

**THE VIOLATION OF CHILD RIGHTS AND THE STATUS OF
CHILDREN IN DISPLACEMENT CAMPS:
A CASE STUDY OF DZAIPI SUB
COUNTY ADJUMANI
DISTRICT.**

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DECLARATION

I hereby declare that to the best of my knowledge and belief, this is my original piece of work and that it has never been submitted for the award of any credentials in any university or college or published as a whole or part.

I further declare that all materials cited in this dissertation which are not my own have been fully acknowledged.

Signed.....

OBETI BENARD

APPROVAL

This research proposal is submitted with the approval of my supervisor

Signed 

MRS DEBORAH TALIGoola

DATE..2/5/2011.....

DEDICATION

This work is dedicated to my beloved parents Andi Mike Dr Andi and Betty Made for showing me the light of the day. It is also dedicated to Titer, Etom and Bako for their tireless support to me.

May God bless you all?

ACKNOWLEDGEMENT

This research work has taken a lot of my time and other resources to come to this final stage, which was still not enough and it has also involved some other people who have helped me to reach in this final stage.

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Above all I give thanks and praise to Allah who has endowed me with wisdom and whose strength and guidance alone have enabled me complete this work successfully.

LIST OF INTERNATIONAL LEGAL INSTRUMENTS

International Covenant on Economic, Social and Cultural Rights

International Covenant on Civil and Political Rights

Convention on the Rights of the Child

African Charter on the Rights and Welfare of the Child

Geneva Declaration of the Rights of the Child

Declaration on the Elimination of Violence against Women

Convention on Elimination of all forms of Discrimination against Women

List of National instruments

The Constitution of the Republic of Uganda (1995)

The Children Act, Cap 59 Laws of Uganda

ACRONYMS

AHA	-	Action Health Africa
ADLG	-	Adjumani District Local Government
BJP	-	Beyond Juba Project
CAO	-	Chief Administrative Officer
CSO	-	Civil Society Organization
DAC	-	Development Assistance Committee
DDP	-	District Development Plan
DPC	-	District Police Commissioner
DRC	-	Democratic Republic of Congo
FDC	-	Forum for Democratic Change
GBV	-	Gender Based Violence
HIV	-	Human Immunodeficiency Virus
IDP	-	Internally Displaced Person
JLOS	-	Justice Law and Order Sector
LC	-	Local Council
LRA	-	Lord's Resistance Army
LWF	-	Lutheran World Federation
MAYANNK	-	Moyo, Arua, Yumbe, Adjumani, Nebbi, Nyadri, and Koboko
MP	-	Member of Parliament
NGO	-	Non-Governmental Organization
NRC	-	Norwegian Refugee Council
NRM	-	National Resistance Movement
OECD	-	Organization for Economic Cooperation and Development
OPM	-	Office of the Prime Minister
PRDP	-	Peace Recovery and Development Plan for Northern Uganda
RDC	-	Resident District Commissioner
RLP	-	Refugee Law Project
RSA	-	Judicial Officer
SPC	-	Special Police Constable
SPLA	-	Sudanese People's Liberation Army
UNHCR	-	United Nations High Commission for Refugees
UWA Uganda	-	Wildlife Authority
WNDC	-	West Nile Development Conference

OCHA - Organization for Co-ordination of Humanitarian Affairs

CHAPTER ONE

1.0 Background of Study

Formerly known as East Moyo County, Adjumani District was part of Moyo District since 1962. In 1997 Adjumani was granted status of a District. The District is situated along river Nile. The district is bordered by Yumbe Arua and Moyo to the west, Sudan to the north and Amuru District to the East. Adjumani is separated from Amuru District by Zoka forest reserve to east and Moyo by the Nile to the west.

The District acts as habitat for internally displaced persons (IDPs) numbering about 40000. The issue of IDPs in Adjumani District has been ignored by national and international debate as one of the problems which have been caused by the twenty years conflict in northern Uganda. The underlying reason is that the conflict was classified as an ethnic conflict between the Madi and Acholi from Gulu, Kitgum and Pader Districts as opposed to being part of the overall conflicts in Northern Uganda.

The internal displacement in Adjumani District did not occur at once, the few who feared for their lives from the villages like Arinyapi and Ogolo continued to move in small numbers to the safer villages nearby such that their life will be protected from the atrocities which have been committed by the LRA. The insecurity in Adjumani District is not in the real town itself but rather in the surrounding villages which are of some distance, thus making the District to experience small scale displacement which is not comparable to other districts like Gulu and Amuru.

This proposal is premised on the need for government and international intervention to protect and children in the Dzaipi IDP camp.

The Constitution of Uganda defines a child as “persons under the age of sixteen years.”

Article 1 of Convention on the Rights of the Child defines a child as “every human being below the age of 18years unless under the law applicable to the child, majority is attained earlier.

Section 2 of the Uganda Children Act defines a child as “a person below the age of eighteen years”.

Section 4 of the Children Act stipulates some of the rights of the children which include; right to leave with parents, maintenance, education, guidance, immunization, adequate diet, clothing, shelter and medical attention as well as protection from violence and harmful employment.

Displaced persons are “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.

1.2 Statement of the problem

Since 1986, several rebel groups waged rebellion against the government of Uganda. In the course of this rebellion, massive atrocities and execution of innocent children was committed in Dzaipi Sub County in Adjumani District in West Nile region of Northern Uganda. This research therefore examines the human rights violations against children and the overall status of children in the displacement camp in Dzaipi Sub-county of Adjumani Sub County in west Nile region of northern Uganda.

1.3 Objectives of the study

1.3.1 General objectives

To examine the violation of human rights committed against children and to investigate the overall status of children in the IDP camp in Dzaipi Sub County in Adjumani district.

1.3.2 Specific objective

1. To analyze the human rights violations committed against children in the IDP camp in Dzaipi Sub -county of Adjumani District.
2. To identify the social and economic needs of children in the IDP camp in Dzaipi Sub-county Adjumani District
3. To Investigate what has been done to solve the internal displaced children in Dzaipi Sub county Adjumani District

1.4 Research Question

The research is guided by the following questions:

1. What are the human rights violations committed against children in the IDP camp in Dzaipi Sub -county of Adjumani District?
2. What are the effects of internal displacement on the status of children of Dzaipi sub- County?
3. What are the possible solutions that can change the status of children in the IDP camp in Dzaipi Sub County?

1.5 Research Hypothesis

1. Human rights violations are committed against children in the IDP camp in Dzaipi sub-county
2. The displacement affected the status of children in the IDP camp in Dzaipi Sub County.
3. The displacement increased the vulnerability of boys and girls in the IDP camp in Dzaipi displacement camp to HIV/AIDS
4. The displacement has lead to loss of many lives of children in displacement camps of Dzaipi Sub County.

1.6 Scope of the Study

The research focuses on Dzaipi sub county of Adjumani district, located ten Kilometers (km) along Moyo-Gulu road. The study is concerned with the status of children in displacement camps since 1986 on the children in Dzaipi Sub County in Adjumani district.

1.7 Significance of the Study

The study provides awareness on the human rights violations committed against children and on the overall status of children in IDP camps in Dzaipi Sub County in Adjumani district. In particular:

The research will provide basic data on the status of children in displacement camps of Dzaipi Sub County in Adjumani district, west Nile displacement camps of Dzaipi Sub County. This sheds light on the government's failure in meeting its international human rights obligations.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

This chapter discusses related literature from the text books and reports which examine the violation of right of children and their overall status in displacement camps.

The Concept of Internal Displacement.

The United Nations *Guiding Principles on Internal Displacement* states:

“internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.”

While the above stresses two important elements of internal displacement (coercion and the domestic/internal movement) it is important to note that rather than a strict definition, the Guiding Principles offer “a descriptive identification of the category of persons whose needs are the concern of the Guiding Principles”. In this way, the document “intentionally steers toward flexibility rather than legal precision” as the words “in particular” indicates that the list of reasons for displacement is not exhaustive. However, as Erin Mooney has pointed out, “global statistics on internal displacement generally count only IDPs uprooted by conflict and human rights violations. Moreover, a recent study has recommended that the IDP concept should be defined even more narrowly, to be limited to persons displaced by violence.” Thus, despite the non-exhaustive reasons of internal displacement, many consider IDPs as those who would be defined as refugees if they were to cross an international border hence the term refugees in all but name is often applied to IDPs.

Internally displaced people, or IDPs, are often wrongly called refugees. Unlike refugees, IDPs have not crossed an international border to find sanctuary but have remained inside their home countries. Even if they have fled for similar reasons as refugees (armed conflict, generalized violence, human rights violations), IDPs legally remain under the protection of their own government - even though that government might be the cause of their flight. As citizens, they retain all of their rights and protection under both human rights and international humanitarian law¹

According to Cains (1997) towards the end of 1997 the most direct human effects of civil war are fatalities and population displacements. In modern civil war the composition of the victim differ radically from the war of the early 20th century, in that the impact has shifted from military personal to civilians, to some extent the rise in civilian casualties. Rebel recruitment strategies are now commonly coercive, so people flee to avoid recruitment, for example , in response to a recent Sudan civil war, primary between northern and southern Sudanese from 1955 through 1972 and from 1983 to present, has left more than 1.5 million southern Sudanese dead and majority of the remaining south Sudanese population un rooted. The massive level of often 'deliberate death and displacement has been one of the country's largest, yet last recognized tragedies.

According to Uganda Human Rights Commission (2001) conflict leads to insecurity hence people are put in camps can for security where they entirely become dependent on the state.

According to report by IOM/DASS

“....the irregular nature of displacement in Adjumani is exemplified by three factors that are interrelated: multiple displacements, small-scale displacement, and the range of settlement strategies employed by IDPs”

The registered IDPs have moved several times, and as a result are often difficult to identify and therefore assist. Moreover, because displacement in Adjumani was initially small-scale in character, IDPs were not relocated en masse to

camps as was the case in other areas of Northern Uganda. Instead they employed varied settlement strategies which effectively made them less visible to humanitarian actors. Specifically, some IDPs were displaced from rural areas into town centers and others into public buildings, while some moved into relatively safer villages where they had extended family or other connections. At times IDPs living in vacated refugee settlements as well as those who moved into official camps were immediately recognizable to authorities. By and large, however, the factors which shape displacement in Adjumani have no doubt played a role in making the extent of the crisis indiscernible.

The majority of displacement in Adjumani has been limited to movement within the district itself. In addition, in the absence of a clear local government policy on displacement IDPs have tended to move toward sub-county centres, nearer to military installations, and away from the insecure border with Gulu district. In fact, findings revealed that many internally displaced persons attempted to settle close to their original lands, in the hope of returning there during the rainy season. Amongst the current IDP population in Adjumani, displacement occurred at relatively low levels prior to 2004. Of the existing IDP households, IOM/DASS reported that

“21 percent were displaced in 2003 or earlier, as opposed to 79 percent in 2004 and 2005 Official ‘transit centres’ were only established in the wake of attacks on 7 January 2006”

2.1 Effects of Internal Displacement on Children in Dzaipi sub-county

Shelter and Non-Food items

The crisis facing the displaced refugees started on the aftermath of the LRA attacks on settlements in southern Adjumani, Odek, and Amida camps in Gulu and Kitgum. During this time most of the IDPs lost property. This raised a need for assistance especially provision of shelter and non-food items. Humanitarian agencies were quick to respond and provided the immediate requirements. In Adjumani, of the 20,134 displaced nationals initially assessed, the DDMC “*rated about 3,000 as badly off and recommended immediate assistance*”. The Office of the Prime Minister provided non-food assistance for all 20,134.

Water and Sanitation

In a report published by OCHA in 29 June 2005 availability of water remains a serious problem in camps, with children in IDPs spending several hours at the few water points. Consumption of water is as low as 3-4 liters per household per day (about half a liter per person per day) in the camps. Sanitation is equally poor and of concern in camps and learning centres. In most camps, about 200-500 people share one latrine (a single squat-hole). Coupled with this is the poor waste management in camps. It is feared that with the commencement of the rainy season, diarrhea cases will increase among the population, or worse, a cholera epidemic might break out in the camps.

Other agencies such as OXFAM, IRC, CONCERN, COOPI, GOAL, ECHO, CESVI and CPAR, among others, are intervening in this sector. There is need for health campaigns to sensitize IDPs on proper hygiene, but with the minimum facilities lacking in the camps, such a campaign would make little difference even if IDPs embraced proper hygienic practices.

Violence against Women and Children

A major protection issue in the Acholi sub-region is that of night commuters and open-air dwellers who camped in the towns. In Gulu, the increased attacks throughout the district, especially in the municipality suburbs, have led to a tremendous rise in the number of night commuters. The district has reported about 21,248 night commuters currently, compared to 18,505 in March 2004 – a 15 percent increment. Kitgum has about 11,553 and 654 night commuters and open-air dwellers respectively. The lack of adequate protection for these vulnerable groups has exacerbated the problem of sexual exploitation of girls and women which has led to violation of their rights in displacement camp.

Generally speaking, the most basic protection foundation is missing as camps continue to be targets for murderous LRA assaults. A major problem facing protection is that besides UNICEF, no other agencies are specifically focused on human rights. As a result, there is little follow-up of protection and human rights issues, including gender-based violence. Protection must remain a core concern for the humanitarian community, which ought to develop sufficient dialogue with the district authorities about a wide range of serious concerns.

The major concern of peace groups is that many girls and women continue to be abducted and raped or simply go missing. Others are killed after being tortured. The testimonies of Congolese and Burundian women cast a dark shadow on sustainable peaceful coexistence and harmony in the region in particular and the continent in general.

Health and Nutrition

Health centers in all conflict-affected districts remain poorly equipped, inadequately staffed with insufficient supplies of essential drugs. Diseases such as diarrhea, coughing, malaria, and skin infections are common on children in the camps. Agencies have taken into consideration the risk of disease outbreak, especially cholera and dysentery during the wet season. In Lira, for instance, while MSF has an emergency plan, there is unanimous agreement on the need for a response action plan involving other agencies and the district.

In Gulu, a meningitis outbreak was reported in Lalogi and Opit camps. Two people reportedly died. The DDHS, with the support of the Ministry of Health, acted swiftly and vaccinated all persons in the two camps before proceeding to the night commuters. There is an urgent need, to vaccinate the neighboring camps as well, and probably the whole district. The DDHS, *however, argues that the rainy season does not favour the spread of meningitis*. The outbreak offered an insight into the effectiveness of emergency health co-ordination when an epidemic threatens. However, there is a great need for improvement in health co-ordination in all the affected districts, and to address the issue of duplication of funding in certain areas of public health.

In Lira, MSF continues to run therapeutic feeding centres (TFCs) targeting children, and supplementary feeding centres (SFCs) in the mobile clinics in some of the rural camps. The high numbers of children in TFCs, mostly at phase II (about 200 in the last month) is an indication of high malnutrition rates in the camps. MSF reports that the recovery rate in the TFCs is good and after phase II, children are discharged with a supplementary ration. UNICEF and WFP support the TFCs/SFCs, which currently target under-fives. Similarly in Kitgum, admission to SFCs/TFCs has reportedly increased and training for TB

As, counselors and personnel for SFCs/TFCs is ongoing. This approach has helped in addressing the situation, although more intervention is needed to meet the health needs of IDPs.

HIV/AIDS

In Adjumani, community-based resource persons have been trained in camps to administer malaria treatment and community health workers have been trained to manage HIV patients at sub-county level. The district is conducting training in home-based management of fever in Ofua and Dzaipi Sub County.

A major health concern is the HIV/AIDS scourge. The prolonged war coupled with poverty has exacerbated the problem of HIV/AIDS and there is need for a concerted effort and public campaign to reduce the high prevalence rate. In Gulu, for instance, zero-prevalence rates are believed to be 13.2 % in the district. With nearly 90% of the district's population displaced, this essentially means that the high HIV prevalence rate is within the camp population. What is equally ominous is that this is more than twice the national rate. There has been a significant lack of a meaningful focus on HIV management in the camps, and there is a clear need for HIV working groups in all war affected districts.

The Ministry of Health, supported by UNICEF, embarked on an initiative to accelerate routine health service activities using the existing outreach systems at the district level. All emergency districts presented their plans and the required supplies, including vaccines and record books, were delivered to the respective districts. Activities include de-worming programmes and provision of high doses of Vitamin A for children in IDP camps, aged between six months to five years, and the targeted coverage is 90 percent. The MOH will spearhead dissemination of public awareness messages on the benefits of breastfeeding, using insecticide-treated nets and other health, nutrition and sanitation issues in the community.

According to Ghobarah, Huth and Russet (2003), conflicts increases risk of spreading HIV/AIDS². When military personal are stationed away from home due to conflict social controls in relation to engaging in sexual relationships are lower and the risk of HIV infection is likely to be higher, prostitution around army bases increases the spread of infection. However through consensual intercourse but also through gender violence. Regular soldiers and rebels force women to give sexual favor in exchange “for protection” also the incidences of rape increases, often dramatically, during war, with refugees and displaced women and girls being particularly vulnerable. In addition to civilians being abducted, women and girls experience sexual abuse. This explains in part why northern Uganda has the highest infection rates of HIV/AIDS

Carballo and Sobly (2001) estimate that more than 200,000 women refugees were raped during the Rwandan genocide³. Diseases have long been used as weapons of war and AIDS is no exception, HIV infected solders made wide spread use of raped as a systematic tool of war fare in conflicts in Liberia Mozambique, Rwanda and Sierra Leone.

Food SecurityWFP food assistance continues to reach over 1.6 million IDPs sheltering in camps in Gulu, Kitgum, Pader and Lira districts and in the eastern Teso sub-region; 148,000 refugees; school children and other vulnerable persons.

WFP, however, faces a serious shortfall of 106,338 tons of food commodities (81,840 tons cereals, 15,722 tons pulses, 7,868 tons CSB and 908 tons vegetable oil) from May through December 2004. A pipeline break in fortified blended food is anticipated from May through December 2004. WFP urgently requires US\$ 56 million in generous contributions to continue providing relief assistance to over 1.6 million people through December 2004.

By July 2004, WFP cereal stocks for one million six hundred thousand IDPs will be exhausted, unless pledges from donors are received, while fortified blended food for children is already inadequate to meet the current needs. LRA activity in the Acholi sub-region has forced the displaced population to only plant in fields at the periphery of the camps and the July harvest therefore is likely to be minimal, further constraining household food security among the IDPs. In Adjumani some IDPs have moved to rural camps closer to their homes to prepare their fields for cultivation. Some have borrowed or obtained lease of small pieces of land (about half an acre), but even this is not sufficient for the food needs of the IDP population.

Limited food stocks of cereals and beans from the last harvest in January 2004 are exhausted. The hungry season has begun, prior to the next harvest season in July 2004. Subsequently, rations for IDPs in the three Acholi districts have been increased from 50-65 percent to 78 percent of the recommended daily nutritional requirement, despite the looming shortfalls, to avoid increasing hunger and malnutrition. However, WFP has been forced to remove fortified food for children from the household ration, to preserve limited stocks for supplementary feeding centers and primary school lunches.

Other agencies are assisting IDPs to become self-reliant: FAO plans to distribute farm inputs to 88,000 households in Gulu, Pader, Kitgum, Lira, Apac and Teso region for the second planting season after completing a distribution for the first planting season which targeted 22,000 households. In Gulu, ACDI/VOCA, which is operating in Bobi sub-county, has started ploughing land for IDPs and rehabilitating feeder roads to ease access to farmland and stores. The agency is also implementing a Heifer Project for IDPs. Other agencies such as AVSI, CARITAS and OXFAM are also providing seeds and tools in an effort to reduce the IDPs' dependence on WFP.

According to Uganda Human Rights Commission (2001-2002), relief agencies are forced to suspend their activities as a result of result of repeated attacks on their convoys resulting in loss of lives and tones of relief aid. .

According to Ministry of finance, planning and economic development 2004/5-2007/8 insurgency and violence against civilians and humanitarian organizations has heightened especially after the termination of ceasefire in April 2003. This has made humanitarian access to the internally displaced persons (IDP) very difficult leading to a further worsening of the humanitarian situation in northern Uganda.

Education

The major challenge is delivery of services in the displaced schools and learning centres. In most rural areas in northern Uganda, there are no functional schools, and education in camps is characterized by over-crowding, high teacher-pupil ratio, lack of scholastic materials and absenteeism among the pupils. Poor performance in the past has been attributed to lack of conducive learning environment. Fear of abduction on the part of teachers and pupil's results in poor concentration in class.

In Madi sub-region, education has been severely disrupted and most school children attend classes in overcrowded learning centres. The average teacher-pupil ratio is 1:100, and there are inadequate, if any, teaching/learning materials. The school-feeding program has also not commenced in any of the three districts of the region.

Discussions between UNICEF, Save the Children and DFID are ongoing for additional support to build seven temporary classrooms and 10 latrine stances; to supply a HDPE tank and hand wash facilities; and to provide scholastic materials to 7,200 school children in nine displaced schools. UNICEF delivered seven HDPE tanks, 70 mobile toilets and 14 hand washing tanks worth US\$ 19,600 to Gulu to be distributed to seven primary schools. UNICEF also completed construction of the (integrated early childhood development (IECD) site to cater for 400 children in Labuje camp in Kitgum. Activities will start, with 30 caregivers

There is, however, need for the construction of more learning centres in all war-affected districts, and measures to curb the dropout rate, which seems to be higher among girls than boys

CHAPTER THREE

METHODOLOGY

3.0 Introduction

This chapter sets out the methods that were used to carry out the study.

3.1 Research Design

The study was descriptive in nature. It aimed at giving detailed account of the views, feelings and attitudes of the people in Dzaipi sub-county of Adjumani district in west Nile part of northern Uganda towards the status of children in displacement camps.

3.2 Study Area and Population

The study population was 127 in Dzaipi sub –county, ten kilometres from Adjumani Town, along Moyo Gulu road. The research population included the elders, youths, male and female adults, sub county officials, formerly abducted children and nongovernmental organizations officials.

3.3 Sample Frame work

3.3.1 Sampling Size

The target population of the research was the local population found in Dzaipi sub-county of Adjumani district. The following respondents were interviewed: 20 formerly abducted children; 25 elders; 35 women 30 youths and 10 sub county officials; 5 men and 2 NGO officials.

3.4 Methods of Data Collection

3.4.1 Instruments of data collection

(a) Questionnaires

Questionnaires shall be used to administer the researcher and a research assistant to get data on the status of children in displacement camps of Dzaipi sub-county in Adjumani district of West Nile region of northern Uganda.

The questionnaires helped to collect data from those respondents who did not have the time to be interviewed. The respondents filled or answered the questionnaires at their free time.

(c) Interview

In this method, oral interview will be carried out with the respondents listed on part 2.3. Using a semi-structured guideline, the researcher asked questions and took notes.

3.4.2 Sources of data

There are two sources of data used by the researcher.

(a) Primary source

Interviews, questionnaires and observation will be used to obtain primary data. The researcher had face to face contact with the respondents from whom the information was obtained.

(b) Secondary source

The researcher made use of books, newspapers, articles and web based resources. Kampala International University Library, Alere Refugees Resource Library and Uganda Human Right Library were visited.

3.5 Data processing

The researcher decoded the primary data collected. This was the first step of qualitative data analysis where the researcher carefully read the data collected for several times before making any analysis. At this stage, the researcher positioned himself to understand the information gathered with the help of field. This involved making different sections of data as being relevant to particular themes.

3.6 Data analysis

The researcher organized and extracted meaning from the data collected. The data collected through observation, interviews and questionnaires shall be qualitatively analyzed. The qualitative analysis aimed at exploring the status of children in displacement camps of Dzaipi sub county and be able to interpret them as experienced by the respondents in the field.

3.7 Limitations

In this field study, the researcher encountered the problem of limited financial support. This made processing of data a little bit difficult and compilation of final copy became a big challenge in carrying the field work

The researcher also discovered that, many people where the study was carried were not ready to avail the relevant information which could be considered as primary data and as a result, it was not easy convince or force the respondents to discuss their experiences during the war.

There were too many delays in the filling of the questionnaires. Majority of people in Dzaipi Sub County were illiterate which made the administration of questionnaires difficult and as a result, it prompted the researcher to use interview procedure which again was not so simple because people seemed to be having no time. In other instances, the respondents were not easily convinced that the research was for purely academic purposes.

CHAPTER FOUR

DATA PRESENTATION ANALYSIS AND ENTREPRETATION OF FINDINGS

4.0 Introduction

This chapter discusses the findings of the field research done in the IDPs Camp in Dzaipi Sub-county, Adjumani District. It critically examines the adequacy of implementation of the law in protecting and promoting the rights of the children in IDPs.

4.1 Establishment of Dzaipi IDPs Camp

According to the Government of Uganda authorities in Dzaipi camp for the IDPs, the camp was established not only to prevent the LRA from committing of the atrocities but also to secure and improve security for its innocent citizens. Dzaipi IDP Camp is located 10 km along Moyo - Gulu road, Adjumani District. It was established by the Government of Uganda in 2007 to receive and resettle the IDPs forcefully displaced by the LRA. It was and is still to provide safe haven for the IDPs and ensure not only human security but also provide relative peace for the camp occupants. The stories of the IDPs about the establishment of the camp slightly differ from one IDP to another. Most of the IDPs interviewed stated that the majority of the IDPs moved into the camps after having received orders from the Uganda Government Security Personnel to leave their homes and move to the nearest or nearby IDPs a camp. It was also reported by some IDPs that many of them moved into the IDPs camp voluntarily when they learnt of the excursions of the LRA and were afraid that they could easily become targets of the LRA and therefore wanted to be protected. Those who chose not to move into the Camp were more or less moved by the use of force.

In a similar story, it also told that the situation in Gulu was slightly different. IDPs were moved into what became to be known as 'protected villages' in 1999 when insecurity created by the LRA increased in the area. More people from

various villages were moved into protected villages in 2002. In Karo Lapainat (also called Tee Tugi), another camp in Gulu, the story told was a different one. The majority of the IDPs in this camp originated from Koro sub-county. That due to ever increasing insecurity, the villagers were ordered to leave their villages and proceed to protected villages. That they were given 48 hours by the Uganda Government Security personnel to leave their homes. As no directions had been given about where they should go, these people first went to Gulu Town. This created a lot of problems in the town. However, the Government intervened to ensure that the forced IDPs were immediately resettled to avoid them roaming the Town. The IDPs rejected twice the places the Government selected for the IDPs settlement. However, on 18 November 2003, one place selected near Gulu Town was acceptable to both the Government and the IDPs. This and several other stories told by the IDPs themselves suggest that the establishment of the IDPs camps were done rather in a haphazard and uncoordinated manner. However, we should also keep in mind that this process has taken place in an unpredictable and dangerous war zone. Criticism can be directed towards the UPDF, but their task has not been an easy one. It is a common knowledge that even the best-equipped armies, funded by the world's richest countries sometimes find it difficult to combine humanitarian operations while simultaneously engaging their enemies.

Although in some cases force has been used to make the people to move from their villages into IDPs Camps, it was deliberately done to ensure their safety. We would not characterize this use of force as extreme and systematic use of force by the UPDF towards the civilian population. These were done in good faith and for their interest too. However, the establishment of the camps, the reason for establishing them, and how this took place has been debated at length elsewhere. No matter how one looks upon the question of the establishment of the camps, they constituted the live reality for the overall majority of the population in Madi land.

4.2 The IDPs Population in Dzaipi

The general IDPs population of Dzaipi camp is approximately 18,000. Most of them came from the radius of 5 – 20 kilometers from places such as Mungula, Pakele, Ciforo and Bibia. The majority are from Madi and Lugbara tribes. They moved with the members of their families. The majority of them are Christians and a few Muslims. They however, lived in harmony without any tribal or religious sentiments.

Intermarriages were practiced between the two tribes. Apparently, most of the members from the two tribes are bilingual, meaning that they speak both Madi and Lugbara perfectly. But by the time of the Research late December 2009 and early 2010, the number of the IDPs had dropped to about 15,300. That means that 2,700 IDPs have voluntarily returned to their villages due to relative peace in the environment. It was reported by the authorities in Dzaipi IDPs Camp that the majority of the IDPs population is composed of children below the age of 15 years. However, the age group of the years 0-4 is smaller than the age group 5-9. This tended to indicate either an increased child mortality, or decreased fertility or probably both could be true. There is a gap of young persons in the age group 20-29. This probably might be due to the direct effect of the war.

The first arrivals of the IDPs in Dzaipi Camp were received by the host communities and Local Defence Unit (LDU) who were stationed in the Barracks located some distance from the camp. The army as well provided them security. As time went on the District Disaster Management Committee DDMC took over the reception of the IDPs in Dzaipi Camp. This was in accordance with the National Policy on the IPDS

Due to relative peace in the years 2006/7, some of the IDPs gradually and voluntarily moved to their original villages such as Pakele, Uluwa and Bibia. This made the usual congestions in the water points to be reduced.

4.2.1 Security of the IDPs in Dzaipi

One of the fundamental purposes of the establishment of the IDPs Camp was to secure the physical security of the IDPs and their properties. Indeed, security is one of the major objectives of the IDP Policy. This is in accordance with Article 22 of the Universal Declaration of Human Rights which provides for the right to social security. Furthermore, under Article 22 of the Convention on the Rights of the Child, 'state parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and the procedure shall, whether accompanied or unaccompanied by his or her parents or any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present convention.'

According to the reports directly from the IDPs themselves, that they felt secured largely due the presence of the Local Defence Unit (LDU) around the area and they regularly patrolled around the camps to pre-empt any attack by the LRA. It might be right and fitting to conclude that as far as the security of the IDPs in Dzaipi was concerned, the IDP Policy implementation has achieved its overall objectives. However, due to the insufficient number of the LDU around the area, the security of the population around the area is not up to date.

4.5 Freedom of Movement for the IDPs

Freedom of movement is a fundamental human right that the Constitution of the Republic of Uganda as well as the IDPs Policy grants to its citizens including the IDPs. Freedom of movement is vital for physical as well as economic and social survival of the IDPs. The violation of freedom of movement is against the Universal Declaration of Human Rights (UDHR) under Article 13 which "states everyone has a right to freedom of movement and residence within the borders of each state'. It is on the basis of this international instrument that the national constitution provides for the right of freedom of movement under Article 29. Most of the IDPs have realized and used this right especially on the onset of the relative peace in the area. However, for security purposes, a movement for the

IDPS especially during the time of the increased insecurity was limited by the authorities. In some cases the IDPs themselves fear to move freely even to their farmlands for the fear of falling into the hands of the LRA whose areas of operations are not specified.

4. 3.1 Access to Basic Services

Every person has the right to a standard of living adequate for the health and well being of himself and of his family including food clothing, housing and medical care and necessary social services. According to the general provisions of the National Internal Displaced Persons' Policy, The Uganda Government through the Office of the Prime Minister Department of Disaster and Preparedness with the support of the Humanitarian Agencies is duty bound to provide humanitarian relief assistance such as food and non-food items to the IDPs on the arrival and continued as long as the IDPs are in need. In this response, since the arrival of the IDPS in Dzaipi, a lot has been done to improve their conditions. They were provided with shelter materials, food items, agricultural tools and other non-food items such as medicines when they arrived with wounds inflicted by the LRA. As part of the implementation of the IDPs Policy the IDPs have the duty to contribute to their own welfare and survival; and to that of their children.

4.3.2 Water and Sanitation in Dzaipi

During the research, it was found out that there were about 6 boreholes in the area which provided clean water to the population around. But some of these were no longer providing enough water due to big number of the population utilizing the same borehole for the whole day.

With regards to sanitation, the African Humanitarian Action (AHA) provided temporary toilet facilities for the IDPs in Dzaipi and those neighboring the area to avoid instances of using the bush as toilets which could be a factor of health hazard. Some of the able individual IDPs constructed their own toilet facilities for themselves and members of their families. However, these were not sufficient due to the big number of the population.

4.3.3. Education

Every person has the right to education. The UDHR under Article 26 “provides for the right to education to be accessed by every human being, at least primary or elementary education; and state parties shall ensure the realization of this right”. Similarly under Article 28 of the Convention on the Rights of Child it provided that “state parties recognize the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity they shall in particular make primary education compulsory and available free to all”

In Uganda, every child has a right of access to education provided under the 1995 Constitution According to National Internally Displaced Persons’ Policy, the Government of Uganda through the Ministry of Education and Sports and the Local Governments shall ensure that the IDPs, particularly the children have the access to education as the rest of the children in Uganda. The Government lived up to its responsibility. The IDPs Children in Dzaipi have access to primary schools such as Dzaipi, Arinyapi, Ogolo and Gwere Primary schools where the education is free and compulsory. However, this has been hindered by lack of facilities in the schools, inadequate number of well trained teachers thus affecting the performance of the children in the schools mentioned above

4.3.4 IDPs Access to Health in Dzaipi

Every person adult or child has the right to adequate standard of living worth for human beings including the right to health care. Article 25 of the UDHR provides “that everyone has the right to a standard of living adequate for the health and wellbeing of himself and of his family, including among others medical care”. The Internanal Convention on Economic Social and Cultural Right states that parties to the present convention recongonise the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. In the same spirit state parties are obliged to ensure protection of the child’s welfare in respect of health care. This is provided in the Convention on the Rights of Child.

A healthy IDP is an asset to the community and the country at large. According to the information from the IDPs and from the on sight observation, much has been done in the field of the provision of health services in Dzaipi, but still a lot needed to be done. Since the arrival of the first IDPs in 1996 in Dzaipi, about 3 (three) health facilities have been established; two Primary Health Care Units (PHCUs) and one (1) Primary Health Care Centre, (PHCC). The referral cases to Adjumani Main Hospital (locally called locally ('Dragados') for further treatment is done by the PHCC. The health facilities in Dzaipi also do the psychosocial and post –traumatic stress treatment to alleviate the suffering of the IDPs. It has been found out by this research that despite these medical centres children continues to suffer in sickness due to lack of immunization and poor health facilities in these centres. The children who suffer the most due to lack of adequate medical care those who are HIV/AIDS infected. It has also been found out that there is limited number of medical professionals in these centres.

4.3.5 Food Security for IDPs in Dzaipi

The Convention on the Rights of Child under Article 27 provides that “state parties shall recognize the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development. Under clause 2 it states that the parent (s) or others responsible for the child have the primary responsibility to secure within their abilities and financial capacities the conditions of living necessary for the child’s development”. The provision places on state parties the obligation to measures to implement the above.

In the domestic arena of Uganda, the Children Act Cap 59 under section 3 which refers to the First Schedule to Act which states that “the welfare principle is the major principle in all decisions, it shall be the guiding principle under the Act. This is the best interest of the child”

The Uganda Government through the Office of the Prime Minister, Department of Disaster and Preparedness with the support of the Ministry of Agriculture, Animal Industry and Fisheries, Local Government and Humanitarian Agencies are duty bound to provide humanitarian relief assistance such as food and non-food items to the IDPs on the arrival and continued as long as the IDPs are in need. During the interviews, IDPs indicated that they were assisted with food.

agricultural seeds and tools so that they were enabled to produce extra food to feed themselves and surplus for sale. During the relative peace, some of the IDPs were able to produce enough food for their own consumption and sold the surplus in the markets across the border in the South Sudan.

4.4 Reintegration and Resettlement of the IDPs

Under the Convention on the Rights of Child, “state parties are tasked with the obligation to take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts.” Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child. The research found out that most of the children abducted from Dzaipi by the LRA and have already been released have been reintegrated into the host community. However, they are still traumatized and psychologically perturbed as a result of the treatment they encountered while in the hands of the rebels. Some organizations such as the World Vision and ARC have done their best in helping such children recover from the trauma by counseling and inculcating in them some vocational skills to help them fit themselves in the community. However, these NGOs face some constraints in implementing their plans on the children due to factors such as the big number of the children and lack of funds from donors and government.

From the interview with the IDPs, most of them expressed the wish to return to their traditional homes instead of staying in the IDPs camps. The IDPs Policy advocates for the promotion of the IDPs rights to return home voluntarily in safety and dignity. They could as well be enabled to resettle voluntarily in another part of Uganda.

With the prevalence of peace, the IDPs are being facilitated to return and resettle in the places of their choice and are being given tools and seeds to start meaningful lives and to fend themselves. The IDPs however, complained that the IDPs policy of resettlement was not being implemented properly because, there is lack of basic services such as availability of water, schools, health facilities in their areas of return. In addition, there is fear of war coming back again since LRA has not signed a lasting peace agreement with the Government

of Uganda. Over the last two years or so, about 2700 IDPs have returned to their original homes.

The Convention on the Rights of the Child was adopted in (1989) by the United Nations General Assembling. It came into force in September (1990), Uganda is a signatory and therefore bound by it. It enumerates the right the children Articles 2 of the convention provide for the non discrimination of children on basis of race, sex, religion and the like of the children or their parents.

Article 3 provides that the best consideration of the child should be primary consideration taking into account of the parents and legal guardians or individual legally responsible for the child.

Article 6; provides for the right to life.

Rule 3, Scheduled 1 of the Children Act states that “the welfare principle is the major principle in all decisions; it shall be the guiding principle under the act. This is the best interest of the child” This means that in any decision affecting the child you must put the child into the center be what should be the best for the child. This principle was addressed in the case of **Nnakagira vs. Kiggundu** Presided before the children Court issue of welfare was raised, judge stated that “welfare is incapable of exact definition in relation to the custody of the children”.

The term meant that all the circumstance affecting the well being of the child have to be taken into account, therefore the court has to look at what a wise parent ought to do.

It does not mean that it is the only consideration but it is paramount that it has to be taken into consideration.

Article 2 (2) UN Convention which states that “ state parties shall take all appropriate measures to ensure that the child is protected against all forms of torture, discrimination or punishment on the basis of status, activities , expressed options or beliefs of the child’s parents, legal guardians or family members”

Children affected by war are often reported as being “brutalized” the implication is of damaged psychologies and moral norms and of diminished humanity. The United Nations Children’s fund has stated that “time does not heal trauma” for millions of such children, who are often described as a “lost generation”

The Grace Michael (1996) study on the effect of armed conflict on children recognized that “children’s needs and aspirations cut across all ideologies and cultures; while this is true, during armed conflicts, children nevertheless are particularly vulnerable to human rights violations.

Human development index (2005), states that conflict causes breaches of human rights. The most basic of all rights, the right to life, which is protected by the ICCPR and Article 22 is commonly violated by the conflicts and insurgencies, particularly in northern Uganda, cattle rustling in Karamoja and insecurity in other parts of the country add injuries and loss of lives, land mines have been used some times to secure international borders or retrenched areas, estimates give 6000 amputees in northern region.

Macleod Baker Ochola (1997), the horrific and prolonged consequences of this war has devastated the society- a society that has been reduced to “displaced camps” where people languish without assistance and protection. The war has also destroyed the culture and social fabric of the Acholi society. Large numbers of orphans, who fend for themselves, illustrate this tragedy. Furthermore, some children have been abducted by the LRA and forced to torture and kill.

CHAPTER FIVE

SUMMARY OF FINDINGS, CONCLUSION AND RECCOMENDATION

5.0 INTRODUCTION

5.1 Summary of findings

There are crucial observations made by this research a key concern is that shelters in the IDP camps are highly crowded and congested. The congestion of the IDP camp impacts on the essential services such as public latrines, schools, and boreholes in the area.

In addition to that, schools such as Dzaipi, Arinyapi, Ogolo and Gwere Primary schools provide education opportunity up to Universal Primary Education (UPE) level only. Beyond that, individuals have to send their children to places such as Moyo and Adjumani if they happen to go through the UPE. Naturally, IDPs with meager resources often found it difficult to meet the education requirements of their children. Some of those successful from the Primary Leaving Examination could not benefit from the Universal Secondary Education (USE) simply because there is no Secondary School in Dzaipi and they could not afford to travel to those places where there are secondary schools. This is due to lack of resources. Furthermore, there is no Vocational Institution in Dzaipi and even the whole of Adjumani to take care of skill building for the school dropouts.

It was also noticeable that there is a great pressure on the six (6) boreholes in the area. There are often a lot of congestions around these boreholes throughout the day. Each family struggles to get some water for drinking and domestic work. Occasionally, there developed conflicts at the boreholes over water. However, these were resolved locally.

The lack of gainful and meaningful employment opportunities make the children to get involved in excessive drinking of alcohol and this culminates into early marriages. These create the other dimensions of social problems for

those concerned and their families and the communities. Some even get infected with HIV/AIDS due to involvement in sexual activities.

When the IDPs came to Dzaipi, most of them had a preconceived idea that they were going to return to their homes within a short time. However, their hopes to return home soon were frustrated, due to the fact that the war on the contrary intensified and thus causing further displacements. Most of the IDPs interviewed expressed their readiness and willingness to return home any time on the condition that there is lasting peace, basic social services such as water, education, health facilities and other services are available and operational in the places where they would return.

A major observation is that having taken into consideration the main factors of the National Policy for Internally Displaced Persons of Uganda in respect of protection and promotion of the rights of the IDPs in Dzaipi, in particular of children, it may be fair to state that to some extent the Policy has been implemented in the way and the manner which achieved its overall objective. Without the Policy, the IDPs in Dzaipi might probably be worse off than what they are currently. However, more and coordinated efforts will be required in the implementation of the Policy so that more added values might be achieved for the benefits of the children in IDPs.

5.2 Conclusions

The dissertation found that Government and its local and international supporters have managed to provide the needed emergency assistance and basic services to the children in IDPs and host communities but the assistance is not adequate.

The dissertation calls upon the implementation of the recommendations made and further research to ensure that the needs of internally displaced children are met.

5.3 Recommendations

With regards to the basic services required by the IDPs, as entrenched in the Policy, these have proved to be inadequate to some reasonable extent. There could have been a lot of contributing underlying factors or reasons for these. Some of these are beyond the scope of this research. It is therefore recommended that further research in this area should be undertaken in the near future to contribute to the improvement of the Policy framework. The majority of the IDPs are tired of the Camp environment and that they would like to return home at any time if there is real peace. Most of the children born in the camps do not know the real villages of their origin. In view of this, it is recommended that all parties concerned, Government of Uganda, the LRA and the international communities should engage in searching for lasting peace in Uganda so that IDPs could return to their respective homes. Furthermore, the Government and the NGOs, national or international should go beyond protection and promotion of the rights of the IDPs to creation of gainful income generating opportunities for the IDPs for the interest of their families and in particular their children.

Since Uganda's economic base is agriculture, items such as tools, seeds and appropriate technology should be given special priority to enhance self-reliance and surplus for the IDPs and the host communities. These would help them cater for the needs of their children without necessarily relying on the government or the NGOs. This dissertation recommends that an evaluation of the Policy performance of the National Policy for IDPs be done by others to gauge the effectiveness of the implementation of the policy.

In view of the inadequate basic services like water, it is recommended that the government of Uganda should facilitate the digging more boreholes in the area. Water is life, thus it must be made available to the people at whatever price.

This would help combat poor sanitation which most of the time is the cause of children ailments.

Education is the backbone of any civilized and developed society. Hence in light of the educational facilities in Dzaipi, there is need of building more schools at least a one secondary school is necessary to cater for children who are able to reach the PLE level. There is also a need to recruit more teachers to fill in the gaps which the research has revealed. There may also be need of creation of vocational training facilities in the area to cater for children who show great potential in physical training than attending schools. The government by the force of the international instruments it has rectified is obliged to take up this challenge for the benefit of these children.

APPENDIX 1: RESEARCH QUESTIONNAIRE

RESEARCH FOCUS: VIOLATION OF CHILD RIGHTS AND THE STATUS OF CHILDREN IN DISPLACEMENT CAMPS: A CASE OF DZAIPI SUB COUNTY, ADJUMANI DISTRICT- NORTHERN UGANDA.

Background information of the respondent.

1. Name.....
2. Age.....
Religion.....
Work.....
3. Marital Status
(Single/Married).....
4. Number of children if any.....
5. Resident (area of origin).....
6. What was the cause of your displacement?
.....
.....
7. In which year were you displaced?.....
8. When displacement took place were you with your family?
9. If yes who were they.....
10. If No where are they.....
11. When you arrived at the Center were you welcomed by the host
communities.....?
12. If yes, how did they welcome you.....
13. If no, how did they react to your coming.....
Did you move voluntarily from your place?

Tick in one of the boxes

Yes ☐

No ☐

a) If yes,
why.....

b) If no,
why.....
.....

7. Do you feel protected and secure in the camp?

Yes ☐

No ☐

If yes, why.....

If no, why.....

8. Are you free to move in and outside the camp?

Yes ☐

No ☐

9. Are you allowed to go out and cultivate?

Yes ☐

No ☐

If no, why.....

10. Do you access basic health services?

Yes ☐

No ☐

If no, why.....

11. Are the children accessing education?

Yes ☐

No ☐

If no, why.....

12. Do you have any relevant document/ identification?

Yes ☐

No ☐

If yes, what kind of identification.....

If no, why.....

13. Are you being given opportunity to participate in decision making?

Yes ☐ No ☐

If no, why.....

14. Do you vote in the election?

Yes ☐ No ☐

If no, why.....

15. What do you think about returning home?

.....
.....
.....

16. In your view, what hinders people from returning to their home of origin?

.....
.....

17. What recommendation do you have in regard to solving the problems of violation of the right of children in the Internally Displaced camps?

.....
.....

Thank you very much for your time and responses. May God bless you abundantly?

APPENDIX 2: LIST OF RESEARCH ASSISTANTS

The following participated as research assistants in carrying out the research:

1. Anguyo Dennis.
2. Bako Fortunate.
3. Maturu Kevin.
4. Afema Jimmy.

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