

JOINT PROTECTION TRANSITION STRATEGY OF

THE UGANDA HUMAN RIGHTS COMMISSION



AND

IASC PROTECTION CLUSTER

Draft II

BACKGROUND

The IASC Protection Cluster

For the last two decades, northern Uganda has been devastated by an armed conflict between the Lord's Resistance Army (LRA) and the Government of Uganda. The conflict led to human rights violations and massive population displacement in northern Uganda. Millions of civilians were forced to abandon their homes and farms to lead a life of confinement in congested government-designated camps located in northern Uganda. At the height of the displacement, Uganda's IDP population numbered some two million- the largest in the world.

To respond effectively and in a coordinated fashion to the IDP situation, an inter-agency collaborative approach was implemented by the Inter-Agency Standing Committee (IASC). This "cluster" approach requires various complementary agencies be part of a coordinated response to IDP situations.¹

By the end of 2006, the Protection Cluster had ascertained the salient durable solution gaps and challenges afflicting IDPs, *inter alia*, insecurity; restricted freedom of movement; limited access to property, farmland and prospects for sustainable livelihood; congested and squalid camp conditions with poor access to basic services, justice and civilian policing; and high incidence of GBV and child protection cases. Circumstances had conspired to create a traumatized, vulnerable and dependent population.

In line with IASC global guidance, the Uganda Protection Cluster established in 2006 three sub-clusters focused on technical and operational areas of responsibilities requiring dedicated resources and attention: 1) Gender-based violence sub-cluster (led by UNFPA); 2) Human Rights and Rule of Law Sub-cluster (led by OHCHR); and Child Protection sub-cluster (UNICEF-led). These three sub-clusters have been reporting to the overall Protection Cluster².

The Protection Cluster set itself three broad strategic objectives to guide its interventions: (i) the effective protection of IDPs, (ii) effective and efficient delivery of appropriate assistance to camp-based populations, and (iii) advocate for freedom of movement to enable IDPs to pursue sustainable durable solutions.

¹ UNHCR Evaluation and Policy Analysis Unit. Consistent and Predictable Response to IDP. A Review of UNHCR Decision Making Processes. By Vanessa Mattar and Paul White.

² Documentation produced by the 3 sub-clusters from 2006-2009 (including strategies, reports and training materials) can be directly requested from OHCHR, UNFPA and UNICEF.

The Protection Cluster immediately set about leading, coordinating and advocating for IDPs freedom to choose the appropriate durable solution, notably, voluntary return to area of origin, relocation to a third area, or local integration. In order to ensure a coordinated and consistent approach to the return and reintegration processes, Protection Cluster members ensured IDPs were informed about their rights as per the National Policy for Internally Displaced Persons³ and the Guiding Principles on Internal Displacement, which emphasize consultation with and participation of IDPs, particularly women and children, in decisions that impact on their current and future welfare.⁴

Concerted efforts to find durable solutions for the IDPs received a major boost in August 2006 with the signing of the Cessation of Hostilities Agreement between the Government of Uganda and LRA/M. Notable and lasting improvement in the security environment coupled with Government finally granting IDPs freedom to move and choose a durable solution, led to massive returns. To date, 87 *per cent* of IDPs are reported as either having returned or reintegrating in their chosen place of return.⁵ The preferred durable solution of a majority of IDPs has been to return to their villages of origin.

To guide actions directed towards supporting IDPs and host communities overcome situations directly linked to their displacement, the Framework for Durable Solutions was introduced in Uganda in 2008; with the aim of assisting various actors, ranging from branches of government to civil society, understand the process and related policy and strategic actions required to overcome displacement-related conditions.⁶

This **phased, transition strategy**, with substantive contributions from the Uganda Human Rights Commission (UHRC) and Protection Cluster members, aims to support the UHRC to effectively lead, coordinate and advocate for sustainable durable solutions to remaining IDPs, in particular Extremely Vulnerable Individuals/Persons with Specific Needs (EVI/PSNs), and

³ The National Policy for Internally Displaced Persons “commits the government of Uganda to promote the right of IDPs to return voluntarily, in safety and dignity, to their homes or places of habitual residence or to resettle voluntarily in another part of the country.

⁴ Policy NO, 3.4 (6)

⁵ IASC Working Group Kampala, *Update on IDP Movements (September 2009)*

⁶ IDPs do not have a special legal status that ends at a particular time. Yet it is important to be able to say when internal displacement has ended – so that governments and the international community can target limited resources, and also to remove the stigma of the label from the people involved. When, then, can it be said that internal displacement has ended and a durable solution for IDPs has been found? To answer this question, The Brookings Institution – University of Bern Project on Internal Displacement and the Institute for the Study of International Migration at Georgetown University, at the request of the Representative of the U.N. Secretary-General on the Human Rights of Internally Displaced Persons, Walter Kälin, undertook an extensive inquiry. The result of this process was the creation of the *Framework for Durable Solutions*, which shows that the ending of displacement occurs not at one point in time but is a gradual process.
<http://www.brookings.edu/reports/2007/09displacementends.aspx>.

those who have effectively returned but have yet to overcome conditions inherited from their former situation.

For child protection and GBV sub-clusters, separate plans for handover to the concerned government body were elaborated following extensive consultative processes. For the child protection sub-cluster, the coordination functions for humanitarian and recovery efforts will be fully taken over by the Department of Children and Youth of the Ministry of Gender, Labour and Social Development (MGLSD). MGLSD, with the continued support of UNICEF, will be leading a Child Protection Coordination forum⁷ that will continue to engage all child protection agencies and government departments addressing the protection of children in Northern Uganda.

Recognizing that the primary responsibility for effective protection leadership, service delivery and coordination thereof rests with national authorities, and in line with the intentions and core strategic objectives of the Government's 2009-2011 Peace, Recovery and Development Plan (PRDP) Framework to stabilize the North as it transitions from relief to recovery, the natural successor to the Protection Cluster is the Uganda Human Rights Commission (UHRC). UHRC is the national body best placed to lead and coordinate the process according to the PRDP's stated core strategic objectives I & II- **core objective I: Consolidation of State Authority** and its focus on protection of human rights through rebuilding of state institutions in the region; and **core objective II: Rebuilding and Empowering Communities** through improvements in IDP conditions, pursuing durable solutions with specific attention to EVIs/PSNs, and initiating rehabilitation and recovery/development activities.⁸

The Uganda Human Rights Commission

The Uganda Human Rights Commission (UHRC) is an independent Human Rights Institution established under the 1995 Constitution of the Republic of Uganda to monitor the human rights situation in the country. The establishment of the Commission was based on the country's violent and turbulent past which was characterized by arbitrary arrests, detention without trial, torture, brutal repression, impunity on the part of security organs, and wanton destruction of life and property.

⁷ The Working Group will operate within the framework of the CHILD PROTECTION RECOVERY STRATEGY FOR NORTHERN UGANDA 2009-2011 (to be endorsed and officially launched by the MGLSD in the 3rd quarter of 2009).

⁸ Peace, Recovery and Development Plan (PRDP) Framework, Government of Uganda (Office of the Prime Minister, 2009)

Under Article 51 of the 1995 Constitution of the Republic of Uganda, the Commission has the following functions:

- (a) To investigate, at its own initiative or on a complaint made by any person or group of persons against violation of any human right;
- (b) To visit jails, prisons and places of detention or related facilities with a view to assessing and inspecting conditions of the inmates and make recommendations;
- (c) To establish a continuing programme of research, education and information to enhance respect of human rights;
- (d) To recommend to parliament effective measures to promote human rights, including provision of compensation to victims of violations of human rights, or their families;
- (e) To create and sustain within society the awareness of the provisions of the constitution as the fundamental law of the people of Uganda;
- (f) To educate and encourage the public to defend the constitution at all times against all forms of abuse and violation;
- (g) To formulate, implement and oversee programmes intended to inculcate in the citizens of Uganda awareness of their civic responsibilities and an appreciation of their rights and obligations as free people;
- (h) To monitor Government's compliance with international treaty and convention obligations on human rights;
- (i) To review cases of persons who are restricted or detained under Emergency Laws; and
- (j) To perform such other functions as may be provided by law.

In carrying out its functions the Commission has a power of a court to summon or order any person to attend before it and or produce any document or record relevant to any investigation by the Commission.

The Commission comprises a Chairperson assisted by six Commissioners, the Secretary to the Commission, and a senior management team of five Directors and four Unit-Heads. The directorates are: Research, Education and Documentation; Monitoring and Inspections; Complaints, Investigations and Legal Services; Regional Services; and Finance and Administration. Altogether, staff number 158 in Kampala (Head Office) and eight regional offices in Kampala (Central Regional Office), Mbarara, Fort Portal, Gulu, Arua, Moroto, Soroti and Jinja.

The Commission has a two-year corporate plan (2009-2011) outlining activities and programmes that reflect its mandate and functions. The Commission's vision in the corporate plan is:

To empower the people of Uganda to protect and promote human rights, civic obligations and constitutionalism.

While its mission statement is to:

Assist in building a society in which all human rights and civic obligations are understood and observed by all within a culture of constitutionalism.

To this end, the Uganda Human Rights Commission has been involved in the promotion and protection of the IDPs' human rights since the establishment of the Gulu regional office in 1999. The Commission monitors human rights concerns in IDP camps and chairs the District Human Rights Promotion and Protection Sub-Committee (DHRPP). DHRPP serves as a conduit for information sharing between national and district structures. UHRC was also consulted during the National IDP Policy drafting process. However, given constraints in human resources, equipment and finances, the Commission has been constrained in fully carrying out its constitutional mandate.

TRANSITION STRATEGY

GOALS

(i) To effectively protect conflict-afflicted populations in IDP camps, transit sites and areas of return and reintegration as per the PRDP's core strategic objectives I & II; and (ii) To support actual and former IDPs as they pursue sustainable durable solutions during the transition from relief to recovery and development in accordance with PRDP core strategic objectives I & II, and the 1995 Uganda Constitution and its Chapter Four provisions governing the Protection and Promotion of Fundamental and Other Human Rights and Freedoms.

COOPERATION FRAMEWORK

Relations between UHRC and various Protection Cluster members will be governed by a Memorandum of Understanding. This multilateral instrument will be signed by all concerned partners once the joint protection transition strategy is endorsed by the Commission and Protection Cluster members.

To enhance its results and impact, the Protection Working Group, chaired by the Commission, shall aim to leverage, harmonize and mainstream the IDP protection agenda and discourse in close collaboration with the MGLSD-led GBV National Reference Group and Child Protection Working Group. To this end, the Protection Group chair shall participate in Child Protection and GBV Groups' coordination meetings and activities, and vice-versa, both in Kampala and at district-level. Internally, within the IDP Protection Working Group, cooperation will include, *inter alia*, joint *protection* assessments, responses, monitoring and reporting; regular exchanges of reports and sharing of information; and agreement on advocacy messages and initiatives.

To expand and enhance the impact of recovery interventions in return and reintegration areas so as to enable IDPs to achieve deeper and faster sustainable and integrated durable solutions, the Chair shall harness its constitutional prerogatives and privileged relations with government, the judiciary, parliament, mass media, civil society and development partners to advocate for additional concerted action in finding quick and lasting protection solutions for IDPs and EVIs/PSNs.

UGANDA HUMAN RIGHTS COMMISSION ROLE AND FUNCTIONAL RESPONSIBILITIES

IDP Protection Leadership, Coordination and Advocacy

The ongoing transition from humanitarian action to recovery presents significant challenges for the IDP population with respect to sustenance of the chosen durable solution. The breadth and depth of protection challenges such as information and knowledge on key protection concerns such as access to food and nutrition security, access to water and basic social services, and access to land and property to enable families to lead productive lives transcend the mandate, competences, capacity and resources of any single entity. Hence, to enhance the impact of appropriate and effective responses requires coordinated and integrated approaches that optimize synergies and resources across sectors and the breadth of actors.

As the constitutionally-mandated body to promote and protect human rights nationally and as the national chair of the Protection Working Group, UHRC will play an active and catalytic role in effectively responding to protection concerns by leveraging its multi-disciplinary network of allies and partners, notably, through mobilization of national and international attention and action at appropriate coordination fora (including the MGLSD-led GBV National Reference Group and Child Protection Working Group); collaborating with all three branches of government; by engaging mass media; and by complementing government efforts to enlist

development partners' support in transitioning from humanitarian assistance to recovery and development.

Coordination Meetings

Monthly Protection coordination meetings convened by the Chair (UHRC) both at Kampala and district levels will be open to members of the Gender-Based Violence (GBV), Child Protection (CP) and other relevant coordination fora, notably humanitarian, recovery and development from Kampala and the districts. Participants will provide updates of direct interest and relevance to the work of the Protection Working Group and proffer advice to enable the Chair and members to make informed policy, strategy and operations decisions impacting on IDPs and their pursuit of sustainable durable solutions.

To ensure regular information sharing, and identification & analysis of critical protection issues, UHRC as Chair of the Protection Working Group, shall convene represent and participate in regular MGLSD-GBV, MGLSD-CP and other coordination fora meetings at both Kampala and district levels.

Monitoring, Reporting and Advocacy

The UHRC presents its annual report to Parliament on the status of human rights in the country every year and this report is debated by the Plenary. The report contains detailed findings and recommendations for improving the human rights situation to various relevant government departments, agencies and institutions. In addition, periodic reports are also published regularly and these cover different human rights issues that are prevalent in the country.

Roles and Responsibilities of IDP Protection Working Group Chair

- Protection Working Group Chair- lead and coordinate IDP protection agenda and responses in consultation and collaboration with members and other relevant humanitarian, recovery and development coordination bodies, *inter alia* MGLSD-led GBV National Reference Group and Child Protection Working Group
- IDP protection, return and reintegration monitoring & evaluation
- Report and render accounts to various stakeholders and interested parties on a periodic and *ad hoc* basis
- Advocate for appropriate, effective and sustainable durable solutions in accordance with protection and human rights standards

- Convene and chair monthly Protection Working Group meetings to encourage information sharing, and identification and analysis of critical protection issues
- Coordinate and issue *ad hoc*, quarterly and annual action-oriented reports on IDP protection activities, obstacles, gaps, challenges, results and impact achieved by the Commission and Protection Working Group, including any relevant joint actions with other coordination fora, including GBV and CP
- Provide leadership, in consultation with members, on harmonization of key advocacy messages
- Represent Protection Working Group at various coordination fora (MGLSD-GBV National Reference Group, MGLSD-Child Protection Working Group, humanitarian, recovery and development coordination groups) in Kampala and in the concerned districts to support, advocate for and advance IDP protection agenda

Deliverables

1. Monthly protection coordination meetings in Kampala and in the sub-regions
2. Monthly Protection Monitoring Report
3. Quarterly Protection Situation, Performance Monitoring and Progress Reports
4. Consolidated Appeal Process (CAP) Protection Quarterly Monitoring Report

COMPOSITION, ROLES AND RESPONSIBILITIES OF PROTECTION WORKING GROUP

To encourage integrated and effective long-term protection solutions to the diverse set of obstacles facing residual IDPs and EVIs/PSNs willing to pursue a sustainable durable solution, and to mainstream as well as highlight core protection challenges and gaps, it is recommended that membership of the Protection Working Group be open to all interested parties and representatives of other coordination bodies from the humanitarian community as well as recovery and development actors in Kampala and the districts. To broaden the audience to include influential policy makers and opinion leaders, it is further recommended that representatives from the three branches of government and mass media, as well as eminent personalities, also be invited to monthly meetings or extraordinary sessions of the Protection Working Group by the Chair on an *ad hoc* basis and following consultations with members.

Members and invited guests roles will be to:

- (i) give concise protection updates and analyses on areas of direct interest and relevance to the work of the Protection Working Group to enable the Chair and

- other members to make informed policy, strategy and operations decisions impacting on IDPs' pursuit for sustainable durable solutions;
- (ii) to give the Chair and members advice on pertinent protection issues;
 - (iii) to advocate for policy guidance or coordinated action on pressing protection concerns;
 - (iv) to agree on and harmonize key advocacy messages.

IMPLEMENTATION METHODOLOGY AND WORK PLAN

Phased approach:

Initial phase

UHRC assume protection leadership, coordination responsibilities and advocacy functions, and phase-out of Protection Cluster

Effective date: *Immediate (4th quarter 2009)*

2009 objectives: (i) Draft joint protection transition strategy 2009-2010; and
(ii) Protection Cluster is phased out (4th quarter 2009) and succeeded by UHRC-chaired Protection Working Group with membership open to protection cluster and sub-cluster members.

2009 activities: (i) UHRC to provide Protection Cluster/Working Group detailed 2010 budget proposal and related work plan by October 31, 2009;
(ii) By mid-November 2009, Protection Working Group members to confirm nature and level of 2010 support to UHRC based on Protection Working Group 2010 priority objectives, UHRC operational and performance gaps (including UHRC absorption capacity), and agency projected funding levels;
(iii) Contributor agencies to jointly sign multilateral one year MoU with UHRC by end November 2009 highlighting each agency's respective area and level of support; and
(iv) Cooperation agencies to sign bi-lateral 2010 project agreements with UHRC by December 2009.

Second and final phase

UHRC assume full responsibility for IDP protection, return and reintegration monitoring and reporting, and formulate and implement 2011 fundraising strategy for IDP operations

Effective date: *January 2010*

2010 objectives and

deliverables: Protection Working Group members to implement second and final phase of protection transition strategy:

- (i) UHRC assume full responsibility for IDP protection, return and reintegration monitoring and reporting by February 2010; and
- (ii) UHRC formulate 2011 fundraising strategy for IDP operations by March 2010 and independently fundraise

2010 activities: Emphasis on coordinated and targeted support to UHRC in:

- reinforcing key IDP-region offices facing critical personnel, equipment and logistics constraints;
- project management training;
- joint IDP protection monitoring missions;
- support to UHRC 2011 fundraising strategy for IDP operations;

UHRC REPRESENTATION LEVELS, STRUCTURES AND GEOGRAPHIC COVERAGE IN IDP-AFFECTED SUB-REGIONS & KAMPALA

Present situation in:

Districts

Gulu regional office covers the Acholi and Lango sub-regions with Adjumani included. The Commission also has Civil Military Cooperation Centres (CMCCs) which started in May 2005. CCMCs are in Gulu, Lira, Pader and Kitgum districts (Acholi and Lango sub-regions); and in Soroti, Kaberamaido and Katakwi districts (Teso and Karamoja sub-regions).

Gulu Regional Office chairs the District Human Rights Promotion and Protection Sub-Committee (DHRPP). DHRPP Gulu is co- chaired by UNHCR. However, DHRPP Kitgum and Pader are chaired by their respective district Probation Officer because UHRC has no staff for neither CMCC.

UHRC plans to chair both Kitgum and Pader DHRPP by end of the fourth quarter of 2009 subject to timely recruitment of staff.

Kampala

At Kampala headquarters, the Directorate of Monitoring and Inspections is responsible for monitoring the state of human rights in the country and compiling annual and periodic reports. The directorate also spearheads the Commission's special programmes for vulnerable persons as well as on the right to health. The directorate of Regional Services is responsible for advising, supporting, facilitating and supervising regional offices in their implementation of the Commission's activities. It coordinates activities of the head office with those of the regional offices.

Proposed coordination and operations management structures, and functions for protection transition strategy:

Districts

Reinforce existing sub- regional offices, headed by Human Rights Officers, and expand staff Terms of Reference (ToRs) to include:

- Monitor and report on IDP protection concerns in camps and transit sites;
- Monitor and reporting on protection situation in return and reintegration in Gulu, Amuru, Pader, Kitgum, and Adjumani districts;
- Chair District Human Rights Promotion and Protection Sub-Committees (DHRPP) or equivalent district IDP Protection Coordination structure for protection coordination, regular reporting and information sharing;
- Lead and coordinate district IDP protection agenda, response and advocacy; and
- Coordination, regular reporting and information sharing, and advocacy with the GBV and CP District-led Coordination Groups.

Kampala

Strengthen Directorate of Monitoring and Inspections to effectively perform additional role and responsibilities, and broaden staff ToRs to encompass:

- Director of Monitoring and Inspections to serve as National Coordinator of the IDP Protection Working Group leading coordination, reporting and information sharing, and collaboration with MGLSD-led GBV and CP National Working Groups on areas of mutual interest (e.g., advocacy);

- Convene and chair meetings of the Protection Working Group, with oversight for agenda, agreed work plan, actions and minutes;
- The Director shall be the principal focal point for liaising and collaborating with DHRPP sub-committees, CCMCs, the Office of the Prime Minister (OPM), line Ministries dealing with IDPs or IDP areas, MGLSD-led Child Protection and GBV Working Groups, civil society and development partner representatives;
- The Director shall lead advocacy on behalf of the Protection Working Group;
- The Senior Human Rights Officer in charge of the Vulnerable Persons Unit (under the Directorate of Monitoring and Inspections) shall act as the Programme Officer and shall carry out performance monitoring and reporting of implementation of the transition strategy work plan, support and activities and related projects;
- The Senior Human Rights Officer (Programme Officer) shall also carry out quality assurance of projects through district visits, periodic and *ad hoc* monitoring and reporting on findings and recommended actions;
- The Senior Human Rights Officer (Programme Officer) shall develop advocacy strategies and messages in consultation with the IDP Protection Working Group and MGLSD-led Child Protection and GBV Working Groups; and
- Fundraising strategy and implementation.

SUPPORT TO CAPACITY-BUILDING

In 2009 and 2010, UHRC (existing staff at head office, regional offices, staff at the CMCCs and newly appointed staff at the created sub regional offices) will require a combination of formal and informal, structured and semi-structured support (Protection Working Group management and operations advice, joint exercises and training) in various areas, *inter alia*, IDP protection (child protection, SGBV, HR & Rule of law); framework on IDP durable solutions; protection, return and reintegration monitoring and reporting; extremely vulnerable individuals/persons of specific need (EVIs/PSNs); bi-lateral project management (administration, performance monitoring, reporting and accountability), fundraising strategy; and relationship management. A number of protection cluster members have already either embarked or indicated their interest in supporting specific areas subject to available capacity and funds.

BUDGET PROPOSAL AND FUNDRAISING

To enable Protection Cluster/Working Group members to effectively and efficiently respond to assessed capacity gaps within UHRC arising from its responsibilities linked to the implementation of this strategy's stated objectives and work plan, UHRC will prepare a detailed, itemized budget (with written justification where necessary), specifying sectors and locations where it requires supplementary support (by type, quantity, amount and duration). In a separate budget column, UHRC will record the actual value of its contribution as applicable. Clear Terms of Reference (ToRs) shall accompany each requested post and be submitted together with the budget proposal.

The complete set of documents from UHRC will be circulated among Protection Cluster/Working Group members willing and able to provide targeted, results-based human, material and/or financial support in accordance with their respective mandates and competencies, and subject to available capacity and resources. For the collaboration to achieve optimal synergies and impact, contributing members will jointly review and coordinate proposed support to UHRC to avoid duplication and effectively address assessed gaps. Each contributing agency will sign a separate bi-lateral agreement with UHRC.

Supplementary budgetary support from humanitarian actors to UHRC is governed by the duration of a humanitarian situation, and subject to available resources and donor terms and conditions. As of July 2009, the stated policy of the Government of Uganda for northern Uganda, as articulated in the PRDP 2009-2011, is to shift the focus away from humanitarian assistance to recovery and development. Hence, to enhance prospects for sustainability and continuation of UHRC's planned IDP interventions in northern Uganda for 2009-2011 and beyond requires UHRC have in place an effective fundraising and marketing strategy. Should UHRC require supplementary technical support to enhance the impact of its fundraising and marketing approaches and tools, they are advised to include such a request in their supplementary budget proposal.

RESOURCE REQUIREMENTS

Criteria for multi-sector support will be informed by the transition strategy's objectives, desired results, and duration. Hence, resources will target reinforcement of concerned and existing UHRC regional offices to enable them to acquire the supplementary operational capacity to effectively deliver on the above objectives in the field and in Kampala.

In the spirit of partnership and to affirm its strong support and commitment to achieving the multilateral partnership's stated objectives, the Commission, like other contributing partners,

agrees to commit to the transition strategy resource requirements, either cash or in-kind contributions drawn from pre-existing internal resources. The Commission's share of contributions can be offset against rent, staff salaries, office equipment, transport or any other service or asset used to directly or indirectly advance the transition strategy's objectives.