



## **SIDE EVENT**

**19 SEPTEMBER 2016: UN SUMMIT ON REFUGEES AND MIGRANTS**

**20 September 2016 1:15-2:30, New York.**

### **MOBILIZING A WHOLE SOCIETY RESPONSE TO REFUGEES: REFUGEE CONSORTIUM OF KENYA APPROACH**

1. Kenya has hosted thousands of refugees<sup>1</sup> for many years; some refugees have been in Kenya for over 20 years. They are mainly from Somalia, Ethiopia, S. Sudan, DR Congo, Rwanda, Eritrea, and Uganda among others.
2. I will be presenting on Refugee Consortium of Kenya experience in mobilizing different actors to promote refugee enhanced refugee protection in Kenya.

#### **Brief Overview of RCK**

3. Legal and advocacy organization established in 1998 to respond to forced migration issues in Kenya and the region. Mission is to promote the rights, welfare and dignity of refugees, asylum seekers and other forced migrants
4. Achieved through:
  - a) Provision of free legal advice, legal representation in courts on asylum related issues; RSD processes; watching brief on GBV matters and counselling services to refugees and asylum seekers
  - b) Policy/ Legal Advocacy: Advocating for policy change and review/development of requisite legislation in line with international instruments and standards on management of refugees and other forced migrants.
  - c) Protection monitoring along border corridors and in refugee camps: RCK has a pool of pro bono lawyers and community based protection monitors to support RCK advocates.
  - d) Awareness raising on the plight and rights of refugees through research, awareness forums and information dissemination
  - e) Networking with partners to ensure that refugees are provided with critical assistance, and instituting public interest litigation on matters related to asylum and protection concerns of refugees and other forced migrants e.g. in 2014, RCK and some partners took the government of Kenya to Court regarding the unlawful confinement of Children during Usalama Watch.
  - f) RCK has a robust internship programme for young lawyers and psychosocial graduates to expose youth to refugee protection.

#### **Whole of Society approach<sup>2</sup> - RCK Experience**

##### **5. Stakeholder engagement in influencing policy environment**

- RCK as the lead legal advocacy CSO has been working with key stakeholders through an adhoc Taskforce (comprised of government ( DRA/ RAS), UNHCR, national and international NGOs) to review the Refugees Act, 2006 to align it to the Constitution

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<sup>1</sup> As at July 2016, the UNHCR records showed that refugee numbers were at 600, 442<sup>1</sup>.

<sup>2</sup> Examples where national and local authorities , NGOs , CSOs, private sector partners and others work together to ensure welcome of refugees

and development of an asylum policy in Kenya. Our involvement has ensured that the review process respects the internationally recognized principles of protection, including the rights to access employment.

- RCK acts as the Chair, advocacy sub group of the Protection Working Group on IDPs in Kenya. Brings together government actors, international and national NGOs. Advocating for the implementation of the IDP act.
- **Collaboration with government officials that interface** with refugees and asylum seekers: Judiciary, the police, children officers; court prosecutors, medical officers etc. RCK carries out capacity enhancement through the court users committee on refugee issues and protection: establishment of the Garissa gender based violence recovery centre as a one stop shop on GBV matters-offers medical, legal and counselling services for survivors of GBV
- **Host community Engagement:** RCK works community leaders (Maslaha) to raise awareness on refugee issues / GBV. Also extends legal aid to host communities on GBV matters in order to address xenophobia and encourage peaceful co-existence; has trained some members of the local and refugee communities to conduct protection monitoring on human rights violations. These monitors are linked to the RCK lawyers, police and the judiciary to ensure comprehensive protection is provided.
- **Private sector engagement:** RCK has engaged sectors such as banks to address emerging issues related to hosting of refugees. Banks have been opened in camp and within the vicinity of camps e.g. KCB in Kakuma refugee camp
- RCK is part of the Kenya Comprehensive refugee programme<sup>3</sup>, a forum in which UNHCR, Civil society organizations and the Government plan and collaborate on humanitarian matters in Kenya. The KCRP engages refugees through needs assessments which inform programming and joint fundraising for the Kenya refugee operations.

## 6. Addressing Xenophobia - Demystifying Refugees and forced migration

- RCK has conducted capacity enhancement trainings for government officials and non-state actors including the judiciary, police force, prisons, immigration and Anti-Terrorism Police, to improve their understanding and conceptualization of refugee matters. Achieved through tango talks at the refugee camp level, workshops and sensitization forums along transit routes populated by refugees and forced migrants-enhanced the protection of rights and freedoms of refugees and asylum seekers. The law enforcement now able to work in tandem with judiciary and other relevant government arms, including County Governments.
- Strengthening capacity of legislators/ Members of parliament on the plight of refugees to influence them to make relevant laws especially at a time when the need to balance refugee protection and national security is critical. Legislators have been instrumental in putting the Government to task for directives, which violate international principles of refugee law such as the closure of Dadaab Refugee camps<sup>4</sup>.
- Sensitizing the media in order to create a positive narrative on refugee protection challenge the notion perpetuated by the government that refugees cause insecurity-RCK and other SOs have made appearances during various primetime shows.
- Working with institutions of higher learning: delivering lectures about the plight of forced migrants and refugees and refugee law and matters. RCK working with Moi University to deliver an annual regional course on Forced Migration bringing together

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<sup>3</sup> The KCRP is a task force that coordinates comprehensive needs assessment for refugees and asylum seekers in Nairobi, Kakuma and Dadaab

<sup>4</sup> <http://www.standardmedia.co.ke/article/2000202198/cs-amina-mohammed-nkaissery-summoned-over-dadaab-closure>

different practitioners from the horn and EA region. The course is accredited by the University.

- Building capacity of refugees on their rights and obligations in Kenya.

### **Challenges faced by RCK in refugee protection**

#### **7. Government policies that are unfriendly to refugees or limit asylum space**

- ✓ Encampment policy-Limits freedom of movement and opportunities for economic empowerment for refugees; increased police arrests and harassment when refugees venture outside designated areas-lot of resources spent on representing them in courts
- ✓ The security laws (2014)that sought to cap the number of refugees at any given time to 150,000: were quashed through a court petition;
- ✓ The current directive to close Dadaab refugee camp within certain timelines- has caused fear and uncertainty among refugees; although government has reiterated that this will be done in voluntary nature and conditions of safety and dignity, putting a timeline may negate the very same principles; also questions of whether Somalia is ready for mass returns; triggered secondary movements including spontaneous unaided returns to Somalia which may expose such refugees to insecurity and other protection concerns; cases of mixed parentage and legal implications.
- ✓ Balancing national security and refugee protection: in the era of terrorism, this is a huge challenge.

8. **Protracted nature of the camps with limited durable solutions:** Some refugees have lived in the camps well over 20 years, with no decent form of living (youth most affected-can only be employed as incentive workers even when they have qualifications) and no durable solutions. This is unacceptable. **Resettlement quotas are limited and local integration has not been an option** (the County Government of Turkana has approved some form of settlement for refugees and host communities- is at pilot stage and hope it can set good precedence)

9. **Delays in RSD and acquiring relevant refugee legal documents**-Process of acquiring documents for asylum seekers and refugees sometimes take long yet refugees require such documents to access services such as education, health, employment etc. Movement passes from the camps to urban areas only limited to education and medical attention.

10. **Lack of access to financial and credit facilities** - Refugees do not have any form of security such as assets against which they can access credit offered by banks. In addition, banks are increasingly issuing unsecured loans, on the basis of an individual's salary. Refugees cannot access such facilities as they do not have steady employment, due to government restrictions. There is need for government and private sector to collaborate more on implementing refugee support programmes that promote independence and which are long term oriented as evidenced by the Kalobeyi Settlement project.

11. **Donor fatigue due to the protracted nature of the forced displacement** crisis in the Horn of Africa region. This has meant reduced financing especially for national actors. This can also be attributed to the increasing focus on the European migrant crisis and Syria situation.

Whether the crisis is of a protracted or current nature, refugee rights and dignity remain the same. They must be promoted and protected.

**Delivered By Eunice Ndonga, Executive Director  
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