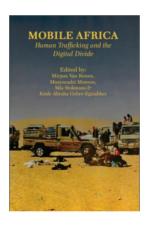
Not a People's Peace: Eritrean Refugees Fleeing from the Horn of African to Kenya

Sophie Kamala Kuria & Merhawi Tesfatsion Araya

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Not a People's Peace: Eritrean Refugees Fleeing from the Horn of African to Kenya

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Introduction

The Joint Declaration of Peace and Friendship signed by the governments of Eritrea and Ethiopia in 2018 resulted in the

reopening of two border points, Zalembessa on 11 September Burrie, 2018 (Eri-platform, 2018). Eritreans, the process is an opportunity to demobilise and re-engage with the democratic process. The expectation is for greater participation and a move away from the current oneparty state. However, as comprehensive as the peace process appears, there are some areas of concern. So far, within Eritrea, there has been no indication that the Eritrean government intends release political

The Peace Agreement between Eritrea and Ethiopia of July 2018 seems to have had no impact on the number of people fleeing Eritrea, many of whom end up in Kenya. The main reason given by refugees leaving Eritrea is family reunification; the lack of documentation means that they have to move illegally. In Kenya, Eritrean refugees face many challenges, including a lack of legal protection as refugees, which is aggravated by the lack of legal documents. When asked what is needed to stop the exodus from Eritrea, the majority state that changes at home are needed before it will be safe to live in Eritrea again.

religious prisoners, stop indefinite National Service, address the human rights situation, implement the Eritrean Constitution, or reinstate the National Assembly, which has not sat since 2002 (Irin News, 2002). Nor is there any indication that there will be freedom of speech and freedom of association any time soon. No steps have

been taken by either the Eritrean government or the Ethiopian government to reconcile the Eritrean opposition with the Eritrean government. This is in stark contrast to events in Ethiopia, where the government has released political prisoners and welcomed back home the Ethiopian opposition, which is preparing to participate in the 2020 elections (Crisis Group, 2019).

However, the peace process between Ethiopia and Eritrea has not stopped the flow of Eritrean refugees, who continue to flee the country (UNHCR, 2018). The reopening of these borders, and the fact that there is presently no border control, together with the rumour that the border would only be open for 10 days, resulted in a number of new arrivals of Eritrean refugees in Ethiopia. According to the United Nations High Commissioner for Refugees (UNHCR) the average number of new arrivals increased from 50 people per day to approximately 180 between 12 September to 13 October 2018 (UNHCR, 2018). According to the UNHCR report, women and children under the age of 15 years make up 80% of the new arrivals. Although Ethiopia is presently the safest route for Eritrean refugees, because of the Eritrean government's history of spying, harassing, kidnapping and disappearing its citizens, many no longer feel safe in Ethiopia and are moving south to Kenya, according to the interviews done by Makeda Saba with Eritrean activists in Ethiopia in August 2018. Kenya currently hosts thousands of Eritrean migrants in Nairobi and Mombasa, as well as in the refugee camps of Kakuma, Isiolo, and Moyale (Amnesty International, 2017).

Research question

After the signing of the Peace Agreement between Eritrea and Ethiopia in July 2018, an increase in the number of Eritrean refugees seeking asylum in Kenya was noticed. Accordingly, it was decided to conduct a rapid assessment of new arrivals of Eritrean refugees in Kenya after the Eritrea-Ethiopia peace process to better understand

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¹ Makeda Saba (author of Chapter 21 and co-author of Chapter 5 in this book) conducted these interviews in order to assess the situation in Ethiopia and how much it was changing.

what was happening with refugees at the time, especially in relation to how the peace process has impact on their decision to flee Eritrea.

The main research question in this chapter is: Has the Peace Agreement between Eritrean and Ethiopia impacted on the number of Eritreans fleeing their country and what are the issues they face as refugees in Kenya? To answer this question, this chapter looks at the main reasons given by refugees for leaving Eritrea, the challenges they faced during their journey and in Kenya, any assistance they have received from the Government of Kenya and non-governmental organisations (NGOs), and the solutions they propose to the problems they face.

Methodology

The rapid assessment was conducted as a sample survey of newly-arrived Eritrean refugees assisted by the Eritrean Diaspora in East Africa (EDEA)², in person and over the phone, from 5 October 2018 to 13 December 2018. EDEA supports refugees in countries like Kenya (first asylum countries). As part of its activities, EDEA provides advice to refugees as to their options and rights in countries of first asylum like Kenya.

The key objectives of the rapid assessment were to:

- Document the rapidly growing number of Eritrean refugees newly arriving in Kenya, since the Eritrea/Ethiopia peace process
- Find out where they are coming from (which locations in Ethiopia or directly from Eritrea)
- Find out why they are moving
- Identify the challenges they face

-

² This research was carried out by researchers from EDEA, a non-profit humanitarian organisation, founded in Kenya in 2014, whose mission is to provide support to the Eritrean community in East Africa. Its aim is to raise awareness about the rights of Eritreans in the diaspora. Its staff are individuals from different professional backgrounds who volunteer their time on a need basis. The authors of this chapter are employed by EDEA.

- Identify what assistance is being received by these refugees, and their perceptions of this assistance
- Identify permanent solutions to the exodus of refugees from Eritrea

The sample survey design considered all Eritrean migrants assisted by EDEA during the study period who were subsequently registered by UNHCR and evacuated to Nairobi, Isiolo, Kakuma or Moyale. The sample group for the interviews was selected from a group of over 640 Eritrean refugees who had been trafficked or smuggled into Kenya through various means since the reopening of the Ethiopia/Eritrea border. Some respondents were referred by key contacts during their rescue; others were randomly selected from among people referred by families in Europe, Sudan, or other places who informed EDEA of their stranded relatives.

This survey used telephone and face-to-face interviews in Nairobi, Isiolo and Moyale and Kakuma. Telephone interviews offer several advantages over face-to-face interviews. Firstly, they are perceived as providing a greater level of anonymity and privacy than face-to-face encounters (Carr & Worth, 2001; Sturges & Hanrahan, 2004). Secondly, they allow people to talk freely and openly, so long as the interviewer guarantees and promises the interviewee absolute anonymity and confidentiality. Thirdly, telephone interviews may also encourage an open and honest discussion about intimate, sensitive and personal subjects, such as physical and emotional abuse and inhumane acts (Opdenakker, 2006; Sturges & Hanrahan, 2004). Fourthly, shy personalities may not be comfortable with face-to-face interactions; telephone interviews exert decreased social pressure on participants and provide them with a shield (Vogl, 2013). The personality of the respondents to the survey and their preferred mode of interview were considered prior to the administration of the survey. Telephone interviews allowed EDEA to include refugees who were afraid of participating in a face-to-face interview for fear identification or lack of trust.

A questionnaire was developed to help guide the interview process. Most of the refugees could only speak Tigrinya and some English. The questionnaire was, therefore, transcribed into Tigrinya to allow for the smooth flow of conversations. The responses to the survey questionnaires were first summarised into tabular format (comma separate files), encode into factor variables, and subsequently analysed. R programming was used for exploratory data analysis and visualisation.

Profile of respondents

A total of 80 Eritrean refugees took part in the survey: 20 from Nairobi (25%), 10 from Isiolo (12.5%), 30 from Kakuma (37.5%), and 20 from Moyale 20 (25%). The respondents consisted of 59 women (56 married; 3 single) and 21 men (3 married; 18 single). There are significantly more female refugees from Eritrea than male refugees; therefore, more women than men were selected for this study to reflect this fact.

The ages of the respondents to the survey are given in Figure 7.1. Most of the participants were aged between 18 to 25 years. Age brackets were adopted in the questionnaire to encourage accurate responses.

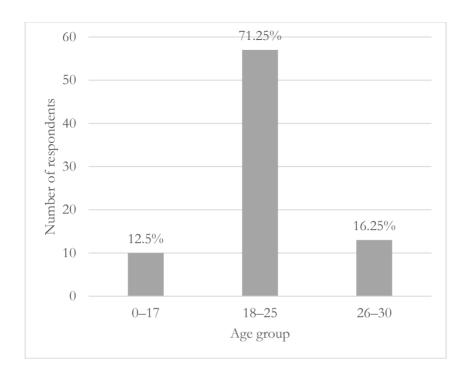


Figure 7.1. Age of respondents to survey

Number of newly-arrived Eritrean refugees in Kenya

During the study period (5 October to 13 December 2018), a total of 647 newly-arrived Eritrean refugees were recorded by EDEA (upon rescue and assistance from EDEA, the refugees were registered and transferred by UNHCR to designated refugee camps or holding areas in Nairobi, Isiolo, Kakuma and Moyale). Women represented a significant proportion of all refugees on a month-to-month basis relative to men and children (Figure 7.2). The gender of the children was not considered. On average, the arrival of men and children was stable in October and November, with inflows of about 62 and 28 per month, respectively. Nonetheless, the inflow of these groups in December might have been higher, as the study only collected figures up to mid-December.

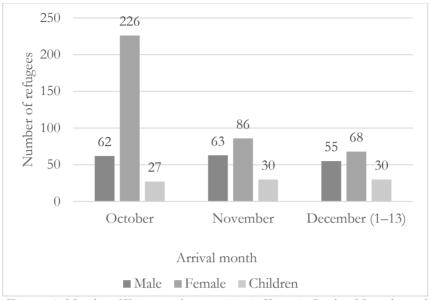


Figure 7.2. Number of Eritrean refugees arriving in Kenya in October, November and December 2018, disaggregated by male, female and children Source: Authors' dataset

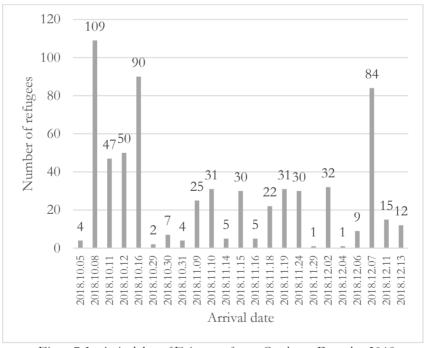


Figure 7.3. Arrival date of Eritrean refugees, October to December 2018 Source: Authors' dataset

Figure 7.3 shows the arrival date of Eritrean refugees assisted by EDEA within the study period. The largest number of refugees arrived in October (313). The ages of the migrants ranged from 6 months to 43 years.

There is no clear pattern in the arrival of Eritrean refugees during the study period (Figure 7.3). However, the arrivals into Kenya were significantly higher in October (313 migrants) compared to November (179 migrants) of the same year. The number of migrants recorded for the period 1 to 13 December 2018 was 153; it is, therefore, plausible that the total for December may exceed that of November 2018, if the trend continued.

Departure locations

Over 99% of the Eritrean refugees into Kenya used the Moyale border point as the main entry point, with the exception of a deportee from Israel who was recorded at Malaba/Kampala, Uganda. The majority of refugees were originally domiciled in Eritrea. In particular, about 50% (319 migrants) explicitly stated that they had come directly from Eritrea, while the other 50% said that they came from refugee camps in Ethiopia with the key departure points being Hixax and Shimelba.

Reasons for fleeing

When asked why they came to Kenya, many respondents indicated that they knew someone in Nairobi or were joining family members or friends. Two main factors emerged from the survey regarding reasons for leaving Eritrea: family re-unification; lack of documentation in their home-country Eritrea; and the reopening of the border between Eritrea and Ethiopia (Figure 7.4).

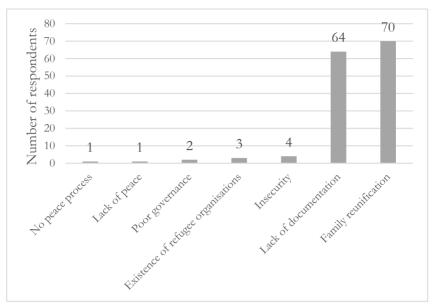


Figure 7.4. Factors motivating migration from Eritrea Source: Authors' dataset

The other reasons that prompted migration included insecurity, lack of existence of refugee organisations, poor governance, lack of peace in Eritrea, no peace process between Eritrea and her neighbours, or fear that the peace initiative between Ethiopia and Eritrea will be short-lived.

EDEA has come to learn that most Eritreans use Kenya as a transit route to reunite with their families in Europe. However, there are some who opt to settle in Uganda, claiming that life in Uganda is much cheaper than Kenya.

Challenges faced by Eritrean refugees transiting to Kenya

Since the reopening of the Eritrea-Ethiopia border, EDEA has received many calls from Eritreans in police stations and holding areas. The refugees reported having received contradictory information from smugglers, police, and EDEA. For example, smugglers often demand money (USD 1,600–4,000) for facilitating refugees' journeys, claiming that this is the only way refugees can move on, but EDEA advises them not to pay money and wait for

help from UNHCR. The refugees face many challenges. One of the main challenges faced by Eritrean refugees is the absence of legal protection of their rights as refugees, as provided under the Geneva Convention of 1951 and its Protocol of 1956. This matter is aggravated by the lack of valid travel documents for refugees, which would enable them to move about more freely, earn a living, and contribute productively to the host country.

In addition, refugees said that despite completing the family reunification process to a third country (i.e., Ethiopia), they are unable to leave Eritrea without an exit visa and, therefore, have been forced to leave Eritrea illegally. Once in Ethiopia, they are not able to obtain passports and other travel documents from the Eritrean Embassy in Ethiopia. In fact, EDEA has information that consular services, such as obtaining passports, are closed to new arrivals in Sudan (Khartoum), Ethiopia (Addis Ababa) and Kenya (Nairobi).

The main reason for the lack of travel and identification documents among Eritrean refugees is the complex issuing process for travel documents by the Eritrean government. In particular, the government does not allow youth and underage children to have travel documents. In addition, there is a long waiting period (often two to four years) demanded by UN and refugee-hosting countries in East Africa prior to issuing refugee/alien identification documents (UN Human Rights Council, 2016).

Eritrean refugees in East Africa lack support, knowledge of their rights as refugees under international conventions, and access to protection and legal advice. As mentioned by Horwood and Hooper (2016), such difficulties often mean that they are not able to obtain relevant documents for many years, leaving them vulnerable to police harassment and hindering their free movement to earn a living, support their families, and contribute productively to the host country. As a consequence, they remain vulnerable and many opt to continue on to Europe, despite the risk of physical abuse, rape, slavery and even death.

Another challenge is the changes to the Kenyan immigration policies on refugees, which include the closure of some refugee camps and disbandment of the Department of Refugee Affairs and the creation of the Refugee Affairs Secretariat (Amnesty International, 2017). These changes were made in response to the various terrorist attacks in Kenya over the years. With the massive influx of refugees from other parts of Africa to Kenya, this has resulted in a long process of recognition for refugees. Refugees need to go through a lengthy process to get refugees status and be considered legal residents. However, having a refugee status card does not guarantee employment. Kenya does not have a clear policy on refugee employment and other benefits. In comparison, in 2006, Uganda passed the Refugees Act, which officially allows refugees to settle in Kampala and other urban areas. However, if they are living in urban areas, they must forgo humanitarian assistance and, therefore, be able to provide for themselves. While some self-settled urban refugees are able to access education and employment opportunities, many end up living in slums with the Ugandan urban poor (Pavanello, Elhawary & Pantuliano, 2010).

The following excerpts are from telephone calls received by EDEA from Eritrean refugees in police stations and holding areas, and describe the challenges faced by the respondents.

Respondent 1

Migrants travel long distances to seek asylum in other countries and face many challenges in the course of their journey. Respondent 1 had this to say about the challenges faced:

I was among the migrants who paid money to be smuggled from Ethiopia to Moyale-Kenya to seek asylum. Come the day, we were led by them [the smugglers] and the worst part of the journey we trekked. Which to me was not as expected, because I thought they were to offer transport. Unfortunately, each journey had its challenges, that day I slipped and I fell over a bridge. I survived, but with an injury to my back. I have not received any medication. (Respondent 1, interview, face-to-face, Moyale, 8 October 2018)

Respondent 2

Asylum seekers often suffer mistreatment from smugglers and others. Respondent 2 shared the following:

I am a mother of four children. We were put in a safe house at a village in Moyale as we waited for the smugglers to transport us to Nairobi. After a while, one of them came and led us to the place where we were to be picked up by a vehicle. Reaching there, they started quarrelling that I had children and the road was not good for them. So they left us with other migrants. We got robbed and ran to the nearest police station to seek help. My children got sick at the station. (Respondent 2, interview, face-to-face, Isiolo, 29 November 2018)

Respondent 3

We surrendered ourselves to Wajir police station after the smugglers dumped us. At that time we were 31 in number including men, women and children. We lived under poor conditions in terms of hygiene. This led to a diarrhoea outbreak which affected most of us. (Respondent 3, interview, face-to-face, Nairobi, 2 December 2018)

Respondent 4

Despite being under the protection of the Refugee Affairs Secretariat, Kenya and UNHCR, the asylum seekers still feel insecure and threatened by human traffickers, as this respondent narrated:

Refugee Affairs Secretariat had sent us from Maralal to Nairobi-Shauri Moyo for registration as legal asylum seekers. After going through the process we were locked in Department of Refugee Affairs until 7:15 pm to be transported to the refugee camp. As we waited smugglers came from nowhere and kidnapped 10 people out of 22. Fortunately, the victims were rescued by the Kenyan Police. (Respondent 4, interview, face-to-face, Nairobi, 23 November 2018)

Respondent 5

On 23 November 2018, there was a group of 22 Eritrean asylum seekers, who, pursuant to a court order, were transferred from Moyale to Nairobi to have their documents processed by the Department of Refugee Affairs. When it was time to leave, they reported that there were two vehicles waiting to transport them with men in military uniforms. These men forced the asylum seekers into their vehicles

and demanding to be paid USD 4,000, stating that the fee was for the court order and transportation. They managed to force 10 people into the vehicles and the others escaped:

After the registration at Nairobi-Shauri Moyo, we were taken to Kangemi, which is the transit point to Kakuma refugee camp, but we were kidnapped by Eritrean human traffickers on our way and taken to a place that we did not know. They wanted a ransom of [USD] 1,600 dollars which we did not have. (Respondent 5, interview, face-to-face, Nairobi, 1 December 2018)

Respondent 6

One of the Eritrean freedom fighters, who had been serving the regime till recently shared the following experience that he faced in Eritrea and on the way to Kenya:

I am a 55-year old Eritrean freedom fighter who actively participated to liberate my country from Ethiopia. I suffered a lot of injuries during the period that I fought. We were able to liberate our country, but we felt that the government failed us because we had hope that we could work freely, our children would receive quality education, but that was not the case. Systematically we were subjected again to another border conflict with Ethiopia from 1998 to 2000. Because of this we could not be released by the government from the military. This war affected the development of the country in terms of infrastructure, education, culturally etc.

After the end of this war I had hoped to go back to my normal civilian life, but the government refused to release us. This led to my wife fleeing the country to Europe and leaving our three children behind. You can imagine the challenges I had to go through as a single parent without work. So I decided to run from my country to Kenya seeking asylum.

I faced a lot of difficulties in the course of my journey to Kenya in the hands of human smugglers. I was also intimidated by the police. Finally, I and my children managed to be registered under UNHCR and the Kenyan government. (Respondent 6, interview, face-to-face, Nairobi, 19 November 2018)

Respondent 7

Life in Eritrea can be described as slavery in the sense that everyone who works there is either getting nothing or very little. Here is what an Eritrean woman who served in the National Service and as a teacher had to say:

I am a teacher by profession and also completed the obligatory National Service where I was getting paid peanuts. Surely, how can you be given less than USD 1 a day to survive? That is like working for free. After the National Service I got married to my husband in a lavish wedding in my country. We did not enjoy our married life after the wedding, because my husband fled to the USA to avoid the indefinite unlimited obligatory National Service. After he left I went through many problems including discrimination from government school administrators and loneliness. So I later on decided to flee from Eritrea via Sudan. Unfortunately I was caught by government officials. Since then I have been transferring from one detention centre to another.

I was fined 50,000 Eritrean nakfa (USD 3,333)³ and posted back to the school that I was teaching at. Fortunately the border between Ethiopia and Eritrea was officially opened after the peace deal. I took advantage of that free movement and ran away via Ethiopia to Kenya. I was robbed by militias in Moyale-Kenya. Then taken to a police cell that was uninhabitable. I contracted pneumonia due to cold, but later on I was flown to Kakuma refugee camp for registration. (Respondent 7, interview, face-to-face, Kakuma, 16 October 2018)

Respondent 8

Lack of stability in any country affects everyone regardless of age or gender. The elderly and children are the most vulnerable part; here is what an unaccompanied child had to say:

I was left alone in Eritrea without anybody to take care of me after my mother fled to Uganda. I am only 9 years old and during the border peace deal I was brave enough to cross to Ethiopia with the traders. Later we went to Kenya where we got arrested. We stayed in a police cell; I got sick from pneumonia. Later I was then taken to Kakuma where the UNHCR and the Kenyan government are trying to

³ Official exchange rate 1 USD = 15 ERN (nakfa)

provide me with proper documentation to travel to Uganda and meet my mother. (Respondent 8, interview, face-to-face, Kakuma, 16 October 2018)

Respondent 9

Education is crucial to society to achieve development and prosperity. A graduate student in Eritrea was given a scholarship to pursue further education in Germany. Unfortunately, the government would not issue him with valid documentation to go to abroad. This resulted in him leaving Eritrea illegally. Here is what he had to say:

I am a graduate student from Eritrea Halhale Business College and I got a scholarship to study in Germany. The government denied me a passport so that I could go and study. Luckily enough, the border of Eritrea-Ethiopia was opened and I fled my home country. Despite all the assistance from the Kenyan government and UNHCR in terms of the provision of proper documentation, I was victimised by the human traffickers, robbed by the militias, fell sick in the prison and was delayed to attend my studies on time. (Respondent 9, interview, face-to-face, Moyale, 12 October 2018)

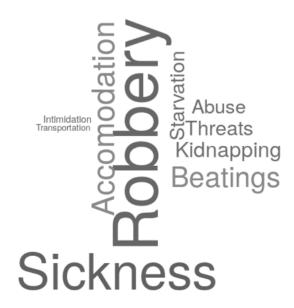


Figure 7.5. Word cloud showing the challenges faced by Eritrean refugees

Figure 7.5 provides a graphic illustration of the problems encountered by Eritrean refugees in the form of a 'word cloud'. The size of the font indicates the seriousness of the challenges faced. For example, the three most significant problems encountered by refugees were robbery, sickness and lack of accommodation, in that order.

Government and non-government assistance

When asked if they had received any assistance from the Kenyan government or NGOs, the respondents reported having received accommodation, transportation, clothing, medication and orientation. A few also said they had been rescued from traffickers (Figure 7.6).

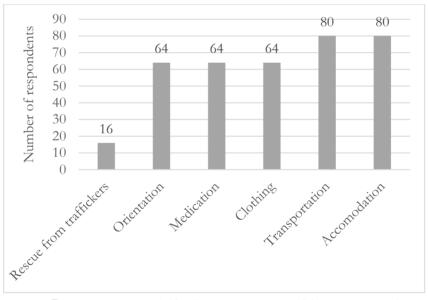


Figure 7.6. Assistance provided by the government and NGOs to Eritrean refugees

Source: Authors' dataset

Refugees were also asked if they found the assistance relevant to their needs; 90% of respondents answered 'no'. Their suggestions for assistance included provision of adequate shelter, health care and protection; employment; social and political inclusion; and community cohesion between refugees and host communities.

When asked how they would improve the assistance provided by the government and NGOs, the main suggestion from respondents was to respond faster (Figure 7.7).

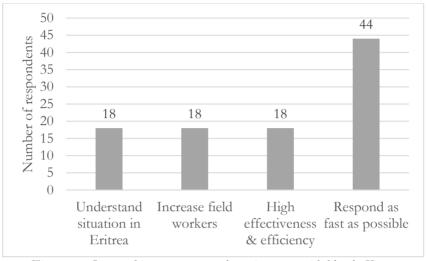


Figure 7.7. Suggested improvements to the assistance provided by the Kenyan government and NGOs

Source: Authors' dataset

Solutions to refugee problems

The respondents were asked what they believed would be a permanent solution to the exodus of refugees from Eritrea. Most (86%) said that there needed to be a change of regime in Eritrea for refugees to stop fleeing. Other solutions included good governance and freedom of movement, an end to the psychological warfare by the state against the citizens and democracy, as well as freedom of movement and good policy (see Figure 7.8).

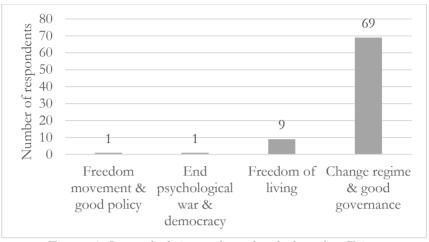


Figure 7.8. Suggested solutions to the exodus of refugees from Eritrea Source: Authors' dataset

Conclusion and recommendations

The results of the study indicate that the peace process between Eritrea and Ethiopia has had no impact on the exodus of Eritreans from the country. Many Eritrean refugees continue to come to Kenya as they consider it a safe place in which to settle. Some come to seek resettlement in Western countries such as the USA, Canada, Australia and Europe, as most of these embassies are not present in Eritrea to help provide visas. In addition, the largest branch of the UNHCR office is based in Nairobi. This has resulted in a massive influx of Eritrean refugees to Kenya, even after the Eritrea-Ethiopia peace process.

This study shows the suffering that asylum seekers go through when they arrive in Kenya. They are not certain as to whether the information they are given is correct, be it from the smugglers, police or EDEA. They do not trust anyone. During the study period (5 October to 13 December 2018) 647 calls for assistance were received by EDEA from newly-arrived Eritrean refugees. Women represented the highest number of calls (74%). Most of the refugees reported coming directly from Eritrea, via the border crossing at Moyale, although some also reported coming from refugee camps in Ethiopia. The main challenge faced by refugees was the absence of legal

protection of their rights as refugees. This was aggravated by the lack of legal documents from Eritrea (passport, exit visa) and the inability to obtain such documents from the Eritrean Embassy in Ethiopia. In addition, Kenya does not have a refugee policy, so they were unable to obtain legal documents evidencing their refugee status or allowing them to work in Kenya, leaving them without a way to earn a living.

In relation to the assistance provided by Kenyan government agencies and NGOs, 90% of refugees said that this assistance was not relevant to their needs. In addition, they complained of considerable delays in the response when seeking help from organisations such as UNHCR and the Department of Refugee Affairs. These delays exacerbated the poor conditions they found themselves in and increased their chances of falling into the hands of smugglers and being taken advantage of because of their vulnerable and desperate state. When asked about their views on a permanent solution to the exodus of refugees from Eritrea, the respondents said that a regime change was necessary.

Based on these findings, EDEA makes the following recommendations:

- Funding for refugee service providers (such as government agencies, NGOs and UNHCR) should be increased to strengthen their services and enable them to provide timely support to refugees in all areas so that the refugees are assisted when they arrive.
- Humanitarian programmes should focus on enabling refugees to secure job opportunities and training refugees on how to generate income by taking advantage of existing skills and learning new ones.
- Refugees should be informed of their rights and enabled to follow the right channels in seeking help in accordance with the law.

Limitations of the study

The main limitation on this study was the time frame in which it was implemented. The study was conducted over a 70-day period from 5 October to 13 December 2018. It also pertains only to Eritrean refugees. Therefore, the findings cannot be generalised to other refugees of non-Eritrean origin who may have arrived during the study period. A longer time period would be needed to draw any conclusions about Eritrean refugees in Kenya in general.

Resources posed another limitation. The transcription of the survey responses from Tigrinya to English was time consuming and the interview and transcription process was tasked to the same limited human resource available at EDEA for receiving, assisting and co-coordinating incoming calls from refugees in multiple locations in Kenya.

Another limitation was the fact that there was no set time for the interviews. EDEA receives calls directly from refugees/asylum seekers and relatives living abroad seeking help. Based on these calls, EDEA took the opportunity to interview the respondents. The calls would give EDEA an indication of the location in which the refugee arrived, but it is not known how the respondents obtained the contact information for EDEA. Sometimes the respondents were not sure about disclosing information because of fear of being spied on.

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