

# SPCP - Kenya

Update, October 2007

## Background

The Strengthening Protection Capacity Project began in Kenya in October 2004, with the aim of comprehensively addressing some of the persistent challenges faced by the Government and communities in ensuring protection to the over 200,000 refugees residing there. Through an ongoing process of consultation with Government, civil society, local communities and refugees, SPCP-Kenya has developed a comprehensive response to the problems faced by refugees in exercising their basic rights and accessing durable solutions.

## Achievements

SPCP Kenya started with a comprehensive analysis of the gaps in protection faced by refugees and national consultations to agree on the way forward. These initial activities, funded by the European Commission, Denmark, the Netherlands and the United Kingdom, have enabled the government, civil society, local and refugee communities to engage in multi-year planning and project development to improve strengthen their protection capacities.



SPCP Kenya has mobilised an additional \$860,000 of support from the UK Home Office and Swiss Federal Office for Migration to fund projects which impact directly on the lives of refugees.

## Creating a Legal and Political Environment conducive to Refugee Protection

SPCP-Kenya has supported the Government of Kenya in its efforts to create a more favourable protection environment for refugees. This has included providing assistance in the passage of the 2006 Refugee Law as well as addressing the training needs of Kenyan officials as they gradually assume full responsibility for refugee issues.

## Building RSD Capacity



Promoting fairer and more efficient refugee status determination procedures is another priority SPCP activity. In 2007, a UK-funded RSD project has focused on strengthening procedures to reduce delays and provide well reasoned decisions on the grant of international protection. The injection of extra staff has already produced positive results. In Nairobi, for example, the waiting time for a first instance interview has been reduced from 8 months in 2006 to 8 weeks in September 2007. The project has increased impetus for the mainstreaming of improved procedures and lessons learned across Kenya's RSD operations.

## Strengthening Respect for Protection Principles

Practical understanding of key principles of refugee protection among police and judiciary is essential to ensure that refugees are not refouled or arbitrarily detained. SPCP Kenya has facilitated a comprehensive programme of training to ensure that refugees and asylum seekers have safe access to asylum. Trainings to immigration officials on international refugee law and national legislation have been ongoing in 2007 and have targetted senior immigration officers from border areas and headquarters.

Planned trainings for the Judiciary have been postponed until October 2007 to facilitate partnership with the Government Department for Refugee Affairs in the design and delivery of capacity building programmes. This positive development, which came at the initiative of the Government, is consistent with the Department's growing capacity to manage refugee affairs in



line with the 2006 *Refugees Act*. The Chief Administrator of the High Court of Kenya, and the Court's training coordinators have identified magistrates stationed in border areas, or who are part of the Mobile Courts as priority targets for protection training due to their unfamiliarity with the *Refugees Act*

### **Creating a safe and healthy environment**

SPCP projects are helping to reduce risks of violence and exploitation faced by refugees in Kenya, in particular refugee women and children. These include projects aimed at enhancing information and awareness of SGBV in urban settings and taking practical measures to reduce risks in refugee camps; such as improving access to education for refugee girls and improving medical care for SGBV survivors. SPCP Kenya is also helping to empower refugee women by expanding their opportunities for self-reliance. With additional UNHCR funding from the High Commissioner's special project, SPCP is providing skills development and literacy training to urban refugee women serving as domestic workers.

### **Promoting equal benefit and protection of the law**

Since February 2007, the Legal Resources Foundation ("LRF") has been working to increase access to justice for refugees by training community paralegals to provide basic assistance in civil and criminal matters. To date, LRF has conducted three one week sessions on basic legal skills to benefit refugee and host communities. Participation rates have been high, indicating the high interest and need to address the absence of legal resources in refugee communities.

### **Refugee Identification Card**

SPCP is working with the Government of Kenya to promote the issuance of individual identify documentation to all refugees. At present, only 20% of refugees have documents which confirm

their protected status, leading to problems accessing and receiving protection of their basic rights.

Despite a Government announcement on the issuance of national refugee cards in summer 2007, the provision of cards by the National Bureau of Registration (NRB) has not commenced. In August UNHCR began to work on matching UNHCR camp registration data with previously captured NRB data. To date roughly 80,000 records were matched and a test sample of 1000 records will be sent to the NRB for an identification card test print. If successful, the processes to print refugee identification cards for camp refugees in Kenya can begin.

### **Challenges**

As of January 2008, SPCP capacity building initiatives in Kenya will be mainstreamed into UNHCR Kenya's regular programme. The office will continue to seek partnerships and funding for some \$7,000,000 worth of capacity building initiatives designed to respond to protection gaps. These include projects to improve access to health, education and social services; projects to combat and prevent sexual and gender based violence; and projects to improve refugee self-reliance in ways which would also benefit local communities.

The passing the *Refugees Act, 2006* has dramatically changed resource requirements for capacity building activities. Training programmes for government and state institutions are being planned in cooperation with the Refugee Department. Strengthened UNHCR staff capacity will be necessary to continue to deliver protection and assistance to refugees and asylum seekers while at the same time preparing for the eventual handover of all aspects of refugee management to the Government.

Renewed funding under the SPCP framework could also help address gaps in Dadaab including in investing in much needed livelihood programmes. The emergency situation which has affected Dadaab, has meant that UNHCR has had limited capacity to address these and other protection gaps in a comprehensive manner.

For more information on SPCP Kenya please consult the SPCP webpage at: <http://www.unhcr.org/spcp>