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# **An assessment of the feasibility and effectiveness of protective accompaniment in Kenya**

## **External Report – Executive Summary**

**Peace Brigades International**

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### **About PBI**

Since 1981, Peace Brigades International (PBI) has supported hundreds of communities and thousands of people in eleven countries in Latin America and Asia. We protect human rights defenders (HRDs) who work tirelessly in pursuit of justice for those who have been denied their basic rights and have experienced threats, violence and displacement. We work at the request of human rights defenders and in response to their needs. Protective accompaniment, our main methodology, combines on-the-ground expertise and local knowledge with international advocacy. We aim to ensure that human rights defenders are able to carry out their work, contributing to social justice and peace, in relative safety.

### **Background**

PBI has not to date established a field project in Africa, although we have received requests for support from human rights defenders based in different parts of the continent. These led us to carry out an assessment of the potential for PBI work in Chad in 1993, which was inconclusive, and more recently to

conduct an in-depth study of the protection needs of human rights defenders in Africa in 2009-10. Field research was undertaken in Kenya in 2009, which suggested PBI's methodology of protective accompaniment had the potential to meet a clear protection need in the country.

### **Executive summary**

In 2011 PBI established a Kenya Project Exploratory Committee (KPEC), made up of experienced PBI activists and human rights and Kenya experts from outside of PBI, to consider in greater depth the key outcomes of PBI's field research in Kenya in 2009. The research identified that: there was a need for accompaniment, with an active human rights movement facing high levels of repression; PBI's methods could be effective; defenders and the international community would welcome the deployment of a protection organisation in Kenya, and any organisations working on the ground in Kenya would need to develop a clear understanding of how to operate safely in areas where civil militias are active. The 2011 exploration was undertaken to assess the protection needs of human rights defenders in Kenya and the feasibility and effectiveness of a PBI protective accompaniment project in the country.

The KPEC carried out desk-based research and undertook a 4-week field trip to Kenya in September – October 2011. The KPEC used criteria and key questions to underpin their analysis of whether PBI could establish a project in Kenya, which are explained in full in the main report.

The exploration identified HRD protection needs and found that key conditions for protective accompaniment are met in at least some regions of Kenya, particularly Nairobi, West Kenya and Mombasa, suggesting PBI's work there could be effective. The principal findings of the exploration were:

### **Situation for HRDs in Kenya**

While the situation in Kenya has improved since PBI's research in 2009, which focused on the immediate context of post-electoral violence, HRDs there continue to face a number of challenges and risks that hinder and/or prevent their work.

There is a pervasive environment of impunity for human rights abuses (including impunity for violations against HRDs), threats and relocation are not uncommon, and incidences of surveillance by state and non-state actors have been reported. Offices have been raided or burgled and computers hacked, and several organisations suspected that their phones were being tapped. Arbitrary arrest (particularly during peaceful demonstrations) was commonly reported, particularly in the West and in Coastal areas, often accompanied by the denial of bail or demands for bribes.

Higher risk issues that HRDs are working on include impunity for post-electoral violence and extrajudicial executions; counter-terrorism; accountability, anti-corruption and social auditing; sexual and reproductive rights; and land rights. The work of women HRDs (WHRDs) was highlighted as particularly challenging. Rape and other forms of sexual violence are experienced by women HRDs working in the slums of Nairobi, usually perpetrated by non-state actors. LGBTI persons are routinely harassed by police, detained without due process, blackmailed (frequently by police), and subjected to violence.

It became clear that fear informs some of the strategies and programmatic choices made by HRDs. The murders of two HRDs from the Oscar Foundation in 2009 'sent shockwaves' through civil society, prompting some HRDs to shift from naming and shaming and pursuing individual cases to focusing on institutional reforms.

The overall human rights movement is fractured, with community level HRDs often feeling 'used' or ignored by those at the national level. National level organisations were criticised for being unresponsive, unsupportive and unable to consider the needs of community level HRDs who were doing front-line human rights work. The fact that Nairobi-based organisations are said to receive an estimated 80% of donor money increases the sense of inequity. Disconnect is also experienced between the more donor-driven NGOs in Nairobi and the grassroots and community organisations in the slums and outside Nairobi. These divisions and lack of national networks result in higher vulnerability amongst grassroots HRDs working in the regions and in the slums in Nairobi. In addition, HRDs generally operate in relative isolation, without taking advantage of the potential of national and international networking.

### **Conditions for protective accompaniment**

The national government has sufficient stability, with established lines of accountability, to respond to calls for protection of HRDs. Governmental mechanisms for protection of HRDs are largely non-existent. It appears that the international community is willing to intercede and take actions in defence of HRDs. The Kenyan Government appears to be sensitive to international pressure to some extent, and there are indications that a combination of domestic and international pressure can have positive results. However, recent developments with the indictment of prominent political figures by the International Criminal Court (ICC) have created a climate in which anti-Western sentiment is being fuelled. PBI would be able to operate in Kenya, although there may be some bureaucratic and administrative challenges to establishing a long-term presence in the country. Security conditions would allow PBI to deploy volunteers in a number of areas in Kenya, including Nairobi, West Kenya and Mombasa. (Certain regions including the border with Somalia, the Upper Rift Valley and the North East border with Ethiopia are currently considered too unsafe.)

### **HRDs needs and how PBI could meet these**

HRDs needs identified by HRDs in Kenya include a number which are an integral part of PBI's protective accompaniment methodology including: building and developing HRD networks, creating international and regional links, and fostering broader recognition as legitimate HRDs. A clear need for security training and follow-up support was also identified. In addition, all the HRDs met with were open to the concept of protective accompaniment – which was new to most of them – and many offered valuable input as to how to adapt accompaniment to the particular Kenyan context. Some individuals were fairly enthusiastic but nonetheless realistic about potential challenges that would need to be considered. These include the need to balance likely negative perception of physical accompaniment within certain communities with the positive, broad impact that PBI could have through engaging with authorities and through the moral support and solidarity that PBI accompaniment would represent. The exploration established that PBI could help to fill an identified protection gap in Kenya through protective accompaniment, and that there may be scope to provide support to HRDs in the broader East Africa region over the longer term.

### **Conclusion**

PBI could potentially play an important role providing protection and support to HRDs in a time of expected heightened risk during the March 2013 election period, if able to establish a presence in the country before that time. Short term work around the electoral period could provide the opportunity for PBI to conduct further research into factors which generate challenges for establishing protective accompaniment work in Kenya and to explore whether these could be overcome. An extended presence on the ground would also facilitate analysis of HRDs protection and support needs in the wider region of East Africa. For these reasons, this report recommends that PBI take steps to establish a short term project in Kenya in 2012 – 13.