



UNHCR
The UN Refugee Agency

Key Figures

292

Number of Police
deployed

37

Number of female
Police deployed

56

Number of Police
Posts in the
Refugee
settlements

803

Number of
Refugees that
received legal
Assistance

34,548

Number of
Refugees reached
during community
Sensitization

27

Number of
Packages
provided by
UNHCR

(Fuel,
accommodation,
WASH facilities,
protection house,
vehicle,
motorbikes and
transport)

UNHCR Monthly Update Protection Legal and Physical Protection January - August 2018

KEY HIGHLIGHTS

LASPNET with support from UNDP and UNHCR is currently conducting Assessment on rule of law, access to justice, physical safety and security needs of refugees and host community needs in Refugee Settlements and Host Communities in Arua and Isingiro districts. The assessment will also review existing coordination mechanisms and map out actors, identify service gaps including courts and police in enhancing rule of law and access to justice. The results of the assessment will facilitate that development of a programme implementation document, action plans and strategies for duty bearers to respond to the needs of refugees and host communities.

Legal Assistance

The increase in the numbers of refugees has necessitated specific engagement in provision of adequate access to justice, physical safety and security for refugees. This has been done through support to enhance police deployment.

- At settlement level disputes are resolved through both formal and informal dispute resolution mechanisms. Inter-communal conflicts and tensions ranging from clans, tribes, nationalities, religious beliefs often exist among the refugee community. Majority of such cases are handled by the community through their leadership however, community members are encouraged to report all crimes to the police.

- In Adjumani and South West, legal assistance has improved with the presence of Refugee Law Project (RLP) which provides legal services to persons of concern including legal representation and pre-trial counselling.
- Community sensitization were conducted across all settlements by UNHCR and Partners focusing on the laws of Uganda, trial procedures, rights and obligations of refugees.
- In Kampala, legal assistance were offered to refugees who accessed morning information dissemination sessions at InterAid; topics discussed included, refugee rights, duties and obligations, Kampala City Council Authority (KCCA) by laws, rights and obligations of asylum seekers, services offered by Red Cross Uganda KCCA, Uganda Registration of Services Bureau, National Identification and Registration Authority (NIRA) and Ministry of Internal Affairs. Individual legal counselling sessions were provided during Legal Aid Clinics conducted in Kampala covering South Sudanese, Congolese, Rwandese, Ethiopian and the Eritrean communities.
- Standard Operating Procedures (SOPs) for Legal Assistance has been developed in Arua West Nile; the procedure stipulates clear responsibilities of partners in legal assistance and administration of Justice for refugees, referral pathway and the establishment of community based para-legal to strengthen alternative dispute resolution mechanisms.



Mobile Court Sessions

Access to justice which comprises contact, entry and use of justice delivery system remains limited to refugees for various reasons including distance of most legal services providers which are often found in the urban areas. According to Legal Aid services Providers Network (LASPNET) only 18.2% of the people in rural areas are able to access a Magistrate Court within a distance of less than 5km compared to an overwhelming 56% in urban areas. Trends Analysis on Access to Justice (LASPNET 2017) report significant challenge faced by refugee's .i.e. language barrier which impacts on access to information, fair representation in court and difficulty in accessing interpreters in court. Most refugee settlements are located far away from courts of Law, for instance in Arua, the nearest settlement is approximately 70 km from High Court and Magistrate courts. Bringing the mobile court closer to the community therefore facilitates access to justice for communities;

- In Arua, the first mobile court sitting for 2018 was held in July followed by another session in Aug 2018. Uganda Law society provided legal representation for a total of 14 cases. Cases adjudicated included mainly theft, and aggravated defilement.
- In Kyangwali, UNHCR and partners supported the transportation of judicial staff from Hoima to facilitate court session.
- In Adjumani a mini High Court session was held in August. Legal representation was provided by Refugee Law Project (RLP) and Law Development Centre (LDC). Plea bargaining was employed for the first time to address the case backlog while full trials were also held.
- Efforts are on-going to ensure that mobile court sessions are more regular in refugee settlements.

Capacity Building

- UNHCR organised training for court interpreters; the purpose of the training was to equip the interpreters with skills to enable them conduct effective court interpretation to enhance fair trial.
- Legal volunteers and paralegals were trained on mediation, legal aid programming and refugee rights and protection.
- Refugee leaders and Local Councils were trained on guiding principles on alternative dispute resolution as well as peaceful means of resolving conflicts; information on refugee rights and responsibilities and code of conduct.
- Human rights and law awareness sessions on various topics were conducted to increase knowledge in the refugees of the law of Uganda in an effort to reduce crime rates in and around the settlements. Legal clinics done jointly with the Judiciary with a major objective to create awareness on community services and plea bargain for swifter access to justice and prison decongestion.
- Police officers and judicial officials were trained on refugee rights and protection as well as over stay on remand and judicial activism.
- Members of the local courts and leaders were provided with appropriate skills to solve simple disputes using none judicial mechanism.

Detention Monitoring

- Joint detention monitoring visits were conducted in detention centres and prison covering refugee settlements to monitor and create awareness on the situation of detainees in police cells and prisons. Monitoring of detention facilities has acted as a deterrent and reduced the risk of human rights violations such as torture and inhuman and degrading treatment.
- To have a comprehensive approach in monitoring prisons and detention facilities, Sub-Office Hoima developed guiding questions for effective monitoring.

- In Kampala, joint prison visit were organized with KCCA and other partners to understand challenges faced by inmates in Luzira Upper prisons.

Community Policing Sessions

- In partnership with Uganda Police, ARC, Care International, and Refugee law Project Community policing sessions were conducted in Kyangwali settlement to enhance refugee's knowledge on their rights, obligations, land laws, basic human rights and criminal laws. Emphasis was put on location where the new arrivals are settled. Security meeting was held with Refugee Welfare Committees in Oruchinga settlement to discuss security concerns. Police were provided support with stationary to ensure documentation of reported offences and incidents.

Gaps Identified

- Insufficient accommodation for the police continues to affect deployment of law enforcement in the settlements; the current number fall below the required standard of 1 police officer per 500 individuals.
- Poor investigation of cases due to logistical challenges in form of transport costs, poor turn up of witnesses to Police and court to testify and lack of investigative skills in handling cases among others.
- Ignorance of the laws of Uganda coupled with limited knowledge of Court procedures continues to affect administration of justice. In some instances, witnesses back off for fear of retribution, while in others, complainants are

more interested in favours in exchange for justice.

- The community continue to demonstrate preference for traditional justice systems rather than through the formal administration of justice system especially in gender-based violence where the perpetrator is often a close family member.
- Lack/limited facilities for holding juvenile offenders at police post, this often leads to detention of children together with adults.
- Limited knowledge by law enforcement personnel especially on the management of cases related to sexual and gender based violence.
- The low numbers of judicial officers to handle cases often cause delay trials especially for capital offences leading to case backlogs.
- Language barrier at the police and court remains a challenge for the witnesses, this is coupled with difficulty in accessing interpreters for court leading to failure to take plea in addition to failure to access sureties on grounds that refugees lack fixed places of aboard.
- Late reporting of offences by the community members affect outcome of cases especially where material evidence is missing or tampered with.

PARTNERS IMPLEMENTING ACCESS TO JUSTICE

Partners: IRC, HIJRA; ULS, ARC, RLP; InterAid Uganda, CAFOMI

Operating partners: UNDP, LASPNET