



Refugee Law Project

Faculty of Law, Makerere University



CONSOLIDATED REPORT ON THE FIELD VISITS
BY THE LEGAL AID AND COUNSELING DEPARTMENT
TO KYANGWALI REFUGEE SETTLEMENT BETWEEN
3 – 15 AUGUST 2007 AND 10 – 22 JUNE 2008

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

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Table of Acronyms

AAH: Aktion Afrika Hilfe

ADF : Allied Democratic Front

ART: Anti Retro-viral Therapy

ARV: Anti Retro-Viral

DPC: District Police Commander

EVI: Extremely Vulnerable Individuals

GLEA: Great Lakes Initiative on AIDS

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

IGAs: Income Generating Activities

IMC: International Medical Corps

LAC: Legal Aid & Counselling Department (RLP)

OPM: Office of the Prime Minister

PTSD: Post Trauma Stress Disorder

REC: Refugee Eligibility Committee

RLP: Refugee Law Project

RWC: Refugee Welfare Council

SCIU: Save the Children In Uganda

SGBV: Sexual & Gender Based Violence

SPLA: Sudan People's Liberation Army

SRS: Self Reliance Strategy

STS: Secondary Traumatic Stress

UNHCR: United Nations High Commissioner for Refugees.

UPDF : Uganda People's Defense Forces

VCT: Voluntary Counselling and Testing

1. Introduction

As part of its annual field visits to refugee settlements in Uganda, the Legal Aid and Counselling Department of the Refugee Law Project (Makerere University, Faculty of Law) sent teams to Kyangwali Refugee Settlement, in August 2007 and June 2008. The Kyangwali Refugee Settlement is located in the Kyangwali sub-county, Hoima District, Mid- Western Uganda. The purposes of the trips were to provide legal aid and psychosocial services as well as to assess the human rights situations in the settlement.

The 2007 trip took place from August 3 to August 15. The team was comprised of two lawyers and two psychosocial counsellors:

1. Mindrea Godwin Buwa (Legal Officer)
2. Eunice Owiny (Counsellor)
3. Godwin Bwire (Legal Fellow)
4. Susan Ombaru (Volunteer Counsellor)

The 2008 trip took place from June 10 to June 21. The team was comprised of two lawyers, two counsellors, and three legal interns:

1. Kenekukwu Esom (Legal Officer)
2. Mindrea Godwin Buwa (Legal Officer)
3. Eunice Owiny (Counsellor)
4. Gerald Blacks Siranda (Counsellor)
5. Wilhelmina Saboke (Legal Intern)
6. Samuel Walker (Legal Intern)
7. Leah Bellshaw (Legal Intern)

This is a consolidated report of the findings of the teams from both visits. The 2008 field visit assesses the level of improvements or otherwise on issues raised during the 2007 field visit as well as identifying new issues which had presented themselves in the period since the 2007 visit.

The methodology of data collection for the situation analysis comprised of random identification, one-on-one interviews with a cross-section of refugees, interviews with refugee leaders, focus group discussions, interviews with the settlement authorities, interview with staff of UNHCR and its implementing partners in the settlement, interviews with other agencies providing various services within the settlements and general observation. As is customary on such trips, the LAC teams met with the various parties concerned at the beginning of the trip to inform them of our visit and at the end of the visits to share our findings. In Hoima town, the LAC team met with the Refugee Desk Officer for Hoima, Mr. Emmanuel Turiagyenda, the District Police Commissioner, Mr. Muwanika Martin. Attempts to meet with the UNHCR Protection Officer in Hoima repeatedly proved abortive.

This is an initial draft report intended for circulation to the various parties mentioned above for their comments and clarification of issues. Subsequently a final draft will be made available to a wider readership as well as uploaded to the RLP website.

In order to maintain lawyer/counsellor – client confidentiality, the report will not mention particular names of clients but will focus more on more general complaints that recurred in interviews with clients. Where specific cases requiring mention are made, pseudonyms will be used to preserve the identity of the parties concerned.

The report will discuss the issues raised under various headings, the observations from the 2007 trip will be mentioned [where applicable], and the observations from the 2008 visit will be mentioned followed by conclusions and recommendations, as the case may be.

2.1 Information sessions

Following misconceptions on the mandate of the RLP's Legal Aid and Counselling (LAC) team, the objectives of the field visits and general misinformation on various issues, mostly legal issues which were observed from the 2007 visits as well as from visits to other refugee settlements, the LAC team decided to commence the 2008 field visits with a number of information sessions. A total of four information sessions were held- one with the settlement authorities, the officials of the Refugee Welfare Council and the representatives of the various agencies providing services within the settlement, and one each with the refugees at Kinakytaka, Rwanyawawa and Nguruwe villages.

The information sessions addressed the following issues

- the vision and mandate of RLP
- Rights and duties of refugees
- criminal procedural issues e.g. legal consequences of bail, dismissal of a case, acquittal; criminal capacity and responsibility; post-detention integration of ex-convicts
- repatriation
- culture and the law

These sessions were well attended and included very active question and answer sessions that served to clarify some of the issues discussed. The sessions also provided an opportunity for the LAC team to identify topical issues of concerns facing the settlement. These issues were treated variously by the LAC team in the course of the visit. One such issue which provided clarification for both the representatives of the agencies and the refugees was that of criminal capacity of children. A case of defilement involving a 10 year old boy had been reported just before the team's visit. The boy had been arrested and sent to the district police station in Hoima but then subsequently returned to the settlement without being charged to court. This gave rise to a lot of suspicion and insinuations of corruption which had become a major concern for the refugee community. The team used the information sessions to educate on the provisions of the laws of Uganda on criminal capacity of children as well as encourage the community to seek other means of stemming the tide of defilement incidents involving children perpetrators.

One remarkable effect of these sessions was that they served the purpose of addressing at the very beginning of the field trip general issues of concern, as well as particularly setting straight for the records that RLP was not a resettlement agency. The team is of the opinion that as a result of these, the turn out for the individual client sessions was not as overwhelming as was usually the case during previous field visits to refugee settlement.

2.1.1 Recommendation

2.1.1.1 It is recommended that the LAC team commences each field visit with information sessions with the settlements authorities and the refugees as means of clarifying the purpose of the visits and discussing on-spot issues of general concerns to the communities in order to avoid having this issues come up during the individual client sessions with the refugees.

2.2 Art therapy for children

As part of the refugee children special project, the LAC team decided to introduce group fine art therapy sessions with refugee children in three primary schools within the settlements. It had been observed from previous visits, that children were not being actively engaged in the assessment by the LAC teams during the field visits. However individual reports to the RLP offices showed that these children have suffered [still suffer] traumatic experiences which were not being addressed. The LAC team decided to engage more actively with the refugee children during the 2008 field visit. In group discussions with Primary 3 and 6 pupils in three different primary schools – Kinakytaka, Rwanyawawa and Kasonga, the counsellors had the children speak about their experiences in their

countries of origin, the settlement, at school and in their homes. The children were subsequently given drawing materials to draw their experiences. During this exercise the counsellors identified particular children who, from their observation, required personal counselling sessions.

The following issues were gleaned from the art therapy sessions with the children-

- Some of the children had witnessed very traumatic events in their countries of origin. Some of the drawings had pictures of soldiers shooting people, burning houses, and people in flight. One picture in particular had pictures of a pregnant woman being ripped open with a knife.
- There was a high level of drunkenness in the settlement especially involving the men often leading to domestic violence. A number of children confessed that they were happier in school than at home as a result of this.
- There was noticeably high level of SGBV often targeting school-age girls
- The children were very excited at the opportunity to express themselves through fine art which seemed a departure from their usual experience.
- Some of the children expressed their future aspirations in the drawings

A more detailed report on the art therapy sessions will be released much later. These art therapy sessions thus provided an opportunity for the team to provide counselling services for the children, listen to their opinions and well as give them an opportunity for recreation and relaxation.

2.2.1 Recommendation

2.2.1.1 It is recommended that the art therapy sessions be included in subsequent field visits of the LAC team.

2.2.1.2 It is recommended that the UNHCR and its implementing partners consider a programme targeting refugee children with a view to providing trauma counselling services as well as recreation and relaxation to the children.

2.3 Repatriation of Sudanese refugees

2.3.1 2007 Field visit

The UNHCR had reported during the 2007 field visit that as at 15th August 2007 there had been 750 Sudanese refugees repatriated so far. The repatriation program had begun at some time in late 2006, but had been halted temporarily due to an outbreak of meningitis in southern Sudan in early 2007.

It was noted then that the Sudanese refugees had been highly sensitized to the repatriation program. Basic information for those returning home was posted at the notice boards by UNHCR, OPM and AAH. Sudanese refugees reported that they have been shown video recordings of the situation back home to enable them to make informed decisions about repatriation.

Some Sudanese refugees expressed fear of returning to Sudan especially families of those who had worked for the Khartoum government before their flight. This group of people commonly called *Jalabas* by the Sudanese communities fear that they will be accused of supporting the Khartoum government and persecuted. There was also fear of revenge killings as was commonly practiced in Sudan. The practice of revenging the death of a family member on the family of the suspected killer is quite common in Sudan and the most fearful in this regard are relatives of former soldiers. Single women also expressed concerns about returning to Sudan without being accompanied by adult male family members.

2.3.2 2008 Field visit

RLP observed a repatriation convoy of two buses departing the settlement on June 18, comprising a total of about 140 people. A UNHCR representative reported that in 2007 weekly repatriation figures were at an average of 300 refugees per week and that there has been a reduction in these figures and a diminished desire for repatriation amongst the Sudanese. The Refugee Desk Officer [R.D.O.] in Hoima, Emmanuel Turyagyenda, reported similarly that repatriation convoys have dropped from 5 buses per week to 2.

Possible reasons for this decline garnered from interviews include: the fact that most of those refugees interested in voluntary repatriation had already returned to Sudan leaving behind only those who had fears about repatriating; the return to the settlement of some repatriated refugees with the news that the situation in Sudan was not as peaceful as they had believed; the absence of social infrastructures such as schools and hospitals in Sudan; and the oncoming of

harvest season and school term, leading to decision by some refugees to wait until later in the year. In any case, repatriation seems to be outpacing influx into the settlement, with large numbers of plots in certain villages now vacant.

The refugees in the repatriation convoy seemed genuinely happy to be returning and none of those interviewed among them reported any fear of returning. The process seemed on face to be entirely voluntary. Indeed, the LAC team received fewer reports of "push factors" leading to repatriation in 2008. While problems such as food insecurity persisted [discussed later] none of the refugees linked these to a deliberate policy to encourage repatriation, as had been reported in 2007. However, some reports were received that authorities do indirectly encourage repatriation. For instance, some Sudanese refugees reported that when they went to the authorities for assistance, they were asked what they were still doing in Uganda since repatriation was going on.

Some Sudanese still seemed ignorant of the fact that repatriation was entirely voluntary, which seems to be simply due to lack of information. Some of these expressed fears of persecution in Sudan and hence did not want to return. They seemed to think that they would lose their refugee status automatically if they did not return to Sudan. The team clarified these concerns with them and assured them that they could still remain in Uganda as recognised refugees if there exists a well-founded fear of persecution in Sudan if they returned there.

One problem related to repatriation that was encountered in Rwanyawawa village was food shortage arising from the fact that, in anticipation of repatriation, some refugees had failed to cultivate their plots. This was also compounded by the poor rains in that area during the past farming season.

Surprisingly, neither UNHCR nor the settlement authorities could provide a definite figure of number of refugees who had been repatriated to Sudan.

2.3.3 Recommendations

2.3.3.1 UNHCR and the settlement authorities should sensitise those refugees from Sudan who have expressed an unwillingness to return on their status post-repatriation in order to curtail the fears which currently is rife among that population. There is also a need to do a study on the reasons for the unwillingness by some of the Sudanese refugees to return, particularly the effect of the culture of revenge killing in this regard.

2.3.3.2 There is also the need for better coordination and documentation of the process on persons being repatriated. It is surprising that neither the

settlement authority nor UNHCR could provide exact figures of the number of Sudanese refugees who had been repatriated.

2.4 General [in]security

2.4.1 Inter-tribal conflicts /community relations

2.4.1.1 2007 Field visit

During the 2007 visit, there were visible signs of deployment of UPDF soldiers within the vicinity of the settlement. It was learned by the LAC team at that time that this was as a result of tensions between the government of Uganda and the Democratic Republic of Congo over the actual demarcation of their boundaries around the Lake Albert region. There were also reports that SPLA agents continued to infiltrate the settlement with the reported arrest on an SPLA soldier with a grenade during that period. The soldier in question was reported to have alleged that he was visiting a relative who was unable to identify him. It appeared he had come to abduct a refugee from the settlement. The LAC team learned that the soldier was charged to court and convicted.

There were also reports of increased tension between the Lendu and Herma communities in the settlement giving rise to many report of insecurity by members of both tribes.¹

2.4.1.2 2008 Field visit

There were fewer complaints of high scale conflict between tribes especially the Lendu and Hema communities which had high reports of conflict in the previous year. Interviews with the Refugee Welfare Council [RWC] officials, the settlement commandant and the Officer in Charge [OC] Kwangwali Police Post confirmed that there had been a reduction in the number of reports of inter-tribal conflicts. The OC Police informed that apart from the occasional verbal altercations, there had been no reports of inter-tribal conflicts within the settlement.

Individual client sessions revealed occasional complaints of fears of insecurity owing to tribal differences but the team did not receive any report of actual violence as a result of inter-tribal difference, most of the expressions remained at the level of verbal altercation.

¹ The Lendu and Hema tribes are indigenous to the Democratic Republic of Congo.

It was also observed that in some villages on the fringe of the settlement, there has been a rise in conflict with the nationals living in the surrounding area. In Rwanyawawa disputes arise in particular over the invasion of refugee farmlands by livestock belonging to nationals for grazing. Unlike in other settlements where there was a clear guideline for compensation when livestock invades farm, there was no such guideline or system in the settlement. This seemed to precipitate the occurrence of these invasions to the detriment of the refugees whose farms were so destroyed.

Drunkenness seems to be a major contributing factor to tension within the community where violent disputes break out. The community estimated that there are approximately 5 violent confrontations per month between Rwanyawawa residents and nationals. When we visited, we encountered a man whose arm had just been broken the night before, in an allegedly unprovoked attack by a group of drunk nationals who encountered him on the road and apparently targeted him simply for being a refugee.

2.4.1.3 Recommendation

There is need on the part of the camp authorities to address the issue of livestock-invasion related conflicts between the refugees and neighbouring nationals. It is advised that a clear compensation policy be formulated for the settlement in this regard. This will dispense with the arbitrariness in compensation [where it exists] for destruction of refugee crops by grazing livestock as well serve as a deterrent.

The issue of alcohol abuse should also be tackled by the settlement authorities as this seems to be a major point of conflict not only between refugees and nationals but also among refugees themselves.

2.4.2 Military presence in the settlement

2.4.2.1 2007 Field visit

Following attacks by ADF rebels on the settlement in 2002, the government decided to set up a military post for the protection of the residents of the community both refugees and nationals. The LAC team noted that following tensions between the Governments of Uganda and the Democratic Republic of Congo, there had been deployment of UPDF soldiers around the borders of the two countries adjoining Lake Albert. The major concern among the refugees was the fear that the deployment might lead to clashes between the armies of the two countries and the refugees would be the victims caught in the cross fires. At the time of the visit there had been no such clash.

2.4.2.2 2008 Field visit

The LAC team noticed a number of UPDF soldiers within the settlement as well as received reports of fear expressed by the refugees of the presence of soldiers within the settlement. There were some reports of incidents involving members of the UPDF and the refugees. For example, two cases were reported to the police while the team was in the field. The first involved assault of refugee [who incidentally was an official of the RWC]. The second involved a fight which broke out during a football match between refugees and soldiers of the adjoining military unit. Both incidents were reported to the police. Police investigation revealed that the assailant in the former case was a soldier who had been granted leave. He was away on leave at the time of investigation but the police confirmed that the matter had been formally reported to the unit commander and disciplinary processes had commenced against the affected soldier. In the latter incident, the soldier involved had been detained at the Kyangwali Police Post and at the time of interview the police had sent a formal complaint and information to the soldiers unit and had been informed that the unit commander was sending a delegation to the settlement to meet with the refugees.

These two events seemed to validate the fears of the refugees. Some of these refugees have suffered traumatic experience involving soldiers in their countries of origin and still re-live their experiences when they come in such close proximity with soldiers. Also the settlement has a high number of women-headed households. Some of these women have also raised their concerns of fear of molestation especially since these soldiers often move around late at night. A woman informed the team that a soldier knocked on her door past midnight on one occasion requesting for matches. Although there was no incident, the women told the team that she was extremely terrified by the experience. The team also received reports that the soldiers often visit the bars within the settlement and often stay beyond the closing hours of the bars with the operators unable to evict them.

In meetings with the OC Post and the Camp Commandant it was confirmed that the government had beefed up military presence in the area as a means of strengthening security in the area following the 2002 ADF attack. It was confirmed that there were three military units in close proximity to the settlement. The OC police confirmed that soldiers pass through the settlement especially because the road that passes through the settlements connects the military units to each other. There was not much the camp authorities could do in that regard. The OC Post informed the team that his office had a very cordial relationship with the Commanding Officer [C.O.] of the nearest unit whom he had met on a number of occasions regarding the conduct of his soldiers. He said further that the C.O. had always disciplined the soldiers who the police

reported to him. The C.O. had further imposed a curfew of 7pm after which time no soldier was to go into the refugee settlement. It appears that despite these measures, incidents involving soldiers continue to occur.

2.4.2.3 Recommendation

The issue of soldier discipline should be taken up more seriously with the UPDF commanders around the settlement by the settlement authorities. There may be need for an enlightenment campaign organised in collaboration with UNHCR to inform the soldiers of the effects of the incidents mentioned above on the settlement as well as to encourage more peaceful co-existence between the communities.

The settlement authorities should liaise with the UPDF commanding officers to ensure respect of the imposed curfew of 7pm for the soldiers within the settlement.

2.4.3 Relaxed security at settlement entrance

During the 2008 visit, the team received expressions of concern from refugees about the fact that security screening had been relaxed at the entrance of the settlement. It used to be the practice that before entering the settlement, visitors were given clearance after security screening. At the checkpoints they had to state the purpose of their visit to the settlement, the person they are visiting and the duration of the visit. There seemed to be a general concern that the relaxation of the security screening procedure will heighten the risk of access to the refugees by persons wishing to do harm. This concern came mostly from the Sudanese refugees some of who fear being targets of revenge killings.

The Settlement Commander and the OC Police Post confirmed that the procedure for security checks had been relaxed in the last year but that they have instead had to resort to more covert means of monitoring the security of the settlements and movements of visitors. They also informed the team that the guards have also been instructed to stop and check taxis and other 'suspicious persons' going into the settlement. They explained that in the last year road repair works have made the road through the settlement the main route for commuting to Kibange District. It had thus become challenging to maintain the high level of checks usually carried out at the entrance of the settlement. Furthermore, the road is a major access for transporting food stuff from the sub-county to the rest of the district.

The settlement also explained to the team the new structure of the security committee showing the channel from the block to the village and town security committees leading up to the security council up to the settlement

commandant. The copy of the public notice which was pasted on the settlement commandant's office [and which was made available to the team] also lists the roles/functions of the security committees.

2.4.3.1 Recommendation

It is necessary for the settlement authorities to pass the information on the reasons for the relaxation of the security checks to the refugee community in order to allay the fears and stop the rumours going around as to the reason for it.

2.5 Access to justice

2.5.1 2007 Field visit

The team noted that the procedure for reporting crimes and offences was too cumbersome and left room for corruption and exploitation. The procedure entailed reporting crimes to the block chairperson who in turn reported to the village chairperson up to the RWC chairperson at the settlement level before the matter was reported to the police. It was alleged that often important issues fall through the cracks during this process. There were lots of complain about the inefficiency of the police bordering on corruption, lack of diligent investigation and prosecution of crimes and drunkenness. The team sighted a policeman who was drunk at his post at 11am during that visit. The team also noticed that there was general lack of information among the refugee community about the degrees of offences and the necessity to report certain crimes directly to the police. Consequently, serious crimes like rape and defilement were only reported to the RWC officials and often never made it up to the police.

There were also allegations that some refugees abuse the criminal reporting system, using it to settle personal scores by accusing people falsely often leading to arrest and detention without adequate investigation.

The distance to the courts was also another point that hampered access to justice. The courts were over 80 kilometres away and in the absence of a designated vehicle it proved difficult to convey suspects to courts or to transport witness to attend court. The effect was that the few cases that made it to court were often dismissed and the suspects returned to the camp without prosecution.

There appeared to be a general unwillingness to report SGBV-related crimes to the police as this was thought to be culturally unaccepted in some of the communities. Thus crimes such as rape and defilement were settled at block levels with meagre compensation paid to the families of the victim.

The above hindrances had fostered a general lack of faith in the criminal justice system and encourage people to resort to self-help in resolving their differences.

2.5.2 2008 Field visit

The team decided to address some of the access to justice issues that came up during the 2007 visit at the information sessions which were held in the villages with the refugees as well as with the settlement authorities and implementing partners. Issues discussed included degrees of offence and criminal reporting procedure. Here the refugees were informed of the duty to report crimes to the police even where such crimes have been reported to the RWC officials. The age of criminal responsibility and the juvenile justice mechanism, the legal consequences of bail, dismissal, acquittal and sentencing were some of the issues which the information sessions addressed.

There was a general agreement among the refugees and the Implementing Partners [IP] that police efficiency had improved since the assumption of office of the current OC Kyangwali Police Post who resumed after the 2007 field visit. However the police continue to face logistical challenges which hamper more effective fulfilment of their duties. After a series of complaints, a motorcycle was donated by the UNHCR to replace the old one that the police was using however the absence of a fuel allocation makes optimum use difficult. There were unverified allegations that the refugees were required to provide fuel to investigate their complaints although the settlement authorities denied this. The settlement commander informed that he had to resort to lobbying the IP for fuel for the police. The police also informed the team that there was a motorcycle which was donated to the police specifically for investigating SGBV-related crimes however the police post was still expecting the female police officer who would be in charge of SGBV and family issues.

Two other major challenges which the team observed and which were raised by the police during the meeting with the police were the distance to court and the absence of remand facility for juvenile offenders. The team in separate meetings with the District Police Commander [DPC] Hoima District and the Magistrate Grade II at the Judiciary in Hoima confirmed that many sub-counties experienced the same challenges of distance to courts. The Magistrate Grade II courts which used to operate at the sub-county levels were 'temporarily' suspended two years earlier and had not been re-opened since. This presented huge access to justice challenges which were not peculiar to the Kyangwali sub-county.

The team was also informed that since the decentralisation of the administration of juvenile detention facilities the remand home in Masindi which used to serve Hoima District was no longer accessible to the district; Masindi District has refused to accept detainees from Hoima as this was a task on their resources.

Both the district police and the magistrate complained of the frustration arising from an inability to administer justice in instance where the offender was a juvenile as there was no detention facility for juveniles. Consequently, cases involving juveniles have had to be dismissed or the juveniles released to return home after conviction. This lacuna in the justice administration system has often led to the reduction of age by suspects [allegedly with the collusion of the police] as a means of escaping justice.

There seemed to be greater SGBV awareness owing to the work of the IMC which has the mandate for SGBV project implementation in the settlement. The team noticed that there was greater willingness to report SGBV related offences. However, diligent prosecution of SGBV offences remain a major problem partly for the reasons already mentioned above. The absence of a designated SGBV/domestic crimes police officer in the settlement has not helped in this regard. In a meeting with the DPC on 21 June 2008, the team was informed that a woman constable had been posted to the Kwangwali Police Post to take charge of SGBV/domestic crime issues and that she will be resuming the following week. The DPC also informed the team that since his resumption of office a month earlier he had been re-organising the district police command and that a new OC Post had been posted to the Kyangwali Police Post and would be resuming the next week as well. He further informed that the district has vehicles and that any police post which had suspects who need to be moved to the district police station in Hoima could call and he would have a vehicle sent at most within 48 hours.

2.5.3 Recommendation

- 2.5.3.1 The Government of Uganda should consider re-opening the Magistrate Courts Grade II which served sub-counties across the nation as their suspension is causing a huge challenge for judicial officers and law enforcement officers.
- 2.5.3.2 The Government of Uganda should incorporate the administration of remand homes into the larger centralised prisons administration scheme. A situation where remand homes were administered by the local government and the prisons by the central government has given rise to some of a lacuna with the dispensation of juvenile justice particularly the absence of a remand home for juvenile offenders in Hoima.
- 2.5.3.3 The OC Police Post Kyangwali should liaise with the Hoima District Police Station to ensure that suspects were conveyed to the district where this was required.
- 2.5.3.4 The Hoima District Police Station should expedite the posting of a female officer in charge of SGBV and family matters to the Kyangwali post. The DPC had informed the team that plans had been concluded in this regard

2.6 Food security

2.6.1 2007 Field visit

The complaints in this respect centred mostly on the reduction of food rations and the removal of certain persons from the Extremely Vulnerable Individuals [EVIs] list.² Another issue that came up was the destruction of crops by herds of goat belonging to the assistant commandant and the settlement commander's driver. The assistant commandant had denied this allegation of destruction of crop but admitted that he had quite a number of goats.

The team also observed that there was no agricultural extension programme in the settlement. However there was evidence that there had been a bountiful harvest that farming season.

2.6.2 2008 Field visit

It seemed that complaints with respect to food security were higher during the 2008 visit. Certain villages did not have sufficient rainfall in the last farming season and this affect crop yield. In addition to this, it appeared that as a result of the repatriation process, some refugees who had indicated interest in voluntary repatriations failed to cultivate their plots of land in anticipation of early repatriations which did not occur as early as they anticipated. The result was that these refugees were still in the settlement but had not cultivated their land.

Food insecurity in Rwenyawawa village has been even further exacerbated by crop destruction caused by the hundreds of goats and cattle owned by the assistant commandant, Joseph Mabisi, who resides in that area. Many refugees complained to team that the assistant commandant allows his goats and livestock to graze freely in their fields. This was also confirmed in interviews by some of the implementing partners working in the settlement. There seemed to be a general resignation to this state of events as well as fear of reporting to higher authorities or asking for compensation due to the possible repercussions. While on a visit to Rwenyawawa Primary School on 13 June 2008 the team took photographs of the assistant commander's herd of 100 goats being led through

² Certain persons are considered as extremely vulnerable and thus unable to feed themselves. These EVIs are entitled to food rations from the UNHCR. EVIs include: the mentally challenged without family support, those with chronic illnesses preventing physical work, unaccompanied minors, and the elderly without family support.

farm lands.³ There were few complaints of crop destruction by goat owned by nationals living on the borders of the settlement.

When this information was brought forth to the Commandant and to the OC Police, they expressed shock and adamantly maintained that 'no one is above the law in this settlement'. The Commandant assured us that even the highest authorities would have to compensate others for errant livestock destroying crops. However, there seemed to be no coherent procedure for guaranteeing compensation where livestock belonging to persons have cause destruction to the fields of others. The settlement commander admitted that he preferred to allow the parties settle the issues themselves and agree on compensation. The team was of the opinion that the absence of set standards in this regard have encouraged this practice to continue and created increased dissatisfaction among the refugee community especially where the culprits were 'big people' [meaning the assistance commander and the commandant's driver].

There were further complaint about the reduction of food rations and the removal of the names of many refugees previously on it, from the EVIs list. The EVIs verification team from UNHCR was in the settlement at the time of the LAC team's visit. UNHCR Community Service Officer for Hoima, Gracious Atwiine informed that WFP has reduced food rations by 60% as of this year and as of 2009 they will be discontinued entirely. As a result, the criteria for determining those who got on the EVIs list were currently very strict. Kyangwali settlement reportedly has over 1764 EVIs compared to other settlement which had on the average, one third of that number. The team was informed that lack of funding was responsible for the cuts in rations.

There is a lack of awareness about the impending elimination of food rations. The current stricter interpretation of the EVI criteria has also led to confusion. Many of those previously on the EVI list seem to have been dropped without explanation. The settlement doctor himself even seemed to be confused that his recommendations for EVI status were now sometimes being ignored when previously similarly situated patients had qualified.

The team had to explain this turn of events to the refugees who approached us with their complaints.

2.6.3 Recommendation

2.6.3.1 The Office of the Prime Minister [OPM] should call the assistant settlement commandant and the settlement commandant's driver to

³ The assistant commander is alleged to own an estimated 300 livestock consisting mainly goats and cows, this number seems on the increase.

- order and warn them to bring their livestock under stricter control. The activities of these men in this regard have caused undue hardship to the refugees and have persisted despite repeatedly bringing the issue to the authority of the settlement officials, thus confirming the fears of the refugees that these men are above the law.
- 2.6.3.2 As stated above, the settlement officials need to draw up an objective guideline for compensating those whose crops have been destroyed by livestock rather than the system which currently exists where the compensation is left to the parties to discuss. This is particularly necessary especially in the situation where the culprits are 'big people'.
- 2.6.3.3 With respect to the cuts in food rations and the new criteria for the EVI list, UNHCR should inform the refugee community of this new situation as well as prepare them for the impending 100% removal of food supplies.

2.7 HIV/AIDS

2.7.1 2007 Field visit

There appeared to be a high prevalence rate of HIV/AIDS in the settlement based on oral reports from the medical officials. There were also reports of stigmatization towards people living with HIV as a result many refugees refused to go for HIV-status testing. The medical officials informed that although there was Voluntary Counselling and Testing [VCT] service in the settlement the response to it from the refugees was very low.

The Great Lakes Initiative on AIDS [GLEA] was present in the settlement providing counselling and moral support but there were not Anti Retro-Viral [ARV] drugs in the settlement.

2.7.2 2008 Field visit

In the meeting with RWC officials, they confirmed that there had been a marked improvement in service-delivery on issues of HIV/AIDS. They confirmed that there was adequate counselling, availability of ARV medications and VCT services. The group also met with Ms Ritah Kissakye, the HIV Focal Person for GLIA who informed that HIV/AIDS prevalence in the settlement was at 1.5% from VCT statistics. She informed that GLIA is involved in treatment and care of People Living with HIV/AIDS [PLWHA] through counselling, material support, community mobilization programmes which has encouraged the Sudanese community to come up for VCT, sponsorship of girls and particularly orphans of HIV and those living with HIV, and provision of sanitary pads. These activities have increased the level of HIV awareness in the settlement and improved the community's response to HIV. She further informed that the Kituti Health Centre has been

identified as a government centre for access to ARVs for the sub-county and would start the administration of ARVs and ART as a result.

The team attended a seminar jointly organised by GLIA/National Council of Women Living with HIV/AIDS held in the settlement where the participants were taught how to live positively with HIV. Issues covered included nutrition, hygiene, rest and work. There were only 13 refugees in attendance. The GLIA focal person confirmed that stigmatisation of PLWHA continues and this has been responsible for people not identifying with programmes targeted at PLWHA.

The team met with the AAH Nutritionist who informed the team that she implements a nutrition programme for PLWHA.

Another challenge for the settlement was lack of a CD4 counting machine. She informed that AVIS, an Italian NGO provided psycho-social support group meetings with mothers living with HIV/AIDS and children under 18 months once a month. AVIS also provides testing for children of that age bracket. However AVIS was stopping this service. In a meeting with AVIS programme officer in Hoima Ms. Sayun Meihaho, the team was informed that the AVIS service were health centre-specific and not targeted directly at refugees and that AVIS implemented its programmes using the staff of the health centres. On the reason for phasing out the programme, she confirmed that the organisation was focussing on Northern Uganda and that they had built sufficient capacity in the staff of the health centre. She noted however that AVIS' technical supervision will continue.

2.7.3 Recommendation

- 2.7.3.1 UNHCR through its IPs should increase the level of HIV/AIDS awareness especially targeted at non-stigmatisation of PLWHA.
- 2.7.3.2 The Government of Uganda should expedite the operationalisation of the Kituti Health Centre as a centre for ARV's in the sub-county. Also a CD 4 counting machine should be installed at the centre to eliminate the challenges being faced currently as a result of the lack of the machine in the sub-county.

2.8 Sexual and Gender-Based Violence

2.8.1 2007 Field visit

There were reports of high levels of sexual and gender based violence in the settlement against women. The most common being rape. There was also a high rate of defilement of young school-aged girls in the settlement. These sexual assaults occurred in the women's houses at night, on the pathways, farms

and around the water points. One of the women described the single women in the settlement as 'living dead' due to the levels of sexual violence against them. She said she had been raped a number of times herself that she was afraid of taking a HIV test in order not to confirm to herself that she already has the virus.

Another woman interviewed said she was raped by 3 men who she suspected to be nationals [because the men spoke Lunyoro] in her farm and in the presence of her three children. The women complained that when they reported these incidents to the police or UNHCR they were accused of fabricating stories in order to be resettled to third countries in the West.

The team noted that there was no programme addressing SGBV at any significant levels. Some of the men who spoke to the team complained that the UNHCR policy of resettling 'women at risk' was responsible for most of the allegations of SGBV in the settlement. The women however maintained that it was the high levels of alcohol abuse that was responsible for the violence against women. There were unconfirmed reports that young Sudanese girls were being abducted from the settlement for forced marriages in Sudan. Prostitution was also quite common place in the settlement.

2.8.2 2008 Field visit

In the meeting with the officials of the Refugee Welfare Council, the team was informed that SGBV against women in the settlement continued. However they also commended the activities of the International Medical Corps [IMC] and AAH with respect to SGBV sensitization. IMC carries out sensitization on SGBV while the AAH carries out the intervention. The AAH team leader informed that they received about two or three SGBV survivors per month requiring shelter. He said that alcohol and substance abuse was responsible for the high levels of domestic violence. He stated further that poor logistics for the police made it difficult for proper investigations into reports of SGBV to be carried out. The absence of a SGBV/Family desk police officer, the lack of a means of transportation and fuel contributed to this problem.

The team spoke to the IMC who informed that IMC was mainly involved in capacity building and awareness creation in the settlement. They maintained a network of community educators, two [male and female] for each of the 11 villages and two supervisors making a total of 24 community educators. The awareness activities include door to door visits, community dialogues, impromptu discussions, drama and video shows. Following complaints from the men within the community that the SGBV programmes were making the women stubborn, IMC formed male groups through which the men were involved in SGBV awareness creation activities including role plays which have proved very effective. They had formed a group known as Men's Movement Against Violence which encourages men to voluntarily sign pledge cards to stop SGBV.

IMC informed that they also carry out sensitization programmes in school on issues of domestic violence.

IMC is also involved in capacity building programmes with the police, camp officials and school teachers including clinical management of SGBV survivors for health workers.

The team observed that there was only one IMC officer in the settlement coordinating all these programmes and it was often difficult to reach her because she had to be in many places. She raised the issue of poor logistics for police investigations as a major challenge to SGBV in the settlement. She also raised concerns on the level of defilement incidences involving minor perpetrators. Of particular concern was a recent case involving a 10-year old boy and a two-year old girl, the boy had been taken to Hoima police station and returned to the settlement almost immediately. The team found the settlement rife with rumours that the boy's father had bribed the police hence his release. The police explained to the team the dilemma with under-aged offenders and the absence of juvenile justice facilities in the district.

Subsequent to these meetings the team dealt with the issue of SGBV and domestic violence during the information sessions particularly age of criminal responsibility and the need for the community to check the levels of defilement involving minors; the reporting process for SGBV was also dealt with since it was discovered that there was a general reluctance of the part of the victims to report the cases to the police. Due to the fact that nothing substantial was usually done to the suspect/perpetrator, the women preferred to settle the cases at the village level and get monetary compensation.

2.8.3 Recommendation

- 2.8.3.1 As stated above, the posting in of the female SGBV/Family desk officer for the police post and the subsequent use of the donated motorcycle by the officer should improve investigation into SGBV related crimes. The general system of crime investigation and prosecution should be improved to ensure that perpetrators of SGBV are not left unpunished.
- 2.8.3.2 IMC should consider increasing their staff present in the settlement in order to effectively implement their programmes.

2.9 Health and Sanitation

2.9.1 2007 Field Trip

There was a high rate of disease particularly malaria and typhoid fever in the settlement. There was also insufficient supply of medicines for the treatment of

these diseases at the health centres in the settlement. Refugees had to resort to purchasing prescribed medication from the many drug stores within the settlement operated by staff of the health centres. There were allegations by the refugees that the health staff stocked their drug stores with medical supply made for the health centres. These allegations could not be confirmed but they were raised with the camp authorities nevertheless.

There were complaint of a general reluctance on the part of the medical doctor and his clinical officers to refer serious cases to the other health facilities outside the settlement. It is alleged that this reluctance has led to deaths in circumstance that referral would have saved the lives.

Insufficient water points in the settlement were also a source of major concern to the refugee community. This affected the sanitation levels in the settlement which the refugees admitted had improved since the posting in of the present commandant. The commandant had introduced the issuance of sanitation cards under a policy which required every homestead to have a toilet and bath shelter and this had help control the sanitation problems. However the challenge of insufficient water points remained and continued to pose a great health and social hazard to the community; a number of the reports of sexual assault received occurred as the women trekked the long distances to the water points.

2.9.2 2008 Field trip

The doctor confirmed that malaria was the most common illness in the settlement and that it was responsible for most deaths. He explained that most of the deaths especially in children was because the patients were brought to the health centre very late often with anaemia and multiple convulsions. Respiratory tract infections are the next most common illness in the settlement. Poor ventilation in the refugee homesteads is considered a possible cause for the high infection levels recorded. There was an outbreak of cholera which got to the settlement from the fishing communities bordering it however this was contained successfully. The doctor also informed the team that Kyangwali refugee settlement has the highest levels of prevalence of mental cases such as epilepsy, depression, mania and mental retardation in children. There is a public health psychiatric nurse who holds a weekly psychiatric clinic in the settlement. Severe cases are referred to Regional Referral Hospital in Hoima and Butabika Hospital in Kampala.

Responding to reports of reluctance to refer cases to the referral hospital in Hoima, the doctor informed that mostly, emergencies cases are referred and these usually are of severe anaemia cases requiring blood transfusion and

obstetric emergencies. He said some cases which do not require immediate attention such as hernia are not referred as priority.

AAH informed us that they had observed a high number of infants with brain damage. This was attributed to the traditional practice delivery in a squatting position by some mothers during home deliveries. The baby at this position hits the floor with its head as it emerges. The RLP team, at a meeting of women in the settlement, informed them that they should at least put some cushioning beneath them and they seemed shocked to learn this and appreciated the advice. AAH also informed the team that they were sensitising the traditional birth attendants on this issue.

The doctor admitted that medical supply to the settlement clinics is inadequate; only 65% of the requirement is received. For instance, in the current quarter, the medical supply from UNHCR came without anti-malaria drugs for a camp with very high malaria prevalence. The doctor confirmed the previous year's allegations that medical supply was diverted from the health centre to stores operated by staff which led to the closure of all private drug stores within the settlement belonging to the health centre staff. The medical team conducts *impromptu* spot-check on the few drug stores still operational in the settlement to ensure that health centre drugs were not being sold there.

Some of the challenges faced by the centres include staff deficiency. The doctor admitted that additional staffs required are two registered nurses, mental health personnel, health sanitation officers. Although the doctor refused to admit this, the team strongly believed that the settlement required at least one additional doctor preferably a younger man. This is because currently only one doctor oversees the four health centres servicing the settlement and the environs. Also a younger doctor will reduce the pressure on the doctor from refugees who the doctor admits often pressure him into acceding to some of their request against his best judgement.

The team noticed that there were activities which degraded the environment; an example is the felling of trees for charcoal which we were informed has left certain areas bare and unprotected resulting especially in flooding during the rainy season. Although there are efforts to encourage refugees to use energy-saving stoves, the campaign in this regard does not seem to be far-reaching.

2.9.3 Recommendation

- 2.9.3.1 UNHCR should increase its medical supply to the settlement in order to meet the demand that exists in the settlement's health centres currently.
- 2.9.3.2 UNHCR should recruit more medical staff for the settlement especially a psychiatric nurse and medical officer.

- 2.9.3.3 UNHCR through its relevant IP should intensify campaign to sensitise and encourage the refugees to use energy saving stoves and tree-planting.
- 2.9.3.4 The settlement authorities should discourage the felling of trees for charcoal. They should also lend institutional voice to the UNHCR tree-planting programme as a means of highlighting its importance to the refugees.
- 2.9.3.5 The GoU should post a medical doctor to the sub-county as the four health centres in the sub-county are currently being overseen by one doctor.

2.10 Education

2.10.1 2007 Field visit

2.10.2 2008 Field visit

Disparity in treatment of refugee teachers vis a vis nationals

Refugee teachers employed by AAH complained that national teachers are paid higher salaries. In fact, refugees are officially paid 'incentives' and not salaries. There seemed to be an approximately 10-15,000 Shs per month disparity between the salaries of refugee teachers and national teachers employed by AAH. The justification for this is the fact that refugees receive other benefits by virtue of their status such as food rations and medical care. This remains a source of discontent among the refugee teachers. According to them, and as observed by the team, food rations were not given to every refugee and the health centres often had no medications thus requiring the refugees to purchase them elsewhere. Furthermore, the health centres in the settlement were equally accessible to both refugees and nationals and therefore the former derived no special privileges.

On the other hand, the national teachers complained that they faced difficulties as a result of lack of accommodation in the settlement. They therefore had to commute to the schools from outside the settlements often resulting in late attendance and general exhaustion when they arrive at the school. Another consequence of this is that many more qualified teachers have no incentives to teach in the schools within the settlement as a result of the lack of accommodation.

However, there is an even greater disparity between teachers employed by AAH and those employed by the government. Schools in Kyangwali have some teachers on AAH payroll and others on government. Those with government

salaries are paid about twice as much – 240,000 shs per month as compared to 115,000 shs per month. The team had to investigate this and was informed that this way a situation that existed not only in the schools within the settlements but also in government schools across the country. The team explained this to the teachers who had grown quite disgruntled by this huge disparity in salaries.

The team observed that there was far less accountability for government teachers. AAH appears to supervise their teachers quite closely, disciplining them for failure to appear at work which direct supervision is lacking for government teachers. We received complaints that some government teachers can stay off work for up to two months at a time, while still being paid. AAH confirmed their powerlessness to reprimand them. The team arranged a meeting with the Education Inspector of Schools in Hoima on this issue and he admitted that transport constraints make it impossible for the supervisor of schools to visit the schools in the settlement as often as he should. He claimed that they do in fact discipline teachers who are absent without leave and showed the team a letter of suspension for one of the teachers in the settlement who had been absent from work for a long period. The team noted that this absenteeism resulted in few teachers [mainly refugees] teachers doing the most work and for less pay.

It was also noted that the fund dispersal system is centralized and inefficient. Some AAH staff complained that they are often owed salaries in arrears of up to 2 – 3 months. This often leads to de-motivation and makes day-to-day life harder for the refugee employees. AAH officials confirmed that there was often delays but due to circumstances beyond their immediate control however the employees receive their 'incentives' as soon as AAH receives the funds. AAH refugee staff receive their incentives from the accountant's office and this meant that until the funds were withdrawn from Hoima, they could not be paid.

Certificate equating and work permit

The difficulty of refugees to equivocate their education certificates in Uganda has become a serious countrywide impediment to refugee integration and self-sustainability. Refugees in Kyangwali equally complained of how difficult it is to have their foreign certificates approved for use in Uganda. This greatly hampers their ability to obtain the jobs they are trained for.

In order to validate a foreign degree certificate in Uganda, refugees must first have them officially translated, which generally can only be done through Makerere University in Kampala. Furthermore they must then pay a fee of about 35,000 Uganda Shillings [approximately 20 USD] to have them equated to Ugandan standard. Very few refugees can afford these costs and thus many professionals within the refugee community are unable to apply their training gainfully.

Another issue that came up was the requirement of work permits for refugees. Even for the refugees who have translated and equated certificates, they are required to pay for and obtain work permits before they can be employed for jobs they clearly are qualified for. Work permit costs are as high as 60 USD and the procedure for its issuance makes employing refugees generally unattractive for employers. The issue of work permit has been one that has constantly been raised with the Office of the Prime Minister; the appropriate legislation is unclear on this issue leading to discrimination of refugees. None of the camp officials, UNHCR or its implementing partners has a clear position on the issue of work permits. It is worthy of note that the requirement of work permit from refugees is an obstacle to the self-reliance strategy currently being implemented by the Government of Uganda.

School facilities and attendance

The team visited several schools in the settlement. In Kinakyeitaka Primary School, the children complained that they had no equipment for leisure activities, such as sports and dancing. There were no latrines for P4-P6.

In Kyangwali Secondary school there are only 4 latrines for a population of 509. There were also complaints there of lack of facilities for games and sports. The teachers receive no lunch and cannot go home to have lunch due to the distance and often find it difficult to make it through the day.

At Kasonga Primary School, an acute shortage of school books was observed. One child typically has only one book for all subjects, and as a result the teachers are unable to give homework or collect the books for marking afterwards.

Right to Play, an international NGO providing recreation to children, had recently arrived in the settlement. The team spoke to the focal person on the settlement who confirmed this absence of recreation facilities and *Right to Play*'s willingness to hopefully remedy this. *Right to Play* hopes to implement the 'Live Safe, Play Safe' programme which aims at educating the children on HIV/AIDS and addressing issues of discrimination generally.

A high dropout rate was also reported at all schools. According to the school authority of Kyangwali Secondary, about 3-5 students drop out every term as a result of early or forced marriage, or because of the domestic workload at home.

2.10.3 Recommendation

- 2.10.3.1 UNHCR and AAH should sort out the disparity in remuneration of teachers employed by them. The international human right rule of equal pay for equal work should be respected.
- 2.10.3.2 UNHCR and AAH should address the challenge of accommodation currently being faced by national teachers who commute to and from the settlement daily.
- 2.10.3.3 AAH should liaise with the office of the Inspector of School on a mode of supervision of the nationals who teach within the settlement in order to check truancy.
- 2.10.3.4 OPM and UNHCR should look seriously into the challenge of equating the educational certificates of refugees as well as the requirement of work permit for refugees as these pose a major challenge to the Self-Reliance strategy of the Government of Uganda as well as hamper the prospects of local integration.
- 2.10.3.5 OPM and the settlement officials, as part of the sanitation policy should ensure that proper sanitary standards are maintained at the schools. Toilets should be constructed in schools where available facilities are inadequate.
- 2.10.3.6 Right to Play should implement its mandate speedily. As the need for recreational activities is high in the settlement schools.

2.11 Sundry issues

2.11.1 Drunkenness and alcohol abuse

Alcohol abuse remains a major problem in the settlement in 2008 as it was in 2007. This has been blamed as the reason for the high level of sexual and domestic violence within the settlement. There were many reports confirming that harvest season typically leads to a spike in incidences of domestic violence, because the men use profits from crop sales to buy alcohol for themselves rather than provide for the family. Interviews with primary school children also revealed an alarming degree of awareness about alcohol abuse amongst parents in the home and the trauma of domestic violence arising from it.

The commandant and OC Police informed that certain control measures have been put in place to curtail the problems of alcoholism. Community patrols have been established in Kasonga village every evening; Kasongo has the concentration of drinking bars. Strict closing and opening hours have been enforced in specified drinking zones although as mentioned earlier this is being frustrated by the soldiers who often remain in the bars beyond the closing hours. Bar-owners are also held liable for fighting on their premises – the commandant said that one bar had recently been closed due to failure to control its customers.

2.11.2 Single women

The RLP team encountered a high number of single women living alone with their children. They reported attacks and harassment by men, who have typically been drinking, especially at night. While the OC reported that no rapes have been reported in 2008, the testimony of women suggest that at the least, there is a high degree of sexual harassment of single women

2.11.3 Children

Through interviews and focus group discussions with children of various ages at schools throughout the settlement, it is apparent that many refugee children suffer psychological problems due to unsafe and unhealthy home environments. The problems the children themselves cited included: high rates of alcoholism, domestic abuse, sexual abuse (including some unverified allegations of settlement guards raping school girls), lack of food (particularly in drought-affected villages), lack of outlets for play and recreation, and a generally unstable and unhappy home environment. When asked where the children preferred to be – home or at school – they mostly replied that school was a much safer and more enjoyable place to be.

2.11.4 Unaccompanied minors

In 2007 there were a considerable number of unaccompanied minors in the settlement who have not been put under foster families and were trying to fend for themselves. There are also those who have been put under foster families but are being mistreated.

There seems to be no or very little supervision by the authorities of foster families or clear criteria for selecting foster families. Officials confirmed that the food ration given for foster children is often the only incentive for fostering. We encountered one set of 4 children, who had been forcibly separated from their parents in Kampala by UNHCR and returned to the camp. UNHCR Community Services and AAH confirmed that they were given less than 48 hours notice of the arrival of the children. The children fled the foster family to which they were claiming severe verbal abuse among others and wandered around until a pastor took them in when they stopped to ask for water.

The pastor confirmed that although the children aged between 12 and 2 years constantly asked for their parents they had been left for 6 weeks without any information about the whereabouts of their parents. The officials in the settlement informed the teams that there was inadequate information from UNHCR Kampala which had brought the children and that the general

assumption was that the parents were coming along. Subsequent investigation of the case confirmed that on the order of Mr. George *****, Senior Protection Officer, UNHCR, the kids had been forcibly taken from their parents in Kampala and dumped in the settlement as a way of compelling the parents to leave the vicinity of the UNHCR offices in Kololo, a rich suburb of Kampala.

In 2007 we came across a young girl who was defiled within the foster family and got pregnant as a result. She could not report to authorities because the family was her only protection and social network. The foster family was resettled to another country leaving the pregnant girl behind. The young girl now carries the burden of looking after the child all by herself.

UNHCR community service officer admitted that adequate supervision of foster families was lacking, and attributed this to a lack of funds and staff. He insisted, however, that the 'extreme' cases are monitored.

2.11.5 Refugee ID cards

The team received reports of refugees being asked by settlement authorities to pay 5,000 shs for their refugee ID card. In fact, it appeared to be common knowledge among the refugees that there is a compulsory payment of 5,000 Shs for the refugee ID card. When the team raised the issue with the Commandant, he expressed shock. He acknowledged that when he resumed office he had heard that refugees were paying for their ID cards but that he had informed refugees not to pay for the ID cards. He was therefore surprised to hear that the practice may have started again and by the following day had posted a public notice clearly stating that ID cards are free to all refugees. It would appear that certain officers within his office may be receiving these payments without the commandant's knowledge. He promised to investigate the matter further and reprimand those responsible.

Another problem with acquiring refugee IDs was the fact that not many can afford, or have access to, personal photographs. There is no photo processing machine onsite at Kyangwali. The presence of one would greatly ease this problem.

Further delays are caused by the fact that the ID cards can only be signed from OPM Kampala, which greatly prolongs the process. Decentralization of issuing IDs could be considered, although it might jeopardize the integrity of the process.

Given these challenges to obtaining an OPM ID, the refugees have resorted to using the UNHCR Ration cards which contain only their name and an ID number for identification. The issuance of UNHCR ration cards has led to much confusion,

since the refugees see owning a ration card as entitling them to food rations, and therefore are disgruntled when they are not given food rations. The team asked the UNHCR Community Service officer why his office was still issuing ration cards to refugees especially since they were gradually phasing out the giving of food rations to refugees. He explained that these ration cards serve other purposes for the office. We suggested that he sensitizes the refugees on the purpose of the ration cards and the fact that the possession of one does not automatically entitle one to food rations from UNHCR.

2.11.6 High-handedness

In 2007, the team received reports of high-handedness from the settlement authorities. In particular, the then deputy commandant was reported to have been quite high-handed in his dealing with refugees.

Another evidence of this was the forceful relocation of refugee leaders from Kyangwali to other settlements, especially Nakivale, which took place some time in 2006. The respondents alleged that these leaders were vocal about refugee rights and the manner in which the settlement authorities dealt with refugees. The then settlement commandant offended by their criticism liaised with UNHCR and the police to round up the concerned refugee leaders with their families late at night and they were bundled up onto UNHCR trucks and forcefully relocated to Nakivale. Some of those relocated were even received at RLP offices in Kampala and we have their testimonies on file. The reason given was that refugee leaders were making the settlement ungovernable as they insisted on matters that were not within the control of the administration. They particularly cited the fact that the refugee leaders had incited a dispute with the local authorities over control of revenues of the local market, which was beginning to strain relations with the local government, something the administration would not tolerate. The refugees, on the other hand, insist that they were relocated because of being vocal about refugee rights and exposing mal-administration in the settlement.

There were no reports of forced relocations in 2008, however the team observed that many refugees still perceive forced relocation as a tool for dealing with 'problematic' refugees by the settlement authorities. As a result many of the refugees refused to speak to the team anywhere around the vicinity of the base camp for fear of being noted by the authorities. Generally there was a pervasive fear of being labelled "problematic" if one complained about the authorities. Although the commandant informed us that he was always open to receiving complaints from refugees, and that no one was above the law in the settlement, however, a general fear of raising issues with authorities undoubtedly pervaded refugee attitudes.

2.11.7 Selling of plots by those about to be repatriated

During the 2008 the team noted that some refugees who are about to be repatriated on many occasions 'sold' their plots of land to unwitting buyers. The law clearly states that the plots in the settlement are owned by the government and upon repatriation the land should revert to the original license-holder, OPM. However, there seems to be a lack of awareness of this, even amongst the most senior refugee leaders. For example, some expressed great frustration that OPM officials had allocated the said plots to other refugees and therefore causing conflict between the new allottees and the 'buyers'.

Confusion on this issue might also be created by the fact that the commandant endorsed compensation for constructions and crops on the plots by incoming inhabitants (as opposed to the land itself), although he said that this was legal only when authorized by his office. There is need to sensitize the refugees on this issue in order to avoid the conflicts that this has caused among the refugees.

2.11.9 Repatriation of Rwandese refugees

In 2007, the team noted that certain Rwandese refugees who had lived a long time on the settlement as asylum seekers were deported to Rwanda. However during the 2008 visit, it was observed that many of these have returned and were currently living in precarious situations, too afraid to properly integrate with the refugee community and not fitting in with the nationals. It was quite a Herculean task for the team to locate these people, however on the last day of the visit we were able to hold an information session with them during which the team listened to their stories and documented their details. There seemed to be genuine fear of persecution hence their refusal to remain in Rwanda.

The team recommends that UNHCR and OPM and profile this group with a view to given them a durable solution. Currently, these refugees are living in *limbo*.