

Kalobeyei Protection Strategy Kenya

Background

As at 31 August 2017¹, the Kalobeyei settlement refugee population stood at about **37,790** of this population, 50.4% female and 49.6% male. The youth form a substantial proportion of the refugee population in Kalobeyei settlement and there were a total of about 7,273 registered youth of whom 3,279 were female and 3,994 were male. Within the context of this strategy, youth in Kalobeyei are defined as persons of concern ranging in age of 15 to 24 years old².

Within the settlement there is an estimated figure of 355 host community households that are living and interacting with the refugee community. The national authorities are responsible for the security of the refugee and host community residing in Kalobeyei and its environs. The Community Peace Protection Team (CPPT) project is implemented and managed by Lutheran World Federation (LWF) and comprises of a refugee community policing force that cooperates with the Kenyan police in patrolling, crime investigation and crowd control.

The participatory assessment that took place in February and August 2017, the finding of key problematic issues arising from both communities are:

- Insecurity posed by both sides of the communities which results in gender and sexual-based violence, drug abuse, sexual exploitation and abuse, petty theft and community disputes;
- Insufficient schools and their relevant infrastructure;
- Employment opportunities which include apprenticeships and entrepreneurship;
- Limited Presence of local authorities for purposes of civic registration, documentation and judicial matters;
- Limited natural resources such as water, land and firewood;
- Limited presence of other stakeholders, including civil societies, humanitarian actors and development agencies;

This strategy seeks to strike a balance between continuing to deliver protection and assistance to refugees in Kalobeyei Settlement and designing intervention for coordination with local authorities, host community as well as existing national protection service providers. Hence, UNHCR will advocate that there will be no formation or establishment of parallel structures that already exist at the sub-county or county levels and will present to the authorities the protection strategy that underpins community-based activities on education, documentation, legal aid, prevention of and response to SGBV, child protection and youth engagement.

This strategy will also provide linkages and referral mechanisms for individuals with heightened protection risks and serious protection concerns who require specific assistance which is available in Kakuma Camp. This may include survivors of SGBV, unaccompanied and separated children, children

¹ Revision will be made as at 31 August 2017

² The 1979 General Assembly defined youth as those persons between 15 and 24 years of age, without prejudice to other definitions of Member States (A/40/256, para. 19). This definition has been reaffirmed in numerous subsequent General Assembly reports and resolutions.

with specific protection needs, and persons with disabilities. Certain elements of protection processes that do not require regular intervention such as interviews for refugee status determination, pre-departure process of voluntary repatriation or interviews for resettlement will be delivered through the agencies in Kakuma camp.

Guiding Principles

Protection strategy in Kalobeyei is guided by the following principles:

- **Systems approach:** Strengthening protection systems and services in line with the national legal framework for the protection of refugee and host community and designing holistic programming that address the full range of protection risks.
- **Do no Harm:** Conducting actions, procedures and programs in a way that does not put persons of concern at further risk of harm, especially as a result of unintended consequences, and does not negatively affect access to asylum or safety, the reputation of UNHCR, access to UNHCR by affected populations.
- **Inclusivity:** The strategy takes into consideration specific needs of refugee women and girls, men and boys, in particular, unaccompanied and separated children and persons with specific needs.
- **Family and Community-based Protection:** The strategy needs to understand, support and build upon existing family and community-based mechanisms that provide protection and care that refugees, particularly vulnerable persons, need.
- **Accessibility:** Protection interventions should be accessible to all asylum seekers and refugees upon arrival.
- **Equity:** protection is provided irrespective of race, nationality, gender, religious belief, political opinion and place of residence.
- **Confidentiality:** Adhering to confidentiality guidelines when UNHCR and partners work with persons with specific protection needs by ensuring that those at risk, witnesses and information sources are always protected.

Objective 1: More refugees benefit from community-based protection activities and initiatives.

Community-based protection is the key approach to ensuring peaceful co-existence between not only refugees but also the host community. UNHCR and implementing partners also play a limited role in ensuring international protection standards are maintained during response or intervention activities.

The activities that will be undertaken, in coordination with Government, may include:

- Promote peaceful co-existence through Community Peace and Protection Teams (CPPT) and other peace building initiatives;
- Coordinate monthly peace initiative forums between refugee and host community to ensure peaceful coexistence;
- Develop community led alternative dispute resolution mechanisms (mediation, arbitration and negotiation) and provide training;
- Build the capacity of Government security agents, UNHCR and partner staff in terms of provision of protection;
- Expand two-way communication mechanisms including large scale information dissemination and awareness activities to address the needs and concerns of refugees;

- Build a community liaison volunteer center where local capacities can be enhanced and volunteerism can be promoted among the refugee population, thus enhancing self-reliance and community-based protection;
- Provide sports development opportunities to promote peaceful existence and build self-confidence recognizing their potential.
- Maintain and strengthen complaint mechanisms to allow timely detection of incidents related to fraud and corruption through community-based initiatives

Specific Protection Intervention

Child Protection

25,507 of the Kalobeyei refugee population are children between the ages of 0-17 years of whom 11,977 are girls and the remaining are boys. Violence towards children remains a major concern in the settlement and majority of cases remain unreported. Girls also face specific challenges related to traditional gender roles. Boys are found to have different challenges that need to be addressed. A sustainable family/community based child protection approach will be adopted and primary care-givers empowered to access resources that promote their socio-economic well-being and meet basic family needs. In ensuring the children receive protection in line with their best interest the following activities are undertaken|: (1) Creation of children’s forums (7-18 year old) to prevent armed recruitment, detention of children, prevent and respond to SGBV, early marriage, substance abuse, survival sex and child abuse. (2) Increase formal, non-formal, vocational educational opportunities. (3) Strengthen the capacity of parents, caregivers and community members at large to respond to child protection issues. (4) Increase child-friendly spaces and promote child-friendly procedures in prevention and response activities (5) Strengthen referral mechanisms for children with serious protection risks and undertake best interest assessment when necessary, and case management systems to be developed.

Youth

Adolescents and youth form a substantial proportion of the refugee population in Kalobeyei Settlement and as at 31 August 2017 stands at approximately 7,300³. Within the context of this strategy, youth in Kalobeyei Settlement are defined as persons of concern ranging from the ages of 15-24 years old⁴. The youth have limited access to post primary education and livelihood opportunities and, the youth may not fully realize their protection. It is likely that some issues remain unreported and hence the prevalence of incidents is difficult to quantify. The concerns of the youth should be addressed through targeted and age appropriate interventions. A key focus will be to promote youth led and community based initiatives to leverage youth creativity and talent as a tool to enhance their protection and resilience. The following initiatives will be implemented and enhanced to ensure response to youth concerns (1) Increase access to secondary and tertiary education and vocational training. (2) Undertaking activities to prevent survival sex through empowerment, advocacy and awareness. (3) Empower adolescent girls and young women through peer guidance forums and develop teenage mother peer support forums (4) Reduce risks of

³ Kalobeyei statistics and population to be confirmed.

⁴ The 1979 General Assembly defined youth as those persons between 15 and 24 years of age, without prejudice to other definitions of Member States (A/40/256, para.19). This definition has been re-affirmed in numerous subsequent General Assembly reports and resolutions.

recruitment by criminal and armed groups through community engagement and awareness campaigns. (5) Enhance arts and sports development activities for refugees and host community to capture youth interests. (6) Strengthen referral mechanisms for all survivors including mental health and psychosocial support to access appropriate specialized care. (6) Engage youth as peace connectors to raise awareness and prevent social tension

Sexual Gender Based Violence (SGBV)

Women and girls are especially vulnerable as they are susceptible to risks due to harmful cultural practices including FGM. Boys and men are also victims of gender-based violence but less likely to report or to be identified through various mechanisms. The following initiatives will be implemented and enhanced to ensure appropriate prevention and response to SGBV; (1) promote positive attitudes towards survivors, avoid blaming them and reduce stigmatization (2) initiate community-based protection systems that prevent and respond to certain types of SGBV (3) ensure confidentiality, affordability, accessibility and safety in rendering a number of services to SGBV survivors (4) strengthen referral mechanism of SGBV survivors to services in Kakuma (5) conduct a mapping exercise of male populations at risk and design appropriate programs for male survivors. (6) Build capacity of local law enforcement and judicial authority in respect to SGBV.

Education

Education is a key priority activity in Kalobeyi Settlement however, there are only three primary schools (1 temporary), one temporary secondary school and a vocational training center that provides education and training to children and youth. There are 25,507 children as at 31 August 2017 and of this number, about 10,000 are of school going age⁵. The existing spaces for learning and teaching are grossly inadequate and more than half of school aged children are out of school. Enrolment and participation of girls and children with specific needs is constrained and there are no programs to address the needs of large number of over-age learners. In line with the 1951 Refugees Convention, Convention of the Rights of the Child and Sustainable Development Goal 4 to “ensure inclusive, equitable quality education for all” as well as KISED vision to pilot Government led integrated services, UNHCR and partners will support the GoK/Ministry of Education to develop long-term education services.

A large group of over age children are also in need of primary, secondary and vocational training. Education as a protection tool, can decrease harmful cultural practices and negative behaviors among the population. The initiatives to be implemented will include: (1) Increase access to formal and non-formal educational learning opportunities, particularly post-primary school level; (2) Support specific programs to build refugees/host communities young people life skills and provide them with meaningful development opportunities beyond education. (3) Advocate for alternative approaches to learning skills for adolescent and youth who did not complete primary school and/or who are either unable or unwilling to re-enter the formal education system. Modalities of delivering these programs could include open or distance learning at community or youth learning centers by improving internet connectivity in the settlement. (4) Strengthen planning, management and the direct delivery of education services from pre-primary to post-secondary education and training

⁵ To define the school going age in Kenya and quote a section of the national education policy/act.

through building capacity, addressing constraints to more equitable access and developing effective approaches to teacher management and development and to quality assurance at every level.(5) The needs of disadvantaged groups including girls, the disabled, UASC, children of nomadic host families and those with heightened protection risks will be prioritized for special attention and their education needs met. (6) Community based education initiatives and greater community involvement in management of schools will be promoted as this will help to drive up ownership, quality and relevance to community needs even further (7) Advocating learning of mother tongue and awareness on local culture among refugee children through extracurricular activities.

Objective 2: More refugees receive Legal Aid

At the current time, there is permanent judicial presence in Kakuma serving the area, Kalobeyei and its environs. The capacity to deliver timely judgements on a large number of cases both civil and criminal within the jurisdiction is limited. With the integration of refugees and host community, the need for legal aid and systems is likely to rise. There is need to advocate for increased judicial presence and legal assistance in Kalobeyei to avoid delays to dispute resolutions, court hearings and delivery of judgements as this is a crucial intervention measure for particularly sensitive and urgent cases.

The activities that will be undertaken may include:

- Work in partnership with the national and county authorities, service providers and protection actors to respond to the urgent requests for legal assistance;
- Provide business-related legal advice and law related services including financial, administration and operational advice and counsel
- Advocate for increased government judicial presence in Kalobeyei to expedite court cases concerning criminal and civil suits;
- Promote legal advocacy clinics around Kalobeyei to raise community awareness on access to justice, the legal system and due processes;
- Enhancing awareness amongst the refugee and host community on the difference between formal justice systems and alternative dispute resolutions;
- Build capacity of protection agents (CPPT, community leaders, youth & women leaders, teachers, religious leaders, humanitarian actors, government) in identifying refugees with heightened protection risks and issues and provide information on available and accessible legal support ;
- Advocate for the determination of legal status to safeguard against possible deportation, detention and statelessness;
- Strengthen referral mechanisms for refugees requiring legal representation and/or legal advice.

Objective 3: Civil registration and documentation services are available and accessible to refugees

Issuance of civil documents to persons of concern in Kalobeyei is done through the Department of Civil Registration in Lodwar town, Turkana County. The primary documents provided by the government to refugees include birth, death, marriage and divorce certificates. Birth registration by national authorities is legal proof of a child's existence at birth and a legal basis for establishing of a child acquired nationality by descent. UNHCR successfully deployed birth registration and documentation as part of

measures to reduce and prevent statelessness amongst children of concern born in Kalobeyei. Without these documents persons of concern may lack access to social services and children may be rendered stateless. Other documents issued to refugees by the Refugee Affairs Secretariat (RAS) may include: refugee identity cards, asylum seeker pass, proof of registration, minor pass and refugee status decision letters. Due to competing work demands for the Civil Registrar Officer in Lodwar whose jurisdiction covers the entire Turkana County, challenges continue to be faced in ensuring efficient civil registration and documentation for persons of concern.

The activities that will be undertaken may include:

- Support verification exercise and continuous registration in line with international standards so that the individual details are up to date for all refugees (birth registration, deaths, repatriation, resettled or relocated and spontaneous departures);
- Advocate for the issuance of refugee status determination documents by Government of Kenya (RAS) to allow for refugees to obtain identification cards;
- Advocate for the Civil Registrar Officer presence in Kalobeyei to expedite issuance of birth, marriage and death registration processes;
- Enhance advocacy and awareness amongst health community workers and parents/caregivers on birth and death notification and registration;
- Conduct a survey on children born of one Kenyan parent and mixed marriages whereby one spouse is Kenyan
- Strengthen the capacity of RAS to ensure documentation at all stages of the process to prevent risks of *refoulement*, freedom of movement and detention including movement passes;
- Undertake continuous identification of persons without proper document and refer them to the appropriate service providers

Objective 4: Improve data and information management to inform responses.

All stakeholders including government actors, civil society and humanitarian actors will work in partnership to advocate for policy and legal reforms to enhance integrated approach, improved knowledge, data and greater resources needed to protect refugees. Comprehensive assessments on protection needs and responses including the specific needs of boys, women and girls, adolescents and youth should be improved through a community-driven, agency-supported collaborative protection monitoring tool that can be developed within UNHCR.

Strategic Approaches

Partnerships and Collaboration

Securing enduring relationships with the national and county governments, humanitarian and development actors, community-based organizations, co-operatives, private enterprises established by or jointly by refugees and host community members.

Advocacy and Awareness

UNHCR in partnership with Government will coordinate advocacy activities with the refugee and host communities to highlight protection processes and to encourage the community to identify persons with heightened protection risks.

UNHCR Kakuma

17 September 2017