

SPCP - Kenya

Update

June 2007

Background

The Strengthening Protection Capacity Project began in Kenya in October 2004, with an initial grant of money from the European Commission, and three co-funding states: Denmark, the Netherlands and the United Kingdom. The initial project money enabled the SPCP to:

- (i) conduct and publish a comprehensive analysis of protection gaps in Kenya;
- (ii) undertake a comprehensive assessment of present livelihood strategies of refugees and propose means to improve self-reliance
- (iii) convene a national consultation with all concerned stakeholders to prioritize the gaps identified and recommend measures to remedy them;
- (iv) subsequently work with partners to develop projects necessary to implement an agreed upon Plan of Action for the coming years;
- (v) implement a number of quick impact projects and;
- (vi) continue to engage donors in the funding of initiatives necessary to fully implement the Plan of Action. The SPCP-Kenya's initial project funding ended in April 2006, by which time all the objectives noted above had been achieved.



The National Consultations held in May 2005 resulted in the adoption of a comprehensive plan of action and the development of roughly 25 projects to remedy the gaps identified. A number of quick impact projects were implemented from the remaining SPCP pilot project budget and the other projects were submitted to interested donors.

Achievements

SPCP Kenya has attracted sustained donor support to its project package targeting gaps in protection capacity.

A contribution of \$230,000 from the Swiss Federal Office of Migration (FOM) has enabled UNHCR to implement a programme of training on international protection and refugee law for police trainers, government officials, and the judiciary in 2006 and 2007.

The UK Home Office has funded an additional \$440,000 worth of SPCP projects including Strengthening Refugee Status Determination Capacity; Provision of Refugee Identification Cards, Support and Training for Community

Paralegals, and Technical Consultancy Support. These projects were initiated in 2006 with full implementation in 2007.



SPCP donors have shown continued interest in the evolution of SPCP projects. In June 2007, a representative of the Swiss Federal Office for Migration visited UNHCR Kenya to review the capacity building project that is funded by that office. Additionally, the representative visited Dadaab

and projects in Nairobi geared specifically to combat SGBV

Legal, Political and Social Environment

The enactment of the long-awaited Refugees Act in late 2006 marked a significant shift towards the assumption by the Government of Kenya of full responsibility for the protection of and assistance to refugees. The Act, which entered into force on 15 May 2007, requires the Government to take complete responsibility for refugee management and governance. This development has made capacity building workshops imperative, as the Government's capacity to take-over all refugee responsibilities is limited.

UNHCR Kenya actively provided support and guidance during the Parliamentary sessions leading up to the enactment of the 2006 Refugee law. Moreover, the SPCP Technical Consultant participated in UNHCR Kenya's drafting team, which was tasked to assist the Government in drafting Regulations to the Act in a timely manner. Additionally, the team participated in a number of meetings and workshops sponsored by DANIDA, which is funding a complementary multi-year, multi-million dollar project on building governmental institutional capacity to take over refugee responsibilities.



Building RSD Capacity

The UK RSD project is in full operation in all three locations (Kakuma, Dadaab, and Nairobi). Each office has received the requisite additional human resources under the project to improve their respective RSD capacity with promising results.

The Nairobi team, for example, has achieved a 67% reduction in the appeal backlog. Consequently, as of June the team is able to assist in the mainstream RSD operation. In Kakuma the RSD team is undertaking not only RSD but also registration. In Dadaab, the RSD team is conducting RSD interviews but is also involved in the registration of Somalis, and in the cancellation procedures against several thousand individuals who are not refugees. An additional challenge that team has faced is a cholera outbreak in one of the camps.

Overall, the RSD project has injected additional and much needed human resources into an already stretched system. The eleven additional staff hired under this project has improved service delivery to refugees and asylum seekers by reducing the waiting time on RSD decisions.

Strengthening Respect for Protection Principles



In April and May 2007, roughly 90 Police trainers attended a three day workshop on international law and refugee protection. The majority of police officers had never received any training on refugee issues, even though a number of them work in areas where refugees live. Senior officers from all parts of Kenya were selected by Police Headquarters to build capacity at the decision-making

level and secure the transfer of knowledge to junior staff.

At the request of the Children's Department, a small number of children officers are included in the police workshops, promoting the protection of refugee children and providing a forum for government agencies to interact.

The Provincial Administration & Internal Security Office, a key Government office with respect to population governance and security, also is an active participant in the three day workshop. Eighty District Commissioners have already received sensitivity training on refugee issues with participation of a further 90 District Officers planned. These District Officers, in turn, will train some 3000 Chiefs around the country. Administratively, in Kenya, a refugee or asylum seeker who does not come into contact with the police upon arrival in the country would come into contact with members of the Provincial Administration, which is why this Office is a critical link in any capacity building.

June 2007 saw the beginning of training sessions for the Immigration Department. The first 20 participants were senior immigration officers, primarily from border posts and from headquarters. These officers received more targeted training than their colleagues in other government departments due to their first contact with asylum seekers and refugees. While all immigration

officers are familiar with the *Immigration Act* and *Aliens Restriction Act*, they are not familiar with how those Acts intersect with the new *Refugees Act*.



June will also see the beginning of training with the Judiciary and especially with the Mobile Courts that hold sessions in the refugee camps. Their lack of familiarity with the *Refugees Act* has been noted by UNHCR and requires priority attention.

While it is recognized that short workshops do not provide all the tools for government officers to train others on refugee law and rights, they do provide the foundation and knowledge from which to build on. Concurrent to these workshops are ongoing discussions on mainstreaming refugee rights into various Government curricula in order to mainstream refugee governance training.

Improving access to rights through NGO partnership

February 2007 saw the launch of the refugee community paralegal programme spearheaded by the Legal Resources Foundation (“LRF”), a NGO specializing in training lay persons with basic legal skills, who in turn assist their respective communities. Twenty-five refugee candidates were chosen from a pool of refugee and host community applicants to undergo a six week training course phased throughout the year. Given that UNHCR’s lack of NGO involvement was noted in 2005 as a gap, LRF’s expertise is a welcome addition to UNHCR’s efforts to improve refugee protection in urban areas.

To date, LRF has conducted two one week sessions with the result so far being very positive. The refugees are finding the information taught invaluable and have indicated their clear desire to communicate this knowledge to their respective communities and to work on a one-on-one basis with those people in need of their services.

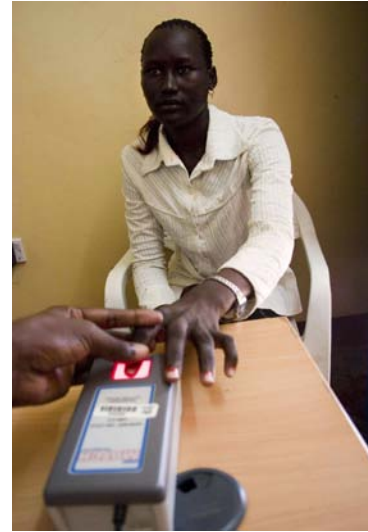
Past training sessions by UNHCR with LRF’s prison paralegals now are bearing fruit in that UNHCR is being informed of detained refugees or asylum seekers in prisons UNHCR ordinarily would not have contacts with.

Refugee Identification Card

Early February 2007 also saw the active engagement of the Government of Kenya and in particular the National Bureau of Registration and the Refugee Affairs Department in discussions on the issuance of a refugee identification

card. The *Refugees Act, 2006* requires the Government to issue identification cards to refugees and asylum seekers.

Although the databases of the Government of Kenya and UNHCR are sufficiently compatible to allow the transfer of refugee data, a number of technical issues have to be resolved. A suitable database clerk to ensure the accuracy of data between the two databases has not been found, resulting in an unforeseen delay to the implementation of this project. The issuance of identification cards is nevertheless expected to commence in mid-2007. Indeed, the Government recently announced its plan to issue refugee ID cards to some 2000 individuals registered by the Government in Nairobi in 2005.



Working Groups

As part of UNHCR's efforts to expand the protection network in Nairobi, working groups on legal assistance, community services and health care, have been established and are meeting regularly. Working groups include UN agencies, government, and NGOs working with refugees in Nairobi.



UNHCR is the current co-chair of the Legal Assistance Working Group a committee set-up in response to criticism of UNHCR's inaccessibility for NGO's to discuss protection issues. The Working Group has created a subcommittee comprising of legal NGOs and UNHCR protection staff to work on the creation of a *pro bono* lawyer's network in anticipation of litigation under the

Refugees Act.

In the short-term the subcommittee will capacitate 25 *pro bono* lawyers to represent refugees and asylum seekers before the Appeal Board and the Courts. In return, these lawyers will commit to participating in a possible Class Action lawsuit benefiting refugees to be identified by the Legal Assistance committee. A three day workshop geared specifically to legal practitioners is planned for August. The long-term strategy of the subcommittee is to mainstream Refugee Law into the university law programme as well as the Law Society of Kenya's continuing legal education programme.

SPCP Mainstreaming

Since the inception of the SPCP Kenya Pilot in 2004, the SPCP has evolved into a framework through which UNHCR's Protection Unit designs all of

projects. The SPCP methodology has resulted in the quick identification of gaps, and the equally timely capacity to propose solutions in the form of concrete project proposals. Projects already within the SPCP inventory are readily available for internal or external funding. A testament to the success of this approach was the High Commissioner's short notice call for projects to address gaps in SGBV protection. Using the SPCP methodology and format, Kenya was able to rapidly identify SGBV protection gaps and present targeted project proposals to gain much-needed funding.

Challenges

The SPCP initiative in Kenya led to the development of project proposals worth some 8 million US dollars, with contributions to date totalling 1 million dollars. Many projects that are central to collective capacity building efforts to improve the realisation of refugee rights in Kenya are still in need of financial support. 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 passage of the *Refugees Act of 2006* has dramatically changed resource requirements and the need for capacity building activities. Training programmes for government and state institutions are being planned in cooperation with the Refugee Department. These demands must be balanced against UNHCR's own responsibility to maintain operations delivering protection and assistance to refugees and asylum seekers until the handover of all aspects of refugee management to the Government is achieved.



Renewed funding under the SPCP framework could strengthen the response to the emergency situation developing in Dadaab, where thousands of refugees from Central and Southern Somalia continue to arrive. Camps services and structures are being stretched by the new arrivals and additional resources are necessary to maintain the capacity to provide protection services in refugee camps.