



ifa Edition Culture and Foreign Policy
a Martin Roth-Initiative Publication

Relocation Initiatives and Their Impact on Home Communities

Case Study of Kenyan Human Rights Defenders

Patrick Mutahi and Salome Nduta

Martin
Roth
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Content

Foreword.....4

Abstract..... 5

1. Introduction 6

2. Methodology and Research Approach9

3. Positive Effects of Temporary Relocation Programmes on the Home Community11

3.1 Psychosocial well-being and safety concerns 11

3.2 Strengthening of human rights movements through learning opportunities and knowledge sharing 12

3.3 Networking and fundraising opportunities 13

3.4 Capacity building in the home community..... 15

4. Challenges Faced by HRDs and Their Home Community Linked to Temporary Relocation Programmes.....16

4.1 Unrealistic expectations of benefits 16

4.2 Negative profiling 16

4.3 Strenuous and expensive application process..... 17

4.4 Socio-economic impact on HRDs’ home community..... 19

5. Which Models Could Be Promoted in Order to Support and Strengthen the Home Community?20

6. Conclusion22

7. Practical Recommendations to Strengthen the Home Community23

References.....24

List of Abbreviations26

About the Authors27

Foreword

In recent years, shrinking civic spaces have led to an increasing number of protection programmes for civil society actors who face threats, intimidation and restrictions. These programmes provide persecuted persons with temporary relocation and work stays in another country. However, civil society actors who stand up for freedom of expression, artistic freedom, human rights and democracy do not operate in a social vacuum. They are always part of a local community, which includes their direct work environment, their local and national networks of colleagues, NGOs and political institutions, and also their private social relations, family and friends. Thus, for human rights defenders who have been accepted by a protective programme, the community itself is part of change and adjustment to the special circumstances caused by their temporary relocation and return.

This study aims to shed light on the impact that temporary shelter and protection programmes have on their participants' home communities. Which positive or negative effects do such programmes have on the communities of origin? What are the experiences of the participants' local institutions, work colleagues and families, and how can they provide impetus for improving the work of relocation programmes? Given the active scene of human rights defenders in Kenya that benefited from existing relocation programmes, this case study focuses on the impact in the Kenyan context.

This is the second study published within the research programme of the Martin Roth-Initiative. In 2018, this initiative was started by ifa (Institut für Auslandsbeziehungen) and the Goethe-Institut to enable temporary protective relocation and work stays in Germany as well as in safe third countries for artists and civil society actors at risk. To foster knowledge and contribute examples of good practice for the enhancement of existing programmes, one field of activity of the Martin Roth-Initiative is dedicated to accompanying research and international networking with other protection programmes. The results are published on a regular basis and aim to stimulate discussion within the global community of practice (see <https://www.martin-roth-initiative.de/en>). While the first publication examined worldwide existing protection programmes from various angles, upcoming studies will deal with, inter alia, the challenges of safe return, collaboration and synergies between existing programmes as well as with regional shelters for artists in the Global South.

I would like to thank the authors Salome Nduta and Patrick Mutahi for their excellent work and commitment to this research project. Furthermore, I would like to thank my colleagues Odila Triebel, Jana Scheible, Anja Schön, Andreas Auer and Lisa Bogerts for their work on the coordination and editing of this project.

Maik Müller

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Abstract

Kenyan Human Rights Defenders (HRDs) are engaged in many different fields, including sexual orientation and gender identity, women and children rights, reproductive health, police killings and corruption. Their work exposes them as well as their home communities to threats, trauma and stress and has led to stigmatisation and loss of status in some cases. Therefore, defenders seek and are offered temporary relocations, where they are placed for a limited period of time in order to rest, build up capacity, extend their network and continue their work while being away and after returning home. This study focuses on the impact of temporary relocation programmes on HRDs' home communities, an aspect that is often overlooked. The study is mainly based on data from a focus group discussion and individual interviews in 2019/2020 with 16 defenders, seven family members and seven NGO practitioners who assisted the defenders in the relocation process. The data shows that the home community mainly benefits from psychosocial well-being and safety improvements, knowledge sharing, new contacts and capacity building of the HRDs after returning home. Main challenges were related to unrealistic expectations of the home community, especially in financial terms, negative profiling due to association with controversial political affairs, strenuous application processes and socio-economic challenges as a consequence of the HRD being away. The study closes with practical recommendations to strengthen the home community, among others by engaging more with the HRD's home community throughout the process and involving alumni in the programmes.

1. Introduction

Kenyan Human Rights Defenders (HRDs) engage in many different activities, including investigations, community mobilisation, direct action, trainings, advocacy to governments and companies, law reform, lobbying, empowerment, litigation, campaigns, and fundraising. This potentially exposes them to direct and vicarious trauma, stress and field-wide systemic harms and obstacles to well-being (Knuckley et al. 2018). Indeed, all HRDs interviewed for this research noted having direct threats against them and against their families because of their work. According to the National Coalition of Human Rights Defenders Kenya (NCHRD-K), in 2016, 26% of women human rights defenders indicated threats as a challenge to their human rights work (NCHRD-K 2016). This especially rings true for advocates of justice for victims of sexual and gender-based violence, who are often left vulnerable to physical and verbal abuse by the community and the perpetrators of these violations. The report noted that direct and indirect threats of physical assault, not just to the HRDs but also to their families, and verbal abuse instil fear in them, making it difficult for them to continue their HRD work. The Gay and Lesbian Coalition of Kenya (GALCK) has also highlighted cases of attacks on people who identify as Lesbian, Gay, Bi, Trans, Intersex, or Queer (LGBTIQ) and advocates of rights related to Sexual Orientation, Gender Identity and Expression (SOGIE).¹

As a result of the stressful environment and direct danger, some of the Kenyan HRDs have sought temporary shelter and relocation initiatives. Such initiatives offer international and regional temporary relocation for individuals at risk in order to provide protection and counteract the tendency of shrinking spaces for civil society. An interviewed HRD shed light on his dangerous situation before participating in a relocation programme in 2009: He had been fighting for accountability for unlawful killings by police during the 2007/2008 post-election violence and was encouraged to apply for the programme after the extra-judicial killing of one of his colleagues and threats levelled against him and his fellow HRD.² A HRD working on rights of LGBTIQ persons expressed that part of the reason he applied to a relocation programme was after being assaulted in a nightclub because his work was considered taboo.³ Another HRD was also attacked, kidnapped and held for 36 hours by people who had stakes in the sale of community land belonging to an indigenous community. She vehemently opposed the sale and they wanted to silence her.⁴ Her young son was also followed and threatened.

¹ See: Gay and Lesbian Coalition of Kenya, <https://www.galck.org/resources> [19.04.2020].

² Focus Group Discussion with previous temporary relocation programme beneficiaries, 24 August 2019.

³ Interview with Kisumu County-based LGBTIQ Rights Activist, Nairobi, 30 October 2019.

⁴ Interview with Environmental Rights Activist, Nairobi, 19 October 2019.

This pressure and threats on HRDs and their work have led to stigmatisation of the defenders and their families, which causes them to lose their status in the community. The stigmatisation comes, for example, where people lose jobs as a result of the HRD work e.g. if a company is forced to close down because of human rights advocacy, those employed there tend to turn against the HRDs and their work. This has affected their relationship with the community and delegitimised their positive role in society. It also psychologically affects the HRDs as their reputation and that of their families is broken, forcing them to do damage control for the rest of their career (Protection International 2017). It is due to such pressures as a result of their HRD work that defenders seek and are offered temporary relocations, where they are placed for a limited period of time in order to rest, build up capacity, extend their network, and raise awareness about the situation in their country. At the end of the programme, participants are expected to return with new tools and energy to carry out their work at home.⁵

This study therefore seeks to understand the impact of the temporary shelter and relocation programmes on the home community in Kenya. It specifically seeks to:

- A) Assess positive and negative intended and unintended effects of shelter and relocation programmes on the home community;
- B) Identify efficient models which could be promoted in order to support and strengthen the home community;
- C) And to generate practical recommendations arising from experiences of HRDs in the shelter programmes that can contribute to the work of the home community.

This report is not an end in itself. At the end, practical recommendations that can contribute to improve temporary shelter and relocation programmes are outlined. Insights and recommendations from the research will not only aid organisations involved in the design, management, funding and day-to-day realisation of such programmes, such as the Martin Roth-Initiative as a German relocation programme for artists and cultural actors at risk, but also national, regional and international human rights actors with knowledge on how to improve relocation programmes and impact on the home community. It is hoped that the report can spur reflections from Kenyan HRDs on the impact of the relocation process on their overall human rights work. For the relocation programmes, it is anticipated that it can help improve on their work especially focusing not only on the relocated HRD, but also their home communities.

⁵ These are the general requirements in the call for application for most of the shelter programmes.

For the purposes of this study, the home community will be defined as the immediate family members and neighbours of the HRD as well as local colleagues in human rights work.

Temporary relocation has been recognised as a useful mechanism to support HRDs who normally work in dangerous environments. Relocation initiatives have helped defenders to be out of immediate danger and to have some time for rest and respite. The short absence from their countries and hazardous environments takes HRDs away from the enormous stress they face and helps them find vigour to cope with their work (Villa 2017: 99). UN's Special Rapporteur on the situation of human rights defenders advises that states offer and maintain international safety mechanisms based on temporary relocation intended for the HRDs (United Nations 2016: 12).

The study draws its data and analysis from interviewing a total of 16 defenders, seven family members and seven NGO practitioners, who have offered support to the HRDs during the temporary relocation process. The defenders have taken part in a total of three shelter programmes, namely Shelter City Initiative, York University Protective Fellowship Scheme and Students at Risk Programme. The three relocation programmes, though based in different locations, operate in almost the same fashion.⁶ The defenders are offered placement for between three to six months during which they can rest, continue their work in safety, build up capacity on, among other issues, advocacy, safety and protection, extend their network and raise awareness about the situation in their country. The common activities they are involved in include meetings with NGOs and public officials, public lectures, rest or leisure, obtaining psycho-social support (if need be) and participating in local initiatives organised by the host organisation. At the end of the programme, participants are expected to return with new tools and energy to continue their work at home. A monthly stipend sufficient to cover costs of living, accommodation, health insurance, visa and return flight tickets are provided.

This report starts by laying out the methodology employed to gather the data, then an analysis of the findings is presented.

⁶ See Centre for Applied Human Rights CAHR: Human Rights Defenders, available at: <https://www.york.ac.uk/cahr/defenders/>; Students at Risk, available at: <https://www.students-at-risk.no/about>; Justice and Peace (2016): Shelter City – Temporary Relocation for Human Rights Defenders, available at: <https://www.justiceandpeace.nl/wp-content/uploads/2018/05/Factsheet-Shelter-City-EN.pdf> [19.04.2020].

2. Methodology and Research Approach

This study used participatory research methods in order to gain a deeper understanding of the impact of shelter programmes on the home community. Participatory research is a methodology that vouches for the significance and the usefulness of involving stakeholders, beneficiaries and/or implementers of a project in the knowledge-production process (Bergold 2007). It is mainly qualitative and seeks to analyse perceptions and interpretations of the stakeholders or beneficiaries.

In participatory research, the researcher becomes the facilitator of the process, ensuring that participants, drawing from their experiences and insights, reflect on the subject matter, in this case, their stay in the relocation programmes and the impact it had on their home communities and their HRD work in Kenya. The interviewed respondents thus participated in the research not just as sources of information but as defenders versed with the subject matter, who may have different but complementary understandings of the best protection strategies, and most importantly, would also learn from the research itself.

Respondents were intentionally chosen to ensure that the study accessed those most knowledgeable about the situation under study, those with differing views, and those that have interesting perspectives that will cast light on the subject matter. This ensured that diverse and deep views were generated for purposes of enriching the study. In total, 30 respondents were interviewed: 16 HRDs, seven family members and seven NGO practitioners. The respondents were interviewed in a focus group discussion in August 2019. In addition, individual interviews were realised from October 2019 to February 2020. The HRDs were purposively chosen by the virtue of having taken part in the relocation programmes while the family members were introduced to the researchers by the HRDs. Both snowballing and purposive techniques were used to identify the NGO practitioners who took part in the study. The HRDs spent between three to six months in the various relocation programmes between the years 2009-2019.

As such, the researchers identified and obtained the interest and commitment of defenders who have taken part in three relocation programmes – namely Shelter City Initiative, York University Protective Fellowship Scheme and Students at Risk Programme. A total of 16 defenders were reached: nine male and seven female. All defenders are working on various issues including police killings, LGBTIQ, women and children rights, reproductive health, corruption etc. in different parts of Kenya. The research team aimed at reaching at least all the thematic areas that the defenders worked on, taking gender into consideration. Further, the sampling aimed at striking a balance between rural based

HRDs in Molo, Lodwar, Chuka and Marsabit, and urban based ones in Nairobi, Mombasa and Kisumu.

The researchers also interviewed seven family members related to HRDs who participated in the relocation programmes, in order to bring in their perspectives on the programmes' impact on the home community. In addition, interviews were held with seven key partner organisations who have offered support to the HRDs during the temporary relocation process e.g. by providing referral letters to the HRDs when making the applications (six from local organisations and one from an international NGO). This led to the generation of information that corroborated, or triangulated the information gathered from the defenders in the relocation programmes themselves.

Finally, the report gained insights from participants in the 'Best practices in temporary shelter and relocation initiatives' workshop organised by the Martin Roth-Initiative in Berlin, Germany, 7 November 2019, where preliminary field results were presented by the researchers.

Secondary data was gathered from published and unpublished NGO reports in relation to safety, security and protection of HRDs in Kenya by state and non-state actors and their involvement in shelter programmes. The research also situated itself within the larger normative framework of HRDs protection by taking into account international codes of HRD practices, the constitution of Kenya, special UN resolutions, human rights codes and charters, among others. As part of the desk research, the research team also analysed journal articles and books on the impact of shelter programmes on home communities and even though they could not be based on Kenya's case, they can still offer relevant comparisons and insights.

The data collected, both primary and secondary, was analysed in order to yield meaningful information that answers the research questions. Qualitative data analysis included convergence-divergence analysis, comparisons and theme analysis. The researchers derived meanings and findings from recurring themes, insights, challenges, mitigation, lessons and replicability. The analysis also considered minority narratives as well. This is because there may be some significant insights that are not recurring but nevertheless very valid and important, especially for future research and recommendations. This was triangulated with data from the document (desk) review to come up with findings, conclusions and recommendations.

3. Positive Effects of Temporary Relocation Programmes on the Home Community

3.1 Psychosocial well-being and safety concerns

The majority of HRDs seek out temporary relocation programmes to escape, at least for the time being, situations of insecurity in their home environments. HRDs participating in the programmes will enjoy safety during that period and this also helps them to deal with psychological stress. As one HRD said, “Coming from an oppressive situation shrouded by threats and direct violations, to an environment that I’m free to express myself and just be, helps one to stop looking over one’s shoulder and [the] fear of being attacked.”⁷ The director of an NGO in Kisumu explained the experience of an employee working on LGBTIQ rights as follows: “Interaction with other HRDs even from different backgrounds not just from a SOGIE perspective helped the HRD get a human connection. HRDs tend to behave like super beings and appear to stand above violations, yet most violations they suffer themselves. This interaction allowed the HRD to prioritise self-care since that is what he learnt.”⁸

This rest and peace of mind offered HRDs moments of self-reflection and evaluation, which has led them to taking measures that not only secure themselves, but their colleagues and family. For instance, the director of an NGO working on SOGIE rights commended one of the temporary relocation shelters in which his staff had been enrolled. He noted that it had a positive impact on his employee, whose job performance and personal life had previously been affected by psychological stress of HRD work and backlash from community and family members for doing SOGIE work. He stated: “Upon return, the HRD’s welfare has greatly improved and his emotional balance [has been] restored, and he seems more at ease now and his output at the office is exceptional. The way he carries himself and handles situation[s] has greatly improved.”⁹

One HRD explained that the counselling offered was quite informative. He noted that he did not have the resources to pay for counselling but undergoing it while in the temporary relocation programme helped him cope with life since his mental state had really been affected.¹⁰ Those who continued practising the mental health care and lessons they learnt argue that their personal lives and job performance are less affected despite the difficult conditions they sometimes face.

The director of an NGO in Kisumu noted that the rest and respite enabled his HRD employee to reflect on his work and personal care. He realised that as part of his HRD work, he was doing things that were endangering his colleagues and hence needed to

⁷ Interview with director of an LGBTIQ organisation, Mombasa, 23 October 2019.

⁸ Focus Group Discussion with previous relocation programme beneficiaries, 24 August 2019.

⁹ Interview with director of an LGBTIQ organisation, Mombasa, 23 October 2019.

¹⁰ Interview with Kisumu County-based LGBTIQ Rights Activist, Nairobi, 30 October 2019.

change for the safety of everyone.¹¹ In these cases, the rest and respite enabled the HRDs to think more about their safety and how it is tied to their colleagues and human rights work generally. By gaining more skills in safety and security, they were able to take measures that not only secured them but also their larger community. One of the HRDs interviewed said she started a wellness programme targeting her human rights colleagues since this was an area that was not being adequately addressed.¹² Her experience at the relocation programme made her more cognisant of the need for psychosocial support and hence her choice of focus.

HRDs' family members also noted positive impact on how they manage their security and that of their family upon return from the relocation programmes. A spouse of one of the HRDs said that after returning her husband had changed his way of operation, which she attributed to his time abroad. "Nowadays he gets to inform me when he goes to some place. Initially, he was not telling me where he [was] going. He may have learnt this when he went. This new way of doing things helps because, should anything happen, we know where to get/search for him," she noted.

3.2 Strengthening of human rights movements through learning opportunities and knowledge sharing

Some HRDs when they returned were able to start human rights organisations arising from the skills, mentorship and exposure they got while in the relocation programmes. One HRD who participated in one of the relocation programmes in 2016 said that he strategised how to start a community social justice centre during his time there: "Over the years, I had the idea but this time I met people who encouraged me a lot. I also had a lot of time to think about the idea and how to actualise it."¹³ The HRD upon return started the centre, which has over the years been instrumental in the monitoring, documentation and advocacy of human rights violations in their locality. Members of the community are normally involved in the centre's activities and form the bulk of its membership. The success of this community social justice centre has led to the growth and opening up of others in different parts of the country working on various human rights issues.

The sharing of experiences also motivated and imparted practical lessons to the HRDs. As narrated by an NGO officer who had supported one of the HRDs: "Interaction with

¹¹ Interview with director of an LGBTIQ organisation, Kisumu, 30 October 2019.

¹² Focus Group Discussion with previous relocation programme beneficiaries, 24 August 2019.

¹³ Interview with defender agitating for police and government accountability, Nairobi, 1 November 2019.

different people in varied capacities helped the beneficiary analyse and strategise their work as a human rights defender and identify ways to do more in their capacity as HRDs while not neglecting themselves in the process.”¹⁴ Through interaction with other HRDs, one of the defenders said her knowledge and views expanded, which in turn improved her work on the ground. “While at the relocation programme, I lived with a lady from Mexico and this was a turning point in my understanding about extra-judicial killings by police,” narrated the HRD.¹⁵ She continued: “I was able to connect how their suffering connected with others in similar situations. This is when I learnt of the term femicide and its meaning. When I came back to the country, together with other HRDs we started using it in campaigns on violence against women to show how they are targeted because of their gender.”¹⁶ Further, the HRD noted how she was able to connect issues of reproductive rights of women in informal settlements to the larger human rights issues.

Another director of a SOGIE NGO said that the HRD, upon return, had new ideas that, once implemented, have helped the organisation secure key allies and stakeholders. “We now have a platform that brings together religious players and government representatives to discuss LGBTIQ issues.”¹⁷ This initiative he attributes to the networking and learning opportunities that the HRD received while abroad.

3.3 Networking and fundraising opportunities

Through the temporary relocation programmes, HRDs also benefit from extending their networks with defenders from other nationalities and backgrounds as well as funders. This enables bonding over shared, lived and varied experiences and enables the HRDs to expand their professional connections and grow their network of supporters. The impact of the interactions with other defenders and donors’ connections that the temporary shelters enabled for them is long lasting and has strengthened the home community.

Some of the HRDs were able to write proposals and get funding for their home organisations through these networks. This has helped them continue their grassroots work of promoting and defending human rights after returning home. “It was during my time at the programme that I got seed money for doing work to support HRDs’ wellbeing and mental health,” noted a HRD.¹⁸ Another one noted how she not only got funds for settling after her return home, but also the funder supported her and other HRDs in a case they had filed in court regarding access to their ancestral land. They eventually won the case,

¹⁴ Interview with director of an LGBTIQ organisation, Mombasa, 23 October 2019.

¹⁵ Focus Group Discussion with previous relocation programme beneficiaries, 24 August 2019.

¹⁶ Ibid.

¹⁷ Interview with director of an LGBTIQ organisation, Mombasa, 16 February 2020.

¹⁸ Focus Group Discussion with previous relocation programme beneficiaries, 24 August 2019.

something she attributes to connections made while abroad. “This was a big case and since I am a woman, I was also facing gender security risks. Were it not for the support, we might not have got this far.”¹⁹ This reflects significant benefits to local organisations and the community at large as a result of professional connections made through relocation programmes.

Some defenders noted that they have continued using these networks to further their work, which has in turn benefitted the home community.²⁰ One of the defenders noted that he has continued exchanging ideas and strategies with some of the HRDs they met at their programmes.²¹ Another said she has attended conferences after being invited by some of the people he met while abroad.²² These connections have helped the HRDs to grow in exposure, experiences that are later absorbed into their workplaces.

At the national level, by extension, as a product of the networking amongst organisations supporting defenders at risk, a protection working group of HRDs has been formed. The working group is comprised of NGOs working towards the protection of defenders at risk, and meets once a month. The objectives of the group are to, among other things, coordinate assistance efforts with each other, avoid duplicating support, and to synergise resources and strategies for specific protection cases. Due to its work, there are more coordinated efforts of supporting defenders at risk seeking referrals to the relocation programmes.²³

Some of the temporary relocation programmes have formed alumni groups to keep in contact with the defender and also provide a platform for defenders to interact with each other. However, these alumni are not resourced and hence have not been able to stay active. These groupings, if active, could be avenues of conducting evaluation of the impact of defenders work on the ground after returning home. This could also be an opportunity for resource mobilisation and networking for the defenders.

¹⁹ Interview with Environmental Rights Activist, Nairobi, 19 October 2019.

²⁰ Focus Group Discussion with previous relocation programme beneficiaries, 24 August 2019.

²¹ Ibid.

²² Ibid.

²³ Interview with practitioner in country office of an international human rights NGO, Nairobi, 12 November 2019.

3.4 Capacity building in the home community

Some of the trainings and skills received by defenders during the time spent abroad have proven to have major and sustainable impact on the HRDs. As one commented: “The human rights law and development training I got as well as skills in safety and security have helped me improve my work.”²⁴ An NGO officer who had supported a HRD attending a relocation programme also explained that after returning to the home country, HRDs wanted to return back to university: “This was because of being [enrolled] in [...] university while abroad. One lady (a defender) has started studies now.”²⁵ This personal development has also enabled the HRDs to positively impact the work of other HRDs and organisations working in their communities.

Another HRD made it clear that some of the research and programmatic activities he undertook remain useful to him and have been used to further the human rights work. “While abroad, I worked on how the EU Guidelines on Human Rights Defenders can be implemented. When I came back, I enriched [organisation’s name] work on the EU guidelines... this was my way of giving back to the community which had supported me.”²⁶ The HRD specialises in teaching defenders about safety and security issues as well as international and regional mechanisms for supporting their work. Another HRD in the Rift Valley said the HRD who had been relocated, “has become pillar in our network as he is available to share his learning and educates members on documentation of human rights violations.”²⁷

Wellness activities that HRDs were exposed to through relocation programmes not only offered respite to them, but also helped them think of how to continue prioritising their mental wellbeing. Many of them have thus shared their positive anecdotes with fellow HRDs and promoted the improved practices within their own workplaces. As articulated by an HRD, “I have grown as a person. I keep practising on self-care and mental health. I try to balance work and care. I have introduced the same in my organisation. We are building a mental health programme e.g. yoga, mental health trainings and self-care, recognising issues around mental health e.g. coping with stress.”²⁸

²⁴ Interview with Kisumu, County-based LGBTIQ Rights Activist, Nairobi, 30 October 2019.

²⁵ Interview with practitioner in country office of an international human rights NGO, Nairobi, 12 November 2019.

²⁶ Focus Group Discussion with previous relocation programme beneficiaries, 24 August 2019.

²⁷ Interview with Nakuru County based HRD, 29 February 2020.

²⁸ Interview with Kisumu County-based LGBTIQ Rights Activist, Nairobi, 30 October 2019.

4. Challenges Faced by HRDs and Their Home Community Linked to Temporary Relocation Programmes

4.1 Unrealistic expectations of benefits

Some of the HRDs interviewed noted that there were many expectations from the home community when they went abroad. For some, their families thought they would be returning with money or be sending some back home. “To most of our families, when someone goes abroad, especially when sponsored, it means you are getting a lot of money. This is not the case but there are those expectations which, if not fulfilled, can create friction even at home.”²⁹ Another HRD noted that he had to buy some gifts for his family to at least fulfil some of the expectations when he returned home.³⁰

Some of the HRDs’ home communities expected the temporary relocated HRDs to get more connections or linkages with donors or other partners who would assist them in career growth or fundraising.³¹ When this did not materialise, some of the HRD colleagues were disappointed, and the temporary relocated HRDs were accused of using the opportunity for personal gain.³² To some of the HRDs, this has caused strained relationships with their colleagues: “I was accused of going abroad and benefitting myself only and not others. That I did not connect them to some of the people I met. Yet, this was a unique programme that was tailored for those selected,” noted one HRD based in Nairobi.

Unrealistic expectations of the benefits for the HRDs’ home community are partly driven by a lack of information on what the temporary relocation programme offers. As part of its engagement with the HRDs before the relocation, the relocation programmes need to engage with the HRDs’ home community, explaining what they can/not expect from the process. This would help to temper the expectations and reduce pressure on the temporary relocated HRD.

4.2 Negative profiling

Some of the HRDs pointed out that the timing of their participation after the 2007/2008 post-election violence in Kenya contributed to negative association with the accused persons filed at the International Criminal Court (ICC) thereafter. It is notable that during

²⁹ Interview with defender agitating for police and government accountability, Nairobi, 1 November 2019.

³⁰ Interview with defender agitating for LGBTIQ rights, 1 November 2019.

³¹ Focus Group Discussion with previous relocation programme beneficiaries, 24 August 2019; Various interviews with HRDs.

³² Interview with defender agitating for LGBTIQ rights, 1 November 2019.

4. Challenges Faced by HRDs and Their Home Community Linked to Temporary Relocation Programmes

and after the 2007 general elections, civil society actors monitored and recorded the ensuing post-election violence, identifying perpetrators and their facilitators. Civil society actors forwarded the names of victims and witnesses to the ICC and supported the cases when the prosecutor commenced investigations in 2010 until they eventually collapsed, largely due to witness interference and lack of government cooperation with the Court (Mueller 2014). In the course of this process, the accused persons and their supporters as part of a broader narrative to discredit the cases and those supporting them, re-casted the ICC as a tool of Western oppression. Human rights defenders supporting the cases were portrayed as unpatriotic and agents of foreign powers for supporting the ICC (FIDH/KHRC 2014; KPTJ 2016). The ICC cases divided Kenyans including HRDs right in the middle – some did not support them while others did. Being tied to the Court either as a witness for the victims or for the accused was bound to elicit reactions in either way. They were subsequently negatively profiled which affected them and their work.

Two of the interviewed relocated HRDs found themselves in this situation and, over the years, had to explain to their communities what they were doing abroad. According to one of the HRDs, he happened to pass through the Netherlands on the way back home, when Kenyan cases at the ICC were on-going, and some members of his community accused him of being a victim's witness.³³ Another HRD pointed out that he went to one of the temporary relocation programmes just after the 2007/2008 post-election violence and since he was not seen in his neighbourhood for six months, it was said he had become an ICC witness supporting the accused persons.³⁴ According to the HRD, this association with the accused persons has made it difficult to get employment within the human rights sector despite attempts at explaining that he was in the temporary relocation programme.³⁵

4.3 Strenuous and expensive application process

Many of the respondents commented that the application process was difficult and expensive and affected both HRDs and their home community. Most of the HRDs had no access to the internet hence had to pay for cyber cafes to complete their online applications. Others had to apply for passports and visas after they were selected – this is especially difficult for rural-based HRDs who have to travel to the passport and visa centres in Nairobi and also have intermittent internet access.

³³ Focus Group Discussion with previous relocation programme beneficiaries, 24 August 2019.

³⁴ Ibid.

³⁵ Ibid.

4. Challenges Faced by HRDs and Their Home Community Linked to Temporary Relocation Programmes

The majority of respondents found the process difficult, especially commenting on the complicated questions and technical language used by the programmes. Many of them had to seek assistance from friends and colleagues who had the technical knowledge in order to understand what was required of them. The complexity of the application process thus locks out many HRDs who are eligible but less proficient in English and have less technical knowledge of human rights work.

These challenges in the application process also have an impact on the local community, especially noting that many of the applicants needed monetary assistance to meet the high cost of application and technical assistance. An NGO director who supported his employee's application explained that having to bring in a third party to assist in the application did not only have a monetary implication but also put a lot of pressure on the applicant and himself owing to the strict deadlines and the applicant's need for temporary relocation. He observed that in his situation: "The HRD was not in a very stable sense of mind due to the threats he was facing. At other times, he was being forced to go [into] hiding yet the application was pending and deadline nearing. This meant that the person assisting had to leave other work and assist in the application. This sometimes was inconveniencing."³⁶

The application process also adds another layer of psychological stress to the family. The interviewed spouse of one of the HRDs explained how it was strenuous for them since the husband was not only busy with human rights work but also the little income they had was spent in the application process. He had to travel to a town centre to file it and this was for several days. "It took a lot of his time and yet he was unsuccessful the first time. It was really demoralising since we knew he was under serious threat and now had spent money to apply and not get the relocation as he wanted. It was too much," she noted.³⁷

³⁶ Interview with director of an LGBTIQ organisation, Mombasa, 23 October 2019.

³⁷ Interview with a family member of human rights defender, Molo subcounty, 4 November 2019.

4.4 Socio-economic impact on HRDs' home community

Being away from home also has a major strain on the family fabric. The wife of an HRD explained that her marriage was greatly affected by her husband's absence. While he was participating in the programme, communication was difficult because of the time zone difference and she had difficulties explaining to her young children why their father was away. Worse still, she was expectant at the time her husband was leaving and gave birth and lost the baby while he was still away.³⁸ This, she attributed to stress she underwent while the husband was away.

Further and inadvertently, participating in the temporary relocation programmes also caused some HRDs to experience guilt of having being enrolled. Most of the HRDs had gone through traumatic situations together with their families but due to the nature of the programmes, the spouses and children could not accompany them abroad. Further, those relocated were mostly men and breadwinners from poor backgrounds and their absence had an impact on the family's economic and social status. This caused stress to most since they felt their families were barely surviving. "I was thinking about the people at home and maybe they are not doing well. I was living a good life and the stipend was okay. I was guilty that I am living well and was homesick."³⁹ A mother who had left her two sons back at home was worried about them and within the first few days she wanted to return out of concern for their wellbeing. As she noted, "Moving out is traumatising; where are your children? How are they doing? I was worried a lot and felt [that I was] being unfair to them."⁴⁰

In all the relocation programmes surveyed, there is no support at all to the families left behind and the focus is on the HRD at risk. This is a gap that needs to be filled especially in providing counselling services to the family who might be traumatised by the human rights work of their family member and also his/her absence. Special emphasis should be put on supporting children, who could be wondering what has happened to their parent. As noted by a female HRD who left two young boys at home: "They were not happy with my human rights work and kept urging me to stop doing it. Even though I prepared them before going away, my absence affected them a lot."⁴¹

³⁸ Ibid.

³⁹ Focus Group Discussion with previous relocation programme beneficiaries, 24 August 2019.

⁴⁰ Interview with an Environmental Rights Activist, Nairobi, 19 October 2019.

⁴¹ Interview with an Environmental Rights Activist, Nairobi, 19 October 2019.

5. Which Models Could Be Promoted in Order to Support and Strengthen the Home Community?

Increasingly, there are discussions within the human rights defenders' community on the need to have temporary relocation programmes that are less financially intensive, more culturally sensitive and located within safe places. It is within this context that the project "Defend Defenders" (previously the East and Horn of Africa Human Rights Defenders Project) and the "Pan Africa Human Rights Defenders Network" have devoted growing levels of attention to temporary relocation, culminating in the launch of the Ubuntu Cities project whereby defenders at risk can be hosted in sub-regional hubs. The Defenders Coalition (formerly National Coalition of Human Rights Defenders – Kenya) is also in the process of setting up human rights cities in Kenya, modelled along the idea of Ubuntu Cities.

Other defenders voiced the need for supporting local protection mechanisms that draw from the human rights community, family, or social relationships and networks. These are the points of call for the defenders when at risk and the first points of protection. As noted by one of the defenders: "Relocation starts when I move from my house to a friend and stay there. In case I'm not accepted to [the relocation programme] this will be my place until the situation changes."⁴² Incorporating the family and community ought to be done right from the start of the relocation process. They need to be involved in the application process and taken through expectations of the programme and their roles, if any. When the defender is returning, the families and HRD community need to be prepared to receive him/her and help them settle down. Doing this will ensure they play a part in the HRD's temporary relocation programme as well as adopt a collective protection methodology. This will, in the long run, encourage HRDs to protect and promote human rights holistically and collectively through the community. With the community support and protection, it will reduce the vulnerability of some HRDs who are known to work around contentious issues and rally support for a human rights state/environment.

These complementary models need to incorporate mental health and well-being of families to prevent them from undergoing trauma once the HRD leaves for the programme. The lack of counselling and trauma support has made it especially difficult for families of HRDs to adjust to their new situation.

It is laudable that most of the NGOs who recommended the defenders have kept in touch with them and their human rights work after they returned. Part of the practical follow-ups that the NGOs have been doing was supporting defenders to implement their in-

⁴² Interview with Kisumu County-based LGBTIQ Rights Activist, Nairobi, 30 October 2019.

dividual safety plans that they had formulated before returning. “We also look at behaviour change. For example, what kind of posts on social media is the defender making? Are they risking their lives more or have they learnt from the past if [...] social media had been used to threaten them?”, said a NGO officer at a plenary discussion on best practices in relocation programmes.⁴³ These good practices of monitoring the HRDs after they return to their community can be borrowed and harnessed in order to support them in ensuring their safety as well as that of the home community. Further, the temporary relocation programmes can encourage the defenders, as part of giving back to society to share skills they have received while abroad.

⁴³ Plenary remarks during the ‘Best practices in temporary shelter and relocation initiatives’ workshop organised by the Martin Roth-Initiative in Berlin, Germany, 7 November 2019.

6. Conclusion

Using research information from a focus group discussion and individual interviews of Kenyan human rights defenders, their families and NGO practitioners, this report has highlighted how the temporary relocation shelter programmes have impacted on the Kenyan HRDs' home community. As the data has shown, some of the defenders have been able to start organisations and fundraise for them using the skills, resources and connections they got when abroad. Others valued the rest and respite they got for the three to six months since it helped them re-strategise on their work.

Nevertheless, there are challenges the HRDs' home communities face in the relocation process. Some of the family members said how they have been negatively affected since despite suffering some of the risks, they are not considered for support during the relocation process. Others were left to take care of the family when the breadwinner left, which put more strain on them. Lack of immediate financial benefits to the HRDs' community, and the lack of information on the benefits of the relocation programme put a strain on the HRD and the community. For some of the colleagues, who have had to leave their other work to support a HRD at risk in the application process, this has posed an extra burden.

7. Practical Recommendations to Strengthen the Home Community

Based on this data, there is more potential to strengthen the impact of relocation programmes on the HRDs' home communities as part of the relocation process.

- There is need for the organisations offering temporary relocation to consider supporting the HRDs' families through, for example, psychosocial support since they also undergo trauma together with the HRD when they are at risk;
- Temporary relocation programmes should consider offering stipends to HRDs' families during the time they are abroad. This will financially caution them – especially since most of those relocated are breadwinners and family heads;
- Temporary relocation programmes should engage in information sharing with HRDs' home communities on what the temporary relocation entails. This will help manage expectations of the benefits of participating in the programme for both the HRDs' families and the wider community;
- To support HRDs regarding the financial aspects of the application process, the temporary relocation programmes can offer to offset costs for those who are going to be relocated. Alternatively, they can work with local partners who can facilitate resources to cover these costs for the HRDs so that the most deserving can also be able to apply to the programme;
- Defenders alumni need to be activated. They were cited as good avenues for interaction, solidarity and follow-ups when defenders return. The idea is there but in-active;
- The defenders alumni should be funded to facilitate activities and meetings which can be used to highlight work of the HRDs, impact and relevance of the temporary relocation programmes;
- There need to be systematic follow-ups by the NGOs offering temporary relocation or the local referring organisations. This could be on mutually agreed projects or activities with the HRDs to ensure their experiences benefit the home community in advancing human rights work.

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List of Abbreviations

| | |
|----------------|--|
| EU | European Union |
| FIDH | International Federation for Human Rights |
| GALCK | Gay and Lesbian Coalition of Kenya |
| HRDs | Human Rights Defenders |
| ICC | International Criminal Court |
| KHRC | Kenya Human Rights Commission |
| KPTJ | Kenyans for Peace with Truth and Justice |
| LGBTIQ | Lesbian, Gay, Bi, Trans, Intersex and Queer |
| NCHRD-K | National Coalition of Human Rights Defenders Kenya |
| NGO | Non-Governmental Organisation |
| OHCHR | Office of the High Commissioner of Human Rights |
| SOGIE | Sexual Orientation, Gender Identity and Expression |
| UN | United Nations |

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Relocation Initiatives and Their Impact on Home Communities

Case Study of Kenyan Human Rights Defenders

Kenyan Human Rights Defenders' (HRDs) work exposes them as well as their home community to threats, trauma and stress and has led to stigmatisation and loss of status. Therefore, defenders seek and are offered temporary relocations in order to rest and build up capacity.

This study focuses on the impact of temporary relocation programmes on HRDs' home communities. The data shows that the home community mainly benefits from psychosocial well-being and safety improvements, knowledge sharing, new contacts and capacity building of the HRDs after returning home. The study then closes with practical recommendations to strengthen the home community.