



# ***Refugee Law Project***

*Faculty of Law, Makerere University*



**REPORT ON A VISIT BY LEGAL AID AND  
COUNSELING DEPARTMENT TO KYAKA II REFUGEE  
SETTLEMENT CAMP, 21<sup>ST</sup> MAY- 1<sup>ST</sup> JUNE 2007**

## Refugee Law Project

### Vision

Human rights for all people in Uganda irrespective of their legal status. This vision is informed by relevant international laws as well as the Constitution of Uganda.

### Mission

To empower asylum seekers, refugees, deportees, IDPs and host communities in Uganda to enjoy their human rights and lead dignified lives.

### Mandate

- To promote the protection, well-being and dignity of forced migrants and their hosts.
- To empower forced migrants, communities and all associated actors to challenge and combat injustices in policy, law and practice.
- To influence national and international debate on matters of forced migration, and justice and peace, in Uganda.
- To be a resource for forced migrants and relevant actors.

All of the above is achieved through a combination of activities broadly categorized under legal aid and counseling, research and advocacy, and training and education.

Plot 9 Perryman Gardens  
Old Kampala  
P.O. Box 33903  
Kampala, Uganda

Telephone: +256 414 343 556

Fax: +256 414 346 491

[lac@refugeelawproject.org](mailto:lac@refugeelawproject.org)

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## Table of acronyms

**AAH: Aktion Afrika Hilfe**

**ADF : Allied Democratic Front**

**GTZ: German Technical Cooperation, officially known as Deutsche Gesellschaft für Technische Zusammenarbeit**

**IGAs: Income Generating Activities**

**IMC: International Medical Corps**

**LAC: Legal Aid & Counseling Department (RLP)**

**OPM: Office of the Prime Minister**

**PTSD: Post Trauma Stress Disorder**

**REC: Refugee Eligibility Committee**

**RWC: Refugee Welfare Council**

**SCIU: Save The Children In Uganda**

**SGBV: Sexual & Gender Based Violence**

**SRS: Self Reliance Strategy**

**STS: Secondary Traumatic Stress**

**UNHCR: United Nations High Commissioner for Refugees.**

## **1.1 Introduction:**

The Refugee Law Project (RLP) Legal Aid & Counseling team was granted permission to enter and provide Legal Aid and Counseling Services in Kyaka II Refugee Settlement between 21<sup>st</sup> of May to 1<sup>st</sup> June 2007. The team was well received by the camp authorities, especially the camp commandant's office, which accorded the RLP team with the necessary support and assistance. The main objective for the visit to the camp was to reduce the number of refugees who are streaming into the city and seeking Legal Aid and Counseling services.

The team worked on an individual basis with existing RLP clients and with those who had already registered to open new files. Additionally, the team worked on a group basis in different zones in an effort to field general complaints made by those who did not have appointment slips from the RLP (for individual meetings), and thus felt left out. Most of those without appointment slips complained that it was not possible for everyone to obtain permission and afford the fare to travel to the RLP offices in Kampala. While priority was given to existing clients, the team discussed the complaints and general problems aired by the refugees from both group and individual meetings with the camp authorities, UNHCR, and implementing partners; their responses were then communicated to the refugees.

For reasons of confidentiality, and in some cases to maintain the Client-Advocate relationship, this report will discuss only the general complaints voiced and the pertinent issues highlighted through these meetings. This paper passes as a preliminary highlight of and a draft report of the team's observations, various interviews and discussions at the time of the visit. It shall be published and loaded on the RLP's website<sup>1</sup> in two weeks, at which time the RLP will await your written comments. The RLP LAC department would appreciate any clarifications, additions, or other comments you might share at that time.

### **Acknowledgements**

The RLP is very grateful for the permission it was given to enter and provide its services in the settlement. The team is also grateful to the Office of the Prime Minister, camp authorities, UNHCR, and implementing partners for all the assistance they accorded us to make our work and stay easier and enjoyable.

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<sup>1</sup> [www.refugeelawproject.org](http://www.refugeelawproject.org)

## 1.2 General complaints

### 1.2.1 Insecurity

In 2006, there were reports indicating the presence of Allied Democratic Forces (ADF) as a major security problem. The refugees expressed concern that, while the matter was resolved last year, they are still living in fear that the same might happen. The refugees reported that they had arrested two ADF rebels and handed them over to the camp authorities, who then failed to explain to the residents how these rebels later escaped from custody. When they tried to inquire after this incident, the refugees were told to watch after their own security; those who persisted in inquiry were given serious warnings by the camp commandant, and some ended up losing their leadership positions<sup>2</sup>.

Moreover, there were complaints regarding cases of unexplained deaths and disappearances.<sup>3</sup> The refugees claimed that in such instances investigations are carried out, but that they are not usually told of the outcome, which leaves them guessing and living with unexplained fear. The most prominent case of unexplained disappearance is that of the Chairman of Sweswe,<sup>4</sup> who disappeared in July 2006; up to now, none of the refugees can explain what happened to him. On the morning of Monday 18 May 2007, the death of a refugee was reported and confirmed to have occurred in the same area by authorities. While police investigations were still ongoing by the time the RLP team left, the medical report did reveal that the probable cause of death was alcohol, as the body was intact save for the head area which was ruled to be in contact with the ground as the refugee fell off of his bicycle.

When the team spoke to the police about major crimes they had so far received in the camps, and how subsequent investigations were generally conducted, the response was that most of the police officers were new at the post and, as a result, could not comment very much on the situation<sup>5</sup>. Unfortunately also, there were no previous records to which the team could refer.

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<sup>2</sup> Especially for those who had leadership roles then.

<sup>3</sup> Reported was the death of a refugee in Bukere who was shot and died on the spot at night, a Rwandese refugee woman resident of Bukondo, death of a national in the camp. All these deaths happened in 2006.

<sup>4</sup> The chairman was a Rwandese who reigned June through July 2006. The matter was reported to OPM and the Police. It is claimed that he disappeared with an office bicycle that was never recovered.

<sup>5</sup> In fact, the death of the refugee that occurred on the 28 May 2007 was the first major case reported which the police were further investigating.

In the same regard, the refugees complained that when a suspect is apprehended, he or she is released after a week and allowed to walk the camp scot-free. One example given was a case in which a Rwandese woman was strangled by her husband. The man was detained in the camp and released within a week. This action left the refugees questioning the effectiveness of the police if they can release a dangerous suspect to walk around the camp within two days. They said that since then the suspect had disappeared from the camp to an unknown destination.

Single women, in particular, aired complaints with regard to security matters. Those with whom the team spoke complained of random persons knocking on their doors late at night<sup>6</sup>. They claimed that these people were mostly men who disturbed their peace at night and other unknown persons whom they could not easily identify. In addition, they claimed that when they made this known to the camp authorities, they were always turned away, the authorities believing that the women wanted to create grounds for resettlement, even calling them 'prostitutes' instead. When the team spoke to male refugees they confirmed that this sort of knocking is rampant, and that sometimes women who refuse to open their doors are raped or beaten. After bringing this to the attention of the authorities, the RLP team was told that the camp is infested with big rats that could be the cause for the knocks. The camp authorities also claimed that the knocking is often a result of failed love affairs.

### **Recommendations.**

- The police and camp authorities should dig deeper in their investigations considering the security threats that exist in the camp.
- Investigation findings that concern the general security of the camp should be communicated to the refugees.
- Police should always keep a proper record of reported crimes for future reference.
- Reported matters should not be covered up or ignored; rather, cases should be considered on an individual basis.
- Suspects should be properly arraigned in the courts of law within the constitutional period of 48 hours.

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<sup>6</sup> Most of the single women residing in Bukere, and a few in Sweswe, were victims.

### 1.2.2 Trade

Trade is a fundamental issue in light of the Self-Reliance Strategy (SRS) proposed by the government and UNHCR. Importantly, for the refugees to be self-reliant, they should enjoy the right to define and determine their economic fates. Kyaka II Refugee Settlement Camp is largely focused on agricultural production and most refugees depend on income from the sale of their produce to supplement food rations, educate their children, and meet other needs. According to the refugees, outside traders from the neighbouring districts are granted permission to come into the settlement with trucks to buy produce at a set price.<sup>7</sup> However, the refugees claim this is a give-away price vis-à-vis the open market price, where the same produce fetches twice what the refugees are paid. They also said that it is hard for them to obtain permission to sell their produce in the open market outside the camp. The few who, by chance, are able to obtain permission, then face new problems, such as operating without licenses in the market, and getting robbed by nationals when it becomes known the person selling is a refugee. These obstacles in effect curtail the right to equal bargaining and demotivate those who are seeking to do business.

It should be noted that at the time of the team's visit, the food ration had been cut by half, which was a cause of general complaint<sup>8</sup> alongside the already existing trade-related complaints. The camp authorities' response to this issue was succinct: the refugees are encouraged to sell their produce to store managers within the camp, who then sell to the outside traders; according to authorities, this process assures that the refugees lose nothing in the process. The camp authorities also added that the refugees are encouraged not to sell all their produce, but rather to keep some as a reserve source for any eventualities.

The second category of business persons are those who are not used to farming back in their countries of origin and have skills in other areas like carpentry. It is clear that the vocational institute in Bujubuli does not only produce farmers, but imparts a wide range of practical skills and knowledge to the student; however, many who graduate and are then forced to farm, instead of putting into practice the skills they obtained. As a result, the bulk of these respondents complained of not being given a chance to practice their professions in order to make a living. It is important to note that not every

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<sup>7</sup> The prices are set and agreed on by the camp authorities and the traders without consulting the refugees.

<sup>8</sup> The food cut was only temporary according to the AAH official. It was only to last two months that is April and June. The food cut arose as a result of resource constraint on the part of WFP at the time.

refugee is innately able to farm or has ever farmed before. The team observed a large number of youths who had dropped out of school and were considering joining the vocational institute because they were unable to pay tuition for continuing education. However the question will be *“after acquiring the knowledge and skills, what next?”* When asked whether any of the refugees in this category ever tried obtaining a loan to start a business, a number responded that such services are not offered, and instead they are advised to register for hoes (i.e., to take up farming).

### **Recommendations to OPM, UNHCR & Implementing Partners**

- Encourage and strengthen the already existing Income Generating Activities (IGAs) like setting up of small businesses.
- Involve the refugee leaders in decision-making in matters that pertain to the selling of produce, especially when setting prices.
- Give professionals permission to leave the camps (with a commitment to return for census or other general camp activity) to practice their profession.

#### **1.2.3 Land matters**

There were numerous complaints that land had long been a problem. Instances of land grabbing and double allocations of a given plot to more than one person or family were reported. Land in this case is closely linked with the preceding issue of farming, and is thus fundamentally important—especially when all refugees are encouraged to be farmers. The refugees showed letters written by camp authorities ordering the relocation of refugees from one zone to another, and requesting the chairman of the zone to assign a relocated case to a piece of land. These letters always elicited negative responses from the chairpersons of the (new) zones directed at the camp authorities. This left the refugee who is supposedly ‘relocated’ landless, as his or her piece of land had already been given out, and the new zone to which he or she was required to move had no land to offer. Most of the refugees in this situation reported that in such cases they would seek to stay in their former area of camp, which they had already cultivated, but this effort often gave rise to conflicts between the new and the former owners of the plot.

When the team asked the camp authorities about their position on the issue, they admitted that land conflicts have been rampant and attributed them to the former management of land allocations committee from the previous

administration. The new administration is struggling to put the matter right, but said that it was going to take a long time.

At the time the team visited the camp, there were new entrants who were being effectively handled by the REC, most of whom were from DR Congo. When asked where they would be settled considering the overwhelming complaints over land, the camp commandant's office said they had matters under control and that, with the help of UNHCR, had organized to have the new cases settled in another camp<sup>9</sup> - both because of the lack of land and to maintain more space in an effort to sort out the already existing land conflicts.

### **Recommendations**

- Set up an effective and dedicated temporary land tribunal arrangement in the interim to handle land complaints of the established resident refugees.
- Land allocations require careful handling as the issue is one of the grounds refugees rely on to create insecurity claims where none should exist (i.e., claiming to feel insecure with camp authorities as a pretext to stay outside the camps).

#### **1.2.4 Complaint handling**

Most refugees complained that when they approach the camp commandant's office to register complaints, they are usually turned away without being heard or given insufficient time to state their issues, and that, even when given time, they are often summarily dismissed for wanting resettlement.

Others complained of being subjected to corporal punishment. While Refugees do have numerous complaints which are sometimes frivolous and vexatious, often they require nothing more than a listening ear (It should be noted that corporal punishment—the caning of persons—is unconstitutional under the laws of Uganda).

Some refugees who volunteered<sup>10</sup> with the Implementing Partners in the camp complained of being arbitrarily dismissed from work by Camp authorities. They claim that as soon as a complaint arises from a refugee volunteering and reaches the camp authorities, the camp authorities without delay order the organization in which the refugee is working to no longer

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<sup>9</sup> The camp commandant stated Nakivale Refugee Settlement Camp as the resettlement camp

<sup>10</sup> One case was followed up by the team, which the camp authorities half denied and half admitted. There were other similar general reports.

allow him/her to volunteer for them. When the refugee follows up on the situation, he/she is told that the action taken is meant to serve as a punishment.

The team, even before speaking to the Camp Commandant, observed that the he was a highly pragmatic person. However, when speaking to him, he stated that he acts on cases but does not keep written records regardless of the gravity or uniqueness of the case. He said he always showed up whenever an incident occurred. The team was introduced to the Deputy Camp Commandant and was informed that there was an Assistant Camp Commandant as well. The team however had more contact with the Camp Commandant and his Deputy than with the Assistant. From the team's perspective, the Camp Commandant seemed to be in charge and directly dealing with all the issues, yet his colleagues on the team, the police and RWC III who could ably handle the same issues if only trained and delegated to do so, waited for his command/order.

When the team inquired from the camp commandant about the issue, he intimated that he tries to listen to each complainant but circumstances sometimes do not always allow him to do so. He gave a scenario where he might be attending to a refugee and then something happens somewhere in the camp, and after it is communicated to him, he drops everything he is doing, locks up and rushes to the site immediately, resuming his meeting with the refugee after handling the emergency. He denied corporal punishment happened at all.

The team did witness the camp commandant conducting a 'court session'<sup>11</sup> where he got the complainant and the accused together with the witnesses on the same table to discuss a matter that was reported to the RLP. A member of our team was invited to attend as well. Clear decisions and agreements were made but are yet to be implemented.

The police in turn acknowledged that they do not take the initiative to investigate cases or act upon cases unless requested or ordered to by the camp commandant. In this regard, there was a case<sup>12</sup> in which the team

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<sup>11</sup> A dispute resolution court in which parties are brought to a round table to discuss issues and resolve the matter amicably in the shortest time possible.

<sup>12</sup> A resident of Bukere was arbitrarily arrested and taken into custody. He was detained for three days without charges. The police at the time of the interview with them did not have a proper charge drawn against the refugee because they had received orders for the arrest of the refugee and were waiting to hear

intervened to have the police release a suspect on bond after they did not abide by the 48-hour rule when waiting to hear the camp commandant's side of the story.

**Recommendation to the Camp Commandant, Police, RWC III & Implementing Partners in Kyaka II Camp.**

- The camp commandant should delegate less serious complaints to be dealt with by his subordinates.
- The Refugee Welfare Committee III should be trained and equipped to handle complaints of a less grave nature so as to help fellow refugees realize a sense of responsibility amongst themselves.
- The police should follow the police code of conduct and execute their duties more diligently.
- Record-keeping, especially in grave cases, should be established and maintained for ease of reference in the future, rather than relying on memory .
- Other camp authorities should join the camp commandant in managing complaints, especially in offering a listening ear.
- IPs (Implementing Partners) should bear in mind that most complaints are of a personal nature and should therefore exercise a proper sense of judgment before dismissing a volunteer.

**1.2.5 Protection matters**

The team recorded numerous protection complaints from the refugees, some of which required immediate attention, others investigation and follow-up. However, the camp is only served by one UNHCR Protection Officer and one Field Officer. The complaints from the refugees were to the effect that UNHCR did not have a sufficient protection presence, with only one officer attending to the entire camp. The refugees also said that previously, when the camp had three protection officers, they felt satisfied as their cases were responded to with a home visit, a casual dialogue, investigation, and a word of consolation. They also claimed that most times, records of their cases are not kept; as a result, when an officer is transferred and the case has to be handled by new officer, they are required to start all over again because their cases were not recorded in

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from the camp commandant's office for an order to release the said inmate. There was a worry that, as it was a Friday afternoon and the camp authorities were leaving the settlement for the weekend, obtaining a release order on a Monday the following week would have done injustice to the detainee and thus the team intervened.

writing. They did sympathize with the one protection officer responsible for the workload presented.

Whereas it is not the mandate of the RLP to handle refugee resettlement issues, most of the refugees, upon seeing the team, mistook it for a resettlement<sup>13</sup> organization working alongside UNHCR. To this end, the team explained its mandate to the refugees and the reason for their visit. Resettlement rejection letters were presented by the refugees but when asked what they contained, most did not understand the contents. The problem had two dimensions; first, the letters were written in English which most do not understand, let alone read and speak; second, they claimed that the letters were merely handed to them without explanation. Most maintained that they should be informed face-to-face of the rationale in detail, rather than having “just ink on paper”<sup>14</sup> (in English).

The quest for resettlement also indicates general dissatisfaction with refugee protection within the country. The team had a chance to discuss its findings on this issue with the UNHCR Officers and it was apparent that they were aware of the protection issues, but had not taken much action as they follow the rules and regulations from the head office. The protection officer also informed the team that home visits used to be carried out, but that they are currently not as frequent.

As mentioned above, because the RLP lacks mandate on this particular issue (i.e. resettlement), the team requested the refugees to propose recommendations;

- UNHCR should recruit more protection officers.
- Home visits should be resumed.
- A more personal touch with the refugees is required, for example properly interviewing the refugees with regard to the claims presented.
- The protection officer should look into cases properly by making follow-ups.

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<sup>13</sup> Generally there was a big quest for resettlement, even for undeserving cases; some of those who had stayed in the camp or in the country for over 5 years thought that they were entitled to resettlement as a right.

<sup>14</sup> Most refugees claimed that they viewed the said letters in this way, and challenged why the letters could not be written in their mother tongues as is currently the practice for the Kibati caseload (OPM letter Asylum letters are all in Kinya-rwanda).

- Authorities should explain the letters from the UHNCR office in simple language that is understood by the refugees receiving the letters.
- A written record of cases should be kept for continuity purposes.
- Given the large number of cases, the protection officer should prioritize investigating the urgent cases.

### **Recommendations by the RLP team to UNHCR**

- For sensitive cases—e.g., when a refugee has been moved from one zone to another for protection reasons during ongoing investigations—the protection officer should liaise with the community services when conducting home visits, as most of their protection cases concern the community services office.
- Conduct investigations as UNHCR alongside police. Refugees who make arbitrary claims are generally disproved and the quest for resettlement is reduced. This practice would also help, as they are likely to open up to people other than the police, especially those traumatized and those who have been tortured by armed persons.
- The rejection letters or other letters from the UHNCR office should be written in a language that a refugee can read and understand. If this can not be done, a clear explanation of the contents of the letter should be offered in the language the refugee is conversant with. This should be done by another person who speaks the same language in the presence of a UNHCR officer. This allows for questions to be asked by the refugee and a quick response offered on the spot.
- Organize and hold information sessions with refugees in which pertinent issues are addressed in a question-and-answer format. In this forum, UNHCR can also invite other actors to address pressing matters, obtain suggestions from the refugees, and discuss their practicability and applicability. These kinds of sessions can be organized either monthly or quarterly as time allows.

#### **1.2.6 Kibati caseload**

These are several thousand rejected asylum seekers in a zone created for them, called Kibati zone.<sup>15</sup> The individuals in Kibati are from Rwanda and were given a blanket or general rejection in the form of the rejection letters

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<sup>15</sup> These people said that the place and the name was created by the camp commandant to mean ‘people who do not have status,’ and was started in 2006

they showed our team. While the rejection letters<sup>16</sup> explain to them that the doors are still open for them to appeal within thirty days, they have not been accorded legal representation and do not know where to obtain such services.

Because of their status as rejected asylum seekers, they are not accorded certain humanitarian services that are offered to recognized refugees. These include the food rations and sanitary materials for women which are distributed by AAH and community services, respectively. Their physical location as well hindered their ability to access to clean water. They dig holes in the ground to access water for daily use. This water is normally not clean. Refugees then have to walk for three hours to fetch clean water for drinking. This takes them into a different zone in which they are discriminated against by recognized refugees who claim that the resources are limited in the camp and that those who are not recognized therefore should not be entitled to use them. The women, who normally fetch water, also complained of being beaten as soon as it is realized that they hail from the Kibati zone.

There were also reports that the camp commandant's office had once tried to forcefully evict the said persons from the camp but was stopped. Moreover, there were attempts to repatriate the Kibati refugees, involving massive awareness campaigns; only a few responded to the call. The few that went back then returned within a short while with the same claims.

When the team approached the UNHCR office in Kyaka they were informed that the office is not enabled to handle the issue, and that the matter should be referred to the head office for discussion. However, they added that the rejected asylum seekers are free to approach the Protection Officer's desk for legal assistance with the appeal process. When asked whether the rejected persons knew of this arrangement and if they had ever tried to assist a single case, the answer was that they had not, but that they hoped to inform the concerned persons.

The Camp commandant's office strongly stated that the Kibati should have never existed in the first place and that they were privileged to have been allowed to stay on.

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<sup>16</sup> Letters were written in Kinyarwanda which most of them speak, write, and comprehend. They did not misunderstand their unfortunate status as conveyed by these letters.

### **Recommendations to OPM, UNHCR, Implementing Partners and the International Community.**

- Cases should be considered on an individual basis, rather than issuing blanket rejections, in accordance with the 1969 OAU Convention<sup>17</sup> principles on grant of asylum.
- UNHCR should sensitize the rejected persons on their ability to legally represent them in the appeal process.
- Authorities should investigate the causes of flight; this may necessitate going to Rwanda to verify the country of origin information presented by the asylum seeker.
- These institutions should assist the said persons on humanitarian grounds.
- The RLP should organize another trip to offer legal aid services for the appeal process alongside UNHCR.

#### **1.2.7 Medical**

There were numerous complaints of people suffering from stomach ulcers and haemorrhoids (rectal bleeding), and also quite a number of persons who claimed that mental illness is on the rise in the camp. The refugees also complained of excessive delays in referring the serious cases which the health centre does not have the capacity to handle, such as those that require x-rays or operations. Specifically, they cited a case of a woman<sup>18</sup> who lost her child and eventually died due to delays in referral. When the team followed up the case to the hospital where she died they were given a medical opinion that *“had the referral been made in time, the patient would have survived otherwise; by the time she was brought in, she was too wasted.”*<sup>19</sup>

There was also a general allegation that the health centre gave out the wrong medication for the given diagnosis. This has spread throughout the settlement. The team could not verify the allegation because they were not

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<sup>17</sup> Article II OAU Convention Governing the Specific Aspects of Refugee Problems in Africa

<sup>18</sup> The said expectant refugee woman was in her second trimester but still continued experiencing nausea and vomiting and had little appetite. Medically there was need to look into the case earlier as the symptoms presented at the time were only supposed to be experienced up to the third month of pregnancy. She was referred to Fort Portal Buhinga Referral hospital over the Easter Holiday and there were no qualified medical personnel. The nurse on duty advised that as the case was critical the refugee should check into a private hospital if she was to survive. But it was too late and the woman had a spontaneous abortion even after the doctors at the private hospital tried to get the situation under control. The husband to the refugee woman sold most of his personal effects to meet the costs and has been left traumatized.

<sup>19</sup> As said by one of the doctors that attended to the patient.

professionally qualified to do so. However, the team approached the Medical Officer<sup>20</sup> of the Health Unit which is a Centre III for his opinion on the same.

He informed the team that sometimes, when a patient is diagnosed for the ailment registered, additional ailments are also found, and, if urgent, these must be dealt with before the initial complaint can be attended to and treated. He also admitted that sometimes he does not have the time to explain to the patient why he is treating an ailment they are unaware of because the numbers are overwhelming, though he does keep records. The medical doctor also discussed other challenges that he faces, which include the bad positioning of the camp in a new district which has no district hospital to handle emergencies, the absence of specialists (thus the referrals to Mubende, Fort Portal or Inter Aid to Mulago), power cuts, understaffing (which he claimed he could handle alone in the time being), a lack of special medical machines like the x-ray machine, the attitudes and practices of refugees who report to the hospital as a last resort after their local herbs have proved worthless, inadequate drugs, and the high demand from refugees for medical attention.

When asked about the local drug shops and the refugees purchasing medicines from them, he informed the team that the drug shops were under supervision of the health centre that ensures that the proper medications are sold.

**Recommendations to GTZ:**

- Recruit more qualified medical personnel.
- Sensitize the populace on the dangers of relying on archaic medications without a professional opinion.
- Referrals for serious cases should be made earlier to avoid mishaps by seeking a specialist's opinion and treatment.
- All prescribed medicine should be explained to the patient.
- Sensitize refugees from the very start on the services that the health centre can and cannot offer.

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<sup>20</sup> There is only one qualified medical officer assisted by clinical officers to handle all the medical cases in the camp including the host community.

### **1.2.8 Water problems**

The entire refugee community that the team talked to complained about the lack of adequate sources of clean water. The few boreholes that exist are shared by both refugees and nationals and yet would not be adequate for the refugees alone. The team also observed that one zone with either two or more cells shared one borehole. As a result, refugees were forced to dig into the ground in search for water. There were open surface water sources from which some refugees got water for daily use. When the water was boiled, it turned oily and yellowish in colour. Also, the distances of the boreholes from the residences of the refugees were quite long, prompting some to use a bicycle to fetch the water.

#### **Recommendations to GTZ & the camp authorities.**

- Drill more boreholes.
- Protect existing open water sources.

### **1.2.9 The youth and school-related issues**

There was a general outcry from the youth that they are idle as a result of interrupted schooling resulting from a failure to raise school fees. They claimed that even if they tried to form a youth club or association so as to determine how to be most useful in the community, they lack backing and are discouraged by the camp authorities who apparently claim that the youth groups were usually in the process of hatching dubious plans to cause unrest in the settlement. They also stated that the RWC III system does not have a committee dedicated to handling youth problems.

The youth suggested that instead of sitting idly, they'd rather be given balls, ropes, and other sporting equipment so that they can play amongst themselves in zones, and be allowed to form youth clubs so that they can help each other and voice their concerns as one.

On the issue of school fees, both the parents and the youth complained that while they are not paying tuition in primary schools, they are still required to pay an amount for feeding at the schools<sup>21</sup> which is in their opinion overly expensive. They gave the following suggestions:

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<sup>21</sup> The amount paid is per child and is used for paying the school cooks. Each child is required to pay and provide his or her own plate and cup.

<b>Level</b>	<b>Purpose</b>	<b>Amount required</b>	<b>Proposed amount by the parents and youth</b>
Primary 1 - 2	Feeding at school	UShs. 800/- (Uganda Shillings Eight Hundred Only)	UShs. 500/- (Uganda Shillings Five Hundred Only)
Primary 3	Feeding at school	UShs. 1,300/- (Uganda Shillings One Thousand Three Hundred Only)	UShs. 600/- (Uganda Shillings Six Hundred Only)
Primary 4 - 7	Feeding at school	UShs. 3,000/- (Uganda Shillings Three Thousand Only)	UShs. 1,000/- (Uganda Shillings One Thousand Only)
Secondary	Tuition/school fees	UShs. 45,000/- (Uganda Shillings Forty Five Thousand Only)	UShs. 15,000/- (Uganda Shillings Fifteen Thousand Only)

They reported that some of them have very large families and that the scholarships they used to receive from UNHCR for the best primary school performers have been stopped. Save the Children Uganda, which used to provide the secondary school teachers' salaries, had also reportedly stopped supporting the education system, leading to an increase in school fees in secondary schools.

The team approached Save the Children Uganda in their branch office in Fort Portal for their opinion and was informed that Save the Children generally supported basic education (primary education), and runs time-bound projects. They began working in Kyaka in response to a crisis in Bundibugyo district to help orphans, and went on to develop programmes supporting educational and vocational training. In this regard, the organization supports the only vocational institute in the settlement at Bujubuli.

With regard to the secondary school fees increase, the team was informed that at the time when SCIU came in to assist, there was a crisis because

UNHCR pulled out their support from secondary schools and the teachers threatened to lay down their tools. However, this was to last only a year and, in the meantime, the burden fell on the parents. However, they promised to assist in another way by getting the school registered so that it can enjoy the benefits of USE<sup>22</sup> in which parents will be relieved of fees to a certain extent. Save the Children International Uganda Chapter also pledged their continued support for the vocational institute.

When UNHCR was approached on the issue, they decried the lack of resources available to maintain the scholarships. They stated that they only supported one scholarship which is for continuing education in university. They sympathized with the parents nonetheless.

### **Recommendations to Save the Children, UNHCR & the government of Uganda.**

- SCIU & UNHCR with the support of the RLP should register the school so as to enjoy the USE benefits.
- The government should take into account that the school is not only attended by refugees but nationals as well; consequently, when the refugees repatriate or otherwise, there will be a need to occasionally maintain and aid the school.

#### **1.2.10 Communication deficiency**

A general observation made by the team when interacting with the refugees, camp authorities and implementing partners was on the need for stronger methods of communicating with refugees and disseminating information to them.

A number of incidents were reported by the refugees, one being the passing round of repatriation forms to be filled in. The refugees complained that they did not understand the meaning of the exercise and yet they saw considerable activity resulting from such exercises. They also claimed that the process involved discrimination, as not all of them were given a chance to fill out the forms. Others who had heard of this misconstrued it as a way of forcing them back to their country.<sup>23</sup> Those who filled the forms were still waiting for a response.

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<sup>22</sup> Universal Secondary Education

<sup>23</sup> The refugees of Buliti thought that it was a way of forcing them to return to a place where war was still going on and had even began to go to Congo to see for themselves if it was safe to return.

UNHCR expressed surprise that the efforts to communicate were ineffective, as they had believed them to be sufficient. They promised a follow-up. The UNHCR officers also informed the team that 15 forms per zone were distributed as a survey and the same was done in other camps.<sup>24</sup>

When the food ration was halved, the refugees claimed that they were not warned and informed of the reasons for the cut. They claimed that they were going to be called for a meeting and given the reason, but upon speaking to the AAH official, it was stated that prior communication was done through their leaders. Unfortunately, this was not the case, especially for the women who are the majority of the food collectors. They still demanded to know why the cut had taken place and how long it would be. This also affected the PSNs (Persons with Special Needs), who wondered why their ration was altered.

The team also observed that most of the communication at the health centre was in English. For example the working hours notice was written in English in a predominantly Kiswahili-, Kinyarwanda-, and French-speaking community. This practice wrongly presumes that the refugees and host community can read and understand English and thus has generated many complaints.

### **Recommendations**

- Establish an effective communication mechanism like the use of notice boards (preferably those that can be locked and shielded from the rain) placed at the trading centres, distribution centres, base camp, and other oft accessed areas.
- Translate the notices into languages that are most spoken, read, and clearly understood.
- Train Refugee leaders on how to deliver information to the community and even reach the Persons with Special Needs (especially the disabled, the sick, and the aged).
- Hold occasional face-to-face discussions, especially when crucial decisions are to be made in the settlement.

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<sup>24</sup> The survey for Congolese repatriation had also been done in Nakivale and Kyangwali Refugee Settlement Camps.

### 1.2.11 Psychosocial matters

#### Mental health

The mental health state of many refugees in the camp is very poor. Many suffer from symptoms of PTSD, anxiety disorders, depression, and somatic complaints. Some refugees access psychotropic medication from the health center but mention that the drugs do not work and that some have heavy side effects resulting in the total incapacitation of individuals. Some marked effects were found amongst married couples where one member cannot do any work, leaving everything to the other partner; not surprisingly, some challenges arise, such as males having to assume female gender roles, and vice-versa. The scale of this cannot be established because of the nature of the fact-finding mission and the time spent in the settlement. All the above is aggravated because there has never been a comprehensive psychosocial program in the camp.

Alcohol and drug use is reported to be on the rise amongst the refugee communities in the camp. This is attributed to idleness, harsh conditions, a lack of support, and programs to cater for positive coping mechanisms. This poses a threat to the SGBV interventions that are already in place.

### 1.2.12 SGBV

There is an SGBV awareness and response program run by IMC in the camp. The program started one and a half years ago and to date has had some success. Generally, in all refugee zones visited there is acknowledgment of increased awareness of SGBV and a decline in incidents of rape or defilement. However, sexual harassment is reported to be very rampant in all zones approached and nothing seems to be done about it because *“it is not perceived as a serious offence by officials.”*

Officials (IMC, Commandant, and Police) say they receive few reports of rape or defilement. However, there is acknowledgement from these officials that there are some cases that are not reported for a number of reasons, including:

- Fear of persecution from sympathizers of violators.
- In instances where a husband is involved, women cannot survive without them, so they won't report the incident.
- Some cultural practices do not support reporting violations to outsiders.
- The offended do not perceive the benefits of reporting the perpetrators.

- Fear of loss of marriage and children.
- Fear of being stigmatized.
- Feelings of guilt and shame.
- Beliefs that “men do not change.”
- Some situations are resolved through elders and church leaders.
- Some refugees reported that violators included community service workers. They could not report such incidents because they were threatened with victimization especially with respect to receiving non-food items.

There is more to be done in the area of keeping records, especially for OPM. OPM acknowledged this as a problem and reasoned that the way cases are handled makes it difficult to record them properly. There is no system in place to account for cases reported, handled, referred or followed-up in the courts. In addition, some RWC officials handle cases that are reported to them but they do not keep any records. These also need to be placed in some inventory, in order to enable an evaluation of the program

**Recommendations:**

- Establish mental health education and awareness programs for the refugees.
- Develop an effective record-keeping system for the SGBV program.
- Establish a psychological counseling program in the camp.
- There is a need for IMC to cater to the gray areas that impede reporting, so as to have a more effective program.
- There needs to be another intervention to empower refugees to report officials who violate them.

**1.2.13. Secondary Traumatic Stress (STS)**

We have to recognize that the officials serving the refugees are exposed to traumatic material, which impacts on their health and work. Generally, all officials approached reported symptoms of STS.

**Recommendations:**

- GTZ, IMC, OPM should also focus on the mental health of their employees.

### **1.3 Miscellaneous**

However, it seemed as if the presence of the team in the camp caused apprehension amongst the camp authorities, UNHCR, and the implementing partners. The RLP wishes it to be known that it is an organization just like them: an interested party in the welfare of the refugees' lives, and fighting for a just cause. It should also be known that RLP does not—as is sometimes claimed—incite refugees to act in any specific manner. Rather it offers a listening ear and acts whenever it can do so within its mandate.<sup>25</sup> In the future, the RLP wishes that a better working relationship is established between it and others in the walk without pretences (people wearing masks) whenever a team is visiting a camp.

### **1.4 Conclusions and recommendations**

The above issues are of a great concern to the refugees and all the relevant stakeholders; decisions need to be made and action needs to be taken either independently or jointly to save the situation. It should be remembered that the above recommendations are some of the reasons why refugees escape or lie so as to obtain permission to walk out of the camp to settle in undesignated places or urban centres. If the government of Uganda and the UNHCR in Uganda uphold the encampment policy, then these issues should be addressed as a matter of urgency.

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<sup>25</sup> For the mandate, activities, objectives, values and more information of interest of the RLP, please visit our website [www.refugeelawproject.org](http://www.refugeelawproject.org)