

**CHALLENGES TO REFUGEES' FREEDOM OF MOVEMENT IN
UGANDA. A CASE OF SELF-SETTLED REFUGEES IN KISENYI,
KAMPALA**

Daniel Ssemugenyi

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Department of Geography

Norwegian University of Science and Technology

DEDICATION

To my dearest mum, Faith Nassaka, I am all I am because of your relentless effort and uncompromising desire to see me study hard. You passed on before enjoying the benefits of your labour and support. I could not long for a more dedicated, loving and caring mother!..well, maa, I entrust your soul in God's memory until we meet in paradise (John 5:28-29)

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ABSTRACT

The thesis discusses the challenges to refugees' freedom of movement in Uganda. The main objective of this study was to explore the factors confronted by refugees in a bid to exercise their relative freedom of movement in Uganda and was conducted from Kisenyi suburb in Kampala city.

To achieve this objective, the study employed quantitative approach and key informant interviews for data collection in addition to secondary materials. Respondents were selected using systematic sampling approach where a sampling frame was used and a total of 100 research participants were interviewed and purposive sampling was meant for the key informants.

In data analysis, the study dwelt on the Rights- Based Approach which postulated that governments and other duty bearers have to protect, respect and fulfil all the human rights of the rights-holders which in the end leads to refugees' rights realization. This is in line with the study's objective of ensuring that refugees enjoy their relative freedom of movement which would enable them participate in the social and economic life to attain self-sufficiency.

The study identified a couple of factors refugees expressed as impediments to their right of movement in Uganda. Firstly, they revealed that the lack of identity documents curtails them from freely moving in Uganda as this has subjected many of them to enormous police harassments, bribery and extortions, valuable confiscations.

The study also revealed that refugees feel insecure in both their places of residence because of xenophobia from the locals and living within the same vicinity with their

former enemies as well as insecurity aggravated by the police personnel which compelled many of the refugees to limit on their movements.

Key words: Self settled Refugees, Freedom of movement, Uganda.

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GLOSSARY OF ABBREVIATIONS

CARA	Control of Alien Refugees Act
CDGLR	Citizenship and Displacement in the Great Lakes Region
CEAO	Communauté Économique de l’Afrique de l’Ouest
DDPR	Department of Disaster Preparedness and Refugees
DRC	Democratic Republic of Congo
ECOWAS	Economic Community of West African States
GoU	Government of Uganda
H M A	Human Migration in Asia
IDs	Identity Documents

IDPs	Internally Displaced Persons
JRS	Jesuit Refugee Service
LRA	Lord's Resistance Army
NGOs	Non Governmental Organisations
AU	African Union
OAU	Organisation of African Unity
OECD	Organization for Economic Cooperation and Development
OPM	Office of the Prime Minister
PPDR	People for Peace and Defence of Rights
RBA	Right-Based Approach
REC	Refugee Eligibility Committee
RLP	Refugee Law Project
RWC	Refugee Welfare Council
SPLA	Sudanese Peoples' Liberation Army
UDHR	Universal Declaration on Human Rights
UN	United Nations
UNHCR	United Nations High Commission for Refugees

CHAPTER ONE: INTRODUCTION

The refugee problem is perhaps one of the world's issues preoccupying the international political decision makers and theorists, owing to its idiosyncrasy. It is basically a problem of human beings but also pronounces itself in numerous forms on the societal scene, governmental and international realms. It is a human and moral issue, a security concern, a development concern and to some extent an environmental and natural resource issue (Hakovirta, 1993).

The global world refugee population soared from 2.4million in 1975 to 10.5million in 1985 and 14.9million in 1990. A climax was reached at the end of the cold war with 18.2million in 1993 and by 2000; the global refugee population had dwindled to 12.1million. However, these figures cater for only officially recognized refugees under the 1951 UN Refugee Convention (UNHCR, 2000 in Castles 2003).

On the other hand, asylum seekers annual applications to the developed countries such as those of Western Europe, Australia, Canada and the USA combined together increased from 90400 in 1983 to 323050 in 1988 and then further shot with the end of the Cold War to a climax at 828645 in 1992. Applications dwindled sharply to 480000 in 1995 but began surging again to 534500 in 2000 (Organization for Economic Co-operation and Development (OECD) 2001 in castles 2003).

The history of forced migration in Africa goes back so many centuries. Circumstances that prevailed under the pre-colonial states often accelerated the massive movement of people escaping from the ruthless rulers. On the whole, general response of many African states and communities towards the forced migrants has been generous portraying a long-standing ethnic, political and cultural links between the refugees and the hosting communities. However, in the recent past years, this generosity has declined. Some African states have resorted to closing their boundaries to people escaping from

persecution and have often forcibly expelled refugees. In other cases, refugees have been forced to repatriate back to their countries of origin by reductions in aid supply and the denial of other basic rights in the host countries (Zlotnik, 2003).

African states have ratified and implemented a couple of instruments to facilitate international population movements among countries belonging to supranational organizations. Such instruments include the 1967 Protocol; 1969 Organization of African Unity (OAU) Convention; *Conseil de l'Entente* among French-speaking countries of Western Africa in 1978; Economic Community Of West African States (ECOWAS) ratified in 1979; the 1990 Convention on the Rights of All Migrant Workers and Members of their Families, 2002 Protocol against the Smuggling of Migrants by Land, Sea and Air and the 2000 Protocol to Prevent, Suppress and Punish Trafficking Persons, especially women and children (ibid).

Currently many refugees in sub-Saharan Africa have been held in protracted refugee situations implying that these have scored more than five years and have not secured an immediate remedy. The continued presence of protracted refugee situations in many southern counties demonstrates the fact that the highly prioritized repatriation process proved not to be an appropriate answer during the 1990s for the large number of displaced people who were forced to flee from their home countries as a result of persecution. The disgraceful evidence includes the 540000 Burundi refugees in Tanzania, 300000 Somali refugees in Djibouti, Ethiopia, Kenya and Yemen and 460000 Sudanese refugees in Central African Republic, Chad, Democratic Republic of Congo (DRC), Ethiopia Kenya and Uganda (Kaiser 2005).

1.1 Highlights of the Uganda's 2006 Refugee Act

Under the Uganda's Refugee Act 2006, a recognised refugee is provided with an identity card (ID) and is allowed to live in Uganda (Uganda 2006, 29) In other words, the Uganda refugee identity card serves as evidence that the bearer has been acknowledged as a

refugee by the government of Uganda. (Refworld, The Leadership in Decision Support, 2009)

The Act further states that a refugee has the right to “fair and just treatment without discrimination owing to his or her race, religion, sex, nationality, ethnic identity, membership of a particular social group or political opinion (ibid).

A refugee has the right of association with non-political and non-profit organisations and has the right of court redress, and is entitled to the same treatment as nationals with respect to elementary education, religious practice and religious education and intellectual property rights (ibid).

A refugee is entitled to same treatment as other foreign nationals regarding to property rights, transferring assets into Uganda and education beyond elementary school; the right to work, practice a profession and participate in business activities (ibid).

In Uganda, refugees are obliged to respect the Ugandan law (Uganda 2006, 35). They must not cause any security threats to the state or disturb public order. In addition, refugees must not indulge in any activity contrary to the principles of the United Nations (UN) and the state of the African Union (AU), shall not partake any political activities within Uganda against any country including his/her country of origin (ibid).

Uganda is bound by regional and international refugee instruments and is further obliged to develop national laws and policies to respect, promote and fulfil the rights of refugees. The Universal Declaration of Human Rights, (UDHR) 1948-1998, Art 13.1 states that:
“Everyone has the right to freedom of movement and residence within the borders of each state and Article 13.2 states that everyone has the right to leave any country, including his own, and to return to his country.”

Subsequent conventions/ instruments stipulate that every refugee is entitled to the rights and shall be subject to obligations provided for in 1951 United Nations (UN) Geneva

Convention; the 1969 OAU Convention and other instruments relating to the rights and obligations of refugees to which Uganda is a party.

1.2 Problem Statement

Uganda ratified the 1951 UN Convention and a couple of other Conventions such as 1969 OAU Convention relating to the status of refugee status; in addition it is guided by the 2006 Uganda Refugee Act which all provide for the freedom of movement of recognised refugees. According to the Uganda Refugee Act 2006 Section 30 (1), a recognised refugee is entitled to free movement within Uganda; however, the current policies in Uganda relating to refugees do not provide for refugees' freedom of movement which limit the extent to which refugees can achieve self sufficiency in line with realization of durable solutions.

According to the Ugandan government, all refugees are obliged by law to register and reside in the areas designated by the government. Upon their registration, refugees are provided with ration cards which they use to access services in the settlements like food aid, medicines. In settlements, they are not allowed to move out, until when permission is granted by the camp/settlement commandant (government official) who in exchange retains the ration card and provide a temporal document valid for 7 days out of the settlement/camp. With the current policy (settlement framework), self-settled refugees even though they were registered in the settlements are not recognized and instead they are treated as illegal migrants and hardly have IDs that can enable them move freely within the urban areas and other places.

At the same time, the government allows and provides identity documents to refugees who wish to live in Kampala upon approval of self-reliance which entails evidence of employment (Bernstein and Okello 2007). This has still rendered so many refugees to remain without identity documents especially those who are financially weak.

According to United Nations High Commissioner for Refugees (UNHCR), in 2006 Uganda inaugurated the refugee legislation which was perceived as a model for Africa acknowledging the right of more than 140,000 refugees to seek employment, freely move around the country and dwell in the community rather than in the geographical locations gazetted by the government (UNHCR, 2009, Uganda's Progressive Refugee Act becomes Operational, New Stories, 22 June 2009, <http://www.unhcr.org/4a3f9e076.html>). The above provisions created by the Ugandan government are not comprehensive refugee legislation in that they address concerns of specific categories of refugees which renders many refugees (self-settled) unable to fully exercise their right of movement in Uganda.

1.3 General Objective

The main aim of this study is to establish the factors confronted by the refugees as they exercise their freedom of movement in Uganda.

1.4 Research Questions

1. What are the likely hindrances to refugees' freedom of movement in Uganda?
2. Are there any regulations governing refugee movements in Uganda?
3. What compels refugees to move from one place to another in Uganda?
4. What do refugees suggest as practical means of enhancing their relative freedom of movement in Uganda?

1.5 History of Uganda's Refugees

Uganda being geographically situated in a region surrounded by constant instabilities is and remains a target for so many refugees in the region. At the beginning of the Second World War, all the happenings in Uganda were associated with the diverse issues encompassing the presence and creation of varying number of refugees. Uganda has portrayed different images to the outside world on the course of its recent history, yet one that has attracted less attention on the international scene is that of Uganda being among the pioneer countries to host refugees (Lomo et al 2001).

Pioneer refugees officially to be invited in Uganda were the Polish refugees who were brought by the British colonial masters in 1940s (Human Rights First, 2004. A Decade of Unrest: Unrecognised Rwandan Refugees in Uganda and the Future of Refugee Protection in the Great Lakes, <http://www.humanrightsfirst.org/wp-content/uploads/pdf/Decade-of-Unrest.pdf>). The next group of refugees to arrive in Uganda was received in 1955 from the Anglo- Egyptian joint sovereignty of the Sudan (Lomo et al 2001). The Rwandese especially the Tutsi was the third wave of refugees to be received in the late 1950s following ethnic discrimination and severe persecution in Rwanda. On the other hand, Uganda too generated number of refugees, most especially during the tyrannical years of social and political upheavals under Idi Amin (1971-79) and of a civil war during the 2nd Milton Obote government (1980-85) (ibid).

By the end of 2003, according to the UNHCR's records, it was estimated that there were approximately 206,000 officially recognized in Uganda including 160000 from sudan, 32000 from the DRC and 12000 from the republic of Rwanda (1940s (Human Rights First, 2004. A Decade of Unrest: Unrecognised Rwandan Refugees in Uganda and the Future of Refugee Protection in the Great Lakes, <http://www.humanrightsfirst.org/wp-content/uploads/pdf/Decade-of-Unrest.pdf>).

According to the UNHCR's 2011 planning figures for Uganda, as per January 2011, the current total number of refugees who are catered for by UNHCR stood at 141600

whereas that of the asylum seekers was 12000 (UNHCR's 2011 Country Operations Profile-Uganda: <http://www.unhcr.org/pages/49e483c06.html>).

1.6 Refugee situation in Uganda

Issues pertaining to refugees in Uganda are the concern of UNHCR and the government of Uganda (Office of the Prime Minister) (OPM). However UNHCR has got an upper hand over refugees and refugee issues in Uganda. Whereas the major task of UNHCR is to guarantee international protection and humanitarian assistance, it as well plays a fundamental role over the local refugee policies particularly those regarding Refugee Status Determination (RSD), and the preferred residential areas for the refugees (Mulumba, 2007).

In Uganda, the refugee policy accords assistance and protection to only refugees residing in settlements or camps and not to those who opted out of these geographical space confines for their own reasons. However, this form of policy defiles human rights standards specifically the right of movement which is the pipeline through which through which other rights can be achieved (Bernstein and Okello 2007). For instance, confining refugees in particular physical localities hinders their free movement which is provided by Article 26 of the 1951 United Nations (UN) Convention relating to the status of the Refugees which stipulates that “*Each Contracting State shall accord to Refugees lawfully in its territory the Right to Choose their place of residence and to move freely in its borders subject to any regulations applicable to aliens generally in the same circumstance*” (Kaiser 2005, Kaiser 2006, Hovil 2007:600).

Bernstein (2005) observes that with the exception of a few number of refugees on UNHCR's urban caseload in Kampala (Uganda), refugees officially acknowledged as such are incumbent to residing in designated and enclosed geographical locations, usually all located in remote areas of the country. No refugee is permitted to exit a settlement except after obtaining a temporary permit from the Camp Commandant, who is the

government representative in the settlement (Peterson and Hovil, 2003, Tania 2006, Hovil 2007, Pavanello et al, 2010).

Because of the enormous hardships and restrictions connected to residing in settlements, a multitude of refugees in Uganda have abandoned the settlements and reside amongst the local population, particularly in border vicinities and Kampala. It is increasing very difficult to take hold of the exact number of self-settled refugees an indication of their precarious legal status: though the government of Uganda (GoU) purports to operate under the 1951 UN Convention for determining refugee status, in practice only those who keep within the settlements are considered to be prima facie refugees (Kaiser 2006, Hovil 2007).

Many “self-settled” refugees absolutely fall under the legalized definition of a refugee albeit they are officially not acknowledged in Uganda. Even though the GoU constantly purports not to administer Control of Alien Refugees (CARA) in refugee protection, legitimate obstacles against local integration remain strongly in place and as a result, there is enormous ambiguity engulfing the status of refugees who decide to self-settle themselves (Hovil 2007). The GoU and UNHCR discern that the idea of self-settled refugees as inconsistent because of having redefined a refugee as a person receiving assistance and dwelling in a settlement. This narrow definition of a refugee disregards so many refugees who have relinquished the settlement/camps and live amongst the local population to fend for themselves (ibid).

1.7 The plight of self-settled refugees in Uganda

Self-settled refugees living in the urban centres of Uganda have been attracted to keep in towns for a variety of reasons such as the expanded employment opportunities, improved educational possibilities for themselves and their children, increased security through concealing their identity and proximity to family, telecommunications and other communication channels as well as the resettlement opportunities (Macchiavello, 2003 cited in Peterson 2006). However, despite of the factors responsible for attracting refugees to the urban centres, many self-settled refugees in Kampala encounter a host of

challenges in a bid to achieve their objectives of securing refugee status and achievement of self-sufficiency (ibid).

In the first place, the entire system for asylum application and resettlement is quite ineffective and complex (Bernstein 2005 cited in Peterson 2006). Many of the self-settled refugees spend each day attempting to meet the authorities and end up becoming pessimistic and disappointed with inability to push their cases forward. The bureaucracy of the GoU and UNHCR impedes the agency of refugees in obtaining durable solutions (Peterson 2006).

The abandonment of the settlements disqualifies self-settled refugees from receiving any rights to protection through either from UNHCR or GoU. Their living conditions are undesirable and disgusting; while sometimes they are usually not poorer or better off than the locals they live with, they persevere without legal status; hardly without social network support and often prone to xenophobia (ibid).

Additionally, urban refugees are dwelling in constant fear of being forcefully repatriated and as such they have been subjected to devise un-standardised survival means such as disguising as Ugandan nationals hence liable to different forms of torture. Ambiguous statements made by Ugandan officials and UNHCR at different points of time over the past few years have aggravated more fear among urban refugees (Citizenship and Displacement in Great Lakes Region Report 2010).

Bernstein and Okello 2007 assert that when refugees reach Kampala, majority of them encounter many difficulties in accessing basic services such as health care, shelter, and food because the service providers perceive the term refugee with UNHCR or other Non-governmental Organisations (NGOs) and presume that refugees are well catered for and live a more descent life than ordinary Ugandans, while others think that refugees are found in government designated areas.

In Kampala there are only two organisations specifically InterAid and the Jesuit Refugee Services that do extend help to asylum seekers/refugees; however, both organizations concede that they are overstretched and unable to meet all the needs of the asylum seekers/refugees. Moreover, these organizations are the implementing partners of UNHCR who are thus not free from bureaucracies obtaining from contractual obligations, but also they are greatly affected by the government policy which demands that any assistance to refugees be accorded upon living in settlements. That is to say, once refugee status has been secured, then assistance that was initially extended is terminated, and in some circumstances even before owing to the availability of resources in place (ibid).

Peterson (2006) further argues that urban refugees are in some cases are incapable of making use of their skills. Similarly, Macchiavello 2003:8 cited in Peterson, (2006) reveals owing to their academic prowess and skills, urban refugees could have become self-sufficient in Kampala, but due to scarcity of employment opportunities, employers' uncertainty over the legality of employing refugees, xenophobia, they end up leading a terrible life. Additionally there are many refugees in different parts of Uganda who have got professions but they are unable to practice because of a host of challenges like lack of identity documents; others are confined in camps with stringent restrictions and where they cannot have employment opportunities to put their skills at work.

1.8 Thesis Structure

This thesis has been divided into six chapters linked to the topic under study together with information from other related sources.

Chapter One delineates the background of the study, the refugee situation in Uganda, the plight of self-settled refugees and highlights the problem being investigated. It also underscores issues pertaining to forced migration discourses.

Chapter Two presents the theoretical/conceptual framework of the study where it discusses the Rights-Based Approach constituents in detail and its limitations.

Chapter Three shows the methodology of the study which is quantitative and discusses the data collection methods which were used in the study. The chapter also explains the challenges in the field and how data was analysed.

Chapter Four presents the findings and discussions from the empirical data obtained from the questionnaires and interviews conducted with the key informants.

Chapter Five further delineates the empirical findings and discussions of the data.

Chapter six draws the conclusions and recommendations of the study.

CHAPTER TWO: CONCEPTUALISING FORCED MIGRATION, THEORETICAL/ ANALYTICAL FRAMEWORK

This chapter presents the forced migration discourses. It gives the different perspectives of different authors regarding forced migration as well as presenting and discussing the theoretical/analytical framework of the study.

2.1 Forced Migration Concept

The forced migration discourse is filled with controversies and sometimes contradictions in its interpretations and it is in opposition to voluntary migration. Forced migration refers to migrations that are precipitated by social and political turmoil such as armed conflicts, great human rights defilement, natural hazards and the like (Bolzaman 1996 and Anthony 1999 in Rwamatwara 2005).

In such scenarios, forced migrants (refugees) vacate their places of origin for their own security and shield themselves from forthcoming threat to their physical wellbeing and seek asylum to their immediate neighbouring countries (Rwamatwara 2005).

According to the 1951 UN Convention on the status of refugees, a refugee is “a person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear is unwilling to return to it” (Czaika and Mayer, 2008) whereas according to Castles (2003) an asylum seeker is a person who crosses an international frontier searching for protection but whose claims for refugee status has not yet been acknowledged.

However, Klaauw (2010) observes that the line between those who deserve protection as refugees and those who do not is blurred because of the fact that people often move as an outcome of a complex set of political, economic social and growingly environmental factors.

“Moreover, refugees may arrive in countries where asylum space is virtually non-existent, temporarily establishing themselves as migrant workers and only being identified as in need of protection when work opportunities are cut and return to the country of origin would constitute a threat to life and liberty Klaauw (2010:60).”

The entire debate in migration discourses rotates around the notion of voluntary migration as juxtaposed to forced migration; however there is enormous difficulty in conceptualising as well as measuring the degree of voluntariness in regard to migration processes, but the general agreement in interpretation is that voluntary migration is about movement in search of economic opportunities (Van Hear 1998 in Rwamatwara 2005) while forced migration is concerned with the threat to people’s lives which compels them to abandon their places of residence in search of security and safety (Deng 1993 cited in Rwamatwara 2005).

However Lindley (2010) observes that the outstanding issue in canvassing conflict-related displacement relates to the entanglement of political and economic elements of causation whereby complex realities are often condensed in a popular tendency to unite forced migration with political interest and voluntary migration with economic interests, bolstered by the emphasis on civil and political rights in the influential 1951 Refugee Convention.

Castles and Van Hear, (2009) in Lindley (2010) view that from the macro-level perspective, the political and economic components of instability are usually entangled while Lautze (1997) in Lindley (2010) views that from the micro-level, threats to people’s lives and livelihood means are hardly distinguishable from each other.

Displaced people are self-selected in that they take individual decisions to abandon their home countries rather stay and opt for particular destinations from a variety of a number of options; they are as well an outcome of the prevalent political and economic conditions and of the national migration policies in place at the time of their departure (Abowd and Freeman, 1991 cited in Ghatak et al 1996)

According to Kunz (1973) cited in Rwamatwara, (2005), refugees are uniquely different from other forms of migrants such as economic migrants because they are forcefully made to abandon their places of origins against their wish and with no good motivation to settle anywhere else. In the same line, Olson (1979) cited by Rwamatwara (2005) observes that refugees are different from other kinds of migrants in a number of aspects in that for them they are forced to desert their homes because of the unfavourable environment which is inhabitable and compels them to relinquish the normal life they have been used to; coerced by overwhelming external forces such as intimidation, manhandling, imprisonment, sexual harassment and the like that compels them to abandon their homes and relocate to safer places.

Acute migration transitions may be precipitated by changes in the structural and proximate domains same as those responsible for causing increasing changes, but are particularly marked by dire events such as economy decline, war invasion, nation state demise, persecution of the minority or a consolidation of all these and a couple of other developments (Nicholas, 1998).

2.2 Theoretical Framework

There is no research without a theory and therefore every research is hinged on a particular theory. Theory is deemed to be a group of explanatory concepts that are meaningful in giving explanations for a particular phenomenon, situation or activity (Kitchin and Tate 2000). These concepts offer certain means of understanding the world and are essential in defining a research problem (ibid). According to Silverman (1994:1 in Kitchin and Tate 2000:33), “without theory, there is nothing to research.” Whenever we undertake a research, we are thus either assessing the validity of a particular theory or trying to construct a theory (ibid). In the same vein, owing to the nature of this study, I take on Rights-Based Approach as both theoretical and analytical tools to guide the analysis and discussion of the empirical findings.

2.2.1 Rights-Based Approach

Its inception is traced in the international development agencies' discourses of the post Cold War in the early 1990s (Cornwall et al 2007 cited by Mikkelsen 2005) and buttressed by the Copenhagen Summit on Social Development in 1995.

The World Summit on Social Development in Copenhagen put emphasis on positioning people at the centre of sustainable development, with three overarching goals: fighting poverty, encouraging full and productive employment and enhancing social integration in order to achieve just societies for all; as well as strengthening accountability, popular participation, equality and non-discrimination (United Nations Economic and Social Council, 19th Feb 2003, Economic and Social Commission for Asia and the Pacific, fifth-ninth session 24-30 April 2003: <http://www.unescap.org/59/e/E1279e.pdf>)

Rights Based Approach (RBA) refers to having the urge to build strong local, national and international movements that advocate for specific duties to be fulfilled by governments, corporations and individuals that will enhance all people to enjoy their rights. The core of the RBA is a two pointed strategy agitate for realizing human rights by; strengthening duty bearers to fulfil their obligations and empowering the rights-holders to demand for their rights (Mikkelsen 2005, Boesen and Martin 2007).

RBA aims at creating mechanisms of empowering those whose rights are denied to assess their plight, to identify the major cause of their marginalization, and to take action individually or collectively to define, claim and realise their rights (Active Participation and Human Rights Research and Advocacy 2010). Under the RBA, three agents are recognised and these include duty bearers, rights-holders and other actors.

2.2.2 Duty Bearers, Rights-holders and Other Actors

States and other duty bearers have the responsibility of observing human rights. In this perspective they are obliged to succumb to the legal norms underscored in the human rights tools. If they fail to meet their obligations, the aggrieved rights-holders are entitled

to seek court redress (ANNEX B, The Human Rights-Based Approach: Statement of Common Understanding, <http://www.unicef.org/sowc04/files/AnnexB.pdf>).

Mikkelsen (2005) in the same line asserts that, by committing themselves to ratifying the human rights treaties, states are the ultimate duty bearers and therefore are expected to respect, protect and fulfil all human rights for all citizens. According to (Boesen and Martin 2007), a rights-holder is entitled to rights, entitled to demand their rights; entitled to seek accountability from the duty-bearers and has the responsibility to accord respect to the rights of others.

Actors such as organisations and individuals have the moral obligations provided in the UDHR to accord respect and promote human rights. The moral duty bearers who not only manifest on the local levels but also at the international scenes and they include; NGOs, aid agencies, private sector organisations, multinational organisations, regional organisations, the United Nations and so on (Mikkelsen 2005).

The RBA has got six constituent components and they include: universalism and unalienability; equality and non-discrimination; indivisibility and interdependence of human rights; accountability and inclusion and the rule of law (ibid). However, for purposes of this study, I intend to invoke equality and non-discrimination, participation and inclusion, and accountability.

2.2.3 Equality and Non-discrimination

This principle demands that all people within the society have equal access to the available goods and services necessary to fulfil their basic human needs. Equality before the law forbids discrimination in law or in practice in any area under the regulation and protection by public authorities. This principle encompasses all state policies involving those concerning health care, education, access to services, travel regulations, entry requirements and immigration (Mikkelsen 2005). In this study, I will use this of Equality and non-discrimination aspect to find out if the duty bearers are executing their duties without discrimination and whether there are no disparity tendencies in the policies where certain groups of refugees are not catered for.

2.2.4 Participation and Inclusion

The right to participate is the gateway through which the attainment of other rights in all spheres be it civil, political, economic, social or cultural. Participation holds a an essential position because of the assumption that exclusion from the body of decision making on matters that impact on them is in itself an abuse of one's rights or at least a big obstacle to peoples' capacity to have control over decisions that impact on the attainment of their rights (Musembi and Cornwall (2004), Active Participation and Human Rights Research and Advocacy 2010).

Musembi and Cornwall (2004) further postulate that participation provides a new platform within which to bolster a move towards a more certainly conclusive and democratic process of popular indulgence in decision-making over the resources and institutions that affect people's lives. In this study, I will use participation as a yardstick to ascertain if refugees are involved in decision making and policies that indirectly or directly impact on their lives they lead.

2.2.5 Accountability

This principle undertakes to hold government and other duty bearers responsible to meet their obligations as well as encouraging rights-holders to demand their rights. Demanding accountability does not necessarily mean to confront the government, but instead it encourages the duty-bearers to meet their obligations (Boesen and Martin, 2007). Accountability demands that the government as an instrumental duty bearer to assume responsibility for the impact it carries on people's lives; cooperating by through availing information, engaging transparent processes and hearing and effectively responding to people's views (UNDP, 2000 in Mikkelsen 2005).

However, Grabska (2006) observes that even though states ratify International Agreements and retain ultimate responsibility, they often delegate certain responsibilities

and obligations to international institutions and thus denounce themselves from creating a conducive environment where refugees can thrive.

In this study, accountability aspect will be used to investigate whether the refugee authorities are answerable to the refugees; whether refugees are able to seek explanations for certain decisions and policies implemented by the responsible authorities; to find out if refugees are provided with the necessary information that can enable them know and demand their rights and so on.

2.2.6 Empowerment

Friedmann (1992) says empowerment strongly emphasises autonomy in the decision – making of territorial organised communities, local self-reliance, direct democracy, and experiential social learning. Psychological power is an individual’s sense of potency: demonstrated in self-confidence behaviour. Psychological empowerment is a product of successful action in the social or political realms (ibid).

Refugees in are people who are psychologically agonised because of their past experiences that caused their displacement, and they are by all means in need of psychological assistance so that they may regain their confidence and hope for the future. However, in some cases, refugees are never given counselling services and sometimes even the programmes (education) where they would get such opportunities to receive such services they are left out or they are made to pay money which discourages many and thus living a psychologically traumatised life.

According to Mikkelsen (2005), claiming and realizing a right demands prior knowledge of human rights and hence efforts are required to raise awareness to among individuals and communities with the aim of empowering them to claim their rights. Grabska (2006) supplements that rights and the ability to achieve them become possible when a proper system of justice and accountability is instituted. In this study I will dwell on the empowerment aspect to investigate whether refugees have knowledge of their existing rights that can bolster their efforts to demand for their rights.

2.3 Critique of the Rights-Based Approach

The weakness of RBA is that it is increasingly difficult to see rights in isolation of other processes. For instance, in the interest of a country's security, the government may adopt a policy that monitors and regulates the activities of the refugees such as keeping them in reception centers/ settlements where they can be tamed in order to guarantee its security. So from the perspective of RBA, such policies are deemed human rights violation. In other words, it neglects other important issues and focus on the achievement of rights.

Despite the above criticism, I still find RBA relevant for this study because it provides refugees a platform to assume power and take part in issues pertaining to their lives that might buttress their freedom of movement. It is also an avenue through which refugees can legally demand accountability from the duty bearers. In other words, it is a yard-stick through which the performance of the duty bearers towards the rights-holders can be assessed.

2.4 Rights Based Approach (RBA) as Analytical tool for this study

The model of analysis is divided into the Rights-holders who are refugees in this case and Duty-bearers who are the host governments (Uganda), UNHCR and other refugee organizations. It will be used to identify the role of the government and other duty bearers in supporting and protecting the rights of refugees in Kisenyi, Kampala district. The challenges of the refugees accrue from social processes that involve different actors: therefore in order to clearly identify these challenges, the RBA conceptual framework will be adopted as a tool of analysis of the problem. The tool will be used to examine the different structures that may contribute to the refugees' failure to realize their right of their rights (right of movement).

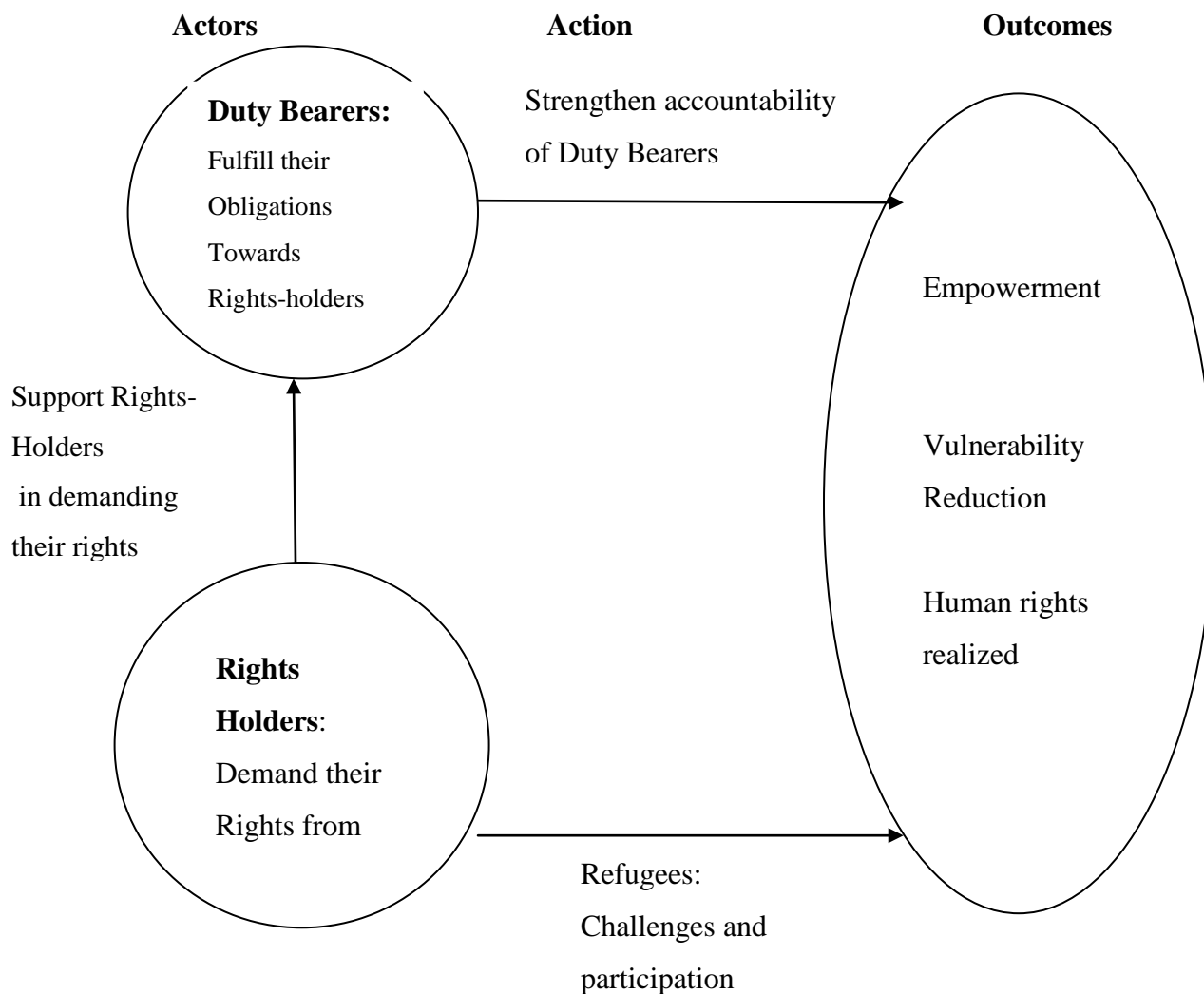


Figure 1: Analytical Framework obtained from Mikkelsen (1995)

The above framework will be used to find out if refugees are being supported in demanding their rights from the duty bearers; investigate if the government and other stake holders are performing their obligations towards the refugees in order for refugees to achieve their freedom of movement and other rights they are entitled to; whether refugees are able to fight poverty and reduce their vulnerability.

Because some issues are not being exhaustively addressed in the RBA, for purposes of analysis, UDHR will also be used to complement the RBA as another analytical tool for this study.

2.5 Summary

This chapter has introduced and discussed a brief background of Alternative Development and further presented and discussed RBA as the conceptual/theoretical framework the origins, discussing in detail its core constituents and how it will be used in analysing the empirical findings.

CHAPTER THREE: METHODOLOGY

This section highlights the research design, area of study, sampling procedure, sample size, ethical considerations, data collection and management, study limitations as well as field challenges and how they were overcome.

3.1 Research Design

A research design provides a fabric upon which one can base to collect and analyze data and its choice portrays decision about priority areas of interest in the research process. These include the significance attached to the issues like: expressing causal connection between variables, generalization to larger groups of individuals than those actually forming part of the investigation, comprehending behavior and meaning of that behavior in its specific social context and having a temporal understanding of social phenomena and their interconnections (Bryman 2008).

There is no rule of thumb that spells to the researcher on how to focus a study. The narrowness or broadness of the research question depends on the purpose, the resources available, time available and the interests of those involved (Patton 2002 in Mikkelsen 2005). Accordingly, this research study was designed in such a way that was deemed to fit the time space as well as fetching answers to the research questions related to the refugees' right of movement in Uganda.

This study was based on the views, ideas and opinions of respondents and employed a cross-sectional survey design because it would make it more flexible for me to study the different categories of refugee communities (in terms of age groups, nationalities, education, gender) in addition to interactions with individuals from refugee agencies with intent to get data about refugees' right of movement in Uganda. One advantage of this approach is that a researcher is able to monitor variations in variables on more than one

case being examined, at the same time under this approach data on the variables of interest are collected more or less simultaneously (Bryman 2008).

In this study, both quantitative and qualitative data collection methods were used.

Quantitative data provides the basic database which composed the primary data for the study while Qualitative data triangulates quantitative data to enable me to get deeper insights into the issues that explain the results of quantitative data. It involved the use of key informant interviews where similar interview questions though in open ended format were administered to the key informants in order to ascertain if their views had a direct correlation with those raised by the respondents in the questionnaires. Observations were also made for instance; I was able to witness the housing conditions of the refugees, ways of earning a living and many other things.

I did a document review of the available related literature regarding the refugees' rights and freedom of movement.

3.2 Study Area

The study had initially been planned to be conducted in south-western Uganda, (Nakivale refugee settlement camp), Isingiro district. The settlement had been chosen purposely because it has a big number of refugees and of different nationalities. Nakivale hosts refugees of Rwandese, Congolese, Sudanese, Kenyans, Ethiopians, Burundians, Eritreans and Somalis origin and by February 2003 the number stood at 14666 with an additional 8,500 predominantly Rwandese Hutu asylum seekers who were formerly living in Tanzania (Bagenda et al, 2003). However, due to the government's directive to cordon off the settlement camp during the aftermath of Rwandese repatriation that ensued in chaos, access to the venue became impossible and instead I took on Kisenyi suburb lying closer to Kampala city where there are equally a multitude of refugees from different ethnic backgrounds.

There are no conclusive figures on the number of self-settled refugees in Kisenyi but the general findings portray that there are altogether 15500 registered Congolese refugees;

8500 registered Somalis and 644 Burundians in the city Kampala (Women's refugee Commission, March 2011) whereas New Vision, (Thursday, 27th September 2007) asserts that there is an estimation of 10000 Somalis refugees living in Kisenyi. The focus was attached to supposedly registered refugees designated to reside in gazetted settlement camps but moved out of the camps to live in urban areas. These were targeted because they have attempted to move away from camps for various reasons and could have experienced a host of challenges in search for self sufficiency. Kampala being a city for better services and infrastructures tends to attract refugees for the envisaged opportunities

3.3 Seeking Permission in the Field

Bryman (2008) contends that it usually hard to freely have access to a local environment where you have interest to research from. "Refugees as persons are subsumed under elaborate bureaucratic structures that 'control' them. A key feature of these structures of control is the exercise of power by individual actors who represent authority structures at different levels of hierarchy and often perceive their role in life as saying 'no' (Voutira and Harrell-Bond 1995:212ff in Harrell- Bond 2007:283)."

For one who is interested in carrying out a study research related to refugees in Uganda has to get clearance from the National Council for Science and Technology in addition to the Refugee Secretariat in OPM and UNHCR (Mulumba 2007). In the same way, I sought permission from the Uganda National Council for Science and Technology where I gave both my personal details and the area of research and the expected time of my research. I was given a letter to be taken to the OPM showing that am seeking to conduct a research study in Uganda particularly Nakivale refugee camp and they promised me to receive their response after two weeks.

It was during this time that the government prohibited access to the venue following the Rwandese repatriation that caused a lot of insecurity in the camp as shown in the preceding sections. This compelled me to shift to Kisenyi area on the out skirts of Kampala, and as an "insider" (local Ugandan), I went with my introductory letter from

Norwegian University of Science and Technology (NTNU) to the local council chair persons of the area (Kisenyi) and introduced myself and revealed the purpose of my study and they granted me permission to have the field study carried out in their area of jurisdiction.

3.4 Quantitative Approach

May (2001) contends that, both the nature of the population under investigation and the research available often dictates the kind of questionnaire to be administered.

Quantitative approach in this study involved the administering of 100 questionnaires to the respondents. The approach was opted for this study because it was the best that suited the situation at hand during the time the field work took place. Chaos and unrest engulfed the area of study during the aftermath of the Rwandese repatriation and the twin bomb blasts in Kampala causing high tensions amongst refugees as it was alleged that the attacks were launched by the refugees especially Somalis; I envisaged that it would be extremely hard for refugees to settle down for a longer time and begin narrating their experiences to me and devised the questionnaire approach which could seem to be brief to them and straight forward to the information I wanted to glean from them.

Secondly, both the terrorist attacks and the Rwandese repatriation coincided with my research study after a long period of time waiting for a response from the OPM to grant me permission to carry out the study from the settlement and because of the short time I was left with, it was harder for me to carry out in-depth interviews and I went for questionnaire approach to maximize the little time I was left with and garner as much data as possible.

Given the fact that urban refugees prefer keeping low profile, it is usually extremely hard to locate them, however, in this study I was privileged with an opportunity of meeting them in large numbers at ago and preferred to use the questionnaires so that I may take hold of them and maximize such rare opportunities.

The application of Quantitative approach (questionnaires) in this study enabled me to draw correlations with the various responses raised by the respondents and identify which variables in particular have a greater effect on the right to the refugees' freedom of movement.

3.5 Data Collection, Sampling Procedure and Sample Size

This section describes the types of methods that were employed to gather data; the procedure undertaken to collect the data and the sample size. Both qualitative and quantitative techniques were used whereby quantitative method dwelt on pretested standardized questionnaires while qualitative data were collected through in depth interviews with officers from each organization on a one to one basis guided by interview guide.

There is no general consensus about the sample size a researcher is obliged to make for a particular research study. "Perhaps the most frequently asked question concerning sampling is, what sample size do I need?" the answer to this question is influenced by a number of factors, including the purpose of the study, population size, the risk of selecting 'bad' sample, and the allowable sampling error (Israel, 2009:1)." and Jacobsen (2006) attests that urban refugees prefer concealing their identities in order to avoid capturing the country's authorities and sometimes unwilling to involve themselves in interviews because of political implications and other likely consequences that would befall them once they are exposed and thus efforts to come up with a sample of refugees from urban localities is somewhat cumbersome.

Likewise in this study it was very hard to find refugees willing to participate in the interviews and this was further worsened by the hard situation during the aftermath of the bomb blasts and Rwandese repatriation as discussed before. Originally the targeted sample size was 300 interviewees if the study took place from Nakivale settlement where refugees are concentrated in one place as earlier planned, however, given the nature of

urban refugees concealing their identity, commuting and high rates of suspicion, I managed to come up with 100 respondents.

I used systematic sampling to choose the respondents in this study. The officials provided me with the names and contacts of those who registered at their offices and I developed a sampling frame. The contact details of the refugees were gathered by the officials on grounds that refugees are demanded to register first with the local council officials in their areas of jurisdiction before acquiring any accommodations and it is a requirement demanded by landlords who demand registration letters from the local council officials before renting out houses. However, the list I was offered accommodated names of those who had died, those who had gone back to the settlement camps while others had changed residence; but with the help of refugee leaders from the different nationalities, a new sampling framework was constructed having updated names of refugees within the area of study. These were contacted via telephone calls and identified their places of residence for interviews with the help of refugee leaders.

The same approach (systematic sampling) was administered in the two refugee churches at Nakivubo Green and Blue primary schools and the school (People for Peace and Defense of Rights Computer Training Center) I went to. I visited these two churches and introduced myself on the first day and revealed the purpose of my study and the research objectives and I earnestly asked those who were willing to participate in this exercise to provide me with their names and these were written down and accorded numbers and the next Sunday I visited them and were interviewed.

The authorities of the school I went to were contacted via emails and some via telephone link-up and sought for an appointment and with their encounter, I introduced myself, and showed them my introductory letter from NTNU plus the purpose of my research and asked them to grant me permission to have interviews with their refugee students and the permission was granted. The officials availed me with all the names of the students and I was able to generate a sampling frame and whichever student was included on the sampling frame was contacted for interviews. However, the sampling frame posed some

difficulties: having randomly selected the interviewees from the sampling frame, it became so laborious explaining to the participants (refugee interviewees) why everybody was not meant to indulge into the study. Every refugee seemed to think that is eligible for the interviews the very fact that they were all refugees, however, I softly explained to them the requirements demanded by the approach (systematic sampling) in order for representativeness and avoidance of bias and they seemed to appreciate the methodology I was using.

Throughout these interviews, I administered structured questionnaires to the respondents in order to glean their views about the issues surrounding their free movement in Uganda. Randomness was encouraged to in order to overcome sampling errors and sampling bias as well as catering for validity and reliability of the findings. I massively encouraged self-completion questionnaires in this study especially with those respondents who expressed ability to fill the questionnaire without help; however, I kept around during the time of filling in the questionnaires so that all questions could receive prompt responses as well as minimizing irregularities like: question misinterpretation, acquiescence tendencies as well as the possibilities of losing any questionnaires. At the same time I made sure that the questionnaire is proof read in the presence of the interviewee to iron out possible faults.

Key informants from refugee organizations like OPM, UNHRC and its implementing partners and other refugee organizations were supposed to be involved in this study. One resourceful person from each of the offices mentioned above was contacted and interviewed to get thorough information about the factors that inhibit refugees in their bid to exercise free movement. However some officers (OPM, InterAid and Jesuit Refugee Services) did not respond at all because of other official duties while UNHCR did by filling in answers in the online key informant questions sent to them.

3.6 Key Informant Interviews and the Selection of Key informants

Purposive sampling was the technique I used to come up with the key informants that were involved in this study and these came from Refugee Law Project (RLP) and People for Peace and Defense of Rights (PPDR). Key informant interviews were opted in this regard because it enabled me to get clarifications as well as probing certain phenomenon about the issues refugees raised in the questionnaires regarding their freedom of movement in Uganda. The approach generated so many flexibilities of probing a lot of issues that needed careful attention; gave latitude to the key informants to oscillate on so many issues that they deemed would enhance their right to freedom of movement; allowed me to come up with more questions that were emerging from the deliberations held with the key informants.

Key informant interviewing privileged me with an opportunity of ascertaining more about the experiences of refugees especially the kind of challenges they were going through as we interacted which were feasibly inaccessible by the closed ended questions answered by the refugees. For instance they mentioned challenges like starvation, lack of accommodation, improper hygiene, escalating poverty, police harassment, psychological agonies pertaining to their past experiences.

Some of the respondents in this fieldwork study were in closed settings and this somewhat deterred me from having access to them. For the purposes of this paper, 'closed settings' refer to those places where access to the interviewees was restricted to me until when permission was granted to have access to the premises (organizations). Closed settings somewhat made the whole exercise bureaucratic as access to respondents was never too light though at long last I was able to have access.

Key informants were identified by the help of friends who had colleagues within each organization I went to and for other times, I relied on sending inquiry and seeking permission emails to various refugee organizations where I did not know anyone to contact and in turn they availed me with the necessary information of the persons resourceful to contact. The essence of key informant interviews was because I wanted to

ascertain whether the issues raised by the refugees in the questionnaires do tally with those generated by the key informants as well as getting into thorough explanations of the status quo of refugees' freedom to movement at hand as I showed in the previous sections.

I employed a key informant guide that contained the similar questions like those in the questionnaires (filled by the refugees) but in an open ended format so that key informants can have latitude to air out their views on certain issues under discussion without restrictions. Therefore it was incumbent upon me to select out what I deemed relevant to my study. As I have mentioned in the preceding section, I was supposedly meant to have five key informants but I ended up interviewing two and for UNHCR responded online and further gave me web links to follow for more information related their works.

For the two I met, they opened up for the interviews and gave me their views to the best of their knowledge. One of the key informants I interviewed was a refugee himself and at the same time an administrator and he was the most resourceful because he gave me deeper account of the refugees' experiences because of his experience as a refugee; at the same time being an administrator, he was somewhat acquainted with some knowledge about administrative issues regarding refugees in Uganda.

3.7 Data Process and Analysis

Bryman 2008, he warns us about the commonly committed mistakes underlying quantitative data analysis as researchers presume that they do not have to concern themselves with how they are going to analyze their data until after they have collected their data. It is absolutely true that quantitative data analysis occurs at a late stage in the entire process and is also a distinct stage. However this does not warrant that a researcher should not be bothered to think of how to analyze the data until then (ibid). In this study, the analysis of quantitative data is hinged on the various classified variables that are existent in the questionnaire with the help of frequency tables that show the number of individuals and the percentage belonging to each of the categories.

This study employs a descriptive data analysis to delineate the situation that prevailed at the time the fieldwork took place regarding the right of refugees to freedom of movement in Uganda. Descriptive study designs are worthwhile in that they demonstrate the exact status quo of the phenomenon under investigation and takes the reader into the setting being described (Patton 2002). This approach was adopted because it clearly sustains the description of the prevalent situation of the refugees' right to movement in Uganda at the time of the field work.

The study population was divided into three age groups, that is, below 25 years, between 26-40 years and 41+ years. The justification for such a category is that the refugees who were interviewed were majorly 18 years and above and even the school where interviews were carried out was specifically for elderly refugees who needed to acquire computer knowledge which made the sample size to have exclusively few respondents in their teen ages. At the same time I wanted to ascertain the different views of different age categories regarding the different issues investigated.

Primary data were supplemented by secondary data that were authored earlier alone in the same realm of the study that were obtained through internet and other library facilities like books and articles

3.8 Validity and Reliability

For any research work, the whole essence is to demonstrate how reliable and valid the findings are (Kitchin and Tate 2000); and this is no difference with this research project.

Validity concerns the soundness, legitimacy and the relevancy of a research theory and its investigation (ibid).

In this study, I carefully formulated the research questions in line with the objectives of the study. The questionnaire was pretested by administering it to five individuals before setting off for data collection to find out if the variables collected the data I wanted and subsequently I constantly administered the same questionnaire questions to the entire

sample so as to minimize the inconsistencies associated with un-structured questions that tend to be influenced by the interviewer.

To further ensure validity, I undertook several measures: I personally administered the questionnaires myself to those who did not know how to read and write plus those who did not know English in an attempt to avert possible shortcomings like acquiescence (a tendency where a respondent consistently agrees or disagrees with a set of questions or items); malpractices accruing from giving out questionnaires to people to look for respondents as these might turn around and fill the questionnaires themselves; make follow-ups and ensure that the questions are well interpreted by those who chose to fill the questionnaires by themselves so as to obtain relevant and valid data

However, there were some respondents who did not know English but at the same time knew how to speak Kiswahili: these were catered for by employing interpreters who knew both English and Kiswahili so that they may convey the questions into Kiswahili the language of their convenience. This however did not make me lose track to follow up the interviews because I somewhat know how to speak Kiswahili.

Analytical validity concerns whether the correct data analysis has been used fetching results that represent the data genuinely (Kitchin and Tate 2000). In this study, I carefully categorized, coded and analyzed the data jointly with a Statistical Package for the Social Sciences (SPSS) expert. The prior knowledge I had about this software coupled with the assistance from them SPSS expert made it quite possible to reduce on a couple of errors that would emerge during the analysis of the data.

Content validity refers to the content and definitional strength of terms in a field (ibid). In this work, I ensured that the research questions were carefully phrased in simple English and I totally avoided jargons and other hard words so that the interviewees can easily read and understand the questions and provide the necessary data. At the same time, I ensured that respondents comprehend thoroughly the questions before answering such that their responses are content based.

Due to lack of flexibility with closed ended questionnaires, respondents were deterred from giving deeper insights of their plight regarding free movement apart from only those open-ended questions where they had to give their views in depth in relation to what was being asked. However, I employed key informant interviews with some authorities (Refugee Law Project and PPDR) as well as UNHCR's online questionnaire answers and gleaned more information regarding refugees' freedom of movement in Uganda and thus this made it possible for me to prove whether the issues provided in the questionnaires by the respondents were genuine or false as well as expounding on certain important issues that were raised in the questionnaires by the refugees.

At the same time, the questionnaires had provisions of some open ended questions where respondents were urged to raise issues they deem to hinder their free movement in Uganda and a lot of data were generated, thus this widened on the size of the data that had previously been provided from the closed ended questions in the questionnaire. Therefore the key informant interviews (open ended questions) coupled with thorough probing put me in a better position to verify the views of the respondents and take on those issues seemed relevant for the study. However, there is hardly perfect validity theoretically and this sometimes also affect the reliability of the data (Kirk and Miller 1986).

Reliability refers to the extent to which a test or procedure produces similar results under constant occasions (Mikkelsen 2005). In order to achieve reliable results, I used a standardized questionnaire to every respondent who was interviewed and administered a standardized key informant guide to the two key informants and the same was sent to UNHCR.

3.9 Ethical Consideration, Challenges of the study and how they were overcome

Ethical considerations were highly prioritized throughout the entire study. The researcher is obliged to consider whether there are any ethical issues when it comes to evaluating

your research interest and if in any way there are possibilities of harming or issues of compromise on the participants, then the researcher needs to minimize it or if the harm to participants is too enormous, then you may need to abandon the research project (Esterberg 2002). However Bryman 2008:118 poses a good question, “*what is harm?*” *Harm may entail a number of facets: physical harm, harm to participants’ development, loss of self esteem, stress and inducing subjects to perform reprehensible acts. .*

Harrell-Bond (2007) posits that there is need for one to renounce from a research that takes refugees as subjects or respondents and argues that the best way to get the full cooperation of the refugees is to assure them that the research being conducted is to their own advantage either because it presents urgent conditions of survival or because it acknowledges their present and the past or both. At first, many refugees presumed that I could have been spying on them to get their details so as to find a firm ground and repatriate them back to their respective countries. However, I convinced them that the study I was conducting was interested in addressing the issues that might be hindering them from fully exercising their relative freedom of movement in Uganda.

Confidentiality and informed consent issues are of paramount importance in any research project. It is the onus of the researcher to guarantee that participants willingly agree to partake in the research and must ensure their privacy; announce to the participants of all the likely risks from participating in the research and gain formal consent before commencing (Iain 2000, Esterberg 2002, Gomm 2004, Bryman 2008).

In the same vein, throughout this study, I assumed an overt role as I thoroughly knew the likely implications that would befall me if I concealed my identity. I sought for the refugees’ and the key informants’ consent throughout this entire study so that they could feel at home with me and open up for the interviews as well as getting a sense of belongingness to the study.

I constantly introduced myself to them by revealing my family back ground, religious affiliations, sponsors, research question and the fundamental objectives of the research study. I worked hard to forge a rapport and socialize with them so that I don’t look alien

to them and gradually with their own will participated in the study exercise each time they were contacted. I encouraged them to freely intercept me in our deliberations whenever they seemed uncomfortable.

In this research study I highly guaranteed confidentiality of the respondents. Though I acquired the names of the respondents during the interviews, I greatly avoided as much as possible exposing them in my analysis. However, during the interviews, it somewhat proved cumbersome to guarantee confidentiality of some non English speaking respondents as this called for interpreters who would convey the message into their local languages. However, the interpreters were refugees themselves and were chosen by the refugees themselves which gave confidence to the refugees who felt that their confidentiality is protected once they released their views.

Data collection coincided with the twin bomb blasts in Kampala and many of the refugees approached did not open up for interviews on grounds of suspicion that the I might have been spying on them and this somewhat posed a lot of difficulty and affected the response rate of the targeted sample size. This problem was mostly witnessed when it came to dealing with the Somali refugees, as the allegation was that the terrorists were Somalis attached to al-shabab rebel group in Somalia. However I constantly appealed to them and gradually some begun taking part in the field study exercise.

There were a lot of language barriers between me and the respondents as some of them could not speak English. Many of the Congolese refugees would speak Kiswahili and French: Rwandese were for Kinyarwanda, Kiswahili and French and this necessitated employing interpreters for those who could not speak English hence the incurrence of higher costs in an attempt to capture the views of those who had different backgrounds especially where English is not widely spoken. However, the Globalization Department at NTNU offered a supplementary stipend that I used to facilitate some of these miscellaneous demands in my research study.

I ethically found it too challenging to adhere to the ethical code of not remunerating participants (interpreters) in this study as cautions Mikkelsen (1995) as these may bias the responses and make the replies look pleasing. However, in this study I did not pay any interviewees but rather it necessitated paying a small stipend to the interpreters whom we jointly worked together and translated fifteen (15) questionnaires to those who could not speak English. They greatly did a good work in order to score a somewhat sizable sample in an urban setting. However, rewarding interpreters did not in any way affect data generation because their remuneration came after data collection. Questionnaire translation did not completely derail me from following up the interpretations of the questions for the interviewees as I somewhat speak Kiswahili.

However, there is need to reckon that there are so many weaknesses associated with interpretation/ translation approaches, as in the first place there are so many chances of diluting the message in the process of exchanging it with another party; secondly, the researcher might lose the direction of the interview especially if he/she completely does not have any knowledge of the language the interpreter tries to convey the message into for the interviewee hence making it hard for him/her to verify information provided.

Thirdly the approach allows less chances for the interpreted questions to follow the verbatim meanings of the issues raised by the researcher, therefore more words might be invented that may corrupt the meaning. However, all the above limitations were minimized by: in the first place guaranteeing that I assume the responsibility to direct the course of the interviews and make sure that the interpreters do not over dominate the interviews; I constantly asked the interpreters to repeat their statements (replies) from the interviewees to guarantee consistencies and at the same time I did not completely lose track of the interview process because I at least speak some intermediate Kiswahili.

Some respondents refused to participate in the interviews asserting that they have often been contacted for almost similar research but they are not seeing anything happening in their favour and therefore they did not see any usefulness of the research I was conducting. Secondly, many refugees seemed so much traumatized of their past and

confessed not to indulge in the interview unless I provide them with some money. However, I tried hard to soothe them and promised them that the study was aiming at mitigating the past experiences from happening; ascertaining the current situation of their freedom of movement and find out if it necessitates being advocated for, and they seemed to understand and slowly denounced from being obstinate and participated in the study.

There was a challenge of mobilising literature related to self-settled refugees (urban refugees) because most of the available works (literature) are about studies conducted amongst refugees in the settlement camps thus creating a gap in the literature concerning self settled refugees.

Time was another big challenge that seemed not to be in my favour. This largely manifested during those moments I was put on hold to meet the UNHCR and OPM officers who could not be met in person because of other official commitments elsewhere. However I sent UNHCR an online key informant research questions and they responded online to the questions raised in there and this affected the data collected because there were no in-depth discussions that would generate enormous data.

3.10 Limitations of the study

This study targets refugees as the major source of information yet these are people who are psychologically agonised and not sure of their future. This therefore may somewhat have affected the responses refugees generated in the questionnaires through exaggerations or filling in answers for the sake of it.

Data collection coincided with the twin bomb blasts in Kampala and Rwandese repatriation. It was a moment when urban refugees were greatly suffering from severe accusations, xenophobia, stigmatization and persecution from the locals and the police mainly because it was alleged that the attacks were launched by Somalis refugees who live in Uganda. Therefore it is probable that the responses generated in the interviews could have been rooted from a biased dimension making replicability quite cumbersome.

The questionnaire approach helped me to gather data from the refugees because they would just fill in their answers to the questions raised without necessarily going into the details of their past experiences that were emotionally challenging as one respondent confessed that narrating her past experiences traumatises her and feels emotionally broken down. However, this technique constrained so many opportunities (probing) of gleaning further information from the refugees as there were no in-depth interviews with them thus rendering the qualitative approach (snow-ball sampling) to have been the best method for this study, because the approach would give provisions of getting more in-depth views of refugees about their right of freedom of movement in Uganda.

The descriptive data analysis approach used in this study has its own weakness whereby it only describes the situation at hand during the time of the study without necessarily detailing the history and the future direction of the phenomenon under investigation and this therefore renders longitudinal studies or research method more outstanding. For instance, according to Grimes and Schulz (2002), they underscore that in descriptive studies temporal associations between putative causes and effects might be clear and the other shortcoming is that the investigator might be tempted to draw causal inferences when none is possible.

3.11 Summary

This chapter has delineated the research procedure which was undertaken to investigate the challenges to refugees' right of movement in Uganda. It has presented the study area, data collection methods and their justification, data management and analysis, sample size, ethical considerations and study limitations. The chapter also highlights the challenges that were encountered in the field and how they were overcome.

4.0 CHAPTER FOUR Findings and Discussions

This chapter presents findings and discussions from the empirical data obtained and extracted from the questionnaires and interviews conducted with the key informants. It discusses the empirical findings in regard to the Rights-Based approach in order to investigate the status quo of the refugees' right of freedom to movement in Uganda.

Table 1: Factors that impede refugees from realizing their relative freedom of movement in Uganda.

		Count	Column N %
What makes it difficult for refugees to move freely?	Lack of IDs	21	35.0%
	Insecurity	18	30.0%
	Xenophobia	5	8.3%
	Mistreatment	6	10.0%
	Fear	5	8.3%
	Other	14	23.3%
	Total	60	100.0%

Source: primary data

In regard to the above table, generally the lack of identity documents seems to be the overriding constraint to the refugees' right to free movement in Uganda. Lack of IDs accounted for 35% of the respondent who expressed identity documents as a hindrance to refugee movement in Uganda.

4.1 Lack of identity documents as an impediment to refugees' movement in Uganda

According to the Ugandan government and UNHCR, refugees are meant to reside in settlement camps and therefore for those who self-settle themselves are perceived as illegal as was revealed in chapter one. Similarly, Kaiser (2006) posits that the status of self-settled refugees is precarious because it is neither acknowledged by the GoU nor UNHCR and as such, refugees are perceived as aliens who cannot take hold of the full rights enjoyed by local Ugandans because of lack of IDs or qualify for UNHCR's protection and assistance.

During the interviews, refugees asserted that it was extremely difficult for them to get IDs in Kampala because every time they would go to the authorities they would be told that IDs are meant to be for refugees living in the designated areas and a few who were acknowledged by the government to stay in Kampala. For instance, the refugee key informant said that whenever he could go to the OPM to seek for a temporary identity card awaiting status (status in the urban sense), he would be told that refugees do not need identity cards after all they are already settled in camps and for those who are not in camps "ni kosa lao", literally meaning it is their fault.

The policy that attaches the issuance of IDs to refugee's settlement location contravenes article 26 of the 1951 UN Convention which provides a refugee to freely choose his/her place of residence and the right to move in the host country. Therefore, the government/UNHCR lacks accountability to the refugees because denial of IDs to self-settled refugees is a total violation of refugees' rights which constrains their ability to move in Uganda.

Secondly, denial of IDs deprives refugees of security they are entitled to may cause refugees to limit their movement because in most cases they are perceived as illegal migrants/wrong-doers who are a threat to the security of the country and thus liable to arbitrary arrests, extortions, draconian harassment from both the authorities and the locals

who disguise themselves as security operatives. In cases where accusations are raised against refugees, it is very hard for them to prove their innocence because they do not have IDs that would identify them and thus languish in jail. For example, many refugees and other local people who did not have IDs were arrested in the aftermath of the 11th July 2010 twin bomb blasts in Kampala on suspicion of being wrong-doers which paralyzed the movement of refugees and further set precedence for the authorities to keep on harassing those refugees who do not have IDs for their selfish interests.

However, it should be understood that the confinement of refugees in settlements is one of the ways the government can manage them especially in terms of extending aid, containing and monitoring them in the interest of the country's security pending durable solutions just like in developed countries where refugees are kept in reception centers until when government secures them for instance accommodation, scrutinize their cases and so on. It is also extremely hard to access and identify refugees in the urban setting for example in terms of providing assistance, monitoring their behaviors and since it has not yet been decided that they are settling permanently, there is need for the government to have their access and this can only be guaranteed if there are in confined settlements.

In regard to chapter one, it was pointed out that the Ugandan government is in denial of applying CARA in refugee protection, however, it is noteworthy that the confinement of refugees in particular geographical localities is in itself a practice which restricts refugees from integrating into the host communities. However, self-settlement presents one way of achieving one of the three durable solutions in the Uganda's protracted refugee situation because refugees self-settle themselves and gradually get assimilated into the local population and equally establish themselves like the locals which helps them become self-reliant. However, it should be noted that in situations where peace is restored in their home countries, it becomes increasingly hard for self-settled refugees to repatriate back to their home countries.

The Need to Demonstrate self-sufficiency

It was also noted during the interviews that refugees were conditioned to prove-self sufficiency first before they were awarded IDs whereby they were obliged to present evidence of employment, professions and skills for particular fields which disqualified many refugees from having possession of IDs.

A refugee is allowed to live in Kampala if he is self reliant according to the policy of the government. It is extremely hard for many refugees to meet this requirement because the criteria itself is not explicit. It is hard anyway to determine who is a self-sufficient refugee in the Ugandan context because there are refugees who do not have jobs but have relatives abroad who send remittances and can afford living in Kampala but all this is overlooked (key informant).

As highlighted in chapter one, refugees are demanded to prove self-reliance in order to reside in Kampala. However, the issuance of IDs being based on the refugees' ability to prove self-sufficiency encourages inequality and discrimination amongst refugees whereby it creates a class of well-off refugees and poor refugees which defiles the meaning of a "refugee" since a person is a refugee irrespective of his /her economic status and besides majority of the refugees are destitute without jobs, or sometimes earning meager wages which cannot afford them demonstrate self-sufficiency demanded by both OPM and UNHCR in order for them to acquire IDs and keep living in Kampala, and therefore, this condition has rendered many refugees keep living in the city without identifications and hence more vulnerable. According to the UDHR, it is clearly revealed that no one shall be compelled to arbitrary arrests, detention, extortions or exile and therefore the denial of IDs culminates into refugees' inability to freely exercise their right of movement on grounds of fear of arbitrary arrests, deportation, extortions, which may subject many refugees to limit on their movements in order to guarantee their security as well as minimizing the risks if they were found without IDs.

Secondly, self-sufficiency as a tool is very elusive in its present state because it undermines other useful invisible potentials and talents that might be embedded within the refugees for instance, amongst refugees, there are those with talents for instance,

artists, athletics, footballers, musicians that would enable them earn a living and become self-reliant as well as acquiring IDs that would enhance their movement in Kampala and other parts of the country. And besides there are those refugees in Kampala who receive remittances from their relatives and are able to sustain themselves without necessarily having specific professions or source of employment as demanded by OPM.

Therefore the demands of such an elusive tool of proving self-reliance hinders the refugees' attainment of IDs in Kampala that would enhance movement; intensifies inequality and discrimination of the refugees because those only with proof of employment, professions and particular skills are the only ones catered in service provision, and frustrates refugees' abilities to exploit their respective talents in Kampala (urban areas) where they can earn a living and avert poverty: undermines refugees' participation in refugee arenas because their skills and abilities are neglected that would spur for instance advocacy for their rights especially in urban settings where mostly the policy makers and various NGOs are based and hence remain vulnerable.

However, on the other hand, it should be reckoned that the demand for refugees' approval of self-sufficiency is somewhat reasonable because in most cases refugees are poor without jobs and whose survival is mainly dependant on aid and therefore the demand for proof of self-reliance before granted IDs/status to reside in Kampala enables the government to identify those who cannot sustain themselves in the urban settings to be referred back to the settlements where they can freely access aid which mitigates further vulnerability of refugees once they lived in Kampala where they would not access any assistance.

4.1.2 Lack of knowledge about registration procedure for acquiring IDs in Kampala

The findings revealed that the lack of IDs amongst refugees was also attributed to their scanty knowledge regarding the registration procedures in the urban setting. Many refugees expressed willingness to register if they knew the process or if they were guided

by the responsible officials. For instance, it was disclosed in the interviews that since their last registration in the settlements, refugees had never taken any further registrations in Kampala apart from the temporal documents obtained from the local council personnel in their residence areas to ease access to accommodation.

Therefore, the government and UNHCR are not accountable to the refugees whereby the lack of explicit dissemination of information pertaining to ID registration hampers refugees from participating fully in decisions and policies regarding registration for IDs which leads to their exclusion and inability to freely exercise their right of movement. On the other hand, lack of registration of refugees frustrates their empowerment whereby it is very hard for them to demand for their right of movement because they do not have a platform to raise their voices hence the violation of refugees' rights as a result of lack of obligation fulfillment from the duty bearers.

However, there is need to comprehend that the issue of registration is very complex in urban settings in that most of the refugees in towns are fugitives who escaped from the settlements while others are just asylum seekers who have not yet been granted status while others are economic migrants and therefore it is very extremely difficult for the government and UHNCR to identify genuine refugees from illegal migrants; refugees often prefer to keep a low profile in order to conceal their identity: so this seemingly shows that even if registration was in place, many of the refugees would not turn up for fear of being identified as well as high suspicions of being repatriated back to the settlements and others deported. For example, during the interview a Rwandese lady told me that she prays that the interviews I was conducting were not a ploy of identifying them and their views so that they are repatriated back to Rwanda. Therefore, the lack of IDs may be as well attributed to the refugees themselves who may fear engaging the responsible authorities for their registrations and procession of their IDs and hence being excluded from possession of IDs.

Table 2: Factors that prevent refugees from exercising their relative freedom to free movement in Uganda grouped according to gender.

		Sex			
		Female		Male	
		Count	Column N %	Count	Column N %
What makes it difficult for refugees to move freely?	Lack of IDs	10	40.0%	11	31.4%
	Insecurity	8	32.0%	10	28.6%
	Xenophobia	1	4.0%	4	11.4%
	Mistreatment	3	12.0%	3	8.6%
	Fear	2	8.0%	3	8.6%
	Other	5	20.0%	9	25.7%
	Total	25	100.0%	35	100.0%

Source: primary data

From table 2, females with 40% turned out to be the highest in expressing lack of ids compared to their male counterparts with 31.4%, this implies that women are more vulnerable than men.

4.1.3 Women perceived as house-wives

During the interviews, some refugee women aired out that their freedom of movement was constrained by denial of IDs because of being taken as house-wives who do not necessarily have to move out often but rather keep within the homesteads. They also mentioned that sometimes whenever they would go for registration, they would be told that priority is given to men because in most cases they are bread winners as asserts one refugee woman that:

“We are discriminated because it is men who are always given priority because they are the family care takers and that there is no need as to why women should possess identity documents. Women should not be discriminated and we should independently receive IDs

just like men so that we do not depend on men each time we need something that involves possession of identity documents.”

From the above statement, it is apparent that women refugees do not have access to the IDs because of lack of recognition of their independence in the issuance of IDs. Therefore the government and UNHCR are not accountable to refugees especially women because issuance of IDs to only men cultivates gender inequality and discrimination amongst refugees which violates their freedom of movement. At the same time the women's lack of IDs further leads to their disempowerment in terms of movement to meet their social and economic demands. For example some women refugees said that they find it extremely hard to move and look for livelihood means for their families and yet they were widows who assumed the responsibility of caring for the members of their families as reports one Rwandese woman refugee:

I am the father and mother of these little children. My husband died in the Rwandan genocide in 1994 and I am now the sole bread winner in the family. I sell papyrus carpets in town but it is never easy because I have been arrested several times and even my valuables confiscated at times for not having an ID but I cannot stop to move because I have responsibilities at home.

The contention above reveals that the women cannot exercise their freedom of movement without IDs and at the same time they seemingly to be forced to move under heavy hardships because they have got family pressures that compel them to move in search of their livelihoods and family requirements such as school fees, paying rent, medical bills and others. The above statement demystifies the preoccupation that women (women refugees) are house-wives and it is the men who take care of the family; they equally have responsibilities that necessitate them to possess IDs and have them fulfilled.

4.1.4 Sexual harassment is a deterrent to ID acquisition

From the field findings, it was mentioned that women refugees who had tried to pursue identity documents had often been seriously tossed and harassed sexually in attempts to register and secure identity cards. Many women said they face a lot of sexual abuses ranging from molestation, rape attempts and this scared off many refugee women to pursue identity documents as laments the refugee key informant that:

It is very true women are sexually harassed from point “A” of their pursuit of documentations to point “Z” I have to tell you this point blank. I have an experience of my real sister who was almost being raped in one office I know here in Kampala and prior to this, the same officer used to ask her to go on a retreat and I always told her not to accept, and I also saw many other similar cases in the refugee camps before my departure.

The above contention shows that women refugees cannot fully exercise their freedom of movement owing to the fear of being arbitrary arrested, extortions, manhandling and even imprisonment coupled with the humiliating conditions put forth with before obtaining IDs. Such disgraceful conditions contravene article 5 of UDHR 1948 which states that “No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment”.

In circumstances where women are denied IDs because of not complying with the ill demands of those officials issuing IDs, they are unable to seek court redress which is in itself a right they are entitled to because they do not have legal IDs that would spell out their status as refugees and hence the perpetuation of refugees’ rights violations.

Secondly such degrading demands risks the lives of women refugees as some may be tempted to give in to the sexual advances of those issuing IDs for the sake of acquiring IDs and end up getting infected with AIDS and other sexually transmitted diseases and hence exacerbating their vulnerability.

4.2 INSECURITY

With reference to table 1, insecurity with 30% emerged as the second obstacle to refugees' movement in Uganda. In this study, insecurity is divided into two dimensions owing to the responses that were generated by the respondents on the various issues they raised.

4.2.1 Insecurity tensions forcing refugees to abandon the settlements

Insecurity was cited as the major reason as to why refugees opted out of the settlements and came to Kampala. They stressed that they had lost many of their relatives as well as sustaining both mental and physical scars under the hands of both their former enemies from their countries of origin and the Lord's Resistance Army (LRA) rebels headed by Kony and other atrocities generated by the refugees themselves and the settlement authorities in the settlements. According to the key informant refugee, he puts it that, *“there is lots if insecurity in the settlements because many times rebels have used them as targets where many lost their lives and the survivors were scared off and had to abandon them. Secondly, many desperate refugees force their daughters into early marriages at the expense of food, rapes and many other dehumanizing evils.”*

From the above contention, it is probable that the government's policy of maintaining the settlement structure risks the lives of refugees because it restrains movement to places where they can seek refuge for their lives which renders them vulnerable to deaths aggravated by the rebels, die of disease that emerge from congestions, poor housing facilities and other related problems accruing from overcrowded populations confined in a particular vicinity. It should be as well noted that the government/UNHCR themselves are not accountable to the refugees by virtue of their failure to guarantee the security of the refugees in the settlements which in fact dilutes its premise that refugees can be assured of security once they are in the confined spaces.

4.2.2 Insecurity as a deterrent to refugee movement in Uganda

In the interviews, refugees disclosed that the locals and the police are preoccupied with the perception that refugees are meant to be in settlements and they were taking advantage of their living in Kampala and persecute them. For instance, refugees expressed that they were receiving attacks from the locals accusing them to have killed Ugandans in the Kampala twin bomb blasts and calling them terrorists everywhere they would pass; suffering from xenophobia attitudes where they are called all sorts of names and certain insulting statements like “twakoowa” which literally means “we are tired of you”; while at the same time they were always accused that they were responsible for all the chaos in Kampala particularly Kisenyi including burglary rapes, murder, robbery among others.

From the above discussion, it is therefore apparent that with such insecurities, refugees can hardly freely exercise their relative freedom of movement because of the concerns of their lives. Mistreatment of refugees transgresses the right of refugees they are entitled to under UDHR which states that everyone has the right of recognition everywhere as a person before the law. Because of the xenophobia tensions, refugees are hardly treated equally like the locals, for example, they lamented about the high price discriminations in the taxi parks and the shops as well as being discriminated owing to the preoccupation that they are responsible for distress in the communities where they live which renders the achievement of refugees’ rights impossible and thus remain vulnerable. In the same line Jacobsen (2005) postulates that the locals in the host countries often perceive refugees as responsible for crime or disease, competitors for the available jobs and customers and threats to cultural values.

Refugees further disclosed that they were living under intensive fear because of staying in the same area with their former enemies both from the settlements and their home countries. They spotted that there are many Rwandese spy officials and many Sudanese People’s Liberation Army (SPLA) rebels who were living amongst them and extending threats of kidnaps. When refugees are under insecurity threats, they are likely to limit their movements because they envisage meeting up with their enemies. Their efforts to

move to safer places were further constrained by their lack of IDs because they could not easily access accommodation as well as identifying themselves before the authorities which compelled them to maintain such environments where their lives are at stake.

Besides, their status is uncertain whereby it is so hard to report those individuals who pose threats to their lives so that they may be brought to justice and hence continue living in such constant fears. Thus, this renders the government/ UNHCR unaccountable to the refugees in that denying them IDs stifles them from relocate to safer places for their own security and it as well motivates people (enemies) to continue posing threats to their lives which sabotage their freedom of movement.

4.2.3 Insecurity precipitated by police

It was also reported in the interviews that police officers were also responsible for causing insecurities amongst refugees. Many refugees stressed that police encourage harassments, extortions and beatings. They further reported that whenever police intercepts them, they are intensively interrogated like criminals, thoroughly searched where their valuables such as phones, money are taken; women reported being sexually abused in the process of searching them; while at the same time it was also reported that some officers lack knowledge of the true nature of the IDs refugees are meant to possess.

Therefore, police as duty bearers lack accountability to the refugees because their work of guarantying law and order is abused and instead they are the perpetrators of refugees' distress. Police's lack of security observation hinders refugees from moving freely because they are worried of being harassed or arrested in case they meet up police while at the same time it puts refugees' lives in danger because they have nowhere to run to and seek justice in case they are being offended which further cultivates their vulnerability.

On the other hand, the lack of police knowledge about the true nature of IDs refugees are supposed to hold frustrates their right of movement in that sometimes refugees are arrested or their IDs confiscated on merely basely ground. Similarly, Pavanello (2010)

elucidates how police officers in Kenya specifically those in the junior ranks are not well acquainted with IDs carried by refugees whereby there are scenarios where refugees have been arrested and taken to courts and were found carrying genuine IDs.

Table 3: challenges for refugees to exercise their right to free movement grouped on age category basis

		Age					
		-25 years		26-40 years		41+ years	
		Count	Column N %	Count	Column N %	Count	Column N %
What makes it difficult for refugees to move freely?	Lack of IDs	6	30.0%	11	37.9%	4	36.4%
	Insecurity	7	35.0%	9	31.0%	2	18.2%
	Xenophobia	3	15.0%	1	3.4%	1	9.1%
	Mistreatment	2	10.0%	2	6.9%	2	18.2%
	Fear	2	10.0%	3	10.3%	0	.0%
	Other	5	25.0%	6	20.7%	3	27.3%
	Total	20	100.0%	29	100.0%	11	100.0%

Source: primary data

According to table 3, insecurity seems highly prevalent amongst the youths under 25 years with 35%, seconded by those between 26-40 years with 31% and 18.2% among refugees with 41+ years. This implies that youths are more insecure than the elderly in Uganda.

4.3 Insecurity vis-à-vis of refugees' age groups

From the refugee key informant, he reported that prior to his departure from the settlement, there were several recruitment attempts and he was on several occasions forced to join them and go back to fight in Congo but he always refused, and for security

reasons he was forced to abandon the settlement following several threats from his fellow refugees. He further said those who were targeted were young and energetic youths who would stand rigorous exercises and who could easily be attracted compared to the elderly.

In the same way, there have been lots of rebel activities in Uganda that have always targeted the youths as conscripts for the rebel activities. This is evidenced from some of the past experiences with some rebel groups that have ever operated in Uganda for example, the Allied Democratic Forces (ADF) where 80 students in Kichwamba Technical school were killed and 80 more were abducted On 8th June 1998 while subsequently in the same month more than 100 youths were abducted (ADF: <http://www.uganda-visit-and-travel-guide.com/allied-democratic-forces.html>).

It is therefore plausible that because of the past experiences that have rendered children and the youths being the victims for rebel activities in Uganda is a justification as to why the youths (youth refugees) feel so insecure and this might lead to retardation of their movements in the interest of their lives.

4.4 Illiteracy and ignorance of the rights existence

Apart from insecurity and lack of IDs, it was however pinpointed that illiteracy and ignorance about the existence of refugees' rights was preventing refugees from exercising their movement right. For instance in the interviews, some refugees contended that they know that refugees are entitled to different rights but their challenge was that they could not explicitly define what these rights are and in which context they applied. They said it was challenging for them to claim their rights because they have never been given a chance to learn them as reveals key informant:

Am an officer dealing with refugees and my experience is that all refugees by default know that they have rights but if you asked them to enumerate some of these rights you can only find a few who can spell out what these rights are and usually the few who may know some of these rights are the elite refugees and who in most cases are the minority. In other words, without knowledge of the rights, refugees can hardly claim them.

The contention above portrays that refugees lack empowerment a gateway through which they can enhance the demand for their right of movement and other services they are entitled to. When refugees lack of knowledge about their rights, it implies that they are alienated from participating fully in the policies and decisions advanced by the authorities in charge of refugee affairs thus open to high violations of their rights, while at the same time there is lack of accountability from the government and other stake holders (NGOs and civil society) who have not performed their obligations by explicitly conducting civic education amongst the refugees where details of refugees' rights can be obtained.

Table 4: requirements refugees ought to meet in order to move freely from the settlements to Kampala and within Kampala.

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Need to seek permission to move	29	29.0	41.4	41.4
	Need ID card	39	39.0	55.7	97.1
	We pay money	1	1.0	1.4	98.6
	Personal means	1	1.0	1.4	100.0
	Total	70	70.0	100.0	
Missing	System	30	30.0		
Total		100	100.0		

Source: primary data

In regard to table 4, it is shown that refugees with 55.7% said there is need for one to have IDs in order to move; 41.4% said that there is need to seek permission while “others” though insignificant both with 1.4% said they have to pay money or use personal means. However, there is need to note that the above answer categories provided by the refugees are not mutually exclusive but instead refugees only pointed out what they deemed mostly needed. The discussion that proceeds is focused only on the “need to seek permission” because the ID issues were already tackled in the preceding sections.

4.5 The need to seek permission to move

The study findings revealed that refugees needed to seek permission in order to move freely in Uganda. As was indicated in chapter one that the refugees interviewed in this study had a settlement background, they alluded to their settlement experiences in the interviews, for instance they had to first disclose the procedure of how one acquires permission from the settlement camp and then later mentioned how permission is sought in the urban case. They repeatedly said that while in the settlements, one would only exit

after seeking permission from the settlement commandants who had powers to grant or deny permission. In line with this UNHCR responded that:

“freedom of movement is guaranteed by the law, however the practice is that refugees should inform the authorities (OPM- the settlement Commandant to be precise) of the date of intended departure; destination and length of time they will be away from the settlement for security and accountability purposes. The practice enables the authorities to monitor movement in and out of the settlement... there are some refugees who do not necessarily comply with this, failure to do so does not attract strict penalties, however it is encouraged that refugees and asylum seekers follow this practice.”

However, seeking permission was a very strenuous process where many refugees expressed concerns such as bureaucracy whereby it was not a straight forward process at all but rather one that has got a lot of intricacies and that at some point, some refugees particularly women had fallen victims of sexual harassment in an attempt to obtain permission; corruption where authorities often ask for bribes for one to be permitted and many other forms of draconian treatments. Because of such kinds of practices, many refugees said they resorted to escaping for good from the settlements while at the same time some women refugees risked their lives by giving in to sexual demands in order to acquire permission as laments refugee key informant:

When you ask permission in the settlements and it is granted to you hassle free then you have to call yourself the luckiest, this is the process that is so tedious and irritating. First the camp commandant sends you to get a recommendation letter from Refugee Welfare Councilor (RWC)1 and then you take it to RWC2 and RWC3 and finally it is sent to OPM who sends a permit letter to the settlement commandants and they give it to you after pawning your ration card. The ration card is given back to you on return of the permit letter and it is usually seven days you are permitted to keep out of the camp. Completing each stage is not easy, it can even take you two months completing each of these stages and in the end finish eight months pursuing a permit to leave a camp for a visit somewhere.

From the above contention, it is apparent that freedom of movement is very restricted for refugees in Uganda and this has affected their lives in some ways. This is because they cannot freely move to obtain valuables from the urban centers into the settlements for business (retail shops, market stalls) or pay a visit to a relative/friend. Those who forcefully move without permission are perceived as big headed and usually arrested by the camp commandants and jailed. Thus, the bureaucracies embedded in the whole process of seeking permission disempower refugees from seeking permission to exercise the right of movement out of the settlements.

There is a general agreement that urban refugees prefer to keep a low profile by assuming anonymity in order not to attract the attention of state authorities and sometimes even shunning away from researchers because of the anticipated political repercussions that may arise once their identity is established (Jacobsen 2006). However, the findings in this study exhibit a different trajectory where self-settled refugees emphasize the need to register with the local council authorities in their residence areas in order to prove their presence so as to acquire residence permits which are demanded by the landlords as they search for accommodation houses in their areas of jurisdiction. Refugees disclosed that they use the documents acquired from the local authorities in their residence areas as substitute in purpose like those supposedly meant to be obtained from OPM after their status is confirmed in Kampala city.

In order to rent a house, you should at least possess a letter of recommendation from the local council officer acknowledging that you are a resident in his area of jurisdiction and his recommendations are so important. For those refugees who already have identity cards issued by OPM, for them that is what they present to landlords when they are renting houses, but for those who do not have such IDs they have to register first with local authorities and get letters of acknowledgement. Seeking permission I understand it as going to my local council chairman and ask him to write me a formal letter I can present to landlords wherever a house for renting is sported. My chairman knows me that am a refugee from Congo. It is this same document I keep on presenting even to the security authorities in case I am intercepted along the way (key informant refugee).

From the above discussion, it is probable that refugees cannot fully exercise their freedom of movement because of their lack of official recognition/registration which leaves them out of the arena for participation and inclusion in refugee matters especially those concerning the right to choose a place of residence and freedom of movement, and their presence being not recognized gives precedence for unaccountability from duty bearers and thus constant violation of refugees' rights.

It is also evident from the above assertion that the lack of accountability in terms of registration of refugees from the duty bearers is compelling refugees to devise means of asserting their presence in residence areas so as to avert what would have befall them if they continued to live an anonymous life; however, as earlier pointed out in the previous sections, most refugees in Kampala are fugitives whereby some may not exploit registration services in place thereby making the notion of registration of urban refugees quite complex.

4.6 Registration as a shield against uncertainties

It was also emphasized in the interviews that refugees register with their local officials in their dwelling places to overcome unforeseen misfortunes that may befall them.

We not only register to acquire documents, but also to remedy ourselves against emergency happenings. It is very important to register with local authorities in the residential areas because these are the people who come to refugees' rescue first in times of turbulence especially death. When you are a refugee and lose your dear one, automatically you do not have anywhere to burry so what you can only do is to contact your local chair person and this one helps you only on grounds that he/she knows you are a member in his area of jurisdiction, and then contacts other officials in the higher ranks and they organize for the burial. In the past we (refugees) used to procrastinate registering with the officials and led an anonymous life but the life's' experience especially death has taught us lessons because it is very expensive to transport a dead

body back home for instance to Congo, Somalia, Ethiopia; if the authorities know you then you can easily get some help on where to burry (refugee key informant interviewee).

The above statement shows both the importance of registration and having IDs/temporal documents as the basis through which refugees can obtain assistance including even their freedom of movement from the duty bearers. Therefore since in most cases self-settled refugees hardly register with the authorities, it is apparent that they cannot fully enjoy their rights such as the right of movement and can hardly have access to the services they are entitled to take hold of such as education, health care, court redress among others which escalates high levels of disempowerment and hence prone to continued refugees rights violations.

Table 5: requirements refugees need fulfill in order to move freely from the settlements to Kampala and within Kampala grouped by gender.

		Sex		Total	
		Female	Male		
requirements for refugees to move from one place to another	Need to seek permission to move	Count	12	17	29
		% within Sex	46.2%	38.6%	41.4%
	Need ID card	Count	13	26	39
		% within Sex	50.0%	59.1%	55.7%
	We pay money	Count	1	0	1
		% within Sex	3.8%	.0%	1.4%
	Personal means	Count	0	1	1
		% within Sex	.0%	2.3%	1.4%
Total		Count	26	44	70
		% within Sex	100.0%	100.0%	100.0%

Source: primary data

From table 5, females with 46.2% were the majority in expressing the need for one seek permission as a requirement for free movement as compared to the 38.6% for males.

4.7 Gender Perspective in relation to seeking permission

In the interview, women refugees commented that they were the majority without IDs as compared to men refugees and they as well over emphasized that it was much cheaper for them to seek permission from the local authorities in their residence places than going for official IDs. They stressed that it was extremely expensive both in terms of money and time to register and acquire IDs in Kampala while others confessed that as long as one could devote a substantial amount of money and time, then such a person stood a higher chance of getting status and all the necessary documentations to live in Kampala, and that for those who are financially weak, it is always hard for them to succeed because they would not handle transporting themselves each time they are invited for appointments, cannot afford paying for certain services like passport photographs, photocopying, lawyers and many other important things embedded in the entire process.

Women refugees find it cheaper seeking permission from local chair persons where they live in order to acquire temporal documents whose charge is lower than the costs embedded in going for IDs officially given by the state. The documents obtained from the local authorities are the ones they use as travel permits within Kampala and other areas as well as being presented to the landlords in case of looking for houses to rent. We prefer sometimes to use women to go and register because the officers know that ladies do not sometimes have money so that the charge is lowered and also women can sweet-talk to the officers and convince them as compared to men (key informant refugee).

From the assertion above, it is apparent that refugees especially those who are financially incapacitated cannot exercise their freedom of movement whereby, the costs involved in pursuing formal IDs act as obstacles which cannot afford refugees acquire identity documents needed to legalize both their stay in Kampala (Kisenyi) and freely exercise their right of movement.

As was seen in the preceding sections that women refugees are more prone to sexual harassment as compared to men, the above discussion attests to that fact whereby the

practice of sending women to register on behalf of the family makes them susceptible to higher risks of being sexually exploited. According to Vilji et al (2003) contend that men in most cases are the ones who launch asylum applications and registrations of their families and women perceived as appendages, however, the findings of this study portray a parallel development where women are now taking the role to register for the rest of the family and thus women refugees are active participants amidst their challenges.

4.7 Men refugees favorable for IDs than seeking permission to move

It was also further echoed in the interviews that men were in a better position to pursue IDs because for them they earn a living which enables them to afford the costs embedded in pursuing formalized identity documents.

It was also mentioned in the interviews that, refugee men in most cases stand higher chances of for example easily getting employed in the informal sector of the economy especially in such areas where there is no need of possessing initial capital but instead where the requirement is the supply of physical manpower for example at construction sites, fishing sites, car washing bays among others as compared to refugee women. This increases their chances of generating income that they may partly use to pursue formal IDs as compared to women refugees whose employment (self employment) in most cases needs initial capital that is usually hard to possess; sometimes being employed as domestic workers where the work is physically exhaustive and remuneration at times disappointing, while sometimes they are mere house-wives who are only dependant on their husbands. This thus makes many women refugees are unable to pursue formal IDs offered by OPM and find themselves only left with the alternative of seeking permission from the local authorities as the means they can buttress their movement.

4.8 Summary

The chapter presented and discussed the findings of the study. It has presented lack of IDs and insecurity as the main obstacles to refugees' freedom of movement; and what refugees ought to do in order to freely move from one place to another.

CHAPTER FIVE Findings and Discussions

This chapter contains both findings and discussions regarding the factors that compel refugees to move from one place to another as well as the practical suggestions raised by refugees as a way to enhance their right of movement in Uganda.

Table 6: views of refugees of what compels them to move from the settlements to Kampala and within Kampala or to other places in Uganda.

		Count	Column N %
Reasons for the refugees' movements in Uganda	To seek for Jobs	38	47.5 %
	To get better medical attention	17	21.3 %
	To visit relatives/ meet friends	21	26.3 %
	To get news about home	10	12.5 %
	Insecurity	29	36.3 %
	Bad conditions	4	5.0 %
	Look for survival means	11	13.8 %
	Other	9	11.3 %
Total	80	100.0 %	

Source: *primary data*

From table 6, the need to seek for jobs with 47.5% was the major concern emphasized by the refugees, seconded by insecurity with 36.3%, visiting of relative/friends with 26.3% and the need to seek for medical attention with 21.3%. Other issues were raised though were insignificant and included, seeking education, seeking legal attention, need to exploit resettlement opportunities. Here, the discussion is inclined to the need to seek jobs, the search for medical attention and the desire of refugees to meet relatives or

friends. The reason for this is because insecurity has been discussed in the preceding sections and “other” category variables are insignificant.

5.1 Economic hardships compelling refugees to move from settlements

In the interviews, refugees exquisitely uttered that the economic constraints in the settlements compelled many of them to vacate them because there were no economic activities refugees would indulge in to augment their livelihoods. They disclosed that they solely depended on food rations and some basic medicines which were hard to access and not enough to quench their basic necessities as reports the key informant:

Refugees move for a number of reasons but majorly, they move in search of livelihoods. Lack of livelihood opportunities in a given setting for instance in camps forces refugees to move where they envisage acquiring their livelihoods from. Some refugees are professionals and you do not expect them to sit down and wait for the food rations offered in camps. In other words, inappropriate livelihood means are responsible for refugees' movements; let me show you one instance, how do you expect a professional doctor to be given a hoe in camp to cultivate!

From the above settlement, it clearly indicates that refugees greatly move in search of economic opportunities that can generate them income to sustain their lives for instance, professional refugees like teachers, doctors, lawyers, traders among others will always find it hard to live in the remote settings gazetted by the government where their skills and abilities cannot be put into practice and as such they may be compelled to moving to urban areas where they deem they can practice their professions and earn a living.

Secondly, since amongst refugees there are those with qualifications, relaxing restrictions on movement and provision of IDs may accelerate self-reliance and avert the joblessness of so many refugees which in most cases subjects them to engage into bad practices such

as forced marriages, prostitution, gambling, pick-pocketing, drug abuse which in most cases causes more unrest in the community.

In concordance with the above, Fabos and Kibreab (2007) further contend that host governments hardly put into account the needs of certain groups of refugees when creating settlements: for instance amongst refugees there are those who have never dwelt in rural settings and do have professions which cannot be utilized in the informal settings: these will always deem such places uninhabitable and by all means they will be forced to launch out to places where they think can put their skills at work and fend for their needs.

5.2 The need to seek better medical attention

From the findings, it was investigated that the need to access better medical facilities is another issue that propels refugees to move from the settlement camps to urban areas.

“The environment refugees dwell in the settlements is very risky in terms of their health characterized by congestions, improper disposal of wastes, very poor housing facilities which are all responsible for poor health of the refugees (refugee key informant).”

From the above statement, it is apparent that the poor health situation prevalent in the settlements is responsible for the refugees’ exit of the settlements in anticipation of health environments and better health facilities such as hospitals, clinics where they can redeem proper health services for their various health complications.

5.3 Economic challenges in Kampala compelling refugees to move

While in Kampala, still urban refugees are faced with enormous economic challenges. During the interviews refugees disclosed that they find it challenging to meet the daily requirements such as buying food, water, plus meeting medical requirements which forces them to move from one place to another in search of their survival. It was further established that many of the refugees had extended families with so many dependants who needed attention in form of clothing, education, health care. According to the key informant, he disclosed that he knew of some refugees who were formerly settled in

Katwe and later on came and settled in Kisenyi after securing employment in a maize mill factory and that there are some Congolese who travel to Sesse Island to trade “bitenge” (famous Congolese attire).

5.3.1 Rent defaulting

As part of the economic hardships, it was discerned that many refugees kept on relocating because of their inability to pay rent and they kept on moving in search of affordable houses as reveals key informant refugee: *Many refugees face challenges with accommodation because landlords charge them exorbitantly on misconception grounds that refugees have a lot of money received in form of remittances and aid from NGOs. But the truth is that amongst refugees there are those who cannot afford paying rent individually, and that is why it is common to find a group of refugees like four to five people sharing a room so that each can contribute to the house’s rent.*

From the above assertion it is observable that refugees suffer from unfair charges from the local population owing to their held misperceptions that refugees are better off people receiving money from the government and NGOs and yet in reality self-settled refugees hardly receive support in form of aid from the government or UNHCR. Similarly Jacobsen (2005) observes that in the fast growing cities of the global south, migrants usually charge higher than locals for accommodation and urban refugee families often must share accommodation with our households or they must locate a landlord ready to accept a short-term contract at a cheaper price.

5.4 Health challenges and the need to move and seek better health services in Kampala

Leaving the settlements/camps and settle in the city does not guarantee them good health of the refugees because even in the town areas, they usually dwell in the slummy and shanty environments where there are high health risks in form of poor drinking water usually contaminated by feces and bugs; poor housing facilities accompanied by

congestions which are responsible for the contraction of contagious diseases like measles, red eyes, Tuberculosis; increased risks of HIV AIDS infection due to sexual immorality precipitated especially by shared accommodations; poor sanitation resulting from lack of latrines, bathrooms as contends the key informant.

Refugees even when they reach towns have to keep on moving from one place to another in search of good health facilities and proper accommodation. When they leave the settlements, they are desperately looking for cheaper accommodation and willing to take on any kind of house within their reach no matter how ramshackled a house may be and often located in poor environments, but as time goes by, they gradually begin to relocate to better areas where they can access good health services and accommodation.

The above contention, it is expressive that in the interest of their lives, refugees are compelled to move to wherever they discern to locate good health services and accommodation. Similarly other refugees elsewhere are reported to have the same experiences, for example Pavanello et al (2010) reports that some refugee in Kenya are living in the poorest housing facilities characterized by congestions, limited and sometimes no piped water, no electricity, stinking and unfriendly environments with a lot of wastes and a single shared pit latrine for all the occupants.

5.5 The need to move and team-up with relatives/friends

In the interviews, it was revealed that refugees opted out of the settlements because some of them were invited by their relatives and others by their colleagues who had travelled and settled in Kampala before them to come and live as well as working with them. They as well mentioned that they not only had friends and relatives in Kampala alone, but also in other towns and they could switch to other places depending on the situation at hand in a particular area where they are living as well as the prevailing opportunities where their relatives/friends are scattered.

It was mentioned in the interviews that refugees have some small unions that unite them according for instance to their particular places of origin in the former countries which take responsibility of the newly arriving refugees into the city; these social networks help them thrive and cope up with urban surroundings in the initial days of their arrival and subsequently even live together in form of shared accommodation. According to the views of the refugee key informant, he postulated that “*relatives act as shock absorbers in times of crisis for example in providing food, clothing, medical attention, shelter and they are like a chain whereby they connect newly arriving refugees with their fellow refugees in different areas.*”

From the above discussion it is plausible that the social networks initiated by those refugees who settle first in different areas motivate refugees to move from the settlements to Kampala as well as movement to other places because they have confidence and assurance that once they move they would be accommodated in those areas where they have relatives/friends.

In concordance with the above, Human Rights Commission of Pakistan report (2009) quotes that prior social networks along the lines of kinship, ethnicity, religious sect or political affiliations have been key determinants in the choice of destination of Afghans and have always made the move to the city more feasible; to feel secure in their dwellings, they are often forced to fall back on the ethnic and social links which offer them some degree of protection.

Table 7: suggestions of refugees deemed to be an avenue to redeem their right of freedom of movement in Uganda.

		Count	Column N %
Suggestions of refugees about of how they can redeem their right of free movement in Uganda	Provide IDs	39	45.9%
	Avoid Mistreatment	16	18.8%
	Resettlement	5	5.9%
	Respect refugee rights	18	21.2%
	Guarantee security for refugees	12	14.1%
	Public sensitization about refugee rights	5	5.9%
	Refugee officials should respect their offices	4	4.7%
	other	34	40.0%
	Total	85	100.0%

Source: primary data

From table 7, generally majority of the refugees strongly suggested the provision of ids with 45.9%, followed by the respect of refugees’ rights with 21.2% and avoidance of mistreatment with 18.8%. Other suggestions that were presented though insignificant and these include: UNHCR should offer descent humanitarian assistance; police should attend to refugees’ cases without segregation; make a follow-up on refugees’ health among others.

Under this section, provision of IDs is sidelined because it was attended to in the previous sections and attention is accorded to “avoidance of mistreatment of refugees” and “respect of refugee rights” as proceeds the discussion.

5.6 Avoidance of refugees' mistreatment

Many refugees in the interviews were disgruntled by the way they were being harassed by both the security officials and the local population. They raised the issues of lack of attendance to their cases by police; perceived as scapegoats for violence in the city, for instance they were implicated in the planting of the bombs in Kampala in July 2010 where more than 70 people died; refugee women complained bitterly of extortions from police personnel, sexual harassment from both the locals and the security officers; they were accused of carrying deadly diseases like Ebola, to Kisenyi (study area) and so many other frivolous accusations as the key informant refugee reveals:

We are always victimised as the carriers of 'Ebola', 'nkumunye' to kisenyi. Sometimes the locals do not want to associate with us and calling us all sorts of names like monkey eaters and other bad things. The police officers perceive us as rebels and they have been taking us to cells and interrogate us like criminals and releasing you means paying money; when you go to police to report a case they force you to speak any local language to find out your nationality and in any case they find that you are a refugee, they hardly push further your case; for my fellow refugees who come from Somalia it is worse because they are accused of killing Ugandans in the recent bomb blasts and people shout at them everywhere they pass which I feel is humiliation of the highest order; in situations where one finds that you are a refugee for example in markets, taxi parks, they make sure you pay a higher fee than the ordinary Ugandan, why all this happen to us, don't we deserve the same treatment like any other person?

From the above assertion, it is apparent that refugees cannot freely exercise their movement right because of the insecurity of their lives owing to both the threats advanced by the local population and the xenophobia sentiments. Secondly, the police lacks accountability to the refugees whereby the lack of attendance to refugees' cases on grounds of their nationality cultivates inequality and discrimination of the refugees as well as setting precedence for those who offend them to continue mistreating them with impunity which violates the rights of the refugees.

It as well undermines the demands of the UDHR which states that all people are equal as human beings and by virtue of the indispensable dignity of every person: all people are entitled to human rights without any discrimination such as race, disability, colour, ethnicity, language, religion, social origin or nationality among others. Because of lack of attendance to refugees' cases, they may be discouraged to seek justice each time they are abused by the locals and the police itself because of the presumption that much as they report, their cases will not be attended to by the authorities and thus leading to further vulnerability.

5.7 Ugandans should respect the rights of the refugees

The findings of the study also investigated that refugees were emphasizing the need for the Ugandan nationals to have respect for t the lack of respect for the rights of the refugees. They contended that very often the locals tell them and they are not meant to live in the Kampala but instead in the countryside to avoid causing insecurity amongst the nationals and they as well appealed to the security operatives that they should have respect for their identity documents and offer security where it is due.

Respect of refugee rights is imperative, however, there are so many challenges that are attached to this: in the first place, it is very common that the locals and sometimes even the authorities in the host countries lack knowledge about the rights of refugees and therefore in such a scenario, it is inevitable for the locals not to observe the rights refugees are entitled to. Also sometimes the hosting countries do not incorporate the refugee laws/issues into their administrative frameworks and rather leave the work concerning refugees to other stake holders more especially to UNHCR and other refugee organizations. In this case it means that such organizations are operating under the generosity of the host country and therefore, if at all the host government does not create a conducive environment where refugee rights can thrive, it becomes hard to realize the rights of the refugees.

On the other hand, the government policy of confining refugees in particular geographical areas sends signals to the local population of how refugees are so uniquely different from them and this exacerbates xenophobia sentiments as well as perceiving those refugees who choose to self-settle themselves amongst the Ugandan citizens as illegal occupants/ migrants which intensifies aggression against refugees and hence violating the rights of the refugees.

5.8 Summary

The chapter presented and discussed the findings of the study. It has presented the justifications that compel refugees to move from one place to another as well as delineating suggestions underscored by the refugees on how to enhance their freedom of movement in Uganda.

CHAPTER SIX CONCLUSIONS AND RECOMMENDATIONS

6.1 Introduction.

This chapter delineates the conclusions and recommendations of the study. The conclusions are deduced from the research questions in relation to the empirical findings from the data collected from the field.

6.2 Conclusion

In regard to the empirical findings, the major challenge for refugees to exercise their relative freedom provided to them by the international conventions was the lack of identity documents. Many refugees are unable to move to wherever they want to go on fear of arbitrary arrest by the police and other local authorities as many have fallen prey to extortions in attempts to get released; manhandled; sexual abuse especially women; bribery in order to shorten the bureaucracy and to obtain IDs. Refugees are unable to claim services they are entitled to such as education, medical attention, employment because very often initial requirement is to possess identity documents which renders their status precarious. This invites serious interventions from the duty bearers to mitigate this alarming situation.

The study also found out that the refugees lack of identity cards was attributed to the demands of self-sufficiency whereby many of them were unable to meet this requirement so as to take hold of IDs; lack of knowledge of the registration procedures in Kampala; sexual harassments of women in exchange of IDs and lack of recognition of women in the issuance of IDs.

Insecurity is another cited problem hindering refugees from freely moving in Uganda. Refugees feel insecure because of the alleged presence of their former enemies dwelling amongst them in Kisenyi (study areas) for instance many Rwandese refugees alleged the

existence of Rwandese intelligence spying on them; Sudan's Peoples Liberation Army (SPLA) from Sudan spying on the Sudanese as well as the alleged involvement of Uganda into the neighbouring countries' conflicts like Congo and Sudan which scares off the refugees; insecurity is also aggravated by the police and the locals who perceive refugees as terrorists. However, it was also established from the findings that insecurity was responsible for refugees' movements within Uganda because even when settled in the settlements/camps there were insecurities for example rapes, forced marriages and rebel ambushes by LRA rebels.

The findings of the study found out that refugees are obliged to seek permission in order to exit the settlements whereas in Kampala they are basically meant to possess identity documents offered by OPM for easy movements. However, because of the hardships associated with obtaining formalized documents offered by OPM, refugees were resorting to registering at their local places of residence to obtain temporal documents (cheaper ones) awaiting those from the government.

The study revealed that economic hardships were cited as one of the major forces behind refugees' movements in Uganda. Refugees asserted that they move in search of jobs so that they may earn a living and meet their daily needs, pay rent, raise school fees and meet medical requirements among other needs. Because self-settled refugees lack assistance in form of aid, they are forced to move and look for livelihood means and this was done through seeking jobs as well as forging different means of involving themselves into the informal sector business.

It was also investigated from the study that refugees suggested both the security personnel and the locals to observe refugees' rights and avoid mistreatment. Many refugees expressed heavy mistreatments in form of extortions, arbitrary arrests, price discriminations, sexual assaults, xenophobia; ignorance the police officers about the nature of IDs refugees are meant to possess which aggravated insecurity.

6.2 Reflection on the model

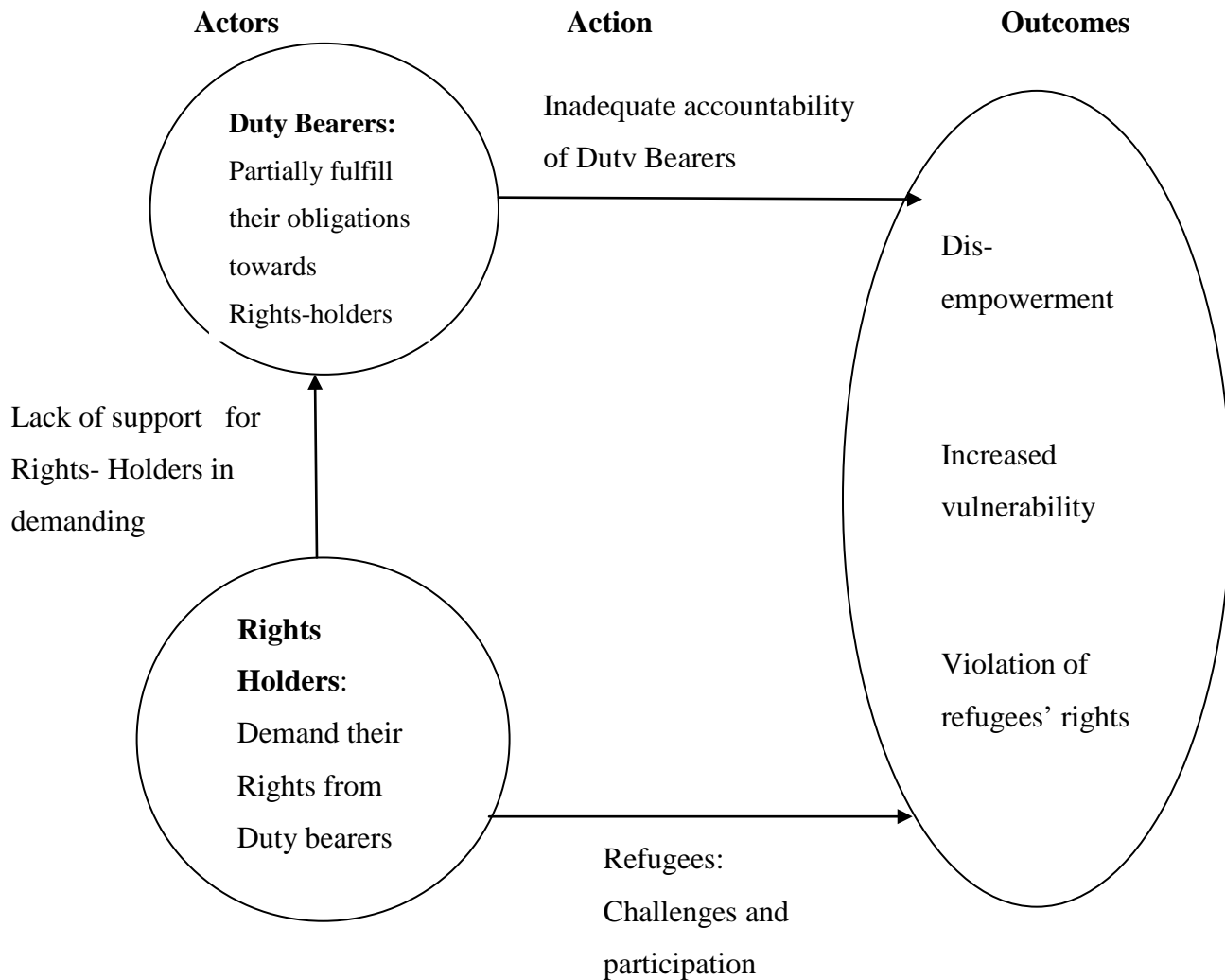


Figure 2: A reflection of the Rights-Based Approach Framework based on the empirical field findings.

At the broader scale, the study tries to highlight the challenges faced by refugees in attempt to realize their movement right. There is need to investigate why refugees are abandoning the settlements (the government's preferred safer places) to other areas especially Kampala. The findings of this study there is lack of IDs which impedes the movement of refugees; insecurity causing displacement especially from the settlement to Kampala as well as the insecurity precipitated by both the locals and the security operatives. Because of lack of support for the rights-holders (refugees) to demand their rights, refugees have scanty knowledge of the various forms of rights they are entitled to which gave precedence for the continuous violations of their rights.

6.3 RECOMMENDATIONS

There is need to promote refugee rights and sensitize refugees about their rights so that they may be in a better position to demand them from the duty bearers, this will enhance their empowerment, participation in refugee issues; their treatment with equality and non-discrimination. In addition, the host communities ought to be sensitized through civic education programs about the rights of the refugees and the need to uphold them so that refugees dwell in a hospitable environment.

Duty bearers need to treat refugees without discrimination and provide them with necessary documents like travel permits, passports, refugee status so that they are able to freely move and as well shielding them from evils like arbitrary arrests, extortions, harassments among others which violates their right to free movement.

The government and UNHCR as duty bearers ought to provide refugees with the necessary documentations on time and reduce on bureaucracy so that they may remedy themselves from arbitrary arrests, frivolous charges and many other evils so that they can freely move within Uganda.

There is need for the government to guarantee the security of the refugees by training and recruiting police officers who are knowledgeable about refugee matters so that cases like

non-attendance to refugee cases and lack of knowledge about the nature of refugee IDs are remedied.

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APPENDIX

APPENDIX 1 Household Questionnaire

(To be administered to refugees)

Consent

Good Morning/Afternoon, I am carrying out a study on the right of freedom of movement of refugees in the country of their asylum. The aim of the study is to contribute to advocacy for refugee rights and freedom. You have been selected to participate in this activity as a refugee and therefore requested to voluntarily participate in this study. Please therefore feel free to express your opinion as all information you give will be kept confidential and will ONLY be used towards advocacy of refugee rights in general.

A. BACKGROUND INFORMATION

Settlement: 1. Rural 2. Urban

Sex: Age: Family size:

Nationality: Occupation: Level of Education:

B. GENERAL INFORMATION

1. Are you a registered refugee?

1 Yes 2. No

2. When did you enter Uganda?

3. Which is your official settlement?

- 1. Settlement Camp 2. Kampala 3. Other (specify)

4. Whom did you arrive in this country with?

- 1. Siblings
- 2. Relative(s)
- 3. Parent(s)
- 4. Neighbours
- 5. Our family
- 6. My family
- 7. My spouse only

5. When did you arrive in this camp/settlement or Kampala (Kisenyi)?

C. The issues in regard to free movement of refugees

1. Have you ever settled elsewhere in Uganda before you came to Kampala?

- 1. Yes 2. No

2. If yes, what was the major reason that made you move from the previous settlement to Kisenyi (Kampala)?

.....

.....

3. Did you face any challenges in the process of moving from the previous camp/settlement to Kisenyi in Kampala?

1. Yes 2. No

4. If yes, what challenges did you meet in moving from the previous settlement to Kisenyi in Kampala?

.....

5. Have you considered moving from Kisenyi (Kampala) to any other place?

1. Yes 2. No

6. Are there any regulations governing refugees' movements in Uganda?

- 1 Yes 2 No *(if No skip to section 1014)*

7. If yes, what does it require?

8. Does it have any effect on your right to move freely in the country?

- 1 Yes 2 No

If yes, what effect does it have on your movement?

9. In your opinion how do you rate the processes and procedures (regulations) on movement of refugees?

- 1 V.Good 2 Good 3 Fair 4 Bad

2 Limitations that refugees face in exercising their right to free movement

10. Is your status as a refugee known in this current place of residence (Kisenyi in Kampala)?

- 1 Yes 2 No

11. If no, why did you not declare your status as a refugee?

6. OPM and other partners

20. What is the role of OPM in refugee affairs?

1. Provide policy and physical environment, and security for refugees and their properties in Camps
2. Oversee the welfare of refugees in the country
3. Deliver humanitarian needs to refugees like food, health, shelter and education
4. Don't know

21. What is the role of UNHCR in refugee affairs?

1. Provide policy and physical environment, and security for refugees and their properties in Camps
2. Oversee the welfare of refugees in the country
3. Deliver humanitarian needs to refugees like food, health, shelter and education
4. Don't know

22. What is the role of the other partners of UNHCR in refugee affairs?

1. Provide policy and physical environment, and security for refugees and their properties in Camps
2. Oversee the welfare of refugees in the country
3. Deliver humanitarian needs to refugees like food, health, shelter and education
4. Don't know

23. Which is the leading agency that enables refugees to exercise the right of freedom of movement in Uganda?

1. OPM
2. UNHCR
3. Other Partners
4. Both UNHCR and OPM

24. How do you rate the manner in which the role to allow refugees right of movement is played by the agency mentioned above?

1. Very good
2. Good
3. Fair
4. poor

25. Why is it like that? (Give the major reason)

4 Suggestions of practical ways to enhance refugees' rights to freedom of movement

26. What suggestion do you have that can enhance the achievement of refugees' rights to freedom of movement?

APPENDIX 2 Key Informant Interview Guide

Consent

Good Morning/Afternoon, I am carrying out a study on the right of freedom of movement of refugees in the country of their asylum. The aim of the study is to contribute to advocacy for refugee rights and freedom. You have been selected to participate in this activity as a resource person and therefore requested to voluntarily participate in this study. Please therefore feel free to express your opinion as all information you give will be kept confidential and will ONLY be used towards advocacy of refugee rights in general.

27. What are the major reasons that make refugees move from their settlement to other parts of the country?

28. What are the processes and procedures (regulations) that refugees need to undertake to enable them move from their settlement to the places they would like to go?

29. What effect does it have on their right to move freely in the country?

30. For what reasons do most refugees like to move to places?

31. Where in the country do the refugees like to move to most?

32. In your opinion what makes it difficult for refugees to move freely?

33. What is the role of OPM in refugee affairs?

34. What is the role of UNHCR in refugee affairs?

35. What is the role of the other partners of UNHCR in refugee affairs?

36. What suggestion do you have that can enhance the achievement of refugees' rights to freedom of movement?