THE REPUBLIC OF UGANDA

THE NATIONAL POLICY FOR INTERNALLY DISPLACED PERSONS

OFFICE OF THE PRIME MINISTER
DEPARTMENT OF DISASTER PREPAREDNESS AND REFUGEES

AUGUST 2004

THE REPUBLIC OF UGANDA

THE NATIONAL POLICY FOR INTERNALLY DISPLACED PERSONS

OFFICE OF THE PRIME MINISTER
DEPARTMENT OF DISASTER PREPAREDNESS AND REFUGEES

AUGUST 2004

Table of Contents

FOREWORD v

PREAMBLE vi

BACKGROUND vii

ABBREVIATIONS ix

GLOSSARY OF TERMS x

1. CHAPTER ONE

Policy Mission 1

Policy Goal 1

Policy Objectives 1

Guiding Principles 2

2. CHAPTER TWO

Institutional Arrangements, Roles and Responsibilities 3

2.1 Lead Agency for the Protection and Assistance of Internally Displaced Persons 3

2.1.1 Functions of the OPM - Department of Disaster Preparedness and Refugees 4

2.2 Committees on Displaced Persons Matters 5

2.2.1 Inter-Ministerial Policy Committee (IMPC) 6

2.2.2 Inter-Agency Technical Committee (IATC) 7

2.3 The Human Rights Promotion and Protection Sub-Committee 10

2.3.1 Functions of the Human Rights Promotion and Protection Sub-Committee 10
2.4 Administration at District Level 11
2.4.1 Functions of District Disaster Management Committees 14
2.5 District Human Rights Promotion and Protection Sub-Committee for IDPs 15
2.5.1 Sub County Disaster Management Committees 16

3. CHAPTER THREE

3.1 Security 19
3.2 Freedom of Movement 21
3.3 Protection Against Arbitrary Displacement 22
3.4 Voluntary Return and Resettlement 23
3.5 Legal Status, Identification and Registration 24
3.6 Property Rights 24
3.7 Family Unification 26
3.8 Food Security 26
3.9 Shelter 27
3.1.0 Clothing 28
3.1.1 Education 28
3.1.2 Health 29
3.1.3 Water and Sanitation 30
3.1.4 Resettlement Kits 31
3.1.5 Rehabilitation of Infrastructure 31

3.1.6 Graduated Tax 32
3.1.7 Environment 32

4. CHAPTER FOUR

4.1 National and International Humanitarian and Development Agencies 33
4.2 Inter-Governmental Organisations and the Donor Community 36

5. CHAPTER FIVE

5.1 Advocacies and Public Information 38

FOREWORD

The Government of Uganda had always addressed the needs of internally displaced persons through provision of humanitarian assistance and overseeing their return, resettlement and reintegration through normal sectoral planning.

The need, however, arose over time for standard coordinated multi-sectoral, multi-disciplinary procedures and guides for Government Institutions, Development and Humanitarian Agencies in planning and responding to matters of internal displacement of persons. This Policy is intended to address these needs in a significant and effective manner.

The Policy builds on existing international humanitarian law and human rights instruments and relevant national laws. The Policy will play a significant role in raising awareness of the needs and rights of IDPs, mobilising support within the country and from the development and humanitarian community.

Whereas we cannot stop the occurrence of natural hazards and some of the human-induced crises, with collective effort and proper planning, we can reduce their chances of turning into disasters and minimize their impact on the affected population and the economy.

I wish to thank all of those who contributed to the preparation of this policy and urge all those institutions involved in protection and the provision of assistance to the IDPs to adhere to this policy. In so doing we shall go a long way in achieving the much needed improvement in the status and treatment of IDPs.

Moses Ali Lt Gen

Lt. Gen (Rtd) Moses Ali
First Deputy Prime Minister and Minister for Disaster Preparedness and Refugees

PREAMBLE

This Policy establishes the principles which will serve as a guide to Government institutions, humanitarian and development agencies while providing assistance and protection to Internally Displaced Persons in Uganda. The Policy specifies the roles and responsibilities of Government institutions, humanitarian and development agencies, donors and the displaced community and other stakeholders.

Fundamental to this Policy is the recognition that Internally Displaced Persons shall enjoy, in full equality, the same rights and freedoms under the Constitution and all other laws, as do all other persons in Uganda. They shall not be discriminated against in the fulfilment of any rights and freedoms on the grounds that they are internally displaced.

Internally Displaced Persons have the right to request and receive protection and humanitarian assistance from national and district authorities

In this policy, Government commits itself to:

i. Protecting its citizens against arbitrary displacement
ii. Promoting the search for durable solutions to causes of displacement
iii. Facilitating the voluntary return, resettlement, integration and re-integration of the IDPs
iv. Ensuring that every person, internally displaced or otherwise receives information relating to this Policy

BACKGROUND

Large communities in Uganda have, at one time or the other been forced or obliged to flee their homes or places of habitual residence as a result of or in order to avoid the effects of either natural or human-induced disasters.

From 1979 to the present day (2004), about 7 million people i.e. over 1/3 of Uganda's population have been affected by civil conflict and cattle rustling.

The dictatorial rule of Idi Amin (1971-79) and the subsequent liberation war of 1979, left an estimated 500,000 people dead and hundreds of thousands were either internally displaced or forced into exile. The internally displaced persons ended up living in camps where protection of their human rights, provision of food, medical and social services were grossly inadequate.

From 1981 to 1985 the war in the Luweero Triangle caused significant displacement and loss of lives.

The Uganda People's Army (UPA) insurgency in the North-East followed from 1987 causing immense human suffering especially in Soroti and Kumi Districts, leaving an estimated 300,000 people displaced and many others dead.

In the districts of Gulu, Kitgum and Pader hundreds of thousands of people have been internally displaced for many years as a result of the "Holy Spirit Movement" rebel group of Alice Lakwena and then later the Lord's Resistance Army (LRA) of Joseph Kony. In August 2003, LRA incursions into Teso and the Lango sub-regions caused massive displacements, raising the figure to over 1,600, 000 people.

The Allied Democratic Forces (ADF) insurgency (1994-2001) caused the death of hundreds of people and internal displacement of 150,000 others in the Rwenzori region.

For over a long period of time, Karamajong cattle rustling has caused internal displacement within Karamoja, and from 1994 todate (2004) in the neighbouring districts of Katakwi (88,623 people) and Pader (about 23,000 people).

Natural disasters in particular, landslides and floods have displaced large numbers of people at the slopes of Mt. Elgon, Rwenzori Mountains, the hills of Kigezi, Ankole, the Semliki valley and along the basin of River Nile in the North of the Country.

The trend above shows that at any one time, a number of Ugandans will be in a state of internal displacement and hence the need for this Policy.

ABBREVIATIONS

ADF	Allied Democratic Forces
CAO	Chief Administrative Officer
CAP	Consolidated Appeal Process
CDM	Commissioner for Disaster Management & Refugees
DDMC	District Disaster Management Committee
DDPC	District Disaster Preparedness Cordinator
DPWO	District Probation and Welfare Officer
DHS	District Health Services
DSC	District Security Committee
DHRPPS	District Human Rights Promotion and Proctection Sub-committee
IDPs	Internally Displaced Persons
IATC	Inter Agency Technical Committee
IMPC	Inter Ministerial Policy Committee
MRE	Mine Risk Eduction
MoES	Ministry of Education and Sports
MoH	Ministry of Health
MOU	Memorandum of Understanding
MWLE	Ministry of Water, Land and Environment
NGOs	Non Governmental Organisations
OPM	Office of the Prime Minister
OPM/DDPR	Office of the Prime Minister/Department of Disaster Preparedness and Refugees
SCDMC	Sub-County Disaster Management Committee
UHRC	Uganda Human Rights Commission
UNOCHA	United Nations Office for Coordination of Humanitarian Affairs
UPA	Uganda Peoples Army
UPDF	Uganda Peoples Defence Forces
URCS	Uganda Red Cross Society
SCC	Sub-County Chief
UXO	Unexploded Ordnance

GLOSSARY OF TERMS

In this policy unless the context otherwise requires:-

Internally Displaced Persons (IDPs) are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-induced disasters, and who have not crossed an internationally recognized State border.

Disaster is the occurrence of a sudden or major misfortune, which disrupts the basic fabric, and normal functioning of a society or community and which gives rise to casualties and/or damage or loss of property, infrastructure, essential services or means of livelihood on a scale which is beyond the normal capacity of the affected communities to cope with unaided.

Emergency is an extraordinary situation in which people are unable to meet their basic survival needs, or a situation that poses serious and immediate threats to human life and well-being.

Lead agency is any Ministry, Department, humanitarian, Development Agencies, Private Sector, Parastatal, Local Government or Public Office in which or on whom any law or authority vests functions of management of matters relating to Internally Displaced Persons.

Integration is the process by which formerly displaced persons get absorbed into the social, economic, cultural and political fabric of a new community or the community where they first found temporary settlement.

Reintegration is the re-entry of formerly internally displaced people back into the social, economic, cultural and political fabric of their original community.

Returnee refers to any Internally Displaced Person who returns to his or her home or place of habitual residence.

Resettled persons are Internally Displaced Persons who resettle voluntarily in another part of the country of habitual residence.

Voluntarily means freely without force, coercion or threat.

Habitual residence is a place where a person ordinarily lives.

Host communities are those communities that shelter internally displaced persons.

Host families are those individuals that shelter internally displaced persons on their property.

Hazard is a rare or extreme event or process in the natural or human environment that has the potential to adversely affect human life, property or activity to the extent of causing a disaster.

Prevention are measures designed to avert hazards, natural or socio/ political events and processes, from resulting into disasters.

Preparedness are measures taken in advance to establish capacities and mechanisms to minimise the adverse impact of disasters if and when they do occur, and so reduce the intensity or scale of any resultant emergency.

Protection means the full respect of the rights of the internally displaced and provision of physical security.

Early warning is the provision of relevant information on potential or actual disasters in advance.

Mitigation means the timely use of risk reduction measures designed to reduce the negative impact of disasters.

Vulnerability means the degree to which an individual (especially women, children, the elderly and disabled), household, community or geographic area is likely to be affected by a disaster.

Minister is the Minister responsible for Disaster Preparedness and Refugees.

Commissioner means the Commissioner responsible for Disaster Preparedness and Refugees.

Night Commuters means civilians (mainly children) seeking sunctuary at night in towns or centres of camps and returning to their schools/homes in the morning.

CHAPTER ONE

Policy Mission

To ensure that Internally Displaced Persons enjoy the same rights and freedoms under the Constitution and all other laws like all other Ugandans.

Policy Goal

To establish Institutions for managing IDP situations; specify roles and responsibilities of the Institutions and Humanitarian and Development Agencies, the Displaced Community and Other Stakeholders while managing internal displacement.

Policy Objectives

1. To minimize internal displacement.

2. To minimize the effects of internal displacement by providing an enabling environment for upholding the rights and entitlements of the IDPs.

3. To promote integrated and coordinated response mechanisms to address the causes and effects of internal displacement.

4. To assist in the safe and voluntary return of IDPs.

5. To guide development of sectoral programs for recovery, through rehabilitation and reconstruction of social and Economic infrastructure in support of return and resettlement of IDPs.

Guiding Principles

1. In implementing this Policy, national and local authorities shall take into account international and regional instruments ratified by the Government and guidelines applicable to the protection and treatment of Internally Displaced Persons including:

    - African Charter on Human and Peoples' Rights, 1981
    - Convention on the Elimination of All Forms of Discrimination Against Women, 1979
    - Convention Against Torture and Other Cruel Inhuman and Degrading Treatment of Punishment, 1984
    - Convention on the Rights of the Child, 1989 and additional protocols
    - International Covenant on Civil and Political Rights, 1966
    - International Covenant on Economic, Social and Cultural Rights, 1966
    - United Nations Guiding Principles on Internal Displacement of 1998
    - The African Charter on Rights and Welfare of the Child
    - The Geneva Conventions of 1949 and additional protocols, but especially protocol number 2
    - The SPHERE Project, Minimum Standards in Disaster Response

2. In this policy, internal displacement matters shall be addressed in a manner that harmonises sectoral and cross-sectoral plans and integrates IDP issues into all aspects of development planning and programming at all levels of Government.

CHAPTER TWO

INSTITUTIONAL ARRANGEMENTS, ROLES AND RESPONSIBLILITES

The mission, goal and objectives outlined in Chapter 1 of this Policy will be achieved through the establishment of multi-sectoral, multi-disciplinary structures incorporating government sectoral ministries, humanitarian and development agencies and other stakeholders.

Objective

To alleviate the effects of internal displacement by designating responsibilities and setting up multi-sectoral, multi-disciplinary intervention structure that will ensure timely protection and provision of assistance to displaced persons.

Strategy

1. Establish appropriate administrative and technical structures, measures and procedures designed to ensure that the rights and entitlements of Internally Displaced Persons are upheld through all phases of displacement.
2. Coordinate the various capacities and capabilities of Government ministries, humanitarian and development agencies and other stakeholders.

2.1 Lead Agency for the Protection and Assistance of Internally Displaced Persons

The Office of the Prime Minister - Department of Disaster Preparedness and Refugees (OPM/DDPR) will be the lead agency for the protection and assistance of the internally displaced persons.

Objectives

1. The OPM/DDPR will supervise and ensure that the responses of Ministries, humanitarian and development agencies in situations of internal displacement are well coordinated.
2. To ensure the effective and timely protection and provision of assistance to the Internally Displaced Persons in Uganda.

Strategy

Harmonize and integrate all efforts in support of the protection and assistance of the Internally Displaced Persons in Uganda

2.1.1 Functions of the Office of the Prime Minister - Department of Disaster Preparedness and Refugees.

i. The Minister responsible for Disaster Preparedness and Refugees is charged with overall responsibility for all matters relating to internally displaced persons.

ii. The OPM/DDPR shall coordinate and supervise all activities of all other Ministries and humanitarian and development agencies relating to internal displacement.

iii. The Commissioner for Disaster Management an Refugees(CDMR) is empowered to coordinate and supervise activities of all Government Institutions, humanitarian and development agencies relating to the protection and welfare of Internally Displaced Persons.

iv. The CDMR and officers designated by him/her are empowered to cause relevant Officials and Institutions to perform effectively and timely, functions within their mandate and capacities for the wellbeing of Internally Displaced Persons.

v. Under emergency situations, the Commissioner and officers designated by him/her are empowered to negotiate the use of private property on behalf of Government for the wellbeing of Internally Displaced Persons up to a value not exceeding 2,500 currency points.[1] Compensation for the use of such private property is guaranteed and shall be effected by the responsible Ministry within ninety days.

vi. A responsible official who fails without reasonable cause to perform functions assigned to him/her by the Commissioner and officers designated by him/her commits a breach of this Policy and shall be held accountable for his/her omissions.

vii. The Department of Disaster Preparedness and Refugees shall designate a senior officer to be in charge of protection and assistance and all other matters relating to Internally Displaced Persons.

2.2 Committees on Matters relating to Internally Displaced Persons

Objective

To co-ordinate at National, District and Sub-County levels multi-sectoral planning mechanisms to effectively address the protection and the provision of humanitarian assistance of Internally Displaced Persons.

Strategy

The various committees will develop an integrated approach to managing and mitigating the effects of internal displacement. This will entail instituting well-defined

[1]CURRENCY POINT: A currency point is equivalent to twenty thousand shillings

reporting mechanisms for the evaluation of the responses to internal displacement and strengthening early warning mechanisms as a preventive measure.

2.2.1 The Inter-Ministerial Policy Committee (IMPC)

An Inter-Ministerial Policy Committee (IMPC) shall be established by the Prime Minister. The IMPC will be responsible for policy formulation and overseeing of internal displacement matters. The Minister in charge of Disaster Preparedness and Refugees shall chair the Inter-Ministerial Policy Committee.

Members of the Inter-Ministerial Policy Committee on Internal Displacement shall consist of, amongst others, the following Ministers:

i. Minister of Internal Affairs;
ii. Minister of Finance, Planning and Economic Development;
iii. Minister of Agriculture, Animal Industry and Fisheries;
iv. Minister of Health;
v. Minister of Lands, Water and Environment;
vi. Minister of Defence;
vii. Minister of Education;
viii. Minister of Local Government;
ix. Minister of Gender, Labour and Social Development;
x. Minister of Justice and Constitutional Affairs;
xi. Minister of Works, Housing and Communications;
xii. Minister of Information.

The IMPC may invite the UN Resident/Humanitarian Coordinator, Heads of relevant humanitarian and development agencies and representatives of the donors to participate in its deliberations.

2.2.2 Inter-Agency Technical Committee (IATC)

An Inter-Agency Technical Committee (IATC) will be established by the Permanent Secretary in the Office of the Prime Minister. The IATC will be charged with planning and coordinating activities of the sectoral Ministries, Government Departments, the private sector, the United Nations, International Organizations, and Non-Governmental Organizations (NGOs). The Permanent Secretary in the Office of the Prime Minister shall chair the IATC.

Members of the Inter-Agency Technical Committee on Internal Displacement shall consist of senior officials from the following Ministries and organisations:

1. Ministry of Internal Affairs;
2. Ministry of Finance, Planning and Economic Development;
3. Uganda Police;
4. Ministry of Agriculture, Animal Industry and Fisheries;
5. Ministry of Health;
6. Ministry of Lands, Water and Environment;
7. Ministry of Defence;
8. Ministry of Education;
9. Ministry of Local Government;
10. Ministry of Gender, Labour and Social Development;
11. Ministry of Justice and Constitutional Affairs;
12. Ministry of Works, Housing and Communications;
13. Office of the President, Department of Information;
14. Representative of Uganda Human Rights Commission;
15. Representative of the Amnesty Commission;
16. Representatives of United Nations, major national and

international organisations especially those lead organisations operating directly within affected communities;

17. Representatives from the donor technical groups;
18. The Head of the UN Office for the Coordination of Humanitarian Affairs (OCHA).

Objectives

1. To ensure that plans are prepared, resources mobilised and the necessary committees and sub committees established to respond to the effects of internal displacement.

2. To coordinate and monitor all sector responses and also ensure that plans made are integrated into the Government's National Development Plan.

Functions

The IATC shall meet as and when circumstances require to perform the following main functions:

xiii. Co-ordinate Government policy including the initiation of legislative proposals on the protection and welfare of Internally Displaced Persons in accordance with this Policy;

xiv. Take all necessary measures to monitor and mitigate human rights violations and ensure the protection and welfare of the Internally Displaced Persons;

xv. Prepare a national rehabilitation and reconstruction plan during emergencies, to enable Internally Displaced Persons to return, resettle and reintegrate;

xvi. Establish disaster preparedness and management committees as and when the need arises, which shall be responsible at the local level for the management of specific areas, sectors and displaced groups, especially vulnerable groups with specific needs;

xvii. Assist in the establishment of a national relief plan to meet the requirements of the displaced population and oversee the allocation of funds for the relief programme;

xviii. Ensure that emergency grain reserves are established and sufficiently stocked;

xix. Assist in mobilising other internal resources and external assistance through the donor technical groups and appeal for donor assistance when the need arises;

xx. Assess and advise on the human resource and capacity building needs for disaster management at national and district level,

xxi. Translate and disseminate the National Policy for Internally Displaced Persons into the main local languages for wide dissemination and application.

Other functions of the IATC are to:

i. Commission research and assessments;

ii. Submit periodic reports and recommendations concerning the implementation, management and impact of humanitarian programmes to all stakeholders engaged in the provision of humanitarian assistance;

iii. Create sub-committees when necessary;

iv. Establish mechanism for early warning predictions and information dissemination;

v. Perform any other functions as the Government may assign.

The IATC as established by this Policy may delegate any of its other functions to a lead agency, a sub-committee, or any other public office or officer. Such lead agency, sub-committee or public officer shall report to the IATC as may be required.

2.3 The Human Rights Promotion and Protection Sub Committee (HRPP)

Objective

To monitor and ensure protection of the rights of displaced persons and that the planning processes of all intervening government ministries and agencies are premised on national and international human rights standards.

The HRPP Sub Committee will be composed of a cross section of actors from government ministries, local authorities, and humanitarian and development agencies.

2.3.1 Functions

i. In collaboration with the Uganda Human Rights Commission (UHRC), the HRPP Sub Committee will monitor protection of the human rights of internally displaced persons, including but not limited to, the right not to be displaced, freedom of movement, right to food, water, shelter, clothing, medical care and education.

ii. Act at the community level as the focal point to which breaches of this Policy, its implementation and suggestions for its improvement will be submitted.

iii. In collaboration with representatives of appropriate ministries and representatives of the internally displaced persons search for ways to promote respect for and protect the human rights of internally displaced persons.

iv. With support from Government, humanitarian and development agencies and donors channel to affected districts resources for legal aid to individual IDPs whose human rights have been violated.

v. Oversee the filing of independent reports on the implementation of this Policy.

2.4 Administration at District Level

The District Disaster Management Committee (DDMC) of every district will be the lead agency for the protection and assistance of internally displaced persons. The DDMC shall be constituted by all relevant heads of Government Departments, humanitarian and development agencies and the private sector resident in a district. The CAO, who is the head of the civil service in a district, shall head the DDMC. The Resident District Commissioner (RDC) in his or her capacity as Chairperson of the District Security Committee shall be in charge of the security of IDPs. One male and one female IDP physically resident in one of the IDP camps in the district shall represent all IDPs of the district in the DDMC. The mode of selection of these representatives will be determined by the DDMC.

The District Chairperson shall be responsible for mobilising local resources for the welfare of IDPs. The CAO, District Chairperson, and RDC shall take necessary measures to strengthen DDMCs to respond to matters relating to internal displacement.

Objective

To involve local departments and other stakeholders at the local level in planning responses to internal displacement.

Strategies

The wide-ranging needs that arise during internal displacement require quick responses involving the application of locally available resources in a multi-sectoral and a multi-disciplinary (all encompassing) manner to efficiently address the provision of assistance and protection needs of the displaced persons.

The formulation and implementation of local intervention plans requires the participation of resident professional and technical expertise.

i. The CAO of the District and the District Probation and Welfare Officer (DPWO) shall at the District level, be responsible for the day to day protection and ensuring the welfare of Internally Displaced Persons, managing and creating conditions conducive to their return, and managing their resettlement and reintegration.

ii. The DPWO shall be the Secretary to the DDMC and will be responsible for drafting and filing reports relating to the conditions of the displaced persons and maintaining a data base on IDPs.

iii. Districts prone to disasters may consider recruiting a full time District Disaster Preparedness Coordinator (DDPC). The DDPC shall perform the functions herewith assigned to the DPWO and any other functions assigned by the chairperson of the DDMC.

iv. The DDMCs and its Sub-Committees shall invite United Nations specialised agencies, NGOs, and other humanitarian organisations and institutions to participate in its deliberations on emergency interventions and assist in the return, resettlement and reintegration of IDPs.

v. In order to ensure full participation of IDPs, in particular that of women, in the planning and management of responses to their protection and assistance needs, representatives of displaced women shall be consulted and may be invited to participate in the meetings of the DDMC.

vi. The CAO shall ensure that this Policy is implemented at grassroots level by monitoring and reporting on the progress and impact of implementation in an accurate, timely and transparent manner.

vii. The CAO shall ensure that special efforts are made to ensure that internally displaced women and youth are consulted on matters relating to their welfare.

viii. The DDMC under the provisions of this Policy may form sub committees and delegate any of its other functions to a lead agency, sub committee, or any other public office or officer. Such lead agency, sub-committee or public office or officer shall report to the DDMC, as may be required.

2.4.1 Functions of the District Disaster Management Committee

The District Committees and Sectoral Sub-Committees shall undertake the following functions:

i. Implement a relief plan to respond to the immediate protection and assistance needs of the IDPs including the reception of newly displaced persons in accordance with this Policy until the situation returns to normal.

ii. In collaboration with representatives of the Uganda Human Rights Commission (UHRC), form a District Human Rights Promotion and Proctection (DHRPP) Sub-Committee to monitor protection of human rights of IDPs and coordinate activities for their welfare.

iii. Liaise with the Ministries of Defence and Internal Affairs to ensure that appropriate measures to ensure the physical security of the internally displaced are established and maintained.

iv. Ensure the registration of IDPs who opt for return, resettlement and reintegration, paying particular attention to the most vulnerable, widows, the elderly, children and the disabled who may require special assistance.

v. In consultation with the representatives of the IDPs, prepare and implement plans for their safe return and resettlement including the identification of safe sites, monitoring their overall resettlement and reintegration.

vi. Verify the voluntary nature of return and resettlement in collaboration with Humanitarian Agencies.

vii. Ascertain where necessary the need for transportation to assist internally displaced persons return, resettle and reintegrate to secure areas or return to their place of origin.

viii. Take appropriate measures to ensure family reunification and the safety and dignity of internally displaced persons during movements from camps to resettlement sites.

ix. Establish a district disaster management fund to supplement budgetary allocations from Central Government.

x. Perform any other functions as may be required by IMPC, IATC or provided for by law.

2.5 District Human Rights Promotion and Protection Sub-Committee for IDPs

The DHRPP Sub-Committee will be constituted by the following persons resident in a district:

i. a representative of the religious institutions.
ii. a representative of NGOs.
iii. a representative of humanitarian and development agencies.
iv. a representative of the UHRC.
v. the District Police Commander.
vi. a representative of the Amnesty Commission.
vii. the Secretary of the DDMC.

The DHRPP Sub-Committee will select the chairperson from amongst themselves.

i. In consultation with the UHRC, the DHRPP Sub Committee of the DDMC shall actively ensure respect for the human rights of individual Internally Displaced Persons and with responsible officials of appropriate Ministries respond to end violations of those human rights.

ii. The DHRPP Sub-Committee will act as the district focal point to gather information regarding the rights of the IDPs in the district and file periodic reports with relevant institutions.

2.5.1 The Sub County Disaster Management Committees

A Sub County Disaster Management Committee (SCDMC) will be established in every sub-county. The SCDMC shall be the lead agency for the protection and assistance of internally displaced persons in the sub-county.

The SCDMC shall be constituted by the Sub-County Chief in consultation with the Chairperson Local Council III and shall include all relevant heads of Government Departments at the sub county level, humanitarian and development agencies and the private sector resident in the sub-county. One male and one female representative of all IDPs physically resident in one of the camps in the sub-county shall be members of the SCDMC. The mode of selection of these representatives will be determined by the SCDMC.

The Sub-County Chief shall head the SCDMC.

Objective

To involve departments at sub-county level in planning responses to internal displacement given their very close proximity and familiarity to the effects and the issues arising out of internal displacement.

Strategy

The wide-ranging needs that arise during internal displacement require quick responses involving the application of locally available resources in a multi-sectoral and a multi-disciplinary (all encompassing) manner to efficiently address the provision of assistance and protection needs of the displaced persons.

The Sub-County Chief shall be responsible for the day to day protection and welfare of IDPs.

The Chairperson LC III will be responsible for mobilisation of local resources for their livelihood, managing and creating conditions conducive to their return, resettlement and reintegration.

The Sub-County Chief shall appoint the Secretary to the SCDMC.

The Government, Humanitarian and Development Agencies and Donors shall facilitate and maintain the office of the Sub County Chief with all relevant logistics to function effectively and efficiently. The Sub-County Chief shall draft and file reports relating to the conditions of the displaced persons and maintain a data base on IDPs.

The Sub-County Internal Security Officer shall be in charge of the security of IDPs in the sub county.

The SCDMC may invite United Nations specialised agencies, NGOs, and other humanitarian organisations and institutions to participate in its deliberations on emergency interventions and assist in the return, resettlement and reintegration of IDPs.

In order to ensure full participation of IDPs, in particular that of women and youth, in the planning and management of responses to their protection and assistance needs, representatives of the displaced women and youths shall be consulted and may be invited to participate in the meetings of their SCDMC.

The SCDMC under the provisions of this Policy may form sub-committees and delegate any of its other functions to a lead agency, a sub-committee, or any other public office or officer. Such lead agency, sub-committee or public office or officer shall report to the SCDMC, as may be required.

CHAPTER THREE

GENERAL PROVISIONS

3.1 Security

Security of person and property is one of the fundamental entitlements of internally displaced persons.

Objective

To ensure security of IDPs and their property through all phases of displacement and maintenance of law and order in camps or areas inhabited by internally displaced persons.

Strategies

The Uganda Peoples Defence Forces (UPDF), the Uganda Police Force and other specialised national security agencies hold the primary responsibility of providing security for IDPs.

The Ministry of Internal Affairs, in consultation with the Ministry of Defence shall provide protection to IDPs camps and places of resettlement. The police will be responsible for maintaining law and order among the displaced communities and communities where the displaced persons are returning or resettling including night commuters.

The UPDF shall ensure protection of the perimeters and areas surrounding IDPs' sites and during return and resettlement, deploy to deter and halt armed attacks on the former internally displaced until such a time when their security is ensured.

The UPDF, the Uganda Police and specialized units of other national security agencies shall ensure the security of the personnel of humanitarian and development agencies.

The UPDF, the Uganda Police and specialized units of other national security agencies shall allow the internally displaced, humanitarian and development agencies to analyse conditions of IDPs including security independently in the resettlement and return sites.

The UPDF, the Uganda Police and specialised units of other national security agencies will coordinate their activities with the DDMC to ensure that the guidelines spelt out in this Policy are adhered to.

The UPDF, the Uganda Police and specialised units of other national security agencies and the MoH shall ensure that the areas of return and resettlement are mapped for mines and unexploded ordnances (UXO).

The UPDF, the Uganda Police and Specialised Units of other national security agencies and the Ministry of Health shall ensure that all resettlement and return sites are free of mines and Un Exploded Ordinances (UXO) and conduct Mine Risk Education (MRE) in affected communities.

The UPDF, the Uganda Police and specialised units of other national security agencies shall ensure that no IDP child under eighteen is recruited and takes direct part in hostilities or any activity of the armed forces.

The DDPR, the UHRC and humanitarian and development agencies shall sensitise the Police and other armed forces on the provisions of this Policy, the Guiding Principles on Internal Displacement, Child Rights, Regional and International Human Rights Laws and International Humanitarian Law.

Government with the support of humanitarian and development agencies shall put in place special measures to prevent sexual violence, early marriage and other forms of exploitation of the most vulnerable IDPs.

3.2 Freedom of movement

Freedom of movement is a fundamental human right of all Ugandans, including internally displaced persons. It is vital not only for the physical but also the economic and social survival of all persons. Free movement ensures that the internally displaced can take part in various subsistence activities and should, therefore, not be curtailed.

Objective

To ensure that the effects of internal displacement do not result in the curtailment of the right of the displaced persons to move freely.

Strategies

1. Ensure that all displaced persons have the freedom to move and have access to all areas where various economic and social activities take place.

2. Ensure that all IDPs (men and women) freely choose their places of residence.

3. Ensure that IDPs move freely in and out of camps, other settlements or any other part of the country.

4. Provide security in areas inhabited by internally displaced persons to allow freedom of movement.

3.3 Protection against Arbitrary Displacement

Government shall ensure that every person in Uganda is protected against being arbitrarily and/or compulsorily displaced from his or her home or place of habitual residence.

Objective

To ensure that persons are not uprooted from their habitual places of residence.

Strategies

Develop mechanisms to guard against factors that lead to internal displacement.

Integrate into the planning functions of all relevant institutions deterrents to factors that lead to internal displacement.

Prohibition of arbitrary displacement resulting from any of the following:

i. Policies or practises aimed at altering the ethnic, religious or racial composition of the affected population;

ii. In situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand;

iii. Large-scale development projects which are not justified by compelling and overriding public interests;

iv. Unless the safety and health of those affected requires their evacuation

v. When used as a collective punishment; and

vi. Displacement shall last no longer than required by the circumstances.

3.4 Voluntary return and resettlement

1. The Government commits itself 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. In so doing the Government recognizes the right of IDPs against forcible return and resettlement in any place where their life, safety, liberty and health would be at risk.

2. In order for IDPs to be able to make the decision to return with full knowledge of the facts and freedom of choice, the Government shall use appropriate means to provide Internally Displaced Persons with objective and accurate information relevant to their return and reintegration to their homes or areas of habitual residence, or to resettle voluntarily in another part of the country.

3. To foster family unity, the relevant Government institutions in cooperation with humanitarian and development agencies shall make every effort to ensure that internally displaced families are returned or resettled together when they so desire. Where such efforts fail, a mechanism shall be established for their reunification.

4. The DDMCs together with other local authorities and representatives of the IDPs shall ensure that the return and resettlement of the internally displaced is voluntary.

5. The DDMCs must include representatives of the IDPs in the planning and management of their return and resettlement.

6. Local authorities shall ensure that IDPs who have returned to their homes or places of habitual residence or have resettled in another part of the country are not discriminated against as a result of their having been displaced. They shall have the right to participate fully and equally in public affairs at all levels and have equal access to public services.

7. Government institutions and local authorities shall recognize as a matter of principle that all assurances and guarantees and all provisions set out in this Policy apply equally to IDPs who may return spontaneously by their own means.

3.5 Legal status, identification and registration

1. Local Governments shall issue to IDPs all necessary documents to enable them to realise full enjoyment and exercise of their rights. In particular, the authorities shall facilitate issuance of new documents or replacement of documents lost in the course of displacement, without imposing unreasonable conditions, such as requiring the return to one's area of habitual residence, payment of fines or extra costs in order to obtain these or other required documents.

2. Women and men shall have equal rights to obtain identification documents and shall have the right to have such documentation issued in their own names.

3.6 Property rights

1. Ensure that IDPs are not arbitrarily or compulsorily deprived of property or any interest in or right over property except as provided for in article 26(2) of the Constitution.

2. Local Governments shall to the extent possible, endeavour to protect property and possessions left behind by IDPs against pillage, destruction, arbitrary and illegal appropriation, or occupation or use.

3. Local Governments shall endeavour to assist IDPs to return, resettle and reintegrate, by acquiring or recovering their land in accordance with the provisions of the Land Act of 1998. Where the recovery of land is not possible, Local Governments shall endeavour to acquire and allocate land to the displaced families.

4. In the acquisition and allocation of land in paragraph (3), Local Governments shall ensure that:

   a. The community is involved in land identification and distribution;

   b. There is secure access to the nearest market;

   c. There is sufficient space between dwellings constructed;

   d. Special protection and support is given to children especially unaccompanied minors, expectant mothers, mothers with young children, female-headed households, persons with disabilities and elderly persons.

5. Local Governments shall assist IDPs, especially women to acquire legal interests or certificates of customary ownership in the land they have recovered or been allocated.

6. Sensitisation on land rights should be part of the education program carried out by the HRPP Sub Committee.

3.7 Family unification

1. Families, which are separated by displacement, should be reunited as quickly as possible. All appropriate steps shall be taken by the authorities to expedite the reunion of such families, particularly when children are involved. The responsible authorities shall facilitate inquiries made by family members and encourage and cooperate with humanitarian and development agencies engaged in the task of family reunification.

2. In cases where children fail to reunite with their families, all necessary action shall be taken to ensure that their rights to food, shelter, clothing, medical care and education are respected and provided. The responsible Ministries or Local Governments will seek suitable placement in homes or other community-based facilities for homeless children.

3.8 Food security

1. Government through the OPM/DDPR shall establish and maintain adequate grain stores for IDPs and other emergencies. Donors and humanitarian and development agencies are encouraged to assist at the initial stages.

2. The measures in (1) are particularly necessary for IDPs who, as a result of prolonged insecurity and displacement, have been denied access to their land, and marginalized from markets, service extension and other facilities and resources required for food production and fulfilling minimum daily nutritional and caloric intake requirements. Such measures should continue through out the resettlement phase until the returnees are sufficiently integrated and are food secure.

3. The Ministry of Agriculture, Animal Industry and Fisheries and the Local Governments shall take measures including specific programmes, needed to improve methods of production, conservation and distribution of food by making full use of available technical and scientific knowledge, disseminating knowledge of principles of nutrition by developing or reforming agrarian systems in such a way as to achieve the most efficient and sustainable development and utilization of natural resources by the IDPs through all the phases of displacement.

4. During displacement and at the initial stage of any return and resettlement process, the OPM/DDP shall provide food stuffs and non-food relief to displaced persons for a period to be determined from the time when the IDPs return and harvest their first crop. Government shall endeavour to invite humanitarian and development agencies to provide support with relief for:

   a. Daily subsistence needs until the internally displaced have adequately revived their productive capacities;

   b. Support for food-for-asset programmes aimed at preparing land, rehabilitating social infrastructure and other activities necessary for community stability; and

   c. Maintaining attendance rates and enhancing the cognitive performance of displaced school children.

3.9 Shelter

1. The OPM/DDP and the Local Governments with the support of humanitarian and development agencies shall provide basic shelter and housing to IDPs. In providing shelter, the Government shall to ensure that:

a. Physical and primary social needs of individuals, families and communities for safety, security and privacy are sufficiently met;

b. Shelter and housing facilities are within proximity to local infrastructure and strategically placed for IDPs for easy access to food, water, firewood, medical facilities and other basic necessities;

c. IDPs and host communities especially women are involved in shelter programmes through consultations;

d. Any negative impact on the host community or environment is avoided or minimised.

3.1.0 Clothing

2. The OPM/DDP and Local Governments with the support of United Nations Agencies, humanitarian and development partners and donors shall endeavour:

a. To provide sufficient blankets and clothing to Internally Displaced Persons especially during displacement but also during return, resettlement and reintegration as circumstances may require.

b. Children up to the age of five should have at least one full set of clothing and hygiene materials while women and girls should have at least one full set of clothing and a regular supply of sanitary protection.

3.1.1 Education

1. The Ministry of Education and Sports (MoES) and the Local Governments shall ensure that Internally Displaced Persons,

particularly displaced children, have the same access to education as children elsewhere in Uganda. Recognizing the lower economic base of Internally Displaced Persons and the inadequacies of the education provided in the displaced camps, Government will create affirmative action schemes for the displaced persons to enable them have access to and attain the same educational standards, as do other students elsewhere in the country.

2. Special efforts shall be made by responsible authorities to ensure full and equal participation of women and girls in educational programmes.

3. The MoES and the Local Governments will ensure special provision of scholastic materials, teachers, staff and incentives in the overall operation of education programmes.

4. United Nations agencies, humanitarian and development agencies and donors may be invited to render support in this area.

3.1.2 Health

1. The Ministry of Health (MoH) and the Local Governments shall ensure that all wounded and sick Internally Displaced Persons or reintegrating Internally Displaced Persons receive to the fullest extent and with the least possible delay, the required medical care and attention, without discrimination on any grounds other than medical ones. Where necessary, Internally Displaced Persons should have access to psychosocial and post-traumatic stress treatment.

2. Special attention will be paid to the health needs of women, including access to female health care providers, services such

as reproductive health care, as well as appropriate counselling for victims of sexual abuse and other abuses.

3. Special attention will also be given to the prevention of and protection against contagious and infectious diseases, including HIV/AIDS, among Internally Displaced Persons.

   a. Responsible ministries and Local Governments will determine and provide special support to health personnel at the return or resettlement sites and will ensure that essential medicines are supplied, without prejudice to the provisions of the other parts of this policy.

   b. Extra-budgetary allocations or reallocations will be considered for the purpose mentioned in paragraph (a) and in advance of any planned return and resettlement.

4. United Nations Agencies, humanitarian and development partners and donors may be invited to render support in this area.

3.1.3 Water and Sanitation

1. The Ministry of Water, Lands and Environment (MWLE) and the Local Governments shall provide clean and safe water to displaced persons.

2. The MWLE through District Water Officers shall prioritise return or resettlement areas in regard to providing clean and safe water sources based on the SPHERE Minimum Standards, and shall encourage returnees to construct standard household pit latrines.

3. The MoH and the Director of District Health Services shall train community hygiene promoters to propagate good hygiene behaviours in return and resettlement areas or communities.

4. In carrying out its obligations under this section, the responsible ministries and Local Governments shall work with Internally Displaced Persons and host communities.

5. United Nations Agencies, humanitarian and development partners and donors may be invited to render support in this area.

3.14 Resettlement kits

1. The OPM/DDP, Local Governments and humanitarian and development partners shall provide resettlement inputs and tools to returned and resettled families, as well as tool kits to support construction and self-employment. Displaced persons shall be consulted on the most appropriate inputs to meet their food security needs under prevailing conditions.

2. Seeds and tools and other inputs may be made available through regular commercial channels, details of which will be developed by the respective DDMCs.

3. United Nations Agencies, humanitarian and development partners and donors may be invited to render support in this area.

3.15 Rehabilitation of infrastructure

1. Government and Local Governments shall rehabilitate social and economic infrastructure including health posts and health

centres as well as market access roads and schools in camps, return and resettlement areas in full consultation with and participation of Internally Displaced Persons.

2. United Nations Agencies, humanitarian and development partners and donors may be invited to render support in this area.

3.16 Graduated Tax

1. Internally Displaced Persons shall be exempted from paying graduated tax except where it is proved after an assessment by a Tax Assessment Committee that an Internally Displaced Person has sufficient means of income to pay graduated tax.

2. Local Governments shall ensure that Internally Displaced Persons exempted from paying graduated tax are issued with a certificate of exemption.

3.17 Environment

1. The MLWE, the National Environment Management Authority and Local Governments, shall endeavour to educate Internally Displaced Persons and their host communities on environmental conservation and natural resource management and use.

2. United Nations Agencies, humanitarian and development partners and donors may be invited to render support in this area.

CHAPTER FOUR

4.1 National and International Humanitarian and Development Agencies

The Uganda Red Cross Society (URCS), UN Agencies, Humanitarian and Development Partners, other voluntary organizations and professional bodies make valuable contributions to all aspects of internal displacement.

Their activities are in most cases effective at the district and local (community) levels through the promotion of public awareness of the problems of the IDPs, and through support aimed at developing self-help and self-reliance.

The URCS has a special role to play in Internally Displaced Persons settlements as an auxiliary to Governmental capability. Unlike other NGOs, the URCS is a creation by an Act of Parliament (The Red Cross Act No. 23 of 1964). Its roles and responsibilities are defined by law, therefore, making it a very reliable institution in providing support services to the Internally Displaced.

Objective

Provide support services to Internally Displaced Persons and the local communities.

Strategies

Cooperation between organizations, international and local is vital for the mobilization of technical and financial assistance needed for the effective implementation of responses to internal displacement.

The URCS and NGOs are a vital force in public education and awareness, especially at the grassroots levels.

URCS, Agencies of the United Nations and various NGOs have organized and well trained personnel with the ability to supplement Government in the following areas amongst others:

i. Support the management and coordination of providing shelter, feeding, supplemental health services, emergency first aid services, bulk distribution of emergency relief items and supportive counseling to the victims and their families;

ii. Establish and operate mass care shelters and feeding facilities for victims requiring these services;

iii. Provide casualty and illness information to Government and the appropriate International Organizations.

4.1.1 The OPM/DDP shall:

i. Be responsible for monitoring, supervising and evaluating activities of sectoral lead agencies, national and international humanitarian and development agencies in all matters related to management of Internal Displacement.

ii. Ensure that the SPHERE minimum standards in disaster response are adhered to by all humanitarian actors.

4.1.2 The OPM/DDP shall:

i. Ensure the drawing up of Memoranda of Understanding (MoUs) with all Humanitarian and Development

Agencies and NGOs wishing to/or providing humanitarian assistance to Internally Displaced Persons in Uganda after the Agency or NGO having fulfilled the requirements of the Non-Governmental Organisations Registration Statute, 1989.

ii. All existing Humanitarian and Development Agencies and NGOs shall ensure that they draw MoUs with the OPM/DDP to continue providing humanitarian assistance to Internally Displaced Persons in Uganda after this policy comes into force. However, to ensure the continuity of ongoing assistance programs, organizations already working with the internally displaced will continue to provide their services pending the development, review and signing of their MoUs.

iii. The OPM/DDP shall when the need arises and after consultation with relevant organs of Government request a humanitarian, development agencies or an NGO to withdraw its humanitarian assistance/activities from a particular part of the country or Uganda when its activities are found to be inconsistent with this policy and other laws of Uganda.

iv. Humanitarian and development agencies wishing to/or providing humanitarian assistance to Internally Displaced Persons in Uganda shall have to declare the sources and amounts of funds/resources they are bringing into the country to the OPM/DDP, which in turn shall inform the Ministry of Finance, Planning and Economic Development.

v. Humanitarian and development agencies or NGOs wishing to/or providing humanitarian assistance to

Internally Displaced Persons in Uganda shall have to submit copies of their programmes, and regular activity plans to the OPM/DDP.

vi. For purposes of coordination and fair distribution of assistance, the OPM/DDP shall in consultation with the relevant organs of Government, humanitarian and development agencies wishing to/or providing humanitarian assistance to the internally displaced map out areas of operation for each agency depending on the specialty and the IDP needs identified while also taking into consideration the specific needs assessment of each individual agency.

vii. Authorities concerned shall grant and facilitate passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced.

4.2 Inter-Governmental Organizations and the Donor Community

i. Whereas Government is, first and foremost, responsible for implementation of this Policy, it may, depending on the magnitude of the displacement, seek support from United Nations Agencies, Bilateral and Multilateral Aid Missions, International Organisations, and International NGOs.

ii. United Nations agencies, Bilateral and Multilateral Aid Missions, International Organisations, and International NGOs have always provided technical and financial support to the Government's disaster management

machinery and are encouraged to work closely with local authorities and non-governmental organizations to build local capacity.

iii. Such assistance as much as possible should be channeled through the relevant line Ministry of Government and where there is no clear line Ministry such as for non-food items, through the OPM/DDP or the Local Government(s)/communities in need.

iv. Channeling of assistance through local humanitarian and development agencies and the private sector is strongly encouraged in order to create and enhance local capacities and expertise.

v. The Department of Disaster Preparedness and Refugees through the IATC and in collaboration with donor and UN agencies, shall prepare a policy implementation strategic plan for this policy, identifying needs and existing resources, including those which could be made available through re-adjustment of existing Country Programmes of each agency, resources available under Government Programmes, the United Nations Consolidated Inter-Agency Appeal and through other programmes.

CHAPTER FIVE

5.1 ADVOCACIES AND PUBLIC INFORMATION

An important aspect in a successful management of an IDP situation is the capacity to inform people of the situation and properly communicate with all relevant organisations. The press, radio and television have an important role to play in giving an insight of the magnitude of the IDP problem.

The Ministry of Information shall ensure free broadcast of information relating to assistance to IDPs in all mass media under its control.

Government, humanitarian and development agencies and donors should provide and maintain long distance high frequency radio support to link the DPWOs and or the DDPC to the OPM/DDP, to facilitate quick communication between the IDPs, the District and the Government.

The OPM/DDPR will act as a repository and conduit of all information relating to internal displacement and Internally Displaced Persons in Uganda and play a primary role in advocacy and public information.

The OPM/DDPR shall collaborate with Government institutions and humanitarian and development agencies in advocating on behalf of internally displaced people in order to alleviate their suffering and hasten their return or resettlement. This will be done by:

i. Ensuring that the Guiding Principles on Internal Displacement and this Policy are translated into appropriate local languages and that they are disseminated as widely as possible via radio broadcasts and all other available mass media.

ii. Sharing information on internal displacement situations in Uganda at national and international fora; and

iii. Making recommendations as necessary.

The OPM/DDPR shall encourage cooperation among Government Institutions and other role players to make the requisite information available.