

UNHCR Monthly Protection Update

Legal and Physical Protection

December 2018



Key Figures

292

Number of Police
deployed

37

Number of female
Police
deployed

56

Number of Police
Posts
in Refugee Settlements

1,180

Number of Refugees
that
received legal
Assistance

34,085

Number of Refugees
reached during
community
Sensitization

44

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



Photo ©: ARC, ARC psychosocial counsellor during a session with inmates at Bidibidi prison

Key Updates

- In-order to furnish the knowledge of security personnel on refugee protection, the Hoima operation protection team held discussions with the Masindi Police training academy to include protection training in the curriculum. The one off training was scheduled for the second week of January 2019 with the long term plan being implemented concurrently.

Physical Safety and Security

- In December, 170 crimes were reported in Arua. This represents a 17% increase of cases reported in November. Rhino camp (98) recorded the highest number of cases, followed by Imvepi (65) and Lobule (07). Assault, theft & burglary, threatening violence & domestic violence, cattle theft and defilement are still the most prevalent. There is a general decrease in crime rate in all 3 settlements partly due to community policing and mobile court activities.
- In order to enhance law and order, police has continued working with 29 (20M/9F) crime preventers. Community participation was key in enhancing security and preventing crime. Despite inadequate facilitation, community watch groups and crime preventers,

continue to actively support law enforcement bodies.

- In Kyangwali, 65 criminal cases were reported with theft being the highest recorded incident. This was greatly attributed to the festive season.
- In Yumbe, two completed and two attempted suicide cases, rampant property theft, increased bush burning leading to limited access to construction materials, fire outbreaks due to the hot and dry season damaging shelters of refugees, and disruption of Protection activities as a result of demonstrations by refugees in zones 1, 2 &3 were reported. OPM and UNHCR in collaboration with Ugandan Police, WFP, TPO and Protection Partners have continued working to address these safety and security issues.

Access to Legal Assistance and Legal Remedies

- In Kyangwali, UNHCR through its Protection Partner HIJRA, offered individual legal counselling to 16 cases of 28 (14F/14M) PoCs. UNHCR also facilitated the court clerk and Resident State Attorney (RSA) with transport to Kyangwali Grade 1 court and interpretation services in Swahili, Kigegere and Kinyabwisha to reduce the back log of cases at police and avail Persons of concern with Legal and Judicial services. As a result, (106) cases were heard. 62 for Nationals and 44 for POCs.
- Community based mediators in Kyangwali supported 20 (13F/7M) PoCs in 10 cases to access Alternative Dispute Resolution (ADR) as a faster and cheaper mechanism to resolve conflict in comparison to litigation. The cases mediated include extra marital affairs (2), theft (2), verbal assault (2), criminal trespass (1), failure to provide (2), allegation of practicing witchcraft.

- Five Cases of defilement were followed up in Kiryandongo Court. In two of them, the suspects are in custody awaiting trial. In one of the cases, the suspect was released due to a lack of evidence while in another the suspect was released on bail and file extended to 1st February for further hearing. One other case was counselled on where to report.
- In Yumbe, 39 (F26/M13) refugees and PoCs received legal counselling on cases such as trespass, breach of contract, threatening violence, theft, defilement, domestic violence, road accident, indecent assault and malicious damage. Of the 77 cases registered for legal support by the legal team and community-based paralegals, 57 were successfully resolved and 20 were supported through referral to police for further investigation and prosecution.
- Additionally, 43(F4/M39) refugees with criminal cases were supported by Ugandan Law Society (ULS) through legal representation in Yumbe Court and mobile court sessions in Bidibidi settlement. Through legal counselling sessions, the International Rescue Committee (IRC) legal team also reached out to 67(41F/26M) PoCs and helped address concerns such as assaults, adultery, and breach of contract, missing persons, malicious damage, theft, defilement, and rape and threatening violence.
- On the 13th December 2018, UNHCR Protection team attended a fun fare for juveniles from Adjumani and Arua settlements that are confined at Arua remand home. The event was supported by UNHCR alongside other implementing partners notably DRC, MTL, Save the Children and LWF. Currently, there are 47 children (8 Female and 39 Male) that are confined at the remand home. Their ages range between 12-17 years. Arua remand home is the only remand home in West Nile that is admitting children that are in conflict with the law in Adjumani, Moyo and Arua

Capacity Building

- In 2018, UNHCR Arua, the judiciary, police, ULS and partners facilitated 6 separate legal trainings to 196 (123M, 73F) local court members, refugees, medical workers, neighbourhood watch groups and community legal volunteers/paralegals. Topics covered include ADR mechanisms, court interpretation skills, forensic medical examination, crime prevention, basic security skills, common criminal offences, formal and informal justice systems, legal framework for refugee protection in Uganda, criminal justice system and procedures in Uganda, children's rights, juvenile justice and laws, sexual and gender-based violence offences, law on succession, land and property rights.
- The Norwegian Refugee Council (NRC) facilitated a "Legal and Civil Documentation Training" at Kyangwali. The training targeted local authorities working with civil registry, teachers, and health workers working. 21(13M/8F) people participated in this training.
- NRC also facilitated a "Collaborative Dispute Resolution training" targeting refugee leaders, elders from the host community, Local Council members from the community, and Religious Leaders involved in dispute resolution. 29 (25M/4F) people participated.
- In Yumbe, 39 (14F/25M) legal staff and duty bearers (judiciary, police, OPM, probation department partner's staff) were trained on the legal information manual in Arua by legal Aid providers' network.

Detention/Prison monitoring

- The IRC legal team conducted 5 visits to police and Prisons facilities. The facilities visited were Yumbe Central Police Station and Yumbe Prison. Eight Refugees were released from detention and supported to access Non-food items (NFIs), registration and peacefully reintegrate into the community. Whereas the American Refugee Committee (ARC) legal team Conducted one Joint prison visit in conjunction with IRC at Bidibidi Prison on 18/12/2018. The event was dubbed a 'fun day', where legal advice and counselling and psycho education was conducted with 74 convicted prisoners and 8 prison staffs and other partner staffs.
- In December, one joint detention monitoring visit was conducted at Arua main prison. Material support was provided to refugees and the visiting team had legal interaction with refugee inmates. As of December 2018, there are 84 (2F/82M) refugees in Arua main prison out of the total 755 inmates. The refugees are from Imvepi, Rhino, Bidibidi and Adjumani settlements. There are 30 (25M/5F) refugees out of 270 inmates in Koboko prison. UNHCR, OPM and other protection partners provided material support in terms of laundry soap,

dignity towels, boxes of tom shoes, bails of blankets, Kitchen sets and sleeping mats to detention facilities in Arua and Koboko districts.

- Refugee Law Project jointly with the Danish Refugee Council (DRC) and OPM conducted detention monitoring visits in Masindi, Isimba, Kiryandongo, Kigumba Government Prisons and Ihungu Remand Home. These periodic visits are intended to understand the plight of inmates in general and in particular the plight of forced migrants, establishing charges on which many are detained and challenges which would in turn inform programming and interventions.
- UNHCR through its Protection partner HIJRA conducted 05 Police visits at Kyangwali Police station and Kikuube police station to follow up on cases involving POCs; where 41 cases of POCs were identified and followed up to promote POCs' access to Legal and Judicial services.

Community Sensitization

- UNHCR Arua in liaison with Giligili Remand Home and other protection partners organized an end of year Fanfare, a “remote parenting concept”, entailing a cocktail of activities. The routine activity is geared towards recognizing the need for children to keep in touch with their families while in remand, promoting parental support and ensuring ease of reintegration upon discharge from remand. The event was graced by the Grade 1 Magistrate- Arua representing resident judge (Chief Guest), Probation Officers from the districts of Koboko, Arua, Nebi and Zombo, JLOS partners from the Police, Prisons, judiciary, human rights commission, Uganda law society (ULS) and humanitarian partners.
- In Yumbe, Five legal information sessions in the refugee community were conducted by the legal team, Police, Magistrate, OPM and community-based paralegals of Zone 4 on rights and obligations and key laws of Uganda. The sessions were attended by refugees and host community and reached out to 995(522F/472M) PoCs.

Coordination

- In 2018, as of Dec, UNHCR Arua attended 12, hosted 3 District Coordination Committee (DCC) and two Regional Coordination Committee (RCC) meetings. During the meetings, various factors

limiting access to justice to refugees inter lia lack of court interpreters, unskilful population of medical forms by medical workers, poor follow up of cases, poor coordination amongst Justice Law and Order stakeholders occasioning miscarriage of justice and poor case management among others were fruitfully discussed and solutions proposed thereto. To address the gaps, training was provided to selected individuals from all settlements in interpretation skills; mobile court were conducted and training provided to selected medical workers on forensic medical examination and coordination between JLOS and SGBV partners. However, notable challenges still exist.

Mobile Courts

- In 2018, in an effort to enhance access to justice to refugees, clear case backlogs involving refugees, create awareness on judicial proceedings and legal consequences of crime, UNHCR in partnership with the Justice Law and Order Sector (JLOS) coordinated and facilitated 8 mobile court sessions in Imvepi (3), Lobule (3) and Rhino camp (2). The sessions were presided over by the Chief Magistrate of Arua Magisterial Area and Grade One Magistrate of Koboko. The sessions were attended by 1,828 (682F/1146M) PoCs.
- In December, UNHCR Arua in partnership with JLOS in Koboko coordinated and facilitated one mobile court session in Lobule settlement which was presided over by the Chief Magistrate of Arua Magisterial Area. The session was attended by a 110 (32F/78M) PoCs. Four cases of defilement were handled as follows; One individual was convicted and sentenced to 8 months imprisonment while the rest were adjourned to the next hearing due to none attendance of key witnesses.
- Two Mobile court sessions were held in Zone one and three, 25 cases were addressed by magistrate grade one Yumbe, 9 cases were concluded while 16 were adjourned for further prosecution and investigation.

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.

- 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.
- There is need for a female ward at Kyangwali Prison. Females remanded have to be transported to Hoima Prison which is expensive and discourages POCs from following up cases and visiting inmate
- 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.
- Negative attitude towards formal legal process, affecting reporting of cases and witnesses attendance.
- Need for training on clinical management of rape cases to enable adequate evidence specifically for rape cases.

Partners Implementing Access to Justice Response

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

Operational Partners: UNDP, LASPNET

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