



Statement by Mr. Imaana Fredrick Koome, Program Officer-Advocacy & Policy Development Programme, Refugee Consortium of Kenya (RCK) during the 62nd Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR) held in Nouakchott, Mauritania from April 25th to 9th May 2018

“MOVING FROM NORMS TO IMPLEMENTATION”

Madam Chairperson, esteemed guests, all protocols observed.

Madam Chairperson,

Refugee Consortium of Kenya (RCK) would like to thank the government of Kenya and acknowledge its efforts in taking up the challenge and not only endorsing New York Declaration on refugees and migrants in 2016 but also pursuing the opportunity to be a Comprehensive Refugee Response Framework (CRRF) pilot country in December 2017. In this regard, we are encouraged by the progress of roll out of the implementation framework and in particular engagement with representatives of I/NGOs as part of the steering committee and in the drafting of the national action plan. **We trust that this engagement will not conclude upon the finalization and adoption of the draft national action plan and that other actors like media, private sector, refugees and host communities among others will also be brought on board.**

One of the critical components of the CRRF is the realization of the durable solutions for refugees. With regard to the prospects for local integration, despite a well elaborate enabling provisions in the law, RCK is concerned that administrative challenges and bureaucracies among the different government departments continues to hamper the clearances and issuance of work permits thereby greatly limiting access to these crucial documents. **We therefore urge the government through the Commission to honor the provisions of the Kenya Citizenship and Immigration Act (KCIA), 2011 and the Refugees Act of 2006 by removing all administrative barriers/bottlenecks disabling access to work permits by refugees in the country.**

Madam Chairperson,

Kenya continues to practice encampment and restriction of movement for majority of refugees in the country. Against the backdrop of dwindling funding for the provision of assistance to refugees and the limited prospects for livelihoods to boost their resilience, the encampment and restriction

of movement for refugees has become untenable and has led to misery, untold suffering, idleness and monumental psychological effects among refugees. **We urge the government to either entirely lift restrictions on movement or expand the criteria for access to movement passes to enable a majority of refugees move freely and engage in economic activities in the country.** In any event it is also in line with CRRF and IGAD processes/initiatives.

Madam Chairperson,

RCK is concerned that refugees, asylum seekers and migrants continue to be arrested and detained in Kenya due to their migration status. For migrants, a simple breach of migration procedure on entry into the country earns them heavy penalties such as imposition of exorbitant fines, long jail terms or both and eventual deportation to their countries of origin. Children migrants are not spared either as they are swiftly locked up in cells upon arrest. Asylum seekers are arrested and arraigned in courts of law for unlawful presence in the country despite declaring their intentions to seek asylum. This is against the backdrop of suspension of registration in Dadaab of new arrivals since May 2017. RCK is very concerned that last year for instance, a group of 41 migrants and refugees (including 13 minors) who had been detained at Mwingi and Garissa Police stations for more than 2 months were hurriedly deported despite ongoing court proceedings. **We urge the government to explore alternatives to immigration detention such as community placements and to use detention only as a measure of last resort generally and specifically cease the immigration detention of children.**

We likewise call on the government to respect the refugee protection principles especially the principle of *non refoulment* and immediately resume registration of asylum seekers in all registration centres across the country.

Madam Chairperson,

As I conclude, I want to revisit the issue of internal displacement by urging the government through the commission **to set in motion measures to have the 2009 AU Convention on Protection and Assistance to Internally Displaced Persons (Kampala Convention) ratified as a protection safety net and to compliment 2012 IDP Act. Moreover, the GOK should fast track the adoption of the IDP policy which has been pending review by the Cabinet for the last 6 years.**

Thank you.



Refugee Consortium of Kenya (Observers status number 467)

Signed