



REFUGEE CONSORTIUM OF KENYA

ADVOCACY STRATEGY POLICY DOCUMENT

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ADVOCACY STRATEGY POLICY

1. Introduction

Refugee Consortium of Kenya's core purpose is to ensure that refugees, asylum seekers and Internally Displaced Persons (IDPs) receive the best possible protection through legal and advocacy intervention, law and policy reforms, research and capacity building. In this policy, the organisation sets out the advocacy intervention mechanisms employed towards achieving this in line with our values, mission and vision. It also explains the challenges that they face, the areas that RCK intervenes in as an advocacy and policy centre, its collaborative initiatives and finally the challenges RCK faces as an advocacy organization.

The policy is designed to inform stakeholders such as the Government, UNHCR and other agencies that work towards the protection of refugees, asylum seekers and IDPs about RCK advocacy on behalf of refugees, asylum seekers and IDPs. It is a resource material also for the public. In this way, stakeholders will be able to identify how to work with the organization to enable refugees, asylum seekers and IDPs access their rights.

In addition, this Advocacy Strategy Policy is aimed at strengthening the organization's internal capacity to deliver its mission effectively.

2. About us

The Refugee Consortium of Kenya (RCK) is a non-governmental national organization in Kenya that works exclusively on behalf of refugees, asylum seekers, IDPs and returnees. RCK was initiated in 1998 by a group of human rights organizations to respond to the declining refugee rights situation in Kenya caused by the mass inflow of refugees into the country and the government's hands-off approach.

RCK seeks to protect and promote the rights and dignity of refugees, Internally Displaced Persons (IDPs) and returnees through providing legal aid and outreach services, advocating for rights based policies and legal reforms, research and information, capacity building and networking with like-minded organizations. Since its inception, RCK has established itself as a strong voice for refugees, asylum seekers and IDPs.

RCK has been advocating for the rights of refugees, asylum seekers and Internally Displaced Persons since its inception. The organization together with other like-minded organizations lobbied for the passing of the Refugees Act of Kenya. In November 2006, the Act was finally passed making this a big milestone in RCK advocacy. In addition to this, RCK has been carrying out training of law enforcement officers on the protection of refugees, asylum seekers and Internally Displaced Persons and this has resulted in attitude change among the officers. To address the challenges of frequent transfers among the police force, a curriculum and manual for police training on refugees, asylum seekers and IDPs protection to be included in the police training colleges was developed.

With the passing of the Refugees Act 2006, it was noted that there was need to simplify the Act not only for the refugees and asylum seekers but also for other stakeholders as the language used in the Act is technical. RCK produced a popular version of the Refugees Act in 4 languages – English, Kiswahili, Somali and Oromo.

RCK's advocacy initiatives have also seen the development and production of a booklet on national security that addresses the issues that come up with the mass influx of refugees into the country. The organization is currently lobbying for the proper management of the Kenya/Somalia border to allow asylum seekers access to the asylum process in Kenya.

2.1 Our Values

The fundamental beliefs that RCK stands for, which are the foundation of our ethics and motivation for our actions include:

- integrity and fairness,
- compassion,
- commitment,
- professionalism,
- respect for human rights
- respect for community
- knowledge,
- cultural diversity and values,
- gender equality and equity,
- team spirit,
- participation,
- accountability and transparency.

2.2 Our mission

Our mission is to assist in the protection and promotion of the rights and welfare of refugees, Internally Displaced Persons (IDPs) and returnees in Kenya and the wider Eastern Africa region from a rights based approach

2.3 Our Aims

- To facilitate refugees , asylum seekers and IDPs access to legal and social justice in Kenya
- To monitor adherence to international refugee laws and standards in refugee protection and to encourage accountability amongst stakeholders.
- To act as a catalyst for provision of accurate, timely and effective information to policy makers and implementers.

RCK's interventions are informed by research into issues affecting displaced populations within the country and comparative study of the international situation. In order to protect and promote the rights of our target group, RCK has noted the key gaps in their protection as:

- Failure by concerned authorities to implement laws protecting refugees and asylum seekers.
- Lack of legislation for the protection of Internally Displaced persons.
- Constant violation of refugee rights despite existence of national and international laws protecting them.
- Inability to access justice by refugees, asylum seekers and IDPs.
- Heightened sexual and gender based violence among refugees, asylum seekers and IDPs.
- Ignorance of rights, existing laws and available protection mechanisms by actors.

3. Stakeholders

Refugees, asylum-seekers, Internally Displaced Persons (IDPs) and returnees interact with government agencies, the local communities and many agencies. RCK notes that there is need to work with people from these sectors and others. The process of ensuring protection for these persons can only be carried out successfully through partnering with different stakeholders. Collaboration ensures there is no disconnect between the services given to the beneficiaries and promotes better flow of information. In line with our mission and vision, we maintain good working relationships with other sectors. These include:

☛ State Actors

- ◆ Judiciary – access to fair trial is a key human right. RCK seeks to create awareness of the rights of refugees, asylum seekers and Internally Displaced Persons among the judiciary to ensure that their interaction with the court system is fair.
- ◆ Immigration, especially the Department of Refugee Affairs (DRA) – RCK maintains a working relationship with the DRA in order to ensure proper implementation of the Act.
- ◆ Police and other law enforcement officers – RCK seeks to ensure that law enforcement officers are aware of the rights of refugees, asylum seekers and Internally Displaced Persons in order to offer them proper protection.
- ◆ Provincial administration
- ◆ Department of Children’s Services – Refugee children are entitled to the same protection as Kenyan children. RCK works with the DCS to ensure this happens and to sensitise the officers of special needs of refugee children as they arise.

☛ The Office of the United Nations High Commissioner for Refugees (UNHCR)

☛ Civil Society Organisations working on forced migration issues such as:

- ◆ Jesuit Refugee Services (JRS)
- ◆ HIAS Refugee Trust of Kenya
- ◆ Nairobi Archdiocese Refugee Assistance Programme (NARAP)
- ◆ Africa Refugee Programme- Great Lakes (ARP-GL)
- ◆ Joint Voluntary Agency (JVA)
- ◆ Kenya Human Rights Network (K-HURINET)

- The organization also works with other like-minded Development partners such as the Danish Refugee Council (DRC).

4. Objectives

- ◆ Enhance refugees, asylum seekers and IDPs access to social and legal justice through provision of legal aid at all levels.
- ◆ Provide psychosocial and counselling services for refugees, asylum seekers and IDPs.
- ◆ Advocate for rights-based policies, laws and practices for the protection of refugees, asylum seekers and IDPs.
- ◆ Research and share information on conflict, displacement, peace and security to inform policy makers, advocacy interventions and the general public.
- ◆ Advocate for improved standards of living for refugees, asylum seekers and IDPs.
- ◆ Enhance protection of vulnerable groups such as women and children among refugees, asylum seekers and IDPs.

5. Desired Outcomes

- Increased ability for refugees, asylum seekers and IDPs to demand for and access their rights through enhancing their ability to represent themselves and to become assertive and proactive.
- Enhanced ability for refugees, asylum seekers and IDPs to deal with and respond to Sexual and Gender Based Violence (SGBV).
- Strengthened networks with partner agencies and community support and protection structures for purposes of linking beneficiaries to support and seeking durable solutions.
- Information Education and Communication materials on refugee protection and research outcomes produced and disseminated to influence policy and law, to create awareness and enhance attitude change towards refugees, asylum seekers and IDPs.

- Strategies for addressing gaps noted during monitoring developed with the participation of all stakeholders.
- Strengthened capacity of stakeholders to address protection concerns of refugees, asylum seekers and IDPs
- Development of government policies and regulations for the protection of refugees, asylum seekers and IDPs and participation and input into international forums such as EXCOM¹ and Pre-EXCOM meetings and National Action Plan for Human Rights policy in Kenya²
- Precedents set in refugees, asylum seekers and IDPs protection for instance through Public Interest Litigation.
- Effective media advocacy.

6. OUR STRATEGIES

6.1 Legal Aid and representation

RCK through its Legal Aid programme works towards the protection and promotion of displaced person's welfare by:

- Providing legal aid, advice and information to IDPs, refugees and asylum seekers in legal aid clinics at the RCK offices in Nairobi and in the refugee camps, outreach legal clinics in refugees' communities to provide legal services to refugees who are unable to access the offices.

¹ ExCom meets in Geneva annually to review and approve UNHCR's programmes and budget, advice on international protection and discuss a wide range of other issues with UNHCR and its intergovernmental and non-governmental partners.

² This is a national-wide consultative process involving various government and civil society agencies, the private sector and trade union movements. The process is jointly led by the Ministry of Justice and Constitutional Affairs and the Kenya National Commission on Human Rights.

- ✳ Providing legal representation for refugees, asylum seekers and IDPS at different levels; in courts, police stations and remand prisons and during Refugee Status Determination.
RCK also sustains a pro bono lawyers' scheme in border towns and other towns with high numbers of refugees, asylum seekers and IDPs.
- ✳ Providing psychosocial and counselling services to traumatized refugees, asylum seekers and IDPs. The organization also undertakes specialized counselling and mental health assessment.
- ✳ Identifying and advocating for immediate durable solutions for displaced persons at great risk and in need of physical protection.
- ✳ Identifying highly vulnerable refugees through the legal clinic for intervention such as emergency social relief from the RCK kitty, home visits and profiling.
- ✳ Co-ordinating community services and activities of IDPs in the camps in a manner that promotes safety and security.
- ✳ Monitoring protection gaps and implementing advocacy strategy to mitigate against human rights abuses in IDP camps.

6.2 Policy influence

The protection of displaced persons involves as a main component, advocacy for rights-based policies, laws and practices for the protection of refugees, IDPs and returnees. There is currently no specific legislation that addresses IDPs matters. Even with the Refugees Act 2006 in place, there is a gap in the actual implementation of these laws and policies.

RCK thus continues to be in the frontline in influencing policy makers through:

- ✳ Lobbying and dialogue with decision makers. RCK strives to take part in government consultations on issues of access to justice this influence the policies at this level.
- ✳ Education and sensitisation of stakeholders and the public.
- ✳ Public campaigns and media advocacy – these are aimed at influencing attitude change towards refugees, asylum seekers and IDPs.

- Monitoring compliance to legal standards.

6.2.1 Networking and strategizing

The organization initiates and nurtures dialogue on behalf of refugees, asylum seekers and IDPs with Government agencies such as law enforcement officers. To assist in this, it has cultivated a strong working relationship with the DRA, UNHCR and other agencies whose mandate extends to refugee protection.

6.3 Community empowerment

Awareness and education is key to access to rights for refugees, asylum seekers and IDPs. The organization is well aware of this and in its efforts for advocacy recognizes the need to constantly carry out awareness and education on matters affecting refugees, asylum seekers and IDPs.

To this end, the organization carries out training and awareness forums on the protection of these groups of persons for:

- Refugees, asylum seekers and IDPs
- Partner agencies
- Human rights community monitors
- Government departments such as the police service, court users' committee members, local administrators, children's officers among others.
- Refugee and host community leaders.

6.3.1 Popularizing the Refugees Act 2006

With the technical language used in the laws of Kenya, the provisions of the Refugees Act of Kenya were difficult to understand. To ease understanding of these provisions, RCK together with development partners and Department of Refugee Affairs came up with the Information Booklet on the Refugees Act – a simplified version of the Refugees Act. It is in four languages: English, Kiswahili, Oromo and Somali.

6.4 Monitoring and research

RCK monitors the adherence to refugee laws and regulations by relevant authorities and organizations. Preparation of reports; the reports are then shared with the relevant officers or agencies for intervention. Having trained community monitors, the organization is able to access information on the situation at community level through monthly reports by its monitors. This informs advocacy and legal interventions.

6.4.1 Research and publication on refugee and IDP concerns

Engaging in research is an ideal way through which to ensure information is available for legal and advocacy intervention. The organisation researches on matters affecting displaced persons for better understanding of their issues and intervention on their behalf.

6.4.2 RCK Resource Centre

RCK continues to source for new and relevant resources on law and humanitarian issues for RCK resource centre, for staff to access current information that will aid their work.

6.5 Profiling the plight of displaced persons

6.5.1 Media advocacy

Raising awareness through liaising with the media is also a major part of advocacy work. Through its newsletter 'Refugee Insights' RCK continues to highlight the plight of displaced persons in Kenya and in the wider region. This is also done through regular submission and publication of media articles and statements to mainstream media.

In addition to this, the organization represents displaced persons through participation in national and international forums to represent their interests and recommendations therein.

6.6 Development and use of an organizational monitoring tool

This is primarily to monitor advocacy work and the results thereof. It assists in identifying gaps and coming up with intervention mechanisms that work.

7. Challenges

- ◆ Lack of a comprehensive legislation to address the plight of refugees, asylum seekers and IDPs.
- ◆ Lack of information and incentives in the corporate sector and to individuals to attract funding.
- ◆ Limited resources – for instance implementation and monitoring in border towns and remote areas is expensive and sometimes inaccessible.

The organization has also inculcated a Results Based Approach into carrying out its activities. As this continues to improve the quality of services to the refugees, asylum seekers and IDPs, RCK also intends to strengthen the monitoring and evaluation component of its work.

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