



**RAPID ASSESSMENT ON INFORMATION ECOSYSTEM AND  
ACCESS TO JUSTICE FOR SGBV SURVIVORS  
KYANGWALI REFUGEE SETTLEMENT, UGANDA**

**DECEMBER 2018**

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# ACRONYMS

AAP	Accountability to Affected Population
ARC	American Refugee Committee
CAFOMI	Care and Assistance for Forced Migrants
CEA	Community Engagement and Accountability
CwC	Communicating with Communities
CWC WG	Communication with Communities Working Group
HIJRA	Humanitarian Initiative Just Relief
IRC	International Rescue Committee
KRC	Kabarole Research and Resource Center
LASPNET	Legal Aid Service Providers' Network
LC	Local Council
LWF	Lutheran World Federation
NGO	Non-Governmental Organization
OPM	Office of the Prime Minister
PWD	Person with disability
RLP	Refugee Law Project
ULS	Uganda Law Society
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Human Rights

## ABOUT INTERNEWS

Internews is an international non-profit organization that works to ensure access to trusted and quality information that is readily available to enable people make better decisions. In Sub-Saharan Africa, Internews works closely with displaced communities (primarily living in internally displaced or refugee camps) and humanitarian agencies to ensure that these communities have access to information about their rights, entitlements and services offered to them by the agencies, and also that the organizations serving these communities access community feedback.



# 1. EXECUTIVE SUMMARY

Between October and December 2018, Internews carried out a rapid assessment in Kyangwali refugee settlement in Western Uganda to examine two key issues: the settlement's information ecosystem, and the formal and informal justice system operational in the settlement and available particularly to survivors of sexual and gender-based violence (SGBV).

The information ecosystem assessment sought to examine communication channels employed and trusted by refugees in Kyangwali as well as languages spoken by refugees, levels of literacy among refugees, and information needs and gaps. Internews also examined the community engagement and communication strategies applied by humanitarian agencies servicing refugees in Kyangwali. Finally, Internews sought to understand the technical capacity of media partners serving the district where the refugee settlement is located in producing high-quality human rights and SGBV – related programming.

In addition to the information ecosystem assessment, Internews undertook a mapping exercise to identify credible formal and informal justice mechanisms and other services available to refugee survivors of SGBV within and outside Kyangwali settlement.

In total, Internews spoke to 178 people through in-depth interviews, key informant interviews and focus group discussions.

## KEY FINDINGS

Below is a summary of the key findings from the information ecosystem assessment:

- Most service providers in Kyangwali identified the largest population of refugees being of Congolese and South Sudanese descent respectively, followed by smaller populations of other nationalities including Rwandese, Burundians and Kenyans. Some agencies that Internews spoke to however did not recognise the existence of these other nationalities. During the assessment, Internews also discovered that some refugees from Rwanda and Burundi identify themselves as Congolese because it is easy to acquire refugee status when identified as such. The tendency to do this is driven by the fact that Rwanda and Burundi are considered politically stable while the much of the Democratic Republic of Congo (DRC) is still in conflict.



*A man listens to the proceedings during a Community Roundtable organized by Internews in Kyangwali under the theme 'Access to Justice for SGBV Survivors' on 28 January 2019*

- The 2017 displacement crisis in the DRC doubled the population in Kyangwali settlement in less than a year. Owing to this rapid influx, humanitarian agencies have focused on providing services to Congolese refugees. This however, has led to refugees of other nationalities primarily the South Sudanese feeling marginalised and in some instances claiming open discrimination.
- The humanitarian agencies, government representatives and refugee leaders that Internews interviewed identified Swahili as the main language spoken by refugees in Kyangwali, and the key language used by agencies in Kyangwali to engage with the refugee community. However, a considerable number of refugees in Kyangwali lack Swahili proficiency, preferring to communicate in their native languages.<sup>1</sup>
- Language barrier and inadequate community engagement by service providers still remain key obstacles to enabling refugees in Kyangwali to access judicial services. By way of example, English is the language used in the Magistrate's Court in Kyangwali—a fact that Refugee Law Project, which provides legal aid to refugees in Kyangwali, identified as a challenge to access to justice for refugees, particularly when no interpreters are available.

<sup>1</sup> Besides Swahili, other languages spoken by the refugee communities in Kyangwali include Kigege (DRC), Kinyabwisha (DRC), Lingala (DRC), French (DRC, Rwanda and Burundi), Juba Arabic (South Sudan) and Acholi (South Sudan). Some refugees from DRC, Rwanda and Burundi understand local Ugandan languages including Bunyoro, Runyankore and Runkonjo.

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- Refugee community leaders including Refugee Welfare Councils, block and village representatives play a key role in providing information to refugees living in Kyangwali settlement. The leaders provide information in person, at community meetings and through megaphones. Other key sources of information in the refugee settlement include radio, religious leaders, social workers, phones and information, education and communication (IEC) materials.
- Refugees in Kyangwali identified radio as their most trusted source of information. The most popular radio stations in Kyangwali include Kagadi Community Radio, Liberty FM, Spice FM, UBC West and KRC 102 FM from Uganda, Bunya Radio from DRC, and international radio stations BBC and VOA. BBC and VOA are especially popular among the Swahili speaking community while the Kinyabwisha program on BBC attracts listenership from the Banyabwisha community from DRC. Within the settlement, there is a fully functional radio station with that was set up by American Refugee Committee (ARC) around 2015 but has not been operational due to delays in getting a broadcast licence by the Ugandan government.
- Many refugees in the settlement do not own radio sets and most listen to radio using their mobile phones.
- Different agencies providing services in Kyangwali have community communication and engagement structures in place employed to increase access to information. These include door-to-door mobilization, use of incentivized refugee to disseminate information, use of mega phones, distribution of pamphlets, education and communication materials, information desks and community engagement meetings.
- Justice-related community engagement engagements are facilitated by organizations such as the Refugee Law Project (RLP) in conjunction with the local police. This partnership allows interactions between police and the refugee community in as far as dissemination of legal information (national laws, refugee rights) to refugees is concerned. Such organizations also employ direct outreach through mobile legal clinics.
- Community feedback mechanisms are employed by agencies in Kyangwali. Suggestion boxes, active monitoring and evaluation teams have been initiated. American Refugee Committee (ARC) specifically launched *Kuja Kuja*<sup>2</sup>, which aims to assess and document the refugees' levels of satisfaction with ARC's services and the refugees' thoughts on how those services might be improved.
- Access to food was identified as a serious concern by a number of interview respondents, many of whom cited inadequate rations as a major trigger of SGBV.

Below is a summary of the key findings from the access to justice part of the assessment:

- There are high incidents of SGBV among the refugee population in Uganda, and many of these occur as they flee their homes on transit to their country of destination. Police and court records in Kyangwali indicate that four out of every ten cases reported by refugees are SGBV-related. The cases usually increase during the agricultural harvest period as men wrestle women for control of resources (food, land and livestock).

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<sup>2</sup> See: <http://arcrelief.org/kuja-kuja/>

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*A Congolese family threshes maize cobs at their home in Kentomi Village, Kyangwali Refugee Settlement*

because they cannot afford the conventional approaches through private legal representation.

Uganda's judicial system lacks the mechanisms in place to keep track of and legislate cases of SGBV that occur while asylum-seekers are in transit.

- There are differences between Uganda's criminal and civil laws and the laws in the refugees' countries of origin. These differences in the legal systems leaves many refugees in a state of limbo, confusion and helplessness especially on host country (Uganda) justice system.

- The lack of a legal aid policy in Uganda means there is no national legal aid body. This makes it difficult for survivors to access justice

- The assessment established that although most NGOs working on SGBV prevention and response in Kyangwali have lawyers as members of staff, the majority have no practicing licenses. Without these licenses, the lawyers providing legal advice and protection support to the refugees cannot defend their clients in court.
- The cost of accessing justice is too high for many SGBV survivors in Kyangwali. The sheer size of the settlement makes access to services limited. Logistical and financial support required to facilitate the SGBV survivors to travel to Kyangwali Magistrates Court is simply not available. Partner agencies expected to fill this gap by providing interpreters, psychosocial services, income-generating activities to survivors are unable to make substantive commitment towards this mainly due to funding constraints. Even where the mentioned services are available, there is stigma associated with SGBV, making survivors reluctant to seek assistance.
- Current mechanisms such as the refugee welfare committees often lack the required technical capacity and knowledge of host country law to resolve or mediate cases of criminal nature in Kyangwali such as SGBV. It is worth mentioning that they have the mandate to mediate civil disputes and to a large extent, do so successfully.
- The SGBV response frameworks in place are poorly coordinated and underfunded. For example, the Magistrate's Court in Kyangwali is gazetted but has yet been included in the judiciary budget at the national level. Consequently, the Magistrates court has to rely entirely on civil society<sup>3</sup> - in particular HIJRA, AAH and KRC - to provide this service.
- The court officials have had to forego their per diems and travel allowances because partners are unwilling to fund these components. This leaves the court officials in

<sup>3</sup>The protection partners in particular involved in this are HIJRA, AAH and KRC. However, AAH and KRC stopped funding the judiciary in 2017.

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particular the prosecutors, demoralized especially when they are unable to find alternative sources of funds to cater for their meal and travel expenses. There is also no budget for stationery and office utilities leaving court officials no choice but to identify other revenue sources to ensure that court processes continue.

- While several partners focused on protection issues, under which SGBV falls, there has been no coordinated effort among protection partners to support programs addressing access to justice for SGBV survivors. In fact, the magistrate noted that partners seem to in some sort of competition due to duplicity in programs. To avoid this, there is need for enhanced coordination and greater collaboration among partners in the said interventions.
- It is not unusual to find the not-for-profit sector suffering funding shortages that hamper the ability of partners to provide services. This undermines the overall impact of these any interventions from the humanitarian sector. For example, in December 2018, refugee plaintiffs were unable to travel to court because the partner that usually provides transport to refugees to go to court had funding shortages.

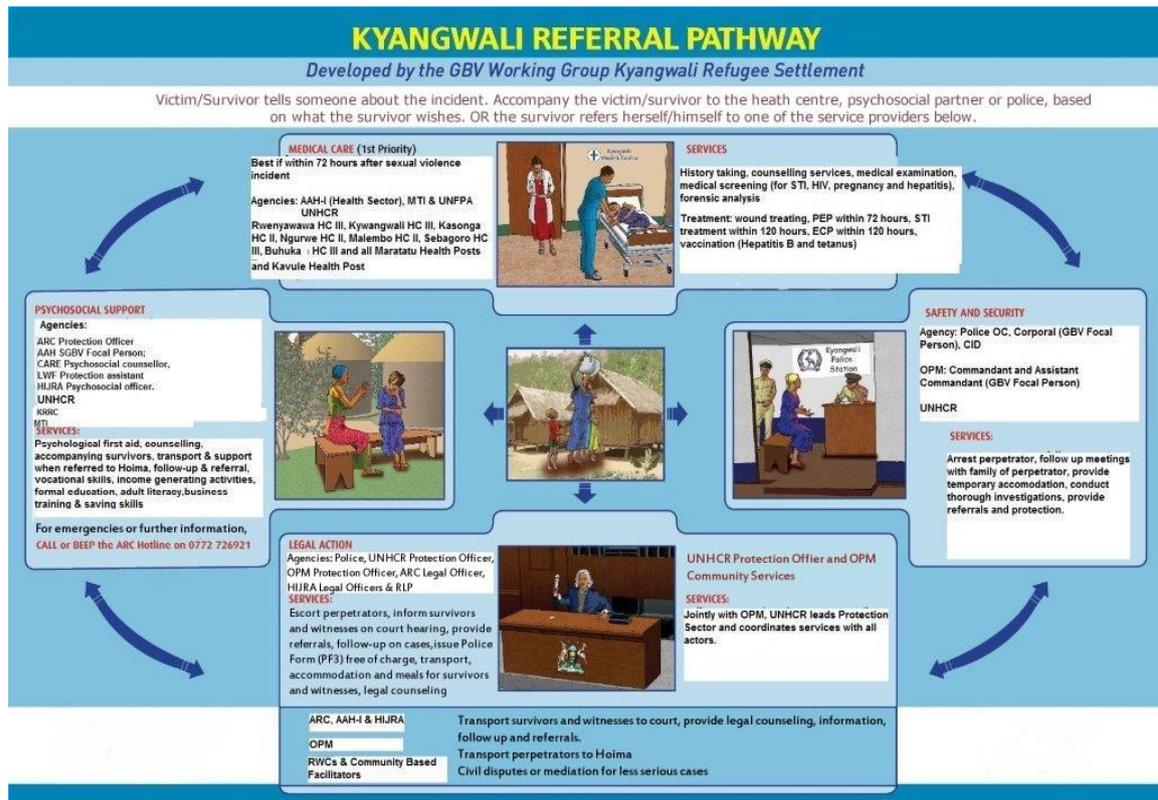
### KEY RECOMMENDATIONS FROM THE FINDINGS

1. The Government through OPM and UNHCR should ensure provision of more information about refugees' rights, Uganda's laws as well as available formal and informal justice mechanisms. This would be a major step towards enhancing access to justice for SGBV survivors within the settlement. This information should be provided to the refugees in languages that they fluently speak and understand well. With the exception of refugees living near police posts or in villages neighbouring the RWC's homes and offices, the current SGBV referral pathway<sup>4</sup> is not reachable to most refugees except those living near police posts or in villages that neighbour the RWC's offices or homes.
2. More information is needed for new arrivals at landing points near Lake Albert, at the reception centre and at new arrival allocation villages. The dissemination of information using media widely used by refugees in Kyangwali (radio and mobile phones) need to be leveraged to enhance the refugees' access to information.
3. General information about the asylum process as well as services available to refugees in Kyangwali. Given the fact that there are various drivers of violence especially control of resources and access to food, civil society concerned need to understand that an SGBV-focused humanitarian information project needs to also focus on provision of information related to these resources. They project could also support different agencies in documenting and addressing refugees' feedback and concerns particularly around access to food.

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<sup>4</sup> The referral pathway is the process a SGBV survivor goes through to access holistic, comprehensive support and services such as medical care, psychosocial support, protective care, and legal services.

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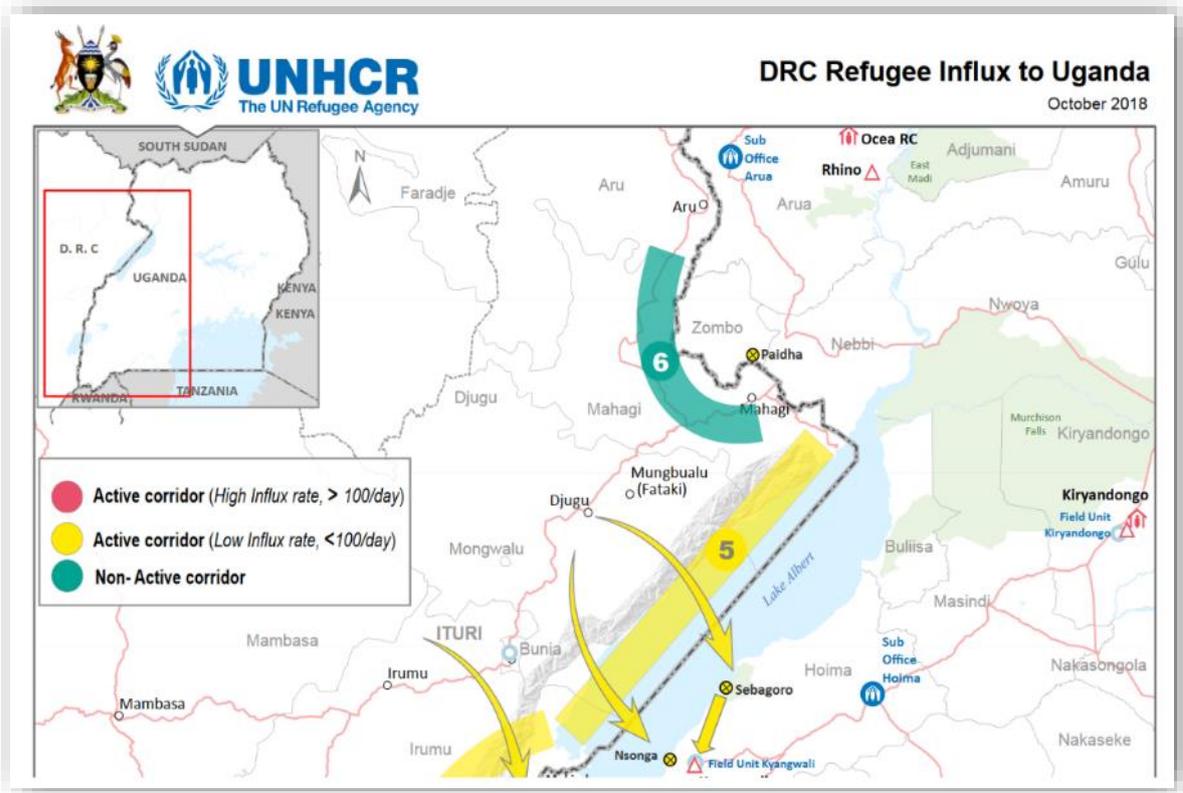


*Kyangwali Refugee Settlement's SGBV Referral System at a Glance*

4. NGOs operating in the settlement need to take into consideration the different nationalities when designing communication strategies and materials, including IEC materials. The settlement has up to six nationalities. Although 80% of the refugees reportedly understand Swahili, there are some communities like the Acholi community, which do not. Communication must be organised in a wider range of languages to allow the most marginalised members of the community to speak up and access information.
5. Most agencies have some form of feedback mechanism including suggestion boxes and information desks. However, there is no coordinated mechanism in place to ensure that feedback is consistently collected from the refugee communities refugees' voices are heard. This demands better coordination, community engagement and accountability within the settlement to ensure there is significant impact in protection programs.
6. Despite the presence of a favourable legal framework in Uganda, there is still lack of legal aid policy. The majority of the refugees rely on agencies that use mainly para-legal personnel to dispense legal aid services. There is therefore a need to bridge this gap by ensuring all the service providers develop policies and procedures to regulate themselves, which LASPNET plans to do.
7. Refugees tend to trust local structures especially the welfare committees that are already facing limited capacity to handle SGBV cases. NGOs working in the settlement need to support the government in building the capacity of the local leaders and Refugee Welfare Committees on local laws and referral pathways available within their community.

## 1.1 SITUATION OVERVIEW

According to the United Nations High Commissioner for Refugees (UNHCR)<sup>5</sup> Uganda is currently hosting the highest number of refugees in the country's history, and is receiving simultaneous emergency influxes from South Sudan, the Democratic Republic of Congo (DRC) and Burundi. As at October 2018, UNHCR and the Office of the Prime Minister (OPM) estimate that 1,154,352 refugees and asylum seekers were living in the country, with individuals from South Sudan (785,104) and DRC (284,265) forming the majority of the refugee population.<sup>6</sup> As of 30<sup>th</sup> October 2018, UNHCR had a total of 1,091,024 refugees from South Sudan, Democratic Republic of Congo (DRC), Burundi, Somalia, Rwanda, Eritrea, Ethiopia, Sudan, Kenya, Pakistan, Yemen and other Countries.<sup>7</sup>



A map showing some of the main migration corridors from DRC to Kyangwali refugee settlement<sup>8</sup>

According to UNHCR Uganda, women and children make up 78% of the total population of newly arrived Congolese refugees in Uganda, with children alone accounting for 56%.<sup>9</sup> It is estimated that 80% of women fleeing to Uganda from the DRC are SGBV victims. Once they arrive, many are at risk of exposure to abuse once again – this time by fellow refugees, figures of authority involved in the refugee response, and the host community. Factors contributing to SGBV among the Congolese and larger refugee population in Uganda include cultural practices that promote acceptance and normalization of harmful traditional practices such as

<sup>5</sup> UNHCR Fact Sheet March 2018; see: <https://reliefweb.int/report/uganda/unhcr-uganda-factsheet-march-2018>. Published on 31 March, 2018.

<sup>6</sup> UNHCR (2018), Uganda Refugees and Asylum Seekers, <https://data2.unhcr.org/en/documents/download/66791>

<sup>7</sup> UNHCR Uganda: Resettlement Factsheet (October 2018) – Uganda / Reliefweb <https://reliefweb.int/report/uganda/unhcr-uganda-resettlement-factsheet-october-2018>

<sup>8</sup> See: <https://data2.unhcr.org/en/documents/download/66564>

<sup>9</sup> Ibid

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early and forced marriage, alcoholism, insufficient food and other resources, and negative coping mechanisms such as transactional and survival sex, and domestic violence.<sup>10</sup>

A majority of refugees in Uganda are housed in 28 refugee settlements in the northern, western and southern parts of the country.<sup>11</sup> Established in the 1960s, Kyangwali settlement is located in Kikuube District<sup>12</sup> in Western Uganda. The settlement sits on 142 square kilometres of land and is located approximately 95 kilometres from Hoima town. According to UNHCR Uganda's Refugee Response Monitoring Settlement Fact Sheet on Kyangwali, as of March 2018, Kyangwali had a population of 51,797 registered refugees<sup>13</sup> and 15,084 pending registration bringing the total population to 68,703 – accounting for 10% of the host population of 572,986.<sup>14</sup> Current data from November 2018 puts the refugee population at 92,432 although only just over 82,000 have been verified bio-metrically.<sup>15</sup> Prior to the influx of Congolese nationals in 2017, the Kyangwali population was estimated at 35,000. Naturally, the majority population in the settlement is now Congolese, followed by South Sudanese, Rwandese, Burundians and a few Kenyans.<sup>16</sup>

Geographically, Kyangwali settlement is divided into four zones, subdivided into 30 villages and 256 blocks. According to the Settlement Commandant, due to the influx, the settlement will be further sub-divided into 8 zones and the number of blocks is set to go up to 450. Newly arrived refugees and asylum seekers are initially housed at a reception centre for a maximum period of one week -provided all conditions (availability of demarcated land, good health and availability of transport) are constant, before being relocated to more permanent locations. As at October 201, approximately 60,000 newly arrived refugees were living in the four new arrival locations: Malembo, Maratatu, Mombasa, and Kavule.

To address the needs brought about by the sudden influx, the number of humanitarian agencies providing services in Kyangwali went up from seven in 2017 to twenty-three in 2018. While these agencies work in different sectors i.e. water and sanitation, protection and education, food distribution, shelter and livelihood and environment, there is no organization dedicated to providing information services to refugees in the settlement.

Other important stakeholders include refugee leaders<sup>17</sup> and other community leaders, host communities and the Ugandan government (including the Refugees Department within the Office of the Prime Minister and the local government).

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*“Internews would be the first partner in Kyangwali purely committed to communications.”*

*Jolly Kebirungi, Kyangwali Settlement Commandant, November 2018.*

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<sup>10</sup> Ibid

<sup>11</sup> Refugee Information Management System (RIMS) - Office of the Prime Minister

<sup>12</sup> In 2015, a proposal to carve out a new district out of Hoima District was approved by Parliament and in July 2018, the operationalization of Kikuube, the new district, took effect. However, Kikuube still relies heavily on Hoima District for service delivery.

<sup>13</sup> Refugee Information Management System (RIMS)- Office of the Prime Minister

<sup>14</sup> Uganda National Population and Housing Census 2014

<sup>15</sup> Interview with Ms. Jolly Kebirungi Kyangwali Settlement Commandant on 14<sup>th</sup> November, 2018

<sup>16</sup> Ibid

<sup>17</sup> Refugee leadership structures in Kyangwali are made up of Refugee Welfare Councils (RWC) one, two and three, whose leaders are elected by the community every two years. The role of the RWCs is to mobilize their communities and enhance engagement between refugees and humanitarian agencies. The RWCs also play a role in dispute resolution and mediation.

## **1.2 INFORMATION AND ACCESS TO JUSTICE ASSESSMENT**



*UNHCR staff in Kagoma Reception Center in Kyangwali undertake biometric verification for refugees*

In October 2018 as a preliminary step to its pilot project in Uganda's Kyangwali refugee settlement, Internews rolled out a rapid assessment. The assessment sought to examine the information and communication methods accessed and preferred by the different refugee communities in the settlement, and to identify information gaps among the refugee and host populations. Given the project's focus on improving information as part of the SGBV response among Congolese refugees, the assessment also sought to better understand the community engagement structures, legal-judicial and other services available to refugee survivors of SGBV.

In order to achieve this, Internews conducted an assessment among refugee communities living in and around Kyangwali settlement between October and December 2018.

## **1.3 METHODOLOGY**

Internews applied qualitative research methods, and in particular key informant interviews (KIIs), focus group discussions (FGDs) and observation, to undertake this assessment. FGDs were organised for small groups of refugees residing in Kyangwali. To ensure proper inclusion and representation, Internews mobilized individuals for the survey from different nationalities (including Congolese, Rwandese and South Sudanese), different language groups (including Swahili, Kigegere and Arabic), different age groups, gender and people with disabilities. In addition, Internews held the FGDs and interviews in different locations so that both newly arrived refugees, long-term residents of Kyangwali and host communities could participate in the assessment. Focus group discussions were held in two refugee new arrival allocation areas/villages (Mombasa A and Mombasa B), four locations (Musisa, Nyampindu, Kyebitaka, Rwenyawawa village) where long-term residents of different nationalities reside, and a village located outside the settlement (Kyangwali trading centre).



*Congolese Refugee children crossing the road in Kentomi Village*

In addition to the FGDs with representatives from refugee communities, Internews organized KIIs with various stakeholders providing services and support to refugees in Kyangwali. These included local and international humanitarian and legal/human rights organizations, camp leadership, and security officials. Internews also conducted key informant interviews at least half of the 23 humanitarian agencies in Kyangwali, ensuring there was cross-sectoral representation from livelihoods, health, protection, education and camp management.

For the information ecosystem assessment, Internews used a suite of data collection tools developed by Internews and other members of the Communicating with Disaster Affected Communities (CDAC) Network. These are the tools typically used to conduct communication needs assessments following a disaster or other emergencies. In addition to these tools, Internews developed a questionnaire to collect information around the legal-judicial mechanisms and services available to refugees in Kyangwali. Below is a description of each of these tools<sup>18</sup>:

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<sup>18</sup> See Annexes for the questionnaire templates

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*Congolese children at their homestead in Kentomi Village, Kyangwali*

- Affected Population Questionnaire / Focus Group Discussion Guide: For the purpose of this assessment, Internews used the affected population questionnaire as a reference point for open-ended discussions on the following areas: community knowledge, attitudes and practices about gender-based violence, disclosure, help seeking, and referral and legal justice. These discussions targeted at the refugee community members helped determine the refugees' access to information and information needs. To ensure uniformity across all FGDs, Internews developed a FGD guide outlining the recommended structure of an FGD.

- Humanitarian Responder Questionnaire: Internews used this questionnaire to capture data from humanitarian workers and other key informants with access to refugees in Kyangwali and an understanding of the refugees' information needs such as radio, TV, mobile phones among others.
- Access to Justice Questionnaires: Internews drafted this tool for use during KIIs with humanitarian workers, camp leadership, security officials, and legal and human rights agencies to gather information on SGBV and other crimes, mechanisms of redress and their corresponding merits and barriers. Internews also formulated additional questions on SGBV and access to justice to gather data from refugees during the Focus Group Discussions.

In total, Internews interviewed 178 respondents through KIIs (15 individuals: 6 females and 9 males) and FGDs (163 individuals: 101 females and 62 males). 155 respondents were interviewed with 23 Ugandan nationals representing the host community. In addition to the field research, Internews undertook a desk research to corroborate the primary study. Literature review included a review of the following documentation: UNHCR fact sheets on refugees in Uganda, reports on refugees in Uganda from partners including Refugee Law Project, reports on access to justice and SGBV among refugee and host communities in Uganda. Informed consent was sought from the respondents during the start of the questions and the interviews took place in an environment that was comfortable for the respondents. Some of the interviews were conducted with the help of interpreters to ensure that the respondents understood the questions. The interviews were transcribed into reports that informed this assessment report.

## 1.4 CHALLENGES AND LIMITATIONS OF THE RAPID ASSESSMENT

This rapid information needs and access to justice assessment encountered some challenges and limitations that included the following:

- Sitting at 142 sq. kilometres, Kyangwali refugee settlement is expansive and some places completely inaccessible by vehicle due to poor road network. The settlement is sub-divided into 30 villages and due to limited time and resources, Internews was limited to undertaking the rapid assessment in seven villages (Nyampindu, Rwenyawawa, Musisa, Kyebitaka, Mombasa A, Mombasa B, and Kyangwali trading centre). However, Internews mitigated against this by ensuring that the respondents mobilized to participate in this assessment were representative of the general refugee population.



*A group of refugee children in Kyangwali*

- During the assessment, Internews identified language barrier as a key roadblock experienced by refugees in Kyangwali to accessing services. While a significant portion of the refugee population in the settlement speak or have a basic understanding of Swahili,<sup>19</sup> a significant number (especially the new arrivals) do not. Internews mitigated against this through use of interpreters who spoke different local languages. Still, even with this mitigation, Internews had limited time to train the interpreters on Internews, the pilot project and research methods. As such, it was noted that interpreters did not provide full information to the questions posed by the research team
- High expectations from the refugee community presented hindered the research team from obtaining information from some community members who misconstrued the interviews for a justice mechanism. Also, there was an expectation that the Internews research team would help them relocate to Western countries.

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<sup>19</sup> All humanitarian agencies that Internews interviewed identified Swahili as the main language spoken by refugees in Kyangwali, and the key language used by agencies in Kyangwali to engage with the refugee community

## 2. LEGAL AND POLICY FRAMEWORK ON REFUGEES IN UGANDA

### 2.1 INTERNATIONAL INSTRUMENTS

The UNHCR Statute created the office of the United Nations High Commissioner for Refugees in order to protect refugees and other displaced persons reference.<sup>20</sup> In resolution 319 (iv) of 3 December 1949, the United Nations General Assembly decided to establish a High Commissioner's Office for Refugees as of 1st January 1951.<sup>21</sup> The mandate of UNHCR, based on its Statute, is to provide international protection to refugees who fall within the scope of the Statute and seek durable solutions for the problem of refugees.<sup>22</sup> Within its mandate, UNHCR undertakes wide-ranging protection and assistance activities, many of which relate directly or indirectly to the rule of law. This protection is geared towards refugees, internally displaced persons and returnees. As a State party to the UNHCR statute, Uganda is bound by all the provisions of the statute.

Other international instruments that protect refugees include the 1951 Convention Relating to the Status of Refugees<sup>23</sup> and the 1967 Optional Protocol to the Convention.<sup>24</sup> These instruments spell out the baseline principles of refugee protection and place the responsibility of protecting refugees on the host state. The 1951 Convention commits states party to the agreement to recognize the social and humanitarian nature of the problem; and that they will do everything within their power to prevent this problem from becoming a cause of tension between States.<sup>25</sup> Uganda ratified the Convention and Optional Protocol on 27th September 1976.

The rights under International Covenant on Civil and Political Rights (ICCPR)<sup>26</sup> apply not only to citizens but also to asylum seekers and refugees. The Human Rights Committee (HRC) has more recently clarified that the enjoyment of covenant rights is not limited to citizens of State parties but must also be available to all individuals regardless of nationality or statelessness such as refugees and asylum seekers and other persons who may find themselves in the territory or subject to the jurisdiction of the State party.<sup>27</sup>

The right of equality before the law, equal protection of the law and non-discrimination, which form the cornerstone of International Human Rights law, appear to ban discrimination against refugees. Other international instruments like IESCRs, CEDAW among others also apply to refugees.

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<sup>20</sup> UNHCR-history of UNHCR <https://www.unhcr.org/history-of-unhcr.html> accessed on 26/01/2019

<sup>21</sup> Preamble of the 1951 Convention Relating to the Status of Refugees. First and Second Paragraphs

<sup>22</sup> Article 1 of the UNHCR Statute

<sup>23</sup> UN General Assembly, convention relating to the status of refugees, 20<sup>th</sup> July, 1951, United Nations, treaty series, vol.189,p137 available at <https://refworld.org/docid/3be01b964.html> (accessed December,2018)

<sup>24</sup> UN High Commissioner for Refugees (UNHCR), *Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees*, December 2011, HCR/1P/4/ENG/REV. 3, available at: <https://www.refworld.org/docid/4f33c8d92.html> [accessed 27 January 2019]

<sup>25</sup>Preamble of the 1951 Convention Relating to the Status of Refugees. First and Second Paragraphs

<sup>26</sup> UN High Commissioner for Refugees (UNHCR), *Protecting refugees and asylum seekers under the International Covenant on Civil and Political Rights*, 1 November 2006, available at: <https://www.refworld.org/docid/4ff150762.html> [accessed 27 January 2019]

<sup>27</sup> Human Rights Committee, General Comment No.15 on the position of Aliens. (1986) Paragraphs 1 and 2

## 2.2 REGIONAL INSTRUMENTS

The 1969 OAU Convention states that the grant of asylum to refugees is a peaceful and humanitarian act and shall not be regarded as an unfriendly act by any member state and stresses the need to make distinction between a refugee who seeks a peaceful and normal life and a person fleeing his country for the sole purpose of fomenting subversion from outside.<sup>28</sup> Uganda acceded to the OAU Convention on 24th July 1987<sup>29</sup>. Uganda therefore as a signatory to the 1969 OAU Convention has obligations to protect refugees who seek asylum on its territory. The African Charter on Human and Peoples' Rights (ACHPR) states that all individuals are entitled to the enjoyment of rights and freedoms guaranteed in the Charter without distinction of any kind such as race, religion, ethnic group, colour, sex, language political opinion or any other status.<sup>30</sup>

## 2.3 NATIONAL LAW

At national level, the Constitution of the Republic of Uganda recognizes the importance of human rights and requires the State to ensure that the rights of all human beings are respected and protected at all times. Refugees are therefore entitled to the enjoyment of fundamental rights and freedoms under the Constitution of Uganda.

The Refugee Act 2006<sup>31</sup> provides for the rights and obligations of refugees and asylum seekers while in the host country. The rights enshrined in the law include among others the right to work, freedom of movement, freedom from torture, cruel, inhuman degrading treatment or punishment. The Refugee Regulations of 2010 provide for the procedures that ought to be followed by everyone seeking asylum in Uganda and the institutions responsible for granting of refugee status.

The Government has also included refugee management and protection within its own domestic planning in the National Development plan II (NDP) through the refugee settlement transformative Agenda. This approach means Uganda has created a conducive environment for including long-term development planning into the humanitarian response for refugees and host communities.<sup>32</sup>

## 2.4 ACCESS TO JUSTICE FOR SGBV SURVIVORS

Access to justice is the right of individuals and groups to obtain a quick, effective and fair response to protect their rights prevent or solve disputes and control the abuse of power. This ought to follow a transparent and effective process in which mechanisms are available, affordable and accountable.<sup>33</sup> Access to justice does not only involve judicial recourse, but the availability of accessible, affordable, timely and effective means of redress or remedies.

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<sup>28</sup>1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa. Article 2(6)

<sup>29</sup> UN High Commissioner for Refugees (UNHCR), *Secondary Refugee Movements and the Return of Asylum Seekers to Third Countries: The Meaning of Effective Protection*, February 2003, PPLA/2003/01, available at: <https://www.refworld.org/docid/3f4de85d4.html> [accessed 27 January 2019]

<sup>30</sup> Article 2

<sup>31</sup> *Uganda: The Refugee Act 2006* [Uganda], Act 21, 24 May 2006, available at: <https://www.refworld.org/docid/4b7baba52.html> [accessed 27 January 2019]

<sup>32</sup> Alupo S, (2017). The state of refugee women and children in Uganda. CEPA Policy Series Papers Number 4 of 2017. Kampala

<sup>33</sup> United Nations Development Programme 'Access to Justice Concept Note' (2011) 31.

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*A Congolese refugee family shares a light moment in Kavule Village, Kyangwali Refugee Settlement*

Women are specially singled out in General Recommendation (GR) No. 33 of the Committee on the Elimination of Discrimination Against Women (CEDAW Committee) which elaborates the obligations of States parties in ensuring that women have access to justice.



*Internews staff with a group of Congolese refugees in Kavule Village, Kyangwali Refugee Settlement.*

Article 8 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) is also dedicated to women's right to access justice.

At the national level, Articles 126 and 127 of the amended constitution enshrines and ensures women's access to justice.<sup>34</sup> Access to justice encompasses recognition that everyone is entitled to the protection of the law and that rights are meaningless unless they are enforced<sup>35</sup> Traditional justice mechanisms refer to informal conflict and dispute resolution

<sup>34</sup> UN Committee on Economic, Social and Cultural Rights, General Comment No. 3 (Ninth Session) UN doc. EC/12/1998/24 par 2.

<sup>35</sup> Jon Robins 'Access to justice is a fine concept' 2011 Available at <http://www.guardian.co.uk/law>.

mechanisms and/or systems operating at community level that employ social-cultural norms and values to reach decisions. These mechanisms work with parties to achieve mutually acceptable results contribute to access to justice.<sup>36</sup>

Access to justice involves the following elements: (i) a framework of legal protection setting out acceptable substantive and procedural standards; (ii) legal awareness on the part of providers and users of justice services; (iii) the availability of legal services needed to link needs to enforceable remedies, including legal aid and counsel; (iv) adjudication of disputes that is fair and effective; (v) enforcement or access to remedies; and (vi) transparency and oversight of the operation of the system.<sup>37</sup>

Access to justice is increasingly being recognised as one of the most important basic human rights without which it would not be possible to realise many of the human rights.<sup>38</sup> Access to justice combines all the processes and mechanisms that ensure that this right is withheld by providing a legal response to a violation based on the law (whether on individual or group basis).<sup>39</sup> A study by the Danish Institute for Human Rights (2011)<sup>40</sup> recognises that access to justice should focus on outcomes and remedies rather than merely on institutions, and should involve elements such as:

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*[A] framework of legal protection setting out acceptable substantive and procedural standards; legal awareness on the part of providers and users; the availability of legal services needed to link needs to enforceable remedies, including legal aid and counsel; adjudication of disputes that is fair and effective; enforcement or remedies and transparency and oversight of the operation of the system*

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Thus, focus on outcomes and remedies and not on structural institutions when promoting access to justice can realise greater social transformation and social justice.<sup>41</sup> This is because priority is given to delivering justice in its different forms, as opposed to delivering monuments of dispensation of justice.

Access to justice is a critical tool in promoting social cohesion, civic accountability, combating discrimination and abuse of state authority. In its mature application, improving and increasing access to justice champions human rights protection and respect and builds individual and communal solidarity and creates confidence in the justice system and what it stands for.

According to UNHCR<sup>42</sup> a total of 4,822 incidents were reported between January and October 2018 from 13 refugee-hosting districts. Kisoro and Kampala districts, reported the highest

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<sup>36</sup> UNDP (n 1 above) 2.

<sup>37</sup> Danish Institute for Human Rights *Legal aid in East Africa: A comparison of the legal aid schemes used in the region and the level of cooperation and coordination between the various actors* (2011) 16.

<sup>38</sup> Zahara Nampewo 'Uphill progress or downhill degeneration? Local council courts and access to justice for local users' HURIPPEC working paper No. 29 (2010) 5.

<sup>39</sup> ASF Belgium, 'How access to justice can help reduce poverty' Available at <http://www.asfquebec.com>.

<sup>40</sup> Danish Institute for Human Rights (5 above) 16.

<sup>41</sup> Mafabi Dorah PILAC (2014) Working Paper No. 2 Legal Aid a Tenet to Access to Justice: The Case of women with Disabilities in Post Conflict Northern Uganda.

<sup>42</sup> UNHCR Uganda: Sexual and Gender Based Violence (SGBV) Thematic Report (October 2018)

<https://reliefweb.int/report/uganda/unhcr-uganda-sexual-and-gender-based-violence-sgbv-thematic-report-october-2018>

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incidents of sexual violence (Rape and sexual assault). In settlements, physical assault was the most reported incident. Among males, denial of resources and emotional abuse at household level were the key incidents reported. Key drivers of SGBV were gender inequalities, conflict, power-imbances, insufficient food at home and alcoholism. In Kyangwali, the community was mobilized and participated in community policing and community meetings in Maratatu B and Maratatu D where 295(61M; 234F) POCs participated in promoting peaceful co-existence to address SGBV issues.<sup>43</sup>



*A family in Kyangwali refugee settlement*

Sexual and gender-based violence are violations of fundamental human rights that perpetuate sex-stereotyped roles, which deny human dignity and the self-determination of the individual and hamper human development reference this.<sup>44</sup> According to Ministry of Gender, Labour and Social Development,<sup>45</sup> 39% of women and 11% of men have ever experienced sexual violence and 60% of women and 53% of men have experienced physical violence since the age of 15. Uganda has obligations under Convention on Elimination of All Forms of Discrimination against Women (CEDAW), the Maputo Protocol, the Rome Statute, the 1995 Constitution and other specific national laws to prevent, investigate and punish all forms of SGBV.

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<sup>43</sup> Ibid

<sup>44</sup> UNHCR 2003: Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons; Guidelines for Prevention and Response [https://www.unicef.org/emerg/files/gl\\_sgbv03.pdf](https://www.unicef.org/emerg/files/gl_sgbv03.pdf)

<sup>45</sup> Ministry of Gender, Labour and Social Development (2008). National Situational Analysis of Sexual and Gender Based Violence and its impact on increased Vulnerability of Women to HIV/AIDS in Uganda, Kampala.

Such obligations extend to ensuring that women and girls can access justice, and that law enforcement agencies adopt gender-sensitive investigative procedures to address SGBV.<sup>46</sup> Currently the Ugandan parliament is still considering the Sexual Offences Bill 2015. This bill is intended to amalgamate into one, all laws on sexual violence. It is still to be passed into law due to resistance from religious leaders and MPs over some clauses. According to UHRC,<sup>47</sup> the Ugandan government has been commended for positive developments in protecting the rights of refugees especially in regards to access to justice. In particular, the trainings of camp leaders in refugee settlements on justice issues has led to empowerment of refugees in demanding justice.

## **2.5 SITUATIONAL ASSESSMENT OF SGBV IN KYANGWALI**

The information needs assessment revealed that the threat of SGBV is present and alive in the Kyangwali settlement.<sup>48</sup> This is also confirmed by the GBV IMS Annual Report for Uganda, January to December 2017. The report states that in 2017, 5001 new incidents from 12 refugee settlements in Uganda were identified, managed, documented and reported. The reported incidents occurred in both the country of origin and asylum. The report further states that 80% of the incidents reported were between intimate/ former partners while others occurred while survivors were collecting firewood, risking harassment, rape, and other abuses, water points, trading centres and entertainment spots. 4,822 (96%) survivors received psychosocial support along with assistance to access other services such as medical (962), legal (1,327), safe house (172), livelihood (534) and safety and security (240). As indicated earlier only 27.4% of the cases received legal representation.<sup>49</sup>

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<sup>46</sup> Ibid

<sup>47</sup> UHRC 15<sup>th</sup> Annual Report 2017

<sup>48</sup> Interview with RWC II chairperson in Kyangwali interviewed on 02<sup>nd</sup>/11/2018

<sup>49</sup> UNHCR Uganda: Sexual and Gender Based Violence (SGBV) Thematic Report (October 2018)

<https://reliefweb.int/report/uganda/unhcr-uganda-sexual-and-gender-based-violence-sgbv-thematic-report-october-2018>

## 3. FINDINGS OF THE STUDY

### 3.1 ACCESS TO JUSTICE

#### Formal and Informal Justice Structures

Refugees in Kyangwali know of the existence of police services in the settlement. They identified one police post and four outposts serving the settlement. Refugees reported having benefitted from police services for sensitization on their rights and responsibilities, as well as in receiving safety and protection, particularly for their household property. They credited this to the ease in accessibility of the police centres. While the refugees acknowledged that they are aware about the Grade One Magistrate's Court that is situated close to the settlement, few are aware that the court only sits once a week (every Wednesday) and that there is a High Court in Hoima town.

Besides these formal judicial structures, community and religious leaders are key informal justice providers in the refugee settlement. Some refugees prefer these community-based structures, even for criminal cases such as rape and other forms of SGBV, because they are more easily accessible and less costly than the formal structures. Some refugees also highlighted that community and religious leaders have a greater understanding of the refugees and their communities. Nonetheless, others trusted the formal legal systems due to their ability to reprimand perpetrators and in some instances, award damages to survivors. Through their support to mediators who adjudicate civil proceedings and the courts that preside over criminal cases, humanitarian agencies operating in Kyangwali also play a role in enhancing access to justice.



Several protection partners<sup>50</sup> in Kyangwali offer legal and other services to SGBV survivors. The OPM and UNHCR have the overall mandate of providing protection to all refugees in the settlement. OPM offers physical protection and security for the refugees while UNHCR is more involved in service delivery. At the settlement level in Kyangwali, there is an assistant protection officer, two community services officers and five registration staff. These staff work in sensitization on refugee rights, protection services, land allocation, resolving disputes among others.

In addition, HIJRA runs a witness protection house for SGBV survivors whose lives are under threat. All protection partners that participated in this assessment noted that they have robust referral mechanisms. HIJRA and CARE and other partners also conduct various awareness creation and sensitisation activities in Kyangwali as one way of preventing SGBV in the settlement.

While all these organizations play different parts in addressing refugees' access to justice, there is still a lot that needs to be done to remove barriers to access to formal institutions. Internews role is well cut out – to provide properly targeted information that can assist refugee's access to information that will directly impact their access to justice.

### **Community Knowledge, Attitudes and Practices about SGBV**

All the interview respondents in the access justice part of the assessment reported to have heard or witnessed gender-based violence in their community. The most common forms of violence were identified as domestic violence, physical assault, economic violence, emotional abuse, rape, and defilement<sup>51</sup> (simple 14-17 years and aggravated defilement 0-13 years). The Assistant Superintendent (ASP) Obic Robert Coxson the OC-Kyangwali stated as follows during the assessment, "In the last three months 145 cases have been registered, 50 of these are related to SGBV with the increasing caseloads especially among the Bagegere peoples." The most affected villages in the settlement include Maratatu and Malembo both of which are home to big populations of newly arrived refugees, especially from DRC. SGBV takes place both within and outside the settlement especially at the lakeside upon arrival and Waragaza trading centre.<sup>52</sup>

The negative effects brought about by violence include school dropouts, spread of HIV and other sexually transmitted diseases. Violence also leads to divorce especially among the Congolese refugee community who always blame the survivors for not doing enough to prevent the violence. Increase in household poverty becomes imminent especially where the men use the proceeds from the produce sold to buy alcohol and gambling.

The kind of services needed<sup>53</sup> by the survivors include; legal support, psychosocial support, medical examination and treatment, PEP and HIV testing. Where available, these services located in Kituti HCIII, Rwenyawawa (HCIII), Maratatu B and D and Kasonga Health Center HCII are efficient. However, as with all specialized services there limited in scope. The implementing agency on health has been AAH although come 2019, it will be Medical Teams International (MTI).

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<sup>50</sup> Save the Children, CARE Uganda, Humanitarian Initiative Just Relief Aid (HIJRA), Norwegian Refugee Council (NRC), International Service Volunteers Association (AVSI), ARC and RLP.

<sup>51</sup> Defilement is defined under Ugandan law as simple for victims within 14-17 age group and aggravated for children who are between 0 and 13 years

<sup>52</sup> Interview with ASP Obic Robert Coxson the OC-Kyangwali on 06<sup>th</sup> December

In Kyangwali Refugee settlement, a majority of the refugees have experienced sexual violence.<sup>53</sup> At least 70% of the female respondents interviewed reported to have experienced sexual violence from all villages except Musisa B.<sup>54</sup> In Mombasa B,<sup>55</sup> in a group of 9 young mothers-, all from the DRC experienced sexual violence.

Quite often, economic violence happens in addition or in place of physical sexual violence. This is a show of differing manifestations of violence between the genders. Economic violence is understood which meaning the deprivation of financial resources, household necessities and access to shared household and property - was noted as the primary cause for physical and domestic violence. This is experienced where women sell their produce and the men take control of the proceeds. Or, when the husbands to women with disabilities collect food for their spouses and sell it for economic profit, the cycle of domestic injustice and violence escalates.<sup>56</sup> Overall, it appears from the study, that most cases of SGBV are underreported.

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*“Women do not report cases of GBV because even when they report, nothing is done to the perpetrators.”*

*Young mother participating in FGD in Mombasa A.*

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Substance abuse was noted as a source of physical violence in Nyampindu<sup>57</sup> and Rwenyawawa.<sup>58</sup> Female respondents reported that cases of physical violence due to alcohol consumption are very common though most go unreported. Male respondents defended themselves by stating that the women are the drunkards.

Many of the women experience sexual violence as they move from DRC to Uganda and sometimes unable to access emergency medical support on arrival at the settlement due to lack of information on the right places to get such help.

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*“Many of them gave up trying to seek help and stayed silent.”*

*Congolese young mother FGD from Mombasa B.*

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Indeed, there is a glaring gap in information on health services available to refugees when they arrive in Kyangwali refugee settlement. There is need to provide information on where and who is providing emergency health services in the host community.

It emerged that the level of trust by the community, for the legal structures in place is very minimal. Most of the refugees interviewed stated that they usually seek help from NGOs

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<sup>53</sup> Focus Group Discussions with Young Mothers in Mombasa 17<sup>th</sup> October 2018

<sup>54</sup> Focus Group Discussion with men in Musisa B village Block 3 Zone 18<sup>th</sup> October 2018

<sup>55</sup> Focus Group Discussions with Young Mothers in Mombasa 17<sup>th</sup> October 2018

<sup>56</sup> Focus Group Discussion with PWDs in Mombasa A Block 6 23<sup>rd</sup> October 2018

<sup>57</sup> Focus Group Discussion with mixed group and PWDs 23<sup>rd</sup> October 2018

<sup>58</sup> Focus Group Discussion with mixed group 24<sup>th</sup> October 2018

because they trust them more than the police, male action groups and social workers. The women say they do not trust the structures because perpetrators of violence usually bribe their way through. The men also distrust the same legal structures because they feel that the said frameworks are inclined to working with organizations that support women. According to them, they feel like the outcome of cases is already pre-determined by one's gender. In all areas covered by the assessment, the men complained that GBV support only targets women at their expense and yet men suffer in both silence and discrimination. They expressed their desire for organizations to support the men in equal measure and zeal to women.

In a KII with the Grade One Magistrate of Hoima who also oversees Kyangwali, it emerged that there is the increased SGBV cases in Kyangwali settlement reporting 4 of 10 cases forwarded to court each week.<sup>59</sup> She identified conflict over resources and food as some of the main causes SGBV. She also noted that the cases are much higher during the harvesting season as the male head of the households usually want to take full control of the harvests and sales despite the fact that women contribute much during the planting.

However, she also expressed concern over the lack of funding from government. Although, the Kyangwali court has been gazetted, it has not yet been included on the national budget for the judiciary at the national level. There is also limited funding from development partners. She said that sometimes, she is forced to pick stationery from court in Hoima to enable her fulfil her duties at the Kyangwali based court that operates every Wednesday. She further noted that for the past one week, plaintiffs from the settlement have not been able to come to court due to unavailability of transport because HIJRA - the main supporter- was experiencing budget constraints.<sup>60</sup>

She noted that despite the availability of lawyers in the various organizations that operate in the settlement, many have no practicing licenses except one advocate from Refugee Law Project. This hampers service delivery in regards to the survivors to get justice easily.<sup>61</sup>

She also noted that the lack of coordination among the development partners as another issue hampering the work of the judiciary especially when it comes to funding the Kyangwali court.<sup>62</sup>

The findings show that while 70% of people interviewed are aware of SGBV though majority of cases are not reported. Internews sees an opportunity to provide information that can address this issue in order to change the mind-sets of women and men to encourage more reporting on SGBV incidences.

### **SGBV Prevention and Response Services**

SGBV survivors in Kyangwali refugee settlement seek help through community leaders, police and humanitarian agencies HIJRA, Refugee Law Project, CARE, Uganda Police, OPM, LWF and World Vision.

In regards to response services, the police play a vital role in provision of security, documentation of crimes and together with the courts, prosecution of SGBV perpetrators. Agencies support in SGBV response for survivors in different ways: including accompaniment to medical facilities for examination and treatment, provision of food and in some extreme cases, repatriation of survivors to other countries.

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<sup>59</sup> Interview with Her Worship Atim Harriet, Grade One Magistrate Hoima on 18<sup>th</sup> December 2018.

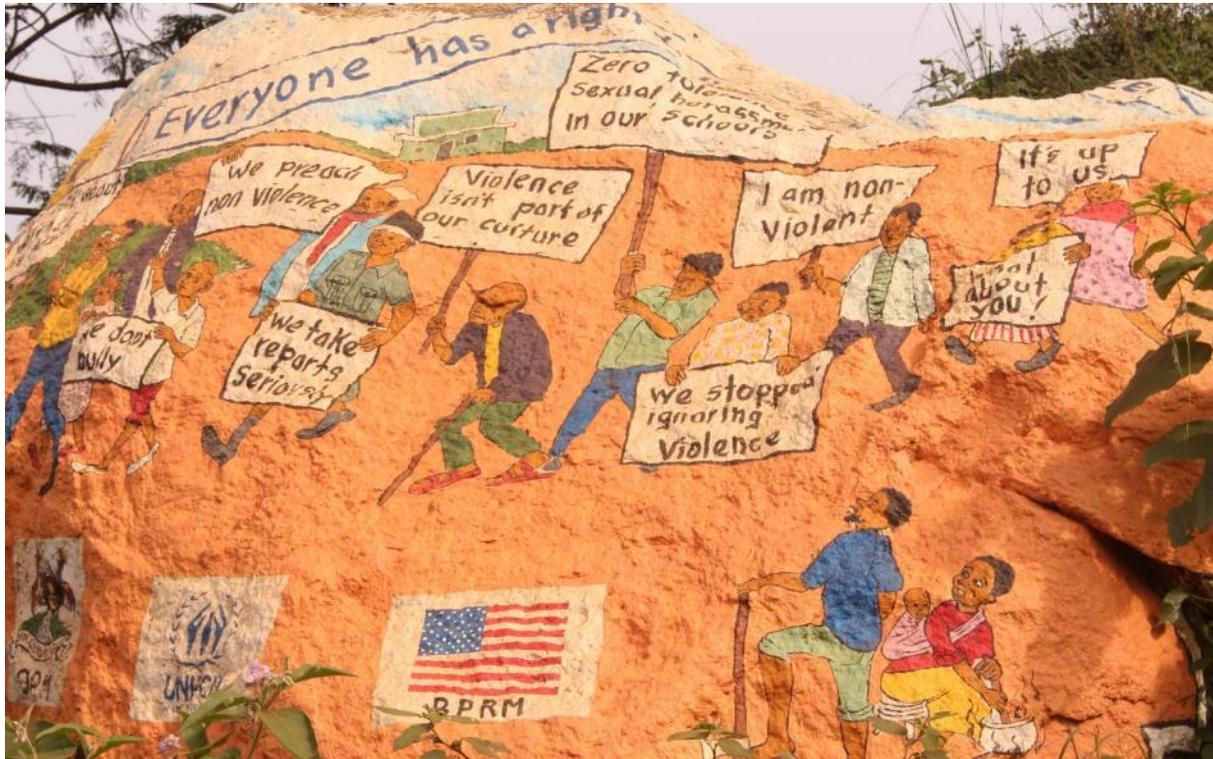
<sup>60</sup> Ibid

<sup>61</sup> Ibid

<sup>62</sup> Ibid

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Across the interview groups and KIIs, there was consensus that while SGBV response services are available in Kyangwali, they are hardly sufficient to cater for the refugee population. Local leadership estimates the levels of awareness for these services at 50% but the reach/access of the same is low due to village locations being remotely located, rendering it difficult for people to attend sensitization meetings.



*SGBV Prevention messaging in Kyangwali refugee settlement*

The agencies usually communicate about their SGBV response services in the following ways:

- HIJRA has community-based workers who manage protection desks in every zone who inform the people every day about the available services. It is important to note that outreach is limited due to logistical challenges
- There are also volunteers who conduct house-to-house sensitizations about the available services.
- Flyers and printouts
- The police on the other hand usually conduct “mobile clinics” to sensitize the community on the referral pathways. The mobile clinics also provide information on community policing, laws of Uganda and peaceful co-existence between refugees and host communities.
- Community dialogues and community policing conducted by the police
- Other NGOs employ creative means such as music, dance and drama to create awareness about the SGBV and the available services

## 3.2 LANGUAGE, LITERACY AND EDUCATION

### Languages

The languages spoken in Kyangwali Refugee settlement depend on the location and the nationality of the refugees. Mombasa B<sup>63</sup> is mainly occupied by the Bagegere community from DRC and the language spoken is Kigege. They also speak Kinyabwisha, French and Land Lingala. In Musisa B village<sup>64</sup> the refugees speak Kinyabwisha, Swahili and French. The common language spoken by 80% of the refugee population is Swahili. It is the language that enables the refugees from different backgrounds to communicate with each other. However, it should be noted that since it is not their mother tongue it impedes how well they can communicate with a wider audience. The majority are also able to transact and access services using Swahili. It should be noted that in Nyampindu, block 3<sup>65</sup> majority of the population are the Acholi from South Sudan, which does not speak Swahili. Other languages spoken in Kyangwali include Lingala, Lunyoro, Kinande, Katalinge, Kilulu, and to a lesser extent, English and Luganda.

### Literacy

The literacy levels vary from one group to another depending on the level of education of the refugees. The needs assessment examined basic literacy and functional literacy. Basic literacy is defined as one's ability to read a newspaper. UNESCO defines a functionally literate person is one who can engage in all those activities in which literacy is required for effective function of his or her group and community and also for enabling him or her to continue to use reading, writing and calculation for his or her own community's development.<sup>66</sup>

In Musisa B village, Block 3, Zone B,<sup>67</sup> the men could all read and write in Swahili and English. The men in mixed groups had functional literacy as opposed to only two women. In Rwenyawawa Trading Centre<sup>68</sup> out of the 43 women who participated in the FGD only one woman had basic literacy. In a group of 24 people with disabilities (PWD) in Mombasa A, most members were unable to even write their names or place a signature against their written names.<sup>69</sup> It is clear from the assessment that the men are mostly functionally literate while majority of the women are illiterate.

### Education

On average, education levels are quite low especially among the women. For instance, when interviewing a group of forty women in Rwenyawawa trading centre, only one woman had completed primary school. The rest had no formal education whatsoever. A group of 9 young mothers in Mombasa B had only one person who had attended lower primary school. The rest had no formal education. In Nyampindu, a group of 36 South Sudanese, 21 men and 15 women, none of the women had completed primary school and their ability to read and write was very much limited to their name or a simple signature. This is the reason South Sudanese women in Rwenyawawa and Nyampindu indicated they want to access information in their native Acholi language.

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<sup>63</sup> Focus Group Discussion with Young Mothers 17<sup>th</sup> October 2018

<sup>64</sup> Focus Group Discussion with men (members of the Male Action Group) 18<sup>th</sup> October 2018

<sup>65</sup> Focus Group Discussion with men and women 23<sup>rd</sup> October 2018

<sup>67</sup> Focus Group Discussion with men (members of the Male Action Group) 18<sup>th</sup> October 2018

<sup>68</sup> Focus Group Discussion with women 24<sup>th</sup> October 2018

<sup>69</sup> Focus Group Discussion with persons with Disabilities 23<sup>rd</sup> October 2018

Most of the men had either completed primary school or even attained some basic secondary education. Five could communicate in good English and were even asking for jobs. On the other hand, a group of 20 men in Musisa B village included one person who had reached the level of Senior Six, and only four people who had not attained any formal education. At least 16 out of 20 had gone to school, could read and write and had reached secondary school level. It is safe to say that in general, education levels are higher among the men and lower among the women in all the communities that live in Kyangwali refugee settlement.

Whereas Internews acknowledges the literacy and education challenges above, these interventions are beyond our mandate. However, we strive to share these issues to other partners involved in the implementing education interventions.

### 3.3 COMMUNICATION CHANNELS AND SOURCES OF INFORMATION

Refugees in Kyangwali Refugee Settlement mainly access information through their community leaders who visit different parts of the settlement sharing information on the available services.<sup>70</sup> The challenge has been that sometimes the language used is not fully understood by the population. Community leaders play a key role in organizing meetings that also pass on information. Other key sources of information in the refugee settlement include church leaders, phones and social workers.

Information is also spread by word of mouth: refugees share information among themselves though this is especially so when it is about food distribution and community engagements.<sup>71</sup> The formal refugee leadership structures, like the welfare committees, the village and the block representatives also play a central role in providing information to the communities. Information in the communities is also spread through different media including posters, flyers brochures and billboards visible across the settlement. The content of the material mainly concerns sensitisation and mobilisation for certain activities.

Humanitarian and government actors operating in Kyangwali primarily use Swahili or French to communicate to refugees. In addition, some agencies also communicate to refugees in Kinyabwisha - a language understood by many refugees from DRC, Rwanda and Burundi.

Feedback from the community around information and services provided by humanitarian and government agencies is collected through community dialogues, suggestion boxes and information desks – the latter available in parts of the settlement. These desks are set up by ARC, HIJRA, AAH and Save the Children among others. The desks collect feedback from the community and also provide an avenue for the refugee population to seek information one on one. A key community engagement program in Kyangwali is the *Kuja Kuja* program launched in Kyangwali in late 2018. The program aims to better understand how refugees in Kyangwali perceive ARC's services and document their suggestions on how they might have to improve these services. *Kuja Kuja* asks listeners two questions: the first is a binary question aiming to verify if service-users were happy with the day's service, and the second is an open-ended question inviting customers to share their ideas for improvement. With *Kuja Kuja*, the goal is to create agency amongst its clients/listenership to shift people from passive receivers of services to active, discerning, and demanding consumers of them.<sup>72</sup> The program is currently limited in geographical scope and the feedback is so far only used internally.

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<sup>70</sup> Focus Group Discussion with Young Mothers 17<sup>th</sup> October 2018

<sup>71</sup> Focus Group Discussion with persons with Disabilities 23<sup>rd</sup> October 2018

<sup>72</sup> <http://arcrelief.org/kuja-kuja/>

## Radio Access and Consumption Habits

Radio stations, which cover Kyangwali, include; Kagadi Community radio, Liberty FM, Spice FM, KRC radio, UBC West, BBC, VOA, Bunya radio in DRC. BBC and VOA are largely listened to by the Swahili speaking community. The Kinyabwisha program on BBC attracts the Banyabwisha listenership - which is a community that forms a large population of Kyangwali. The Kinyabwisha language is second to Swahili in terms of usage.

Kagadi community radio, Liberty and Spice FM radios are listened to by a cross section of people from DRC, Burundi and Rwanda because the languages these radios broadcast in are very similar to Kinyabwisha. These radio stations have a large part of their programming in the Runyakitara dialects, which is understood by some refugees from DRC Rwanda and Burundi.

The South Sudanese community in Nyampindu for instance, rarely listen to radio because as they say, the languages used in broadcast are not known to them. A few of the educated men listen to the BBC and also news on the local stations. The Congolese community in Nyampindu also listen to radio from across the border as these broadcasts links them with their relatives, family and commitments back home.

Some of the challenges faced using this media is quality of signal strength. Most of the refugees do not actually own radio sets. They use their phones, which compromises the quality of broadcasts.

As mentioned earlier a good fraction of the population do not understand the major languages of broadcast in the main media outlets. This ultimately leads to reduced listenership and coverage.

Many of the media outlets – both TV and radio<sup>73</sup>- are financially constrained and are not able to invest in the equipment needed to boost coverage across the settlement. Not a single station has successfully covered the entire Kyangwali settlement. They are only able to cover programs when donor funding is available. ARC has also built a local radio studio with adequate broadcasting capacity but it has not been granted a frequency.

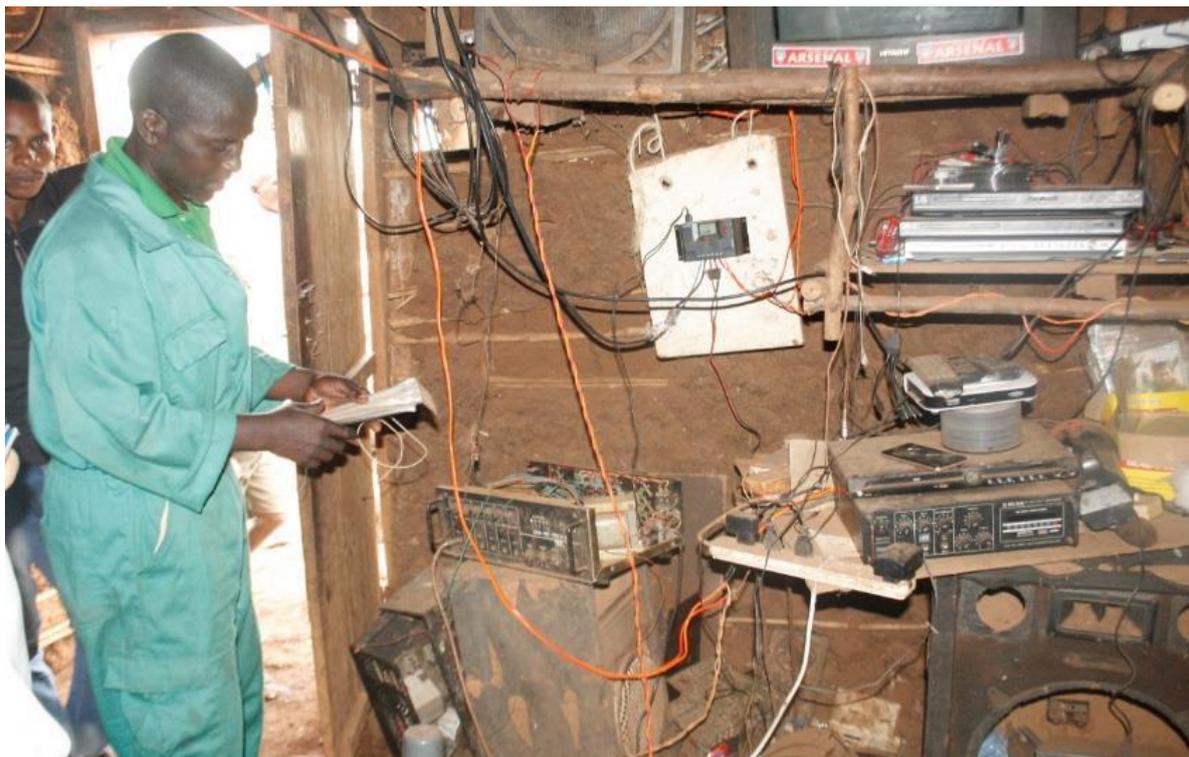
Radio emerged as the most popular media with 100% saying that it is their trusted source of information. Community events, religious leaders, government officials are the other alternatives sources of information each ranked at 75% in terms of trust while family/friends are the least trusted.

To demonstrate the significance of radio as the preferred and most reliable media, a refugee in Musisa B, managed to build a radio station from waste materials from electronic waste. This local radio is able to cover about 6 villages and is a major communication channel for the community around it.

According to the findings, 71% claim that radio is the most important and 66% claim that it is the most reliable source of information. This makes radio a powerful channel of information and communication.

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<sup>73</sup> The community radio operating in the settlement include Liberty FM, Spice FM, Radio Hoima, KRC radio, BBC, VOA, UBC west, Bunya radio in DRC.



*Safari, a Congolese refugee who set up a basic radio station (Musisa Radio) in Kyangwali*

The Church emerged as a significant source of information with 64% identifying it as their source of information. Refugees who attend able to get updates and information during the church service.

52% of the sample reported Newspaper/Magazines as their source of information – making it the third popular sources. Other sources of information identified were word of mouth at 45%, mobile phones at 39%, television at 37% and the internet at 11%.

As mentioned earlier, radio has the highest listenership (86%) with the top six station's popularity as follows: Miraya FM still leads with 88%, but now followed by BBC world Service English with 62%, Sudan Radio Service with 54%, Liberty FM with 45%, Radio Omdurman with 38%, Radio Juba with 29%.

Other sources identified are mobile phones (60%) and word of mouth (58%).

When we look at "ever listened", Miraya leads with 99% claiming to have ever listened. This is followed by BBC World Service in English (83%), Sudan Radio Service with (80%), Radio Omdurman with 63%, Liberty FM with 62%, radio Juba with 57% and BBC world Service Arabic at 48% looking at the top seven radio stations.

In terms of frequency of listenership<sup>74</sup>, Miraya FM listenership scores a good 82%. The following stations scored less than half of Miraya FM's score. BBC scores 36%, SRS 26% and Liberty 25%. When we look at the station listened to most often Miraya FM scores 53% followed by SRS& Spirit FM.

<sup>74</sup> This metric is relative as the criteria for consideration varies depending on the questions asked i.e. currently listening to listened to in the last six months, last one month, and last seven days.



*Inside the Radio Station set up by ARC in Kyangwali*

## Television

According to the RWC III Chairperson<sup>75</sup> the entire settlement has only 4 TVs in public/community centres to serve the entire population. There are also TVs owned by private individuals, mainly watched by people for sports and sometimes news. Television is largely watched by men. Women reported less of a preference for TV because their evenings are taken up by domestic chores. In addition, the programs chosen are not to their taste.

## Mobile Phone

A good number of people in the settlement have mobile phones. The phones mainly used for voice calls, music, listening to radio and transacting mobile money. According to the survey, 50% of the men interviewed had mobile phones while only 25%-30% of women had mobile phones.

In some refugee groups, female members did not have phones. Throughout this assessment, only four people have been identified to have smart phones among the refugee community. The people therefore use their mobile phones for voice calls, listening to music, listening to radio and business transactions. Very few people deliberately use SMS, except for some auto notices from service providers. MTN and Africell are the major service providers in the settlement. The network coverage however is generally poor. All people interviewed both in groups and individually, complained about the poor and unstable network. Phone credit is available within the trading centres in the settlement, as well as via mobile money.

## Internet

The settlement has an internet access point at the reception centre in Kagoma, established by Windle International. This café is at the youth centre and serves mainly young people. The services are accessible at a subsidised cost (UGX300 for 30 minutes) and serves

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<sup>75</sup> Interview with Emmanuel Nsezimana at reception centre done on 02<sup>nd</sup> November 2018

approximately 87 people per week. Many of the youth use this centre to access social media platforms (especially Facebook) and to read about sports. A few people will use the centre to study and pursue online courses. This café operates 5 days a week, Monday to Friday, and serves an average 87 people per week.

UNHCR has partnered with Windle International and introduced *Courseera*, an online platform that provides various courses from universities around the world. Young people can access short courses at no cost. According to the youth centre coordinator, the uptake of the service has been high leading to an increase in the number of people accessing the café. However, Kagoma is at the far end of the settlement on the southern side, and considering the size of the settlement, many people cannot access the service because of the distance from their residence.

Only 25% of the respondents had access to internet via the smartphones since most do not own smartphones or cannot afford the costs of data

### 3.4 INFORMATION NEEDS

The information needs of the refugees in Kyangwali refugee settlement are varied. Majority of the population are interested in information concerning access to food, water, accommodation and security.<sup>76</sup>

Additional needs include updates on current affairs of their home countries, information on their dead family members. Women are interested in information on education scholarships for their children, assistance in GBV interventions and access to income generating activities for their family. This is attributed to women being more interested in sustaining their families and raising their children especially in situations where they are the main breadwinner of the family. Men's needs include how to get financial assistance, how to find work, getting access to healthcare and information on local food prices.<sup>77</sup>

The information needs of the Kyangwali settlement in order of priority are as follows: General news and security situation, how to stay safe to prevent attack or harassment, how to get help after an attack, registering for aid, finding missing people, weather, water, food, and the security situation back home (50%). Information relating to access to justice was ranked at 30%. The other information needs include how to get shelter, information about nutrition and how to get cooking fuel/firewood (25%).

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<sup>76</sup> Focus group Discussion in Nyampindu Block 3 23<sup>rd</sup> October 2018

<sup>77</sup> Focus Group Discussion in Rwenyawawa Trading Centre 24<sup>th</sup> October 2018



## 4. CONCLUSIONS AND RECOMMENDATIONS

The assessment verified through discussions from refugees, the police, the Kyangwali court magistrate and protection partners that there are high rates of SGBV in Kyangwali settlement, with four out of 10 cases reported every week and many more going unreported. Major information and reporting gaps were identified especially at the landing sites near Lake Albert where asylum seekers mainly from DRC arrive, to the reception centre and new arrival allocation areas in the settlement which house newly arrived refugees.

Language barriers and the geographical size of the settlement also exacerbate access to information, access to legal and other SGBV response services.

In conclusion, while humanitarian agencies in Kyangwali all have their own communication and community engagement mechanisms, there is no coordinated community communication and feedback mechanism process. This presents an opportunity for Internews to design a project on access to information for SGBV survivors in this settlement.

### Recommendations

1. The Government through OPM and UNHCR should ensure provision of more information on refugees' rights, Uganda's laws as well as available formal and informal justice mechanisms as one way of enhancing access to justice for SGBV survivors in the settlement.

This information should be provided to the refugees in languages that

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they understand well. The current SGBV referral pathway is not reachable to most refugees with the exception of those living near police posts or in villages that neighbour the RWC's offices or homes.

2. More information is especially needed for new arrivals at landing points near Lake Albert, at the reception centre and at new arrival allocation villages. Moreover, channels of communication which are widely used by refugees in Kyangwali such as radio and mobile phones need to be leveraged more to enhance the refugees' access to information.
3. Information needs to be shared on the asylum seeking process and services available to refugees in Kyangwali.
4. Given the fact that there are various drivers of violence such as control of resources and access to food, development partners and donors need to understand that an SGBV-focused humanitarian information project needs to also focus on provision of information related to food and other resources. There is also a need to support different agencies to document and address refugees' feedback and concerns particularly around access to food.
5. NGOs operating in the settlement need to take into consideration the different nationalities when designing communication strategies and IEC materials. The settlement has up to six nationalities. Although 80% of the refugees reportedly understand Swahili, there are some communities like the Acholi community, which do not understand the language. Communication must be organised in a wider range of languages for purposes of inclusion of the most marginalised members of the community to speak up and access information.
6. Most agencies have some form of feedback mechanism including suggestion boxes and information desks. However, there is no structured feedback in place to ensure that refugees' voices are heard. Community engagement and accountability within the settlement therefore needs to be better coordinated to increase impact.
7. Despite the presence of a favourable legal framework in Uganda, there is still lack of legal aid policy and yet the majority of the refugees rely on agencies that use mainly para-legal personnel to dispense legal aid services. There is therefore a need to bridge this gap by ensuring all the service providers self-regulate themselves, which LASPNET plans to do.
8. Refugees tend to trust local structures, especially the Refugee Welfare Committees I-III more, yet there is limited capacity among the RWCs to handle SGBV cases. Therefore, NGOs working in the settlement need to support the government in building the capacity of the local leaders and Refugee Welfare Committees on information on local laws and referral pathways in their community.
9. NGOs need to lobby government to invest in the judiciary by establishing permanent courts and deploy more legal personnel to these courts to encourage refugees to pursue formal legal mechanisms of the courts.

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# ANNEX I: QUESTIONNAIRES

- Affected Population Questionnaire
- Focus Group Discussion Guide
- Humanitarian Responder Questionnaire
- Access to Justice Questionnaires

## ANNEX II: LIST OF RESPONDENTS IN FOCUS GROUP DISCUSSIONS

1. Focus Group Discussions with Young Mothers in Mombasa B 17<sup>th</sup> October 2018, 9 respondents participated.
2. Focus Group Discussion with men in Musisa B village Block 3 Zone 18<sup>th</sup> October 2018, 20 respondents participated
3. Focus Group Discussion with PWDs in Mombasa A Block 6 23<sup>rd</sup> October 2018, 32 respondents participated.
4. Focus Group Discussion in Mombasa B 20<sup>th</sup> November 2018, 6 respondents participated.
5. Focus group Discussion in Nyampindu Block 3 23<sup>rd</sup> October 2018, 8 respondents participated.
6. Focus Group Discussion in Rwenyawawa Trading Centre 24<sup>th</sup> October 2018, 44 respondents participated.
7. Focus Group Discussion Mombasa A 21<sup>st</sup> November 2018, 8 respondents participated.
8. Focus Group Discussion in Kyangwali Trading Centre 21<sup>st</sup> November 2018, 7 respondents participated.
9. Focus Group Discussion in Kyebitaka Village Zone A 25<sup>th</sup> October 2018, 7 respondents participated.