



Refugee Law Project

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**Briefing
Paper**
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REFUGEES IN RHINO CAMP REFUGEE SETTLEMENT AND ARUA TOWN

INTRODUCTION

The Refugee Law Project (RLP) conducted over 200 in-depth interviews in Arua District in late July and early August 2006, some with self-settled refugees living in Arua town and the majority with refugees living in Rhino Camp Refugee Settlement. Government officials and UN and NGO staff working in the settlement and in Arua and Rhino Camp towns were also interviewed.

The research trip was the third in a series of extended field visits to refugee hosting areas of Uganda in which the human rights and the protection of so-called vulnerable groups—and particularly refugee children and young people—are being explored. The study emphasises the ways that ‘vulnerable’ individuals interact within families, communities, and societies to mitigate their vulnerability in an atmosphere of changing—and most often, declining—official assistance.

During the course of the visit, the RLP team also had the opportunity to witness the ongoing repatriation of Sudanese refugees and to investigate refugee perceptions of both the process itself as well as the prospects for return and reintegration.

The following represents preliminary findings related to three of the most salient issues that emerged from the visit to Arua, and will be followed by a more in-depth analysis once all the field studies have been completed. An earlier draft of this document has been circulated to a number of key stakeholders for preliminary comment. However, the RLP welcomes any further comment which can inform our final research output.

1. EARLY MARRIAGE AND ITS HUMAN RIGHTS IMPLICATIONS

Summary of Findings

Early marriages are frequent in Rhino Camp Refugee Settlement, and have serious consequences for both the girls and the boys involved, as well as for any children of the union. Although many officials working with refugees blamed them on culture or tradition, most early marriages in the settlement appear to be arranged in response to pre-marital sex between young people—at least one of whom is below the age of 18—that has already resulted in pregnancy.

- Many girls and boys admitted feeling unprepared physically, emotionally, and financially, for marriage and raising children, a viewpoint shared by many parents and community leaders.
- Refugees and health officials reported high rates of sexually transmitted infections (STIs), particularly syphilis, within the settlement. Girls in their early teens are at a higher risk of contracting STIs than older girls and women above 18, and although testing

and treatment are typically part of antenatal care, males were frequently not involved—both because their partners feared to tell them they were infected and because many men refused treatment—leading to re-infection of females and serious consequences for their partners' health.

- Girls who become pregnant are not allowed to continue in school, and although some efforts have been made—most notably by Jesuit Refugee Services (JRS) and Community Services—to encourage child mothers to return to school after delivery, research indicated that the majority of girls do not go back to school, mostly owing to the burden of household responsibilities, the inability to raise money for school fees and other expenses including uniforms and scholastic materials, and objections from their families, who often believe that girls who give birth have become women and no longer belong in school.
- Boys who impregnate girls are frequently not identified and are in any case legally entitled to continue school. Many boys who admit responsibility and enter into early marriages are able to continue with school, although a significant number are forced to drop out in order to work to pay bride price and raise money for the child's expenses.
- A large number of young men and women whom the RLP interviewed and who had been pressed into early marriages expressed feelings of frustration, hopelessness, and despair in connection with their situation. Several respondents had close family members or friends who had attempted or successfully committed suicide in connection with these feelings, often by consuming commonly-available toxins such as rat poison and crushed batteries.

Ugandan defilement law, insofar as it criminalises underage sexual intercourse, may actually encourage early marriages and their associated bride prices as an alternative to expensive and time-consuming legal proceedings.

- Ugandan defilement law considers boys and girls below 18 years to be minors, and penalises males of any age who engage in any sexual intercourse with girls below 18. Nevertheless, it is rarely implemented in practice in Rhino Camp refugee settlement, both because of the financial and procedural obstacles that discourage reporting, and because of the financial incentive to girl's families to seek bride price and/or fees for 'spoiling' a girl.
- The threat of being reported to the police is commonly used to force boys to either pay bride price and 'marry' girls or pay fees to girls' families and remain unmarried. Boys who are unable or unwilling to pay—with or without the help of their families—face years in prison.
- In addition to the risk of imprisonment, boys who will not or cannot pay are frequently subject to harassment, ostracism from their communities, and even violence. Accordingly, many see little alternative but to escape to other settlements, to towns, or increasingly, back to safe areas in Sudan.
- Girls who are left behind when boys leave are commonly subjected to verbal and physical abuse and neglect, or are otherwise mistreated by family and communities that perceive them as 'dishonoured'.
- While some programmes have been introduced in the settlement that seek to encourage girls to plan for their futures and to educate them about sexual and gender-based violence (SGBV), boys have for the most part been excluded from such programmes.

Many refugees interviewed described early marriage as an imperfect solution to basic survival needs including economic and physical security. Parents, many of whom were themselves married early, often see little alternative but to arrange early marriage for their own children.

- Rates of sexual violence are high in the settlement and parents often view an early marriage as the best means of protecting their daughters.
- A number of parents who themselves had married before the age of 18 in Sudan explained that their marriages had been conducted with the support and involvement of local cultural and religious institutions. Displacement and falling income levels in the settlement, however, had forced them to arrange marriages for their children earlier than was customary prior to displacement, and without such sanction.

Recommendations

To the government of Uganda:

- *Reform* the current defilement laws making them consistent with marriage laws and the Constitution of Uganda, including decriminalising sexual relations between underage boys and girls of the same age.
- *Increase* the number of girls and young women assisted by Community Services' 'Teenage Mamas' Programme.
- *Reduce* legal and financial obstacles to the reporting of cases of rape and sexual violence, including by increasing the number of police in the settlement and by enhancing the ability of police to conduct investigations and take suspects into custody.
- *Reconsider* the current system under which police officers are transferred after 6 month assignments. A longer period would enable the consolidation of training, experience, and institutional knowledge in a core group of police who are specialised in working with refugees.

To all actors involved in education:

- *Enforce* zero tolerance of sexual harassment and intimidation by students, teachers, and administrators.
- *Train* Senior Man and Woman Teachers to counsel girls *and* boys as well as their parents on relevant issues including early sexual activity.
- *Reconsider* policies that force pregnant girls to leave school.
- *Reduce* the barriers that young people who have discontinued their education face in attempting to return to school.
- *Educate* communities on the rights of children, and especially girls, to return to school at any age.

To all relevant actors:

- *Increase* financial and logistical support to community organisations—particularly those that involve both refugees and nationals—that educate young people on sexuality and the risks of premature sexual relationships.

- *Implement* activities and programmes that educate boys on the causes and consequences of SGBV and encourage them to make considered choices and plans for their futures.
- *Recognise* that early marriage is both a response to and a cause of reduced livelihood options.

2. FOOD, LIVELIHOODS, AND INCOME GENERATING ACTIVITIES

Summary of Findings

Under Uganda’s Self-Reliance Strategy, refugees are expected to use agricultural land allotted to them to produce crops both for their own consumption and to sell to provide money to buy soap, sugar, salt, clothing, school fees, and other essentials. Insufficient rains for the past two years, however, have seriously impacted upon refugees’ abilities to meet their needs. Furthermore, the acute food shortage has exacerbated social problems that impact on refugees’ enjoyment of their human rights.

- The majority of refugees interviewed reported that the drought had significantly worsened their economic position, threatening their ability to meet such expenses as school fees or to start or continue to operate small businesses that would provide supplementary or alternative sources of income.
- The deteriorating economic situation has led some parents to arrange early marriages in order to secure bride prices to meet basic household needs.
- Large numbers of refugees reported that the lack of food was exacerbating tensions within families, often leading to domestic violence.
- Without income generating activities (IGAs), a large number of women have turned to the production of alcohol. While it provides much-needed cash to brewers, it often comes at the expense of food rations and leads to drunkenness within communities, which in turn aggravates existing tensions and increases levels of domestic violence. While many communities have developed bye-laws concerning alcohol consumption in conjunction with the Refugee Welfare Councils, these regulations are commonly ignored.
- Many refugees have indicated that their desperation with drought-related poverty has been the deciding factor in their decision to seek repatriation, straining a process that is still only in its early stages.

As NGOs and agencies have shifted funding to Southern Sudan to provide for returning refugees and internally displaced people, there have been reductions in skills training.

- A large number of refugees perceived that the attention of responsible actors was focused on Southern Sudan and on those refugees willing to repatriate, and expressed concern that they would be abandoned in Uganda if they did not also seek repatriation.
- Many young men believed that skills training programmes primarily or exclusively admitted women despite considerable variation in admissions by organisation and by year. While DED (German Development Service) programmes accept males and females, the ratio of admitted trainees remains 65 percent male to 35 percent female. JRS programmes, on the other hand, have also been open to both sexes in the past, but recently have targeted only women in Rhino Camp Refugee Settlement.

- Although the ‘Unseen University’, a skills training centre located in Rhino Camp Refugee Settlement, continues to benefit some nationals, funding shortfalls have led to a scaling down of activities, causing the centre to be effectively closed to refugees in the settlement.

Recommendations

To all relevant actors:

- *Enforce* locally-developed laws concerning permitted hours of alcohol consumption.
- *Increase* the numbers of refugees and nationals who can access loans for small businesses.
- *Ensure* that the targeting of women in order to affect a gender balance in IGA programmes does not result in the actual or perceived marginalisation of men.
- *Increase* funding to the ‘Unseen University’ so its activities can benefit both refugees and nationals.
- *Build* capacity of local NGOs and government structures to enable them to carry on with IGA programmes initiated by international agencies which are re-focusing attention on Southern Sudan.

3. REPATRIATION

Summary of Findings

While the repatriation exercises witnessed by the RLP in Rhino Camp Refugee Settlement were generally well-organised and proceeded smoothly, a number of issues requiring further attention emerged. Most importantly, nearly every refugee interviewed expressed confusion regarding aspects of the repatriation process, particularly the time lag between registration, confirmation, and actual departure, and the existence of separate lists for each of these stages. Moreover, unrealistic expectations—particularly amongst children—were widespread.

- Actors responsible for repatriation expressed overall satisfaction with the process. Nevertheless, they recognised an ongoing need for enhanced dissemination of information to address the unrealistic expectations that inevitably arise in the context of repatriation. Accordingly, they welcomed the fact that the Norwegian Refugee Council (NRC) had recently become involved in this role.
- Refugees were poorly informed about a number of critical issues including the nature of ‘voluntariness’ and UNHCR’s inability to transport more than a limited number of refugees. Moreover, most did not recognise the seasonal and practical rationale behind the timings of repatriation exercises. The majority of refugees expressed the desire to return in January 2007, a physical impossibility given the logistical constraints of transporting so many people and belongings.
- Many refugees had difficulty understanding English-language informational leaflets distributed to them, particularly its sections related to policies and procedures for transporting goods and domestic animals. By the time of this Briefing Paper’s release, however, the NRC had produced illustrated leaflets with explanations in English and Juba Arabic that were expected to be distributed shortly.

- Refugee leaders interviewed demonstrated critical misunderstandings of the repatriation process, and were evidently spreading these to other refugees.
- UNHCR seeks to ensure that the needs of Unaccompanied Minors and Elderly in addition to other special groups are met in accordance with their best interests and the principle of family reunification. The additional precautions required can result in the postponement of repatriation for some individuals. At times, particularly where communication between officials and refugees is weak, this causes considerable friction with the persons concerned and their families.

While relations between nationals and refugees in Arua have been generally positive, due in no small part to the experience of Ugandans as refugees in Sudan and the Democratic Republic of Congo (DRC), repatriation and food shortages have increased tensions between the communities.

- Disappointing crop yields and the common misconception amongst nationals that repatriation signifies the end of the refugee situation for all Sudanese in Uganda have led to an increase in quarrels, assaults, and petty theft, particularly of bicycles and animals such as goats and poultry.
- Many refugees expressed serious concerns that the repatriation of large numbers of families from the same settlement clusters jeopardises the physical security of neighbours who remain behind.

Recommendations

To all relevant actors:

- *Distribute* official lists, using ration card numbers or some other means to ensure confidentiality, in order to increase the transparency of the process and prevent false expectations amongst refugees whose travel is delayed.
- *Disseminate* clear and simple informational leaflets on the repatriation process in local languages and provide for the information they contain to be conveyed to illiterate refugees by other means.
- *Provide* regular information sessions on both the process and on conditions in Southern Sudan, including a question and answer component, at the bloc level, in local languages, with the participation of local leaders, but without depending on them exclusively to disseminate information.
- *Increase* radio broadcasts on topics related to repatriation, to target both refugees and their national hosts.
- *Inform* refugees of the inherent limitations of official actors, particularly with respect to numbers of refugees who can physically be transported to Sudan each week.
- *Ensure* that refugees who have not repatriated are adequately protected, perhaps by giving them the opportunity to move closer together. Any such process, however, must be voluntary and give refugees the opportunity to enjoy equivalent access to land.