Back to the Basics: Extending our work in protection and intervention

INSIDE: Asylum under Threat
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Refugee Insights no. 21

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Recent and up-coming Events

The views expressed in Refugee Insights are the authors’ and do not necessarily reflect the official policy of RCK and its affiliates. Refugee Insights is published by the Refugee Consortium of Kenya, a non-governmental legal aid and policy development organisation based in Nairobi, Kenya.

RCK is dedicated to advocating for the rights of refugee and other forced migrants.

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In a recent training session with law enforcement officers in Malindi, the overwhelming feedback was to hear more about the human perspective of refugee protection in Kenya. Participants made suggestions including inviting refugees to participate in the training sessions and organising visits to the camps.

This 21st edition of Refugee Insights seeks to present the human face of asylum, through stories and articles that relate to the most basic of human needs: the quest for hope, the foundation of the family, the instinct not only to survive but to make the best of one's circumstances. We have called our theme “Back to the Basics” because our interventions must always be rooted in promoting and protecting humanity.

RCK advocates for the protection and promotion of the rights of refugees and other forced migrants. RCK has profiled displacement issues, nationally and internationally, contributing to an alternative report on Kenya’s implementation of the International Covenant for Civil and Political Rights which was reviewed at the 105th Session of the Human Rights Committee on the 17th and 18th July in Geneva. RCK has also published a study assessing the protection of Somali refugees in Dadaab refugee camps and along the migration corridor by advocating for the enactment of the IDP Bill 2012 which was published on the 27th April and awaits its second reading in Parliament.

This transitional period, in terms of constitutional implementation and in terms of rebuilding our social trust after the post-election violence of 2007/8 as we prepare for another general election, has presented us with the opportunity to inform our reform agenda and to monitor compliance to rights protection within the context of a progressive Constitution.

RCK remains active and vigilant in these processes to ensure that displacement issues are not only mainstreamed but highlighted where necessary. We are hopeful that the events of 2007/8 will not recur and that durable solutions of different kinds will become more available for every displaced person.

We look forward to any feedback that you may have on the articles and welcome you to an informative and enjoyable read.

Lucy Kiama,
Executive Director,
Asylum under Threat

A Review: Asylum under Threat Report on Protection of Somali Refugees in Dadaab Refugee Camps and along the Migration Corridor

By Rufus Karanja

The Dadaab refugee camps have been in existence for over ten years and during this period considerable literature has been written and research conducted on the refugees’ situation in the Dadaab camps. However, missing from this body of literature is a holistic examination of the legal and policy backdrop to the refugee protection in Kenya. To this end, the Refugee Consortium of Kenya (RCK) in partnership with the Danish Refugee Council (DRC) commissioned a study entitled “Asylum Under Threat: Assessing the protection of Somali refugees in Dadaab refugee camps and along the migration corridor.” The study sought to examine the policy and practice of Kenya’s refugee protection framework for incoming and long term refugees in the Dadaab camps, as informed by national, regional and international legal frameworks in addition to analysing current protection gaps and recommended options for mitigation.

The report is based on research that was conducted between February and April 2012 which utilized a two-pronged research methodology of collecting primary and secondary data. A camp-based survey and qualitative stakeholder interviews with various agencies providing services to the refugee population in the camps were conducted as part of the primary data collection while an in-depth review of existing literature on refugee protection globally and relevant international, regional and national legal instruments pertaining to refugee protection was conducted as secondary data.

A total of 761 refugees were interviewed in the camp-based survey which was conducted in four of the five Dadaab refugee camps (Dagahaley, Hagadera, Ifo, Ifo I, and Ifo II). Stakeholder interviews were conducted with various government representatives as well as staff of various agencies in Nairobi and in Dadaab. Additionally, focus group discussions (FGDs) were held with urban refugees residing in Eastleigh, who had moved from the camps. These FGDs were instructive as to the reasons why the refugees chose to move out of the camps and the various alarming security and protection challenges they faced while at the camps.

The study’s findings and recommendations have come at an opportune moment when there have been various developments within the refugee protection and management sector in Kenya. Some of these developments have been due to structural policy changes, others are politically based, while others are a result of external factors. Since the inception of the camps, the dynamics within the camps have been changing year after year. The numbers of new arrivals have swelled the camp population to three or four times the original number the camps were designed to hold. Insecurity within the camps has been on the rise and the camps have become a haven for sexual violence, banditry and most recently increasing attacks on the police and refugees by al Shabaab militia. In 2011, a mass influx of over 160,000 refugees crossed into Kenya, following a severe drought in the Horn of Africa and consequent famine in six regions of Central and Southern Somalia. This influx overwhelmed the already stretched resources within the Dadaab refugee camps and worsened the state of overcrowding throughout the camps.

There have been developments within the legislative and policy framework, where the 2006 Refugees Act is under review in line with the new constitutional dispensation and a draft Refugees Bill is currently under review.
by stakeholders. Within the national and regional political sphere, the Kenya Government launched a military incursion into Somalia in October 2011, following a spate of kidnappings targeting tourists and aid workers within the coastal and northeastern regions of Kenya. All of these developments and new dynamics have had a great impact on refugee protection and as a consequence, Kenya’s capacity to offer asylum has become more complex.

As the study report notes, “Somali civilians currently seeking asylum in Kenya are encountering an increasingly fragile protective asylum environment.”

The study’s analysis of the legal and policy framework for protection of refugees discloses that despite the strengths and progressiveness of the current 2006 Refugees Act and the fact that Kenya is a signatory to the international and regional instruments on refugee protection, central aspects of the law have not been put into practice, consequently leading to a number of shortcomings in the protection of refugees and asylum seekers. For instance, on access to asylum and non-refoulement, the report notes that although these provisions are expressly provided for in the 2006 Refugees Act, yet Kenya’s practice in this area, and particularly concerning Somali refugees, has not always been in keeping with the law. Registration of newly-arrived asylum seekers was suspended in October 2011, following a series of kidnapping incidents in Dadaab camps and the coastal region. The impact of this suspension of registration was extremely significant, first because it contradicted Kenya’s own refugee law as well as its obligations under the 1951 Refugee Convention and second because it made it impossible for new arrivals to access key services. As a result of the suspension of registration, new arrivals could not get shelter assistance or enroll their children in schools nor was UNHCR able to screen and profile vulnerable cases such as unaccompanied children, the elderly or persons with disabilities.

Further, the lack of a clear refugee policy has meant that there are huge protection gaps in the implementation of the 2006 Refugees Act. This has had an adverse impact in the enjoyment of certain rights by refugees such as the right of movement and place of residence. The report notes that although there are regulations in place providing for the provision of movement passes to refugees, the
process of acquiring the passes has been securitized and the focus has been on restriction rather than the right of movement. The challenge with this has been that many refugees have been forced to take the risk of travelling out of the camps without the requisite authorization. Hence the obvious outcome has been the exposure of refugees to police harassment and extortion.

Another major protection gap noted is that in the context of the 2011 famine in Somalia and the ensuing refugee crisis, the continued refusal by the Government of Kenya to open the border to provide transport, nutritional and health assistance to new arrivals at Liboi transit centre amounted to an egregious protection failure. A direct outcome of this closure to new arrivals is that high numbers of children died within the first 24 hours in the camps as a result of lack of access to nutritional and health assistance. It also prolonged the duration of time that new arrivals took to travel from the border to the camps. 61% of the respondents interviewed noted that it had taken them two weeks or longer to get from the border to the Dadaab camps. 6

This prolonged time of travel exposed new arrivals to protection violations and criminal activity on the road to Dadaab and other destinations, including encounters with bandits who robbed them -- and in some cases raped some of them -- wild animals, police arrest, detention and extortion. The field-based survey revealed that 27% of surveyed refugees who met police on the road during the 2011 reported arrest, threats and extortion from the police. 5 During 2010, both Human Rights Watch and Amnesty International documented multiple cases of arrest and detention of legitimate asylum-seekers in the first few days after having crossed the border into Kenya. 6 Most of these arrests are made by the police under the pretext of adhering to the 1967 Immigration Act which prohibits unlawful entry to Kenya, and in other cases refugees are arrested and arraigned in court for travelling without a movement pass or for failing to seek registration immediately as provided for in the 2006 Refugees Act.

Despite considerable efforts having been undertaken by UNHCR and its partners to improve the capacity of law enforcement officers who come into contact with asylum seekers and refugees through training courses, actions such as unlawful arrests, detentions and harassment of refugees continue to go on unabated. The findings in this report put into question the impact of these training courses. The report concludes by stating that the impact of the police training has been minimal in changing the behaviour of law enforcement officers towards asylum seekers. The report recommends that more fundamental, system-wide police reform will be necessary to ensure adherence to the law and adequate protection of newly-arrived asylum seekers. 7

Gender-based violence (GBV) in the camps is another major protection gap also identified. Across the four camps, 14% of the respondents to the camp-based survey noted that they themselves had been exposed to gender-based violence of one form or another, while 31% said they knew of somebody who had had such an experience. The report notes that despite perennial recommendations as to how to improve the situation, there is still not enough effort made that to ensure women and girls are safe inside the camps. “There are still no sex-specific latrines, and few that can be locked. Routes to schools and the areas around facilities such as latrines are not consistently lit and there is insufficient police presence in the camps and outskirt areas where much of sexual violence takes place.” 8

Access to justice for survivors of GBV has been a chronic challenge the report further notes. Impunity for perpetrators of GBV has been entrenched through harmful cultural practice, poor follow-up by the police, lack of a permanent court in Dadaab and systemic bottle-necks to serious pursuit of justice. Harmful cultural practices such as reliance on the traditional mediation system known as “maslaha” 9 has contributed to the continuation and acceptance of GBV. In most instances of resolving disputes related to sexual and gender-based violence, the maslaha system tends to operate in a way that does not offer any meaningful justice for the survivors. Very often perpetrators of SGBV are released after an agreement is reached between clans and the compensation offered or a solution provided where the survivor is forced to marry the perpetrator for her ‘honour’ and the continued survival in the community.

Stigma is one of the fundamental reasons for inadequate disclosure of cases, especially sexual violence, leading to only a small proportion of actual incidences being reported and fewer still proceeding through the legal channels. In cases which proceed through legal channels, where the police take forward an investigation and a prosecution follows in the Kenyan court system, very few women are actually able to benefit from this justice since there is no permanent court in Dadaab. There is only a mobile court which visits the camps for one week

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4 Ibid, page 34
5 Asylum Under Threat, page 10
7 Asylum Under Threat, page 37
8 Ibid, page 55
9 Maslaha is a traditional mediation system within the Somali community
each month. In order to improve the access to justice for survivors of SGBV, the report recommends that the Government should fully implement the relevant legislations such as the Prohibition of FGM Act 2011, the Children’s Act 2001, the marriage laws and other penal and civil laws in the Dadaab camps. There is need for coordinated advocacy efforts between agencies working on GBV and the District Children’s Office to ensure a stepped up level of engagement with the Dadaab population to generate gradual behavioural change on the cultural practices that are in conflict with national legislation.

Finally, voluntary repatriation remains the most likely option for the majority of the Somali refugees. Although 86% of the respondents to the camp-based survey indicated that they would like to be resettled if the current situation continues inside Somalia, the reality is that this form of durable solution only covers a few thousand refugees per year. The deteriorating conditions in the camp has increased insecurity within the camps and heightened xenophobic attitudes against Somali refugees and has made life in the Dadaab refugee camps a less attractive option for the refugees. On being asked why he was willing to go back to Somalia a respondent to the survey stated, “Because the conditions in Somalia and the situation here in the camps are becoming the same. The police are harassing the vulnerable people in the camps instead of targeting those who caused the insecurity in the first place.” However, only 14% of the Dadaab survey interviews said that they would consider going back to Somalia now. If these statistics are anything to go by, then it goes to show that the majority of Somali refugees are not willing to return to Somalia even though the Government of Kenya has on several occasions been propagating the option for repatriation of Somali refugees back to Somalia.

The report cautions that if the majority of refugees in the Dadaab camps continue to be resistant to the option of return and the political instability in Somalia ensues then discussions around the repatriation of refugees need to be cautious and alive to the absolute requirement that return must be voluntary, safe and dignified. The report recommends that the Government needs to ensure that its move towards a more closely managed asylum regime does not breach the most fundamental refugee principle of non-refoulement. In the event that there are significant improvements in the political and security situation inside Somalia, the report calls for the initiation of consultations between the Government of Kenya, UNHCR Somalia and other partners, on a process of contingency planning, scenarios building, budgeting and mapping for a possible voluntary repatriation to select areas of Somalia in the next three years.

With the conclusion of the study and its subsequent launching on the 19 June 2012 in Nairobi, the Danish Refugee Council and the Refugee Consortium of Kenya remain committed to following up on the recommendations forwarded in the report and also to disseminate as widely as possible the findings and recommendations of this report to all partners and stakeholders.
Caring for the Care Givers

Some days there won’t be a song in your heart. Sing anyway.

--- Emory Austin

By Diana Wambui.

Taking care of others is emotionally demanding, regardless of the nature and number of people one takes care of. There is a delicate balance to maintain and self awareness is very key in our day-to-day activities. To work successfully in an emotionally demanding environment, one must have an understanding of the consequences of that work not only to the organization but to one’s self. How the work will affect the emotional being of the person is paramount. Working with refugees and internally displaced persons (IDPs) is no exception, the experiences we listen to on a daily basis are both harrowing and sad, we sometimes find ourselves unknowingly absorbed in a client’s life.

It takes a comment from a colleague or a simple body reaction to remind us of the importance of detaching ourselves in order to provide the best service. Aid workers are prone to “vicarious trauma” which is a natural reaction resulting from exposure to experiences and feelings of a traumatic event experienced by another person. This is as a result of what was narrated by the refugee or IDP or a fellow colleague or the tragedies they endured. Often I have listened to a client describe raw events leading to an SGBV incident which they relate in detail. This affects me and plays in my mind over and over. This kind of trauma did not happen to me directly, it was second hand news, a second hand experience and it was an accrual of exposure on my mind.

When Lucia shared with me how she was defiled by a neighbour in their country of origin at the age twelve and later defiled as they were fleeing, I thought of the young girls at home experienced an overwhelming desire to protect and remove them from a place or people I thought would harm them, just like Lucia. Lucia’s first traumatic experience was when she was 12 and on her way home from school. Lucia was raped for the third time at the age of 19 by a man who claimed to be her relative and had rescued her from a forceful...
Lucia was raped for the third time at the age of 19 by a man who claimed to be her relative and had rescued her from a forceful marriage by her community members and even presented her case to us.

The beauty of it all is that that we acknowledge that we are human beings and we function, we take time to support each other, take short walks and share our thought process as a result of materials received from a client.

The security guard at the RCK office entrance is the first to receive the refugees’ stories because this is the point where clients launch all their frustrations, when they feel that their needs have not been met. This is the first person a refugee will talk to when they enter the compound and sometimes even before an officer attends to these clients. The guard has to listen to the refugee’s story. This is helpful sometimes because he will be able to identify to officers the clients who have special needs and may necessitate quick intervention -- this could be a pregnant woman, an elderly person, a child or a sick client. He is the first witness.

The RCK staff who assist the clients and provide legal counsel to them are not immune either. The clients “unpack” event after event to anyone who cares to listen.

The challenge we face as caregivers is well expressed in the words from the Serenity Prayer:

Grant me the serenity to accept the things I cannot change,
Courage to change the things I can,
And the wisdom to know the difference.

Most importantly we choose to reduce stress and get a sense of control. We take walks over lunch hour, we engage in activities that are not related to work. We call this breaking the normalcy: join a gym, read a book meet a new person, go to church, join a social network, meditate, have coffee with a friend and most of all smile even when things look bleak. We sing anyway. Because we know that we make a difference in a person’s life.
The small airplane lands in Kakuma. It is my second time in the camp. This time, I will visit the camp together with the Director of the Dutch Council for refugees, Ms. Dorine Manson, and with (RCK Executive Director) Lucy Kiama and other great colleagues from RCK in Nairobi. We are welcomed by RCK’s Martin Pepela. Last year during my visit, it was raining and the RCK vehicle got stuck in the mud on our way to the camp. Now the weather conditions are better, although it’s still very hot. But there’s no mud, so we can drive to the camps.

Kakuma, the refugee camp that has been in existence for over 20 years now, is there to stay for a while to come. It has surpassed its capacity of 100,000 refugees. There is a new influx following the increasing violence in neighbouring South Sudan and Sudan. Refugees from Somalia also keep coming to Kakuma.

The Dutch Council for Refugees supported RCK in setting up an office in Kakuma. The office provides free legal aid services to refugees. Legal aid is very important, since Kakuma has grown into a town like many others. This means that there are conflicts and cases where legal advice and representation is needed. Good legal aid improves the quality of justice and amounts to improved safety and security in the camps. Its importance is reflected in the presence of the refugees of different nationalities and backgrounds who live close together and in difficult circumstances.

The reason we visited Kakuma in the first week of April is that it was Legal Awareness Week, organised by RCK under a joint project with Dutch Council for Refugees. The Legal Awareness Week aims to inform refugees about their rights and duties under the Kenyan law, under the Refugee Act but especially under the Sexual offences Act. We visited community forums where an open atmosphere is created by RCK employees to be able to talk freely about very sensitive issues. One of the issues discussed is what a girl should do if she wants a job but can only get this job in return...
Sexual and gender-based violence is a big problem in the camps. Rape, attempted rape, sexual assault and defilement (of both women and men) are a very sad daily reality in the camps. Rather than taking this for granted, RCK fights these practices and thus contributes to making life in the camp safer. Every case of SGBV is one too many, and every case that is prevented is a big score.

After attending several community forums, we drove to the reception and departure centre where new arrivals are screened and wait for a place in the camps. We learnt that a woman and her 7-year old daughter who had just arrived were raped during their flight, with the girl having difficulty to walk as a result of the abuse. Very sad, especially when we realised it was one of many similar stories. Luckily enough there was also time for a bit of joy, we joined many children in a big circle singing “you can shine like a star!” Afterwards they all wanted their picture to be taken (in very cool poses!), a great way of making contact with the kids, so I posed with my group that had already reached our vehicle.

Back into the compound, we entered the RCK office, which is the smallest office in Kakuma. It certainly is the smallest office I have ever seen! Despite its size, it is a proper office, with a functioning “aircon” (air conditioner for working in the dusty heat of Kakuma) and with access to the internet. Big posters in the office illustrate the plight of young people who wanted to go to work abroad, imagining how it will be, and the (less desirable) more realistic situation. In this office Martin and his colleagues provide the free legal aid to refugees, knowing, as far as I can judge from the outside that the demands for their services exceed what they can do.

Flying back to Nairobi from the mini-airport in Lodwar, I realize once again that RCK does a great and important work. As one of only two national NGOs working in Kakuma alongside quite a few international organisations, RCK is able to reach many refugees and translate their experiences into their lobby and advocacy work. The Dutch Council for Refugees is very happy to partner with RCK – hopefully for a long time to come.
1. RCK staff in an interview with refugees
2. RCK staff conducting home visits and issuing social assistance to clients in dire needs at Dadaab Refugee camp.
3. Dagahaley community legal awareness.
4. RCK staff and other members of the PW-GID issuing a press statement in support of the establishment of a comprehensive framework for the protection of IDP.
5. RCK staff after training with Pro-bono lawyers.
6. The day of the African child. RCK staff with children celebrating the day of the African child.
7. RCK staff with a prison officer during a monitoring visit in Isiolo.

8. Cat walking – RCK staff making fashion statement in a recent debriefing session.

9. RCK staff during training on Leadership.

10. RCK staff bidding farewell to interns and volunteers.

11. World Refugee Day celebrations in Kakuma refugee camp

One person Forced to Flee is One too Many

Issues for Consideration as the World Marked the World Refugee Day!

By Norah Dulo

Recently, the world marked World Refugee Day under the theme, “One person Forced to Flee is one too many.” This quotation could not have been applied at a more appropriate time because across the world, numbers of refugees are on the rise as conflicts, insecurity and other forms of instability afflict people at various levels in society, leading to high numbers of homeless and stateless people. The statement, “One Person Forced to Flee is one too many” aims to raise awareness on the plight of refugees across the world, and also urge the global leadership, through governments and international organizations, to act fast and in order to address political and social issues in states that have in the past resulted in refugee situations.

Refugees are individuals or groups of people who have been forced to flee their homes and countries of birth as a result of wars, persecution and even natural disasters. Because these are people without much, refugees are often forced to settle in host countries and make do with the available resources from donors and their host nations - - a situation that often leads to many suffering in silence as they do not have alternative options to their plight. In East Africa, according to UNHCR, as of September 2011, the Dadaab and Kakuma camps are two of the largest refugee camps hosting...
a total of over 550,000 refugees, according to the UNHCR, mostly of Somali origin. Out of these, Dadaab has approximately over 450,000 registered refugees. There are five camps – Hagadera, Kambioos, Dagahaley, Ifo and Ifo2.

Some of the major problems faced by such refugees include sanitation due to congestion in the camps, health issues and obvious security concerns over their safety and that of their kin, which leads to restriction of movement and thus shortage of supplies (water and food). According to the UNHCR, nearly 10 million litres of water is pumped daily for use throughout the camps and over time, this could erode any possibilities for the region to have water in the future. This is because Kenya's north eastern region is virtual desert and susceptible to severe droughts. Though, education is free, it poses a challenge in terms of accessibility, considering the fact that it is already hard enough for the residents of the North Eastern Province to access the same for themselves. This therefore makes it more difficult for the refugee population to go to school and be effectively accommodated within the learning system. Other challenges, previously considered a luxury, very much required by refugees, range from legal aid representation and advice, Sexual and Gender-based Violence to psycho-social counselling. Also, in light of the fact that the refugees inhabit regions/camps bordering war-torn nations, insecurity is still rife. This is because of limited police presence, unmet expectations of the host community and still having to accommodate others despite congestion within the camps.

Despite numerous efforts being made by non-governmental organizations to make life bearable for refugees, much more help is required in terms of long term solutions to the existing problems. Some of the commonly proposed resolutions include increasing the settlement quotas for the refugees in terms of land space for the construction of housing. Promotion of peace and stability in the refugee countries of origin is also another key element for the long-term resolution of the refugee crisis.

A third option, which is up for critical debate -- especially by Kenyans whose territory hosts the majority of the refugees in eastern Africa -- is whether to allow refugees who have been in Kenya for long periods of time to be integrated into the general Kenyan population. These issues require the involvement of concerned parties right from the government level. This is because refugee affairs management can be achieved faster and more effectively if host governments make it an internal priority. Issues relating to the arrival and accommodation of refugees also need to be reviewed because currently, their arrival rate is not commensurate with availability of space and resources to accommodate them. The professional capacities of those engaging with the refugees also need to be examined because humanitarian organizations are often over-stretched and there is need for new capacities. Ultimately, individuals, governments and non-governmental organizations need to ensure that the rights and wellbeing of all refugees are safeguarded, with the primary goal being to find permanent solutions by fostering peace and harmony in the refugees' countries as well as other solutions that will allow these people to rebuild their lives. World Refugee Day may be a one-day affair but the status and challenges of these global citizens continue and need serious attention if their nations are to achieve development and self-sustainability.

Refugee Consortium of Kenya established the Monitoring and Evaluation unit as from February 2012 to date. RCK seeks to promote the tracking and documentation of best practices in programming while showcasing evidence-based programmes. The agency has set up an M&E system that allows the tracking programme performance across all its programmes in Nairobi, Dadaab and Kakuma.

As part of RCK participation in the celebration of World Refugee Day (WRD) for 2012, it planned a number of activities culminating in WRD. These activities included the following:

- The holding of four community forums at Kayole, Kasarani, Ruiru and Jamhuri.
- Showcasing refugee-related films at Alliance Française.
- Organizing and celebrating the Day of the African child with Children of St. Kizito School in Kawangware.
- Launching the Study on “the State of Asylum seekers in Dadaab and along the Migration Corridor”.

Evaluating World Refugee Day Celebrations

By Henry Akelo

Henry Okello is a former Monitoring and Evaluation officer based in Nairobi.
OUTCOME OF THE EVALUATION EXERCISE:
Evaluation Questions

The evaluation of the above stated activities was to find an answer to the following evaluation questions:

Did refugee communities take part in the said celebrations?

What impact did the celebration have on the refugees?

How do the refugees rate the agencies working within the many refugee programmes?

What is the general feeling of refugees regarding the World Refugee Day celebrations?

RESULTS OF THE EVALUATION:

Refugee participation in all the five functions from community forums to World Refugee Day celebrations brought together about 3,300 people. The refugee participation was quite high and they made presentations during WRD that highlighted many thematic issues affecting their lives. The agencies were rated, with Jesuit Refugee Services (JRS) taking position one: 80% felt its services were more meaningful, while number two position was taken by RCK with 75% vote and UNHCR came third with 60%. They were asked to rate which agency was number one, two and three respectively. The general feeling among refugees regarding WRD is reflected by these results. Some refugees noted that since it was a WRD celebration, it should be coupled with drinks and meals for the refugees and all participants to reflect the theme of celebration (87%) while 43% said the funds used during the celebration could be used in providing social assistance to refugees, such as income generating activities to uplift their living conditions.

Evaluation of the RCK activities leading to the WRD gave the following results:

During the four community forums RCK was able to reach 354 refugees who took part in the celebrations. The refugees took a lead role in the running of the functions of these forums and the response to these evaluation questions were as follows – All the refugee participants (100%) agreed that the meetings were helpful. Most of the participants felt that the sessions of Question & Answer were more helpful while many felt that refreshment was a good idea. All the refugees agreed RCK should hold a similar event next year and if possible more regularly. They indicated that in future forums RCK should invite other partners such as UNHCR and Kituo cha sheria.

By Gloria Saruni

Gloria Saruni is a former Legal Aid intern based in Nairobi.

The Resettlement Jigsaw Puzzle

Every day RCK attends to refugees of different nationalities during its legal clinics; they all have varying issues but the one thing they have common is that they all want durable solutions to their problems, and this in the form of resettlement. Sadly though, that is the one thing that is the most difficult for us to offer: the disappointment on a refugee’s face when they realize that they will not be resettled is heart-breaking.

Recently, I went to a community forum in Kangemi, where the refugees are predominantly from the Great Lakes region. As I was answering legal aid related questions, one thing came out clearly, the people we serve have no idea what the resettlement process entails. They all have this idea that it is the ultimate solution to all of their problems. This was clear through their uninformed comments that ranged from: “The resettlement process takes so long”; “R.C.K refuses to resettle us yet we have a lot of problems too”; “We are assured resettlement in six months but it is all just a lie”; “Resettlement is our right as refugees”. At this point, I was shocked for a moment, wondering where exactly to start explaining to them that their thoughts on resettlement were incorrect. At the back of my mind I knew that if I started to explain to the refugees the whole resettlement process and make them understand exactly where RCK featured in the whole process it would take me more than the one hour I had left.

It was more than clear to me at that time that the people we serve have no idea what the resettlement process is. All they know is that they are entitled to be taken to a developed country and they believed that would solve all their problems. I tried to use the few minutes I had left to explain that RCK was just a channel in the process of resettlement but as we were heading back to the office, I questioned whether the lack of information was on our side as an organization along with all the other agencies dealing with refugees or whether it was the refugees that refused to lose hope.
As we are move back to the basics, we need to reflect on whether what we do as an organization is comprehended fully by a refugee. I believe that some of the problems we are facing during our legal clinics, with refugees incessantly asking how far their referral cases have proceeded or which organization they have been referred to -- not forgetting the wrangles some of our clients cause because they have not been resettled -- can be easily solved by us explaining clearly to them what exactly is entailed in the resettlement process. It is our duty as an agency working for refugees to explain to them in depth the whole resettlement process from the time they come to R.C.K for their first visit to the time we refer them to the organizations that are in charge of the resettlement process.

Refugees need to know the criteria used to determine who gets resettled and those who do not. They need to know when their case corresponds with the resettlement criteria, especially in the special categories such as cases of women at risk, medical problems, family reunification, people with disabilities and survivors of torture. This knowledge will not only empower refugees but also enable those who are suffering in silence to express their needs to the respective agencies. As an organization it is about time that we train refugees on all these issues so that when they come to our offices to seek help, the first statement they tell us is not “I am here for resettlement”, and if this is turns out to be the case they should have the requirements necessary for resettlement.

On the other hand as an organization, our role has not been fully understood by the refugee. In every legal clinic more than half of the clients present ask us how soon they will be on the next plane to a developed country. What they fail to realize is that, after an in-depth interview is conducted and they get positive feedback, the only part we play in this process is to forward their cases to the necessary authorities. We have to keep explaining this over and over again but they are never satisfied. I blame this on lack of knowledge.

“My people will die because of lack of knowledge” is a verse in the Bible (Hosea 4: 6); in the same way refugees will keep on suffering, waiting to be shipped off to another country that promises them milk and honey. The sad part is that most of them are not ready to settle in their country of asylum and use the resources available to improve their lives. Most of the time they complain about how much they are suffering. True, it is not easy for anyone to flee from his or her country and be expected to automatically settle in a foreign country with the hope of leaving the country of asylum and going to a better one. Overcoming this misconception would make the process easier.

Resettlement is a complicated issue, much like a jigsaw puzzle. It is what every refugee dreams of, but at the same time it is not the only solution to their dilemma. It is difficult to explain this to a person who has been forced out of their country as a result of war and persecution and still face the same obstacles in their country of asylum, but I believe it is about time that we go back to the drawing board and realize that as much as we have tried to do our best in serving refugees most of them have no idea what goes on in the organizations that they run to, whenever they face problems, especially on the resettlement issue. The whole problem is food for thought, as the saying goes.
A Story Of Hope

They come every single day to seek legal aid services. The numbers increase day by day. New faces, common faces with different issues and growing problems. They are troubled souls; fearful spirits; they are desperate people; lost a direction, lonely, hopeless, angry, hungry, unsheltered; they have shattered dreams; they are insecure, tortured and abused. The more I think about the issues our clients face, the more I keep questioning whether there is something more, something extra I could do. Some of these clients have been through dehumanizing experiences yet as they leave the legal clinics they are grateful that at least someone listened to them. I feel blessed with every “God Bless you” I get.

This is the story of the parents and guardians who come to seek our services.

This is a story of hope about a group of teenagers I met in Eastleigh. Most of the time children are unable to attend the legal aid clinics to present the issues that affect them, so RCK initiated activities to reach out to children. One of these was a group therapy session with ten Ethiopian teenage boys. We were able to learn so much from this group.

First, some of these boys live alone. They came into Kenya accompanied, but, at some point some of their adult relatives disappeared. At 16, these teenagers are trying to earn a living and even support their younger-siblings. The first time I met these boys they were all smiling and wearing decent clothes - they would pass for your ordinary middle class teenagers. However, when they started sharing their stories, it was unbelievable. Two stories that particularly touched me were the following: one of the boys, a 17 year old, shared how frustrating it was for him when he learnt that his mother was being threatened and harassed, because she had refused to have him join the Al-Shabab group. This was troubling him a lot and he had to shield his younger siblings from what was really happening.

The other was the story of a 15 year-old who listened in horror as his sister was being raped, but he could not do anything about it as he was afraid: if he screamed or tried anything the man, their host had threatened to kill them.

These boys have indescribable strength, as they have had to deal with so much at such a young age. Previously, and for good reason the girl child was given more prominence over the boy. However, it is high now high time that the intervention for the boy child be scaled up.

At the end of these sessions, the boys became more positive about life than I had expected. They explained that they had never had a chance to share the issues they go through with anyone and our weekly sessions became a place of hope and something they looked forward to.

This is an expression of hope, as told by one of the boys and is typical of the group:

“I hope I will reach what I was hoping for in the future. We will never lag behind to reach that hope. I hope we all reach there. As human beings we can reach greater heights and nothing can stop us from reaching where others have reached. Even if we did not get material support, technical support will help us reach where we plan to be. Human is human, what makes us different is the level of faith that we have. Human beings face ups and downs, all have passed through problems, but the greatest thing to have is hope. Whether we get or do not get support is not very important, as we need not to hurry, even though it requires determination. The greatest thing is not to give up hope. The key to everything is patience because today cannot be tomorrow.

We came from far and we are here now. Maybe we are half way to our journey and we hope we will reach our destination. We know a time will come when the story of today will be in the past and we will sit back and remember where we have passed.
In the mid- and late 1980s, a number of people fled from Uganda to Kenya following civil unrest due to the overthrow of former Presidents Milton Obote and Tito Okello by the current President Yoweri Kaguta Museveni. Consequently, a rebel group, Lord’s Resistance Army (LRA), was set up in Northern Uganda. The rebel group, headed by one Joseph Kony, has been known to recruit child soldiers, rape women and cause massive displacement in that region.

The Ugandan civil war between 1981-1985 was no different; many people were displaced, some of them fleeing to Kenya. In December 1985, Tito Okello’s government signed a peace deal, the Nairobi Agreement with the National Resistance Army (NRA), led by the current President Yoweri Museveni. However, the ceasefire broke down almost immediately, and in January 1986, Salim Saleh commanded NRA’s assault on Kampala, which eventually led to the demise of Tito Okello’s regime – with Museveni becoming president.

Ugandan refugees, who fled to Kenya in the early 1990s, were later settled in Kakuma refugee camp after its establishment in 1992. According to these refugees, they fled their country following the political instability that Uganda was experiencing, along with kidnappings, recruitment of child soldiers, sex slaves and killings propagated by LRA and the Government of Uganda. In addition, some of them fled due to their political affiliations, especially being members of the opposition.

They cite killings, torture and imprisonment of their friends and members of the opposition by the Ugandan Government who were against change. They add that the situation in Uganda has not changed over the years. The government continues to use the armed forces to arrest, torture, harass and intimidate the members of the opposition from the northern part of Uganda. Those who made it out of Uganda allegedly reported these incidences to their friends in the camp. In addition, they live in fear despite being miles away from their homes.

As of now, the population of these refugees stands at 579. Life for them has not been easy due to the fact that they are in a foreign land where they have nothing to call their own. They cite many challenges they undergo in their quest to find peace and bring up their children in the best way possible. Education is one of their main challenges. Despite their children having gone through primary and secondary schools, entry into tertiary institutions is virtually impossible.
The majority of their children who finish secondary schools end up doing manual jobs around the camps; this is seen mainly among the boys while the girls end up getting married. According to one of the community representatives, no parent would wish for his or her children to go through formal education and then end up at home doing nothing or doing manual jobs. It’s every parent’s wish to see the children succeed in life. How can one succeed in such an environment? They ask themselves.

A durable solution for this community has eluded them for many years. According to this community, no Western nation seems interested in offering durable solutions to refugees from Uganda. They say that they have inquired from all the agencies working in camp but they never get a satisfactory response as to why they cannot get durable solutions.

Cases of rape and kidnappings have been on the rise in the community. It is believed by members of the community that a couple of people have been kidnapped by suspected government agents from Uganda. They say that these insecurity incidents have caused many people to lose sleep. The community members say that they have reported all these incidents to the relevant authorities in the camp, but nothing has been done so far.

The community believes that the agencies in the camp have neglected them for too long a period and are never interested in what goes on in their lives, despite the challenges they face. They say that they fled their countries in search of peace and a better environment where they can bring up their children without fear.

Challenges faced by refugees living in camps and urban centres have been documented by organizations. Issues being raised by this community are not unique to this community. However, they still need to be studied to better assist the community in terms of protection and services provision.

Refugees, just like you and me, need better services.

By Hanga Fredrick

Hanga Fredrick is the Assistant Programme Officer - Information and Research based in Nairobi.

Beating Nairobi’s monster traffic and reaching home just before the 7:00 pm news is always a gratifying feeling, I throw away my shoes and pile the already furrowed newspaper on top of the others and lounge myself on the couch to catch the day’s news. I switched to the first, second, third channel and it was all the same: POLITICS, POLITICS, and POLITICS. That’s when I asked myself when did the media stop tackling and highlighting social problems, the same issues that I have engaged in at RCK the whole day. Why can’t they highlight the plight and progress of the over 500,000 refugees in Daadab or the resettlement issues of the 1,250 post-election violence victims living as IDPs in Kakuma and if they have permanent places to stay.

Fundamental tensions exist in all efforts to manage international population mobility in globalizing shrinking world environment, including that of documented and undocumented migrants as well as asylum seekers and refugees. National politics will prioritize the security and protection of its national citizens rather than that of “foreigners” and/or other refuge seekers and this is the precedence in the media, both print and electronic.

Daily mass media reports internationally have tried to bring international migration to the public consciousness. However, these efforts are not as vibrant as they should be, in presenting these issues to arouse public interest. What is needed is a massive campaign on issues of migration, both forced and voluntary, and a follow up on the same. Little, if any, optimistic accounts are reported of refugee issues in the national media in Kenya and most countries.

The social and political environments of African societies have hindered the development of an independent and proactive media in those countries.

The role of the media in helping to shape public opinion in relation to refugee and asylum seekers and many issues has been wanting. It is time the media highlights the positive issues relating to the lives of migrants. This leads us to ask ourselves these questions:-

- Is the language used in recent media reports and commentaries on refugees and asylum seekers conditioning the reader to accept certain political agendas or viewpoints? For example, terming IDPs...
as “internal refugees”, what message does it send?

- Can the use of positive or negative words or words that have acquired a particular connotation strongly influence the reader? Who are the spokespeople for the issues relating to refugees and asylum seekers in the news? Is one group represented more often than others? Who has the dominant ‘voice’? Is it the media itself or various opinion leaders and stakeholders?

- How does the ‘mainstream medium’ portray activist groups who are campaigning on behalf of refugee and asylum seeker issues?

- What kinds of ‘experts’ have you read, seen or heard quoted speaking about refugees and asylum seekers recently? Has the media offered ‘experts’ on all sides of the debate? Forums where they can engage the opinion leaders on the matters relating to asylum issues.

- Has the recent media coverage of refugees and asylum seekers encouraged negative attitudes towards these groups within African societies? How can this be assessed?

- Has the news media been accurate, fair, responsible and effective in recent coverage of refugee issues in East Africa? Why/why not?

Mainstream media compared to alternative media or media aligned to political groups or organizations give occasional reports on refugee and other migrant issues.

The general complaint by the various public sectors has been that there has been a lack of discussion and debate on the plight of the refugees and other forced migrants in many countries and the conditions under which they live. On the other hand, stereotyped portrayals of the behaviour of a few refugees who commit crimes seem to be attributed to the majority of this group, forgetting the social and economic contribution that the refugees present to the countries that they reside in.

Generally, media coverage on refugees tends to highlight accusations and fear of their existence rather than their plight and the predicaments they face. These are several recommendations I made on behalf of RCK, to seek more effective resolutions on the issue and the protection of the rights of refugees,

**Education and training of journalists in refugee issues:**

More journalists need to be educated on the human rights issues in general and of refugees in particular, as well as be trained to write stories to make an impact on legislation, which will assist them in reporting. To pick up on what Human Rights Watch online report of 2004 has recommended, the media should avoid “direct and indirect use of language that may contribute to a hostile environment within which racism, xenophobia and related intolerance against refugees, asylum seekers and migrants flourish.”

**Specific coverage ought to be given to refugees and issues arising from their presence:**

Inaccurate, racist and xenophobic stereotype images of refugees, asylum seekers and migrants should be counteracted in the media. There should be informed public debates on asylum and immigration matters to aid in reporting and coverage of their issues. Coverage on the refugee issue should not be integrated but be kept separate from that given to the problems of migrant workers to develop a clearer focus on the refugee issues. This would enable clearer recognition of existing and missing legalities and social issues regarding such cases.

**Both mainstream and alternative media need to take a more balanced approach:**

Independent media are mostly reporting negative issues towards various authorities and don’t necessarily take the issues seriously when called for action. There is a clear need for consistent guidelines to protect the well-being of refugees and for these guidelines to be understood by all officers of relevant authorities.

**Collaboration of refugees’ rights organizations and media institutions.**

There should be a healthy and lasting media relationship with refugee rights organizations like RCK on promoting these issues through campaigns and media exposure. The media should associate itself as much as possible with credible institutions such as RCK to provide bona fide situations about issues.

As I switch off the television and switch on my laptop to write this report I ask myself whether the Kenyan media is doing enough to highlight the issues of refugees and if I am doing enough to change their lives. Whether I answer that question, yes or no, I still believe there’s more that could be done to change the refugees’ lives and TO KEEP THEIR HOPE ALIVE
Ethiopia

Ethiopia has been at the forefront in the fight against the Al-Shabaab militia and notably when they destabilized the Islamic Courts Union (ICU), some five years ago. The death of former Prime Minister Meles Zenawi has brought much into focus especially that he was a key Western ally in the region, particularly the US, in its fight against terrorism in the Horn of Africa region. He was also a key player in Somalia affairs and in the negotiations for peace between former civil war foes Sudan and South Sudan. Mr Meles was a chief negotiator for Africa in climate change talks, chairman of the New Partnership for Africa’s Development (Nepad) and in the regional Intergovernmental Authority for Development (Igad) bloc which he chaired for five years.

He is credited for building a fast-growing economy (Ethiopia has averaged eight per cent growth for the last seven years) and setting up huge infrastructure projects spanning road, telecoms and giant hydropower dams across the nation of 85 million. Recently he was at the forefront of an ambitious multi-billion dollar infrastructure project that roped in Kenya and South Sudan.

His death brings both opportunity and challenges for Ethiopia and the wider eastern African region in terms of stability and democratization.

In the short term there may be no regime change, but various political scenarios suggest Ethiopia is set to turn a new political chapter. The question is: will the new Prime Minister Hailemariam Desalegn continue with the former’s policies ad approaches in Eastern Africa or come up with new ones.

Somalia

The assault on Somalia’s port city of Kismayu is causing jitters even before it begins. A preliminary push by UN-backed African Union troops on Al-Shabab has already added to Somalia’s civilian casualties, and there are fears that more may lie ahead as air, ground and naval operations in the strategic city escalate. The AMISOM forces have made considerable achievements against the Al-Shabaab militia in Somalia.

The civilian casualties in Kismayu are believed to have been caused by naval gunfire and airstrikes on 14 August. According to IRIN, aid workers in Somalia are worried that there would be an increase in indiscriminate shelling and large-scale civilian casualties. In addition, civilians may get trapped in between fighting forces, further restricting their access to life-saving support and humanitarian assistance in an area that is in great need of humanitarian aid - aid that is barely properly assessed due to access restrictions. Al-Shabab has banned many aid agencies from Kismayu, and general insecurity in the area has also impeded humanitarian access.

The city has a population of 90,000, with another 77,000 living in the surrounding areas. Thanks to illegal exports of charcoal, the port is a major source of the insurgency’s income. The city is also likely to become the capital of a proposed semi-autonomous region under the country’s imminent federal government – a region sometimes referred to as the Jubaland Initiative. Somalia’s upcoming general elections are expected to help stabilize the country and bring the rule of law into place.

South Sudan

In South Sudan, civilians continue to flee their homes in South Kordofan and Blue Nile states as a result of ongoing conflict between the Sudan Armed Forces and the Sudan People’s Liberation Movement - North (SPLM-N). Some 45,400 displaced people are now living in the capital of South Kordofan, Kadugli, according to a joint verification by the World Food Programme (WFP), the Government’s Humanitarian Aid Commission and the Sudanese Red Crescent Society.

A further 205,000 Sudanese people have fled to camps in South Sudan and Ethiopia. Approximately 37,700 refugees are living in camps in Ethiopia’s Assosa region. In South Sudan, 106,700 refugees are living in camps in Upper Nile state and 60,900 refugees are living in three locations in Unity state.

Kenya

Kakuma refugee camp in north-western Kenya has surpassed its capacity of 100,000 residents. UNHCR reports that 12,123 new people were registered in the camp by August 2012, with the majority coming from South Sudan’s Jonglei state and Sudan’s South Kordofan State. In view of ongoing instability and conflict in Sudan and South Sudan, it is very likely that more asylum seekers will make their way to Kakuma by the end of the year.

Burnt villages, mutilated bodies and displaced communities once again loom large in Kenya. A spate of killings in the Tana river delta, which lies 120 miles north of the coastal city of Mombasa, has left more than 100 people dead and driven thousands from their homes. Six months before Kenyans go to the polls, it is a tragic reminder of the violence that took the country to the brink of civil war after a disputed election four years ago, and of the potential for instability in East Africa’s largest economy.

Ostensibly the latest unrest is an escalation of long-standing tensions between two tribes, the Pokomo and Orma, over water and grazing rights. The Orma are semi-nomadic people who roam in search of pasture for their cattle; the Pokomo are smallholders who grow cash crops in the riverine area. In the past their disputes have often been settled peacefully by community elders. This time the elders complain of being sidelined by politicians.