep, Bundibugyo  
Mr. Lemoyi Denis, IDP Rep, Pabbo Camp in Gulu  
Mr. Mukwana David, AAU Kapchorwa  
Mr. Mbakaina Isaiah, IDP Rep. Kyamukube Camp in Fort Portal  
Mr. Nyeko Paulinus, Human Rights Focus in Gulu  
Mrs. Athieno Mary, AAU  
Mrs. Rose Amulen, AAU Katakwi  
Mr. Mutooro M. Jeny, Norracol  
Ms. Sophe Kyagulanyi, FHRI  
Ms. Berna Bakkidde, FHRI

The core group discussions on the Internally Displaced Persons (IDPs) Policy was organised by Foundation for Human Rights Initiative (FHRI), in collaboration with Action Aid Uganda (AAU). It took place on 24 and 25 April 2002 at Muyenga Club in Kampala. It drew participation of IDP Camp Representatives, NGOs from Kampala, Bundibugyo, Kapchorwa, Fortportal, Katakwi and Gulu (see list of the participants in Annex)

The purpose of the workshop was to analyse and review the draft National Policy on IDPs in Uganda and to ensure that it entails the collective views of IDPs in the country. One of the observations made was that the document's main aim catered for humanitarian issues and not State obligations. The members identified the major issues as being the promotion of better living conditions in the camps and their re-integration and resettlement.

The participants looked at the definition of "Internally Displaced Person" and considered that it should include those forced to leave due to investment policies; cattle rustling; policies governing gazetted areas and natural hazards, so that it applies to all circumstances of displacement. The distinctive feature of internal displacement is coercion or involuntary movement that takes place within national borders. Persons who move from one place to

another voluntarily for economic, social, or cultural reasons are not IDPs.

It was also emphasised that clear policies on an immediate intervention government plan, compensation and land should be put in place. It was also suggested that there should be a provision for legal aid and justice so that conflicts are prevented and victims have a remedy.

Another area discussed was that of "Host Communities" defined to mean those individuals that shelter IDPs. The reason being that these host communities are key actors in minimizing the effects of displacement

Participants were also of the view that the document (the draft National Policy on IDPs) seemed not to bind the Government of Uganda in carrying out its duties such as providing the security, welfare and the dissemination of information on the implementation of the policy. So that humanitarian agencies need not have the absolute duty but a framework through which they would act.

The participants also discussed the functions of the various District officials such as the Chief Administrative Officer (CAO) and the District Disaster Management Committee (DDMC). These officials would be responsible at the District level, for the day to day protection and welfare of IDPs, managing and creating conditions conducive to their return, and managing the reintegration, integration, resettlement and recovery process. The CAO will head the DDMC and the District Probation and Welfare Officer will be the Secretary and focal point person.

The District Committees and Sectoral Sub-Committees will implement a relief plan to respond to the immediate protection and assistance needs of IDPs, including the reception of newly displaced persons in accordance with the Policy, until the situation returns to normalcy. It was also mentioned that handouts, policies, laws and publications which are disseminated in order to raise public awareness regarding IDPs should be translated in all languages.

The core group laid down its activities and way-forward (depending on the availability of funds). These included to follow the implementation of the recommendation of the May workshop on IDPs ; to establish a Data Book on human rights



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violations of IDPs, and to disseminate information ; to gather and solícite views on the Draft ; to monitor the implementation of the IDP Policy in form of regular Updates ; to raise civic awareness on IDPs rights and to continuously monitor human rights violations in the camps.

## **VII. Annexes**

- **Annex A : Programme**
- **Annex B : List of Participants to the workshop**
- **Annex C : List of Participants of the First IDPs Follow-up Workshop - 22 November 2001, Kampala**
- **Annex D : The UN Guiding Principles on Internal Displacement**
- **Annex E : Press Clippings**
- **Annex F : Map of Uganda with IDP population**

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## **Annex A : Programme**

**WORKSHOP ON THE RIGHTS OF INTERNALLY DISPLACED PERSONS IN UGANDA  
7th -11th MAY 2001 AT FAIRWAY HOTEL, KAMPALA**

### **Sunday, 6th May 2001**

3:00 pm                      \* Arrival of Up- Country Participants  
                                  \* Registration

### **Monday, 7th May 2001**

9:00 am                      \* Arrival and Registration of Participants and Guests  
10.00 am                    **Official Opening**                      Welcome Remarks

Mrs. Robinah Kiyingi, Ag. Chairperson, Foundation for Human Rights Initiative (FHRI)  
Simia Ahmadi, East Africa Coordinator, International Federation of Human Rights (FIDH)

**Key note address:**                      Bernard Ryelandt, *Head of Delegation European Union*

Rose Nakabugo, Senior Settlement Officer  
*Ministry for Disaster Preparedness and Refugees*

11.00 am                      Tea/ Coffee Break  
11.30 am                    **Panel Human Rights and IDPs under International Law**

- Human Rights in International Law  
*Mr. Apolo Makubuya, Lecturer, Faculty of Law Makerere University*  
- Human Rights and the role and responsibility of the State: The UN Guiding Principles on Internal Displacement  
*Mr. Samuel Tindifa, Human Rights and Peace Centre (HURIPEC)*  
- A Situation analysis of the IDP Situation in different regions of Uganda.  
*Ms. Nelly Badaru, Country representative, Ockeden International*

1.00 pm - 2.30pm                      Lunch  
2.30 pm - 4.00pm                      Plenary Discussion  
4.00 pm                                  Tea Break

### **Tuesday, 8th May 2001**

9.00 am                      **Panel Building a responsive Policy**

- Causes of Conflict and recent Governmental Legal/ Policy decisions regarding the rights of IDPs  
*Hon. Major Tom Butiime, Minister of Disaster Management and Refugees*  
- Protecting the Rights of the IDPs: 'the role and function of the Military and the police'  
*Capt C. Kisembo Chieftaincy Military Intelligence and Security*  
- The Right to Property and the right to participation in relation to IDPs  
*Commissioner Aliro Omara , Uganda Human Rights Commission .*

10.00 am                      Discussions  
11.00 am                      Tea Break  
11.30 am                    **Working Groups** 3 case studies from panel topics above

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1.00 pm	Lunch Break
2.30 pm	Plenary Rapporteurs' report to the plenary
4.00 pm	Tea / Coffee

**Wednesday 9th May 2001**

9.00 am	<p><b>PROMOTION AND IMPROVEMENT OF RIGHTS OF IDP's</b></p> <ul style="list-style-type: none"> <li>- Accessing the Law by IDPs <i>Mr. Nyeko Paulinus, Human Rights Focus - Gulu</i></li> <li>- Women and access to the law <i>Ms. Betty Murungi, Lawyer, Kenya</i></li> <li><i>Ms. Eva Mulema Ag Director FIDA (U)</i></li> </ul>
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9.30 am	Discussions
10.30 am	Tea Break
11.00 am	<b>Working Groups</b> 3 case studies on the Right to Property, the Right to participate and Accessing the Law
1.00 pm	Lunch Break
2.30 pm	<b>Plenary</b> Rapporteurs' report to plenary
4.30 pm	Tea / Coffee

**Thursday 10th May 2001**

9.00 am	<p>Effective Strategies for the Way Forward; the challenges ahead for Uganda</p> <ul style="list-style-type: none"> <li>- IDP Situation in Somalia <i>Mr. Yusuf. A. Sala OCHA- Kenya</i> <i>UN Office for Coordination of Humanitarian Affairs (OCHA)</i></li> <li>- IDP Situation in Sudan and how it reflects onto Uganda <i>David Burgen Sudan Human Rights Association (SHRA)</i></li> </ul>
10.30am	Tea / Coffee Break
11.00am	Discussion
12.00am	<b>Working Group</b> Recommendations ( from the presentations above)
1.00 pm - 2.30 pm	Group Work Continues
3.30 pm - 4.30 pm	Presentation of Recommendations by Rapporteurs
4.30 pm	Tea/ Coffee

**Friday 11th May 2001**

9.00am	<b>Adoption of Recommendations by Participants</b>
11.00am	
.	<b>Official Closing</b>
.	- Presentation of Recommendations
.	- Presentation of final report - <i>David Goldberg &amp; Sheila Muwanga</i>
.	- Follow-up and Farewell <i>Simia Ahmadi, FIDH</i>
.	- Way Forward <i>Livingstone Sewanyana, FHRI</i>
.	- Closing remarks <i>Denis Lemoy Camp leader, Pagak Camp &amp; Vice Chair Person of IDPs in Gulu District</i>
.	- <b>Chief Guest</b> <i>Michael Jones, Head of OCHA, Uganda</i>
1.00 pm	Lunch

\*Departure

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## Annex B : List of Participants to the workshop

<b>Non Governmental Organisations</b>	
Kenneth Godi	Transcultural Psycho -Social Organisation (TPO) PO Box 94 Adjumani Kampala Address PO Box 21646 Tel: 256- 041 266595 Mobile : 075 629774
Munaaba Elliot	Technical Advisor (Health Technical Advisor) AMREF Gulu PHC Project c/o PO Box 60 Gulu
Akona Alex	Probation and Welfare Officer P.O. Box 83 Kitgum P.O. Box 20138Kampala Mobile: 077200308
Patricia Odong	Acholi Religious Leaders Peace Initiative (ARLPI) PO Box 104, GULU
Kahyana Joseph	Chairperson Good Hope Foundation for Rural Development P. O Box 310 Kasese
Owe Beginer	Training Officer Jami Ya Kupatanisha P.O Box 198 Kampala
Lucy Hovil	Refugee Law Project Email: <a href="mailto:rlp@infocom.co.ug">rlp@infocom.co.ug</a>
Nyeko Paulinus	Chairman Human Rights Focus PO Box 970, Gulu Tel: 0471 -32259 (Office) Mob 077 -584075 (Personal) Fax: 256 -041- 32401E-mail. <a href="mailto:Hurifo@africaonline.co.ug">Hurifo@africaonline.co.ug</a>
Walter Ongom Alwii	Nothern Uganda War Widows Support Organisations (NAWSO) PO BOX 2 Gulu. E-mail: <a href="mailto:nuwso@yahoo.com">nuwso@yahoo.com</a>
Angella Nagaga	Lawyer Refugee Law Project
David Bugder	Programme Officer Sudan Human Rights Association P.O Box 7327 KampalaTel: 250 586
Charles Mubaale	Secretary General Sudan Human Rights Association P.O Box 7327 Kampala Tel: 250 586
Odong James	World Vision P.o Box Tel: 251641/2 Mob: 077455271

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Mulyanti .M. Brian	Human Rights Network (HURINET) P.O Box 21265 Kampala
Sicolastic Nasimanya	Senior Protection Officer Inter Aid (U)
Asiimwe Franklin	Asst Programme Officer International Organisation for Migration P.O. Box 26484 Kampala
Lwere Hans	Programme Officer Ambassadors of Hope P.O. Box 50 Kasese
Byaer Kabo	African Orphans Support And Volunteers Services P. O Box 24209 Kampala
Okot Catherine	Gulu Womens Network (GWENET) P.O. Box 83 Gulu Mobile: 077587836
<b>Army</b>	
Capt John Paul Sonko	UPDF Human Rights Desk UPDF General Head Quarters PO Box 132 Bombo Tel: 256 -041 -350 284 Mobile 075629774
<b>Police</b>	
Helen K Alyek	Superintendent Child and Family Protection Unit Police Head Quarters P.O Box 7055 Kampala Phone: 256 -041 235643 Mobile: 077501912
Mahembe Damascus	Assistant Inspector of Police Community Affairs Police Head Quarters PO Box 7055, Kam pala Tel: 256 - 041 - 233418, 256 - 041- 256 366 Mobile: 075 626 955 E-mail: tpu@starcom.com.ug
Sezi Mahindo	O/C Operations Kasese Police Station P.O. Box 50 Kasese Tel: 0483 44005 /44457



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<b>IDP Representatives</b>	
Bahati William Biregho	IDP Leader Representing Kilembe Sub -County Kasese
Opwonya Martine	Camp Leader Parabong Lamog Sub County Kilak County C/O Onyach P.O Box 40 Gulu
Okema Thomas	Camp Leader Pabbo Pabbo Sub -County Kilak County Uganda
Oballin Benjamin	Lamogi Sub Coun ty Kilak County, Uganda
Lemoyi Denis	Camp Leader Pagak Camp Vice Chairman Gulu
Odong Jolly	Camp Leader Goma Gulu
Kimeke Justice	IDP Representative P.O. Box 453 Kasese
<b>Government</b>	
Didas Tibigambwa	District Labour Officer Kasese District PO Box 250 Mob.077618273
<b>Media</b>	
Ronnie Kaima Vandeross	Ronnie Kaima Vandeross Radio Presenter Top Radio Human Rights Radio Programme Po Box 24609 Kampala Plot 54 Kila Road Tel: 077484742
<b>UN Agencies</b>	
Mr Michael Steiner	United Nations Office for th e Coordination of Humanitarian Assistance UN (OCHA) P.O. BOX 7184 Kampala
Abel Mbilinyi	Senior Protection Officer United Nations High Commission Refugees P.O. Box 3812 Kampala
Mary Kabogoza	Coordinator Conflict Management Foundation for Human Right Initiative P. O Box 11027 Kampala Email: <a href="mailto:fhri@spacenetuganda.com">fhri@spacenetuganda.com</a>
Edmond Nkalubo	Field Officer Foundation for Human Right Initiative P. O Box 11027 Kampala Email: <a href="mailto:fhri@spacenetuganda.com">fhri@spacenetuganda.com</a>
Apolo Kakaire	Penal Reform Coordinator Foundation for Human Right Initiative P. O.Box 11027 Kampala Email <a href="mailto:fhri@spacenetuganda.com">fhri@spacenetuganda.com</a>
Sylvia Busingye	Volunteer Foundation for Human Right Initiative P. O Box 11027 Kampala UGANDA. Email: <a href="mailto:fhri@spacenetuganda.com">fhri@spacenetuganda.com</a>

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<b>Resource Persons</b>	
Nelly Badaru	Country Representative P.O Box 23484 Kampala
Apolo Makubuya	Lecturer Faculty of Law Makerere University. P.O Box 7062 Kampala.
Samuel B Tindifa	Ag Director Human Rights and Peace Centre Faculty of Law Makerere University Kampala P.O Box 7062
Betty Murungi	Advocate FIDA Kenya P.O. Box 60389 Nairobi KENYA
Yusuf Abdi Salah	UNCU, P.O Box 68837 Nairobi KENYA
Capt .C. Kisebo	Chief Military Intelligence P.O. Box 11219 Kampala
Commissioner Alilo Omara	Uganda Human Rights Commission P.o Box 4929 Kampala Email: <a href="mailto:uhrc@inforcom.co.ug">uhrc@inforcom.co.ug</a>
Eva Mulema	Ag. Executive Director Fida (U) P.o Box 2157 Kampala Email: <a href="mailto:fida-ug@stracom.co.ug">fida-ug@stracom.co.ug</a>
<b>Guests</b>	
Nakabugo Rose .B	Senior Settlement Officer Prime Minister's Office P.O Box 341 Kampala
Hon. Tom Butime	Minister of Disaster Preparedness and Refugees Ministry of Disaster Preparedness and Refugees. Kampala
Micheal Jones	Senior Humanitarian Advisor Office of the coordination of Humanitarian Affairs P.O Box 7159 Kampala
Robinah Kiyingi	Ag Chairperson Foundation for Human Right Initiative P.O Box 11027 Kampala Email: <a href="mailto:fhri@spacenetuganda.com">fhri@spacenetuganda.com</a>

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<b><u>Organisers</u></b>	
Simia Ahmadi	East African Coordinator International Federation for Human Rights (FIDH) 17, Passage De La Main D'or, 75011 Paris, France Email: <a href="mailto:fidh@fidh.org">fidh@fidh.org</a>
David Goldberg	Professor International Human Rights Law International Federation for Human Rights (FIDH) 17, Passage De La Main D'or, 75011 Paris, France Email: <a href="mailto:fidh@fidh.org">fidh@fidh.org</a>
Betty Murungi	FIDA Kenya P.O. Box 60389 Nairobi KENYA
Livingstone Sewanyana	Executive Director Foundation for Human Right Initiative P.O. Box 11027 Kampala Email: <a href="mailto:fhri@spacenetuganda.com">fhri@spacenetuganda.com</a>
Sheila Muwanga	Access to Justice Coordinator Foundation for Human Right Initiative P.O. Box 11 027 Kampala Email: <a href="mailto:fhri@spacenetuganda.com">fhri@spacenetuganda.com</a>
Berna Bakidde	Legal Assistant Foundation for Human Right Initiative. P.O. Box 11027 Kampala Email: <a href="mailto:fhri@spacenetuganda.com">fhri@spacenetuganda.com</a>
Sophie Kyagulanyi	Legal Officer Foundation for Human Right Initiative. P.O. Box 11027 Kampala Email: <a href="mailto:fhri@spacenetuganda.com">fhri@spacenetuganda.com</a>

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## **Annex C : List of Participants of the First IDPs Follow-up Workshop - 22 November 2001, Kampala**

**TABLE A:** List of member of the Core Group (also participants)

NO	NAME	ADDRESS
1	Foundation For Human Rights Initiative (FHRI)	Plot 77, Makerere Hill Road, Opposite Faculty of Law, Makerere University, P. O Box 11027, Kampala Tel: 256-41-53009 5/540561 Fax: 256-41-540561 E-mail: fhri@starcom.co.ug
2	ACTIONAID	ActionAid Kansanga, Ggaba Road, P O Box 679, Kampala Tel: 267863/738 Fax: 268414 Mobile: 077416186
3	Baleke Kayiira Peter	C/O ACTIONAID MUBENDE E-mail: mubende@actionaid.bushnet.n et
4	Wedime Mary Assimwe	P O Box 1166 BUNDIBUGYO Tel: 0483 -22911 (RDC's office)
5	Lemoyi Dennis	Pagak Camp C/o Human Rights Focus P O Box 970 GULU
	Mukhwana David	Actionaid Kapchorwa P O Box 47 Tel: 045-51136 E-mail: kapchorwa@actionaid.bu shnet.net
7	Nyeko Paulinus	Chairman Human Rights Focus P O Box 970 GULU.
8.	Agnes Kabajuni	Kabarole Research Centre P O Box 782 FORT PORTAL Email: krc@infocom.co.ug
9.	Kahyana Joseph	Good Hope Foundation For Rural Development P O Box 310 KASESE
10	Mbakania Isaiah	Kyamukube Peoples Camp P O Box 487. Fort Portal C/o Kibate SDA Primary School

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**TABLE B: List of other participants at the first follow -up meeting**

No	Name	Designation/Title	Address
	<i>UP-COUNTRY</i>		
1.	Kahyana Joseph	Chairperson	Good Hope Foundation For Rural Development, P. O Box 310, Kasese.
2.	Kimeke Justice	IDP Representative	P. O Box 453 Kasese.
3.	Nyeko Paulinus	Chairman	Human Rights Focus P. O Box 970 Gulu, Tel: 0471 -32259 (Office), Fax: 256 041 32401, Email: Hurifo@africaonline.co.ug
4.	Lemoyi Dennis	IDP Representative	Pagak Camp Gulu
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36.	Godfrey Dumba	Radio Uganda	
37.	Isabirye Dan	Uganda Television	
38.	Kabanda Dan	“	
39.	Kajura Isaac	Capital Radio	
40.	Anne Loy Nakamya	Media Plus	
41.	Kabasumbi Enid	“	
42.	Serwadda Fred	WBS Television	
43.	Nakalema Aisha	Central Broadcasting Services.	
44.	Khauka George	Free Lance Journalist.	

## **Annex D : The UN Guiding Principles on Internal Displacement<sup>3</sup>**

**Foreword to the Guiding Principles  
by Under-Secretary-General for Humanitarian Affairs  
Mr. Sergio Vieira de Mello**

The humanitarian community is increasingly aware of the crisis of internal displacement which affects over 20 million people worldwide. While responsibility for the protection of IDPs rests first and foremost with national governments and local authorities, it is important for the international community to see how best it can contribute to enhancing the protection of IDPs in conflict and crisis situations. We must also design humanitarian assistance in such a way that it will promote the protection of IDPs.

Within the United Nations system, significant steps have been taken to enhance an effective and timely response to the needs of internally displaced persons (IDPs). The Inter-Agency Standing Committee (IASC) has entrusted me with the responsibility to act as Focal Point within the UN system for issues relating to the internally displaced. In discharging this mandate, I am committed to enhancing the capacity of the United Nations as a whole to respond to situations of internal displacement as well as to promoting strong coordination and a clearer division of institutional responsibilities and adequate support to operational agencies.

In this context, I welcome the issuance by the Secretary-General's Special Representative on IDPs of the Guiding Principles on Internal Displacement. These Principles, which are based upon existing international humanitarian law and human rights instruments, are to serve as an international standard to guide governments as well as international humanitarian and development agencies in providing assistance and protection to IDPs.

The IASC fully supports the Guiding Principles and has encouraged its members to share them with their Executive Boards and with their staff, especially those in the field, in order to ensure that the Principles are applied in their activities on behalf of internally displaced persons.

I believe that the Guiding Principles can play a significant role in raising awareness of the needs of IDPs, mobilizing support within the humanitarian community and helping field colleagues to find solutions when confronted with the protection and assistance needs of the internally displaced. The Principles will also assist governments in providing for the security and well-being of their displaced populations.

I hope that each of you will work to ensure the widest possible dissemination and application of the Guiding Principles, in order to achieve the much needed improvement in the status and treatment of internally displaced persons.

**Introductory Note  
by the Representative of the Secretary-General  
on Internally Displaced Persons  
Mr. Francis M. Deng**

The international community is confronted with the monumental task of ensuring protection for persons forcibly uprooted from their homes by violent conflicts, gross violations of human rights and other traumatic events, but who remain within the borders of their own countries. Nearly always they suffer from severe deprivation, hardship and discrimination. It is to meet this challenge that the Guiding Principles on Internal Displacement were developed.

3. The Guiding Principles exist in Luo, Kirundi, and Swahili (see [www.idpproject.org](http://www.idpproject.org))

## **The Human Rights of IDPs in Uganda : A Few Encouraging Steps**

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The Principles identify the rights and guarantees relevant to the protection of the internally displaced in all phases of displacement. They provide protection against arbitrary displacement, offer a basis for protection and assistance during displacement, and set forth guarantees for safe return, resettlement and reintegration. Although they do not constitute a binding instrument, these Principles reflect and are consistent with international human rights and humanitarian law and analogous refugee law.

The Principles were developed over several years pursuant to the mandate given to me in 1992 by the Commission on Human Rights and reinforced by subsequent resolutions of both the Commission and the General Assembly. Initially I was asked to study the causes and consequences of internal displacement, the status of the internally displaced in international law, the extent to which their needs are being addressed under current institutional arrangements, and ways to improve protection and assistance for them.

Accordingly, developing needed legal and institutional frameworks for the internally displaced and undertaking country missions to engage Governments and others in a dialogue on their behalf have been the main activities of my mandate. In collaboration with a team of international legal experts, I examined the extent to which internally displaced persons receive adequate coverage under international law and produced a "Compilation and Analysis of Legal Norms" (E/CN.4/1996/52/Add.2). The study found that while existing law provides substantial coverage for the internally displaced, there are significant areas in which it fails to provide an adequate basis for their protection and assistance. Subsequently, the Commission and the General Assembly requested me to prepare an appropriate normative framework for the internally displaced. This led to the drafting of the Guiding Principles which both restate existing norms and seek to clarify grey areas and fill in the gaps.

After I presented the Guiding Principles to the Commission in 1998, the Commission adopted a resolution taking note of the Guiding Principles and of my stated intention as the Representative of the Secretary-General to use them in my ongoing dialogue with Governments and all those whose mandates and activities relate to the needs of the internally displaced. The Commission also took note of the decision of the Inter-Agency Standing Committee, which had welcomed the Principles and encouraged its members to share them with their Executive Boards and staff, especially in the field, and to apply them in their activities on behalf of the internally displaced.

The Guiding Principles should provide valuable practical guidance to Governments, other competent authorities, intergovernmental organizations and NGOs in their work with internally displaced persons. It is my hope that they will be widely circulated and given practical application in the field.

### **Guiding Principles on Internal Displacement**

#### **Introduction - Scope and Purpose**

1. These Guiding Principles address the specific needs of internally displaced persons worldwide. They identify rights and guarantees relevant to the protection of persons from forced displacement and to their protection and assistance during displacement as well as during return or resettlement and reintegration.
2. For the purposes of these Principles, internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.
3. These Principles reflect and are consistent with international human rights law and international humanitarian law. They provide guidance to:
  - (a) The Representative of the Secretary-General on internally displaced persons in carrying out his mandate;
  - (b) States when faced with the phenomenon of internal displacement;
  - (c) All other authorities, groups and persons in their relations with internally displaced persons; and
  - (d) Intergovernmental and non-governmental organizations when addressing internal displacement.
4. These Guiding Principles should be disseminated and applied as widely as possible.

## **The Human Rights of IDPs in Uganda : A Few Encouraging Steps**

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### **Section I. General Principles**

#### **Principle 1**

1. Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.
2. These Principles are without prejudice to individual criminal responsibility under international law, in particular relating to genocide, crimes against humanity and war crimes.

#### **Principle 2**

1. These Principles shall be observed by all authorities, groups and persons irrespective of their legal status and applied without any adverse distinction. The observance of these Principles shall not affect the legal status of any authorities, groups or persons involved.
2. These Principles shall not be interpreted as restricting, modifying or impairing the provisions of any international human rights or international humanitarian law instrument or rights granted to persons under domestic law. In particular, these Principles are without prejudice to the right to seek and enjoy asylum in other countries.

#### **Principle 3**

1. National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.
2. Internally displaced persons have the right to request and to receive protection and humanitarian assistance from these authorities. They shall not be persecuted or punished for making such a request.

#### **Principle 4**

1. These Principles shall be applied without discrimination of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or on any other similar criteria.
2. Certain internally displaced persons, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs.

### **Section II. Principles Relating to Protection From Displacement**

#### **Principle 5**

All authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons.

#### **Principle 6**

1. Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence.
2. The prohibition of arbitrary displacement includes displacement:
  - (a) When it is based on policies of apartheid, "ethnic cleansing" or similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the affected population;
  - (b) In situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand;
  - (c) In cases of large-scale development projects, which are not justified by compelling and overriding public interests;
  - (d) In cases of disasters, unless the safety and health of those affected requires their evacuation; and
  - (e) When it is used as a collective punishment.
3. Displacement shall last no longer than required by the circumstances.

## **The Human Rights of IDPs in Uganda : A Few Encouraging Steps**

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### **Principle 7**

1. Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects.
2. The authorities undertaking such displacement shall ensure, to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated.
3. If displacement occurs in situations other than during the emergency stages of armed conflicts and disasters, the following guarantees shall be complied with:
  - (a) A specific decision shall be taken by a State authority empowered by law to order such measures;
  - (b) Adequate measures shall be taken to guarantee to those to be displaced full information on the reasons and procedures for their displacement and, where applicable, on compensation and relocation;
  - (c) The free and informed consent of those to be displaced shall be sought;
  - (d) The authorities concerned shall endeavour to involve those affected, particularly women, in the planning and management of their relocation;
  - (e) Law enforcement measures, where required, shall be carried out by competent legal authorities; and
  - (f) The right to an effective remedy, including the review of such decisions by appropriate judicial authorities, shall be respected.

### **Principle 8**

Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected.

### **Principle 9**

States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.

## **Section III. Principles Relating to Protection During Displacement**

### **Principle 10**

1. Every human being has the inherent right to life which shall be protected by law. No one shall be arbitrarily deprived of his or her life. Internally displaced persons shall be protected in particular against:
  - (a) Genocide;
  - (b) Murder;
  - (c) Summary or arbitrary executions; and
  - (d) Enforced disappearances, including abduction or unacknowledged detention, threatening or resulting in death.Threats and incitement to commit any of the foregoing acts shall be prohibited.
2. Attacks or other acts of violence against internally displaced persons who do not or no longer participate in hostilities are prohibited in all circumstances. Internally displaced persons shall be protected, in particular, against:
  - (a) Direct or indiscriminate attacks or other acts of violence, including the creation of areas wherein attacks on civilians are permitted;
  - (b) Starvation as a method of combat;
  - (c) Their use to shield military objectives from attack or to shield, favour or impede military operations;
  - (d) Attacks against their camps or settlements; and
  - (e) The use of anti-personnel landmines.

### **Principle 11**

1. Every human being has the right to dignity and physical, mental and moral integrity.
2. Internally displaced persons, whether or not their liberty has been restricted, shall be protected in particular against:
  - (a) Rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, and other outrages upon personal dignity, such as acts of gender-specific violence, forced prostitution and any form of indecent assault;
  - (b) Slavery or any contemporary form of slavery, such as sale into marriage, sexual exploitation, or forced labour of children; and



## **The Human Rights of IDPs in Uganda : A Few Encouraging Steps**

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(c) Acts of violence intended to spread terror among internally displaced persons. Threats and incitement to commit any of the foregoing acts shall be prohibited.

### **Principle 12**

1. Every human being has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention.
2. To give effect to this right for internally displaced persons, they shall not be interned in or confined to a camp. If in exceptional circumstances such internment or confinement is absolutely necessary, it shall not last longer than required by the circumstances.
3. Internally displaced persons shall be protected from discriminatory arrest and detention as a result of their displacement.
4. In no case shall internally displaced persons be taken hostage.

### **Principle 13**

1. In no circumstances shall displaced children be recruited nor be required or permitted to take part in hostilities.
2. Internally displaced persons shall be protected against discriminatory practices of recruitment into any armed forces or groups as a result of their displacement. In particular any cruel, inhuman or degrading practices that compel compliance or punish non-compliance with recruitment are prohibited in all circumstances.

### **Principle 14**

1. Every internally displaced person has the right to liberty of movement and freedom to choose his or her residence.
2. In particular, internally displaced persons have the right to move freely in and out of camps or other settlements.

### **Principle 15**

Internally displaced persons have:

- (a) The right to seek safety in another part of the country;
- (b) The right to leave their country;
- (c) The right to seek asylum in another country; and
- (d) The right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk.

### **Principle 16**

1. All internally displaced persons have the right to know the fate and whereabouts of missing relatives.
2. The authorities concerned shall endeavour to establish the fate and whereabouts of internally displaced persons reported missing, and cooperate with relevant international organizations engaged in this task. They shall inform the next of kin on the progress of the investigation and notify them of any result.
3. The authorities concerned shall endeavour to collect and identify the mortal remains of those deceased, prevent their despoliation or mutilation, and facilitate the return of those remains to the next of kin or dispose of them respectfully.
4. Grave sites of internally displaced persons should be protected and respected in all circumstances. Internally displaced persons should have the right of access to the grave sites of their deceased relatives.

### **Principle 17**

1. Every human being has the right to respect of his or her family life.
2. To give effect to this right for internally displaced persons, family members who wish to remain together shall be allowed to do so.
3. Families which are separated by displacement should be reunited as quickly as possible. All appropriate steps shall be taken to expedite the reunion of such families, particularly when children are involved. The responsible authorities shall facilitate inquiries made by family members and encourage and cooperate with the work of humanitarian organizations engaged in the task of family reunification.
4. Members of internally displaced families whose personal liberty has been restricted by internment or confinement in camps shall have the right to remain together.

## **The Human Rights of IDPs in Uganda : A Few Encouraging Steps**

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### **Principle 18**

1. All internally displaced persons have the right to an adequate standard of living.
2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:
  - (a) Essential food and potable water;
  - (b) Basic shelter and housing;
  - (c) Appropriate clothing; and
  - (d) Essential medical services and sanitation.
3. Special efforts should be made to ensure the full participation of women in the planning and distribution of these basic supplies.

### **Principle 19**

1. All wounded and sick internally displaced persons as well as those with disabilities shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention they require, without distinction on any grounds other than medical ones. When necessary, internally displaced persons shall have access to psychological and social services.
2. Special attention should be paid to the health needs of women, including access to female health care providers and services, such as reproductive health care, as well as appropriate counselling for victims of sexual and other abuses.
3. Special attention should also be given to the prevention of contagious and infectious diseases, including AIDS, among internally displaced persons.

### **Principle 20**

1. Every human being has the right to recognition everywhere as a person before the law.
2. To give effect to this right for internally displaced persons, the authorities concerned shall issue to them all documents necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates. In particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions, such as requiring the return to one's area of habitual residence in order to obtain these or other required documents.
3. Women and men shall have equal rights to obtain such necessary documents and shall have the right to have such documentation issued in their own names.

### **Principle 21**

1. No one shall be arbitrarily deprived of property and possessions.
2. The property and possessions of internally displaced persons shall in all circumstances be protected, in particular, against the following acts:
  - (a) Pillage;
  - (b) Direct or indiscriminate attacks or other acts of violence;
  - (c) Being used to shield military operations or objectives;
  - (d) Being made the object of reprisal; and
  - (e) Being destroyed or appropriated as a form of collective punishment.
3. Property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation or use.

### **Principle 22**

1. Internally displaced persons, whether or not they are living in camps, shall not be discriminated against as a result of their displacement in the enjoyment of the following rights:
  - (a) The rights to freedom of thought, conscience, religion or belief, opinion and expression;
  - (b) The right to seek freely opportunities for employment and to participate in economic activities;
  - (c) The right to associate freely and participate equally in community affairs;
  - (d) The right to vote and to participate in governmental and public affairs, including the right to have access to the means necessary to exercise this right; and
  - (e) The right to communicate in a language they understand.

## **The Human Rights of IDPs in Uganda : A Few Encouraging Steps**

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### **Principle 23**

1. Every human being has the right to education.
2. To give effect to this right for internally displaced persons, the authorities concerned shall ensure that such persons, in particular displaced children, receive education which shall be free and compulsory at the primary level. Education should respect their cultural identity, language and religion.
3. Special efforts should be made to ensure the full and equal participation of women and girls in educational programmes.
4. Education and training facilities shall be made available to internally displaced persons, in particular adolescents and women, whether or not living in camps, as soon as conditions permit.

### **Section IV. Principles Relating to Humanitarian Assistance**

#### **Principle 24**

1. All humanitarian assistance shall be carried out in accordance with the principles of humanity and impartiality and without discrimination.
2. Humanitarian assistance to internally displaced persons shall not be diverted, in particular for political or military reasons.

#### **Principle 25**

1. The primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities.
2. International humanitarian organizations and other appropriate actors have the right to offer their services in support of the internally displaced. Such an offer shall not be regarded as an unfriendly act or an interference in a State's internal affairs and shall be considered in good faith. Consent thereto shall not be arbitrarily withheld, particularly when authorities concerned are unable or unwilling to provide the required humanitarian assistance.
3. All authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced.

#### **Principle 26**

Persons engaged in humanitarian assistance, their transport and supplies shall be respected and protected. They shall not be the object of attack or other acts of violence.

#### **Principle 27**

1. International humanitarian organizations and other appropriate actors when providing assistance should give due regard to the protection needs and human rights of internally displaced persons and take appropriate measures in this regard. In so doing, these organizations and actors should respect relevant international standards and codes of conduct.
2. The preceding paragraph is without prejudice to the protection responsibilities of international organizations mandated for this purpose, whose services may be offered or requested by States.

### **Section V. Principles Relating to Return, Resettlement and Reintegration**

#### **Principle 28**

1. Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled internally displaced persons.
2. Special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration.

#### **Principle 29**

1. Internally displaced persons who have returned to their homes or places of habitual residence or who have resettled in another part of the country shall not be discriminated against as a result of their having been displaced. They shall have the

## **The Human Rights of IDPs in Uganda : A Few Encouraging Steps**

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right to participate fully and equally in public affairs at all levels and have equal access to public services.

2. Competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation.

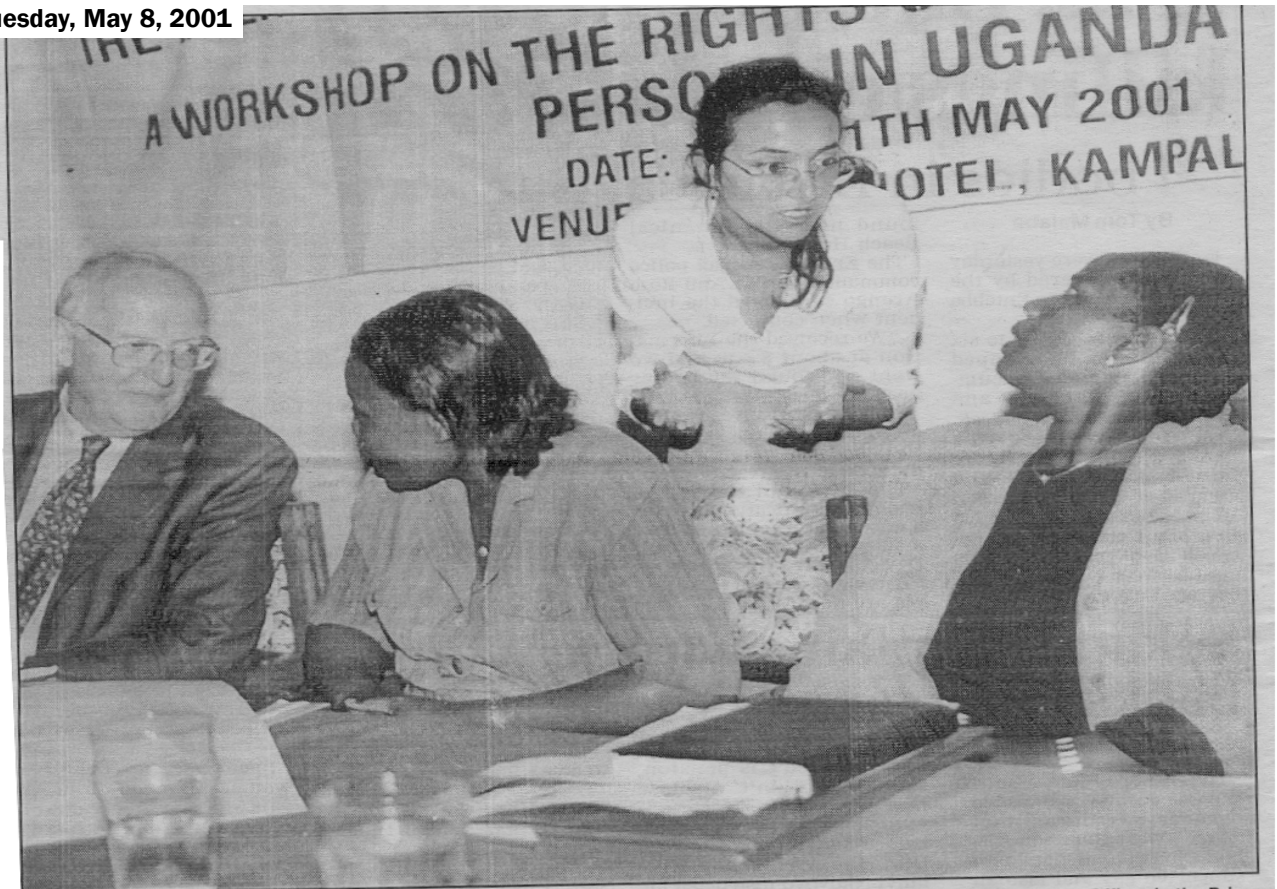
### **Principle 30**

All authorities concerned shall grant and facilitate for international humanitarian organizations and other appropriate actors, in the exercise of their respective mandates, rapid and unimpeded access to internally displaced persons to assist in their return or resettlement and reintegration.

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**Annex E : Press Clippings**

Tuesday, May 8, 2001



European Union Head of Delegation in Uganda Bernard Ryelandt (L) talks to Rose Nakabugo (2nd L) Senior Settlement Officer in the Prime Minister's Office, while Sophie Kyagulayi, Legal Officer at the Foundation for Human Rights listens to another officer during the opening of the FHR seminar at Fairway Hotel yesterday (Photo by Bruno Birakwate).

## EU to assist displaced

By Okoth Leah

European Union will start income generating projects to improve the welfare of the internally displaced people, the head of Delegation European Union (EU) Bernard Ryelandt has said.

"This will prepare displaced persons return to normal life," Bernard said.

Bernard said this yesterday at the official opening of the workshop on the rights of Internally Displaced persons organised by The Foundation for Human Rights Initiative (FHRI) and the International Federation of Human Rights (FIDH) at Fairway Hotel, Kampala.

According to the country

representative of Ockeden International Nelly Badaru there are 30,000 displaced people in Pabo camp, Gulu district.

Internationally there are 20-30million internally displaced people in 40 countries. Out of these 16 million are in Africa, 6-7 million in Asian and 5million in America.

The acting chairperson of FHRI Robinah Kiyingi said the aim of the workshop among others is to create awareness of the state obligations, rights and policies in favour of internally displaced people in Uganda.

Senior Settlement Officer Prime Minister's office, Rose

Nakabugo said on behalf of the minister for Disaster Preparedness and Refugees Tom Butime said that human rights issues are sensitive especially when it comes to politics.

"Government is aware of violations of human rights among internally displaced persons so it tries to put them in protection camps"

The Workshop drew participants from government, Non Government Organisations, Internal and Inter-governmental bodies, representatives of displaced persons from IDP camps and

Agencies that focus on the protection and welfare of IDPS.



Wednesday, May 9, 2001

NEWS

# Govt lacks capacity to handle disasters-Butime

By Okoth Leah

The minister for Disaster Management and Refugees Tom Butime has said that Uganda lacks the capacity to prepare for disasters but can only respond to them.

"Disaster preparedness is very wide, expensive and government is limited by resources though it would wish to do so," Butime said yesterday at a workshop for Internally Displaced Persons (IDPs) at Fairway Hotel.

"Government is aware that IDPs have exactly the same rights as its other nationals," he said. "It's therefore evident that it's not bad government policies that have led to internal displacement and the violation of human rights among the IDPs," Butime said.

The minister said that the problem of internal displacement started in 1988 two years after the National Resistance Army (NRA) captured power.

Butime said government is trying to alleviate the problem through conflict resolution, Amnesty law, disarmament of the Karamojong warriors, deployment of soldiers at the borders and the operation of Non government Organisations.

He dismissed Olara Otuunu's comments in Geneva that the government has



Minister for Disaster Management and Refugees, Maj. Tom Butime (R) addresses a workshop on the rights of internally displaced persons at Fairway Hotel May 8. Looking on is the International Federation for Human Rights Charge de Mission to East Africa Simia Ahmadi (Photo by Wossita Samuel).

a dark agenda for northerners.

"Olara has spent 15 years out side Uganda he can't say government has a dark agenda because he does not know the situation on the ground," Butime said.

"The creation of the Department of Disaster Management and Refugees indicates that government is aware of the suffering of the people and

it's wish to stop the suffering".

The officer in charge of military intelligence training Capt Charles Kisembo said IDPs have been a challenge to the military because by nature the military is supposed to protect people and their properties.

"At the protection camps people are under the military, it's the one that protects them" Kisembo who repre-

sented acting head of the Chieftaincy Military Intelligence and Security Lt. Col. Noble Mayombo said.

The Commissioner for Human Rights Commission Aliro Omara said: "It must be recognised that IDPs will always find great difficulty enjoying their rights because displacement makes them vulnerable to abuse and exploitation



**The Human Rights of IDPs in Uganda :  
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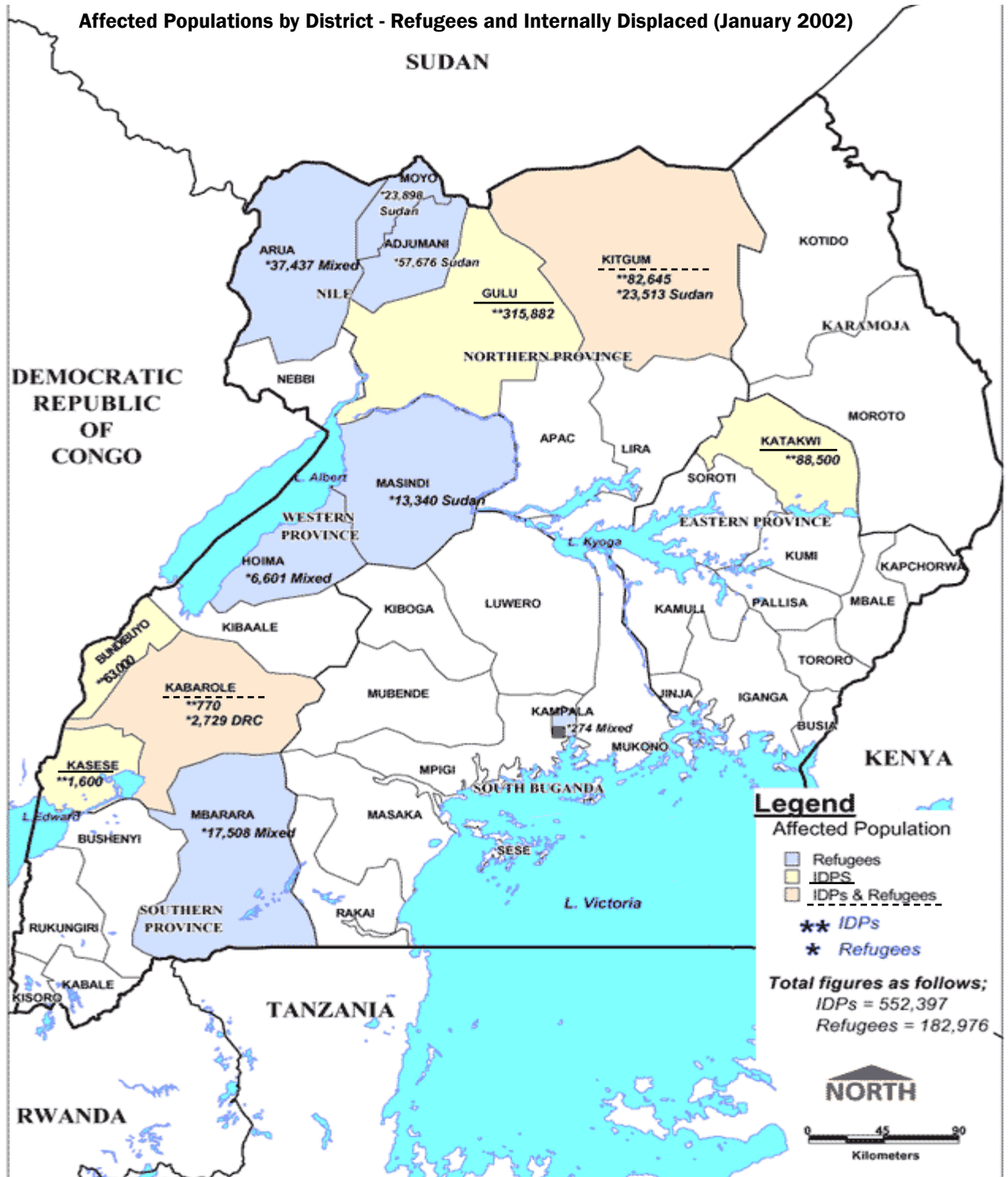
**May 12, 2001**



The Executive Director of the Foundation for Human Rights Initiative, Livingstone Ssewanyana (L) talks to Capt. John Paul Ssonko of UPDF (R) during the closing of a workshop on Internally Displaced People at Fairway Hotel yesterday (Photo by Wandera w'Ouma).

The Human Rights of IDPs in Uganda :  
A Few Encouraging Steps

## Annex F : Map of Uganda with IDP population



The boundaries and names shown on this map do not imply official endorsement or acceptance by the United Nations

Prepared by OCHA Regional Support Office, Nairobi

Source: IDP Project, Norwegian Refugee Council [www.idpproject.org/maps](http://www.idpproject.org/maps) under map archives



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