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Suzan Alupo

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List of Acronyms

ACHPR	African Charter on Human and Peoples Rights
CRC	Convention on the Rights of a Child
CRDP	Convention on the Rights of Persons with Disabilities
DRC	Democratic Republic of Congo
FGM	Female Genital Mutilation
GDP	Gross Domestic Product
HRC	Human Rights Committee
ICCPR	International Covenant on Civil and Political Rights
KCCA	Kampala City Council Authority
NDP	National Development Plan
OAU	Organisation of African Unity
OPM	Office of the Prime Minister
PWD	Persons with Disabilities
SGBV	Sexual and Gender based Violence
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees

Abstract

Uganda is and continues to be an epicenter for refugees standing at a geographical centre of a region characterized by conflict and instability. Uganda is a home to about 982,716 refugees and asylum seekers and the third largest refugee hosting country in Africa.¹ This number is likely to rise given political upheaval in South Sudan.² Of these, 85% reside in refugee settlements and at reception centres around Uganda, specifically in the districts of Isingiro, Hoima, Kyegegwa, Kiryandongo, Adjumani and Arua. 15% prefer to live independently outside the settlements and in urban areas popularly known as urban refugees. Many of these originate from countries in the Great Lakes Region and the Horn of Africa including South Sudan, Democratic Republic of Congo (DRC), Rwanda, Burundi, Somalia and Ethiopia.³ The largest number of refugees hosted in Uganda is from South Sudan with a population of 434,026, DRC (221,875), Burundi (44,165), Somalia (39,541), Rwanda (17,754), Eritrea (11,864), Sudan (3,174), Ethiopia (2,946), Kenya (226), Pakistan (458), others (124) and 206,563 reside at the reception centres⁴.

This paper will provide an analysis of the situation of refugee women and children with specific focus on the legal framework governing the protection and management of refugees at international, regional and national level, analyze the challenges refugee women and children encounter while in the host country, solutions to address the problems they encounter, identify the role of the State in the management of refugees and its capacity to deal with the influx of refugees in Uganda, and make recommendations of international practices that can be adopted by Uganda.

¹Statistics from Office of the Prime Minister as of 30th December 2016

²Refugee Law Project, Rapid Assessment Report of the South Sudan Crisis and its Impact on Refugees in Uganda. 2015

³<http://www.opm.go.ug/departments/department-of-disaster-preparedness-management-refugees/department-of-refugees.html>

⁴Statistics from Office of the Prime Minister as of 30th December 2016.

Overview of Refugees in Uganda

Events in Uganda have been linked to issues surrounding the presence and creation of varying numbers of refugees fleeing from problems of political oppression, armed conflicts, religious persecution and other human rights abuses. Conflicts and tension in the Great Lakes region and Horn of Africa mirror the transnational nature of contemporary conflicts, whose consequences in one country affects another especially neighboring country through refugee flows.

A refugee is a person who has been forced to leave their country in order to escape war, persecution, or natural disaster.⁵ They lose their ability to sustain themselves for a long period of time and become politically, economically and socially disempowered, making it difficult for them to use their own resources. According to the UNHCR monthly statistics update February 2016, 79% of the refugees in Uganda are women and children with half of the children coming in to Uganda as unaccompanied minors. Given their disadvantaged position in society owed to lack of resources, disease prone, lower skill level, cultural biases among others, refugee women and children face greater challenges and risks as opposed to their male counterparts in Uganda. Furthermore, these two groups are not homogenous and the challenges faced by the sub groups within these groups have different effects on the groups.

For the women we have; women with disabilities, women living with HIV/AIDS, Widows, Women heading homes among other. The children we have; children living with HIV/AIDS, Orphans, Children heading homes, Children with Disabilities, Unaccompanied Children among others.

On arrival in Uganda, refugee women and children have the option of living in the rural settlements or the urban areas⁶. In terms of settlement majority of the women and children reside in the rural settlements which provide a guarantee in terms of food supplied by the UNHCR and World Food Programme and housing unlike the urban areas where refugees are expected to fend for themselves. In the settlement areas every house hold is allocated land to construct a home and

⁵ Merriam-Webster dictionary

⁶Refugees who opt to stay in Kampala rather than the designated refugee settlements are expected to be self-reliant. In general, the Government of Uganda and UNHCR do not provide accommodation or material assistance to asylum seekers and refugees living in Kampala.

cultivate which is a practice by the Office of the Prime Minister. The land given depends on the size of the family size.

According to the Women Refugee Commission Report *Displaced Women and girls at Risk*, Women and children are more vulnerable to exploitation before, during and after flight. Most of their basic human rights are threatened during flight and upon their relocation in the settlements in the sanctuary State and finally during their return to their home countries.

Loescher describes vividly the plight of refugees in the Sanctuary State in these words; “Many are confined to camps or ramshackle settlements close to the borders of their home countries where they are deprived of opportunities to work, they depend on international charity for survival. Refugees are often exposed to dangers of armed attacks, subjected to many forms of exploitation and degradation and haunted by constant fear of expulsion and the forced return to their countries of origin.”⁷

The violent displacement, sudden onset of emergencies, disruption of families and breakdown of social support structures deeply impact on physical and psychological wellbeing of refugees. Once in Uganda, legal and administrative structures differ from those in their countries of origin and generate a real challenge in integration.

Legal frame work Governing the Protection and Management of Refugees at International, Regional and National level

The protection of refugees under international law arises out of the profound desire to enable them continue enjoying their fundamental rights in the country of asylum. The 1951 Convention Relating to the Status of Refugees and the 1967 Optional Protocol to the Convention are the universal instruments setting out the baseline principles on which the international protection of refugees has been built. These instruments form the foundation and cornerstone of refugee protection and place the responsibility of protecting refugees squarely on the host States.

The very existence of International refugee law and the protection it confers is premised on the acceptance of its fundamentally neutral character by the international community and more specifically on the peaceful and humanitarian nature of asylum. This is expressed in the

⁷Gil Loescher. *Refugee Issues in International Relations*(Oxford 1989)PP1-2

preamble of the 1951 Convention where the high contracting parties express the wish that all States recognizing the social and humanitarian nature of the problem of refugees will do everything within their power to prevent this problem from becoming a cause of tension between States.⁸

While the 1951 Convention Relating to the Status of Refugees and the 1967 Optional Protocol to the Convention continue to be the most commonly relied upon and most specific international instruments regarding the rights of refugees and more specifically the integration rights of recognized refugees, international human rights law offers an increasingly important complement to the convention and Protocol. Uganda ratified the Convention and Optional Protocol on 27th September 1976. Over 145 States are party to the 1951 Convention and 146 States are party to the Optional Protocol. In Africa, state parties to the Convention and Optional Protocol include Zambia, Zimbabwe, South Africa, Sierra Leone, Nigeria, Niger, Tanzania, Rwanda, Kenya, Somalia among others. In Europe, Netherlands, Norway, Poland, Italy, Ireland, Portugal among others are party to the Convention and Optional Protocol. In Asia states like Japan, Philippines among others are party to the Convention and Optional Protocol.⁹ Refugees and asylum seekers are therefore entitled to the enjoyment of the rights enshrined in the International Human Rights Conventions. The protection of refugees should therefore be seen in the broader context of protection of Human Rights.

Rights under the International Covenant on Civil and Political Rights (ICCPR) apply not only to citizens but equally to asylum seekers and refugees. The Human Rights Committee (HRC) has more recently clarified that the enjoyment of covenant rights is not limited to citizens of State parties but must also be available to all individuals regardless of nationality or statelessness such as refugees and asylum seekers and other persons who may find themselves in the territory or subject to the jurisdiction of the State party.¹⁰ The right of equality before the law, equal protection of the law and non-discrimination which form the cornerstone of International Human Rights law appear to ban discrimination against refugees.

⁸Preamble of the 1951 Convention Relating to the Status of Refugees. First and Second Paragraphs

⁹ <http://www.unhcr.org/protection/basic/3b73b0d63/states-parties-1951-convention-its-1967-protocol.html>

¹⁰Human Rights Committee, General Comment No.15 on the position of Aliens.(1986)Paragraphs 1 and 2

At international level, there are specific frameworks for protection of children including Refugee children who are considered extremely vulnerable. The Convention on the Rights of a Child(CRC) requires all State parties to take appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse.¹¹ State parties shall take all appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee whether accompanied or unaccompanied by his/her parents or any other person receive appropriate treatment and humanitarian assistance.¹²

Similarly, refugee women are entitled to protection under international law from any form of violence and discrimination. The UN Declaration on Elimination of violence against women states that violence against women is manifestation of historically unequal power relations between men and women which has led to the domination and discrimination against women by men.¹³ The State has an obligation under several human rights instruments to adopt measures directed towards the elimination of violence against women a category that encompasses refugee women.

At Regional level, the rights and obligations of refugees and asylum seekers are governed by the 1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa. This law was passed to address the specific challenges of refugee movements peculiar to the African region. The 1969 OAU Convention also states that the grant of asylum to refugees is a peaceful and humanitarian act and shall not be regarded as an unfriendly act by any member state and stresses the need to make distinction between a refugee who seeks a peaceful and normal life and a person fleeing his country for the sole purpose of fomenting subversion from outside.¹⁴

The African Charter on Human and Peoples Rights(ACHPR) states that all individuals are entitled to the enjoyment of rights and freedoms guaranteed in the Charter without distinction of any kind such as race, religion, ethnic group, color, sex, language political opinion or any other status¹⁵.Similarly, State parties are required in accordance with the obligations incumbent upon them under international humanitarian law to protect civilians including women irrespective to

¹¹Convention on the Rights of a child. Article 19

¹²Convention on the Rights of a child. Article 22

¹³UN Declaration on Elimination of Violence against women.

¹⁴1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa. Article 2(6)

¹⁵African Charter on Human and Peoples Rights. Article 2

the population to which they belong in the event of an armed conflict.¹⁶ State parties are required to protect all asylum seeking women against all forms of violence, rape and other forms of sexual exploitation and to ensure that such acts are considered war crimes, crimes against humanity and their perpetrators are brought to Justice a competent court.

At National level, the Constitution of the Republic of Uganda recognizes the importance of human rights and requires the State to ensure that the rights of all human beings are respected and protected at all times. It states that fundamental rights and freedoms of all individuals are inherent and not granted by the State.¹⁷It further states that all persons are equal before and under the law in all spheres of political. Social and cultural life and in every other aspect and shall enjoy equal protection of the law.¹⁸ Refugees are therefore entitled to the enjoyment of fundamental rights and freedoms under the Constitution.

Uganda has been applauded for having one of the best inclusive legal and policy frameworks governing refugees in Africa. The Government of Uganda enacted a refugee legal and policy framework which actors have described as facilitative. Enacted in 2006, the Refugee Act provides for the rights and obligations of refugees and asylum seekers while in the host country. The rights enshrined in the law include among others the right to work, freedom of movement, freedom from torture, cruel, inhuman degrading treatment or punishment.

Uganda is widely recognized as having progressive and forward thinking refugee and asylum policies. New arrivals for example are allocated a plot of land and run their businesses and can move freely within the country. This contrasts policies in neighboring countries like Kenya in particular which impose tight restrictions on movement and confine refugees to settlement.

To operationalize the Refugee Act, Uganda developed and passed the Refugee Regulations of 2010 which provide for the procedures that ought to be followed by everyone seeking asylum in Uganda. The Refugee Regulations provide for the procedures involved in seeking asylum while in Uganda and the institutions responsible for the grant of refugee status. In 2009, Uganda passed the Urban Refugee Policy which considers urban areas to be legitimate places for

¹⁶Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa. Article 4(2)

¹⁷Constitution of the Republic of Uganda, 1995 Article 20(1)

¹⁸Constitution of the Republic of Uganda, 1995 Article 21(1)

refugees to enjoy their rights including those stemming from their status as refugees as well as those that they hold in common with all other human beings.

The Government has also included refugee management and protection within its own domestic planning in the National Development plan II (NDP) through the refugee settlement transformative Agenda. This approach means Uganda has created a fertile and conducive environment for including long term development planning into the humanitarian response for refugees and host communities.

Access to services for Refugee Women and Children in Uganda

Women and children in the refugee settlements have limited access to health infrastructure. Most of the refugee settlements are characterized by large population in relation to the available services and long distance from basic services. Rwamwanja refugee settlement located in Isingiro district hosts 57,579 refugees and has only one health center – Rwamwanja Health center 3. Given the structure of the population and the vulnerability of women and children, the group finds difficulty accessing the much needed health services due to distance and long hours required to spend at the health center to get treatment. Given the nature of women’s work and socialization; the burden of domestic work and some economic activities such as farming is carried by women with in the communities they don’t have the luxury to spend long hours on one task meaning they will forfeit health unless it is an emergency. Also unaccompanied children may not be able to access health care services out of fear, ignorance and lack of parental support.

Regarding education, all refugee settlements have primary schools but only a few have secondary schools easily accessible by the children. Refugee children who would like to access secondary education have to leave the settlement if they are to access the quality of education they would very much like to attain. However, the cost of secondary and tertiary education which institutions are far and would require the refugees to afford boarding fees, makes it hard for many of the refugees to access. UNHCR currently only funds education for refugees up to primary seven; however given the protracted¹⁹ refugee situation in Uganda, there is need to expand this support to secondary and tertiary education.

¹⁹ The average stay of refugees in Uganda has increased from 7 years to 19 years.

Most refugee settlements are located in remote areas with access to transport being difficult for especially women and children which comes at a cost majority of the women and children cannot afford. Their inability to afford is a result of low or no incomes.. Limited access to good transport facilities has an impact on the kind of opportunities they are able to access for economics, education, health and information which are critical for one to fully enjoy their human rights.

Access to clean water in the refugee settlements is limited. Given the location of the settlements access to clean waters is still a challenge for the women and children. Women have to walk long distances to find clean water for domestic consumption. The drought in Isingiro has also affected the water supply of the refugees in Rwamwanja refugee settlement which is located in Isingiro district. Long distances to water sources also puts the security of women and girls at risk as it is during such activities that they are more at risk to sexual assault.

Challenges encountered by Refugee Women and Children.

A number of refugee women still experience Sexual and Gender based Violence (SGBV). Over 78% of refugee women both in the settlements and urban centres continue to experience domestic violence mostly at the hands of men. Rape, defilement, forced marriage are the most common forms of violence against refugee women and girls. Many girls without adult supervision have found themselves in sexually risky situations and those who have been coerced into sexual acts have received minimal support from the authorities.²⁰ Sexual and Gender based violence pose a security threat to women and girls in refugee settlements making it difficult for them to participate in various activities. Sexual violence especially is not only limited to home environment but school, hospitals and other public spaces in which the refugee women and girls engage. The Police Annual Report 2014 shows an increase in reported cases of domestic violence nationally. Over 3426 cases of domestic violence were investigated in 2013 compared to 2793 cases in 2012 giving an 18.4% increase in cases of domestic violence.²¹

The full realization and enjoyment of women rights has been hampered by some traditional and cultural practices among the refugee communities. The practices have mainly been carried out in

²⁰ Refugee Law Project, Annual Report 2014

²¹http://www.anppcanug.org/wp-content/uploads/Resource_Center/Annual_Reports/Police/R_P_annual_report_2014.pdf.The Police Annual Report 2014

Nakivale the largest refugee settlement in Uganda where majority of the Somali refugees are settled. Customary practices like Female Genital Mutilation (FGM), early marriages²² have continued to exist largely due to lack of political will to confront issues of inequality and discrimination in a holistic and comprehensive manner.²³

The Government of Uganda has taken steps to improve health care in the refugee settlements through the rehabilitation of existing health facilities, improvement in medical supplies and equipment. A maternity ward and Surgery room was established at Panyadoli Health Centre III in Kiryandongo refugee settlement. Kituti Health centre in Kyangwali refugee settlement was renovated last year. Similarly, Rwenyewawa health centre in Kyaka II was renovated. A National Health Policy was passed in July 2010 whose focus was health promotion disease prevention, early diagnosis and treatment of disease. Notwithstanding the progress made there still exist gaps in the health sector that limit women`s full enjoyment of sexual and reproductive rights. These gaps hamper the refugee women from attaining the highest quality of health services. Uganda continues to have deteriorating reproductive indicators with women dying from preventable and treatable diseases, pregnancy and child-birth complications among others. The health care delivery system has been highly dependent on both external funding and special initiatives confined to geographical areas, population groups or health interventions. High on the list of gaps is the limited drug supplies at the health facilities and the continued lack of adequate trained personnel which greatly impacts on the right to access to health services by refugees. Also of concern are the poor budget allocations for the health sector stand at 8% contrary to government commitments under the Abuja Declaration to earmark 15% of the national GDP to the health sector.

Access to work remains a challenge affecting refugee women where some employers demand for work permits from them or resort to sexual exploitation making it difficult for them to get jobs. Much as the Refugee Regulations of Uganda passed in 2010 create an exception for refugees to work without work permits, some employers treat refugees as aliens. Currently, access to work is limited as some employers require them to obtain work permits which are costly to acquire. Most of the women resort to selling fabrics on the street and are subject to arbitrary arrests and

²²The Refugee Law Project *Psychosocial challenges among refugee women and Girls –Nakivale*, 2015.

²³ Refugee Law Project, Access to Justice Report-2012

detention by the Kampala City Council Authority (KCCA). While the self-reliance strategy in rural refugee settlements, requires settlement based refugees to cultivate plots of land in order to sustain themselves, it does not consider urban refugees in as far as no land is allocated to them leaving many on the fringes of exploitation while looking for work.

Similarly, many female refugees find it hard to find meaningful employment to provide for their families and themselves. Women especially those without spouses and have dependents find themselves engaged in risky business such as survival sex or low paying labour.²⁴ Finding decent employment by women is even harder as many of them have low levels of education, language barrier, and lack of access to information and limited opportunities in the areas where the settlements are located. For those with education qualifications employers are not quick to hire refugees. The challenge of unemployment among refugee women and children will continue to be a challenge due to the connection between poor or no education among the children who will grow up to struggle with unemployment. Furthermore the unemployment challenge in Uganda will continue to make it difficult for refugees especially women to get employed.

Regarding refugee children, gaps exist in the registration of new born refugee children. Whereas it is a right that all children born must obtain birth registration certificates, children born outside health centres find challenges in not only having their births registered, but also in being included in the parents attestation form.²⁵ Inadequate knowledge of forced migration and basic legal frameworks for refugee rights among duty bearers and host communities further exposes refugee women and children to arbitrary arrests and detention.

Children in conflict with the law have ended up sharing cells with adult suspects at police posts due to the poor pre-trial detention facilities and the lack of access to legal representation that are child friendly. For example, Kyangwali Police Post in Kyangwali refugee settlement has only two cells. One accommodates the men while the other is for the women. There is no cell for children in conflict with the law. This coupled with the absence of the family and children's court in close proximity within the settlements (including absence of remand homes in the regions) exposes children in conflict with the law to many hardships²⁶.

²⁴Refugee Law Project, Annual Report 2014

²⁵Universal Periodic Review Report-Refugee Cluster 2016

²⁶Universal Periodic Review Report, Refugee Cluster 2016

Language barrier has also continued to affect the ability of children and women refugees to integrate in Uganda. Being unable to speak a language that can be understood by the host communities, makes women and children vulnerable to multiple situations. Language barrier stands in the way of education, access to health care, threatens personal and community security among others. Failure to effectively communicate puts women and children in danger.

Discrimination and Xenophobia remains a challenge faced by refugees because of their status. Many times refugees have had to deal with the stigma of race. According to the Universal Periodic Review Submission by refugee led organizations 2016 discrimination accounts for 87% of the all refugee human rights violations. In Uganda, discrimination is particularly common for the Somalis and South Sudanese. In the case of South Sudanese they continue to deal with the tribal tensions in the refugee settlements. This is evident in the patterns of settlement with in the settlements; Nuers are settled in a different area from the Dinkas²⁷ According to the Refugee Law Project 2014, Women from Democratic Republic of Congo have reported being called prostitutes which makes it hard for them to feel welcome in Uganda²⁸. Nationals are also hesitant to rent their houses out to refugees and if they do it is at a much higher price. Those who have accessed housing have to share it with a number of families.²⁹

Human Trafficking remains a challenge faced by refugee children and women especially those in the urban centres. Nonexistent companies have extorted money from refugee children and women desperate to travel and work in the Middle East. Human trafficking has also been in the form of taking young girls to work as maids and later turned into sexual slaves especially at the boarder entry points. Unknown persons who appear as sponsors have been involved in trafficking refugee children. This is based on interviews by refugees seeking assistance at Refugee Law Project.

Children with multiple disabilities including those in refugee settlements lack the necessary support from their parents and guardians. This is attributed to poverty, limited knowledge and

²⁷United Nations Mission in South Sudan: *Even in camps refugees are encouraged to unite for Peace*, 2016.

²⁸Refugee Law Project, *From the frying pan into the fire*, 2014.

²⁹ Refugee Law Project, Access to Justice Screening Tool.

skills by parents to look after children and persons with disabilities especially to enable them in learning. Some are locked up in homes by their parents and denied the right to education. The situation is exacerbated by the lack of or inadequate physiotherapists at the health centers to assist such children to cope under such conditions. Like at the health centers, notwithstanding that the government of Uganda promotes inclusive education, many schools have no special needs teachers. Coupled with the above, there are limited teaching aids for the visually impaired students/ pupils and hardly any materials for other disabilities. The curriculum design for primary and secondary schools does not consider the specific needs of children with mental disabilities and children with hearing impairment among others. This situation does not facilitate a child friendly environment. Instead it promotes increased school dropout rates for children with disabilities.

Solutions to address challenges encountered by refugee women and Children

Institute a comprehensive policy framework supported by adequate financing of the National Identification Registration Authority to engender a sustainable birth and death registration program in refugee settlements that shall be able to record children born outside health centers with ease and free of charge.

Increase access to information for women and children within refugee communities. Access to information about rights, laws, security, services and opportunities among other will help to protect the rights of women and boost protection and empowerment of women and children. Information should be tailored to suite the target group. Access to information is crucial for the protection and participation of women and children within the refugee communities. This will also protect refugee women and children from inhuman acts of human trafficking.

Train personnel across board with skills to handle people from a conflict background. Majority of the personnel within the refugee settlements have limited knowledge and skills to handle persons with a conflict background. Police officers, nurses, local leaders, religious leaders, teachers and other providers of crucial services to refugee women and children need to be equipped with these skills to enable them appropriately handle and support these groups to achieve and maintain full social functioning. For example, teachers should be equipped with skills to create and maintain a stable environment within the schools as stability is crucial for the integration and

learning of children from a conflict background. Also in the cases of sexual and gender based violence there is need to provide health workers, community leaders and law enforcement officers with skills to handle such cases.

Organizations working with refugees should prioritize needs assessments in order to identify and address the specific needs of children and women in refugee communities. Many times challenges arise when organizations assume what these groups need. Carrying out gender specific needs assessment will go a long way in supporting the design and implementation of relevant programmes to address the needs of women and children within the refugee communities.

Involve women and children at all levels of the project cycle. Involving women and children at the different stages of project planning and management provides for sustainability as well as ownership. Very often children are left out of consultations because they are believed not to know what they want, however, it is important to engage them so as to understand what a particular intervention would mean to them. Women must as be consulted in a way that makes them feel relevant and valued, in an environment that allows them to freely express themselves. This can be achieved by understanding the situation within the settlements, cultural requirements and practices and daily activities of the women in the settlements. Consultations also provide important feedback from beneficiaries that are crucial in improving interventions for the two groups.

Given the protracted nature of Uganda's refugee situation, there is need to have more development focused organizations participate in humanitarian response. Many refugees have been in Uganda for a time longer that would require humanitarian response and focus should be moved to development response. There is need to equip the women and young adults; teenagers and women with skills that will enable them contribute to improving the quality of their lives while in the settlements as well as enable them be productive upon return to their home countries or are resettled.

There is need to develop a policy to allow provision of certificates of competence to refugee women who have completed training in different skills. This is especially necessary for the women who are not in position to join the formal schooling system for various reasons. These certificates should be recognized by National Council for Higher Education. Also the Ministry of

Education should decentralize the process of equating foreign certificates of education to Ugandan standards to allow the service to be brought closer to the refugees. This will make it easier for refugees with certain qualifications to use these academic documents to access decent employment within Uganda. There is need to construct and equip vocational and higher learning schools in the refugee settlements to enable all children equal access to education like their counterparts including children with disability impairments.

There is need to promote affirmative action for children with disabilities who are usually discriminated and locked up in their homes. Regular home visits with psychosocial support will help address the issue. There is also need to recruit special needs teachers in each primary and secondary school to provide access to education for all children with special needs. Recruit physiotherapists in each lower health units and the settlement centers to support children/persons with multiple disabilities. Speed up the process of amending the Mental Health Act in order to improve on the lives of persons with mental disabilities taking into consideration the fundamental rights and freedoms alluded to in the Convention on the Rights of Persons with Disabilities (CRPD).

Establish separate holding centers and remand homes for children in conflict with the law within the settlements and the different regions. Ensure children attain access to justice in a quick and efficient way, including undertaking trainings for staff that handle children in conflict with the law, in child protection mechanisms.

There is need to increase funding towards infrastructure development within the refugee settlements. Infrastructure for refugees should not be looked at as for refugees alone but rather as an investment for host communities as well. Services and facilities within refugee settlements in Uganda are shared by both the refugee communities and the host communities. It is therefore important to improve infrastructure in schools, health care and transport. Improving infrastructure in schools reduces crowding, improves sanitation and security which in turn improves the enrollment, retention and completion rates for the girl child in school. Improved infrastructure also improves access to opportunities for women within and outside the refugee communities. This will improve the lives of the people placed under their care as well.

Responsibility for the Protection and Management of Refugees in Uganda

The responsibility for protection and Management of refugees is vested in the host State. The International Court of Justice has recognized that obligations of states could be based on the so called elementary considerations of humanity and that obligations were owed by the State towards the International community as a whole.³⁰ The State has the responsibility to respect and protect the rights of individuals under their territory or subject to their jurisdiction.

As a general principle of International law, every treaty in force is binding upon the parties to it and must be performed in good faith.³¹ Since Uganda ratified the Refugee Convention, it has an obligation under International and National law to ensure the protection of refugees. To facilitate the implementation of the refugee legal and policy framework, the Government of Uganda established under the Office of the Prime Minister (OPM), the Directorate of Refugees, which works as the official government lead agency concerning various refugee issues.

The Government of Uganda is overwhelmed by the continued influx of refugees in the country. In a news post on the United Nations website, the Government of Uganda-Office of the Prime Minister, United Nations High Commissioner for Refugees (UNHCR) and the World Food Programme (WFP) announced a reduction in food rations and cash support to refugees by 50% to meet the for the new arrivals. The influx of Burundians in 2015 and the continued flow of refugees from South Sudan has put a strain on Government (OPM) structures for Refugee Status Determination procedures and rendered the available resources inadequate. Because of the big numbers, there is need to construct a waiting shed, construct more latrines, boreholes to fill the rising need. The influx has also rendered reception facilities inadequate. Kabazana reception center in Nakivale Refugee settlement for example is congested, with 4 to 5 families sharing a room with no adequate lighting.³² The congestion and inadequate lighting raise fears of possible cases of sexual gender-based violence if this gap is not addressed.

The huge numbers of refugees in the country has also put a constraint on services like education and health. Provision of health services to new arrivals has drained health centers and affected

³⁰ICJ Barcelona Traction case (Second Phase), ICJ Reports 1970.

³¹Vienna Convention on the Law of Treaties. Article 26

³²Joint report on the influx of Burundian Refugees in Nakivale settlement

health service delivery to other old refugees. Due to the influx, the vaccines got out of stock and the in-patient capacity of health centers is not adequate for the influx.

Likewise, there has been an increase in school enrollment for primary schools yet the number of teachers is low; on average, the current teacher classroom ratio is 1:93 as opposed to the standard 1:53.

The Government of Uganda therefore would need support from the international community to address the needs of refugees and asylum seekers.

It is worth noting that the management of refugees also rests on the United Nations High Commissioner for Refugees as an International organization endowed with the mandate to protect refugees. The Statute of the UNHCR empowers the organization with the primary function of providing international protection to refugees. The UNHCR acting under the authority of the General Assembly shall assume the function of providing International protection under the auspices of the UN and seeking permanent solutions to the problems affecting refugees by assisting Governments.³³

International best practices that Uganda can adopt

According to the UNHCR,³⁴in 2014, the Tanzanian Government granted citizenship to 162,000Burundianrefugees- a historic step that the Government of Uganda can adopt. The Government of Uganda should follow Tanzania's example and naturalize refugees who have spent their entire lives in Uganda, raised their families here and consider it their home and fulfill the requirements on naturalization under the Uganda Citizenship and Immigration Control Act.

Uganda should implement the UNHCR 2014 Alternatives to camp policy which will promote self-reliance among refugees and end dependence on humanitarian assistance. Pursuing alternatives to camps means working to remove such restrictions so that refugees have the possibility to live with greater dignity, independence and normality as members of the community either from the beginning of displacement or as soon as possible thereafter. The

³³Statute of UNHCR Paragraph 1

³⁴<http://www.unhcr.org/news/latest/2014/10/5441246f6/tanzania-grants-citizenship-162000-burundian-refugees-historic-decision.html>

possible alternatives to camps are also diverse as the refugees and the communities, cultures from the countries where they reside. Refugees who have maintained their independence and developed sustainable livelihoods will be more resilient and better able to overcome future challenges than if they depend on humanitarian assistance.

Uganda should ratify the Convention on the Reduction of Statelessness of 1961. The convention complements the 1954 Convention relating to the Status of Stateless Persons and is the leading international instrument that sets rules for the conferral and non-withdrawal of citizenship to prevent cases of statelessness from arising. Ratification of this convention will provide an opportunity for refugees not willing to return to their countries or those who have denounced their nationalities can become Ugandans including those born on the territory. Similarly, Uganda should ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol to the Convention on the Right of the Child on the Involvement of Children in Armed Conflict.

Conclusion

The responsibility for managing refugees is a joint effort between the State, UNHCR and other Civil Society Organizations with the mandate to assist refugees. Uganda's refugee situation is not about to go away given the volatile nature of the region. Although Uganda has been generous in her response to the regional refugee crisis her position as a developing country eludes her of the capacity to effectively respond to this crisis. Therefore, there is an urgent need to scale up and improve response to the refugee crisis in terms of policy, legislation, funding and programmes to enable Uganda fully support refugees to achieve full enjoyment of human rights and protection of their dignity. Refugees should be involved in the planning meetings so they can advise the Government on how best to respond to their needs. In a bid to create a peaceful environment for the enjoyment of rights by refugees it is imperative that extra attention is given to women and children who bare the greatest burden of conflict and forced displacement. Refugee settlements in Uganda and world over must be adapted to meet the needs of women and children as well as other vulnerable groups not remaining ignorant to the fact that these vulnerable groups are not homogenous.