

# OPEN THE DOORS!

Towards Complete Freedom of Movement for  
Human Rights Defenders in Exile in Uganda



**DEFENDDEFENDERS**

East and Horn of Africa Human Rights Defenders Project

# Open the Doors! Towards complete freedom of movement for human rights defenders in exile in Uganda

Published December 2020

DefendDefenders (East and Horn of Africa Human Rights Defenders Project)

Human Rights House | Plot 1853 | John Kiyingi Road

Nsambya | P.O. Box 70356 | Kampala | Uganda |

Phone: +256 393 265 820 | +256 393 265 821

Email: [program@defenddefenders.org](mailto:program@defenddefenders.org) | [executive@defenddefenders.org](mailto:executive@defenddefenders.org)

Web: [www.defenddefenders.org](http://www.defenddefenders.org)

The publication is available online in PDF format at [www.defenddefenders.org/reports/](http://www.defenddefenders.org/reports/)

Report by Nastassja White, with contributions from Nicolas Agostini, Memory Bandera, Joseph Bikanda, Francesca Grandolfo, Janvier Hakizimana, Estella Kabachwezi, Tabitha Netuwa, Leon Nsi-ku, and Hassan Shire.

Cover Photo by Peter Goselow.

Attribution should be made to DefendDefenders (East and Horn of Africa Human Rights Defenders Project).

This report is distributed at no charge.

This work is licensed under the Creative Commons Attribution 4.0 International License.

You are free to share, copy, distribute, and transmit the work under the following conditions:

- Attribution: you must attribute the work in the manner specified by the author or licensor (but not in a way that suggests they endorse you or your use of the work);
- Non-Commercial: you may not use this work for commercial purposes;
- No Derivatives: you may not alter, transform, or build upon this work.





**DEFENDDEFENDERS**

East and Horn of Africa Human Rights Defenders Project

## **Open the Doors!**

**Towards complete freedom of movement for human rights defenders in  
exile in Uganda**

---



# TABLE OF CONTENTS

<b>ACRONYMS</b>	<b>5</b>
<b>FOREWORD</b>	<b>6</b>
<b>ABOUT DEFENDERS</b>	<b>7</b>
<b>EXECUTIVE SUMMARY</b>	<b>8</b>
<b>METHODOLOGY</b>	<b>10</b>
<b>SCOPE OF THE STUDY</b>	<b>12</b>
<b>KEY FINDINGS</b>	<b>14</b>
The right to freedom of movement: legal and policy background	15
The right to freedom of movement	15
Restrictions in law and in practice	17
The Ugandan context	17
Movement into, within and out of Uganda	20
Uganda's open doors	20
Movement within Uganda	22
Travelling outside of Uganda	27
<b>UGANDA AND HUMAN RIGHTS DEFENDERS</b>	<b>34</b>
The legal and policy environment	34
Complexities of being an HRD in exile	35
<b>CONCLUSION</b>	<b>38</b>
<b>RECOMMENDATIONS</b>	<b>39</b>
<b>ANNEX 1 – The Right to Freedom of Movement Sources</b>	<b>42</b>
<b>ANNEX 2 – Practical Guide to the CTD</b>	<b>45</b>
<b>ANNEX 3 – Support Mechanisms and Resources for HRDs in Exile in Uganda</b>	<b>47</b>



# ACRONYMS

ACHPR	African Commission on Human and Peoples' Rights
AEC	African Economic Community
AU	African Union
CRRF	Comprehensive Refugee Response Framework
CTD	Convention travel document
DRC	Democratic Republic of the Congo
EAC	East African Community
EACJ	East African Court of Justice
HRD	Human rights defender
ICCPR	International Covenant on Civil and Political Rights
ID	Identification
LGBT+	Lesbian, gay, bisexual, trans persons, and other sexual minorities
NGO	Non-governmental organisation
OAU	Organisation of African Unity
OHCHR	Office of the United Nations High Commissioner for Human Rights
OPM	Office of the Prime Minister
POMA	Public Order Management Act
RSD	Refugee status determination
SGBV	Sexual and gender-based violence
SOGI	Sexual orientation and gender identity
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
USA	United States of America
USD	United States dollar
WHRD	Woman human rights defender



## FOREWORD

The ability to move, live, and work where we choose is a freedom that many take for granted. However, many human rights defenders (HRDs) around the world face daily restrictions on their right to freedom of movement, purely based on who they are, and where they come from.

The issue of migration has been a hot topic for several years, with the media and politicians paying greater attention to irregular migration flows and the global north investing more money and resources into their 'external borders', often on the African continent. This is even though migration numbers are less than ever before and restrictions on freedom of movement are front and centre of government policy around the world. However, the discourse on migration and refugee issues does not reflect the reality – that many people who are seeking asylum or a better life stay close to their country of origin and are rarely inclined or able to move further.

Therefore, Uganda is such an interesting case study for migration issues when it comes to human rights defenders (HRDs). Kampala acts as a hub city for those seeking respite and safety, and Uganda is one of the largest refugee hosting nations in the world.

It is for these reasons that the DefendDefenders main office is in Kampala and why many HRDs under our protection and who come through our doors chose to relocate and settle in Uganda. The publication of this report coincides with DefendDefenders 15-year anniversary, marking a decade and a half of support to HRDs in some of the most difficult points of their lives. It is poignant that this report is a testament to the openness and welcoming nature of Uganda and the Ugandan people – who have themselves hosted us for 15 years.

While the openness of Uganda is to be applauded, there are still improvements to be made in facilitating HRDs travels abroad for work, study, and personal reasons. Being able to obtain a passport or travel document is a normal part of life for many people but is a luxury for HRDs living in exile. This means that some of the brightest minds, with innovative and community-led ideas, are being restricted to one place and are missing out on opportunities.

As an organisation, we understand the importance of travel for advocacy, networking, and inclusion of HRD voices in participation at regional and international human rights mechanisms. Our strategy has for years relied on maintaining an HRD presence at international forums such as the African Commission on Human and Peoples' Rights and the UN Human Rights Council, amongst others. For our work, full realisation of our right to freedom of movement is both important and necessary.

We hope that this report shines a light on the importance of safe, secure, and regulated migration for those who fight for the rights and freedoms of so many.

Yours sincerely,



Hassan Shire  
Executive Director, DefendDefenders,  
Chairperson, AfricanDefenders



## ABOUT DEFENDDEFENDERS

Established in 2005, DefendDefenders (East and Horn of Africa Human Rights Defenders Project) seeks to strengthen the work of human rights defenders (HRDs) throughout the sub-region, by enhancing the safety and capacity of human rights defenders in the region for greater resilience and effective fulfilment of their mandates. DefendDefenders focuses its work on Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia (with Somaliland), South Sudan, Sudan, Tanzania, and Uganda.

DefendDefenders is the secretariat of the East and Horn of Africa Human Rights Defenders Network, which represents thousands of members consisting of individual HRDs, human rights organisations, and national coalitions that envision a sub-region in which the human rights of every citizen as stipulated in the Universal Declaration of Human Rights are respected and upheld.

DefendDefenders is the secretariat of AfricanDefenders (the Pan-African Human Rights Defenders Network). AfricanDefenders is an umbrella network of five African sub-regional networks dedicated to the promotion and protection of human rights defenders across the continent. Those are: the North Africa Human Rights Defenders Network (hosted by the Cairo Institute for Human Rights Studies in Tunis, Tunisia), the West African Human Rights Defenders Network (Lomé, Togo), the Southern Africa Human Rights Defenders Network (hosted by the International Commission of Jurists in Johannesburg, South Africa), the Central Africa Human Rights Defenders Network (Douala, Cameroon), and the East and Horn of Africa Human Rights Defenders Network (EHAHRD-Net) (hosted by DefendDefenders in Kampala, Uganda).

AfricanDefenders leads the continental Ubuntu Hub Cities initiative, a city-based relocation of HRDs at risk across Africa through its motto: 'Safe but not Silent.' Ensuring the physical and mental well-being of HRDs during their relocation period, while enabling them to continue their work.





## EXECUTIVE SUMMARY

Uganda is a hub for migrants, asylum seekers, refugees and more specifically, HRDs, in the East and Horn of Africa sub-region.<sup>1</sup> An HRD is anyone who individually or in association with others promotes or strives for the protection and realisation of human rights and fundamental freedoms at the national, regional, or international levels, using peaceful means.<sup>2</sup> An HRD is defined as living in exile when barred or forced to leave, officially or in practice, from their home country, typically as a form of politically motivated punishment or as a result of threats. Uganda's status as a relatively peaceful, open and accessible country, with a proclaimed 'open-door policy' for asylum-seekers and East Africans, has not only served to draw more HRDs towards Uganda but has also led to much discussion surrounding Uganda's 'model' system. This includes the mostly positive international attention paid to the Ugandan refugee policy, which focuses on open borders and settlement, rather than camp living. The central role of Uganda in East Africa, both geographically and politically, and the history of East African leaders having sought refuge in Uganda and vice versa have arguably created a conscious state of 'welcoming' in the Ugandan psyche. This extends beyond HRDs or political leaders, to refugees and asylum-seekers more generally, who are largely able to benefit from Uganda's liberal free movement policy.

Many of the HRDs who come to Uganda enter into the asylum/refugee system as soon as they arrive. Therefore, the experience of the average HRD in Uganda is inevitably linked with the refugee systems and processes of one of the largest refugee-hosting nations in the world. While this research began with asking the question of how free HRDs in Uganda are to move into, within, and out of Uganda, it quickly became clear that the question could not be answered without understanding and evaluating refugee systems in Uganda more generally. The main reason for this being that many HRDs are recognised as refugees in Uganda and remain in the country on the basis of their refugee status. Thus, their freedom of movement and other rights are governed by their status as a refugee primarily, not as an HRD or national of their country of origin.

The right to move freely into and within Uganda remains largely uncontested in theory and practice. It is reported to be upheld by both HRDs and those working on migration in Uganda. Yet, many HRDs face compounded issues, such as lack of money, concerns about their personal security, and denial of travel and movement permits due to being viewed as too politically active. These issues can prevent them from moving completely freely. However, the most serious issue for HRDs, concerning freedom of movement, arises when trying to leave Uganda to travel abroad. For HRDs who are recognised as refugees in Uganda, the process of traveling abroad is made all the more complicated by their status in Uganda, their inability to access or use passports delivered by their home country, and the complicated and often intimidating process to obtain a convention travel document (CTD) for refugees. Those who do possess a CTD often struggle to use it, as they face discrimination and profiling when applying for visas and find that even invitations to attend official events are not guarantees that their applications will not ultimately be rejected.

<sup>1</sup> A migrant is an umbrella term reflecting the situation of someone who has moved from their usual place of residence whether within a country or across an international border, temporarily or permanently, and for a variety of reasons. This may include 'regular migrants', for example migrant workers with work permits and international students, or 'irregular migrants', meaning persons who have moved but are not authorised to enter or stay pursuant to the law of the host country.

<sup>2</sup> United Nations Special Rapporteur on the situation of human rights defenders, "Who is a Defender?," <https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Defender.aspx#ftn1>, accessed 22 July 2020.





Based on a total of 53 interviews with 47 HRDs living in exile in Uganda and 6 key informants working on related issues in the country, this report delves into the difficulties and concerns that HRDs have in relation to the exercise of their right to freedom of movement. It highlights the challenges that many HRDs face when living in protracted exile and is an illustration of the wider struggle that refugees meet when stuck in limbo – living without the same benefits as nationals and having been forced to rescind entitlements from their home country. It demonstrates the resourcefulness and resilience of HRDs in exile in Uganda, but also highlights the complicated, frustrating and sometimes non-transparent systems that they must navigate in order to be able to carry out necessary components of their work that are often taken for granted by persons not living in exile. In addition, the report serves as an educational tool for HRDs, to navigate through some of these systems, as they can benefit from the experience gathered by fellow HRDs who have successfully obtained travel documents and visas.

This report is based on extensive field and desk research conducted between April and July 2020, combining both normative approaches with empirical research. The legal sources were interpreted in a textual manner, according to the rules of interpretation enshrined in the Vienna Convention on the Law of Treaties.<sup>3</sup> The report makes extensive use of secondary source materials, such as case law and policy documents. Additionally, relevant legal and sociological work, including books, journals, research papers, and reports are used to describe the situation, analyse concepts, and illustrate arguments.

The methodology for empirical research relied on qualitative research methods to collect data on trends, issues, and needs. Between May and June 2020, 53 interviews were conducted with 47 HRDs living in exile in Uganda. Purposive sampling was used to identify 53 interviewees, including 47 HRDs and 6 key informants, who were interviewed in a semi-structured style, for the collection of qualitative data to delve deeper into the issues pertaining to the research. The sampling method led to the identification of both HRDs, and key informants regarding the situation in Uganda, who are persons working on issues concerning human rights, HRDs and mixed migration. However, they do not claim to represent the full population of HRDs in exile in Uganda.

The names and identifying markers of all interviewees and sources have been deliberately omitted to ensure confidentiality and discretion. We would like to extend our heartfelt gratitude to all the individuals who shared their experiences and insights for the compilation of this report.

## LIMITATIONS

The research for this report was conducted during the global COVID-19 pandemic. In response to the virus outbreak in Uganda, the government enacted a ban on public and private transport. This included curfews and physical distancing measures, which were in place throughout April, May and the beginning of June 2020. This affected the research in several ways. First, many of the interviews had to be conducted remotely, on a voice or video call, rather than in-person as originally planned. This may have led to less meaningful personal rapport built between the researcher and respondents. However, care was taken in selecting respondents who were known, or had been exposed, to DefendDefenders and its networks. Additionally, measures were taken to ensure that secure lines and software were used, specifically those with end-to-end encryption, so that respondents could feel as comfortable as possible despite the difficult circumstances. All respondents were informed about the objectives of the research and use of the information gathered. None received any form of financial remuneration.

Second, the planned research trips to Arua and Mbarara were unable to go ahead, as travel to border districts in Uganda was forbidden throughout the data collection period and there was consideration to the health and safety of the researcher and the interviewees in light of the pandemic. Due to this measure, the trips were cancelled, and interviews had to take place online. This decision was also taken to ensure the safety of DefendDefenders' staff and interviewees and their compliance with Ugandan laws and standard operating procedures, as a 7:00pm curfew was in place throughout Uganda in April-July 2020.

<sup>3</sup> Vienna Convention on the Law of Treaties (adopted 23 May 1969), 1155 UNTS 331.

Article 31(1) a treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose; 31(2), the context shall include: (a) any agreement relating to the treaty which was made between all the parties in connection with the conclusion of the treaty; (b) any instrument which was made by one or more parties in connection with the conclusion of the treaty and accepted by the other parties as an instrument related to the treaty; Article 32 Recourse may be had to supplementary means of interpretation, including the preparatory work of the treaty and the circumstances of its conclusion, in order to confirm the meaning resulting from the application of article 31, or to determine the meaning when the interpretation according to article 31: (a) leaves the meaning ambiguous or obscure; or (b) leads to a result which is manifestly absurd or unreasonable.



Third, the sample size featured fewer female HRDs than desired and planned for. While both male and female HRDs were reached out to, there was much more difficulty securing interviews with female HRDs through email or phone. The research prioritised in-person interview slots with women and made an extra effort to contact potential female respondents. However, there is an existing gender imbalance within the HRD community in Uganda, which inevitably led to including more male than female respondents in this research. There were similar limitations with ensuring a balance both between countries of origin and between urban and rural HRDs, as those based in urban locations had better access to the Internet and were easier to contact and interview. Ultimately, 35 men and 12 women were interviewed, or 74% men and 26% women.

Finally, due to physical distancing measures and restrictions on group meetings, no focus group discussions could take place. All interviews were one-on-one, and with an interpreter when needed.

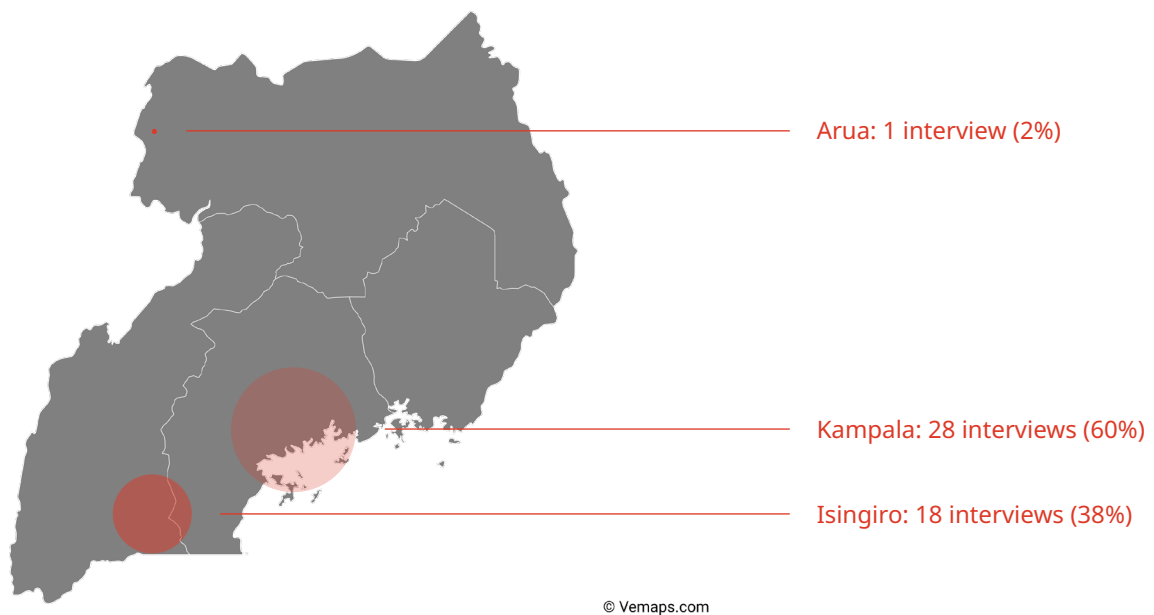
## **NOTE TO READER**

This report is based on interviews conducted in French, Kirundi, and English. Translation was done with the assistance of native French and Kirundi speakers. Due to the sometimes-technical nature of some of the responses, some of these were edited for grammar and clarity. However, attention was paid to keeping the original meaning and substance of the respondents' answers, in their context and according to the ordinary meaning to be given to the terms they used.

## SCOPE OF THE STUDY

The study originally intended to capture data from across three districts in Uganda: Arua, Isingiro, and Kampala. Kampala has a high concentration of HRDs and refugees and serves as a hub, being the capital city and largest urban area in Uganda, with more diversity and economic opportunities. Arua and Isingiro are border districts, with the Democratic Republic of Congo (DRC) and Tanzania, respectively, thus they experience migration flows, and both have large refugee settlements located within. However, due to the planned travel to districts

outside of Kampala being rendered impossible, the result was that the majority of interviews took place with those living in Kampala district. Some interviews were conducted with respondents living in refugee settlements in Arua district, northern Uganda; however, they are not enough to be fully reflective of the situation there. However, for Nakivale settlement in Isingiro district, Western Uganda, it was possible to hold more interviews, thus giving a more comprehensive and accurate picture of the key issues.



Map 1: Locations of interviewed HRDs

---

"I always stayed in Uganda and missed many opportunities due to not having a document. It seems like we are not in the world. I may get a scholarship, but I won't be supported with the document to travel."

"Some of the vocal youth advocates get opportunities to go abroad, but they don't have the CTD. And if UNHCR isn't supporting the event, it's even more difficult to get one."

---

## KEY FINDINGS

- The right to freedom of movement is enshrined in legal instruments globally, in regional and sub-regional human rights treaties and economic agreements, and in Uganda's Constitution.
- Uganda remains to be one of, if not the, most open countries in the region for human rights defenders (HRDs).
- HRDs without refugee status are able to enter Uganda freely, but report that they, or people they know, had been asked to pay a fee (which may be characterised as a bribe) at the border, especially if the official deciding on their situation noticed that they had been back and forth multiple times.
- Relative freedom is enjoyed within the country as everyone, including refugees and exiled HRDs, may move and settle wherever they choose.
- Of those interviewed, 81% reported that they had travelled or moved within Uganda at some point; 64% had never been denied movement within Uganda.
- In total, 15%, stated that they had been refused travel within Uganda at least once – all are male and live in Nakivale settlement.
- There are distinct differences between settlement-based and urban HRDs: those living in settlements reported more restrictions on their freedom of movement, fewer opportunities to travel abroad, and felt less welcomed by the host communities.
- Many HRDs struggle to leave Uganda, unless using their national passport, which is not allowed for those with refugee status and can pose serious risks for all HRDs.
- There were 27 HRDs (or 57%) who had never left Uganda since entering the country.
- Convention Travel Documents (CTD), or refugee passports, are provided for under Ugandan and international refugee law. However, in Uganda they are elusive in the refugee community and the majority of those interviewed faced overwhelming challenges in obtaining one.
- Of those interviewed, 49% (or 23 HRDs) had a valid passport or CTD at the time, meaning that they were in theory able to leave Uganda to travel abroad. However, out of these 23 HRDs with valid travel documents, only 16 had been able to travel.
- 56% of urban HRDs possessed a CTD, while only 16% of settlement-based HRDs did.
- The current policies of EAC countries regarding CTDs illustrate that refugees are *de facto* excluded from the EAC free movement initiatives.
- In total, over one third of HRDs (36%) stated that they had been explicitly refused travel abroad by officials in Uganda or a receiving country – either at the travel document, visa application, or actual travelling stage.
- This left many feeling hopeless and not in control of their own future or opportunities, as they were unable to travel within the EAC, or beyond, for any reason.
- Women HRDs (WHRDs) and those who identified as, or advocated for, sexual and gender identity minorities, faced compounded issues when moving within and out of Uganda, including facing arbitrary restrictions, violations by private actors, and protection concerns when moving.
- Only one WHRD possessed a CTD, which accounted for 9% of those eligible for one; for men, the rate was 45%.
- Only 25% of women had travelled outside of Uganda, compared with 49% of men.
- The lack of trust, combined with reports of corruption and bribes in the refugee system, particularly concerning the process to obtain movement permits and CTDs, is a practical restriction on freedom of movement for HRDs.



# THE RIGHT TO FREEDOM OF MOVEMENT: LEGAL AND POLICY BACKGROUND

## THE RIGHT TO FREEDOM OF MOVEMENT

The right to freedom of movement is both a human rights norm, which includes moving freely within a country and the right to enter or leave a country, and an economic tool that facilitates movement of trade and labour within and between jurisdictions and communities. The right is encompassed in national, regional, and international law, policy, and declarations. The basis of the right is the ability of individuals to move and settle between places within the territory of a country and to return to it. Additionally, the right is often extended to include freedom of movement between, as well as within, states.

The following statutes and instruments, to which Uganda is a party or signatory, are particularly relevant to the right to freedom of movement: The Universal Declaration of Human Rights (UDHR);<sup>4</sup> the International Covenant on Civil and Political Rights (ICCPR);<sup>5</sup> the African Charter on Human and Peoples' Rights (Banjul Charter);<sup>6</sup> the Treaty Establishing the African Economic Community (Abuja Treaty);<sup>7</sup> the Treaty Establishing the East African Community (EAC);<sup>8</sup> the 1995 Constitution of the Republic of Uganda as amended,<sup>9</sup> and Uganda's Refugees

Act.<sup>10</sup> Article 13 of the UDHR refers specifically to the right to freedom of movement.<sup>11</sup> The ICCPR provides for the right to freedom of movement in Article 12.<sup>12</sup> The Banjul Charter contains 68 articles establishing rights for individuals and duties incumbent on them, including the right to freedom of movement enshrined in Article 12.<sup>13</sup>

In addition, several regional and international treaties emphasise the right to freedom of movement between states, in order to facilitate labour migration and economic development. The Abuja Treaty states in Article 43(1) that "member states shall agree to adopt measures to achieve free movement of persons, and ensure the right of residence and establishment by nationals within the community".<sup>14</sup> The Treaty also stipulates the creation of a document specific to freedom of movement within the region. Thus, in 2018, the Protocol to the Treaty Relating to Free Movement of Persons, Right of Residence and Right of Establishment was adopted,<sup>15</sup> with 11 labour migration-related provisions contained within. The Protocol seeks to ensure freedom of movement throughout the member states in a process described in Article 5, with phase one being the implementation of the right of entry and abolition of visa requirements.<sup>16</sup> When looking to the East African

4 United Nations General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), available at: <https://www.refworld.org/docid/3ae6b3712c.html>, accessed 30 April 2020.

5 United Nations General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations Treaty Series, vol. 999, p. 171, available at: <https://www.refworld.org/docid/3ae6b3aa0.html>, accessed 30 April 2020.

6 Organisation of African Unity (OAU), African Charter on Human and Peoples' Rights ("Banjul Charter"), 27 June 1981, CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), available at: <https://www.refworld.org/docid/3ae6b3630.html>, accessed 30 April 2020.

7 African Union, Treaty Establishing the African Economic Community ("Abuja Treaty"), 3 June 1991, available at: <https://au.int/en/treaties/treaty-establishing-african-economic-community>, accessed 30 April 2020.

8 East African Community, Treaty for the Establishment of the East African Community (as amended on 14 December 2006 and 20 August 2007), 2144 U.N.T.S. 255, 30 November 1999, [https://eacj.org/?page\\_id=33](https://eacj.org/?page_id=33), accessed 30 April 2020.

9 Constitution of the Republic of Uganda ("Ugandan Constitution") [Uganda], 22 September 1995, available at: <https://www.refworld.org/docid/3ae6b5ba0.html>, accessed 30 April 2020.

10 Uganda: The Refugees Act 2006 [Uganda], Act 21, 24 May 2006, available at: <https://www.refworld.org/docid/4b7baba52.html>, accessed 30 April 2020.

11 UDHR, Article 13: "Everyone has the right to freedom of movement and residence within the borders of each State. Everyone has the right to leave any country, including his own, and to return to his country."

12 ICCPR, Article 12 (1): "Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence; (2): Everyone shall be free to leave any country, including his own."

13 Banjul Charter, Article 12 (1): "Every individual shall have the right to leave any country including his own, and to return to his country. This right may only be subject to restrictions, provided for by law for the protection of national security, law and order, public health or morality; (3) Every individual shall have the right, when persecuted, to seek and obtain asylum in other countries in accordance with the law of those countries and international conventions."

14 Abuja Treaty, Article 43(1): "Member States agree to adopt, individually, at bilateral or regional levels, the necessary measures, in order to achieve progressively the free movement of persons, and to ensure the enjoyment of the right of residence and the right of establishment by their nationals within the Community."

15 African Union, Protocol to the Treaty Establishing the African Economic Community Relating to the Free Movement of Persons, Right of Residence and Right of Establishment (AU Free Movement Protocol), adopted in 2018, <https://au.int/en/treaties/protocol-treaty-establishing-african-economic-community-relating-free-movement-persons>, accessed 30 April 2020.

16 Protocol on Free Movement, Article 5: "Progressive Realisation – The free movement of persons, right of residence and right of establishment shall be achieved progressively through the following phases: phase one, during which States Parties shall implement the right of entry and abolition of visa requirements; phase two, during which States Parties shall implement the right of residence; phase three, during which States Parties shall implement the right of establishment."



sub-region, the Treaty Establishing the EAC indicates that signing EAC nations will adopt measures to “ensure free movement of persons, labour and services” (Article 104(1)).<sup>17</sup> The Protocol on the Establishment of the EAC Common Market builds upon this,<sup>18</sup> citing again the right of establishment and residence in Article 5,19 and entry without visa in Article 7(2).<sup>20</sup>

In addition to treaty law, there are supplementary sources, such as non-binding guidance and declarations that focus on the right to freedom of movement internationally and on the African continent. The United Nations (UN) Human Rights Committee’s General Comment 27, made under Article 12 of the ICCPR, provides an authoritative interpretation of norms and state obligations pertaining to the right to freedom of movement, and states in paragraph 6 that protection of the right must be ensured from both public and private interference.<sup>21</sup> This is particularly relevant to women and minorities (those discriminated on the basis of sexual orientations and gender identities (SOGI)), who are more likely to have their freedom of movement curtailed by and suffer abuses from private individuals, outside of the public domain – albeit often with state acquiescence or inaction. Furthermore, several key documents are relevant to the work of HRDs, including the African Commission on Human and Peoples’ Rights’ (ACHPR) Guidelines on Freedom of Association and Assembly in Africa,<sup>22</sup> which indicate in Section 84 that “states shall impose no external limitations that unreasonably restrict the right to freedom of peaceful assembly, such as unreasonable limitations on freedom of movement, including transnational movement.”<sup>23</sup>

The Office of the UN High Commissioner for Human Rights’ (OHCHR) Recommended Principles and Guidelines on Human Rights at In-

ternational Borders aim to inform the work of states and other stakeholders on human rights-based border governance.<sup>24</sup> The Principles and Guidelines mention at the outset that some migrants may be ‘at particular risk at international borders,’ including HRDs in this category.<sup>25</sup> Extra consideration is given to those at particular risk, including immediate identification, referral to protection agencies, and appropriate interviewing methods. The Principles and Guidelines also make reference to the human right to freedom of movement: “including the right to leave any country including one’s own, and by allowing returnees to choose the State to which they are returned, subject to the agreement of that State.”<sup>26</sup>

The right to freedom of movement is enshrined in legal instruments globally. However, in recent years, the conversation surrounding the right has moved beyond the issue of legality to acknowledge debates on the presence of borders and migration management more generally. There have been several on-going and high-profile refugee and migration crises since the outbreak of the Syrian war in 2011, which have triggered both public discourse on the arbitrariness of borders and the unfair way in which they are managed and some backlash against liberal refugee policies, fed by right-wing populists, hate speech, and misinformation/disinformation, especially on social media. Globally, however, people have become more aware of migration paths and have seen the deadly ways that these journeys can end for some seeking asylum or a better life. This has served to humanise the right to freedom of movement, by giving it a face that we see struggling when the right is restricted.

Therefore, it is impossible to discuss the right to freedom of movement from a purely legal

17 Treaty Establishing the EAC, Article 104(1): “1. The Partner States agree to adopt measures to achieve the free movement of persons, labour and services and to ensure the enjoyment of the right of establishment and residence of their citizens within the Community.”

18 East African Community, Protocol on the Establishment of the East African Community Common Market, 2009, [https://www.eacj.org/?page\\_id=595](https://www.eacj.org/?page_id=595), accessed 30 April 2020.

19 Protocol on EAC Common Market, Article 5(1): “The provisions of this Protocol shall apply to any activity undertaken in cooperation by the Partner States to achieve the free movement of goods, persons, labour, services and capital and to ensure the enjoyment of the rights of establishment and residence of their nationals within the Community.”

20 Protocol on EAC Common Market, Article 7(1): “The Partner States hereby guarantee the free movement of persons who are citizens of the other Partner States, within their territories; (2): In accordance with paragraph 1, each Partner State shall ensure non-discrimination of the citizens of the other Partner States based on their nationalities by ensuring: (a) the entry of citizens of the other Partner States into the territory of the Partner State without a visa.”

21 UN Human Rights Committee (HRC), CCPR General Comment No. 27: Article 12 (Freedom of Movement), 2 November 1999, CCPR/C/21/Rev.1/Add.9, available at: <https://www.refworld.org/docid/45139c394.html>, accessed 12 October 2020.

22 African Commission on Human and Peoples’ Rights, “: Guidelines on Freedom of Association and Assembly in Africa,” 2017, <https://www.achpr.org/presspublic/publication?id=22>, accessed 30 April 2020.

23 Ibid., Section 84: “States shall impose no external limitations that unreasonably restrict the right to freedom of peaceful assembly, such as unreasonable limitations on freedom of movement, including transnational movement.”

24 OHCHR, “Recommended Principles and Guidelines on Human Rights at International Borders,” October 2014, <https://www.ohchr.org/EN/Issues/Migration/Pages/InternationalBorders.aspx>, accessed 4 May 2020.

25 Ibid., p. pp 4.

26 Ibid., p. pp 38.



standpoint, as the human, social and political dimensions of migration are so apparent. The deep structural racism and inequalities that are entrenched in power systems are clearly present in migration management – meaning that certain nationalities and groups are largely excluded from the right to obtain travel documents, visas, and permissions to travel that are necessary to exercise freedom of movement. For example, one cannot talk about visas, especially to the global north, being refused to refugees in Uganda without acknowledging the racism- and classism-related biases that motivate decisions to profile and tier groups of people in the first place. Therefore, while it is important to understand where the right to freedom of movement is grounded in law, it is equally important to acknowledge the restrictions in law, policy, and practice that curtail the enjoyment of the right.

## RESTRICTIONS IN LAW AND IN PRACTICE

There is a recognisable link between human rights work, which requires connection to national and international bodies, organisations and justice systems, and the freedom to move into, within, and out of states. When freedom of movement is restricted for HRDs, it can be a direct impediment to their ability to conduct their work. The majority of restrictions placed on the right are based on public health, order or safety, in line with Article 12(3) of the ICCPR, which states: “The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (*ordre public*), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.” The UN Human Rights Committee guidelines for interpretation of Article 12 of the ICCPR (General comment 27) state that “permissible limitations which may be imposed on the rights protected under Article 12 must not nullify the principle of liberty of movement, and are governed by the requirement of necessity”.<sup>27</sup>

Furthermore, the Ugandan Constitution does not list the right to freedom of movement as a ‘non-derogable’ right, meaning that the right may be curtailed in times of emergency or for public safety. The Refugees Act provides for restrictions along similar grounds of “national security, public order, public health, public morals or the protection of the rights and freedoms of others.”<sup>28</sup>

The dramatic curtailing of the right to freedom of movement became a global reality during the COVID-19 pandemic, with more than nine in ten people worldwide living in countries with travel restrictions as of April 2020.<sup>29</sup> These measures were adopted with a view to protecting public health, and DefendDefenders and partners have highlighted that while restrictions to freedom of movement during a global pandemic may be legitimate, all measures adopted by governments must be grounded in law, temporary, non-discriminatory, necessary to protect public health, and proportionate. Uganda closed its land and air border in mid-March 2020; as of July, these measures remained in place, being finally lifted in October 2020. This means that while conducting the research, a distinction had to be made between the current period and the pre-COVID-19 situation, as many respondents noted restrictions on their rights during the pandemic, while largely acknowledging that the entire country was facing the same restrictions. The restrictions on freedom of movement in Uganda during the COVID-19 pandemic have all been enacted in the interest of public health and safety: to curtail the spread of the virus and to prevent import of new cases and clusters. However, there should be a continuous review and monitoring of the measures taken in light of human rights standards and state obligations. This is essential when looking at vulnerable groups, such as refugees who live in settlements, who already face restrictions in exercising their rights.

## THE UGANDAN CONTEXT

When delving deeper into the right to freedom of movement in Uganda – in particular for HRDs, it becomes apparent that both facets of

<sup>27</sup> Human Rights Committee, General Comment No. 27: Article 12 (Freedom of Movement).

<sup>28</sup> Refugees Act, op. cit., Article 30: “Freedom of movement – (1) Subject to subsection (2) of this section, a recognised refugee is entitled to free movement in Uganda; (2) The free movement of a recognised refugees in Uganda is subject to reasonable restrictions specified in the laws of Uganda, or directions issued by the Commissioner, which apply to aliens generally in the same circumstances, especially on grounds of national security, public order, public health, public morals or the protection of the rights and freedoms of others.”

<sup>29</sup> Fact Tank, “More than nine-in-ten people worldwide live in countries with travel restrictions amid COVID-19,” 1 April 2020, <https://www.pewresearch.org/fact-tank/2020/04/01/more-than-nine-in-ten-people-worldwide-live-in-countries-with-travel-restrictions-amid-covid-19/> [ accessed 30 April 2020].

the right (to move within a state and between states) are restricted in ways that directly and often disproportionately affect HRDs living in exile in Uganda.

Firstly, the right to freedom of movement within Uganda can arguably be reserved for citizens, as the law places particular restrictions on refugees and asylum-seekers, especially those who live in government-run settlements. The Ugandan Constitution only provides for freedom of movement for “every Ugandan” in Article 29(2), which states “Every Ugandan shall have the right— (a) to move freely throughout Uganda and to reside and settle in any part of Uganda”.<sup>30</sup> This is despite the fact that the Constitution of Uganda generally provides rights to “all persons” or “every person in Uganda” (with the exception of Article 29(2)<sup>31</sup>). While Article 30 of the Refugees Act provides that “a recognised refugee is entitled to free movement in Uganda,”<sup>32</sup> in practice this right is curtailed for refugees who live in settlements, as they must obtain ‘movement permits’ from the Camp Commander’s office in order to leave the settlement and travel between districts. Furthermore, there is arguably a lacuna in the law concerning non-Ugandans and non-refugees, as neither are mentioned in the national legal provisions. Therefore, the law concerning the right to freedom of movement distinguishes between citizens and non-citizens, which directly affects HRDs living in exile.

Secondly, HRDs in exile in Uganda are largely unable to access the EAC free movement policies, whereby EAC citizens, including persons from Burundi, Kenya, Rwanda, South Sudan, Tanzania, and Uganda, are entitled to free movement within the EAC and a single-entry, visa-free stay of up to six months. The right to move within the EAC as a citizen of the bloc is a key component of the regional integration process of East Africa. EAC citizens may enter Uganda freely and will generally be issued a single-entry stamp valid for three months. However, the two main sources of the right to

freedom of movement in the bloc (Article 104 of the Treaty Establishing the EAC<sup>33</sup> and Article 7 of the Common Market Protocol<sup>34</sup>) both refer to “citizens.” Article 7(8) of the Common Market Protocol is the only place where refugees are considered in relation to freedom of movement: “The movement of refugees within the Community shall be governed by the relevant international conventions.” Therefore, we must look to international law for an indication of what rules may govern the obligations placed on EAC states with regards to the movement of refugees. The 1951 Convention relating to the Status of Refugees (Refugee Convention) states in its Article 26 that a host country shall allow refugees the “right to choose their place of residence to move freely within its territory.”<sup>35</sup> Article 28 obligates States parties to provide refugees with travel documents permitting them to travel outside the host country “unless compelling reasons of national security or public order otherwise require,”<sup>36</sup> suggesting that they could travel within the EAC. Furthermore, Article 12 of the ICCPR provides for freedom of movement equally for “everyone lawfully within the territory of a state,”<sup>37</sup> which would indicate that refugees and asylum-seekers whose status in Uganda is protected by law could move within Uganda and arguably within the EAC with the same rights as a Ugandan citizen.

Thus, although the EAC Treaty and Protocol fail to explicitly include refugees in the right to freedom of movement, international law may be relied upon to grant the same free movement rights to refugees as to Ugandan citizens. These could include free movement within the EAC. Despite this, it appears that in practice the acceptance of Ugandan-issued CTDs, when travelling within the EAC, is decided at the discretion of immigration services for each country. The current policies of countries regarding CTDs illustrate that refugees are *de facto* excluded from the EAC free movement initiatives. In Rwanda, Ugandan CTD holders must pay 50 US dollars (USD) for a single-entry visa; for Tanzania, a

30 Emphasis added. See Ugandan Constitution, Article 29(2): “Every Ugandan shall have the right— (a) to move freely throughout Uganda and to reside and settle in any part of Uganda; (b) to enter, leave and return to, Uganda; and (c) to a passport or other travel document.”

31 For a deeper discussion of this issue and the legality of such phrasing, see: Verdirame et al., 2005, Rights in Exile: Janus-faced Humanitarianism, Berghahn Books, New York.

32 See footnote 27.

33 See footnote 17.

34 Article 7: “Free Movement of Persons (1) The Partner States hereby guarantee the free movement of persons who are citizens of the other Partner States, within their territories” (emphasis added).

35 UN General Assembly, Convention Relating to the Status of Refugees, 28 July 1951, United Nations Treaty Series, vol. 189, p. 137, available at: <https://www.refworld.org/docid/3be01b964.html>, accessed 04 May 2020.

36 Ibid., Article 28: “The Contracting States shall issue to refugees lawfully staying in their territory travel documents for the purpose of travel outside their territory, unless compelling reasons of national security or public order otherwise require.”

37 See footnote 12.



Ugandan CTD holder requires special clearance from the Commissioner General of Immigration to travel;<sup>38</sup> and although the Kenyan High Commission in Uganda officially states that they do accept visa applications for CTD holders, it is widely reported that travellers with a CTD from any country are regularly denied visas or have their applications indefinitely delayed. One HRD had applied for a Kenyan visa and then been given no information for the next five years, their experience led them to believe that “the Kenyan visa is a pie in the sky for refugees in East Africa . . . but free movement of goods, services, and people within the East African Community (EAC) should be a reality not a fantasy for exiles in EAC countries.” This is concerning considering that the EAC hosts many refugees from within the sub-region as well as Central Africa. In practice, a large number of people from community member states are unable to access EAC citizen rights because they left their country of origin, even though they are citizens of one member state and recognised as refugees in another (Uganda). This is particularly frustrating and paradoxical for HRDs who were able to travel freely and without cost to Uganda before obtaining refugee status there but are now unable to travel to neighbouring countries where they may have established professional or personal connections.

**"You can come to Uganda with a CTD from another EAC country and enter Ugandan freely and pay nothing, but when we go to Rwanda, we have to pay USD 50."**

The legal context of the right to freedom of movement in Uganda will inevitably shift and grow with the strengthening of the EAC and African Union (AU). Both unions have proposed passport systems, which are at varying stages of development. Article 10 of the AU Protocol on Free Movement paves the way for an African passport, and there were originally claims that the system could be rolled out as early as

2020<sup>39</sup> – although doubts have been cast on the feasibility of this.<sup>40</sup> The EAC passport was originally launched on 1 April 1999, although was not fully operational until 2018, as a travel document to ease border crossing for EAC residents, allowing for a multi-entry stay of renewable six months’ validity.<sup>41</sup> While the creation of more free movement zones on the continent and greater cooperation between states for facilitating migration should be welcomed, concerns remain over persons living in exile, who may be left out of these developments. Until refugees are included in plans for sub-regional and continental freedom of movement policies, HRDs living in exile – many of whom hold refugee status and have given up their national passport, will also be excluded from any positive migration developments, with their work and civil society as a whole suffering.

38 Tanzanian Immigration, E-services website, “Visa Guidelines,” <https://eservices.immigration.go.tz/visa/guidelines> (accessed 15 July 2020): “Referral Cases: There are some countries which their nationals require special clearance from the Commissioner General of Immigration or the Commissioner of Immigration (Zanzibar) prior to issuance of the Visa. These countries fall under the Referral Visa Category.; Note: Stateless persons and Refugees who hold Vienna Convention documents are also required to obtain referral visa prior to coming to United Republic of Tanzania.”

39 African Courier, “African Union passports to be rolled out by 2020,” 8 June 2018, <https://www.theafricancourier.de/africa/african-union-passports-to-be-rolled-out-by-2020/>, accessed 30 April 2020.

40 Quartz Africa, “The continental African passport promised to roll out in 2020 can only improve mobility in Africa,” 3 February 2020, <https://qz.com/africa/1794872/the-african-union-passport-can-only-increase-mobility-in-africa/>, accessed 30 April 2020.

41 East African Community, “Ministers Sign Memorandum of Understanding,” 12 November 2004, [https://web.archive.org/web/20070928073526/http://www.eac.int/news\\_2004\\_11\\_EACDay.htm](https://web.archive.org/web/20070928073526/http://www.eac.int/news_2004_11_EACDay.htm), accessed 30 April 2020.

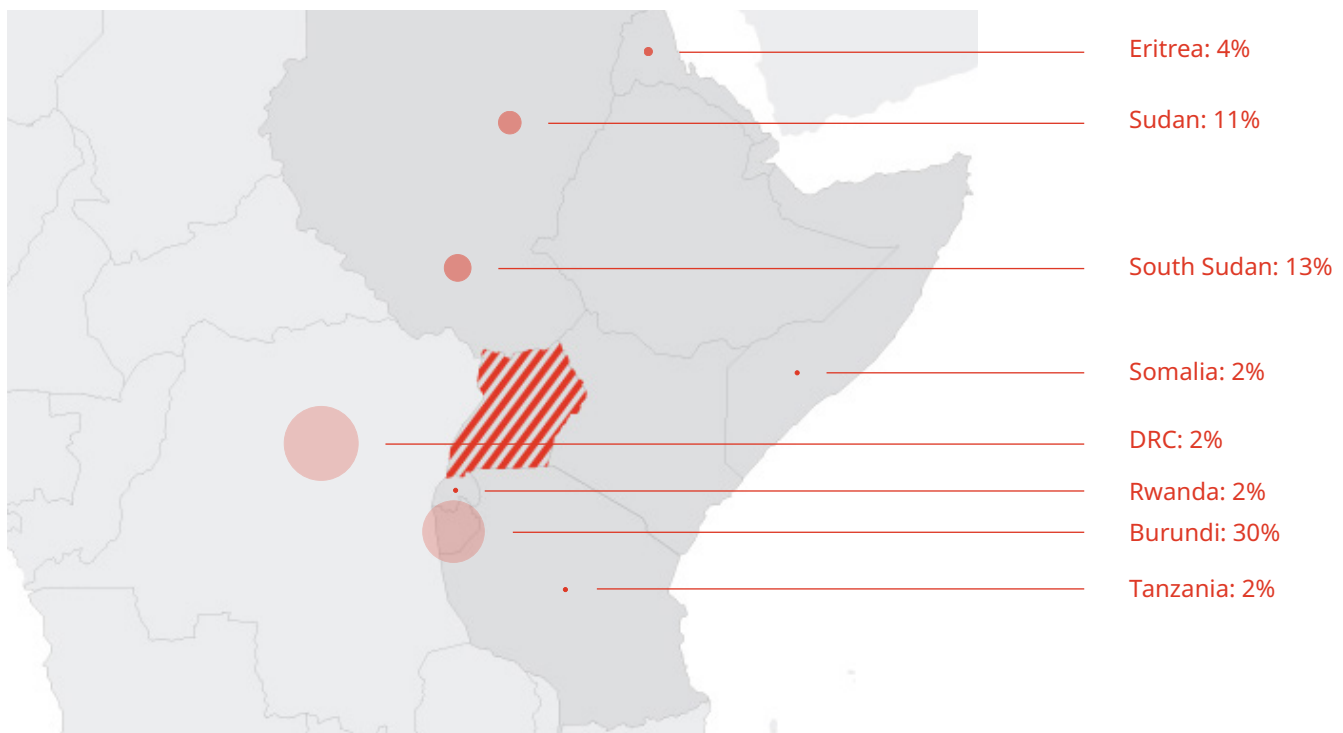


# MOVEMENT INTO, WITHIN, AND OUT OF UGANDA

## UGANDA'S OPEN DOORS

Uganda has long been a hub for HRDs seeking exile from oppressive regimes, persecution, and volatile security situations from surrounding countries in the East and Horn of Africa and Central Africa sub-regions. Successive large mixed-migration flows have resulted in Uganda being the third highest refugee-hosting country globally and hosting the highest number of migrants in the East and Horn of Africa sub-region.<sup>42</sup> In recent years, there have been mass influxes of refugees into Uganda following large-scale unrest in neighbouring countries, such as South Sudan and the DRC. In addition, there is also a steady inflow of individuals or small groups who come to Uganda from the sub-region or further afield.

In 1976, Uganda ratified the 1951 Refugee Convention and its 1967 Protocol. In 1987, it ratified the Convention Governing the Specific Aspects of Refugee Problems in Africa (“OAU Convention”).<sup>43</sup> The Refugees Act, which was passed in 2006 and entered into force in 2008, indicated a shift to more progressive and rights-based refugee policies in Uganda and paved the way for increased freedom of movement for refugees. The central placement of Uganda in East Africa, both geographically and politically, and the history of East African leaders having sought refuge in Uganda and vice versa, has created a conscious policy of ‘open-doors’ in the Ugandan immigration strategy. This extends beyond HRDs or political leaders to refugees and asylum-seekers more generally, who are largely able to benefit from Uganda’s liberal free movement policy.



Map 2: Interviewed HRDs' nationalities

<sup>42</sup> Globally, Uganda is currently the third highest refugee-hosting country. UNHCR, Global Data, at: <https://www.unhcr.org/figures-at-a-glance.html>, accessed 04 May 2020. In the East and Horn of Africa, Uganda hosts the highest number of migrants, with an estimated 1.7 million in mid-2019. UN DESA, International Migrant Stock 2019, at: <https://www.un.org/en/development/desa/population/migration/data/estimates2/countryprofiles.asp>, accessed 01 May 2020.

Similarly, Uganda has the highest caseload of refugees and asylum-seekers in the region, with roughly 1.1 million recorded at the end of 2018. UNHCR, Global Trends: Forced Migration in 2019, at: <https://www.unhcr.org/statistics/unhcrstats/5d08d7ee7/unhcr-global-trends-2018.html>, accessed 01 May 2020.

<sup>43</sup> Organization of African Unity (OAU), Convention Governing the Specific Aspects of Refugee Problems in Africa (“OAU Convention”), 10 September 1969, 1001 U.N.T.S. 45, available at: <https://www.refworld.org/docid/3ae6b36018.html>, accessed 28 July 2020.

Many HRDs in exile have stayed in Uganda for an extended period, with the average time of those interviewed being 5.9 years and ranging between one and 21 years. Throughout the interviews for this research, it was made clear by many participants that Uganda is a welcoming country, with Ugandan citizens being particularly praised for their open-minded attitude to migrants and refugees. One participant noted that “the community (here) is welcoming and will not put any foreigner out”.<sup>44</sup> In fact, several urban-based interviewees went so far as to thank the people and government of Uganda for their hospitality and for allowing migrants and refugees to live in Uganda freely. However, it is worth noting that there was a clear distinction between settlement- and urban-based refugees, with the former having fewer positive experiences with the host community and authorities (also due to being less exposed to local communities) and the latter more commonly expressing feelings of social integration.

Of those interviewed, only three did not have refugee status in Uganda. Out of these three, one is a student in Uganda and the other two are EAC citizens, who travel in and out of Uganda with their national passports, receiving permission to stay for three months each time. One noted that they were seeking to obtain a more permanent status, such as a work permit, due to the inconvenience, cost, and time-consuming nature of having to leave every three months. Those without refugee status were able to enter into Uganda freely, but each of them highlighted that they, or people they know, had been asked to pay a fee (which may be characterised as a bribe) at the border, especially if the official making a determination on their situation noticed that they had been back and forth multiple times.

The remaining 44 interviewees hold refugee status in Uganda, having applied for and been granted asylum, as they meet the criteria encompassed within the Refugees Act, based on the 1951 Refugee Convention and its 1967 Protocol. At the time of the research, in Uganda, citizens from South Sudan and the DRC are *prima facie* refugees, meaning that they are automatically granted status upon arrival in Uganda on the basis of objective criteria related to the circumstances in their country of origin, which justify a presumption that they would meet

refugee status determination (RSD) criteria. In May 2017, this status was revoked for Burundian citizens, after it was presumed by the Government of Uganda that the situation that led to the status to be originally granted had improved. Therefore, any asylum seekers arriving after June 2017, when the decision became effective, were obliged to go through the full RSD process. Most interviewees stated that they had few issues in crossing into Uganda for the first time and that they were also permitted to enter without travel or ID documents – noting Uganda’s understanding of the fact that they were often fleeing. Others stated that they used “unofficial” means of entering the country by land, including crossing without going through an entry point, being smuggled, or paying a bribe. Of these, some did so to avoid detection due to fear of being caught by the people pursuing them in their home country, and others wanted to avoid being asked for documentation due to a belief that they might be rejected or asked to pay for a visa.

The research found little ground to dispute the claim that Uganda has an ‘open-door’ policy, except from the restrictions in force at the time, as a result of the COVID-19 pandemic. This policy was mentioned as being a pull-factor in drawing persons from around the sub-region to Uganda, particularly when contrasted with the more restrictive policies of other host countries in the region. In addition, a few HRDs mentioned that they feel that Uganda is similar to their home country and that they can assimilate and blend-in easily enough on a day-to-day basis.

**“Very, very easy to travel around in Uganda. No one thinks I’m not Ugandan, the community is open. They don’t care that you are not Ugandan.”**

However, many also drew attention to the major downside of the ‘open-door’ policy: it allows for security operatives from across the region to freely enter Uganda and blend-in with host or refugee communities. This poses a direct threat to HRDs who are often afraid of being pursued by authorities from their home country, especially if they continue to speak out in exile. The ‘open-door’ policy means that just as an HRD may enter Uganda easily, they may also be forc-

44 Interviewee no.12, May 2020.



ibly returned to their country of origin by operatives who have been able to enter and leave Uganda. The threat of forcible return, or trafficking to a third country, is a real concern for many HRDs, particularly those from neighbouring countries. In particular, the kidnapping, abduction and forced return of Rwandan refugees and persons living in exile, by Rwandan agents, has been well documented.<sup>45</sup> One key informant stated: “the open-door policy gives ease for operatives from other countries to operate here too”,<sup>46</sup> mentioning that Ugandan security agencies had also made it easier for operatives to freely carry out attacks in Uganda and even turned a blind eye when certain persons have been forcibly returned. Therefore, while the liberal freedom of movement policies of Uganda and the EAC allow for Uganda to act as an easily accessible country for HRDs to live in exile, they also enable state operatives to pursue HRDs across borders, in the country where they have sought refuge.

**“They (the South Sudanese government) will extend their crackdown throughout the region, and they will do what they want there.”**

Finally, while the majority of interviewed HRDs, and the larger HRD population in exile in Uganda are refugees, there are also those who do not have refugee status and who may arrive in Uganda for a variety of reasons, including for work, study or placement programs. This group of HRDs are subject to immigration restrictions based on their nationality and passport. Uganda currently allows for 37 countries to visit for up to three months without a visa, including the five other EAC states.<sup>47</sup> The remaining 158 countries must apply for a e-visa in advance, or pay for a visa on arrival, except for Somalia, whose citizens may only get a visa on arrival if holding a biometric passport. Conversely, HRDs who have Ugandan citizenship face similar challenges when travelling, as a Ugandan passport is ranked 76<sup>th</sup> out of 199 passports for visa-free

travel, needing a visa for 159 countries.<sup>48</sup> These restrictions inevitably impact HRDs in Uganda, including those who may come here for long or short periods of time, and who may find the process of obtaining a visa for Uganda too challenging or may be refused. While Uganda is a relatively easy country to enter, when compared with countries in the global north, these restrictions must be kept in mind when assessing how open the country really is.

## MOVEMENT WITHIN UGANDA

The right to freedom of movement within a state is undisputed and forms the basis of every articulation of the right in law and policy. In Uganda, the Constitution provides for the right “to move freely throughout Uganda and to reside and settle in any part of Uganda,”<sup>49</sup> and the Refugees Act states that “a recognised refugee is entitled to free movement in Uganda”.<sup>50</sup> Freedom of movement is a physical right that is upheld when being exercised by rights-holders, thus it is necessary to look beyond the law and policies and give weight to the practical experiences of HRDs whose actual enjoyment of the right may have been restricted or interfered with.

For HRDs, being able to move freely within Uganda is an essential part of their professional and personal life. It is common that HRDs working on human rights and conflict monitoring, or refugee rights and with minorities, need to travel within the country, either to border areas and to settlements, to meet with different communities. They may also travel to meet with newcomers who have recent experiences and claims of abuse in their home country that the HRD living in exile in Uganda wishes to document. In addition, many meetings, workshops, and trainings are held in Kampala, meaning that HRDs need to be able to freely travel to and move within the capital city. Out of the 47 HRDs interviewed for this report, 28 were based in Kampala and 19 were based in settlements, namely Nakivale in Isingiro district in south-west Uganda and in settlements in Arua district in north-western Uganda. Of those interviewed, 81% reported

45 IRRI, “Abuses against Rwandan refugees in Uganda: Has Time Come for Accountability?”, 27 August 2018, <https://reliefweb.int/report/uganda/abuses-against-rwandan-refugees-uganda-has-time-come-accountability>, accessed 6 July 2020; Voice of America, “Officials: Rwandan Refugee in Uganda Kidnapped in Capital”, 10 August 2017, <https://www.voanews.com/africa/officials-rwandan-refugee-uganda-kidnapped-capital>, accessed 6 July 2020.

46 Interviewee no.14, May 2020.

47 Directorate of Citizenship and Immigration, “Ireland and 36 other countries whose nationals are visa-fee exempt to Uganda and can get visas on arrival without applying online,” 19 May 2017, <https://www.immigration.go.ug/media/ireland-and-36-other-countries-whose-nationals-are-visa-fee-exempt-uganda-and-can-get-visas>, accessed 13 October 2020.

48 Henley and Partners “Henley Passport Index 2020”, 7 July 2020, <https://www.henleypassportindex.com/quarter-update>, accessed 13 October 2020.

49 See reference 29.

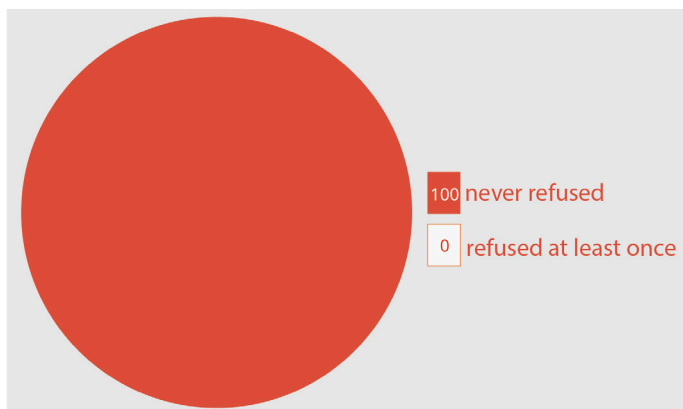
50 See reference 27.



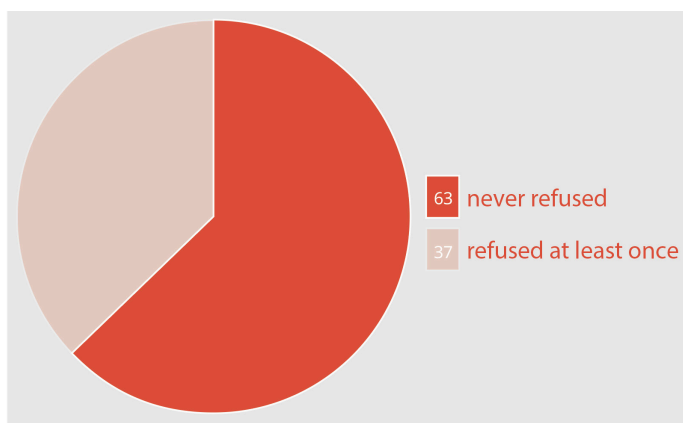


that they had travelled or moved within Uganda at some point.

### Urban-based HRDs



### Settlement-based HRDs



Many HRDs reported that they travelled with ease in Uganda and did not face checks or stops by the authorities, also highlighting that they were able to blend-in with the local population and did not attract attention. In total, only seven interviewees, or 15%, stated that they had ever been refused travel within Uganda – all seven were male and lived in Nakivale settlement. Here, a key distinction between urban- and settlement-based HRDs is evidenced. Although the Refugees Act guarantees freedom of movement for refugees in Uganda, those who wish to leave the settlement, enter the settlement if they are registered in an urban area, or travel between districts have to request administrative ‘movement permits’ from the Camp Commander’s office and provide dates and reasons for travel.<sup>51</sup> This practice was evidenced in the testimonies

of interviewees based in settlements, many of whom requested the movement permit each time they needed to move for work. While the practice reportedly entails asking for formal permission, many refugees move in and out of settlements without obtaining permission, going largely undetected. The interviewees acknowledged that this is a reality for many, and several admitted themselves to moving without formal permission when necessary. However, there are risks in doing so, especially for HRDs, who noted that they may not be afforded protection or intervention if facing an issue in another district if they had not requested permission first. For those who have particular, or heightened, protection concerns, this can act as a barrier to travelling outside of the settlement at all. One HRD stated, “if you go without and something bad happens, they might not help you as they say that you are travelling there illegally.”<sup>52</sup>

There were varying opinions about the ease of obtaining a movement permit and the length of time that it takes. Some HRDs complained of being told that it would take up to one month to issue or being asked for a bribe to speed up the process. Others mentioned that it was easy to get the document before COVID-19 but mentioned that this had changed since the movement restrictions put in place due to the pandemic. Several stated that with a sound reason they have been able to easily and quickly obtain the permit, and one HRD mentioned that they would receive the permit on the same day. Some HRDs drew their own conclusions on why certain people were refused permission, with a couple mentioning that they were refused precisely when trying to attend trainings in Kampala. In particular, an HRD working on SOGI rights mentioned that they were refused permission due to general discrimination that they faced as an outspoken member of a sexual minority community. This indicates that there may be discretion and arbitrariness in the issuance of movement permits, which may disrupt the work or lives of certain HRDs.

HRDs living in settlements, especially those who work on issues facing refugees or concerns with the Ugandan government, have to find the permissible threshold of being vocal if they want to have a harmonious relationship with the set-

51 The Refugees Act, op. cit., s.30(2) provides for certain practices: “The free movement of a recognised refugees in Uganda is subject to reasonable restrictions specified in the laws of Uganda, or directions issued by the Commissioner.”  
52 Interviewee no.41, June 2020.



tlement authorities, who ultimately have the power to restrict their freedom of movement. In Uganda, refugees are legally restricted from engaging “in any political activities within Uganda, whether at local or national level,”<sup>53</sup> according to Section 35(d) of the Refugees Act. Therefore, if an HRD becomes too well-known, outspoken about Ugandan policies or politics, or influential, the authorities may also curtail their work by denying them movement permits on a more or less systematic basis. While some HRDs make the decision to still move, even without the permit, for more vulnerable groups such as women HRDs (WHRDs) and members of sexual minority communities, this is often not an option. Another HRD working on SOGI stated that they could not be open about why they were applying for the permit for work-related reasons: “You need to . . . get permission, and you have to lie about the reason as they may deny your demand.”<sup>54</sup>

Aside from being refused movement permits to leave or enter settlements, there were several other reasons that HRDs gave for not being able to travel. Firstly, many interviewees stated that they were not able to travel because of security issues – either related to security agents from their country of origin or concerns within Uganda. Secondly, many HRDs complained of being unable to travel due to a lack of financial resources. There were also several cases where the HRD mentioned both challenges, which inevitably fed into one another, as those who cannot move freely often struggle to find work and may experience serious financial concerns. This issue was highlighted by previous research looking at the situation of HRDs in exile, and the ‘limbo’ that they often find themselves in.<sup>55</sup> Thirdly, there were concerns related to travel, which were specific to WHRDs and HRDs working on SOGI issues. These three main concerns will now be elaborated.

Many HRDs face security concerns when in exile, which may be exacerbated due to several factors such as the proximity to their country of origin, the size of their national or ethnic community in their host country, how high-profile their work has been, and whether they contin-

ue to speak out. Some of the HRDs interviewed felt like the security concerns they faced were so pertinent that they rarely left their home, or they only went to certain known places. Others had been forced to move several times within Uganda for their safety or had been compelled to leave settlements or avoid neighbourhoods with higher concentrations of persons from their home country. Here, it was apparent that the personal experiences of each HRD influenced the enjoyment of their right to freedom of movement, with several reporting that their ability to move would be dramatically different depending on where they were in Uganda. For example, one HRD spoke of the lack of safety in settlements and mentioned that people are monitored and kidnapped, with little to no recourse. Another HRD stated that they feel unsafe in Kampala, where the embassy of their home country is located and where known security operatives live.

**“I don't work in public places; I change a lot what I wear, and my movement is very limited. For almost five months I didn't go to the city centre. People can follow you on social media and know where you are.”**

HRDs often struggle with balancing their work and earning money, with many of those interviewed highlighting the financial constraints that they face. Many HRDs in Uganda have unmet economic expectations and face barriers to economic integration.<sup>56</sup> These challenges were often reported by HRDs partaking in the research as a reason why they could not travel or pay for a certain travel document. One HRD put it succinctly – “you can move anytime. But you also need money to move around.”<sup>57</sup>

Concerns and limitations to freedom of movement were reported in relation to SOGI defenders and WHRDs. Out of the nine HRDs who had never moved between districts, or left their neighbourhood, three were WHRDs – high-

53 The Refugees Act, op. cit., s.35(d) Subject to this Act, a recognised refugee shall—(d) not engage in any political activities within Uganda, whether at local or national level.”

54 Interviewee no.39, June 2020.

55 DefendDefenders, “Exiled and in Limbo: Support Mechanisms for Human Rights Defenders in Exile in Kenya, Uganda, and Rwanda,” June 2016, <https://defenddefenders.org/exiled-limbo-support-mechanisms-human-rights-defenders-exile-kenya-uganda-rwanda/>, accessed 30 April 2020; DefendDefenders, “Between Despair and Resilience: Burundian human rights defenders in protracted exile in Rwanda and Uganda,” September 2018, <https://defenddefenders.org/between-despair-and-resilience-burundian-human-rights-defenders-in-protracted-exile-in-uganda-and-rwanda/>, accessed 30 April 2020.

56 DefendDefenders, “Between Despair and Resilience,” op. cit., p. 34.

57 Interviewee no.34, June 2020.



lighting the gendered dimension of freedom of movement. Several of the WHRDs interviewed drew attention to their concerns as women, indicating that their freedom is reliant on protection from abuses in the public and private spheres. In certain countries and communities, freedom of movement for women is limited due to patriarchal societal norms that traditionally relegate the role of women to staying at home. According to paragraph 6 of the UN Human Rights Committee's General Comment 27, restriction on women's freedom of movement by private persons or actors is also a violation of the right to freedom of movement. When investigating the right for HRDs in exile in Uganda, it has been kept in mind that WHRDs in particular, often face multiple and intersecting forms of violations of their freedom of movement. Therefore, they have additional barriers to overcome when seeking to travel for work or personal reasons.<sup>58</sup>

When interviewed, some women reported feeling unsafe or unprotected from specific or general gender-based violence (GBV), including sexual harassment, with one WHRD stating that she had been encouraged to get married to have some form of protection. Other WHRDs who were working on monitoring of or reporting on sexual and gender-based violence (SGBV) within refugee communities or their home countries, mentioned that they had received threats to stop, and had been harassed due to their work.

Most concerningly, one WHRD reported that the trauma she had experienced from sexual violence in her home country was being renewed due to the harassment she had faced in Uganda. Another mentioned that she had been approached by settlement authorities on several occasions with threats to close her organisation if she did not sleep with them. Of the four sexual minority HRDs, one had been denied permission to travel within Uganda and all four mentioned protection and safety concerns, with one detailing an attack on them and their business by the local community and police.<sup>59</sup> These concerns have been highlighted in pre-

vious research<sup>60</sup> and were echoed by the key informants who noted the hostility within the law, policy and public opinion towards the sexual minorities community, with homophobia and even mob action being commonplace.

"LGBTI+ people in the refugee community find themselves in a country that is extremely hostile on all levels, they are being persecuted because of who they are. Very little is being done for these people."

"It's difficult as a woman to have protection here. Girls have little choice in the camp."

"Yes, I've been attacked...But I could do nothing as the police denied to take statements. I found a Commander and he told me that they can't help me due to the law of Uganda."

Conversely, while many HRDs spoke of times they had been unable to travel, the vast majority had still travelled within Uganda and had been able to do so freely; 79% had travelled, and 64% had never been denied movement within Uganda. It is worth noting that the reasons for not moving were largely not related to actual restrictions in law or policy placed on non-Ugandans. Although refugees living in settlements need to obtain permission to move outside of the settlement, many do not face issues getting the permit and some simply do not ask but move without. Many interviewees highlight the freedoms they have to move around Uganda, even if they had been refused to, or had been unable to at some point. Generally, even those moving from settlements to urban areas, and between districts, did not ask for permission and travelled without issue. Several HRDs compared Uganda

<sup>58</sup> See also DefendDefenders, "Making a Difference for Women and Girls? East and Horn of Africa countries and women's and girls' rights at the UN Human Rights Council," 25 June 2020, <https://defenddefenders.org/making-a-difference-for-women-and-girls/>, pp. 13-17, accessed 9 November 2020.

<sup>59</sup> It is of note that the Ugandan Penal Code criminalises same-sex relations in section 145: "Any person who— (a) has carnal knowledge of any person against the order of nature... commits an offence and is liable to imprisonment for life." Uganda: The Penal Code Act (Cap. 120), 1950 [Uganda], 15 June 1950, available at: <https://www.refworld.org/docid/59ca2bf44.html>, accessed 19 August 2020. In addition, LGBTI+ status is not considered as a ground to seek asylum in Uganda, under the Refugees Act (2006).

<sup>60</sup> DefendDefenders, "To Them We Are Not Even Human: Marginalised Human Rights Defenders in Uganda, Kenya, and Tanzania," December 2018, <https://defenddefenders.org/to-them-were-not-even-human-marginalised-human-rights-defenders-in-uganda-kenya-and-tanzania/>, accessed 30 April 2020, pp. 60.



with other countries in the region that they had lived in or knew about, stating that Uganda was the freest – especially for refugees. In fact, multiple persons interviewed had made a conscious decision to move to Uganda based on this. Even those who mentioned that they had certain security concerns, such as their sexual minority status, still believed that Uganda was the best country in terms of freedom of movement: “I have no issues travelling within Uganda, the most free country I’ve lived in is Uganda.”<sup>61</sup> Others went so far as to thank the government for welcoming them and allowing them to live freely, with some acknowledging that their concerns with being able to move were not related to the Ugandan government.

There was a difference between urban- and settlement-based HRDs in this sentiment, with several HRDs living in settlements feeling that their ability to move was based on the whim of the camp authorities. However, the enthusiasm with which many spoke of their freedom to move within Uganda cannot be understated. Furthermore, it is important to note that refugees in Uganda are not restricted to living in settlements and are largely free to live wherever they want, including in cities, provided they can afford it. Those who choose to live in urban areas will lose access to the settlement support system, such as food rations and other basic needs provided by the UN, but anyone is free to move to an urban area. This is in stark contrast to neighbouring Kenya, where refugees are confined to living in camps, even if it is not strictly enforced.<sup>62</sup>

Freedom of movement is clearly provided for in Ugandan law for all Ugandans and refugees; however, there is a gap concerning asylum-seekers and irregular migrants. Regular migrants, who have entered the country legally and hold a valid visa such as a tourist or student visa, or are staying visa-free, are entitled to move within Uganda according to the terms of said visa. However, irregular migrants (persons who have overstayed their visa or are not authorised to enter or stay in Uganda – such as rejected asylum-seekers), find that they have little to no protection in the law concerning their freedom of movement. Similarly, asylum-seek-

ers also occupy a space of legal limbo, as they are permitted to stay in Uganda until their application for refugee status is processed; however, they do not have access to freedom of movement rights stipulated in the Ugandan Constitution and Refugees Act. A key informant for this research, who works on refugee issues, admitted that asylum-seekers face some restrictions in terms of freedom of movement and are expected to keep to reception centres if arriving in a settlement. For some newcomers, this is less of an issue as they belong to a *prima facie* refugee nationality (DRC or South Sudan), but those who do not can face long waits while navigating a frustrating and opaque system,<sup>63</sup> during which time their right to freedom of movement is not guaranteed. This is often a painful wait and can increase the vulnerabilities of HRDs with serious protection concerns, who may need to move often to avoid detection. It is here where Article 29(2) of the Ugandan Constitution providing for “all Ugandans,” rather than “every person in Uganda,” has its most significant negative effect.

In summary, despite the fact that there are gaps in the law related to certain groups and that settlement-based HRDs are, in practice, expected to ask permission when moving, in practice, HRDs’ freedom of movement within Uganda is upheld. Many HRDs reported that they were not stopped, questioned, or in any way harassed when travelling within the country and even those who had been refused permission to move had many more examples of when they had gone freely with or without formal permission. HRDs living in urban areas are free to move and settle as they want, and the only examples given by urban-based HRDs of having faced restricted movement was when going to settlements for work or to conduct research. The fact that many interviewees went beyond acknowledging their freedom to move, to openly thank or praise the Ugandan policies, is striking, especially when contrasted with other large refugee-hosting countries, where refugees are often confined and face harassment or arrest if moving into urban areas. While the different and more restricted experiences of those living in settlements – particularly in Nakivale – should not be overlooked, many HRDs noted that in

61 Interviewee no.3, May 2020.

62 Kanyiva Muindi, Blessing Mberu and Alice Sverdluk, “Dismantling Barriers to Health and Wellbeing for Nairobi’s Refugees,” June 2019, International Institute for Environment and Development, <https://pubs.iied.org/17714IIED/?c=urban>, accessed 8 July 2020.

63 Aimée-Noël Mbiyozo, “How Uganda and UNHCR Failed Refugees,” January 2019, Institute for Security Studies, <https://issafrica.org/iss-today/how-uganda-and-unhcr-failed-refugees>, accessed 8 July 2020.





practice, movement permits are not obtained for the majority of journeys outside of the settlement and authorities tend to turn a blind eye to this. It is true that HRDs may be more likely to ask for permits when moving longer distances, or for work, in order to follow all the correct procedures to protect themselves, and may be more likely to be denied the permit if they have been too outspoken or critical within the settlement. However, many HRDs had found ways to navigate the procedure, so that they were still able to travel when needed. It is interesting to note that of the nine HRDs who had never travelled within Uganda, none had been denied a permit. This means that they had actually never attempted to leave their settlement. Therefore, although there are a number of legal, policy, and practical barriers in place that may prevent HRDs from moving in a completely free manner within Uganda, in practice this does not prevent them from moving or settling as they wish.

**"It is very difficult to arrive at the office and ask why they didn't give the permission document. We have to be creative with how we move."**

## TRAVELLING OUTSIDE OF UGANDA

HRDs' freedom to move internationally for work or other reasons has an effect on their ability to establish a base to carry out their work while in exile, and to further this work through access to regional and international human rights fora. It is important for many HRDs to travel outside of their country of residence, and it can be particularly important for HRDs living in exile, who may have established professional or personal connections in other countries. Almost all the HRDs interviewed for this research expressed their wish to travel abroad – mostly to attend events related to their work, such as conferences, trainings, and workshops, or for further education. Despite this, few have been able to do so and nearly everyone has had real difficulties in travelling outside of Uganda. These challenges arise at the following stages: possessing a valid travel document; obtaining a CTD; and being able to actually travel.

### Possessing a valid travel document

Of those interviewed, almost half (23 HRDs or

49%) had a valid passport or CTD at the time, meaning that they were in theory able to leave Uganda to travel abroad. Out of the 23 HRDs with valid travel documents, 16 had been able to travel. In addition, four HRDs had been able to travel previously, although they no longer had a valid document, as they had expired or been stolen – meaning a total of 20 HRDs had been able to travel since arriving in Uganda. Thus, there were 27 HRDs (or 57%) who had never left Uganda since entering the country. This number is in stark contrast to the actual number of HRDs who have received offers to attend meetings, conferences, workshops, or courses abroad, which represented the majority of the group. This is where the distinction between HRDs in exile and other persons seeking asylum is pertinent – while it might not be shocking that 57% of the refugee population in Uganda had not left the country since settling, it is a low number when considering the opportunities that HRDs usually have to travel to neighbouring countries or beyond. Several HRDs interviewed for this report worked for organisations with offices outside of Uganda, and many had worked directly or cooperated with the UN, international organisations, courts, and other institutions. Being unable to travel can be professionally detrimental for HRDs, reduce their capacities, and constrain their reach.

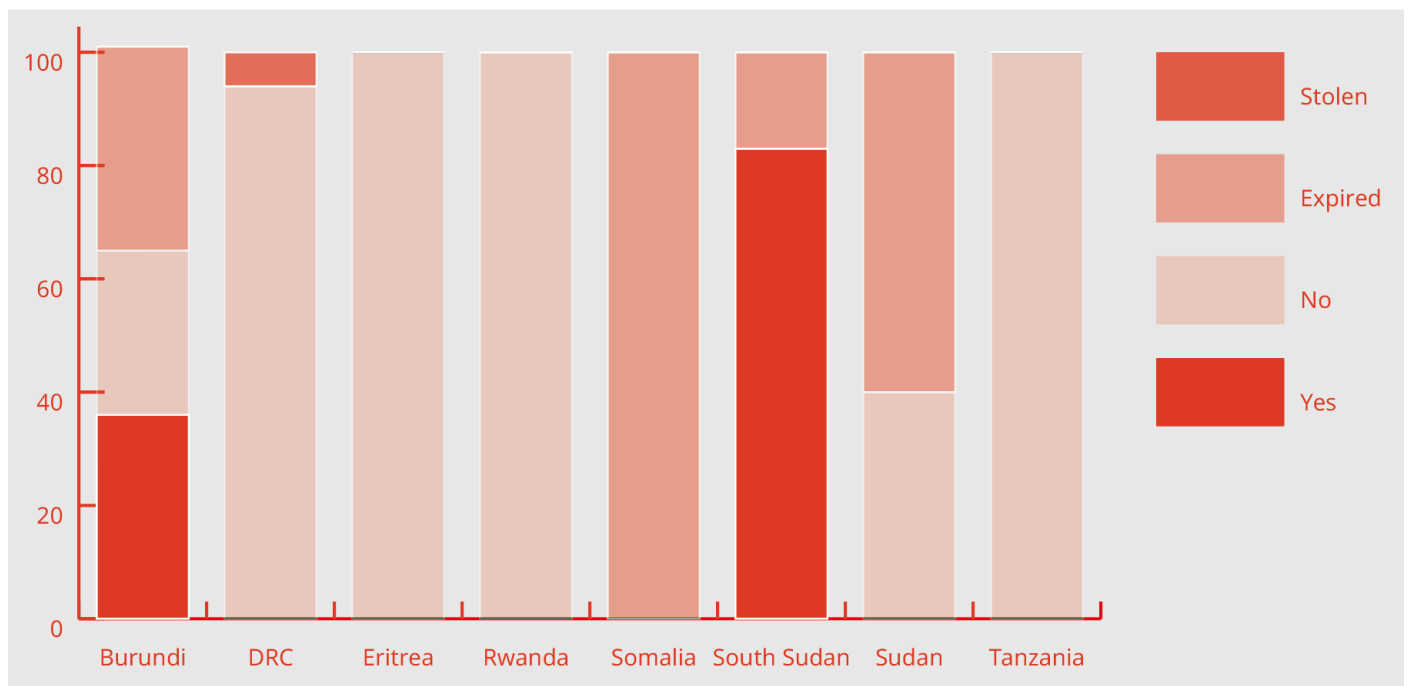
**"I want to see people with more papers, and it would mean more mobility for them. Within the EAC and other places where they have family etc. There's a lot room for improvement."**

It must be noted that lack of travel documents was an issue exclusively experienced by HRDs living as refugees in Uganda. Those who were here as students or with permission to stay as EAC citizens, had valid passports. However, as the overwhelming majority of HRDs interviewed were refugees (94%), being unable to travel outside of Uganda can be considered a widespread issue facing HRDs. Defenders with refugee status find themselves constrained by the same conditions that are placed on all refugees in Uganda, with regards to the expectation to rescind their national passport.<sup>64</sup> Many HRDs reported having to do this, or even having

to leave the passport with immigration officers at Entebbe airport when they departed. However, many chose not to and continued to travel using their passport exclusively or when necessary. One of the main reasons cited for doing so was the ineffectiveness of the CTD. It is widely regarded as being a very difficult and costly document to travel with. As mentioned above, it is not included in the EAC free movement policies and users must pay around USD 50 to enter countries that they may otherwise be allowed to travel to visa-free. Other countries reject the CTD altogether, with a sizeable portion of interviewed HRDs noting that they had been told directly by Kenyan and Tanzanian officials that they will be denied a visa with a Ugandan CTD – or have had their visa applications repeatedly ignored. One HRD summed up this feeling expressed by many: “Sometimes we feel the CTD is useless as we cannot travel with it even within the EAC.”<sup>65</sup> Outside of the EAC, CTD holders reported facing discrimination when applying for visas, especially when attempting to travel to Europe or North America. Some HRDs who had travelled further afield, to Asia and Oceania mentioned that some airport immigration officials had never seen, nor heard of a CTD.

el, even though this presented various challenges and dangers. One interviewee lamented the loss of opportunities that HRDs face and linked this with the risk that some of them are willing to take when using their passports: “Many young people miss opportunities because of the CTD. For me I took the risk of using my passport.”<sup>66</sup> A refugee using their national passport risks losing their status as a refugee and protection from Uganda, as holding a national passport contravenes Article 31(3) of the Refugees Act. It can also place HRDs at particular risk of exposure, tracking and even abduction by their country of origin. Furthermore, if the passport no longer has a valid entry visa or stamp, because they have been in Uganda for longer than 3-6 months, they can face serious problems at border points and may be required to pay a bribe to individual customs and borders officers or use other unofficial means such as paying to send their passport to a border point where the officials will give it an entry visa. One HRD described this process, which several others admitted to using: “I usually use my passport to travel when I go to Rwanda, I send my passport to the border to receive a visa, which is only issued for one month...This mitigates legal issues with the border officers.”<sup>67</sup>

### HRDs with passports



Due to these difficulties, some HRDs chose to continue to use their national passport to trav-

passport to the issuing officer before acquiring a travel document.”.

65 Interviewee no.16, May 2020.

66 Interviewee no.35, June 2020.

67 Interviewee no.24, June 2020.



"Maybe some people might be using their passport, even though they shouldn't be."

Despite these challenges, several who had passports that expired, or were stolen, wished to renew them because of the benefits that having a national passport presents. Several HRDs also noted that after trying and failing to get a CTD, or obtaining one and being unable to use it, they instead wanted to get a national passport again so that they would not have to continue to miss out on opportunities. However, this presented a dilemma for HRDs living in exile who were often in hiding or avoiding their national authorities: in order to renew or obtain a passport, it is necessary to present themselves at the passport office in the consular mission or at the embassy of their country of origin in Uganda, where possible. This is unattractive at best and impossible at worst, especially considering that as a refugee, returning to your country of origin and "re-availing himself or herself of the protection"<sup>68</sup> of a country of origin could result in cessation of refugee status in Uganda. Entering their country of origin's embassy or consular premises in Uganda also presents security risks, in particular as security or intelligence personnel may be operating in these premises. One HRD stated that some for some more high-profile HRDs it would never be possible: "We know that immigration police have a list of people who can never have a passport, so I cannot make an attempt to renew."<sup>69</sup> Several highlighted that for Burundians it was necessary to travel to Burundi to obtain a passport, which was not an option for most: "I will not plan to renew my passport, as I am required to be physically present in Burundi. But this is not safe for me."<sup>70</sup> Therefore, for many the loss or expiration of a passport signalled the end of being able to travel freely

outside of Uganda. Out of the 11 HRDs who reported that their passport had expired or been stolen, five (or 45%) had not been able to get a new passport or CTD and thus were completely unable to travel.

"I'm now worried about renewal. I was thinking to send it to the embassy, and they would take it, as I feel that I don't want to cross now. But the embassy is now also becoming insecure."

"Most of us have issues with renewing the passport – our name might be in the system it is very difficult to go the embassy. This is the only way you could renew. You have to pay money."

### Obtaining a CTD

The 1951 Refugee Convention states in its Article 28(1) that contracting states shall issue "to refugees lawfully staying in their territory travel documents for the purpose of travel outside their territory, unless compelling reasons of national security or public order otherwise require."<sup>71</sup> In addition, the OAU Convention states in its Article 6 that member states "shall issue to refugees lawfully staying in their territories travel documents in accordance with the United Nations Convention relating to the Status of Refugees [...] unless compelling reasons of national security or public order otherwise require."<sup>72</sup>

The Refugees Act of Uganda seeks to domesticate these provisions by providing refugees with the right to obtain a travel document, or CTD, for travel outside of Uganda.<sup>73</sup> The CTD

68 Refugees Act, op. cit., Article 6: "Cessation of Refugee Status - (1) A person shall cease to be a refugee if— (a) that person voluntarily re-avails himself or herself of the protection of the country of his or her nationality, or voluntarily re-establishes himself or herself in the country of origin."

69 Interviewee no.17, May 2020.

70 Interviewee no.2, May 2020.

71 Refugee Convention, op. cit., Article 28(1): "The Contracting States shall issue to refugees lawfully staying in their territory travel documents for the purpose of travel outside their territory, unless compelling reasons of national security or public order otherwise require, and the provisions of the Schedule to this Convention shall apply with respect to such documents. The Contracting States may issue such a travel document to any other refugee in their territory; they shall in particular give sympathetic consideration to the issue of such a travel document to refugees in their territory who are unable to obtain a travel document from the country of their lawful residence."

72 OAU Convention, op. cit., Article 6: "Travel Documents (1) Subject to Article III, Member States shall issue to refugees lawfully staying in their territories travel documents in accordance with the United Nations Convention relating to the Status of Refugees and the Schedule and Annex thereto, for the purpose of travel outside their territory, unless compelling reasons of national security or public order otherwise require. Member States may issue such a travel document to any other refugee in their territory. (2) Where an African country of second asylum accepts a refugee from a country of first asylum, the country of first asylum may be dispensed from issuing a document with a return clause. (3) Travel documents issued to refugees under previous international agreements by States Parties thereto shall be recognized and treated by Member States in the same way as if they had been issued to refugees pursuant to this Article."

73 Refugees Act, op. cit., Article 31: "Right to Travel Document – (1) A recognised refugee staying in Uganda is entitled to a travel document for the purpose of travel outside Uganda, unless compelling reasons of national security or public order require otherwise; (2) A travel document issued to a



looks and acts like a passport, stating clearly that the holder is a refugee under the protection of Uganda, but does not indicate their nationality of origin. Despite there being a clear legal guarantee for the rights of refugees in Uganda to an international travel document, in actual fact the CTD is elusive within the refugee and HRD community in Uganda. Among those interviewed, only 39% of those holding refugee status had, or previously had had, a CTD. However, this differed greatly between those living in settlements and those living in urban areas – 56% of urban HRDs possessed a CTD, while only 16% of settlement-based HRDs did. There are several main direct and indirect barriers for HRDs to obtain a CTD. These barriers tend to disproportionately affect settlement-based refugees, who are disadvantaged both geographically as they live far from the office processing CTDs, which is in Kampala, and financially as they earn less and have fewer opportunities for income-generating activities.<sup>74</sup>

**"I went through the CTD process in 2017. Well it's a nightmare. The Refugees Act says it's a right, but the government of Uganda says it's not, and they don't have reasons for that."**

Even though national refugee law frames obtaining the CTD as a right, which may only be denied based on compelling security reasons, there are in fact many barriers that limit access to obtaining the document. The bureaucratic, and at times opaque, nature of the application process was identified as being a major challenge by many interviewees within this research. First of all, the wait time differed greatly, and many months pass without any new information or update on the application being given. Officially, the wait time is stated to be "anything from one month" upwards,<sup>75</sup> with HRDs reportedly waiting anytime from "one month"<sup>76</sup> to "two years."<sup>77</sup> Applications are handled by both the Office of the Prime Minister (OPM) for Refugee Affairs and the Ministry of Internal Affairs and the Directorate of Passports in Kampa-

la. Recommendation for the CTD must be given by the Department of Refugees, who also check the required letter of invitation from a person or organisation in the country that the refugee intends to travel to and the letter of motivation from the refugee stating their reason for applying. This process is known to take a long time and is worsened by the fact that the office handling CTDs also manages passports for Ugandans. There is a considerable amount of confusion around the CTD process, as different people report following varying methods to obtain the process. It is considered that the 'official' way to apply for the CTD is to first approach the OPM office, which handles all refugee affairs. However, HRDs also reported going directly to the Ministry of Internal Affairs and Directorate of Passports, where certain passport officers specifically work on CTDs. This general confusion, and lack of a clear, unique procedure is in part caused by the absence of convergence of processes or rules between both departments working on the CTD.

Several HRDs noted that they were expected to return to the office many times for appointments that led to no concrete progress: "With the CTD, they told me to go and come back a lot, they gave me different reasons."<sup>78</sup> Some equated these delays with the persons working on the document wanting an 'express fee' (or bribe): "for those who apply for a CTD it can take even one year, they tell you that they are still working on it . . . sometimes you find that your trip is soon, and they say that maybe you won't get the CTD for a long time . . . Maybe they want a bribe."<sup>79</sup> This back-and-forth and being given multiple purposeless appointments or being turned away after having paid transport costs to the office, was enough to deter several people from attempting to complete the process. This was especially the case for HRDs who would have to travel from settlements, perhaps multiple times, and may have to stay overnight in the capital. When asked about applying for the CTD, one Nakivale-based HRD said: "I did not ask for it because I have a friend who tried many times to get the CTD, he went there and

recognised refugee shall be valid for all countries except the refugee's country of origin and those countries with respect to which Uganda has restrictions."

74 Research from the University of Oxford found that refugees in Nakivale earn an average of between 58-193 USD per month, while refugees in Uganda earn between 193-463 USD per month, depending on their nationality. University of Oxford – Refugee Studies Centre, "Refugee Economies in Uganda: What Difference Does the Self-Reliance Model Make?," January 2019, <https://data2.unhcr.org/en/documents/download/68402>, accessed 17 July 2020.

75 Interviewee no.9, May 2020.

76 Interviewee no.11, May 2020.

77 Interviewee no.16, May 2020.

78 Interviewee no.16, May 2020.

79 Interviewee no.8, May 2020.



he was given many appointments until he became discouraged and abandoned it."<sup>80</sup>

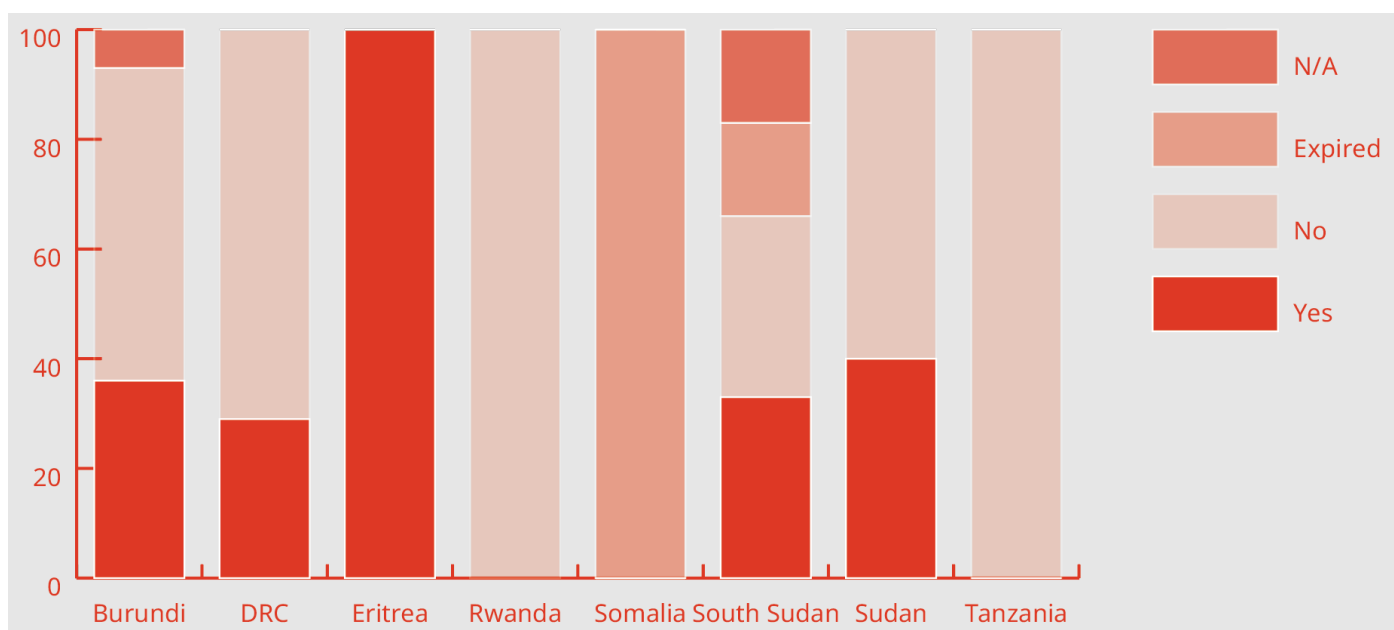
"I have been asking for the CTD, but they refused me. They just told me to keep waiting but I became impatient and gave up. They give appointment after appointment and you have to keep going back but it's hard."

"A person coming from a settlement will have to travel to Kampala and find accommodation to stay there while they apply."

that refugees in Nakivale earn an average of between 58-193 USD per month, and those in Kampala earn between 193-463 USD per month,<sup>82</sup> meaning that the 33 USD fee is more than 50% of some settlement-based refugees' monthly salary and still 7% of the top earners' monthly salary.

Again, the gendered dimension of the right to freedom of movement is highlighted when looking at the massive gender disparity in the possession of the document. Only one WHRD possessed a CTD, which accounted for 9% of those eligible for one; for men, the rate was 45%. Women, and specifically female refugees, generally face greater economic challenges and carry the burden of unpaid domestic work far more often than men. In fact, half of the twelve interviewed WHRDs mentioned financial constraints as a reason for not applying for, or

### HRDs with CTD



This leads to another barrier that many interviewees mentioned, which is the financial burden of the CTD application. The fee for applying for the CTD is 120,000 Ugandan shillings, with a bank processing fee of 3,000 shillings (roughly 33 USD in total).<sup>81</sup> However, when factoring in potential additional costs like travel to the office, overnight accommodation in Kampala, loss of income on those days, and potential bribes, the cost may be much higher. Even when considering the fee alone, research in 2019 found

having a CTD, or more generally as being a difficulty in their life. This is in addition to the increased restrictions that are placed on women's freedom of movement by their family, communities and society in general.

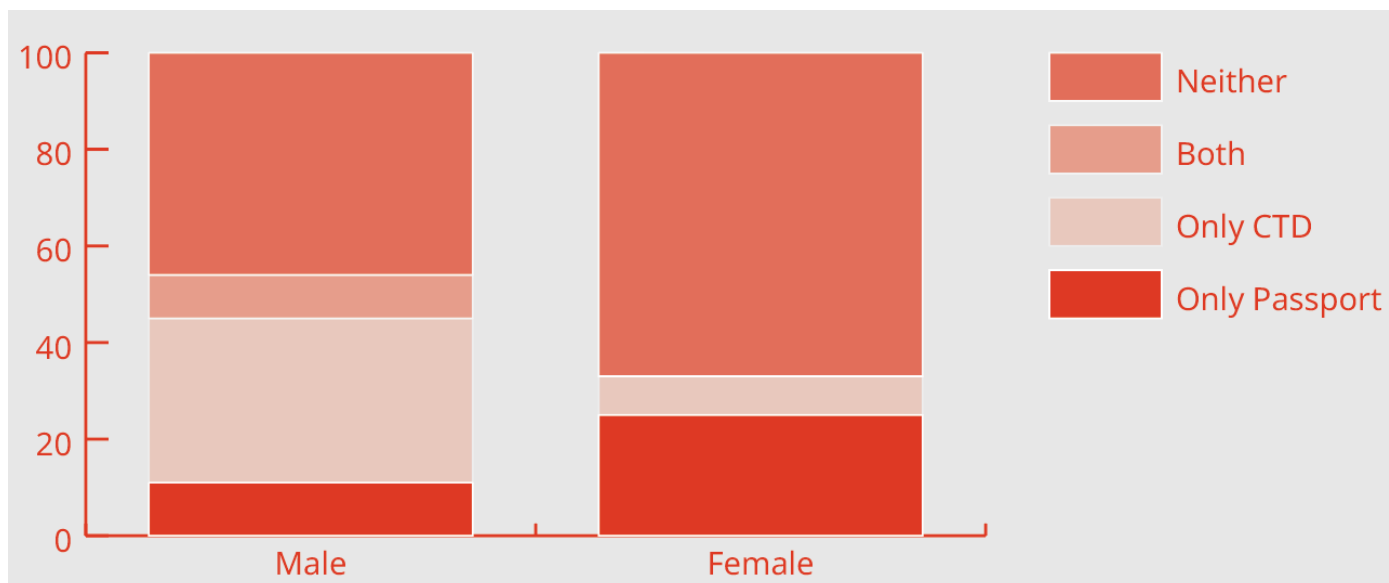
<sup>80</sup> Interviewee no.50, June 2020.

<sup>81</sup> Directorate of Citizenship and Immigration, "New Fees and Payment System for services at the Directorate of Citizenship and Immigration Control," 1 July 2015, <https://www.immigration.go.ug/media/new-fees-and-payment-system-services-directorate-citizenship-and-immigration-control>, accessed 17 July 2020.

<sup>82</sup> See footnote 70.



## Travel Documents



"We had to pay a bribe – for it to be an emergency... Then we got it in two weeks."

"I've tried twice to apply but failed so I abandoned it. The reason is that they told me that the document was ready but when you come to the office, they ask you for money, like one million, in order to give to it you."

These barriers all contribute to the CTD being seen as a 'luxury item,' rather than a right for every refugee in Uganda. The fact that the cost of the process is higher than many can afford and that a specific reason must be given for obtaining one, means that those without enough money or 'connections' will struggle to get one. This creates a situation whereby, instead of the document being the means to travel, in fact it is the travel that becomes the means to get the document. The fairness of this is certainly questionable when considering that it is every refugee's right, in Ugandan, African and international law, to possess a CTD.

"I have not got a CTD, you only request when you have a place to go."

### Being able to travel

The procedure to obtain a CTD is lengthy, frustrating, time and resource-consuming, and requires HRDs to provide a current and precise reason for travelling, which runs counter to the spirit and letter of the Refugees Act and the 1951 Convention. Even those who manage to navigate their way through this process may still be unable to travel, despite securing opportunities to. Again, this issue disproportionately affects settlement-based HRDs: of those living in a settlement possessing a CTD, none have been able to travel. Gender was also a factor, with only 25% of women having travelled outside of Uganda since moving there, compared with 49% of men.

In total, over one third of HRDs (36%) stated that they had been explicitly refused travel abroad by officials in Uganda or a receiving country – either at the travel document, visa application, or actual travelling stage. These challenges, which affect HRDs living in exile, go beyond treatment of individual situations based on objective criteria and may constitute forms of profiling and discrimination based on persons' nationality and class. A person seeking to travel with a CTD may face multiple challenges when applying for a visa and then moving through border points. HRDs using CTDs face more questions and are asked for more justification for their trip than those travelling with national passports. This may happen at the visa application stage. One interviewee stated: "With travel to the US, I got

rejected for a visa due to the CTD.”<sup>83</sup> This may also happen at the border points if an immigration official denies the HRD travel: “Entebbe airport is a problem – I get further questions. I missed the flight twice, even when the documents are all there.”<sup>84</sup> These are ‘check-points’ and administrative hoops that many people have to go through when travelling abroad; however, when travelling with a CTD there is the added complexity and stigma of being a refugee. Some HRDs mentioned that they “understood” why they and others had been rejected when applying for visas in Europe or North America: they believe that these countries assumed that they would seek asylum upon arrival or that they would overstay their visa. One HRD stated: “You might not be able to enter with a refugee travel document. Many places won’t let you go in case you don’t return.”<sup>85</sup> This creates a further barrier to freedom of movement, so that even if an HRD has been approved for a CTD, they may not receive a visa from the receiving country, or if they do, they may be turned away at entry and exit points.

**“I have a friend who has applied for the CTD, and he got it, but when he wanted to go to another place, they refused the visa. This is a big doubt – I may apply and get it, but it is impossible to travel.”**

Again, settlement-based HRDs face an extra challenge here, in that they should seek permission to leave the settlement to travel abroad, or even just to travel to Kampala to apply for visas. One HRD in Nakivale, who possessed a CTD, mentioned that he was unable to get visas due to the difficulties of getting permission to leave the settlement to travel to Kampala: “I have the CTD, but the authorities didn’t give me the permission to leave.”<sup>86</sup> In fact, many interviewees told of frustrating experiences in trying to travel with their CTD. One of the most irritating was told by an HRD who had been a settlement-based refugee in Uganda since the late 1990s and had rescinded their status after being told that they could not get a visa to study in the USA using a CTD and must instead ap-

ply from their country of origin. However, once arriving in their country of origin and re-applying for a US visa, their application was again rejected. Thus, leaving them in a precarious and dangerous situation, resulting in them having to re-claim refugee status in Uganda.

**“I got invitations to go to Australia, Geneva and USA. But I didn’t get the permission from camp to go and apply for the visa.”**

The organisations that work for refugees’ rights in Uganda are well aware of the difficulties that refugees and HRDs face in obtaining and being able to travel on CTDs. In late 2019, OPM, the UN High Commissioner for Refugees (UNHCR), and various implementing partners met with representatives of the Burundian refugee community to discuss protection issues. One of the noteworthy concerns raised in the meeting was the difficulty in obtaining CTDs and the challenges faced in using the document to apply for visas.<sup>87</sup> When speaking to key informants working on refugee and migration issues in Kampala, there was a clear acknowledgement that persons with refugee status faced increased difficulties in receiving the required documents to travel. One embassy representative stated that they had not noticed many refugees being granted Schengen visas with CTDs and that their status was taken into consideration when looking at whether to grant the visa or not.<sup>88</sup> This is an issue that affects many HRDs and ultimately has a negative effect on civil society as a whole. Restricting HRD’s access to free movement between countries restricts their work and excludes people who are living in exile from being able to access spaces where they can be safely heard, seen and included, and where they can further develop their skills and networks.

83 Interviewee no.35, June 2020.

84 Interviewee no.25, June 2020.

85 Interviewee no.1, May 2020.

86 Interviewee no.50, June 2020.

87 UNHCR, “Monthly Protection Update - Urban Protection Response,” November 2019, <https://reliefweb.int/report/uganda/unhcr-monthly-protection-update-urban-protection-response-november-2019>, accessed 1 July 2020.

88 Interviewee no.29, June 2020.





# UGANDA AND HUMAN RIGHTS DEFENDERS

## THE LEGAL AND POLICY ENVIRONMENT

Uganda is a hub for human rights work in the East and Horn of Africa sub-region. In the last decades, civil society organisations, including human rights groups, have been able to operate in an environment that is more open and enabling than many neighbouring countries. Despite this, civic space within the country has faced a number of restrictions, which have made the environment more challenging for HRDs and civil society. CIVICUS' Civic Space Monitor classifies civic space in Uganda as "repressed."<sup>89</sup> In the 2020 World Press Freedom Index compiled by Reporters Without Borders, Uganda ranked 125<sup>th</sup> out of 180 countries, placing it fourth out of 11 countries in the sub-region, behind Ethiopia, Kenya, and Tanzania.<sup>90</sup> Acts of intimidation and violence against reporters, particularly those covering sensitive political issues, were cited as reasons for this ranking. The legal and policy framework in Uganda has both allowed for the establishment and continued operations of national, regional, and international civil society organisations, including human rights NGOs that have used Uganda as a regional hub, and presented challenges to civil society, particularly those groups working with and for minority communities.

The adoption of the Public Order Management Act (POMA) in 2013 restricted the right to peacefully assemble by requiring individuals and organisations to inform police about upcoming demonstrations, giving security officials time to deny permits.<sup>91</sup> Furthermore, the NGO Act grants broad powers to the National Bureau for

NGOs, including the power to visit NGO offices and inspect their activities.<sup>92</sup> Under Section 44 of the Act, NGOs also need approval to carry out activities from the District Non-Governmental Monitoring Committee and the local government. In March 2020, the controversial POMA, which, under Section 8, granted police over-broad powers to prohibit and disperse political gatherings on suspicions that the intended gathering would cause a breach or disruption of peace, was nullified by Uganda's Constitutional Court. This was a positive step in ensuring that civil and political rights are upheld in Uganda; however, it remains to be seen whether this will have an effect on the ground.<sup>93</sup> During the presentation of its fifth Periodic State Report of Uganda (2010-2012), the ACHPR made concluding observations and recommendations for Uganda to adopt a law protecting HRDs, in conformity with the Commissions' Resolutions on Human Rights Defenders,<sup>94</sup> as well as to establish a mechanism for dialogue between Government and CSOs.<sup>95</sup> While this has not yet been fully implemented, significant progress was made in June 2020, when the Human Rights Defenders Protection Bill was tabled in parliament, will provide for the recognition and protection of HRDs in Uganda.<sup>96</sup>

HRDs and organisations who work on sexual minority rights are particularly at risk. Ultra-conservative social and government attitudes, misinformation/disinformation, including that shared on social media, and the heavy influence from anti-rights groups have concurred to create a hostile environment for the sexual minority community.<sup>97</sup> HRDs working on sexual minority rights have reported feeling partic-

89 CIVICUS, "Monitor: Uganda," July 2020, <https://monitor.civicus.org/country/uganda/>, accessed 20 July 2020.

90 Reporters Without Borders, "2020 World Press Freedom Index: Uganda," April 2020, <https://rsf.org/en/uganda>, accessed 20 July 2020.

91 Public Order Management Act [Uganda], 2 October 2013, <https://ulii.org/ug/legislation/act/2015/1-6>, accessed 20 July 2020.

92 Non-Governmental Organisations Act [Uganda], 25 January 2016, <https://ulii.org/ug/legislation/act/2016/1>, accessed 20 July 2020.

93 See for instance CIVICUS Monitor, "Dissidents Prosecuted and Journalists Harassed while Covering COVID-19 Restrictions," 12 May 2020, <https://monitor.civicus.org/updates/2020/05/12/dissidents-prosecuted-and-journalists-harassed-while-covering-covid-19-restrictions/>, accessed 20 July 2020.

94 Including: ACHPR/Resolution 69 (XXXV) 04, ACHPR/Resolution 119 (XXXII) 07, and ACHPR/Res.196 (L) 11 and the UN Declaration on Human Rights Defenders 1998.

95 Concluding Observations and Recommendations on the 5th Periodic State Report of the Republic of Uganda (2010 – 2012), 57th Ordinary Session (04 – 18 November 2015), Banjul, The Gambia, <https://iser-uganda.org/images/downloads/concluding-observations-on-the-5th-periodic-state-report-of-uganda-2010-2012.pdf> (accessed 16 November 2020).

96 The Independent, "MP Komakech granted leave to introduce Human Rights Defenders Protection Bill," 10 July 2020, <https://www.independent.co.ug/mp-komakech-granted-leave-to-introduce-human-rights-defenders-protection-bill/> (accessed 16 November 2020).

97 CIVICUS, "State of Civil Society Report 2020," [https://www.civicus.org/documents/reports-and-publications/SOCS/2020/SOCS2020\\_Exclusion\\_en.pdf](https://www.civicus.org/documents/reports-and-publications/SOCS/2020/SOCS2020_Exclusion_en.pdf), accessed 20 July 2020, Part 3, pp. 153.



ularly unsafe in Uganda following the passing of the Anti-Homosexuality Act<sup>98</sup> in 2013, and the negative public sentiments towards the sexual minority community that followed,<sup>99</sup> despite the fact that it was annulled by the Constitutional Court of Uganda in 2014.<sup>100</sup>

With Presidential elections scheduled for January 2021, there are concerns that civil society in Uganda will continue to face restrictions and that HRDs and journalists might be the targets of attacks in the pre-election and election period. Thus, it is important to consider the place of HRDs living in exile in Uganda, as they face the same legal, policy, and societal issues as Ugandan HRDs, often with the added risk factor of being a foreigner and, for women, among others, multiple and intersecting risks and threats. Non-Ugandan HRDs who choose to comment, or work on Ugandan issues, such as refugee policies, can find themselves in a particularly precarious situation.

**"I've had people threaten to beat me up for talking about the president or having an opinion on the politics here. But we have been a part of it too."**

## COMPLEXITIES OF BEING AN HRD IN EXILE

The intolerance of HRDs speaking out too much, or about specific issues, is closely linked to the restrictions placed on their freedom of movement when an HRD's work or activism is used as a reason to deny them permission to move from a settlement, obtain a CTD, or travel abroad. Some of the HRDs interviewed reported directly being refused free movement due to their work: "In terms of moving, I cannot have access and it is connected to being an HRD."<sup>101</sup> In addition, there are evident gaps in services for Ugandans and non-Ugandans, which affect HRDs, including access to visa services and travel mechanisms.

HRDs living in exile in Uganda face a myriad of issues that constitute challenges to their

work, safety, and wellbeing. Despite the fact that Uganda has progressive refugee policies and serves as one of the main hubs for human rights work in the region, HRDs still report fear of attacks, including abductions and assassinations, from agents of the government of their country of origin.<sup>102</sup> These concerns are often compounded with other factors specifically attributable to the HRD's field of work. For example, sexual minority HRDs, those working on SOGI, and WHRDs in Uganda have reported facing defamation and smearing, threats, and intimidation.<sup>103</sup> In addition, the situation for HRDs in exile is often closely linked to their nationality and the geo-political relationship between their country of origin and the host country. For example, in Uganda, it has been reported that Rwandan and Burundian HRDs face particular security, economic, and personal challenges. Burundian HRDs living in Uganda have reported more security incidents than their counterparts living in Rwanda.<sup>104</sup>

One of the recurring issues HRDs raised in the course of the research was the difficulty of being an HRD who wants to continue speaking out and working on issues, particularly if their work challenged Ugandan domestic policy or interfered with its foreign relations. This difficulty stemmed from public opinion being unfavourable of non-Ugandans seen to be engaging in politics, and due to Section 35(d) of the Refugees Act, forbidding refugees to engage in any political activities. This was a concern expressed by many HRDs working on refugee issues in Uganda, which inevitably brought national law, policy, and even public opinion into question. Out of the 47 interviewed HRDs, seven were working specifically on refugee rights, while homing in on certain refugee groups like children and women. However, many others worked indirectly on refugee issues, for instance by tackling issues such as SOGI, ethnic minority rights, or GBV prevention, directed at refugee populations. One of the key informants interviewed for the research noted that Ugandan authorities will take little interest in HRDs working on issues from their own country, which provides HRDs with the ability to operate quite freely.

98 Anti-Homosexuality Act [Uganda], 20 December 2013, <https://ulii.org/ug/legislation/act/2015/2014>, accessed 20 July 2020.

99 CIVICUS, "State of Civil Society Report 2020," pp 14.

100 BBC, "Uganda court annuls anti-homosexuality law," 1 August 2014, <https://www.bbc.com/news/world-africa-28605400>, accessed 10 August 2020.

101 Interviewee no.37, June 2020.

102 DefendDefenders, "Exiled and in Limbo," op. cit., pp. 8.

103 DefendDefenders, "To Them We Are Not Even Human," op. cit., p., pp 38.

104 It was found that security incidents in Uganda were experienced by 44 percent of interviewed Burundian HRDs, higher than in Rwanda, which was 39 percent. DefendDefenders, "Between Despair and Resilience," op. cit., p., pp 29.

However, problems will arise if this work strays into Ugandan politics or issues. They noted: “[HRDs] will be told to stick to being a refugee . . . there’s not much tolerance of refugees seen to be getting involved in Ugandan politics.”<sup>105</sup>

**“To be in exile is not a problem. But the problem is what I do, that causes me problems. But if I would keep quiet – who would I become as a person?”**

Censorship, disruption of work, and silencing were concerns raised by HRDs who worked on Ugandan policy issues and those who lived in settlements, due to their personal and professional lives being more intertwined with the Ugandan authorities by virtue of living in a designated area under the control of the government. One HRD felt that when living in a settlement, they were encouraged to “suffer in silence” and mentioned that the authorities “expect you not to talk much about the things that matter.”<sup>106</sup> Another had been part of a group of vocal critics of OPM and UNHCR concerning recent fraud and corruption scandals<sup>107</sup> and had witnessed the arrest of colleagues and family members, which had led them to relocate to Kampala for some time and left them feeling that “HRDs don’t have a right to talk in the settlement.”<sup>108</sup> There was a general sentiment amongst interviewees, including key informants, that HRDs who are active and speak out face more difficulties.

**“There are some things happening to refugees and if you complain to the officer, they may put you in jail yourself. We normally keep quiet, instead.”**

The difficulty for refugee HRDs to comment on Ugandan politics or policies may result in excluding refugee voices from decision-making and legitimate discussion of government policies, which is a healthy part of any demo-

cratic society. One HRD noted that after having lived in Uganda for a long time, many refugees feel that they should be entitled to comment on matters that concern them: “The issues cut across between political issues and refugee policies, when you’ve been here for a long time you have a political attachment and you want to talk about it.”<sup>109</sup> In March 2017, UNHCR launched the Comprehensive Refugee Response Framework (CRRF), which claims to include refugee issues in Uganda’s history and national and local development plans.<sup>110</sup> However, the reported silencing of HRDs in settlements and their self-censorship in order to live peacefully, suggests that this ‘inclusion’ is merely symbolic. One key informant, working closely with HRDs in Uganda, made the distinction here between ‘refugees’ and ‘HRDs’: “while the refugee program is fairly welcoming, it is not necessarily welcoming to everybody – and if you are an HRD used to speaking out, and you continue to do so in the settlements, then you face serious problems. Structures in the refugee systems are not built for HRDs.”<sup>111</sup> This indicates a problem with government and UNHCR programmes to ‘include’ refugees and begs the question of how meaningful these frameworks can possibly be when they exclude existing community organisations, leaders, and monitoring systems, while working within and alongside authorities which may resort to silencing tactics such as shutting down meetings that have not been arranged by them: “Effectively we haven’t the rights or freedom to do meetings or make meetings for refugees, we do it secretly, if we do it officially then we can get in trouble.”<sup>112</sup>

**“There have been some issues with Ugandan authorities, they are trying to back down the critics, if what you are saying is critical to the government.”**

105 Interviewee no.23, June 2020.

106 Interviewee no.33, June 2020.

107 NBC News, “Asylum for sale: Whistle-blowers say U.N. refugee agency does not always address corruption,” 7 April 2019, <https://www.nbcnews.com/news/world/asylum-sale-whistleblowers-say-u-n-refugee-agency-does-not-n988391>; The Guardian, “Officials charged with corruption over award of Uganda refugee camp deals,” 17 January 2020, <https://www.theguardian.com/global-development/2020/jan/17/officials-charged-with-corruption-over-award-of-uganda-refugee-camp-deals>, both accessed 21 July 2020.

108 Interviewee no.32, June 2020.

109 Interviewee no.33, June 2020.

110 UNHCR Uganda, “Uganda Country Refugee Response Plan: January 2019 – December 2020,” <https://reporting.unhcr.org/sites/default/files/Uganda%20Country%20RRP%202019-20%20%28January%202019%29.pdf>, accessed 21 July 2020, pp. 7.

111 Interviewee no.5, May 2020.

112 Interviewee no.44, June 2020.





"I wrote an article about conflict (in the settlements) and it went in the newspaper and it sparked a lot of issues here. I can never apply for a job here and get it – I have a degree and language skills, but you're seen as a bad person here. It hurts so much knowing that you have the qualification and not being able to use them and it's because I'm an HRD."

This lack of distinction between refugee and HRD also hinders access to support or protection mechanisms from organisations working on human rights issues. One diplomatic mission member interviewed noted that they had little contact with non-Ugandan HRDs, as their mandate focuses on Ugandan issues, which non-Ugandans are unable or actively discouraged to participate in. This means that HRDs would have fewer opportunities to be invited to conferences or trainings, potentially missing out on travel opportunities too. Another key informant mentioned that their institution had piloted a project of emergency services for HRDs but had "only anticipated for Ugandans."<sup>113</sup> The lack of assistance for HRDs in exile specifically had left many feeling that they had little access to protection or support mechanisms that understood their situation, beyond being a refugee: "another point is that there is no consideration of HRDs in the community and it can discourage HRDs [...] Those who are working on it don't intervene. There's no one to assist us directly."<sup>114</sup>

"Sometimes you go through hell and don't have strength to face another day, so you go to an organisation 'helping with HRDs', they tell you so much, but don't focus on real protection."

This lack of distinction, or consideration of the needs of HRDs in exile, also acted as a barrier for several HRDs in accessing offices and ser-

vices, out of fear or frustration. One HRD mentioned that they wanted a specific day for HRDs to attend the OPM and UNHCR offices, instead of being forced to go on the designated days for refugees of their nationality, as they did not want to be identified by others: "it's not easy to attend the OPM or UNHCR office when we are there with people from our own country."<sup>115</sup> Another highlighted the annoyance of multiple visits to offices and having to explain their situation repeatedly – "it was not encouraging; I was always a newcomer to them."<sup>116</sup> There was a greater feeling of frustration from SOGI HRDs, who felt isolated within the refugee and aid community too: "when there are atrocities against one of our members, there is no office in which we can focus to go to and make a complaint... there is no intervention from the international organisations, even UNHCR – they don't intervene quickly."<sup>117</sup> A key informant working closely with HRDs noted that the issue with accessing offices, was compounded with a general "mistrust" felt in the refugee community in Uganda with entities such as the police, OPM, UNHCR, and their implementing partners.<sup>118</sup> The lack of trust, combined with reports of corruption and bribes in the refugee system, particularly concerning the process to obtain movement permits and CTDs, is a practical restriction on freedom of movement for HRDs. In the end, the general feeling amongst HRDs without travel documents was one of resignation, accepting the fact that many opportunities would be missed, due to the abovementioned factors.

"Generally, the level of corruption in the refugee system and problems still remain. That does impact on HRDs and their ability to live and be protected."

113 Interviewee no.14, May 2020.  
114 Interviewee no.47, June 2020.  
115 Interviewee no.18, May 2020.  
116 Interviewee no.22, May 2020.  
117 Interviewee no.48, June 2020.  
118 Interviewee no.14, May 2020.

## CONCLUSIONS

HRDs living in exile in Uganda enjoy a larger degree of freedom than those living in exile in other countries of the East and Horn of Africa sub-region. To a large extent, they are able to exercise their right to free movement, including within the country, which makes Uganda the “freest” country for refugees, as a number of interviewees put it. However, in practice HRDs in exile in Uganda do not have full access to the right to freedom of movement, in particular when it comes to moving between Uganda and other states.

They are disadvantaged due to several factors, which are often intertwined with their work as HRDs. While Uganda’s relatively liberal migration policies and ‘open borders’ policy have led to a thriving community of HRDs in the country and to Uganda acting as a hub for HRDs in the sub-region, significant barriers remain to HRDs seeking to move freely within Uganda, the EAC, and beyond. These restrictions and the frustration surrounding bureaucratic systems governing movement and migration have led to many HRDs feeling powerless in front of the challenges this presents to their work.

Challenges facing HRDs negatively affect the whole of civil society. Restrictions prevent HRDs from attending conferences, workshops and events that would further build their capacity and networks. They also disadvantage the organisations and coalitions who organise these events and who may have hand-picked HRDs to attend. Finally, they negatively affect civil society in a wider sense, because it means that bright minds, who have innovative solutions to problems that they are deeply familiar with, do not have the chance to access spaces where they can share these ideas and work within decision-making processes that have the potential to greatly impact themselves and the communities or issues they are working for.

Furthermore, the disparity between men and women HRDs in being able to access travel documents is of serious concern and should be considered by organisations and civil society actors

who provide opportunities for HRDs to travel internationally. If more WHRDs can be assisted by international organisations or actors to obtain CTDs, then more women will be present in key spaces, including advocacy fora, hopefully increasing the capacity of current WHRDs and bringing new, or lesser known WHRDs into the spotlight.

Finally, full recognition and protection of freedom of movement rights for HRDs living in exile in Uganda, by the Ugandan government and international community, are vital. With the necessary political will, more can be done in this regard, at no cost. This would be a straightforward way to drastically improve the lives of HRDs, support their work, and strengthen their capacity.



# RECOMMENDATIONS

With these considerations in mind, DefendDefenders respectfully offers the following practical, action-oriented recommendations:

## TO THE UGANDAN GOVERNMENT:

- Ensure that refugees, migrants and others fully enjoy their right to freedom of movement in Uganda, by upholding provisions of national, international, and regional law pertaining to freedom of movement, including Article 26 of the Convention Relating to the Status of Refugees (1951) and Article 30 of the Refugees Act (2006), in relation to refugees;
- Ensure continual review and monitoring of COVID-19 related restrictions to freedom of movement, determining that the actions are directly related to fighting the virus, non-discriminatory, temporary, necessary, and proportionate, and do not constitute or give rise to undue restrictions on civil liberties;
- Implement the recommendation of the African Commission on Human and Peoples' Rights calling on the government of Uganda to expedite the completion of the Government's project for the establishment of resident status for refugees to bring a solution to long-term displacements;
- Make the convention travel document system clearer and more accessible to refugees and HRDs in exile; ensure that everyone can receive one as is their right according to Article 31 of the Refugees Act (2006), Article 6 of the Organisation of African Unity Convention, and Article 28 of the Convention Relating to the Status of Refugees (1951);
- Ensure that all fees collected in relation to the processing of travel documents, including convention travel documents, are strictly necessary to cover essential administrative costs and are clearly outlined to applicants in a public, transparent manner;
- Monitor instances of corruption in the refugee system, particularly concerning freedom of movement for refugees i.e., the policy of 'movement permits' for entering and leaving settlements, resettlement, and the convention travel document process, and where relevant, take disciplinary and legal action against officers found to have acted outside their mandate or the framework defined by the law;
- Implement the recommendation of the African Commission on Human and Peoples' Rights calling on the government of Uganda to adopt a law protecting human rights defenders, in conformity with the Commission's Resolutions on Human Rights Defenders including ACHPR/Resolution 69 (XXXV) 04, ACHPR/Resolution 119 (XXXXII) 07, and ACHPR/Res.196 (L) 11 and the UN Declaration on Human Rights Defenders 1998.

## TO THE EAST AFRICAN COMMUNITY AND ITS MEMBER STATES:

- Ensure that refugees, migrants and human rights defenders enjoy their right to freedom of movement in the EAC, according to Article 12 of the Banjul Charter (1981); Article 43 of the Abuja Treaty (1991); Article 104(1) of the Treaty for the Establishment of the (EAC) (1999); Articles 5 and 7 of the Protocol on the Establishment of the East African Community Common Market (2009); and Articles 5 and 10 of the AU Free Movement Protocol (2018);<sup>119</sup>
- Explicitly include refugees and convention travel document holders in freedom of movement rules, by mainstreaming refugees and refugee travel documents into free movement law and policy documents;
- Consider responding favourably to visa applications lodged by holders of convention travel documents with diplomatic representations in Uganda; at any rate, accept and process visa applications without discrimination based on the legal status of the applicant in Uganda and

<sup>119</sup> A practical example is the extension of interstate passes to refugees. Interstate passes are issued by local immigration authorities in Kenya, Tanzania and Uganda, to EAC citizens who cannot be readily issued with a passport in emergency situations and may be used to travel across the EAC in place of a passport.



- apply objective criteria at all stages of the visa process;
- Ensure that law and regulations are streamlined in their acceptance of refugee travel in the region and the use of convention travel documents;
- Create a convention travel document for use within the East African Community, to ensure that the large population of refugees in the region are entitled to the same free movement rights as citizens; and
- Recognise the importance of human rights defender voices: include human rights defenders and human rights defenders in exile in regional discussions surrounding free movement, while prioritising protection of human rights defenders and strengthening regional protection mechanisms.

## **TO THE AFRICAN UNION AND THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS:**

- Call on member states to consider refugees and convention travel documents in free movement and migration practices, ensuring that refugees, migrants and human rights defenders have full access to their freedom of movement rights in the African Union, according to Article 12 of the Banjul Charter (1981), Article 6 of the Organisation of African Unity Convention, and Article 43 of the Abuja Treaty (1991); and
- Call on Member States to effectively implement the Memorandum of Understanding signed on 9 March 2010 with UNHCR establishing a framework for cooperation in the areas Conflict Prevention and Peacebuilding; Early Warning and Response; Movement of Persons, Immigration and Movements and the Promotion and Protection of Human Rights in East Africa; as well as the provision of the East African Community Treaty requiring Partner States to establish common mechanisms for the management of refugees.

## **TO OTHER GOVERNMENTS:**

- Understand the specificities of human rights defenders when processing visa applications, including their situation and the specific risks they face because of their work, and endeavour to ensure greater acceptance of visa applications where a convention travel document is the listed travel document;
- Apply objective criteria when processing visa applications and do not regard refugee status or the fact that an application has been lodged using a convention travel document as prima facie obstacles to the visa being granted; in case further information is needed, reach out to relevant event organisers or civil society organisations acting as guarantors or supporting human rights defenders' travel plans from a logistical or financial perspective;
- Provide opportunities to human rights defenders in exile to be able to travel or study abroad, considering their immigration status and special considerations that they may have as third country nationals; and
- Ensure that human rights defenders in exile are also included in schemes, protection mechanisms and have direct contact to the embassies.
- Subheader: To the United Nations High Commissioner for Refugees:
- Engage further conversation with the Ugandan government for a more streamlined and efficient convention travel document system and in accordance with Article 28 of the Convention Relating to the Status of Refugees (1951), Article 6 of the Organisation of African Unity Convention, and Article 31 of the Refugees Act (2006);
- Strengthen protection mechanisms for high risk HRDs, including WHRDs and SOGI;
- Recognise the importance of refugee voices: include human right defenders within your community meetings, planning and refugee responses, acknowledging the usefulness of existing community structures and mechanisms for reporting and monitoring rights violations; and
- Ensure a more accessible and transparent refugee system, particularly concerning refugees being able to move from settlements through the movement permit process, resettlement, and the convention travel document process – all of which have reported instances of rampant and systemic corruption.



## **TO INTERNATIONAL CIVIL SOCIETY:**

- Increase solidarity, networking and coordination between organisations to share experiences with human rights defenders in exile and refugees travelling and the best ways to facilitate this;
- Increase visibility of human rights defenders in exile and logistical support to in order to make possible their participation to regional and international fora; and
- Build sustainable and resilient mechanism to allow exchanges among exile human rights defenders.

## **TO HUMAN RIGHTS DEFENDERS:**

- Know your rights: take the time to understand exactly what your freedom of movement rights are, according to your immigration status in Uganda;
- Endeavour to legalise your status in Uganda, if it is unclear; if need be, seek advice to do so;
- Ensure that you have valid and legal documentation for your residence or stay in Uganda, where possible: avoid over-staying your visa, replace documentation if you lose it, and register with your Local Councillor (LC1 Chairperson) if you live in an urban area;
- Seek help from others who have succeeded in obtaining a convention travel document and/or travel visa: ask them what they did, the steps they took, and try to replicate the experiences of those who lawfully obtained the documents; and
- Know where to look for resources: if you want to travel abroad, know where to look for legitimate and obtainable opportunities to study, participate in a workshop or training. You should also familiarise yourself with immigration processes of countries that you want to travel to, so that you know and understand your rights.





# ANNEX 1 - THE RIGHT TO FREEDOM OF MOVEMENT SOURCES

## INTERNATIONAL

### **Universal Declaration of Human Rights (1948), Article 13:**

- (1) Everyone has the right to freedom of movement and residence within the borders of each State.
- (2) Everyone has the right to leave any country, including his own, and to return to his country.

### **International Covenant on Civil and Political Rights (1966), Article 12:**

- (1) Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
- (2) Everyone shall be free to leave any country, including his own.
- (3) The above-mentioned rights shall not be subject to any restrictions except those provided by law, are necessary to protect national security, public order (*ordre public*), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Covenant.
- (4) No one shall be arbitrarily deprived of the right to enter his own country.

### **Convention Relating to the Status of Refugees (1951), Article 26:**

Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances.

### **General Assembly Resolution A/RES/53/144, Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, Article 2:**

(a) Rights and protections accorded to human rights defenders

Articles 1, 5, 6, 7, 8, 9, 11, 12 and 13 of the Declaration provide specific protections to human rights defenders, including the rights:

To seek the protection and realization of human rights at the national and international levels;

(b) The duties of States

States have a responsibility to implement and respect all the provisions of the Declaration. However, articles 2, 9, 12, 14 and 15 make particular reference to the role of States and indicate that each State has a responsibility and duty:

To protect, promote and implement all human rights;

To ensure that all persons under its jurisdiction are able to enjoy all social, economic, political and other rights and freedoms in practice;

## CONTINENTAL/REGIONAL

### **African Charter on Human and Peoples' Rights ("Banjul Charter") (1981), Article 12:**

Every individual shall have the right to freedom of movement and residence within the borders of a State provided he abides by the law.

Every individual shall have the right to leave any country including his own, and to return to his country.

This right may only be subject to restrictions, provided for by law for the protection of national security, law and order, public health or morality.

Every individual shall have the right, when persecuted, to seek and obtain asylum in other countries in accordance with the law of those countries and international conventions.

A non-national legally admitted in a territory of a State Party to the present Charter, may only be expelled from it by virtue of a decision taken in accordance with the law.

The mass expulsion of non-nationals shall be prohibited. Mass expulsion shall be that which is aimed at national, racial, ethnic or religious groups.



**Treaty Establishing the African Economic Community (Abuja Treaty) (1991), Article 43:**

Member States agree to adopt, individually, at bilateral or regional levels, the necessary measures, in order to achieve progressively the free movement of persons, and to ensure the enjoyment of the right of residence and the right of establishment by their nationals within the Community.

For this purpose, Member States agree to conclude a Protocol on the Free Movement of Persons, Right of Residence and Right of Establishment.

**Treaty for the Establishment of the East African Community (1999), amended in 2006 and 2007), Article 104(1):**

(1) The Partner States agree to adopt measures to achieve the free movement of persons, labour and services and to ensure the enjoyment of the right of establishment and residence of their citizens within the Community.

(2) For purposes of paragraph 1 of this Article, the Partner States agree to conclude a Protocol on the Free Movement of Persons, Labour, Services and Right of Establishment and Residence at a time to be determined by the Council.

(3) The Partner States shall as may be determined by the Council:

(a) ease border crossing by citizens of the Partner States;

(b) maintain common standard travel documents for their citizens;

(c) effect reciprocal opening of border posts and keep the posts opened and manned for twenty four hours;

(d) maintain common employment policies;

(e) harmonise their labour policies, programmes and legislation including those on occupational health and safety;

(f) establish a regional centre for productivity and employment promotion and exchange information on the availability of employment;

(g) make their training facilities available to persons from other Partner States; and

(h) enhance the activities of the employers' and workers' organisations with a view to strengthening them.

(4) The Partner States undertake to co-operate in the enhancement of the social partnership between the governments, employers and employees so as to increase the productivity of labour through efficient production.

**Protocol on the Establishment of the East African Community Common Market (2009), Article 5:**

The provisions of this Protocol shall apply to any activity undertaken in cooperation by the Partner States to achieve the free movement of goods, persons, labour, services and capital and to ensure the enjoyment of the rights of establishment and residence of their nationals within the Community.

For the purposes of paragraph 1 and pursuant to paragraph 4 of Article 2 of this Protocol, the Partner States agree to:

(a) eliminate tariff, non-tariff and technical barriers to trade; harmonise and mutually recognize standards and implement a common trade policy for the Community;

(b) ease cross-border movement of persons and eventually adopt an integrated border management system;

(c) remove restrictions on movement of labour, harmonise labour policies, programs, legislation, social services, provide for social security benefits and establish common standards and measures for association of workers and employers, establish employment promotion centres and eventually adopt a common employment policy;

(d) remove restrictions on the right of establishment and residence of nationals of other Partner States in their territory in accordance with the provisions of this Protocol;

(e) remove measures that restrict movement of services and service suppliers, harmonise standards to ensure acceptability of services traded; and

(f) eliminate restrictions on free movement of capital; ensure convertibility of currencies; promote investments in capital markets (stock exchange) eventually leading to an integrated financial system.

(3) For the purposes of facilitating the implementation of the Common Market, the Partner States further agree to:

(a) co-operate to harmonise and to mutually recognise academic and professional qualifications;

(b) co-operate to ensure protection of cross border investments;

(c) co-ordinate and harmonise their economic, monetary and financial policies;

(d) co-operate to ensure fair competition and promote consumer welfare;

(e) co-ordinate their trade relations to govern international trade and trade relations between the Community and third parties;

(f) co-ordinate and harmonise their transport policies and develop their transport infrastructure modes;

(g) co-ordinate and harmonise their social policies;

(h) integrate environmental and natural resources management principles in the activities relating to the Common Market;

(i) ensure the availability of relevant, timely and reliable statistical data for purposes of the Common Market;

(j) promote research and technological development within the Community;





- (k) co-operate in the promotion and protection of intellectual property rights;
- (l) promote industrial development for the attainment of sustainable growth and development in the Community; and
- (m) sustainably develop and promote agriculture and ensure food security in the Community.

**Article 7:**

The Partner States hereby guarantee the free movement of persons who are citizens of the other Partner States, within their territories.

(2) In accordance with paragraph 1, each Partner State shall ensure non-discrimination of the citizens of the other Partner States based on their nationalities by ensuring:

- (a) the entry of citizens of the other Partner States into the territory of the Partner State without a visa;
- (b) free movement of persons who are citizens of the other Partner States within the territory of the Partner State;
- (c) that the citizens of the other Partner States are allowed to stay in the territory of the Partner State; and
- (d) that the citizens of the other Partner States are allowed to exit the territory of the Partner State without restrictions.

(3) The Partner States shall, in accordance with their national laws, guarantee the protection of the citizens of the other Partner States while in their territories.

(4) The free movement of persons shall not exempt from prosecution or extradition, a national of a Partner State who commits a crime in another Partner State.

(5) The free movement of persons shall be subject to limitations imposed by the host Partner State on grounds of public policy, public security or public health.

(6) A Partner State imposing a limitation under paragraph 5, shall notify the other Partner States accordingly.

(7) The Partner States shall effect reciprocal opening of border posts and keep the posts opened and manned for twenty four hours.

(8) The movement of refugees within the Community shall be governed by the relevant international conventions.

**Protocol to the Treaty Establishing the African Economic Community Relating to the Free Movement of Persons, Right of Residence and Right of Establishment (AU Free Movement Protocol) (2018), Article 5:**

The free movement of persons, right of residence and right of establishment shall be achieved progressively through the following phases:

phase one, during which States Parties shall implement the right of entry and abolition of visa requirements;

phase two, during which States Parties shall implement the right of residence;

phase three, during which States Parties shall implement the right of establishment.

The Roadmap annexed to this Protocol serves as a guideline to help, as appropriate, with the implementation of the above phases.

**Article 10:**

(1) State Parties, shall adopt a travel document called “African Passport” and shall work closely with the Commission to facilitate the processes towards the insurance of this passport to their citizens.

## **NATIONAL**

**Constitution of the Republic of Uganda [Uganda] (1995), Article 29:**

(2) Every Ugandan shall have the right—

- (a) to move freely throughout Uganda and to reside and settle in any part of Uganda;
- (b) to enter, leave and return to, Uganda; and
- (c) to a passport or other travel document.

**The Refugees Act [Uganda] (2006), Article 30:**

(1) Subject to subsection (2) of this section, a recognised refugee is entitled to free movement in Uganda

(2) The free movement of a recognised refugees in Uganda is subject to reasonable restrictions specified in the laws of Uganda, or directions issued by the Commissioner, which apply to aliens generally in the same circumstances, especially on grounds of national security, public order, public health, public morals or the protection of the rights and freedoms of others.



## ANNEX 2 - PRACTICAL GUIDE TO THE CTD

As a recognised refugee in Uganda, it is your legal right to possess a Convention Travel Document (CTD), or 'Refugee Passport'.

The CTD looks and acts in the same way that a national passport does.

### THE REQUIRED DOCUMENTS:

*The initial application –*

1. A photocopy of your 'refugee ID';
2. A photocopy of your 'family attestation';
3. An 'invitation letter' from the organisation, education institution, individual, group, event organiser etc. who is inviting you to travel abroad;
4. A 'motivation letter' explaining your motivation to travel and giving key and clear information about the trip, including dates, where you will stay, the purpose of your travel, and why it is important to you or your work.

*After your application is deemed eligible –*

1. Passport photos;
2. A receipt of payment for the fee (120,000 + 3,000 UGX processing fee) from Centenary Bank;
3. A completed form that the Passport Officers will give to you.

### THE PROCESS:

There are two main ways that a CTD may be obtained: through application with OPM, or through application at the Ministry of Internal Affairs. You may want to first speak to someone at OPM to ask their advice on how to proceed. The process described below follows the second way: direct application with the Ministry of Internal Affairs and Directorate of Passports. Please note that this is guidance based on best practices and by no means a guarantee that you will receive a CTD.

The main Passport Office is situated at the Ministry of Internal Affairs, Plot 75 Jinja Road (entrance is on Old Portbell Rd).

CTD applications are accepted on Wednesdays only. Results for the application may be picked up on Fridays.

You must go to the reception to ask to submit your application, with the documents listed above. If you are told that you cannot enter the building, politely state your rights: that you are legally entitled to apply for a CTD.

You will most likely be sent to Room One, to submit your application. If they refuse to let you submit on that day, or ask you to go outside and wait, or come back, remember to keep stating your right to apply for the document.

You will likely be given an appointment to return in two weeks, at that appointment you will be told whether your application is eligible or not. If not, you should ask for the reasons why in writing.

Once your application is deemed eligible, you need to go to Centenary Bank to pay a fee of 120,000 Ugandan Shillings (UGX) and a processing fee of 3,000 UGX. You will be given a receipt that you need to take back to the office, where you will submit this as a proof of payment.

You may now have to wait for one month, or longer, before the office will call you to inform that your CTD is ready. During this time, be sure to keep following up and asking for the progress of your application.

You may be told to return and come back several times, or that no one can help you on the day that you go. In this case, you may want to calmly ask to go to the office of the Secretary of the High Commissioner, and perhaps to speak to the High Commissioner about the arbitrary delays.

Remember to approach each meeting and follow-up with patience, confidence and courage – it is your right to apply for this document. Don't be afraid to defend yourself and this right, in a calm and polite manner.



## USEFUL TIPS!:

Be mindful of challenges and delays: you should expect and be prepared for delays in the process. Some people reported waiting over a year for the document, so you should not be discouraged if you are waiting for a long time.

Apply with enough time before your planned trip, so that you will not miss the chance to travel. If you miss the travel date, it is good to have a back-up plan, and a prepared letter of motivation and invitation for this, so that you can avoid a break or long delay in the process.

Remember to be persistent and keep following-up. It may seem like a long and tiring process, but once you have the document, it will be valid for five years and the process to renew is easier than getting one in the first place.

If you are refused a CTD, you should ask for the reasons for the refusal in writing, and whether there is an appeal process.

Learn and know your legal rights: you should be able to argue why you are entitled to the CTD and on what basis. It may help you to state these legal facts when facing delays or being turned away, in a polite and humble manner.

Remember the cost: 120,000 + 3,000 UGX. If you are asked to pay more for an 'express service', or otherwise, this is an unofficial cost, and you may be paying a bribe. You are not under any circumstances obliged to pay more than 123,000 UGX and you may lose the extra money that you pay, if your CTD application is rejected.

## LEGAL BASIS OF THE CTD – KNOW YOUR RIGHTS:

### **The Refugees Act [Uganda] (2006):**

#### 31. Right to travel document

(1) A recognised refugee staying in Uganda is entitled to a travel document for the purpose of travel outside Uganda, unless compelling reasons of national security or public order require otherwise;

(2) A travel document issued to a recognised refugee shall be valid for all countries except the refugee's country of origin and those countries with respect to which Uganda has restrictions;

(3) A recognised refugee in possession of a valid passport issued by the country of origin shall surrender that passport to the issuing officer before acquiring a travel document;

(4) A person who has ceased to be a recognised refugee under this Act shall not be issued with a travel document, and if such person is in possession of a travel document, he or she shall surrender it to the immigration office;

(5) For the purposes of this section, "travel document" means a travel document issued under or in accordance with article 28 of the Geneva Convention.

### **Convention Governing the Specific Aspects of Refugee Problems in Africa ("OAU Convention") (1969):**

#### Article 6 Travel Documents

(1) Subject to Article III, Member States shall issue to refugees lawfully staying in their territories travel documents in accordance with the United Nations Convention relating to the Status of Refugees and the Schedule and Annex thereto, for the purpose of travel outside their territory, unless compelling reasons of national security or public order otherwise require. Member States may issue such a travel document to any other refugee in their territory.

(2) Where an African country of second asylum accepts a refugee from a country of first asylum, the country of first asylum may be dispensed from issuing a document with a return clause.

(3) Travel documents issued to refugees under previous international agreements by States Parties thereto shall be recognized and treated by Member States in the same way as if they had been issued to refugees pursuant to this Article.

### **Convention Relating to the Status of Refugees (1951):**

#### Article 28. Travel documents

(1) The Contracting States shall issue to refugees lawfully staying in their territory travel documents for the purpose of travel outside their territory, unless compelling reasons of national security or public order otherwise require, and the provisions of the Schedule to this Convention shall apply with respect to such documents. The Contracting States may issue such a travel document to any other refugee in their territory; they shall in particular give sympathetic consideration to the issue of such a travel document to refugees in their territory who are unable to obtain a travel document from the country of their lawful residence.

(2) Travel documents issued to refugees under previous international agreements by parties thereto shall be recognized and treated by the Contracting States in the same way as if they had been issued pursuant to this article.



# ANNEX 3 - SUPPORT MECHANISMS AND RESOURCES FOR HRDS IN EXILE IN UGANDA

Below is a list of organisations that HRDs can contact for protection, financial support, legal aid, or capacity building. Support mechanisms and projects for HRDs and urban refugees are subject to continuous change due to funding limitations and evolving priorities. This is not an exhaustive list. Please note that it is always best to look for updated information when the need arises, and to contact these organisations directly to discuss specific needs.

## SUPPORT MECHANISMS FOR HRDS

For a detailed list of resources for HRDs, visit our website: <https://defenddefenders.org/about-us/about-us/resource-directory/>

## PHYSICAL AND DIGITAL SECURITY RESOURCES

### Security Manuals

“Stand Up! Security Manual for African Human Rights Defenders” is DefendDefenders’ organisational and personal security manual to help HRDs do their work in a safe and effective manner. Book One covers personal, physical, and organisational security planning. Book Two addresses digital security for electronic devices, and online accounts and communications. Download it here: [www.defenddefenders.org/wp-content/uploads/2017/09/StandUpfeb.pdf](http://www.defenddefenders.org/wp-content/uploads/2017/09/StandUpfeb.pdf)

The key points of the “Stand Up!” manual can also be found in the “Security in your pocket” brief

- Download in English: [www.defenddefenders.org/wp-content/uploads/2018/08/SecurityInYourPocket\\_English.pdf](http://www.defenddefenders.org/wp-content/uploads/2018/08/SecurityInYourPocket_English.pdf)
- Download in French: [www.defenddefenders.org/wp-content/uploads/2018/08/SecurityInYourPocket\\_French.pdf](http://www.defenddefenders.org/wp-content/uploads/2018/08/SecurityInYourPocket_French.pdf)
- Download in Arabic: [https://www.defenddefenders.org/wp-content/uploads/2018/08/SecurityInYourPocket\\_Arabic.pdf](https://www.defenddefenders.org/wp-content/uploads/2018/08/SecurityInYourPocket_Arabic.pdf)

Other useful manuals are Protection International’s “New Protection Manual for Human Rights Defenders,” available in English and French (<https://www.protectioninternationale.org/en/node/1106>) and Front Line Defenders’ “Workbook on Security: Practical Steps for Human Rights Defenders” at Risk (<https://www.frontlinedefenders.org/en/resource-publication/workbooksecurity-practical-steps-human-rights-defenders-risk>).

### Digital Safety Learning Resources

Digital First Aid Kit (<https://www.digitaldefenders.org/digitalfirstaid/>) aims to provide preliminary support for people facing the most common types of digital threats. The Kit offers a set of self-diagnostic tools for HRDs, bloggers, activists and journalists facing attacks themselves, as well as providing guidelines for digital first responders to assist a person under threat.

“Surveillance Self-Defence” (<https://ssd.eff.org/>) is Electronic Frontier Foundation’s guide to defending yourself from surveillance by using secure technology and developing careful practices. Umbrella (<https://secfirst.org/umbrella>) is an app available for Android phones which functions as a security handbook in your pocket. It can be used to review information relevant to your own situation and use their built-in checklists to stay safe when facing risks.

### Access Now Digital Security Helpline

The Digital Security Helpline is a free resource for civil society around the world. It offers real time, direct technical assistance and advice to activists, independent media, and civil society organisations, including:

- Rapid response on digital security incidents.
- Personalised recommendations, instructions, and follow-up support on digital security issues.
- Help assessing risks and creating organisational or community security strategies.
- Guidance on security practices and tools for organisations, communities, groups, and individuals.
- Support for securing technical infrastructure, websites, and social media against attack.
- Referrals, capacity-building, in-person consultations, and training; and
- Education materials in multiple languages.

The Digital Security Helpline is operated by a global team who are available 24/7, responsive to incidents in a rapid, efficient, and uniform manner, and multilingual (fluent in English, Arabic, French, Spanish, Portuguese, and Filipino). Contact them at: [help@accessnow.org](mailto:help@accessnow.org)



**DefendDefenders Digital Safety Helpline**

If you encounter suspicious emails, file attachments, links, instant messenger behaviour, or computer behaviour which you suspect may be related to a digital safety threat against you, contact [helpline@defenddefenders.org](mailto:helpline@defenddefenders.org) or send a message to +256 787556560 (Signal, WhatsApp) for digital safety advice, analysis, and referral. Support is available in English, French, Luganda, Kinyarwanda, and Kirundi.







DefendDefenders (East and Horn of Africa Human Rights Defenders Project) seeks to strengthen the work of human rights defenders throughout the sub-region by reducing their vulnerability to risks of persecution and by enhancing their capacity to effectively defend human rights.

DefendDefenders serves as the secretariat of the East and Horn of Africa Human Rights Defenders Network, which represents thousands of members consisting of individual HRDs, human rights organisations, and national coalitions that envision a sub-region in which the human rights of every citizen as stipulated in the Universal Declaration of Human Rights are respected and upheld.

 [www.defenddefenders.org](http://www.defenddefenders.org)

 +256 393 265 820

 [info@defenddefenders.org](mailto:info@defenddefenders.org)

 @DefendDefenders

 /defenddefenders

