

**Plaideurs des Enfants et des Personnes Agées à risque**

***Pleaders of Children and Elderly People at risk***

**Input for SR housing - Report on Resettlement in Uganda**

**Submitted by PEPA /NGO- Pleaders of Children and Elderly People at Risk in special Consultative Status to the UN ECOSOC since 2017**

**2023 Call for inputs: Resettlement as a human rights issue, case of Uganda**

September 2023

**United Nations Human Rights, office of the High Commissioner:** Special Rapporteur on the right to adequate housing

**Inputs/Comments submitted by Pleaders of children and Elderly People at risk, PEPA/NGO**

Excellencies, Ladies and Gentlemen,

PEPA/NGO-Pleaders of Children and Elderly People at risk commends the efforts of ECOSOC and the Human Rights Council in enabling us to gather and submit the views of its stakeholders, including the consultative parties in the framework of the call for contributions on the theme: Resettlement, a question of human rights.

In this situation, we took the case of Uganda which hosts many refugees in East and Central Africa.

No human being chooses freely to become a refugee or asylum seeker freely

A refugee is a person who has fled their own country because they are at risk of serious human rights violations and persecution there. The risks to their safety and life were so great that they felt they had no choice but to leave and seek safety outside their country because their own government cannot or will not protect them from those dangers. Refugees have a right to international protection.

**Resettlement, as a Human Rights has become a scenario since many years**

These rights are written down in the Refugee Convention and in human rights treaties. These rights deal with the possibility of staying in the host country and not being returned to the country of origin (e.g. non-refoulement), education, health care, housing, employment and family among other issues.

The terms “refugee”, “asylum seeker” and “migrant” are used to describe people who are on the move, who have left their countries and have crossed borders

Refugee Resettlement, a question of human rights is far to be fulfilled in accordance to the Universal Declarations of Human Rights and the Geneva Convention relating to the Status of Refugees was adopted on 28 July 1951 following a special conference of the United Nations which entered into force on 22 April 1954. The Convention sets out who counts as a refugee and what protection, rights and assistance refugees should receive.

In Uganda, the process of Refugee Resettlement is more Monetized than being a human right, with the facts that vulnerable refugees living in Resettlement camps or in Urban areas have no right to third country resettlement because of not having money to bribing from Police to the UNHCR protection officers. These are confirmed finding after investigation made from Urban to Resettlement camps.

***As Annexe****, you will find a case of a family with more than 6 children victim of treats, children’s victims of abuses, another at the point of being blind because of lack of treatment. Such family is never able to meet a UNHRC protection officer due to fact they have no money to pay from offices of counsellors, police reports to accessing UNHR Protection officers. For protection measures, the information of the family will be shared separately as a case study.*

Beside the current allegations on Resettlement as Human rights of refugees, Uganda has been cited in various reports with the high level of Corruption, fraud and other forms of institutionalised theft are not new either [within Uganda generally](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/213930/anti-corruption-strategy-ug.pdf) or the Ugandan [refugee industry specifically](https://www.tandfonline.com/doi/pdf/10.1080/01436597.2021.1989301?casa_token=_hJpY41jJUcAAAAA:Bqi17ApiQrBy6NPr3E17DnpFIfUFZ2d1Kz0-P49w6Se28yo5RioXv57LmpV2BEFU-y_muFMUHV0fqw). Indeed, Uganda has been rated “highly corrupt” by Transparency International every year since 1996, and, most recently, within the [country’s refugee response in 2017-18](https://www.tandfonline.com/doi/full/10.1080/13698249.2022.2092686). This means ‘vulnerability’ is no longer the key to selecting refugees for resettlement, does that mean bribery, The United Nations should make reforms of the resettlement system and procedures [UNHCR Corruption: Resettlement Spots for a Price (cis.org)](https://cis.org/Report/UNHCR-Corruption-Resettlement-Spots-Price).

Refugee resettlement as per UNHRC principals, should involves the selection and transfer of refugees from a country in which they have sought protection – usually somewhere with a large number of refugees – to a third country which has agreed to admit them as refugees where they can rebuild their lives.

Third country resettlement or refugee resettlement is, according to the UNHCR, one of three durable solutions for refugees who fled their home country. Resettled refugees have the right to reside long-term or permanent in the country of resettlement and may also have the right to become citizens of that country.

In reform of the Resettlement,, UNHCR should address "Internal resettlement fraud" (the subject of the NBC story) refers to fraud perpetrated by UNHCR staff themselves. Examples include drafting false refugee claims or false needs assessments for resettlement; facilitating preferential processing or access to the procedure; charging a fee or asking for a favor to be added to an interview list; coaching refugees prior to or during the interview; and providing false medical attestations. Resettlement procedures are free of charge, but the fraudulent actions described above are often undertaken for a fee, a favor, or a gift and constitute corruption.

Personal relationships with the refugees can also pose problems as "they involve a relationship of unequal power and are thus easily subject to exploitation. The staff member will always be perceived as having power over the refugee, and the refugee may thus feel obliged to provide favors, including those of a sexual nature, in order to obtain certain benefits, or to avoid negative repercussions." This could be of added concern in countries where familiarity and congeniality are general cultural traits.

**Additional finding on Refugees Situation in Uganda**

Here is a list of the several challenges that the camps in Uganda are facing:

1. Overcrowding: Due to a continuous influx of refugees, many camps struggle with limited living space, resource competition, and inadequate access to services.

2. Infrastructure Deficiencies: Some camps lack basic amenities like sanitation facilities, healthcare centers, and educational resources, leading to poor living conditions.

3. Limited Employment Opportunities: Despite the right to work, refugees may face difficulties in finding stable jobs, resulting in economic vulnerability.

4. Psychosocial Support: Many refugees require mental health services to cope with trauma, but resources in camps may be limited. In 2023, MHPSS needs among refugee communities in Uganda are substantial: 35,000 South Sudanese refugees received MHPSS services. Additionally, over 15,000 refugees in Kyangwali settlement were provided with MHPSS services. However, there are concerning trends such as suicide risk. Factors contributing to higher suicide rates include traumatic events before and after arriving at a refugee settlement, incidents of gender-based violence, extreme poverty, and limited access to education and employment. Due to funding constraints, living conditions in settlements are likely to deteriorate, exacerbating these challenges.

5. Education: Quality education is crucial for refugee children, but some camps face challenges in providing adequate resources and facilities. In 2022, the general enrollment rate increased from 53% to 56% by June. However, alarming disparities persist in South Sudanese education: 54% of children are not enrolled in pre-primary school and 88% are not enrolled in secondary school. Specific challenges include high rates of non-enrollment/attendance due to pregnancy or child marriage: 21% in Rhino Camp (Host community households) and 16% each of the refugee and host community households in Bidibidi. In Palabek, health-related issues lead to non-enrollment/attendance in a significant proportion of refugee households (69%).

Moreover, more issues are impacting the access to education such as:

- The severe overcrowding in classrooms, some classrooms have 200 students for every one teacher, far exceeding the national standard of 53:1 Pupil to Teacher Ratio.

- Inadequate infrastructure and funding gaps lead to adoption of double shift school system in some locations to accommodate new arrivals.

- Education infrastructure remains insufficient: Some classrooms are in temporary and dilapidated structures.

- WASH facilities in schools face strain due to congestion, with a shortage of water, latrines, and bathing spaces, especially in boarding schools.

6. Healthcare: While healthcare is provided, there may be limitations in terms of medical facilities and specialized care. As of the end of June 2023, there were specific needs among refugees in different regions:

- West Nile settlements: 92,348 Persons with Specific Needs (PSNs).

- North region: 69,902 PSNs.

- Mid-West settlements: 48,450 PSNs.

However, there are challenges including limited resources for supporting PSNs upon arrival, with only a few selected households receiving shelter construction support. Also, PSNs who have been in settlements for an extended period live in deteriorated shelters and use latrines in need of repair, but funding constraints have hindered necessary repairs.

The most significant group among PSNs are women at risk. They face various hardships, including a lack of livelihood to provide basic necessities like food, shelter, clothing, and educational materials for their children.

7. Environmental Impact: Refugee camps can have long-term consequences on the environment, including waste management and deforestation.

8. Security Concerns: Some regions near conflict zones or borders may face security challenges.

9. Child protection: The South Sudanese refugee crisis in Uganda is primarily a children's crisis, over 520,000 South Sudanese children are registered as refugees or asylum-seekers. As of June 2023, specific needs among children have been identified: 66,478 children with diverse needs, including:

 - 57,745 unaccompanied or separated children (UASC).

 - 8,733 children facing risks like child labor, teenage pregnancy, child-headed households, and other vulnerabilities.

Many issues were identified, as for example the high ratio of caseworkers to children at risk, with an average of 178 Child Protection cases per caseworker, far above the international standard of 1:25. Furthermore, the timely identification of child protection cases among new arrivals is hindered by limited Child Protection staff, registration delays, and the absence of child-friendly spaces at collection points and transit centers. Finally, parents and caregivers leaving children alone to seek employment, which is expected to rise due to reduced food assistance and limited livelihood opportunities, putting children at greater risk.

10. Gender-Based Violence: In the first half of the year:

- 3,003 Gender-Based Violence (GBV) incidents were managed across the operation.

- 38% of survivors were South Sudanese.

- 75% of incidents were perpetrated by intimate partners, possibly due to reduced assistance, limited economic empowerment, and negative cultural norms.

Prevalent GBV incidents include psychosocial abuse, denial of resources, physical abuse and rape.

For survivors, primary services include mental health and psychosocial support (MHPSS) as well as medical follow-up. However, there's been a reduction in prevention and response services due to limited resources. Additionally, available services are stretched thin, impacting response quality. Moreover, there is a shortage of GBV caseworkers, with some managing between 60 to 75 cases, far exceeding the recommended ratio of 1:20. Under-reporting or delayed reporting of GBV incidents is a significant concern.

11. Funding Coverage: 22% ($191.5 million) of the total Uganda Country Refugee Response Plan (UCRRP) funding requirements (US$ 846 million) have been covered : 10% funding coverage of the South Sudan response and 16% funding coverage of the DRC response.

To ensure that legal protections and safeguards related to resettlement are not only protected on paper but also respected in practice, a comprehensive approach should be taken. This includes:

1. Land Allocation and Planning: Adequate land needs to be formally identified and allocated, particularly in North and West Nile settlements. Moreover, New arrivals have been given plots in existing zones, leading to limited cultivation space and tensions among some refugees. To respond to these issues, this is what PEPA is proposing:

 - Formalize land allocation through transparent and inclusive processes, ensuring adequate space for new arrivals.

 - Address tensions arising from land allocation by facilitating dialogue and conflict resolution mechanisms.

2. Food Assistance and Security: After three months, new arrivals receive reduced food rations of 60%. Currently, 82% of refugees receive only 30% rations. We propose to:

 - Address reductions in food assistance by ensuring that assessments are regularly conducted to determine vulnerability and food needs.

 - Implement strategies to improve food security, such as agricultural support and income-generating activities.

3. Child Protection and Well-being:

 - Establish alternative care arrangements and foster families for unaccompanied or separated children.

 - Create child-friendly spaces in reception facilities to provide a safe and supportive environment for children.

4. Infrastructure Development:

 - Prioritize the construction of shelters, communal bath facilities, and lighting in areas of relocation to enhance safety and security, particularly for women and girls.

5. Mental Health and Psychosocial Support (MHPSS):

 - Increase the number of dedicated staff for MHPSS in settlements and transit facilities to address the high demand for mental health services.

6. Education Access and Quality:

 - Provide cash support for school fees and develop school infrastructure, including classrooms, latrines, and teacher accommodation.

 - Enhance teacher training and classroom management to improve the quality of education.

7. Healthcare Services:

 - Expand health facilities in new zones and ensure the availability of essential medicines to meet the healthcare needs of refugees.

8. Support for Persons with Specific Needs (PSNs) :

 - Provide targeted support for PSNs, including shelter construction, mobility devices, and hearing/visual aids, to enhance their well-being and inclusion.

9. Female Hygiene and Protection:

 - Resume the distribution of female hygiene kits to ensure the health and dignity of women and girls.

10. Protection Against Sexual Exploitation and Abuse (PSEA):

 - Implement robust PSEA measures, including community awareness campaigns and training for both refugees and response partners.

11. Land Rights and Formalization:

 - Address concerns regarding land rights by formalizing land transactions through legal processes and engaging lawyers where necessary.

12. Water, Sanitation, and Hygiene (WASH):

 - Increase access to WASH facilities in all receiving settlements to improve hygiene and sanitation conditions.

13. Livelihood Opportunities:

 - Enhance income-generating activities for refugees to promote self-reliance and economic independence.

In addition to these practical steps, it's essential to maintain a collaborative and multi-stakeholder approach involving government agencies, UNHCR, NGOs, legal experts, and the community. Regular monitoring, evaluation, reporting, feedback, complaints and grievance redressal mechanisms should be established to track progress and address any emerging challenges. It is also crucial to provide training and capacity-building programs for relevant stakeholders and conduct awareness campaigns targeting both refugees and host communities. Moreover, it should be ensured that refugees have access to legal assistance and representation. Also, programs that promote socio-economic inclusion should be implemented. Finally, it should be ensured that all refugees are properly documented and registered, which is crucial for accessing legal protections and services.

To conclude, Uganda’s commendable progressive refugee policies and commitment to durable solutions are facing significant challenges. The international community must continue its support for Uganda in providing a safe haven for refugees.

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 **Germany, le 29/09/2023**

**Pour PEPA/NGO-Pleaders of Children and Elderly People at risk**

*Président du Conseil d’Administration*

**PEPA/NGO-EUROPE**