

Protection in the city: some good practice in Nairobi

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Despite a challenging protection environment, an assistance programme for LGBTI refugees in Nairobi offers examples of good practice that could be replicated in other urban settings.

More than 50,000 registered refugees live in Nairobi.¹ Assistance agencies face multiple difficulties in trying to reach the most vulnerable individuals within such a large population, and refugees with particular needs can struggle to access the assistance they need. Lesbian, gay, bisexual, transgender and intersex (LGBTI) refugees constitute one such group. While there are many organisations in Nairobi doing valuable work with refugees, more effort is needed to integrate LGBTI refugees into assistance and protection programmes.

Same-sex relations between men are prohibited by Section 162 and 165 of Kenya's Penal Code and, although there are few actual convictions, NGO reports indicate harassment and blackmail of LGBTI people by police.² LGBTI refugees also face particular risks within refugee communities as well as from the local population. Human Rights First's report *The Road to Safety*³ documents high levels of violence within refugee communities towards LGBTI refugees, including beatings, abductions and one attempt to set a gay Somali boy alight. HIAS's report *Invisible in the City* also notes attacks by Kenyan citizens on LGBTI refugees involved in survival sex work.⁴

LGBTI refugees often struggle to access assistance from NGOs, UNHCR offices or health-care providers due to a fear of being identified as LGBTI by other refugees and consequently subjected to harassment and/or violence. Others fear being subjected to discrimination and prejudice from service providers. For example, one refugee told Human Rights First how he had been too afraid to approach UNHCR or an NGO for assistance because he worried that either other refugees there would identify him as LGBTI or a member of staff would expose him. He had already lost his job and his place of residence and had been thrown out of his church when

the pastor learned that he was gay. He told us that he had three other friends who were in an equally vulnerable situation but were too scared to seek help and that the only reason he had come that day was because the NGO where we met him had agreed to see him on a Friday when there were usually no visitors.

Outreach and identification

Despite these challenges, there are some good practices in Nairobi that could be replicated elsewhere. One example relates to outreach and identification of LGBTI refugees with particular vulnerabilities. In 2009 an NGO in Nairobi established an assistance programme for LGBTI refugees; its staff generated referrals of LGBTI refugees in need of assistance by approaching local LGBTI organisations, trusted health-care providers and progressive religious institutions, as well as other organisations working with refugees, to let them know about the assistance it provides. More recently, the NGO has established satellite offices in areas where large numbers of refugees live, thereby making services more accessible by reducing time and transport costs.

Trained refugee counsellors based in these satellite offices conduct outreach in the local refugee communities; this has resulted in a significant increase in the number of LGBTI refugees seeking assistance with 120 LGBTI people approaching the organisation for help in the first six months of the new satellite offices being open. Also important is the NGO's 'open door' policy; refugees do not require appointments but can approach the office at any time, which means that LGBTI refugees do not have to wait with other refugees for extended periods in order to access services – something that LGBTI refugees had identified as a major obstacle due to fear of their sexual orientation or gender identity being discovered by other refugees.

Prior to the new outreach approach, few lesbian women came forward for assistance but since the satellite offices became operational, more than 40 lesbian refugees have approached the NGO. With some women facing additional barriers in accessing transport money or requiring permission from their husband or another male family member to leave their homes, the proximity of the satellite offices has made protection more accessible. The success of this outreach has shown the importance of conducting pro-active outreach, locating services in areas accessible to refugees and being flexible about appointments.

A number of LGBTI refugees in Kenya are engaged in survival sex. Outreach, identification and referral work therefore also needs to take place in areas where sex workers congregate. Kenyan LGBTI organisations currently conduct health awareness sensitisation among LGBTI sex workers which could be expanded to include sensitisation on protection issues for LGBTI refugees and asylum seekers involved in sex work.

Safe shelter

Another example of good practice from Kenya is the provision of safe shelter for a limited number of at-risk LGBTI refugees. While steps should be taken to make existing safe houses (such as those for victims of gender-based violence) safe for all, an NGO has established a specific scattered-site housing programme for LGBTI refugees who face heightened risks while they wait to be resettled. Instead of accommodating individuals in a single safe house, this programme enables individual refugees to identify a safe place to stay and covers the cost of rental for a temporary period. Many such refugees choose to stay in locations away from where most other refugees live as this affords them a greater degree of anonymity. This approach also helps to avert concerns that a single safe house for LGBTI refugees could become a target for harassment or violence.

Psychosocial support

Many LGBTI refugees find themselves without a social support system because they fear

harassment or violence if they reveal their sexual orientation or gender identity. This isolation contributes to some LGBTI refugees forming dependent and often abusive relations with a single person as a source of support in exchange for providing menial work or sexual favours, and may contribute to the high rates of post-traumatic stress disorder symptoms found in this population.

In Nairobi, an NGO holds regular group counselling sessions run by the refugees with the guidance of a senior counsellor. The existence of the group mitigates feelings of isolation and serves as a support group where problems and solutions are discussed and shared. Individual counselling is also provided by the NGO, focusing on self-acceptance and help in distinguishing societal hostility from one's own perceptions of sexual orientation and gender identity. This enables LGBTI refugees to make informed decisions about the degree to which they may resist social pressures to conform, builds their resilience and sense of self-worth, and increases their sense of control over their lives. Social events arranged by the local LGBTI community also offer opportunities for developing a local social network.

Training

For the past three years, the same NGO has been conducting training for UNHCR staff and its international partners in Nairobi on the diverse ways in which LGBTI refugees may represent their sexual orientation and gender identity as well as addressing internalised and institutionalised homophobia and transphobia amongst UNHCR and NGO staff. The training has contributed to an increased awareness of the specific needs of LGBTI refugees and has also helped challenge and combat individual and institutional prejudice among staff. Continuous support for such training is needed as processes addressing prejudice require long-term commitments.

As part of its *Invisible in the City* research, HIAS plans to issue a guide detailing best practices for working with LGBTI refugees to serve as a basis for further regional training.

Further good practice

Because it is frequently difficult to self-identify openly due to risks of violence or harassment, LGBTI refugees have sometimes found it useful to have **specific staff members** – focal points – to work with at UNHCR or NGOs. This means that LGBTI refugees can simply ask at the reception to speak to the specific staff member rather than having to explain the nature of their circumstances and this helps build trust.

Protection of **confidentiality** is a major concern. In Kenya, LGBTI refugees cited the presence of interpreters from their country of origin at a UNHCR or NGO office as a reason for not seeking assistance through that organisation, regardless of whether or not the interpreter would be in the room during their visit. Ways to try to address this include posting information in reception areas regarding confidentiality of all information in interviews and in refugee files, as well as incorporating information on the protection of confidentiality in outreach materials. Similarly, some NGOs have provided signs around their offices such as rainbow flags or posters stating that refugees will not be discriminated against on any grounds, including on the basis of sexual orientation and gender identity. UNHCR and NGOs should try to provide confidential spaces where refugees can provide information discreetly without being overheard. All staff, including interpreters and additional staff such as security guards and drivers, need to be trained on non-discrimination and the importance of confidentiality.

In Kenya, **registration and refugee status determination can be fast-tracked** on the request of a partner organisation. However, not all at-risk LGBTI refugees may be referred by partners. As a result, UNHCR must have procedures in place to fast-track vulnerable LGBTI applicants who approach the office directly for registration and refugee status determination.

Because LGBTI refugees face high risks of violence in particular countries or areas, UNHCR and NGOs need to take steps to provide **protection** including through

documenting incidents of violence and raising concerns about any gaps in police response with the government, identifying medical and legal practitioners who can assist victims, and providing access to safe shelter. Outreach to police on their duties to protect all people, including LGBTI refugees, as well as outreach to refugee communities to address violence among refugees, including against LGBTI refugees, are two further strategies that can help improve protection.

Resettlement countries should continue to strengthen measures to expedite **resettlement** in cases where individuals face high risks. Resettlement countries should also support the provision of protection measures such as safe shelter or transfer to an Emergency Transit Facility for those facing high risks while they wait to be resettled.

In 2012, UNHCR in Nairobi worked with urban partners to assess assistance of groups with specific needs, including LGBTI refugees, as informed by UNHCR's Age, Gender and Diversity policy of 2011.⁵ As a result, it developed action points to improve aspects such as identification and outreach, referrals and case management, and access to information and services. This is a useful approach and, if effectively implemented in urban areas as well as camps and regularly updated, will help to better mainstream the protection of vulnerable groups into UNHCR and NGO protection and assistance programmes.

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1. The Kenyan government announced in December 2012 that refugees living in urban areas would be relocated to the camps at Dadaab or Kakuma and that agencies with services in urban areas should stop assisting refugees and asylum seekers with immediate effect. For updates and assessment of impact see www.urpn.org

2. Kenya Human Rights Commission *The Outlawed Amongst Us* <http://tinyurl.com/KHRC-Outlawed>

3. 2012 <http://tinyurl.com/HRF-Road-to-safety>

4. 2012 <http://tinyurl.com/HIAS-invisible-in-city>

5. www.unhcr.org/4e7757449.html