

An Assessment of the Rights to Protection of Orphans and Vulnerable Children in Refugee Settlement

Case study of Nakivale refugee settlement- Isingiro District

A Dissertation submitted in partial fulfilment of the requirements for the Award of Master of Arts in Refugee and migration studies of Uganda Martyrs University



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Dedication

This dissertation is dedicated to my mother Ms Pulkeria Barireryo.

I also dedicate this piece of work to my Children; Akankunda Emmanuel, Abaho Patience and Ampurire Josephine whom sometimes I would deny the fatherly love because of this work.

To my dear wife Polly Akisiimire for her moral and spiritual support and encouragement throughout this study.

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List of acronyms

AMREF	African Medical Research Foundation
ARC	American Refugee Council
CRC	UN Children’s Rights Convention
CWDs	Children with Disabilities
FGD	Focus Group Discussion
HIV/AIDS	Human Immuno-deficiency Syndrome
ILO	International Labour Organisation
MGLSD	Ministry of Labour Gender and Social Development
MTI	Medical Teams International
OVC	Orphans and Vulnerable Children
PEAP	Poverty Eradication and Action Plan
UASC	Unaccompanied or Separated Children
UNHCR	United Nations High Commission for Refugees
VHTs	Village Health Teams

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Abstract

The study assessed the rights to protection of OVC in Nakivale Refugee settlement. The objectives of the study were; to assess rights to protection, examine use of rights based approach and assess ways in which protection agencies enhance rights of OVC rights. Data was collected from 56 respondents including staff from protection and implementing agencies, OVC and foster families from Congolese and Rwandese villages, teachers, health workers and UNHCR. The respondents were purposely selected and the interviews were used as the main research tool and Focus Group Discussions. The study findings were analysed manually by grouping the data into themes. The study findings pointed out that; rights to protection of OVC in refugee settings influence their wellbeing. When the protection agencies provide appropriate education, health, food, shelter, psychosocial services, security and safety, prevents violence, exploitation and abuse of children, extend legal services, offer access to justice and provide durable solutions in the best interests of the child, it significantly influences the wellbeing of OVC. Rights protection for refugee OVC likely to be effective if the basic needs are satisfied, the OVC participate in affairs affecting them and the effectiveness of OVC rights can be realized if the hosting government and the mandated UN agency ensure that all the basic rights are enshrined in the protection measures employed in refugee settlement. The researcher recommended that UNHCR should recruit more teachers in the primaries so as to reduce teacher pupil ratios to manageable number if children are to acquire quality education, introduce fertilisers in the seed programme, encourage family planning and agro-forestry. The school clubs should be strengthened, encourage competitions among groups of children, introduce school feeding programmes, more sustainable income generating and improve frequency of legal services.

CHAPTER ONE

GENERAL INTRODUCTION

1.0 Introduction

This study focused on the assessment of OVC rights protection among refugees in Nakivale Refugee settlement. Chapter one presents the background to the study, an overview of the study and its objectives, highlighting the context of the research, the magnitude of OVCs worldwide giving the international and national perspectives of the problem under study.

1.1 Background of the study

There were over 59.5 million people forcefully displaced i.e 19.5 million refugees, 38.2 million internally displaced and 1.8 million asylum seekers according to UNHCR Global Trends Report (2014). Of the 19.5 million refugees, children below the age of 18 years constitute 51% of the refugee population up from 41% in 2009. According to the UN Convention on the Rights of the Child (1990), a child is defines as;

“Every human being below the age of eighteen years, unless under the law applicable to the child, majority is attained earlier”

Though UNHCR is concerned with children who are; asylum-seekers, refugees, internally displaced, returnees and children who are stateless or at risk of statelessness, this study focuses only on refugee OVC. The prevalence of refugee population is also said to be rapidly increasing at a terrific rates where in Sub-Saharan Africa, the number of refugees increased five consecutive years now standing at 3.7 million, in the Americas (769,000) having been reduced by 5% while in Asia and Pacific region the refugee population was 3.8 million according to UNHCR Global Trends Report (2014). Uganda hosted 385,500 refugees as 9th largest host of refugees out of 10

most hosting countries in the world while Nakivale alone hosted 60,992 refugees in Nakivale Fact Sheet (2014).

Armed conflict remains the major cause of forced displacement which exacerbates children's exposure to neglect, exploitation, sexual violence and other forms of violence and abuse UNHCR (2006). Refugee children also continue to be deeply affected physically and psychologically when there is sudden and violent onset of emergencies which disrupt families and community structures and at worst OVC remain primary victims of armed conflict, experiencing many forms of suffering such as deprivation of education and health care, emotional and physical wounds. UNHCR information and briefings (2007), Save the Children (2003)

At the centre of the refugee situation, UNHCR remains the major agency mandated to provide protection of children's rights with in refugee camps UNHCR (1994), UCR (1951). In this context, Child Protection according to Article 19 of the UN Convention on the Rights of the Child refers to

“States taking all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child”

Thus, in order to fulfill its mandate on protection of children's rights, UNHCR has designed different policies and action frameworks to aid in relaying its protection role. These among others include; Best Interest Assessment (2011), Operation Protection in Camps and Settlement

(2006), Refugee status determination (2005), Guidelines on Resettlement of Children and Young People (2002).

In 2013, the child protection mechanisms were improved and these included establishment of child protection mechanisms which led to more children at risk being assessed and documented with a Best Interest Assessment (BIA) UNHCR, BID guidelines (2011). The UNHCR through its protection agencies is mandated to deliver protection to children of its concern by responding to their specific needs and risks they face. This includes protecting and advocating against all forms of discrimination, preventing and responding to abuse, neglect, violence and exploitation, ensuring immediate access to appropriate services and ensuring durable solutions in the child's best interests with UNHCR (1994). A number of interventions have been put in place by communities, Non-governmental Organisations and governments to address risks and vulnerabilities faced by OVC in Sub-saharan Africa according to Subbarao,K and Coury Diane, (2004). In most refugee settings child protection has been done by establishing child friendly spaces, offering psychosocial support and violence prevention and response. However, there is still continued child neglect, child abuse, child exploitation and harmful practices according to UNICEF (2013). It is not even clear how OVC are faring in this context, as the review of literature hardly provides any segregated data about OVC in refugee settings. Thus, it is against this background, that the researcher picked interest to make an assessment of rights protection of OVC in Nakivale Refugee settlement.

1.3 Statement of the problem

Nakivale refugee settlement, hosts a population of 57,856 children under 18 years old which represent 95% of the total refugee population. Although various mechanisms for promoting children protection and care in refugee settings have been established, OVC in refugee areas continue to suffer greater risks than any other children. OVC in Nakivale Refugee Settlement continue to experience neglect and violence of their rights. This results in school dropout, sexual abuse and exploitation, child labour, early and forced marriage affecting young girls in trying to make ends meet. There is also limited OVC programming and low community participation in child protection which would strengthen monitoring mechanisms for all children at risk. Preliminary information also indicates that there is limited capacity on foster parents, teachers and agencies charged with child care to build the children's capacities and knowledge on their rights and responsibilities, case handling and referral to access services related to child protection. There is lack of segregated data on the OVC population generally in refugee settings though, it is already known that the biggest populations in refugee settings are children and young people. This creates challenges in terms of seeking access and support to orphans and vulnerable children. Though, the UNHCR stresses that helping refugee children to meet their physical and social needs often means providing support to their families and communities UNHCR (1994), it is not clear how OVC groups such as complete orphans, unaccompanied or separated children and child headed families and other children at risk are catered for in Nakivale Refugee Settlement. It is against this background that the researcher is prompted to assess rights to protection for orphans and vulnerable children in Nakivale refugee settlement.

1.4 Objective of the Study

1.4.1 General Objective

To assess the rights to protection of orphans and vulnerable children in Nakivale refugee settlement

1.4.2 Specific Objectives

1. To establish the rights to protection of refugee Orphans and Vulnerable Children at Nakivale Refugee Settlement
2. To examine the extent to which the rights approach has been used to protect Orphans and Vulnerable children in Refugee settlement
3. To assess ways used by protection agencies to enhance protection of refugee OVC rights

1.5 Research Questions

1. What OVC rights need protection in Nakivale Refugee Settlement?
2. To what extent has the rights based approach been used to protect orphans and vulnerable children at Nakivale Refugee settlement?
3. In what ways are protection agencies are enhancing protection of rights of refugee OVCs?

1.6 Scope of the Study

Geographical Scope

The study was carried out at Nakivale refugee settlement one of the oldest refugee settlement established in 1958. The settlement is found in Rugaga subcounty Isingiro District in South Western Uganda. The settlement currently hosts 60,992 refugee populations on 185 KM² with 3

zones and 79 villages. There are different refugee nationals in this settlement including the Rwandese, Congolese, Ethiopians, Kenyans, Sudanese, Eritreans, Somalis and Burundians. However, this study was carried out among the Congolese and Rwandese Nationals. At the time of research, the majority of refugees in the settlement (49.8%) were Congolese while 15% were Rwandese. The settlement is divided into 79 villages with an average of 800 to 1,000 people per village as per UNHCR, Nakivale fact sheet, March (2014). Rwandese and Congolese refugees have been selected because, refugees of this origin are one of the oldest populations that have stayed in this settlement for more than 10 years.

Conceptual scope

The study concentrated on; rights to protection for refugee OVC, use of the rights approach in protection of refugee OVC rights and ways agencies use in protection of refugee OVC rights. The first objective looked at rights to protection for Refugee OVC will including; OVC access to basic human rights (Food, Health, Education, housing, and Economic wellbeing and psychosocial support), safety of children and protection of refugee OVC against; Neglect, Abuse, Violence, Cultural exclusion, Child Labor and Exploitation, Trafficking, access to justice, forced recruitment into armed groups and Statelessness. In the second objective, the study was concerned with the application of the rights based approach in protection of rights for Refugee OVC. The variables of concern included; children's participation in affairs affecting them, promotion of children's best interests principle, awareness raising on OVC rights and their empowerment, application of sensitive Sexual and Gender based Violence (SGBV) actions, creation of child friendly spaces and existence of children's clubs and committees. The third objective explored ways/means used by protection agencies in protection of refugee OVC rights. Particular interest dwelled on; education services, health, food and nutrition, economic

strengthening, psychosocial support, violence prevention and response, Justice and legal access extended to OVCs in refugee camps. The challenges/constraints faced by these agencies in ensuring protection of OVC rights will also be explored in face of the existing legal and policy instruments.

Time scope

The study considered the time scope from 2005 to 2015. This was to give relevant and recent information about the issue under investigation. A ten year period was preferred because, the Congolese and Rwandan refugee population is one of the most protracted refugees in Nakivaale Refugee settlement and hence may have experience and knowledge of protection issues in the settlement.

1.7 Significance of the study

The findings of the study shall be helpful to service providers in the sector of counseling, caretakers, foster families, and teachers in helping the girl children to overcome problems related to child abuse, neglect in Nakivale Refugee Settlement.

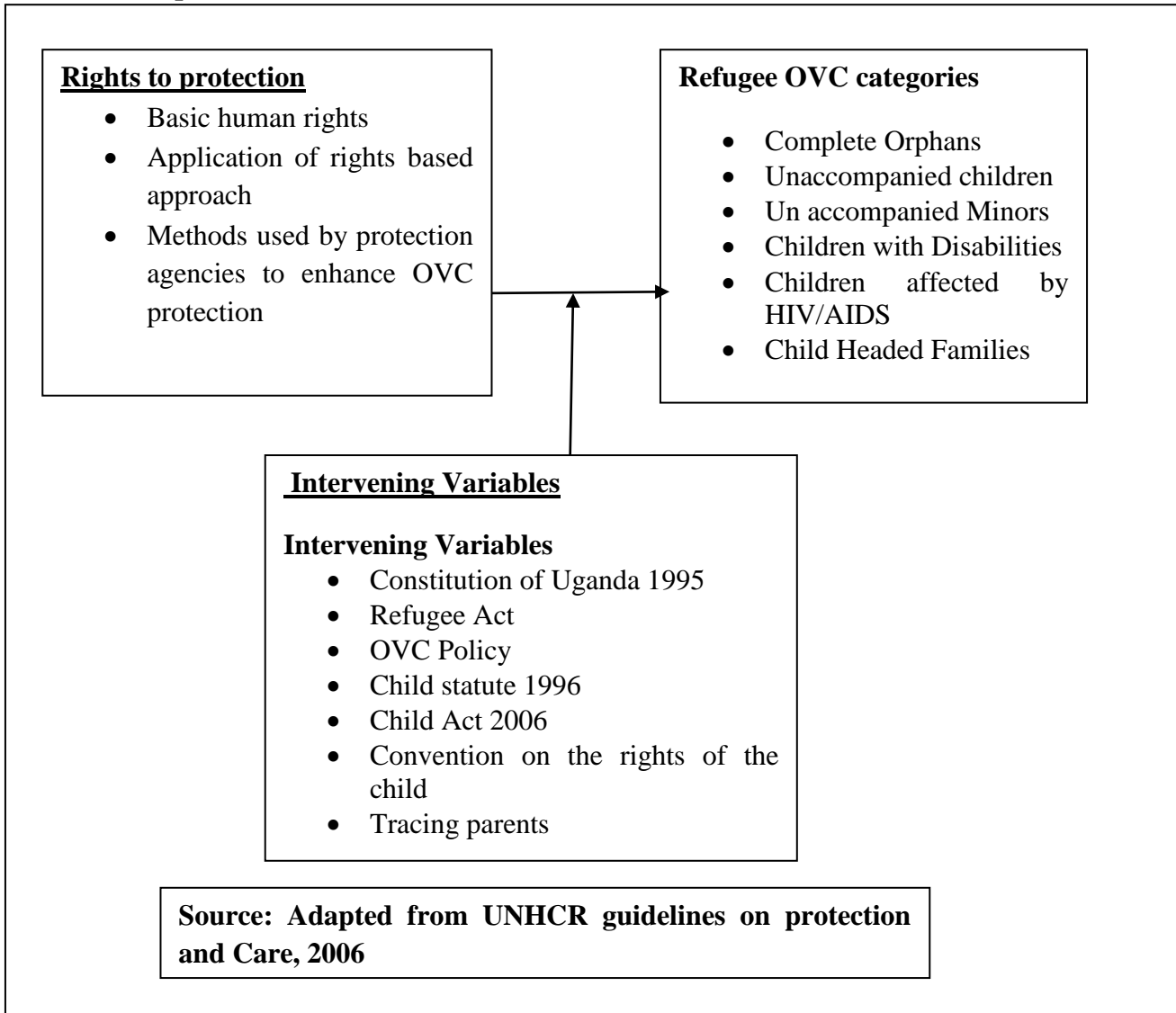
The results of the study shall be useful to the probation and welfare officers, family protection units at police posts and stations, gender officers and other concerned leaders to sensitize the public on orphans and vulnerable children related cases, which are common among refugee community. The study shall provide possible recommendation that can generate lasting solutions in areas concerning violence against vulnerable girls and boys children which are most common among Refugee communities. The results of the study shall be useful to the leaders, such as

camp commandants in promotion and protection of orphans and vulnerable children's rights in the refugees' settlement.

1.8 Justification for the Study

This study was undertaken in partial fulfilment of the award for the Master of Arts in Refugees and Migration Studies of Uganda Martyrs University. The research topic was selected because it fitted well and was relevant in the degree studies.

1.9 Conceptual framework



There are many rights to protection for refugee OVC ranging from access to basic rights/needs, protection against violence, neglect, abuse, exploitation, exclusion, access to justice and prevention of recruitment into armed groups. This can be done if the state/hosting government and protection view their responsibility to refugee children not as charity but as a right to children to be accorded protection like any other human being. Thus, when hosting government acknowledges that it is their obligation to protect the rights of refugee children, the next thing to think of is how to involve these children in protection of their own rights using the rights-based approach. This can be done by allowing children to participate in decision making concerning their affairs, ensuring every help is done in the best interests of the child, adopt child sensitive SGBV prevention and response, creating child friendly spaces and processes or opportunities, creating children's clubs and committees.

Refugee children's rights can also be ensured if administrative, legislative, social and educational measures are designed and enforced by the hosting government and protection agencies. Such measures may include; applying the education for all principle, health, food and nutrition, psychosocial support, economic strengthening, ensuring refugee OVC access legal services and violence prevention and response.

1.10 Definition of key terms and concepts

Refugees' settlement: A gazetted area by the government to host refugees from foreign countries.

Orphans: An orphan is a person below the age of eighteen who has lost one or both parents. Ministry of Gender, Labor and Social Development (2006).

Vulnerable children: A vulnerable child is the person below the age of eighteen living in a situation that exposes him or her to significant physical, emotional, or mental harm. These children include; child headed households, street children and children living in institutions. Vulnerable children also may include children affected by conflict, war, or natural disaster; Children with psychosocial and physical vulnerability; and unsupervised children and child laborers. Vulnerable children are those children who may be deprived of normal opportunities to lead healthy and happy lives and they might be denied their basic human rights or suffer physical and emotional damage. Ministry of Gender, Labor and Social Development (2006).

Orphans and Vulnerable Children (OVC): The concept generally refers to orphans and other groups of children who are more exposed to risks than their peers. In an operational context, we can say that they are the children who are most likely to fall through the cracks of regular programs. Using social protection terminology: OVC are groups of children that experience negative outcomes, such as the loss of their education, morbidity, and malnutrition, at higher rates than do their peers. To be protected from negative outcomes and/or allowed participation, OVC need to be given special attention to remove the barriers that stand in the way of their equal participation in projects designed to benefit all children, or through special project components

and targeting strategies tailored to their needs as per World Bank's Africa Region and World Bank Institute (2005).

Vulnerability: Vulnerability is understood as "a high probability of a negative outcome", or an expected welfare loss above a socially accepted norm, which results from risky/uncertain events, and the lack of appropriate risk management instruments. This is consistent with the definition used in the Bank's social protection framework for social risk management by Holzmann and Jorgensen (2001). Vulnerability is shaped by risk and stress characteristics such as magnitude, frequency, duration, and scope, to which individuals, households and communities are exposed. Therefore, the degree and type of vulnerability vary overtime and between countries and are highly contextual. This implies that vulnerability is a relative state - a multifaceted continuum between resilience and absolute helplessness as per World Bank's Africa Region and World Bank Institute (2005).

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter presents the review of related literature on the study variables. Thus, the literature for consideration included; understanding children refugees, Orphans and Vulnerable Children, Children rights in line with protection, Legal Instruments in line with Child Protection in Uganda.

2.2 Understanding of Children Refugees

The Child Rights Convention (CRC) defines "a child" as "every human being below the age of eighteen years unless under the law applicable to the child majority is attained earlier". The dictionary defines a "child", as person who has not yet reached puberty, or sexual maturity. A person who is no longer a child but not yet an adult is an adolescent, or a young man or young woman. On the other hand, UNHCR defines, a refugee child as the one "who has well-founded fear of being persecuted" according to the 1951 refugee convention on rights of a child. A child who holds refugee status cannot be forced to return to the country of origin. Refugee children include; unaccompanied children and separated children, children asylum seekers, children associated with armed forces or armed groups, child headed households, children under foster care and children with their parents.

According to Article 9 of the CRC, Unaccompanied or Separated Children (UASC) are those children who are separated from one or both parents to maintain personal relations and direct contact with both parents due to armed conflict or the separation may be an action initiated by a

state party, such as the detention, imprisonment, exile, deportation or death of one or both parents or of the child. The term ‘unaccompanied’ will be used to mean a child under the age of 18 years of age who has been separated from both parents and is not cared for by an adult who, by law or custom, is responsible to do so UNHCR (1997). Unaccompanied and Separated Children are entitled to international protection under international human rights law, international refugee law, international humanitarian law and various regional instruments. They require immediate protection and assistance as they are facing increased risks, notably, those of military recruitment; sexual exploitation, abuse and violence; forced labour; irregular adoption; trafficking; discrimination, both within temporary care arrangements and in the community; and lack of access to education and recreational activities UNHCR (2003). Both girls and boys are at risk, but girls are often the principal targets of sexual exploitation, abuse and violence. Girls are also often more disadvantaged than boys in terms of education. Girls who are unaccompanied and separated, including those living in foster care or heading a household, are at particular risk.

In the UK, the term ‘separated’ child or young person applies to children and young people who are separated from their parents. This can apply to unaccompanied children and young people, and to children and young people who enter the UK with other relatives or adults who then continue to look after them according to Hek (2005). On the other hand, children in foster placement are those children who are temporally or permanently deprived of their family environment that are entitled to special protection and assistance by the state. The Child Rights Convention (CRC) states that States Parties shall in accordance with their national laws ensure alternative care for such a child. Such care could include, foster placement, adoption or if

necessary placement in suitable institutions for the care of children with due regard paid to the desirability of continuity.

2.3 Understanding of Orphans and Vulnerable Children (OVC)

The concept of OVC generally refers to orphans and other groups of children who are more exposed to risks than their peers. In an operational context, we can say that they are the children who are most likely to fall through the cracks of regular programs. Using social protection terminology: OVC are groups of children that experience negative outcomes, such as the loss of their education, morbidity, and malnutrition, at higher rates than do their peers. The different categories of OVC in the context of refugees include; orphaned children, children affected by armed conflict, children abused or neglected, children in conflict with the law, children affected by HIV/AIDS or other diseases, unaccompanied children or separated children, children in need of alternative family care, children affected by disability, children living under the worst forms of labour (World Bank's Africa Region and World Bank Institute, 2005).

An orphan is a person below the age of eighteen who has lost one or both parents. Ministry of Gender, Labor and Social Development (2006). A vulnerable child is the person below the age of eighteen living in a situation that exposes him or her to significant physical, emotional, or mental harm. Another form of vulnerable children are street children who either children of the street or children on the street. "Children of the street" are those children with no real home to go to, and "children on the street" work or spend extensive time in public spaces, either alone or with relatives, guardians or other children, but have some sort of home. Children Affected by Armed Conflict are those children that can be critically vulnerable in a multitude of ways as a

result of acts of war e.g children can become orphaned, disabled, traumatized, or end up unaccompanied or with disabled or traumatized parents and siblings. Social safety networks are typically destroyed or overburdened, so even those not directly affected may be left without adequate risk management instruments on hand. Vulnerability is particularly high among refugee and internally displaced children, who live in temporary camps that present a host of new risks, including epidemics, insecurity, prostitution, etc. A special category of war-affected children is referred to as "children associated with armed groups", which includes current or former child soldiers, messengers, spies, support staff and sex slaves.

Vulnerable children may also be those children experiencing worst forms of child labor.

According to the ILO Convention 182, worst forms of child labor include;

“All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict”

“The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances”

“The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties”

“Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children”

The last point more generally refers to children who are exposed to very long working hours and physical hazards, which in Africa most commonly includes children working in mines and quarries, some child domestic servants, and some children involved in agricultural tasks such as those involving the application of agrochemicals.

Vulnerable children can also be those affected by HIV/AIDS. There are four main categories of children affected by HIV/AIDS:

“Children who live with parents infected with HIV/AIDS. They may experience neglect as a result of parental illness, suffer social stigma, be responsible for caring for sick parents and younger siblings, have experienced abandonment by one parent who leaves to escape the other's illness, or simply live with great insecurity and anxiety as they wait for their parents to become sick and eventually die. Property grabbing sometimes happens even while the parents are alive, but too ill to defend themselves”

“Children who are orphaned by HIV/AIDS. This includes maternal, paternal or double orphans. It is important to note that children living with a step parent or a co-wife can be particularly vulnerable in their own household, even if one of the parents is still alive”

“Children who are infected with HIV/AIDS. Infected children generally live with one or both parents, but they can also be orphaned or rejected (most common for infants and youth) and end up in institutional care or in the streets. Infected children often experience social stigma that may result in their being refused access to school or other services. In addition, they have special health care needs that must be addressed”

“Children who live away from home because of HIV/AIDS. Some children have left their homes because of the way the disease has affected their primary caretakers (World Bank's Africa Region and World Bank Institute, 2005)”

The last form or category of vulnerable children are children with disability. Disability may be physical, intellectual, or sensory impairment, medical conditions or mental whether long or short-term, which leads to the loss or limitation of opportunities to take part in the life of the community on an equal level with others." Sometimes a mild impairment can lead to more of a disability than a significant impairment, depending on the circumstances. These impairments lead to disability if they prevent the child from participating in things like school, play, and other community activities according to the World Bank's Africa Region and World Bank Institute (2005).

Child protection is an issue in every country and a high priority for UNICEF (Subbarao,2004). Under the Convention on the Rights of the Child and other international treaties, all children have the right to be protected from harm. Anna (2012) also observed that preventing and responding to violence, exploitation and abuse is essential to ensuring children's rights to survival, development and well-being. The vision and approach of UNICEF is to create a protective environment, where girls and boys are free from violence, exploitation, and unnecessary separation from family; and where laws, services, behaviours and practices minimize children's vulnerability, address known risk factors, and strengthen children's own resilience. This approach is human rights-based, and emphasizes prevention as well as the accountability of governments. It enhances aid effectiveness by supporting sustained national capacity for child protection. Finally, it reflects children's own roles and resilience as agents of change and actors in strengthening the protective environment. However, how these guidelines may not easily be fulfilled, implemented and monitored by protection agencies in refugee settings.

2.4 Children Rights in line with Protection

Children protection according to UNHCR, refers to “protecting and advocating against all forms of discrimination, preventing and responding to abuse, neglect, violence and exploitation; ensuring immediate access to appropriate services; and ensuring durable solutions in the child's best interests” UNHCR (2012). Child protection entails initiatives that prevent violation of the rights of children in relation to serious risks and hazards. Despite the many instruments set forth on children's' rights, the CRC is the most authoritative legal instrument that highlights human dignity of all children, the urgency in ensuring their protection and well-being as well as giving children rights as rights bearers UNHCR (2006). According to CRC, there are four fundamental

principles in child protection i.e non-discrimination, right to participation, right to life and development, and the best interests of the child. The 1989 UN Convention on the Rights of the Child (developed out of the 1948 UN Universal Declaration of Human Rights) specifically refers to children and young people who are seeking asylum or who are refugees. The following articles are of importance;

- Article 2 - The right to be protected from discrimination
- Article 3- The right to judgments by the judiciary, welfare agencies and government that are taken in the best interests of the child
- Article 10 - The right to family unity and reunion
- Article 12 - The right to express an opinion and have this taken into account
- Article 20 - Protection of children without families
- Article 22 - The right of asylum-seeking and refugee children to receive special protection and assistance, and the expectation that the government will cooperate with organisations providing this
- Article 37 - The right to liberty

For the well-being of refugee children, UNHCR advocates the observance of the above CRC standards by all States, International Agencies and Non-governmental organizations. For example, making a long term plan for an unaccompanied minor requires a decision about a child's best interests. A child might be an orphan living in a refugee camp, with grandparents in the country of origin, an uncle in a second country of asylum, and with an unrelated family in another country that would like to adopt the child. In deciding what is best for the child many factors would have to be considered, including "the desirability of continuity" of culture and language (art. 20), the preservation of family and nationality (art. 8), and the child's own desires, which must be considered according to the child's "age and maturity" (art. 12).

In a rights-based approach, human rights determine the relationship between individuals and groups with valid claims (rights-holders) and State and non-state actors with correlative obligations (duty-bearers). It identifies rights-holders and their entitlements and corresponding duty-bearers and their obligations, and works towards strengthening the capacities of rights-holders to make their claims, and of duty-bearers to meet their obligations. States have the primary responsibility in the promotion and protection of human rights of any individual on their territory or in their jurisdiction and therefore are required to ensure the fulfilment of human rights by acting in a way that enables rights-holders to enjoy the rights to which they are entitled. A rights-based approach starts from the rights to be met, not from needs identified. A rights-based approach adds legal obligation and accountability. It is based on international standards and thus consists of obligations based on legal entitlements (UNHCR, 2006)

UNHCR believes that the protection and care of children have to be an integral part of all activities for refugees, which can best be addressed using a team approach. Working for refugees also means working with refugees. Therefore, by using a rights and community-based approach and applying participatory assessment, refugees should actively participate in all operations from the beginning. In all phases of programming, the refugee community should be involved in such a way that it represents all groups: women, men, older persons, and people with disabilities, girls and boys, including adolescents, regardless of background and capacity. Thus, the protection and care of refugee children is not only the responsibility of States and humanitarian organizations, but of the refugee community as a whole (operational protection in camps and settlements)

Rights to protection for refugee OVC also encompasses the need to offer foster care to unaccompanied children. Better care Network (2013) indicates that in the industrialized world, foster care generally refers to formal, temporary placements made by the state with families that are trained, monitored and compensated at some level. Foster care can also be understood as formal care, typically provided by adults who are not related to the child, but may include formalized kinship care. It is usually for a limited period until the child can return home or move into a more permanent placement such as adoption. In Uganda, formal fostering is normally for a period of three years (MGLSD 2013). In many developing countries like Uganda, however, fostering is kinship care or other placement with a family usually informal and un-regulated by the state. A fostering system provides protection and care for children without parents or guardians. In refugee settlements, OVC mainly include; child headed households (CHH) and orphans, unaccompanied children and separated children. According to Skeels (2012) protection of OVC in refugee settlement concerns mainly to identifying foster families for unaccompanied and separated children against sexual and gender based violence, child labour, trafficking of children to work as maids or house guards elsewhere in Uganda and lack of awareness of children's rights in the community including access to education.

Lorelei (2005) indicated that traditionally, there has been widespread concern among NGO and Red Cross/Red Crescent humanitarian agencies that overt protection interventions for refugees risk politicising humanitarian work, jeopardising an organisation's ability to operate with government counterparts and to deliver assistance irrespective of the causes that underlie each refugee crisis. Yet increasingly, humanitarian professionals have come to realise that a hands-off approach to protection is no longer enough. In the face of flagrant human rights abuse against refugees, humanitarians can no longer turn a blind eye without comprising their values. Nor is it

tenable in operational terms to merely reiterate that the bulk of refugee protection responsibilities lie with states, supported by UNHCR. Skeels (2012) asserted that field presence necessarily entails a share in seeking to secure the rights of refugees.

Anna (2012) asserted that to a cynic, the new emphasis on human rights and protection may seem merely fashion – a repackaging exercise designed to revamp the credibility of humanitarian agencies in the aftermath of international crises frequently characterised as ‘protection failures’. There is no doubt that the language of human rights is powerful: it carries considerable moral and legal authority and acts as a kind of ‘trump card’ in arguments about moral behaviour. But the nature and basis of human rights and protection is often assumed to be universally understood and accepted, whereas the meaning and usage of the term is in fact unclear, obscuring the range and reach of activities required to give it a genuine, tangible content.

Skeels (2012) noted that it is well-known that humanitarians choose their career because they care deeply about man-made injustices, including forcible displacement. The human impulse to undertake humanitarian activities for uprooted people is grounded in the age-old customs and values of respect, hospitality and solidarity. In other words, the humanitarian ethic has spawned altruistic action to help overcome vulnerability and restore human dignity. Humanitarianism is thus in essence action-oriented. Moreover, its foundations are not confined to moral imperatives, but are also of a legal nature.

Anna (2012) asserted that modern international law contains a myriad of binding norms that define rights aimed at regulating human behaviour. However, rights cannot have meaning without corresponding duties. To this effect, states and other parties have voluntarily undertaken legal obligations to respect, promote and realise the rights of people in their territories. Skeels

(2012) still observed that the norms and principles of greatest relevance to humanitarians are found in national and international human rights, humanitarian and refugee law. By means of their activities, humanitarians promote human well-being and respect for the inalienable rights of the people they assist. As a consequence, humanitarianism is firmly rooted in respect for human rights, and should therefore also seek to realise and protect those rights.

Lorelei (2005) opined that the real question is no longer whether humanitarian actors should play a role in protecting and furthering rights. The unresolved issue is rather how, given their varying mandates and methods of working, humanitarian organisations will ensure that the protection of human rights, including refugee rights, is translated into the provision of essential and lifesaving services. Whereas NGOs may not be specifically mandated through international legal conventions to offer protection to refugees, many national and international NGOs operate under mission statements that commit them to providing practical protection to refugees.

Enon (2002) further explained that many factors speak in favour of a more robust role for NGO and Red Cross/Red Crescent actors in the practical protection of refugees, not least their far-reaching presence and daily interaction with these populations. Most NGOs working with displaced populations provide material and other forms of assistance and/or take part in the establishment and maintenance of camps and other settlements. This puts them in a good position to monitor and report on rights violations. Operational presence in refugee settlements also enables NGOs to involve refugees in all aspects of the planning and delivery of relief services and goods. However, now days there are limitations in resource envelopes by the credited protection agencies and therefore putting limitations of some of the services provided by the agencies.

2.5 Legal Instruments in line with Child Protection in Uganda

In Uganda, child protection is aligned in a formal system based on various statutory mandates and obligations. The children rights protection measures range from governmental structures, institutions and actors from local to national level in a cross section of sectors namely social welfare, education, health, as well as law enforcement structures. The informal system is driven by traditional values of shared responsibility for the wellbeing of children by voluntary actors at family and community, Kabogozza (2012).

In Uganda, children's rights protection also relates to the African Charter on the Rights and Welfare of the Child in 1990. This Charter commits the country to protect children against the various forms of social, economic, cultural and political abuse and exploitation. The Uganda's Constitution (1995) which provides for child rights under Chapter 34, the Uganda Local Government Act 1997 that mandates Child Welfare services to Local Governments. There is also, the National HIV/AIDS Policy, National Programme of Action for Children (UNPAC), Poverty Eradication Action Plan (PEAP), Vision 2025, and the Social Development Sector Strategic Investment Plan (SDIP) 2003-2008 create an enabling environment to address OVC within a wider context of children's vulnerability in Uganda.

The UN Convention on the Rights of the Child, 1989

The UN Convention on the Rights of the Child (1989) is a universally agreed set of non-negotiable standards and obligations, which provides protection and support for the rights of children (persons below the age of 18). It is a legally binding international instrument to incorporate the full range of human rights—civil, cultural, economic, political and social. Uganda is one of the 194 countries worldwide that are a signatory to the UN Convention. By

ratifying this document, the government of Uganda has the responsibility to take all available measures to make sure children's rights are protected, respected and fulfilled. All actions, decisions and policies shall be done in the light of the best interests of the child. The Convention spells out the basic human rights that all children. The convention also spells out that every child should be protected regardless of their sex, race, religion, cultural or socio-economical background, language, ability. The children should be protected from; harmful influences, abuse and exploitation, kidnapping and abduction, all forms of violence, mistreatment, abuse and neglect, any form of discipline involving violence, child labour, drug abuse, sexual exploitation, abduction, sale and trafficking, any form of exploitation, detention and punishment in a cruel and harmful way including separation from families, sharing cells with adults, sentence to death or life imprisonment and protection from war and armed conflicts including recruitment for armed conflicts.

The convention also clearly states the need for States to offer special protection for vulnerable children such as "children deprived from family, and refugee children have the right to special care, protection and assistance", "Children with disabilities have the right to special care and assistance so that they can fully participate in life", "minority or indigenous children have the right to practice their own culture, language and religion", "Children, who have been abused, neglected and/or exploited have the right to special help to physically and psychologically recover and reintegrate in society".

The African Charter on the Rights and Welfare of the Child, 1999

Uganda is among the 53 African countries that signed the 1999 African Charter on the Rights and Welfare of the Child (defined as human beings below the age of 18 years). This commits the country to protect children against the various forms of social, economic, cultural and political abuse and exploitation. State parties are obliged to undertake the necessary steps and adopt such legislative and other measures to give effect to the provisions of this charter. It spells out basic human rights that all children have. It spells out that vulnerable children like refugee children, internally displaced children and children separated from parents have the right to special and appropriate protection and humanitarian assistance. The chart also protects children with handicap have the right to special measures of protection and assistance ensuring his or her dignity and active participation in the community including the access to social, health and education services. Refugee children, internally displaced children and children separated from parents have the right to special and appropriate protection and humanitarian assistance.

The Constitution of Uganda, 1995

The Constitution of Uganda provides a framework for the Protection of all children in Uganda. It defines fundamental child rights, obliges parents to care for and bring up their children, and accord special protection to orphans and other vulnerable children. It is the duty of any citizen and the state to protect children from any form of maltreatment and ensure the registration of birth from each child. Children shall be protected against; social or economic exploitation; protection against work that is likely to be hazardous or interferes with their education or to be harmful to their health or physical, mental, spiritual, moral or social development. The

constitution provides for protection of children against any form of abuse, harassment or ill-treatment

The Children's Act, 2003

The Children's act provides a legal and institutional framework for child care and protection. It defines rights, which all children in Uganda have, accords specific rights for children with disabilities to ensure equal opportunities, and obliges the parents or any person in custody over the child to maintain the child ensuring education, guidance, immunization, adequate diet, shelter and medical care. The Children's Act further, articulates regulations for adoptions, approval for children's homes, maintenance, foster care, parentage, bail and demands. For instance it provides that children should be protected from any form of discrimination, violence, abuse and neglect, social or customary practices that are harmful to the child's health, employment or any activity that is harmful to the child's health, education, or mental, physical or moral development;

The Children's Statute, 1996

The Children's Statute makes the protection of children legally enforceable. It foresees the establishment of a Secretary of Children's Affairs within the Local Council Structure, as well as children and family courts at district level to ensure the welfare of children in the judicial system.

The Penal Code, 1950

The Penal Code makes liable the following offences against children: Kidnapping and abduction of children under fourteen years, Indecent assaults, defilement of girls, procurement of girls, stealing a child under the age of fourteen years, Infanticide. The Penal Code further stresses that

one may commit offences when he/she neglects children of tender age or deserts children under fourteen years though they do not specify the penalty measures.

The Local Government Act, 1997

The Local Government Act makes district councils responsible for the welfare of children. For this, it foresees an executive committee for each district, where a selected secretary cares for the health and welfare of children. District Councils have to ensure services, from which children are able to benefit. These include services for education, health, maternity and child welfare, probation and welfare services, and social rehabilitation. It also obliges the districts to ensure services for street children and orphans. The Act further foresees the establishment of an executive committee at each parish and village administrative unit, including a vice chairperson who shall be secretary for children welfare.

The Trafficking in Persons Act, 2008

The Trafficking in Persons Act is a comprehensive anti-trafficking law, which prescribes penalties of 15 years' to life imprisonment for child traffickers.

The Employment Act, 1977

The Employment Act forbids contracts with persons under the age of eighteen, and the employment of children under the age of twelve years, except from light work defined by the Minister. No child under sixteen years shall be employed underground and work during night, except for the purpose of apprenticeship. Moreover, no young person shall be employed in work that is injurious to health, dangerous or otherwise unsuitable.

The Child Labour Policy, 2006

The Child Labour Policy provides a framework to mobilise all actors to take action to eliminate the practice. It explains the socio economic context of child labour, the nature, extend and magnitude, the causes, consequences and effects. It further outlines governmental response to the problem of child labour, and the institutional framework within the national child labour policy operates.

The Orphans and Vulnerable Children Policy, 2004

The Orphans and Vulnerable Children Policy provides a framework for the full development and realization of rights of orphans and other vulnerable children: children who live on the streets, those that toil under exploitative conditions of labour, as well as those that suffer sexual abuse and other forms of discrimination. It also states the situation of orphans and vulnerable children, the national and international framework, guiding principles for the implementation of the policy, and policy priorities the government of Uganda will focus on.

In view of children's vulnerability, the Uganda Government put into place a National OVC Policy (2004) and National Strategic Programme Plan of Interventions (NSPPI) for 2005/6, - 2009/10 which specify children that should be targeted for support. They include; Orphans, children affected by armed conflict, abused or neglected children, children in conflict with the law, children infected and affected by HIV/AIDS or other diseases, children in need of alternative care, children affected by disability, children in hard to reach areas, children living under the worst forms of labour, children lining on streets and children heading households.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This chapter discusses the methodology that shall be used in the study. These will include among others; the research design, population of the study, sampling technique, data collection methods, data collection instruments. The chapter also gives the research procedure, data quality control, research ethical considerations and the limitations of the study.

3.2 Research design

A research design is the investigator's plan for answering the research questions. It involves selecting the population, sampling frame, sampling method, sample size, data collection methods and data processing and analysis methods. In short it is a detailed plan of how the research will be conducted in a logical manner (AMREF, 2006). On the other hand, (Kakinda Mbaaga, 1998 defines research design as a strategy for conducting a research. It describes the general plan for collecting, analyzing and evaluating data. To Enon (2002), a research design is a strategy or method intended to be used to collect data and such methods can be classified as qualitative or quantitative. This study was qualitative in nature focusing on Nakivale as a case study with particular focus on Refugees of Congo and Rwanda origin. The specific information will be obtained using key informant interviews, focus group discussions and document review. Purposive sampling was used to get a sample size of subgroups of different categories of participants in the study. The research tools for data collection included a checklist of interview questions and FGD guide. Data was analyzed using Ms Word and Ms Excel and interpreted using percentages, charts and tables.

3.3 Area of study

This study was carried out in Nakivale Refugee settlement as one of the oldest refugee settlement established in 1958. The settlement is found in Rugaga subcounty Isingiro District currently hosting 60,992 refugee population on 185 KM² with 3 zones (Rubondo, Base camp and Juru) and 79 villages. The study was carried among Rwandese and Congolese refugees in Nakivale settlement and especially those that have been in this camp in the last 5 years Nakivale. The choice for this category was because at the time of research the majority of refugees in this settlement (49.8%) were Congolese while 15% were Rwandese. Other nationalities in this settlement include; Ethiopians, Kenyans, Sudanese, Eritreans, Somalis and Burundians. (UNHCR, Nakivale Fact Sheet, March 2014). Rwandese and Congolese refugees were selected because refugees of this origin were one of the oldest populations that had stayed in this settlement for more than 10 years. The researcher could easily communicate with some Congolese and Rwandese who have stayed in Uganda for five years since they could speak and hear Runyankole which made the researcher easily interact with the targeted OVC and foster parents.

There is also an estimated population of 35,000 nationals surrounding the Refugee Settlement who directly benefit from water, education, health and nutrition programmes in the settlement. The UN Refugee Agency (UNHCR) works with the Government of Uganda, through OPM, other UN agencies, NGOs and civil society in providing protection and support to people of concern. The Government of Uganda (OPM) ensures the security of all refugees and has a generous policy which provides refugees in settlements with plots of land (50 metres x 100 metres) in order for them to become self-sufficient.

The settlement has 9 Primary Schools, 27 Early Childhood and Development Centres (ECDCs), one Secondary School and one Vocational School , and 2 schools outside the settlement providing special needs education and a Community Technology Centre to access computer skills and internet. The population in and around the settlement get Health Services at Rwekubo Health Centre IV which provides general health services, emergency Obstetrics and Caesarian Sections. The settlement has boreholes, shallow water sources and piped water from Lake Nakivale with 50 hand pumps, 318 water taps and latrine coverage at 87%. The settlement receives on average 2000 new cases of asylum seekers at the reception every month while the Uganda Government Refugee Eligibility Committee visits the settlement once in 3 months.

3.4 Population of the study

The targeted population are refugees in Nakivale Refugee settlement. However, the study population was Refugee OVCs of Rwanda and Congo origin and foster families or parents of vulnerable children in the settlement of the same nationalities. The researcher also interacted with staff of protection agencies, Rwekubo HC IV health workers, teachers of the primary, secondary and tutors of vocational school within the settlement. Each of these categories has been chosen because they interact with refugees and refugee children.

3.5 Sample size and sampling techniques

A sample is “a smaller (but hopefully representative) collection of units from a population used to determine truths about that population” (Field, 2005) while a sample size are the number of observations to include in a statistical sample. The sample size is an important feature of any empirical study in which the goal is to make inferences about a population from a sample. In

practice, the sample size used in a study is determined based on the expense of data collection, and the need to have sufficient statistical power.

According to Gay & Airasian (2003) and Babbie (2005), the type of the research is a main determinant of the minimum sample a researcher should use. Gay, Airasian and Babbie cite 30% for correlational, causal-comparative and true experimental research. For descriptive studies they give a guide of 10-20% of the population. Despite the suggested 20% of qualitative studies, in this study purposive sampling was used to get a sample of 56 respondents from the villages of Congolese and Rwandese with Nakivale Settlement. This sample was believed to have enough characteristics of the study population. Again this sample size was feasible in terms of time and money resources for the researcher. Thus, the sample included; 21 Refugee OVC, 18 foster parents, 3 head teachers of the primary schools in the settlement, , 1 tutor of the vocational school, 3 reception centre staff, 6 staff from the protection and implementing agencies, 3 health workers, 1 UNHCR staff.

3.6 Sampling procedure

Sampling procedure is a method of selecting sample members from a population. A sampling procedure defines rules that specify how the system calculates the sample size and it contains information that the valuation of an inspection characterize during results recording. Thus, to obtain a sample size a sampling technique or method should be used and in case of this research purposive sampling was used. The population of study were refugee OVC living in Nakivale Refugee settlement. It is from this population that a sampling frame was determined i.e Refugee OVC of the Congo and Rwanda Origin. These nationalities have been selected because they easily assimilate with the surrounding communities and therefore can easily communicate or

speaking some few words of Runyankole the local dialect of the researcher. Purposive sampling method was used to get the selected sample from the targeted population. Thus, selected categories of respondents were purposely selected due to their interaction with refugees OVC as foster parents and service providers of the targeted children. Thus, a representative sample was got from OVC themselves, foster parents, staffs of service providers (protection agencies, schools, health centres) and security agencies, generally all the categories of people or structures charged with the responsibility of ensuring protection for refugee children.

Table 3.1: Showing sample size per different categories of respondents

Category of respondents	Sample selected	Sampling method
Refugee OVC	21	Purposive
Foster Parents	18	Purposive
Protection Agencies Staff	6	Purposive
Health Workers	3	Purposive
Primary Teachers	3	Purposive
Vocational School Tutor	1	Purposive
Reception Centre Staff	3	Purposive
UNHCR Staff	1	Purposive
Total	56	

Source: (UNHCR, Nakivale Fact Sheet, March 2014)

3.7 Data collection methods

The information was collected from refugee OVCs, foster parents, staff protection agencies, schools within the settlement. Secondary data was also collected from refugee protection documents. This study being a qualitative study, key Interviews, Focus group discussions and document reviews were the main data collection methods.

Focus Group Discussions

According to Morgan (1997), a good focus group should range between 6-12 people. Thus, a total of 4 Focus Group Discussions (FGD) (8-12 participants) (two for OVCs and two Foster parents or families) were conducted among Congolese and Rwandese refugees. Only children aged (12-18) years were allowed to participate in the study after seeking consent from their guardians. The main research issues in the focus group discussion were to get children's perceptions on rights protection, social measures (cultural and behavioral) put in place to protect OVC rights, children's participation in ensuring their rights, rights awareness and children's view on protection accorded by protection agencies.

Interviews:

Key informant interviews were carried out among the staff of UNHCR and Partner implementing agencies and operations partners, teachers of schools in the camp, health workers from two health Centre IIs and Rwekubo Health Centre IV. The discussion with key informants were to seek individual perceptions and experiences on Refugee OVC protection in the settlement, administrative and legislative measures or protection processes Refugee OVC have to endure if their rights are to be ensured. The discussion focused on health, education, psychosocial

measures that have been put in place to ensure OVC rights protection. The checklist of issues to discuss were generated from the three objectives of the study as per content scope.

Documentary review

The researcher will also use existing records and documents that are related to the study. Such documents include; BID guidelines (2011), Operation Protection in Camps and Settlement (2006), Refugee status determination (2005), Guidelines on Resettlement of Children and Young People (2002), foster care guidelines, guidelines on prevention and Response to SGBV, UNHCR-Uganda strategy for refugee education among others.

3.8 Data collection tools

The main research tool was the interview guide and focus group discussion guide for OVC.

Interview guide

An interview guide was used to get views from the head teachers of schools in the settlement, UNHCR staff, protection and implementing agencies staff, health workers. The guide focused on variables of study in all the three objectives with checklist of questions regarding; rights to protection, application of rights based approach and ways in which the agencies protect rights of OVCs. Mugenda and Mugenda (2003) and Amin (2005) observe that interview is useful since they fetch variety of ideas needed for the study.

Focus Group Discussions Guide

At least 4 Focus Group Discussions (FGD) were held, two for OVC aged between 12-18 years and two for foster parents each FGD comprising between 6-12 people. The discussions focused on variables of study in all the three objectives with checklist of questions.

3.9 Data quality control

To ensure data quality, data tools was reviewed to ensure efficiency, quality, and consistency. During the interviews and focus group discussions, probing questions were asked to get clarity as well as ensure compilation of data collected every day. The researcher worked with the research Assistant and compared notes and impressions from independent observations. When the amount of data was sufficient or reached saturation point, the researchers left the settlement.

Validity of instrument

Validity refers to the degree to which an instrument measures what it is supposed to measure (Amin, 2005). Thus to ensure validity of research instruments, pilot testing of the interview guide and focus group discussion guide was tested in Nakivale among Burundian Refugees. This was done to assess language clarity, ability to capture information needed, acceptability in terms of length and ethical considerations. According to Fraenkel and Wallen (1990), validity of the items is considered correct, if it is above 75%. The test of content validity was established through inter- judge with two research supervisors. Each rated the items on a two point rating scale of Relevant (R) and Irrelevant (IR). The computation of CVI (Content Validity Index) was done by summing up the judges' rating on either side of the scale.

Thus, the content validity was calculated using the following formula.

$$\text{CVI} = \frac{\text{Number of items rated as relevant}}{\text{Total number of items in the interview guide}} = \frac{14}{14}$$

This resulted into a Content Validity Index of 100%, meaning that the instrument was valid. The results proved that the instruments were valid since they fell above 75% which indicates relationship (Fraenkel and Wallen: 1990).

Qualitative validity of instruments was ensured by processing data into manageable proportions through editing, coding, and tabulation of frequencies. Data collected was checked while still in the field to ensure that all questions are answered. Contradictory information was removed if found useless. Data from interviews and FGDs was categorized into themes. Tabulation was used to obtain frequencies and percentages of each item.

Reliability of instruments

Relevancy and reliability was secured by measuring the research instruments before setting out to the field to ascertain whether they would actually provide answers to the research variables and questions. Secondly, the researcher did double checking both in the field and out of the field in order to do away with omissions and errors. Reliability was also achieved by using a representative sample size for final findings drawing.

3.10 Data analysis techniques

The researcher first familiarized self with data through reviewing and reading and then data organized by coding. This was done by identifying similar kinds of data and grouping it together

to form categories, and later related different ideas and themes according to (Rubin and Rubin, 1995). This was followed by finding and organizing ideas and concepts into themes. There after data was analyzed through explanation and interpretation. Efforts and commitment was made to ensure consistency throughout interviews and analyzing data.

Further analysis was done to identify outliers' i.e data that may not fit into themes so as to examine them and look for possible explanations. Research effects like gender, age, education background were also looked out to check effects on data collected. Finally, triangulation was used to validate findings from different sources checking for inconsistencies and conflicting information. Data was presented with use of percentages, tables and charts because, according to Mugenda (2003) and Sarantakos (1998), they help to summarize large quantities of data whilst making the report reader friendly.

3.11 Ethical consideration

A good rapport was made with the settlement management by explaining and presenting the permission document from the Office of the Prime Ministers. At the same time the purpose of the research was explained and how confidentiality and anonymity was to be ensured was communicated to the respondents beforehand.

Consent forms

A consent form for each participant in the FGD was availed and signed in advance. This form explained the purpose of their involvement and expected benefits of the research to the participants. At the same time participation was voluntary and the researcher respected

respondents' rights, dignity and diversity as he interfaced with the targeted participants in the research.

To ensure confidentiality and anonymity, each participant was assigned a pseudo name and identifying information has not been included in this study.

Participant trust was gained by asking participants in the FGDs if they would like settlement and protection agency officers be around during the discussions and the officers indeed were not part of the discussions.

3.12 Research procedure

After the research has been forwarded for data collection by the department of Refugees and Migration Studies, the researcher asked for Authorisation from Office of the Prime Minister to be able to access Nakivale Refugee Settlement. At the settlement, the researcher introduced himself and purpose of the research to settlement management and security who offered guidance on how to reach the targeted categories of respondents.

Pilot testing of the research tools was done to check for content validity. The participants for the research were purposely selected in their respective categories. After this step, key informant interviews were conducted among settlement management, staff of protection agencies, teachers and health workers and UNHCR staff. Later FGDs were done in zones of Congolese and Rwandese Refugees, with Refugee OVC and Foster Families. At the end of each day, the researcher would always do preliminary analysis of data gathered in order to check for inconsistencies.

3.13 Limitations of the study

One of the limitations of this study was language barrier; however, the researcher identified interpreters with the help of settlement management in the two villages of Congolese and Rwandese refugees. The interview guide and focus group discussion guide were translated into local languages to ensure accurate interpretation.

CHAPTER FOUR

DATA PRESENTATION, ANALYSIS AND DISCUSSION OF FINDINGS

4.1 Introduction

The findings of the study are arranged according to the three research objectives. The data is presented using narrative explanations and in some cases in form of tables and graphs, explanation notes, summaries and conclusions. Qualitative data was obtained from implementing and operating agencies staff, head teachers of schools in the settlement, Health workers from the Health Centres, Settlement management using interviews with open ended questions and OVC foster parents and OVC using focus group discussion respectively. Data was collected from the Congolese and Rwandese Villages. The field information gathered from interviews was categorised under themes and analysed as per objectives.

Response Rate

Out of the 60 targeted respondents, 4 of them were not reached. In all, 27 male and 29 female were reached in their respective categories giving a response rate of 93.3%.

4.1.2 Respondents by category

Respondents according to their job category who participated in the study are summarized in table 4.1

Table 4.1 Distribution of respondents

Category	Frequency	Percentage
Reception centre	3	5.4
UNHCR partners protection officers	7	12.5
Teachers	3	5.4
Health workers	4	7.1
Foster families	18	32.1
OVC	21	37.5
Total	56	100

Source: Primary data

The number of OVC and foster families that interacted with the researcher were high (37.5 % and 32.1%) respectful compared to settlement management (5.4%). This means that the results are a true reflection of what the community benefiting from protection services experience. It should be noted that there were also expressed views from the reception centre, teachers as well as health workers working within the settlement.

4.1.3 Respondents by Gender

Respondents who participated in the study by gender as summarized in Table 4.2

Table 4.2 Distribution of respondents according to gender

Gender	Frequency	Percentage
Female	29	52
Male	27	48
Total	56	100

Source: Primary data

Majority of the respondents 52% were female compared to males 48%. This was because, at the time of research most of the foster family heads were women and majority OVC are girls as boys get out of the settlement to look for employment. This means that as the expressed views were mainly generated from women who are more vulnerable than men. It also implies that there could be more OVC who are girls than boys.

4.1.1 OVC rights to protection in Nakivale refugee settlement

A vulnerable child is one who is living in circumstances with high risks and whose prospects for continued growth and development are seriously threatened. Internationally orphans and other vulnerable children or OVC sometimes refers only to children with increased vulnerabilities because of HIV/AIDS. At other times OVC refers to all Vulnerable Children regardless of the cause incorporating children who are the victims of chronic poverty armed, conflict and famine (MOGLSD, 2006).

Under OVC rights to protection research variable, UNHCR and its implementing agencies, settlement leaders and foster parents were asked different questions to deeply understand rights

to protection for OVC in Nakivale Settlement. It was important to understand the category of OVC in this camp, the rights to protection the agencies are concerned with and what is done to ensure the safety of OVC.

In the context of UNHCR, OVC are called “Extremely Vulnerable Children, (EVC)”. These categories included; child headed families, unaccompanied minors, and vulnerable children living with aged parents, orphaned children, assaulted OVC, children with single parents and children with disabilities. The OVC were many in the settlement though their numbers could not be verified from the agencies. Moreover, the research focused mainly on Congolese and Rwanda Refugees.

Secondary, the protection agencies under the supervision of UNHCR are given the mandate to ensure protection and safety of basic human rights. These rights include right to; education, food, health, shelter or housing, access to justice and right to protection from sexual and gender based violence. From the research study, there were different operating and implementing agencies charged with the responsibility of protecting the rights of OVC in Nakivale Settlement.

In the settlement the government of Uganda through the Office of the Prime Minister, provides Settlement management, coordination and security while different agencies have been contracted by UNHCR to ensure rights protection. As far as protection of OVC is concerned like any other parents, foster parents are trained on basic protection, children rights, communicating with children, parental skills. According to the OVC focus group discussions, in the settlement there are also foster families committees which meet and discuss care for unaccompanied children and other protection concerns. For example American Refugee Committee is concerned with protection, community services, water and sanitation and management of the reception centre.

However, children especially child headed families often lack adequate care and protection and access to medical services, education and recreational opportunities. This means that OVC in such category may delay to receive certain services or completely miss out when they are not properly followed up by staff of agencies working in the settlement.

The education services are managed by Windle Trust, Health and Nutrition and psychosocial counseling by Medical Teams International while Livelihoods and environment protection is being managed by Nsamizi Institute for Social Work while African Initiative for Relief Development (AIRD) coordinates Shelter and Logistics issues. There are also other operating partners concerned with the day to day operations of the settlement. These among others included Finish Refuge Council managing Adult Education and Youth Leadership, World Food Programme (WFP) through Samaritans' Purse concerned with food distribution, child protection and tracing by the Red Cross society, while Right to play provides for community sports activities (Nakivale Fact Sheet, 2014).

In terms of protection, the agencies concerned together aim at ensuring and strengthening protection measures and preventing crime such as Sexual and Gender Based Violence. Protection also involves extending legal services and access to justice including the OVC such as the unaccompanied children. Support is also given for durable solutions through individual protection case identification for resettlement and voluntary repatriation activities including information campaigns, "Go See and Come Tell visits" and escorting returning convoys. Nakivale receives an average of 2,000 new asylum seekers in its reception centre every month who await decisions on their refugee status by the Ugandan government Refugee Eligibility

Committee which visits the settlement every 3 months. Such intervals for assessment may mean denial or delay of some services to the OVC that may not be accompanied.

In order to ensure successful protection of OVC, those who commit crimes are punished such as those that rape, defile and sexually harass girls and women. To respond to this, constant sensitizations and a number of clubs have been formed in the schools in the community in order to ensure violence free society. Within the settlement itself, there is a police post and the police officers keep on making patrols to ensure people do not violate the regulations e.g against alcohol consumption. This is in line with UN Convention (UCR, 1951) Article 19 on Child Protection which states that States should take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

As far as ensuring the right to education is concerned, in the entire settlement resting on 185 KM², has 9 Primary schools and 27 Early Childhood Development Centres along with 1 Secondary school and 1 vocational school. Windle Trust Uganda (WTU) also implements the German-funded DAFI scholarship programme which supports tertiary education. Children requiring special needs education are supported in 2 schools outside the refugee settlement. The Vocational Training Centre (VTC) provides skills training for asylum seekers, refugees and Ugandan nationals to give them the skills necessary for informal employment opportunities and small scale entrepreneurship. However, vocational skills training is limited to few courses at a certificate level leaving majority graduates with no options of upgrading. Nakivale also hosts a

Community Technology Access (CTA) Centre which consists of a training area where students enroll and are trained in basic computer courses and an internet café. Finnish Refugee Council (FRC) provides training in Adult Literacy, English for Adults and related life skills through 36 learning centres across the settlement.

Table 4.3: Education and learning facilities within the Settlement

Education facility	Numbers
Early Childhood Development Centres	27
Primary Schools	9
Secondary School	1
Vocational School	1
Community Technology Access (CTA) Centre	1
Adult Education and life skills learning centres	36

Source: Primary data

Despite the availability of the schools, there is overcrowding in the classes with the Teacher Pupil ratio more than 50 Pupils to 1 teacher. At the same time, there is language barrier, where pupils from different backgrounds find themselves under the same teacher using English yet the Congolese and Rwandese refugees have an influence of French background. Views from the foster parents indicated that the scholastic materials are also not enough and therefore parents are supposed to look for those missing to enable the pupils continue learning. In the FGD, parents also noted of forced and early marriages among girls. This is also associated with most girls getting pregnant and becoming child mothers and to the worst some of the girls who get pregnant carry out unsafe abortions. Access to education is also limited by lack of sanitary wear for girls

When this, comes to the OVC especially in those with child headed families, there is a likelihood for them to be the victims to drop out of school first. The study also revealed that much as there is high enrollment, there is also high rate of drop outs in the community due to factors related to school requirements, food, search for firewood and therefore pupils who are vulnerable end up in child labour with in the community.

Although basic primary education is provided up to primary seven few children (especially girls) continue for vocational education and few are provided with scholarships for higher or tertiary education. There are no school feeding programmes in the schools and therefore pupils feed at home and those who can afford move with packed cold food for lunch. At the same time, food rations are not enough i.e WFP gives 6 kgs for twelve days e.g. if there is a foster family with many OVC, they select one OVC and give 6kgs as well for foster family and only provide posho and beans regardless of whether you are sick or not. This is in line with UNHCR (2003) policy on unaccompanied children which stresses that such children require immediate protection and assistance as they face increased risk to all forms of exploitation, abuse and violence. Girls are also more often disadvantaged than boys in terms of education. Girls who are unaccompanied and separated, including those living in foster care or heading a household, are at particular risk.

According to the health workers interviewed, the right to health in the settlement population is provided with free medical care through a number of health centres including one grade III and three grade II Health Centres (Nakivale, Rwekubo and, Kashojwa HC III's) established within the community. There is also Rwekubo Health Centre IV.

Table 4.4 Table showing type and number of health facilities

Type of Health Facility	Numbers
Grade II	3
Grade III	1
Grade IV	1

Source: Primary data

The common illness include those related to malaria, ulcers, diarrhea, hypertension, respiratory tract infections among others. These Health Centres also provide Out-Patient Department services, community outreach activities such as immunization, sensitization and mobilization for antenatal care (ANC) and systems strengthening. Medical Teams International (MTI) intervenes and also supports awareness messages on HIV/AIDS, other communicable diseases, health promotion campaigns, and capacity building of Community Health Workers. As a result there has been an improvement in ANC attendances, maternal child health and family planning response. However, there are insufficient staffing levels at the health centres with daily clinician-patient consultation levels above the standard of 1:50 ratio. In addition the health workers complain of the poor housing facilities at the health centres which often leads to high levels of staff turnover. Although, indicators in morbidity and mortality are kept with standard, according to the Health Centre III in charge, most common diseases within the settlement are Malaria and Respiratory Tract Infections. The Global Acute Malnutrition (GAM) was said to be kept at a minimum of 5%.

Based on the interview findings, UNHCR and partners provide housing by constructing shelters for OVC such as Children with Disabilities, unaccompanied /separated children and other people at risk in the community. OVC are also provided with other non-food items such as blankets, basins, and soap among others. Through community services department, the communities are also mobilized to build OVC and Persons with Special Needs houses, classrooms, and water point maintenance and community roads. However, there is overcrowding in the houses, lack of privacy, in some houses sheets have outgrown their usefulness especially for the elderly and widows who take care of some OVC. The houses are also characterized by dampness, mold, coldness, and crowded cramped conditions. This makes children leaving in such houses vulnerable to ill-health due to poor hygiene and sanitation especially when it rains.

At the same time, in order to improve the household environment, fuel efficient stoves have been distributed and constructed at households level to reduce firewood consumption (JAM report,2014). However, sometimes UNHCR is out of funds and may not support such vulnerable groups. At the same time, the Extremely Vulnerable Individuals (EVI) list may have individuals who should not be there or those who are supposed to be the real EVIs may not be on the current list. This is because, the definitions and qualifications of EVI and Persons with Special Needs (PSN) and the criteria for enrolling one on the list is not clear. The community sector is also responsible for mobilization for other sector activities including health and WASH and the community mobilization and sensitization for the celebration of international days such as International Women's Day, World Refugee Day and 16 days of activism. Water is readily

available within the community with over 50 hand pumps and 318 water taps in the settlement. The latrine coverage was estimated at 87% according to the Nakivale Fact Sheet 2014.

From the interviews with ARC and Windle Trust, a lot of livelihood and environment programmes were being implemented in the settlement. The main activities include food crop production (including mushroom growing inside houses), crop post-harvest handling (mainly for maize), livestock husbandry, small businesses and vocational skills (tailoring, soap making, bakery and crafts/sandal making), making energy efficient stoves that use less firewood and making charcoal out of household waste. A total of 2,590 energy saving stoves were constructed in the settlement through community participation. However, most of the businesses are of small scale with majority of the beneficiaries lacking startup capital though the market is available in and outside the settlement.

As part of promoting and supporting small holder associations, beneficiary households have also been organized into groups/associations. In order to promote conservation and stop deforestation tree-planting and energy saving technologies have been introduced. However, there is limited access to credit since the concept of savings and credit schemes has not yet been embraced well in the settlement.

From the discussions with OVC, foster parents and Refugee Welfare Council members, protection agencies are also concerned with security and safety of children, OVC inclusive. This is done through sensitization of community members, go back to school campaigns, with use of community dialogue or talks, posters and drama or theatre groups. There has been formation of security clubs and environmental clubs and clubs to fight against sexual and gender based

violence. There are also Refugee Welfare Councils which sensitize and report on programmes to benefit the community. Though not very efficient, atleast, those structures exist within the settlement as community structures before the police can be reached for grave cases.

4.1.2 Application of rights based approach in protecting OVC at Nakivale refugee settlement

The study had also set out to assess application of the rights based approach in protecting the rights of OVC in Nakivale settlement. Under this variable, the researcher was interested in knowing how children participate in affairs affecting them, promotion of best interest principle, the kind of awareness created on OVC rights and empowerment as well as prevention of sexual and gender based violence.

Interviews with teachers also revealed that children participate in affairs affecting them especially by joining various clubs with in the schools and the community. For instance, the environmental clubs, games and sports clubs and religious activities. However, most of the clubs are not functioning and there is lack of consistency of members. Besides, the different cultural orientations make club cooperation ineffective due to language barrier. Despite the above, there is continuous guidance and counseling by senior women and senior men at school as well as encouragement to attain education for all children in the settlement. This is in line with a Best Interest Assessment (BIA) UNHCR, BID guidelines (2011) which emphasizes that protection of children should be concerned with responding to their specific needs and risks they face.

Based on the interviews and discussions with staff of Windle Trust, children's best interest principle is promoted by providing free basic education following the Uganda Ministry of

Education Primary Curriculum. Implementing partners like Windle Trust provides scholastic materials to OVC and other children. They also create free spaces within the settlement for children to freely interact with each other, have games and sports, picture drawing and talking compounds, music, dance and drama. This means the protection agencies try to ensure that children enjoy their freedom as much as they can and hence forget stressful events and minimize moments of idleness. This is also in line with BID guidelines (2011) which emphasize establishing child friendly spaces, offering psychosocial support and violence prevention and response, protection and advocacy against all forms of discrimination, preventing and responding to abuse, neglect, violence and exploitation, ensuring immediate access to appropriate services and ensuring durable solutions in the child's best interests.

According to the interviews held with Medical Teams International, awareness creation on OVC rights and empowerment are taken in general like any other children in the community. A number of measures have been used to sensitize the community on children's rights. These among others include talking compounds in the school, use of drama and theatre groups, environmental clubs. In the settlement there are also call hotlines for the people in their different zones to report any cases in the community for police intervention. Despite the above interventions, awareness on the rights of children within the settlement is limited to education with other rights greatly violated due to inefficiencies in resources by the refugee community. At the same time, some of the interventions are a one –off activity done once in a while making some OVC vulnerable due to lack of information. The police officers existing in the community also lack transport to make effective patrols and communication gadgets hence rendering them helpless to the community. This contradicts the UNHCR (2012) policy that emphasizes ensuring

immediate access to appropriate services; and ensuring durable solutions in the child's best interests”

According to the interviews held with ARC, sexual and gender based violence remains one of the greatest risk for women and girls in the settlement. The gender based violence has been prevented with in the settlement using several measures including among others; guidance and counseling the children and community people, offering psychosocial support, sensitization for traumatized people and encouraging scholarship for the victims of violence both in Uganda and outside the country. There are also restricted movements in and outside the settlement and alcohol consumption is limited in the settlement to particular hours. Games and sports are encouraged in the settlement all the time so that they avoid people from being idle and disorderly. The schools are also the first places which are friendly to both children and parents. The Refugee Welfare Councils in collaboration with the Police and Courts of law ensure the rights of OVC are restored e.g punishment of criminals who commit rape, defilement and sexual harassment.

4.1.3 Ways in which protection agencies enhance protection of rights of refugee OVC

The implementing and operational agencies with in Nakivale settlement were asked how they enhance protection of right to education. A number of responses were given citing how the protection agencies are enhancing the right to education. From the interview responses with ARC, the study indicated that the education right is enhanced by encouraging parents or foster parents to take the children to schools as well as encouraging the OVC to remain in school. This is followed by the “Go back to school Campaigns” normally carried out in the settlement by

Windle Trust and American Refugee Committee. Besides, focus group discussions revealed that the right to education is promoted through provision of scholarships for tertiary education managed by ARC and Windle Trust in and outside Uganda for refugee children, however, there was no segregated data to know how many were OVC. Also, children's education right in Nakivale settlement is enhanced through partnering with agencies by the community members, creation of Safe environment in schools, through formation of clubs in schools such as environmental clubs, music dance and drama, debating clubs, and religious clubs. The same ideas were echoed by parents and OVC in the focus group discussions. However, the schools in the settlement do not cater for the needs of Children with Disabilities and most OVC drop out of the school due to lack of enough scholastic materials such as pens, pencils and books, walking long distances to the school and lack of family back up in finding for their food, firewood, washing clothes compared to other children of their age. There is also lack of school feeding programmes, high drop out of pupils, early marriages and child labor within the settlement though it is discouraged. Generally, various methods have been used to promote the right to education for refugee children.

Data was also collected on how the protection agencies promote the right to health and access to medical services and the following findings were generated. Medical Teams International (MTI) provides free health and medical services to all refugee children. At the same time, respondents also indicated that all refugees receive free ambulance services to the referral hospitals for complicated cases that cannot be managed at Rwekubo Health Centre IV. Similarly, MTI provides community sensitization on preventive measures to ill health, has trained Village Health Teams (VHTs) and Health Workers at the various Health Centres. The VHTs carry out home visiting moving from house to house and follow up patients like those taking Anti

Retrieval Drugs, mobilise for community sensitization, use of mosquito nets, eating balanced diet, improving hygiene in refugee homes. The refugee community also benefits from the entire government of Uganda programmes like mass immunization campaign, supply of vitamin A, iron and folic acid and Ferro B syrup though these programmes are not consistent. However, reports from health workers showed that, there is limited supply of medicines to the health facilities, poor remuneration of staff and housing compared to NGO staff which demoralizes the staff in government facilities and hence end up with staff turnover. The shortage in medicines also makes the refugees to sell part of their food ratios so as to get some money to buy medicines though these moments are temporary.

Based on study responses, the study indicates that protection agencies promote access to food and nutrition for refugee OVC mainly through three main ways namely; provision of food ratios, allocation of plots to individual households so as to cultivate and get food and nutrition supplements for the malnourished children. Interviews with staff of UNHCR partners indicated that refugee children including OVC get access to food ratios provided every month. The respondents informed the researcher that OVC who have foster families get 6Kgs of Posho and beans for 12 days. Note that the type of food provided is only Posho and beans without a variety. This programme of food distribution is managed by MTI under the supervision of World Food Programme (WFP). The biggest challenge with ensuring food security is that; when there is an influx of new arrivals, there is always reduction in food ratios. At the same time, there is bartering of food ratios by households in need of other non- food items and meets their critical health and education experience. Sometimes there are moments of pipeline breaks (i.e when food supply delays) and hence this makes people go hungry especially those may not plan properly for the food distributed to them.

Secondary, in order to supplement the food ratios, the government of Uganda provides 30 X 60 Sqm² for cultivation and 20 X 50 Sqm² of land for homestead to each refugee foster families for OVC for cultivation while the WFP provides seeds for cultivation. The size of the plot for homestead and cultivation varies each year depending on the influx of new refugees, thus, the higher the refugee population the smaller the sizes of the plots allotted. The refugee community has also been encouraged to adopt mushroom growing as well as they have been taught energy saving technologies e.g to make charcoal briquettes to reduce on environmental degradation and save energy using the improved stoves.

Also, the respondents informed the study that nutritious food is sometimes provided to malnourished children, pregnant and breastfeeding mothers, however, this is not sustainable. This results into anemia and ill health among children, pregnant women, breast feeding mothers and all other individuals affected. At the same time, those cases that cannot be managed by MTI with in the settlement are referred to Mbarara referral hospital for intensive management. It is important to note that despite these measures instituted to ensure food safety for refugee children, they donot get balanced diet. Therefore some refugee women are allowed to go out and dig in the community so as to get extra food to supplement their diet but this is not common as some of them use it as a reason to escape from the settlement. To the worst some families have given out their young daughters for marriage in order to get bride price hoping to support them in getting food and other basic needs. The community appreciates support for food, however, the food ratios are limited and the food given is the same throughout the year.

Data was also collected on how protection agencies offer psychosocial support to refugee OVC. A number of responses were generated from the interviews and focus group discussions. For instance the respondents revealed that OVC are guided and counseled at school in most cases

while others said that the OVC are normally followed up where they stay by the Village Health Team members and Refugee Welfare Councils (RWOC III). Also all respondents also indicated that the existing OVC together with other children are trained on Income Generating Activities (IGA) for instance how to make low energy consuming technologies such as stoves and charcoal briquettes as indicated in the table below.

Table 4.5: Showing psychosocial support offered to refugee children

Psychosocial support offered to refugee OVC	Frequency	% age
Home visiting to make follow up	18	32
OVC are trained on IGA	14	25
Guidance and Counseling at school	24	43
Total	56	100

Source: Primary data

The term “psychosocial” in its broad sense refers all the social, economic, psychological, emotional physical and gender issues affecting a person. Like any other person, orphans and vulnerable children suffer from trauma, murders and suicide. There is state of hopelessness and feelings of helplessness. Observations showed that in the communities there are children with psychosocial needs. Records from MTI indicated that there are over 60 cases of mental issues reported every month e.g epilepsy, emotional, psychological issues. Though at Nakivale HC IV, there is one psychiatric nurse serving several cases of patients in need of psychosocial support, her alone cannot follow up all these cases hence most patients in need of psychosocial counseling are never followed up.

At the same time, UNHCR has developed self-reliance policies in an attempt to address the long-term needs and economic security of refugees in settlements. This constitutes a number of education, skills training and livelihood opportunities provided in the settlement such as adult literacy programmes, training of IGAs such as mushroom growing, charcoal briquettes making, crafts making. However, there was no visible prospects for self - sustaining and activities that can generate into commercial enterprises sustainable to support the lives of the refugees. This concurs with Meredith Hunter, 2009 argument that self - reliance concept would be achieved if there would be an enabling environment in the host country(community) where asylum seekers would be allowed freedom of movement, if there was visible economic situation, availability of affordable housing or access to land as well as receptive attitudes with in the host community. To this end much as the refugees in Nakivale settlement have been given small plots of land (50mX50m) for cultivation, such plots cannot enable the refugees have durable solutions for their livelihoods as it is suggested in the UNHCR,2005 Handbook for self-reliance, this especially relating to food self-sufficiency.

Finally, protection agencies provide legal assistance and ensure access to justice by providing free lawyers who come to the settlement once in three months to hear the Cases raised. This agency work hand in hand with the police who receive complaints and forward them to the courts of law with in the settlement. However, it was reported that there is bulk of legal Cases and most of which are pet cases due to language barrier to translate them. This means that most Cases go un heard for a long time and making children lose hope hence affecting their lives especially if Cases for instance are sexual assault or defilement.

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter presents the summary of the findings, discussion and recommendations derived from the data presented in chapter four. The study leads to varying conclusions and a number of recommendations that are presented later.

The purpose of the study was to assess the rights protection of OVC in Nakivale refugee settlement establish. This part of the study summarises the results along the following objectives; rights to protection, use of rights based approach and ways/ strategies employed by protection agencies to enhance OVC rights.

5.2 Summary of findings

5.2.1 OVC rights to protection in nakivale refugee settlement

It was important to understand the category of OVC in this camp, the rights to protection the agencies are concerned with and what is done to ensure the safety of OVC. The category of OVC that attract attention of protection agencies in Nakivale Settlement, included; child headed families, unaccompanied minors, and vulnerable children living with aged parents, orphaned children, assaulted OVC, children with single parents and children with disabilities.

Protection agencies under the supervision of UNHCR are concerned with protection and safety of basic human rights including right to; education, food, health, shelter or housing, access to justice and right to protection from sexual and gender based violence. From the research study,

there were different operating and implementing agencies charged with the responsibility of protecting the rights of OVC in Nakivale Settlement.

The government of Uganda through the Office of the Prime Minister, provides Settlement management, coordination and security while different agencies have been contracted by UNHCR to ensure rights protection.

Protection concerns putting on measures that ensure protection and prevention of violence, exploitation and abuse of children, extending legal services and access to justice and providing durable solutions in the best interests of the child.

The Ugandan government Refugee Eligibility Committee which visits the settlement every 3 months and assess on average 2000 new asylum seekers awaiting decision on refugee status . In order to ensure successful protection of OVC, those who commit crimes are punished such as those that rape, defile and sexual harassment and constant sensitizations and a number of clubs have been formed in the schools in the community in order to ensure violence free society. Within the settlement itself, there is a police post and the police officers keep on making patrols to ensure people do not violate the regulations e.g against alcohol consumption.

The right to education is ensured through provision of free primary education in the 9 primary schools, 27 Early Childhood Development Centres along with 1 Secondary school and 1 vocational school. Windle Trust Uganda (WTU) also implements the German-funded DAFI scholarship programme which supports tertiary education. Children requiring special needs education are supported in 2 schools outside the refugee settlement. The Vocational Training Centre (VTC) provides skills training for asylum seekers, refugees and Ugandan nationals to

give them the skills necessary for informal employment opportunities and small scale entrepreneurship. Nakivale also hosts a Community Technology Access (CTA) Centre which consists of a training area where students enroll and are trained in basic computer courses and an internet café. Finnish Refugee Council (FRC) provides training in Adult Literacy, English for Adults and related life skills through 36 learning centres across the settlement.

However, there is overcrowding in the classes with the Teacher Pupil ratio more than 50 Pupils to 1 teacher. At the same time, there is language barrier, where pupils from different backgrounds find themselves under the same teacher using English yet the Congolese and Rwandese refugees have an influence of French Background. There is also lack of enough scholastic materials impacting on the quality of education received by the children especially the child headed families.

Protection of the right to health is done by providing health services at one grade III and three grade II Health Centres (Nakivale, Rwekubo and, Kashojwa HC III's) and Rwekubo Health Centre IV. These Health Centres also provide Out-Patient Department services, and community awareness on HIV/AIDS, WASH, child and maternal health and other communicable diseases.

Through the implementing partner ARC, UNHCR provides housing by constructing shelters for OVC such as Children with Disabilities, unaccompanied /separated children and other people at risk in the community. OVC are also provided with other non-food items such as blankets, basins, and soap among others. Through community services department, the communities are also mobilized to build OVC and Persons with Special Needs houses, classrooms, and water point maintenance and community roads.

There are livelihoods and environment programmes being implemented in the settlement such as food crop production (including mushroom growing inside houses), crop post-harvest handling (mainly for maize), livestock husbandry, small businesses and vocational skills (tailoring, soap making, bakery and crafts/sandal making), making energy efficient stoves that use less firewood and making charcoal out of household waste. However, there are no school feeding programmes in the schools and the food ratios of 6kgs for twelve days are not enough.

The protection agencies also provide security and safety for children OVC inclusive done through sensitization of community members, go back to school campaigns, use of posters and theatre groups. There has been formation of security clubs and environmental clubs and clubs to fight against sexual and gender based violence. There are also Refugee Welfare Councils which sensitize and report on programmes to benefit the community.

5.2.2 Application of rights based approach in protecting OVC at nakivale refugee settlement

The study had also set out to assess application of the rights based approach in protecting the rights of OVC in Nakivale settlement. Under this variable, the researcher was interested in knowing how children participate in affairs affecting them, promotion of best interest principle, the kind of awareness created on OVC rights and empowerment as well as prevention of sexual and gender based violence.

The findings indicated that children participate in affairs affecting them especially by joining various clubs with in the schools and the community. For instance, the environmental clubs,

games and sports clubs and religious activities. However, most of the clubs are not functioning, with lack of consistency of members, and the different cultural orientations make club cooperation ineffective due to language barrier.

The children's best interest principle is promoted by providing free basic education following the Uganda Ministry of Education Primary Curriculum. This done through provision of scholastic materials to OVC and other children, creating free spaces within the settlement for children to freely interact with each other, have games and sports, picture drawing and talking compounds, music, dance and drama.

A number of measures to create awareness on OVC rights and empowerment have been put in place such as sensitization of the community on children's rights by use of; talking compounds in the school, use of drama and theatre groups, environmental clubs. In the settlement there is also call hotlines for the people in their different zones to report any cases in the community for police intervention.

Sexual and Gender based violence is prevent through provision of guidance and counseling of the children and community people, offering psychosocial support, sensitization for traumatized people and encouraging scholarship for the victims of violence. There is restricted movements in and outside the settlement and alcohol consumption to particular hours. Games and sports are encouraged in the settlement all the time so that they avoid people from being idle and disorderly. The Refugee Welfare Councils, Police and Courts of law ensure the rights of OVC are restored e.g punishment of criminals who committee rape, defilement and sexual harassment.

5.2.3 Ways in which protection agencies enhance protection of rights of refugee OVC

Protection agencies enhance the education right by continuous encouragement of parents and OVC to remain in school, use of “Go back to school Campaigns”, normally carried out in the settlement by Windle Trust and American Refugee Committee and through provision of scholarships for tertiary education. The education right is also enhanced through agency-community partnerships, creation of safe school, formation of Clubs through schools in the settlement do not cater for the needs of Children with Disabilities. Most OVC drop out of the school due to lack of enough scholastic materials such as pens, pencils and books and family back up in finding for their food, firewood, washing clothes compared to other children of their age.

UNHCR through Medical Teams International (MTI) enhances the right to Health and access to Medical services by providing free health and medical services to all refugee children, free ambulance services to the referral hospitals, community sensitization on preventive measures, and training of Village Health Teams (VHTs) and Health Workers.

The study findings also indicate that access to food and nutrition for refugee OVC mainly through three main ways namely; provision of food rations, allocation of plots to individual households so as to dig, and get food and nutrition supplements for the malnourished children, pregnant and breastfeeding women. However, the type of food provided is only posho and beans without a variety. To supplement the food rations, the government of Uganda provides half acre of land to each refugee foster families for OVC for cultivation while the WFP provides seeds for cultivation.

Psychosocial support is offered to the OVC through guidance and counseling at school, follow up by Village Health Teams and Refugee Welfare Councils and through training on Income Generating Activities.

Finally, protection agencies provide legal assistance and ensure access to justice by providing free lawyers who come to the settlement once in three months to hear the cases raised. However, it was reported that there is bulk of legal cases and most of which are pet cases due to language barrier to translate them.

5.3 Conclusions

5.3.1 OVC rights to protection in nakivale refugee settlement

Rights to protection of orphans and vulnerable children in Nakivale refugee settlement. The research made the following conclusion;

Protection and safety of rights of OVC basic human rights influences their wellbeing and the ability to become responsible individuals in the future. Therefore, it is important to ensure that the OVC have access to; education, food, health, shelter or housing, access to justice and protection from sexual and gender based violence. Hence, the quality of services provided to ensure the rights of these children has a large bearing on the nature of citizens they will become. If the quality of education is good, they will grow enlightened and empowered individuals, if OVC are sensitized on health and immunized against killer diseases and are guarded against factors that make them vulnerable to abuse, violence and exploitation, have access to food and exercise their rights like any other children, there is a likelihood that they will grow as balanced and responsible individuals. However, the reverse is true if they miss or live limited lives in

terms of accessing basic needs which may make them more vulnerable to exploitation and at times hostile to the society and to themselves.

5.3.2 Application of rights based approach in protecting OVC at nakivale refugee settlement

The application of rights based approach (best interest principle) influences the protection of OVC rights. If children participate in affairs affecting them, are consulted on decisions made about their lives, create free spaces and ensure that children enjoy their freedom, create awareness of OVC rights and empower them and ensure that there is prevention of sexual and gender based violence, abuse, neglect and exploitation of OVC, it is likely to enhance the protection of the rights of the OVC in the refugee settlement. However, if OVC are not involved in affairs affecting them, the less likelihood of abuse of their rights.

5.3.3 Ways in which protection agencies enhance protection of rights of refugee OVC

The effectiveness of OVC rights can be realized if the hosting government and the mandated UN agency ensures that all the basic rights are enshrined in the protection measures employed in refugee settlement. This is best done when all rights are taken as fundamental rights such as right to education, health, food and nutrition, shelter, clothing, psychosocial support, economic strengthening and access to legal services for any emerging cases. However, if any of the mentioned rights are neglected, violated or abused, the refugee OVC will not grow wholesome lives like any other children.

5.4 Recommendations

5.4.1 OVC rights to protection in nakivale refugee settlement

UNHCR should recruit more teachers in the primaries so as to reduce teacher pupil ratios to manageable number if children are to acquire quality education. Also attempts should be made to recruit multi-lingual teachers with knowledge of French, English and Swahili so as to enable the children learn easily in the languages they understand. At the same time, special needs teachers should be recruited with in the schools in the settlement to enable children with special needs study and learn at convenience.

The protection agencies also need to introduce fertilisers in their seed programme so that people can grow crops with high yields to supplement the food ratios if they are to ensure food security and dietary improvement.

The refugee men and women should be encouraged to practice family planning so as to regulate the population growth within the settlement.

Agro-forestry should be encouraged with in the settlement so as to enable people conserve their environment while improving access to fruits at the same time.

If the rights of OVC are to be protected properly, they should be given unique favour especially in scholastic materials, food ratios, other basic requirements like clothes, plates and source pans, soap and salt since they are more vulnerable to exploitation as they try to fend for their needs.

5.4.2 Application of rights based approach in protecting OVC at nakivale refugee settlement

The school based clubs should be strengthened and facilitated if children are really to participate in affairs affecting them.

Competitions should be created among different groups of children in the settlement e.g children with special needs to have own club and compete with others. This would motivate them to improve on their freedom of expression and groom independent minded citizens.

The messages in the talking compound should regularly be updated, modified or changed so as to improve awareness on challenges and opportunities of OVC e.g on issues of HIV/AIDS prevention, living independent and skilled lives, responsible living, and freedom of expression.

5.4.3 Ways in which protection agencies enhance protection of rights of refugee OVC

A school feeding programme should be introduced in order to improve on retention, enrollment and completion rates for children in schools.

More sustainable income generating projects, life skills, entrepreneurship that are home based like crafts, weaving, paper making should be introduced in the settlement and women provided with materials to enable them earn an extra income.

The frequency for legal services provision should be reduced to two months or even one month in order to reduce on Case back log.

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APPENDICES

Appendix i: Interview guide for UNHCR and protection agencies

Dear Respondent,

I am currently undertaking research on the topic “*An assessment of rights to protection for OVC in refugee Settlement A case Study of Nakivale*” in partial fulfilment for the award of Master of Arts (Migration and Refugee Studies) of Uganda Martyrs University-Nkozi. In this study, I would like to obtain information regarding (1) rights to protection for refugee OVC, (2) use of the rights approach in protection of refugee OVC rights and (3) ways agencies use in protection of refugee OVC rights. You have been selected to participate in this study because you have valuable information and knowledge related to the study as a staff of protection agency. The information sought is required only for academic purposes. I request you kindly to respond with truthfulness and honesty for the success of the research. Information provided will be treated with maximum confidentiality.

Objective 1: What OVC rights need protection in Nakivale Refugee Settlement?

1. What category of OVC do you have in this settlement?
2. How many OVC in those categories?

3. What are the rights to protection for OVC are you concerned with in this settlement?
4. What do you do to ensure the safety of OVC in this settlement?

Objective 2: To what extent has the rights based approach been used to protect orphans and vulnerable children at Nakivale Refugee settlement?

1. How do children participate in affairs affecting them?
2. How do you promote the children's best interests principle?
3. What kind of awareness creation do you create in this settlement on OVC rights and empowerment?
4. How is the Sexual and Gender Based Violence prevented and responded to in this settlement?

Objective 3: In what ways are protection agencies enhancing protection of rights of refugee OVC?

1. In what ways are you enhancing the protection of right to education of refugee OVCs?
2. How do you ensure access to health services for refugee OVCs?
3. How do refugee OVCs access food and nutrition services in this settlement?
4. Do refugee OVCs participate in economic strengthening programs?
5. What kind of psychosocial support is offered to refugee OVCs?
6. How do refugee OVCs access legal assistance and Justice?

Appendix ii: Interview guide for primary head teachers, secondary school teachers and vocational tutors

Dear Respondent,

I am currently undertaking research on the topic “*An assessment of rights to protection for OVCs in refugee Settlement A case Study of Nakivale*” in partial fulfilment for the award of Master of Arts (Migration and Refugee Studies) of Uganda Martyrs University-Nkozi. In this study, I would like to obtain information regarding (1) rights to protection for refugee OVCs, (2) use of the rights approach in protection of refugee OVC rights and (3) ways agencies use in protection of refugee OVC rights. You have been selected to participate in this study because you have invaluable information and knowledge related to the study as a staff of protection agency. The information sought is required only for academic purposes. I request you kindly to respond with truthfulness and honesty for the success of the research. Information provided will be treated with maximum confidentiality.

1. What category of OVC’s are attaining education in this school?
2. How do children participate in protection of their own rights?
3. How is the Sexual and Gender Based Violence prevented and responded to in this settlement?
4. What kind of children’s friendly spaces exist in this settlement?
5. Are their children’s clubs or committees in this community? How do OVC’s participate in these clubs?
6. How are OVC’s involved in their own protection?

7. In what ways are schools enhancing the protection of right to education of refugee OVCs?
8. What kind of school feeding program exist in this school
9. What kind of psychosocial support does this school offer to refugee OVC's?

Appendix iii: Focus group discussion guide for OVC

Dear Respondent,

I am currently undertaking research on the topic “*An assessment of rights to protection for OVC in refugee Settlement A case Study of Nakivale*” in partial fulfilment for the award of Master of Arts (Migration and Refugee Studies) of Uganda Martyrs University-Nkozi. In this study, I would like to obtain information regarding (1) rights to protection for refugee OVC, (2) use of the rights approach in protection of refugee OVC rights and (3) ways agencies use in protection of refugee OVC rights. You have been selected to participate in this study because you have invaluable information and knowledge related to the study as a staff of protection agency. The information sought is required only for academic purposes. I request you kindly to respond with truthfulness and honesty for the success of the research. Information provided will be treated with maximum confidentiality.

Questions

1. What is your perception on Children’s rights protection in this settlement?
2. What social measures have been put in place to protect OVCs in this settlement?
3. How do you participate in affairs affecting you?
4. What kind of awareness creation do you create in this settlement on OVC rights and empowerment?
5. What kind of children’s friendly spaces exist in this settlement?
6. Are their children’s clubs or committees in this community?

7. Who sponsors your education? How do you access scholastic materials?
8. How do you ensure access to health services for refugee OVCs?
9. How do refugee OVCs access food and nutrition services in this settlement?
10. How do you participate in economic strengthening programs?

Thank you

Appendix iv: Focus group discussion guide for OVC foster parents

Dear Respondent,

I am currently undertaking research on the topic “*An assessment of rights to protection for OVCs in refugee Settlement A case Study of Nakivale*” in partial fulfilment for the award of Master of Arts (Migration and Refugee Studies) of Uganda Martyrs University-Nkozi. In this study, I would like to obtain information regarding (1) rights to protection for refugee OVCs, (2) use of the rights approach in protection of refugee OVC rights and (3) ways agencies use in protection of refugee OVC rights. You have been selected to participate in this study because you have invaluable information and knowledge related to the study as a staff of protection agency. The information sought is required only for academic purposes. I request you kindly to respond with truthfulness and honesty for the success of the research. Information provided will be treated with maximum confidentiality.

Questions

1. What is your perception on Children’s rights protection in this settlement?
2. What social measures have been put in place to protect OVCs in this settlement?
3. What kind of awareness on children’s rights have you ever had in this settlement?
4. What psychosocial support do you offer to OVCs in this settlement?
5. What do you do to ensure the safety of OVC’s in this settlement?
6. How is the Sexual and Gender Based Violence prevented and responded to in this settlement?
7. What kind of children’s friendly spaces exist in this settlement?

8. How are OVC's involved in their own protection?

Appendix v: Consent form to participate in the research

Study title: An assessment of the rights to protection of orphans and vulnerable children in refugee settlement: case study of nakivale refugee settlement- Isingiro district

You are being asked to join this research study. This consent form explains the research study and your role in the study. You are a volunteer. You can choose not to take part and if you join, you may quit at any time. The purpose of this research is to make an *assessment of rights to protection for OVCs in refugee Settlement A case Study of Nakivale Refugee settlement*” The study specific objectives are;

1. To establish the rights to protection of refugee Orphans and Vulnerable Children at Nakivale Refugee Settlement
2. To examine the extent to which the rights approach has been used to protect Orphans and Vulnerable children in Refugee settlement
3. To assess ways used by protection agencies to enhance protection of refugee OVC rights

I would like you to participate in this discussion by answering questions posed to you and you will have a chance to ask any questions in relation to this research. There are no risks and discomforts in this study, and the questions we are asking are not necessarily being targeted to OVCs or their foster families and no question being asked that is personal. The research has ben authorised by the Uganda Martyrs University –Nkozi. There is no financial benefits and rewards for participating this study, participation is voluntary. The information that Iam collecting will be kept confidential. The research results will be shared with the agencies participating in the study. If you wish to ask questions later, you may contact the following person:

Asiimwe Ambrose
Masters Student
Uganda Martyrs University
0772693842
asiimweambrose@yahoo.com

What does your signature (or thumbprint/mark) on this consent form mean?

Your signature on this form means, you have been informed about this study's purpose, procedures, possible benefits and risks. You have been given the chance to ask questions and response given before you sign. You have not waived any of your human rights. You have voluntarily made an informed decision to participate in this study.

.....
Print Name of Adult Participant	Signature or Thumb Print	Date

If illiterate or children below 18 years

Print Name of Independent Literate Witness Date and Signature of Witness

(If possible, this person should be selected by the participant and should have no connection to the research team)

.....
Guardian/Parent Participant	Signature or Thumb Print	Date

.....
Person obtaining Consent	Signature or Thumb Print	Date

.....
Name of Witness	Signature or Thumb Print	Date