

# SPCP - Kenya

April 2007

## Update

## 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 original SPCP pilot project budget, while not funded were submitted to interested donors.

## Achievements

Towards the middle of 2006 the Swiss and UK Governments expressed an interest to fund projects. A total contribution of \$230,000 from the Swiss Federal Office of Migration (FOM) enabled UNHCR to implement training initiatives developed within the comprehensive plan. The Swiss FOM funds ensured that training on international protection and refugee law for police trainers, administrative government officials, and the judiciary continued into 2007. The United Kingdom's Home Office contributed \$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.

As of December 2006, the following SPCP projects commenced:

## Legal, Political and Social Environment

The end of 2006 marked a significant shift in the Government of Kenya's responsibility towards protection and assistance of refugees because of the passing of the long-awaited Refugee Bill. The refugee act, officially known as the "Refugees Act, 2006", requires the Government of Kenya to take complete responsibility over refugee management and governance. This development, in turn, has made capacity building workshops even more imperative, as the Government's ability to take-over all refugee responsibilities is in its infancy.

UNHCR Kenya was an active participant in providing support and guidance during the Parliamentary sessions leading up to the passing of the Refugee Bill in November 2006 with Presidential signature given in December.

The SPCP Technical Consultant was part of UNHCR Kenya's regulatory 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 multi-year, multi-million dollar project on building governmental institutional capacity to take over refugee responsibilities.

## Training

Roughly 90 Police trainers attended a three day workshop on international law and refugee protection. The police officers are senior officers who were selected from all parts of the country by Police Headquarters. For the most part, the majority of police officers have never received any training on refugee issues even though a number of them have worked in areas where refugees live.

At the request of the Children's Department, a small number of children officers are included in the police workshops, which is not only beneficial in terms of gaining knowledge about refugee rights, but also has provided a forum for government agencies to interact.

Provincial Administration & Internal Security, a key Government office with respect to population governance and security also is an active participant in the three day workshop. In December roughly 80 District Commissioners received sensitivity training on refugee issues. Currently up to 90 District Officers who are also trainers are enrolled in the three day workshop. These District Officers, in turn, will train the roughly 3000 Chiefs around the country. Administratively, in Kenya, a refugee or asylum seeker, if not in 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, will see the inclusion of Immigration and the Judiciary into the round of workshops.

While it is recognized that a three day workshop does not provide all the tools for government officers to train others on refugee law and rights, it does 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.

## UNHCR / NGO Partnership

February 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. They will undergo a six week training course one week at a time throughout the year. UNHCR engagement with the LRF was as a result of past SPCP activities at which time their expertise was noted. 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 at improving refugee protection in urban areas.

## Refugee Identification Card

Early February 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. These discussions took added importance after the *Refugee Act* was gazetted in January because the Act requires the Government to issue identification cards to refugees and asylum seekers. Though there are several technical issues that need to be overcome, there is an expectation that the first cards will be issued towards the end of this summer.

## 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. This identified gap, indeed, as closed with the Working Group meeting every two months to not only discuss current protection concerns but also to assign concrete actions for members to undertake. The Working Group currently is setting up a *pro bono* roster of lawyers willing to take on refugee cases. This is deemed a priority given the Government’s take-over of refugee governance responsibilities, and the concern of possible infringement of refugee rights.

## SPCP Mainstreaming

SPCP, as a concept, launched in 2005 in Kenya, evolved by 2007 into a framework through which UNHCR's Protection Unit designs all of projects. The SPCP's framework methodology resulted in not only quick identification of gaps, but also the equally quick ability to draft project proposals to remedy the gap. Additionally, 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 SGBV gaps in protection. Using the SPCP methodology and format, not only were the pressing gaps readily evident, but so was the ability to quickly address the gap through a targeted project

## Challenges

Close to 8 million dollars worth of projects were developed as part of the initial 2005 SPCP initiative for Kenya, and over one million have received the financial support needed for their implementation. There remain many others, however, that are central to the collective capacity building efforts that are in need of financial support which would improve the protection situation in Kenya markedly. 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 Refugee Act dramatically has changed resource requirements and capacity building activities. Training programmes for government and state institutions are being planned in cooperation with the Refugee Department, in addition any capacity building for Government must be balanced with UNHCR's own capacity 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 in our 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.