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Contacts:
Elizabeth Campbell and
Patrick Duplat

SOMALI REFUGEES: PROTECTING THEIR RIGHTS IN CITIES

Tens of thousands of Somali refugees have sought asylum in cities in neighboring countries but have long been overlooked by humanitarian actors. Many of these refugees have found ways to survive in Nairobi, Djibouti, Aden, and Sana'a and have become self-reliant, but others suffer from police harassment, arbitrary arrest and detention, and forced return. Registration and documentation should be the foundation of refugee protection in cities. Partnerships with community-based organizations and ongoing refugee profiling is essential to identify and serve the most vulnerable. Promoting the protection of refugees in cities helps them live with greater independence and dignity.

Due to ongoing violence, human rights violations, and conflict in Somalia, today there are some 580,000 Somali refugees in four main asylum countries—Djibouti, Ethiopia, Kenya and Yemen. Some of these refugees have lived in exile for over 18 years. As Somalis continue to flee the violence in ever growing numbers, they often join other Somali refugees in urban centers across the Horn and East Africa and throughout the Gulf. Recognizing the protracted nature of the conflict, Refugees International visited Nairobi, Djibouti, Aden, and Sana'a to assess the protection and assistance mechanisms in place in these cities, with the objective of identifying gaps and best practices in responding to the needs of urban refugees.

By issuing its policy on refugee protection and solutions in urban areas in September 2009, the UN Refugee Agency affirmed urban areas to be a legitimate place for refugees to reside. While there is a general perception among some aid groups, UN officials, and donor governments that providing protection and assistance in urban areas is a new concept, there are many positive practices that have long been in place. The best programs do not try to replicate camp-based care and maintenance programs, but rather work to facilitate refugee access to national or local institutions,

POLICY RECOMMENDATIONS

- UNHCR must take on a stronger advocacy role with host governments to ensure the implementation of basic human rights in urban areas, particularly access to schools and jobs.
- The United States and other donor governments should support efforts to register and document refugees in urban areas.
- The United States and other donor governments should increase their funding for microfinance programs in urban areas, especially those aimed at women.
- The United States and other donor governments should increase their funding of legal aid programs in cities targeting refugees and asylum seekers, especially women.
- Host governments, UNHCR, and donors should support community-based organizations, including those led by refugees, which provide social support and facilitate access to services.

services and programs. This reduces the emergence of parallel structures that only target refugees and can lead to animosity with the local population. Most urban programs are more sustainable and less costly than camp-based ones.

REGISTRATION AND DOCUMENTATION IS THE FOUNDATION OF URBAN REFUGEE PROTECTION

Registration and documentation are often refugees' foremost protection priority in urban settings. Without the legal protection afforded by official documents, refugees are often denied the ability to reside in cities, access services, find employment, and move freely within their country of asylum. Documentation can also act as a shield against arbitrary arrests and detention, forced return (*refoulement*) and police harassment, as well as discrimination and xenophobia from host communities. One woman in Djibouti told Refugees International, "Private employers say that I'm a foreigner and they can't give me a job. They don't trust me."

In many contexts, while the law affords basic protections, it is the application of the law which is problematic. It takes sustained initiatives to ensure that the knowledge and acceptance of refugee rights trickles down to civil servants and private employers. UNHCR's advocacy role with host governments and civil society is of primary importance in an urban context. Initiatives to improve documentation for refugees should be supported by donor governments. Local legal aid organizations like Kituo Cha Sheria based in Eastleigh outside of Nairobi are essential in many urban environments where the police regularly engage in extortion from refugees. This particular organization is so effective because of its local knowledge and longtime work on human rights in Kenya.

Yemen, the only Gulf State signatory to the 1951 Refugee Convention, is an example of a progressive legal framework for refugees, although it applies only to Somali refugees. All other asylum seekers, especially Ethiopians, must undergo individual refugee status determination; many are detained and deported. Somalis are given *prima facie* refugee status. Upon initial registration the Yemeni government provides them with a registration card which affords them legal residency and the right to work. Despite high unemployment and poverty rates, UNHCR and the government encourage refugees to reside outside of camps. Indeed most Somali refugees choose to integrate into cities rather than go to Yemen's only refugee camp, Kharaz.

Upon arrival in the country, Somalis are able to make informed decisions about where to live. This stands in

contrast to Djibouti where Somalis, after being registered at a reception center at the border, are transported to the camp, despite Djibouti's fairly favorable legal environment for Somalis to stay in the city. Irrespective of the policies in place, many refugees will in fact move to urban areas in search of a more dignified life. Human mobility can enhance the economic, social and cultural life of both the individual and wider community and should be fully integrated into protection strategies. Greater freedom of movement between refugee camps and capital cities as well as other parts of the country of asylum should be promoted. Refugees should be able to choose where they would like to live and be given the freedom to move as social and economic pressures and contexts change.

OUTREACH, IDENTIFICATION, AND PROFILING OF VULNERABLE REFUGEES IS KEY TO URBAN PROTECTION

The urbanization of refugees and asylum seekers can be a challenge for the humanitarian community, as it is inherently more difficult to target services and provide protection to a more geographically diffuse population. Nevertheless, there are a number of lessons that have emerged.

First, the use of technology is crucial to obtain better data. In Yemen, UNHCR's partner INTERSOS has led a profiling exercise using the Heightened Risk Assessment Tool in order to better understand the refugee caseload and identify vulnerable cases. This data is shared with not only UNHCR but also with other civil society partners who can access the information to better tailor services. To be most effective, refugee profiling needs to be an ongoing process and not a one-off event, especially given the mobility of urban refugees. Detailed data are also crucial for donor governments who are often reluctant to fund urban programs due to the concern that needs cannot be properly identified and assessed.

Second, outreach requires significant staffing resources and time, particularly as it often entails an administrative process of integration into national programs, rather than short-term direct assistance. UN humanitarian agencies working in countries where both an urban caseload and a camp caseload exist will tend to focus on the latter, partly because of the belief that refugees in cities can look after themselves, and partly because donor resources will be allocated to camp refugees where donor-funded projects obtain more visibility. Yemen serves as a positive example of an operation that does not prioritize camp refugees over

urban refugees but rather seeks to serve the needs of both populations.

Third, the use of community-based organizations (CBOs), often managed and staffed by refugees, is necessary to ensure effective outreach and feedback from beneficiaries. CBOs are most adept at disseminating news and getting community buy-in. CBOs also act as referrals for vulnerable cases and can provide support from the community that may be more sustainable than external assistance.

FACILITATING WORK OPPORTUNITIES FOR REFUGEES IS CRITICAL

The governments of Kenya, Djibouti, and Yemen are all extremely ambivalent about refugees working in their cities, even when there are policies that require refugees to live in camps. Refugees are neither encouraged nor restricted from working; however, when it comes to employment in the formal sector and in the professional classes especially, few work permits are granted. As long as refugees work in the informal sector (which often means without a work permit and outside of government regulated businesses), most governments tolerate their economic activity. In Kenya, Djibouti and Yemen, the majority of citizens are actually employed in the informal sector themselves and do not have access to formal sector jobs, so it should come as no surprise that refugees are largely employed in the informal economy as well.

The work that refugees are able to engage in varies from city to city but is proportionate to the wealth of the respective city. For example, some of the most successful Somali economic entrepreneurs can be found in Nairobi, one of the largest cities in Africa with significant levels of foreign capital and private investment. Some Somalis own large retail malls and other medium sized businesses, selling clothing, electronics, and foodstuffs. In Yemen, the poorest of all Arab countries, it is difficult for refugees to find work outside of washing cars and working as housemaids. Refugee work opportunities usually mirror the economic opportunities of the local population. At the same time refugees are often more disadvantaged, even when it comes to even the most menial jobs. The most vulnerable cases need assistance in finding employment through microcredit programs, vocational training or educational opportunities. This is especially the case in Djibouti where new livelihood programs are aimed only at the camp population and not at the refugees living in the city.

Some of the best examples stem from Yemen. In Aden a local Yemeni NGO runs a microcredit loan program for women. Currently 93 percent of the women repay their loans and become eligible to progressively borrow more. With the loans they receive, women are able to open small shops, sell baked goods and run grocery stores, among other activities. These opportunities allow them to empower themselves economically and to provide for their families without relying on outside assistance. It also provides refugees an opportunity to learn skills that will likely be useful in any number of locations. Microcredit programs aimed at vulnerable urban refugees should be expanded and replicated.

Also in Aden UNHCR has partnered with the Ministry of Technical and Vocational Training to integrate refugees into the government's curriculum. This is one way to ensure that the training is recognized by the government, thereby providing refugees with a higher likelihood of finding employment upon completion of the program. This is important and stands in contrast to the more traditional vocational training program set up in Djibouti city that targets a small handful of men (no women are included) and is independent from any government approved courses. The cost per refugee per year to attend the program in Aden is less than the cost of supporting that person to live in the camp. This program will benefit 500 refugees over five years at the cost of approximately \$200-\$400 per person per year. UNHCR spends approximately \$2,500 for each new arrival in the camp.

Yemen also serves as a positive example of linking vocational training to the market. All too often UNHCR and its partners engage in "one size fits all" livelihood programming in camps that is divorced from the market realities. While women can learn to weave baskets, for instance, in many cases there is no market for baskets. In Sana'a efforts are underway to find new market niches for refugees in order to reduce the competition in traditional sectors (like beauty salons and catering) where many refugees and locals compete for jobs. In Djibouti city refugees learn more traditional skills like carpentry and car repair and thus often face intense competition from locals.

Promoting work opportunities and access to vocational training is essential to urban protection. Keeping refugees waiting in camps until they are able to go home is more costly and deprives refugees of their dignity. By focusing on providing work opportunities, refugees learn skills that can be transferred to a wide variety of places.

INCREASING EDUCATION OPPORTUNITIES IS ESSENTIAL TO REFUGEES' FUTURES

In protracted refugee situations, where repatriation and re-settlement are unlikely for most, education is an important tool to assist in integration in the host country and to build life skills that can be applied in any situation. While in many cases refugee children have the right to access national educational facilities, in practice discrimination is omnipresent. In many “mixed” neighborhoods where refugees live embedded with host communities, refugee children may represent an additional burden on schools. In Nairobi UNHCR has proactively reached out to schools to encourage them to accept refugee children and offers limited assistance in return, such as school benches or educational materials. In some contexts aid agencies have also provided school uniforms. This school-by-school or student-by-student approach is limited in its scope but is often the only way to ensure that refugee children attend classes.

One of the main drivers for refugees to live in cities is access to education. Often camps have inadequate facilities or do not offer classes beyond a certain age. In the Ali Ad-deh camp in Djibouti, which has existed for close to two decades, refugee children are not offered secondary education and until last year the classroom facilities were below standard. Djibouti offers another example of the challenges refugees face in pursuing education. The national Djiboutian curriculum is in French, a language which is both unfamiliar to Ethiopian and Somali refugee children who may have attended schools in their home countries and is unattractive for professional prospects beyond the tiny confines of the former French colony. At the same time, with few prospects for return, many refugees may remain in Djibouti for many years. While this points to a broader problem of the lack of integration prospects for camp-based refugees, UNHCR should make every effort to provide English classes, something which most refugees strongly desire.

WOMEN REFUGEES IN CITIES

Many women face particular challenges in cities. They are often the sole breadwinner. Many work as housemaids and are often vulnerable to physical abuse, including sexual violence. Many women have no place to turn when it comes to reporting abuses or working with authorities to address grievances. There are a few positive exceptions. In Aden INTERSOS provides sexual and gender based violence (SGBV), psychosocial, and legal counseling, not only for those abused in the work place but also for those who are

victims of trafficking and suffer extreme abuse. The Refugee Consortium of Kenya (RCK) works to train Kenyan health care workers to provide services to survivors of sexual violence, thereby strengthening the national institutions and broadening the opportunities for survivors to seek and find assistance.

In urban areas many young women are at great risk of being lured into prostitution. UNHCR and NGOs need to increase their programs aimed at addressing the needs of these vulnerable women and build more safe houses for women facing imminent danger. SGBV programs in cities should be vastly expanded. Local partners are often critical to the success of such programs, particularly because access can be challenging in neighborhoods like Eastleigh in Nairobi.

It is therefore critical that donor governments increase micro-credit programs aimed at women so that women do not have to choose between working in an abusive situation as a housemaid or as a prostitute. Aden especially is an important example of how investing in women protects not only the women but also the families that are dependent on their income and well being. As entrepreneurs, women can more easily juggle the responsibilities of work and child care. When women work as housemaids, they are often forced to lock up their children in their small apartments and leave them unattended for the entire day. Unable to take their children to school or to pick them up, many women are forced to choose between earning a living or educating their children. In Sana'a the Adventist Development and Relief Agency (ADRA) was able to provide daycare in addition to vocational training opportunities. Day care is an essential program in urban areas where there is not a wider community on which refugees can lean to help with child care.

CONCLUSION

The positive examples presented should encourage the UN Refugee Agency, other UN agencies, the U.S. government, and other donor governments to actively and constructively engage in more robust advocacy and funding for urban protection projects. Yemen, Djibouti, and Kenya have been serving refugees in cities for years. Each place offers lessons learned and positive practices of how best to respond to the particular needs of refugees. As the world continues to undergo a process of rapid urbanization, it is critical that humanitarian agencies refocus their efforts on also advocating for and protecting the rights of refugees in urban areas.

Advocates Patrick Duplat and Elizabeth Campbell assessed the humanitarian situation for Somali refugees in May.