

# UNHCR Monthly Protection Update

## Legal and Physical Protection

### November 2018



#### Key Figures

**292**

Number of Police  
deployed

**37**

Number of female Police  
deployed

**56**

Number of Police Posts  
in Refugee Settlements

**1247**

Number of Refugees that  
received legal  
Assistance

**44,398**

Number of Refugees  
reached during  
community  
Sensitization

**44**

Number of Packages  
Provided by UNHCR  
(Fuel, accommodation,  
WASH facilities,  
protection house,  
vehicle, motorbikes  
and transport)



*Legal Officer HIIRA and CFPU Officer Kyangwali addressing persons during Community sensitization*

#### Physical Safety and Security

- In November, 145 crimes were reported in Arua representing an 18% decrease in cases reported in October. Rhino camp (81) recorded the highest number of cases followed by Imvepi (54), and Lobule (10). Assault, theft, defilement, threatening violence & domestic violence, and cattle theft were the most prevalent crimes from Jan till Nov. Imvepi settlement registered decreased crime rates in comparison to the previous month. Although assault remains the highest recorded case in Arua settlements, there is a general decrease in crime partly due to community policing and mobile courts.
- Seven cases of ex-combatants were reported in Arua. A monitoring system put in place to monitor their activities has revealed that majority of ex-combatants self-relocate to unknown areas thereby hindering effective monitoring. Support and targeted programming could enhance their integration in the community.
- In Kyangwali, 61 criminal cases were reported which is an increase from the 46 reported cases in October. The most reported case

being domestic violence, Theft and threatening violence. This is attributed to the limited information on the Laws of Uganda, increased alcoholism and limited livelihood opportunities forcing PoCs to turn to crime.

#### Access to Legal Assistance and Legal Remedies

- UNHCR Arua in partnership with DRC and OPM conducted legal aid clinic in Rhino reaching 631 (241F/390M) POCs in an effort to disseminate information, empower and enhance knowledge on legal matters and laws of Uganda. The sessions were presided over by UNHCR, ULS, FIDA and judicial officers from the High Court of Arua. Areas covered included; rights and obligations of refugees, court proceedings, bail, and civil cases.
- From 28 - 29 Nov, UNHCR in partnership with West Nile Regional Coordination Committee (RCC) hosted a delegation of JLOS Secretariat from Kampala together with their development partners (from Royal Netherlands, Austrian Embassies and European Union) in Arua settlements. The mission sought to assess the quality of access to justice delivery in settlements.
- In Arua, 3226 refugees were reached with legal assistance inter alia legislative awareness and counselling.
- Nine cases were mediated by the community in Nakivake. They include domestic violence (4), theft (2), crop damage (1), assault (1) and family conflict (1). Mediation has been applauded by community members as effective in expediting solutions to non-serious offenses and fostering peaceful existence.

- In Mbarara, CAFOMI provided legal representation/counselling to 10 PoCs, including witness support and mediation.
- In Kyangwali, 219 (159M/61F) PoCs received legal assistance and transport to attend court while 64 PoCs (62M/2F) and 28 nationals (16M/12F) benefitted from Alternative Dispute Resolution.
- The Grade One Magistrates Court, Court clerk and Resident State Attorney were facilitated with transport to attend the mobile court in Kyangwali where 10 (9M/1F) witnesses and Perpetrators were given access to justice and 64 cases (28 PoCs/36 nationals) were heard. Further, legal counselling was offered to 52 (23F/29M) PoCs in 24 cases while 28 (16M/12F) POCs in 13 cases benefitted from alternative dispute resolution. These were conducted by the Community based mediators, Police and Legal sector HIJRA.
- Legal aid clinics were conducted in Nakivake reaching 263 (144M/119F) PoCs including 125 (67M/58F) Congolese, 63(33M/30F) Rwandese, 18(11M/7F) Burundians and host community members 57(33M/24F). The sessions involved OPM and RWC. Participants were informed of court processes and procedures for reporting and following up cases.
- Lutheran World Federation organized legal aid clinics and joint inspection at Kicheche and Kamwenge prisons/police stations facilities together with Uganda Human Rights Commission, Judiciary, DPP, Police and Prisons. Inmates were sensitized on plea bargaining, human rights including refugee, children/women rights and provided with on spot legal advice.
- Uganda Law Society (ULS) provided legal representation for 14 refugees in Yumbe court. All cases were adjourned for further hearing for persecution. IRC/ULS conducted one advocacy meeting with the High Court Judge of Arua Circuit in which meeting 17 (1F/16M) clients on committal were cause-listed for a special session sitting on the 19th day of November, 2018.
- In Yumbe, 47 (31F/16M) refugees received legal counselling in response to issues such as trespass, breach of contract, threatening violence, theft, adultery, mismatch of names, and domestic violence. Further, 157 inmates in Yumbe and Bidibidi prisons received legal counselling.
- In Kiryandongo, Refugee Law Project (RLP)

offered Legal representation at Masindi High court where 4 males (3 refugees, 1 national) were released after 5 years on remand without trial. One of the refugees was referred to UNHCR protection for assistance with re-activation and registration related updates. There are 28 more criminal cases involving refugees that are pending hearing in Masindi and RLP together with HIJRA are working closely with the judiciary to expedite their hearing



*HIJRA staff offering individual legal counselling to POCs in Kyangwali*

### Capacity Building

- In October, UNHCR, IRC together with the Ugandan Law Society (ULS) organized two days training for 30(25M/5F) paralegals from Imvepi and Rhino settlements. Topics facilitated by UNHCR, IRC, ULS and the judiciary included formal and informal justice systems for handling refugee cases in the settlement; legal framework for refugee protection in Uganda; criminal justice system and procedures in Uganda; children's rights, juvenile justice and applicable laws; sexual and gender based violence offences; alternative dispute resolution; law on succession, land and property rights.
- In Yumbe, a total of 78 Community Based Paralegals were trained in Zones 3 & 5 respectively by ULS, UNHCR, IRC and the Judiciary. Topics covered included concepts of paralegals, legal framework for refugee protection, formal/informal justice system, PSEA and Code of Conduct

### Detention/Prison monitoring

- In Palabek, UNHCR and partners conducted a joint detention monitoring visit on 20th November 2018. Police stations within Lamwo were supported with assorted stationery and police forms for proper case documentation and client file handling.
- In the South West, UNHCR and HIJRA visited 137 inmates at Kanungu and Kihhihi prisons. The inmates were given hygiene materials.

- In Yumbe, 7 detention facility visits were undertaken. 41 (4F/37M) refugees were identified in detention and 4 relatives of refugee.
- One District Coordination Committee meeting was held in Yumbe Court and was attended by 18 (5F/13M) members who further participated in a joint detention visit to monitor detention conditions in Bidibidi, Yumbe prisons, and Ariwa police station.
- In Kyangwali, 6 Police visits were conducted to Kyangwali Police Station, Kikuube Police Station, Bukinda Police Post, Malembo C, B and A police posts to follow up on the progress of investigations to improve access to justice.

### Advocacy

- UNHCR and LWF conducted 3 block based legal outreaches in primary schools in Boroli, Nyumanzi and Ayilo I. The outreaches reached 130 (75M/55F) pupils with 40 of them (21M, 19F) in Boroli, 56 (34M/22F) in Nyumanzi and 34 (20M/14F) in Ayilo I. The topics of discussion included definition of a child, laws governing children and rights and obligations of children.
- A meeting was held by the legal sector within the host communities of Agojo, Ayilo Baratuku, Boroli, Nyumanzi, Pagirinya, and Elema. Topics discussed were aligned to the role of police in the community, Criminal procedures, Role and jurisdiction of the Local Council Court in administration of justice.
- IRC/ULS conducted one advocacy meeting with the High Court Judge of Arua Circuit which resulted in 17 (1F/16M) clients on committal being cause-listed for a special session sitting on 19th November, 2018.

### Community Policing and Community Awareness

- One community policing session reaching out to 239 (191F/48M) PoCs was conducted in Kavule. It was facilitated by the CFPU Kyangwali and HIJRA. Issues tackled included tribalism, Sexual offence and legal procedures accused persons follow from police, court and to prison. This aimed to sensitize the community on laws of Uganda and curb the crime rate.
- UNHCR held two sessions with LGBTI community in Nakivale. Major challenges raised by the community are discrimination, assault, health concerns and lack of livelihood support.

UNHCR public health officer has attended the medical concerns.

- In Omogu Zone, Rhino settlement, 03 community dialogues were held & attended by 318 (154F/164M) PoCs. The sessions were held by UNHCR and IRC to sensitize refugees on legal implications on witchcraft. From the meeting, 37 individuals who were expelled from the community were re-integrated back after a peaceful negotiation.
- In the South West, two sensitization sessions on laws of Uganda were conducted by MTI, Police, and RWCs in Kabahinda C and Kankingi, attended by 84 (52F/32M) PoCs. Discussions focused on offences and their penalties including child labor and parental obligations in upholding children's rights.
- Five legal information sessions focusing on rights, obligations and Laws of Uganda were conducted in Yumbe and attended by 556 (250F/306M) refugees and members of the host communities.

### Coordination

- UNHCR Arua hosted the District Coordination Committee (DCC) monthly meeting. Some gaps identified by the meeting include: difficulty in determining the age of survivors and alleged perpetrators in defilement cases especially those involving refugees, inefficient coordination amongst partners and inadequate population of Police Form 3 by medical workers which causes cases to collapse. It is to be recalled that UNHCR and partners took some actions to address these gaps. For example, legal and SGBV training targeting health personnel. The meeting unanimously agreed to address concerns flagged.
- One District Coordination Committee meeting was held in Yumbe Court; attended by 18 (F5/M13) members who further participated in a joint detention visit to monitor detention conditions in Bidibidi, Yumbe prisons, and Ariwa police station.

### Mobile Courts

- UNHCR Arua coordinated and facilitated three mobile court sessions in Imvepi, Rhino and Lobule settlements which were presided over by the Chief Magistrate of Arua and Magistrate Grade One of Koboko. The sessions were attended by a total of 1073 (367F/706M) PoCs. A total of 42 cases were handled.

- In Mbarara, 72 (30F/42M) witnesses were transported to court both as state and defence witnesses for the special High Court mobile court session.
- A mobile court session was held in Rwamwanja on 1st November at Nkoma Sub County and One Magistrate Grade 1 mobile court was organized at Kicheche Sub County where 14 cases were attended to.
- facility also lacks fences and permanent latrines.
- Poor and prolonged investigation of cases due to lack of facilitation in form of transport costs leading to frequent adjournments, poor turn up of witnesses to Police and court to testify and lack of investigative skills in handling cases among others.
- Delay in reporting of cases continues to be a challenge as it may affect outcomes of cases especially where material evidence is missing or tampered with.

### Gaps Identified

There are a number of specific obstacles stifling provision of access to justice for POCs. The following challenges continue to persist:

- Lack/limited facilities for holding juvenile offenders at police posts, this often leads to detention of children together with adults.
- Need for alternative feeding systems for inmates at Kyangwali Prison. Inmates with no relatives in the settlement especially new arrivals are forced to starve while they await their appearance before the Magistrate every Wednesday.
- Inadequate facilitation of Court personnel which is a demotivating factor that affects execution of Court duties and participation in Mobile Courts.
- Ignorance of the laws of Uganda coupled with limited knowledge of Court procedures continues to affect administration of justice.
- Limited number of judicial officers to handle cases often causes delays in trials especially for capital offences leading to case backlog.
- Inadequate facilitation of police including insufficient fuel for police vehicles, inadequate number of vehicles and insufficient accommodation. Insufficient accommodation for the police continues to affect presence of police in settlements. The international standard requires that one (1) police officer is deployed per 500 individual; the current numbers fall below the required standard.
- 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 abode.
- In Yumbe, prisons are faced with limited accommodation leading to congestion. The

### **Partners Implementing Access to Justice Response**

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

**Operational Partners:** UNDP, LASPNET