

Kenya National Commission on Human Rights Incountry Meeting on Sexual Orientation Gender Identity and Expression



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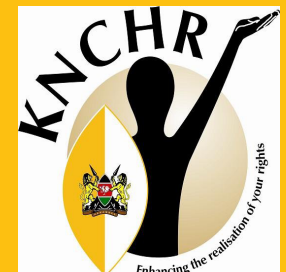
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Kenya National Commission on Human Rights Incountry Meeting on Sexual Orientation Gender Identity and Expression

April 15-18, 2019

#NANHRISOGIEProject



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Acknowledgement

This report documents the summary proceedings made during the Kenya National Commission on Human Rights (KNCHR) staff workshop on sexual orientation, gender identity (SOGI) and human rights that was held in Naivasha, Kenya from April 15 -18, 2019.

We wish to specifically thank the focal point persons within KNCHR, without whose efforts the workshops would not have been a success. These are the Deputy Chairperson, George Morara; Deputy Director for Complaints Handling & Investigation, Kamanda Mucheke and Legal Officer, Faizah Sidi.

Gratitude also goes to the technical support and contributions received from the following civil society and non-governmental organizations representatives: Alesandra Ogetta (JINSIANGU), James Karanja (Intersex Persons Society of Kenya), Yvonne Oduor (Gay and Lesbian Coalition of Kenya), Prof. Esther Mombo (St. Paul's University), Shamim Salim (Church World Service), Diana Meiyen (National Coalition of Human Rights Defender – Kenya), Lawrence Mute (University of Nairobi), Kennedy Mwikya (Kenya Human Rights Commission), William Aseka (Center for Human Rights), Beth Waruiru (United Nations High Commissioner on Refugees) and Njeri Gateru (National Gay and Lesbian Human Rights Commission).

Importantly, The NANHRI Secretariat would like to recognize and appreciate the efforts put by its staff to make the convening a success. This convening was made possible with the support from Arcus Foundation and Wellsprings Advisors.

NANHRI is a regional membership organisation presently bringing together 44 African National Human Rights Institutions (NHRIs). It works towards the establishment and strengthening of the NHRIs in Africa as well as to facilitate coordination and cooperation amongst and between them and with other key human rights actors at the regional and international level. It also provides practical assistance and support to these institutions for them to meet their objective of protecting and promoting human rights within their jurisdictions.

Acronyms

ACHPR	African Commission on Human and Peoples' Rights
CHR	Center for Human Rights
CSO	Civil Society Organization
CWS	Church World Service
GALCK	Gay and Lesbian Coalition of Kenya
HRDs	Human Rights Defenders
IPSK	Intersex Persons Society of Kenya
KHRC	Kenya Human Rights Commission
KNCHR	Kenya National Commission on Human Rights
LGB/ITGNC	Lesbian, Gay, Bisexual, Intersex, Transgender and Gender Nonconforming
NANHRI	Network African of National Human Rights Institutions
NCHRD – K	National Coalition of Human Rights Defenders - Kenya
NGLHRC	National Gay and Lesbian Human Rights Commission
NHRI	National Human Right Institution
SOGI	Sexual Orientation, Gender Identity
SOGIE	Sexual Orientation, Gender Identity and Expression
UDHR	Universal Declaration of Human Rights
UNHCR	United Nations High Commissioner for Refugees
UPR	Universal Periodic Review

Introduction



Participants of the Kenya National Commission on Human Rights staff in a group photo during the incountry SOGIE workshop in Naivasha, Kenya, on April 15-18, 2019. Photo: Secretariat.

With support from the Arcus Foundation and Wellsprings Advisors, during the period 2017-2018, the Network of African National Human Rights Institutions (NANHRI) ran a pilot of a project to strengthen the capacities of national human rights institutions (NHRIs) to respond to the violence, discrimination and stigma which individuals face on account of their actual or perceived sexual orientation or gender identity or expression (SOGIE). The NANHRI SOGIE Project¹ is anchored on Resolution 275 of the African Commission on Human and Peoples' Rights (ACHPR) which calls on African States to end all acts of violence and abuse that target persons on the basis of their actual or imputed SOGIE, whether committed by state or non-state actors.² The NANHRI SOGIE Project comprises NHRIs from Ghana, Kenya, Malawi, South Africa and Uganda. The pilot involved implementation of online and face-to-face staff training³; in-country meetings to address country specific contextual issues⁴; and technical assessments at the NHRI level.

The Kenya in-country meeting that was held in 2017 provided a platform for KNCHR and civil society actors to brainstorm over the best way possible that the Commission can support litigation efforts at the time. Although fruitful, this strategy meeting had few KNCHR staff, hence, it was felt that there is need to have more personnel from the Commission involved in SOGIE-related issues. It is against this background that the KNCHR staff workshop on SOGI & human rights was convened. Overall, a total of 30 KNCHR staff participated in the workshop.

The overall goal of the workshop was increase KNCHR staff awareness on how they can facilitate protection of the rights of LGBTI/GNC persons. It was expected that by the end of the face to face workshop, the participants will be able to:

1. Explain the terminology and definitions pertaining to sexual orientation, gender identity and sexual characteristics.
2. Describe how international, regional and national human rights instruments apply to LGB/ITGNC persons.
3. Have an increased understanding on the role of KNCHR in protecting the rights of LGB/ITGNC persons in Kenya.
4. Have an increased awareness of the violations meted against LGB/ITGNC persons and what are the appropriate remedies to be provided to complainants.

1. About the NANHRI SOGIE Project: <https://www.nanhri.org/our-work/thematic-areas/sogie-project/>

2. Resolution 275: Resolution on Protection against Violence and other Human Rights Violations against Persons on the Basis of their Real or Imputed Sexual Orientation or Gender Identity, adopted by the African Commission on Human and Peoples' Rights at its 55th Ordinary Session, held between 28 April-12 May 2014.

3. Report: SOGI & Human Rights Workshop for Staff of African NHRIs: <https://www.nanhri.org/2017/05/11/workshop-report-sogi-and-human-rights-for-the-staff-of-african-nhris/>

4. In-country reports: <https://www.nanhri.org/general-reports/>

Day one: Summary of Proceedings



NANHRI Operations Manager James Kasombo

Preliminary Session

The introductory afternoon session was led by Faizah Sidi and Kamanda Mucheke of the KNCHR who solicited for expectations from their colleagues on the workshops. The overall theme of the expectations expressed was around learning SOGIE-related

terminologies and concepts, protection strategies to employ, the interplay of religion versus sexuality, identification of SOGIE-related institutional gaps and the role KNCHR in the protection of LGBTI rights.

In his preliminary remarks, on behalf of the NANHRI Secretariat, Operations Manager James Kasombo noted that KNCHR was one of the five NHRIs under the SOGIE Project. He provided that despite the conservative nature of the Kenyan society, the Commission has been able to make strides in protecting the rights of LGBTI persons. He articulated that the workshop was intended to deepen the understanding of issues by igniting discussions on how through institutionalisation of SOGIE-related issues, enhanced protection of LGBTI issues can be promoted and therefore contributing to and augmenting protection for all.



Commissioner Morara makes opening remarks during the KNCHR staff meeting in Naivasha. Photo: Secretariat.

Commissioner George Morara officially opened the workshop. In his remarks, he stressed the existence of structures and laws that protect all individuals. In spite of this, he noted that realisation of the rights of LGBTI – identifying individuals still lagged behind, adding that gradual progress is being made towards full realisation of the rights for all.

In the upcoming Universal Periodic Review (UPR) reporting, Commissioner Morara said Kenya would highlight progress made on the implementation of Resolution 275⁵. While making references to different social contexts and environments, he highlighted the gains and retrogressive steps made in protecting the human rights of LGBTI in Kenya.

The afternoon ended with Marie Ramtu, NANHRI Program Officer, taking the participants through a highly interactive session of introduction to SOGIE-related concepts and terminologies.

⁵ 275: Resolution on Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity
<http://www.achpr.org/sessions/55th/resolutions/275/>

Day Two: Lived Experiences

To refresh participants on the SOGIE-related terminologies learnt the previous day, Marie utilised the 'Gender Bread Person' to bring them up to speed.

Alesandra Ogetta of JINSIANGU highlighted the lived experiences of transgender persons in Kenya and the (non)structural challenges they experience. She also noted the progress thus far made, notably around litigation of cases. While referring to the Constitution of Kenya 2010, she pointed out how all rights, including those of transgender people are protected. She provided that the 2010 Constitution has been an enabler in realizing the rights of transgender persons in Kenya by having a Judiciary that is friendlier in its decisions, as opposed to the past. However, more work still needs to be done to influence the socio-cultural context in Kenya. Emphasis was made on the fact that not all transgender identifying persons choose to surgically transition. She also raised the challenges on obtaining legal documentation for transgender persons and how that impacts their everyday lives.

James Karanja of Intersex Persons Society of Kenya (IPSK) highlighted how stigma forces parents to hide their intersex children from the public. He also underscored how some medical practitioners, through Infant Genital Mutilation (IGM), force intersex babies to fit into binary –male and female-parameters. He further provided the some structural challenges converge with transgender persons such as in detention facilities, legal identity,

learning environment, employment and business sector. He pointed out some national policy frameworks that ought to be reviewed to be accommodative of intersex persons and help to realize their full rights.

Yvonne Oduor of the Gay and Lesbian Coalition of Kenya (GALCK), explained the perils of being gay, lesbian or bisexual (GLB) in Kenya. They took participants through the overview of sexual orientation and how sodomy laws affect GLB-identifying persons. They emphasized that being GLB is not criminalised by law, however, the act is criminalised with 14-year imprisonment. They provided that the petition against the penal code seeks to challenge outdated colonial laws that propagate discrimination and other forms of violations for GLB persons and those perceived to be GLB. They also provided some statistics from the year 2018, some key ones include one in every four gay men and lesbian women have been sexually assaulted.

The afternoon session commenced with Prof. Esther Mombo of St. Paul's University and Shamim Salim of Church World Service (CWS) who assisted participants in distilling arguments against religion, that hinder the protection of LGB/ITGNC persons and why their rights ought to be considered as human rights in the context of religion. This session emphasized that the link between religion and human rights is the shared humanity. The fact that human beings are worthy and have dignity. It emphasized that religion is a double edged sword that can be used to protect or harm people. It traced historically how religion had been used to oppress women in a manner

similar to what LGBT persons are experiencing. It was highlighted that religion ought to be utilized as a tool of love and not oppression. Further, strategies of how to work with religious leaders to expand the protection space for LGB/ITGNC persons were laid out.

Day 2 was concluded by a presentation from Diana Meiyen of the National Coalition of Human Rights Defenders- Kenya (NCHRD – K) highlighting why it is important to protect SOGIE-related HRDs proactively. In her presentation she also outlined some of the strategies they employ in protecting SOGIE HRDs and shared a toolkit for protection of HRDs working to protect rights of LGBT identifying persons developed by NCHRD-K.

Day Three Legal Framework



Commissioner Lawrence Mute (with microphone) responds a question during the KNCHR staff training in Naivasha. Next to him is Shamim Salim of CWS. Photo: Secretariat.

The morning of the third day began with a high octane keynote address by Lawrence Mute, University of Nairobi, School of Law and former Commissioner at KNCHR. In 18 movements, he provided a self- reflection of his 20 years contribution towards the protection of LGBTI individuals. While going through the 18 movements, he highlighted the positive contributions and inter linkage of religion, science, arts, law, judiciary and history in protecting and addressing violence towards LGBTI persons. He emphasized the use of multi-level and multiple approaches to address anti-discrimination and achieve equal treatment for all. Simultaneously, he also contrasted how colonial laws and religion (Christianity) has historically entrenched phobia

into existing structures, institutions and systems. He provided that legitimate sexual acts occur where there has been mutual consent. Some outstanding career high points for him on SOGIE-related issues were contributions he made in the Kenyan UPR cycle calling for decriminalisation of same-sex relationships; and being part of the process and signatory to the development of the Yogyakarta Principles. While he commended the progress made at the ACHPR level on the realisation of the rights of LGBTI in Africa, he also acknowledged that 2018 was a dark moment when the Observer Status for the Coalition of African Lesbians (CAL) was coercively withdrawn. He cautioned the KNCHR staff to be aware that complainants on SOGIE-related violations may be facing multiple jeopardies including difficulty in accessing the Commission and difficulty articulating their alleged violations on merit. In his conclusion, he reiterated that as Kenya strives for an open democratic society based on human dignity, equality, equity and freedom as envisaged in the Constitution then ought to be on the right side - the side of protection.

Building upon the momentum set, Kennedy Mwikya of the Kenya Human Rights Commission (KHRC), unpacked the international discourse relating to SOGISC rights. He began by mentioning that in as much as the civic space is threatened by the withdrawal of CAL's Observer status, the efforts of the ACHPR to decentralise its engagements with the African Union in Addis Ababa, ought to be perceived as an opportunity of more civic engagement. Embarking on his presentation, through a comparative analysis, he began by highlighting the legal global context of LGBTI rights. He emphasized that under international law States are the primary duty bearers in implementation of protective laws. He mentioned that over time more spaces have opened up globally for activists to claim LGBTI rights. Some key historical markers

he mentioned are the *Toonen vs. Australia* Human Rights Committee ruling in 1994, which paved the way for major developments and the creation of Independent Expert on SOGI mandate holder. He also demonstrated how the provisions of the Yogyakarta Principles apply to Kenya.

With a specific focus on Resolution 275⁶, William Aseka of the Center for Human Rights (CHR) took participants through the regional discourse pertaining to SOGI rights. He highlighted that the aim of the Resolution is to call upon state parties to stop violence and other human rights violations against persons who identify as LGBT. He also provided an overview of the

⁶ Resolution on Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity



William Aseka puts Resolution 275 into perspective. Photo: Secretariat.

Res. 275 Guidelines⁷ developed by the Center for Human Rights, University of Pretoria whose aim is to give state and non-state actors practical steps on how to implement the Resolution. He pointed out key sections in the Guidelines for KNCHR officers to utilize as they go about their routine SOGIE-related work.

Beth Waruiru of the United Nations Human Rights Commission on Refugees (UNHCR) began by providing the contextual analysis of the state of LGBTI migrants in Kenya. She said LGBTI forced migrants run the high risk of remaining invisible in the country of asylum due to fear of further persecution from State and non-state agents. She outlined some of the best practices that UNHCR employs to work with LGBTI forced migrants and some institutional challenges. She concluded by calling for support from KNCHR to support the efforts of UNHCR in keeping LGBTI migrants in Kenya safe.

A panel constituted of Njeri Gateru (NGLHRC), Yvonne Oduor (GALCK), Alessandra Oggeta (JINSIAGU) and James Karanja (IPSK) help to bring to the fore the critical things that the staff of KNCHR ought to have in mind when addressing SOGIE-related issues. It was highlighted that there still exists mistrusts from some members of the community in engaging with the Commission, hence, commitment from KNCHR ought to be intentional. Employees who are proactively working on SOGIE-related issues are at risk of suffering character assassination if they are not accorded the needed institutional support. The need to review internal KNCHR policies to foster an institutional culture and environment that is supportive of SOGIE-related issues is key. The panel identified some opportunities for collaboration with KNCHR namely: strategic litigation, joint fund-raising initiatives and

assistance in name changing processes. KNCHR was also advised to shift from individualisation to institutionalisation. This entails integration of SOGIE-related issues into program design, every department, structuring research for each category for persons affected, mapping a trend analysis, having more specific language and ensuring that staff do not cherry pick.

A specific concern raised around advocacy is that the lack of a specific mention of LGBTI persons is a gap that creates an avenue for violations. Packaging of message was key to ensure that the rights of all are catered for. It was acknowledged that awareness raising is context specific and is driven by the violations reported and hence promotion of human rights ought not to be perceived as a campaign for certain specific rights. However, the Commission should be bold enough to consistently make bold pronouncements of SOGIE-related issues and avoid selectiveness. Focal point persons should not be the only staff working on the issues within KNCHR. Hence, a paradigm shift will be required at individual staff level and at the institutional level to institutionalize SOGIE related issues.

Further, it was raised that certain interventions are not necessarily pegged to extra finances and can occur almost immediately. Such as trend analysis of the violations obtained from disaggregated data; including LGBTI CSO during the strategic planning process; strategic litigation; media interactions specifically to highlight and address SOGIE-related violation. In as much as it was acknowledged that due to the fear of hostility LGBTI persons may fear to come out to report violations, it was raised that the effort that is put in other public awareness initiatives such as land rights, extractive industries etc., the same focus ought to be accorded to SOGIE-related violations.

7. Centre for Human Rights (2018) Resolution 275 – What it means for state and non-state Actors. Pretoria: University of Pretoria



Programme Officer Marie leads a session during the KNCHR workshop. Photo: Secretariat.

KNCHR staff were urged to question their own beliefs, biases and make peace with their own sexuality, as internal homophobia often poses a threat to LGB persons. More often than not, non-verbal cues also send a message that determines interaction with LGB persons, which poses a danger of misinterpretation. It was brought to the fore, the importance of being mindful of the safety and security of staff who are working actively on SOGIE-related issues, this include protecting them from internal hostility. It was highlighted that there ought to be a clear demarcation between commitment to the signed code of conduct/employment contract and personal views.

Day 3 concluded by Marie who shared the findings and recommendations made from the technical assessment measuring the extent to which KNCHR

had institutionalized SOGIE-related issues. This assessment was conducted in 2018. In addition, Veronica Mwangi of KNCHR provided progress thus far made by the Taskforce on Policy, Legal, Administrative and Institutional Reforms regarding Intersex Persons in Kenya that is hosted by KNCHR. Critically raised from this session, is the how CSOs can hold the KNCHR accountable to the commitments that they have made in addressing SOGIE-related issues.

2.04 Day Four Action Planning & Closure

On the last day, led by Lawrence Mute, staff from each of the departments presented on steps that they would take at the departmental level to integrate SOGIE-related issues. The intended strategies to be employed are annexed to this report.

The workshop was officially closed by James Kasombo.

Annex I – Proposed Departmental Strategies

1. Directorate of Research, Advocacy and Outreach

Divisions	Objectives	Activities	Actors
Public Education and Training Division	<p>Right to education</p> <p>To promote inclusion of LGBTI persons in access to education</p>	<p>Right to education</p> <ol style="list-style-type: none"> 1. Develop IEC material which infuses the rights of LGBTIQ persons and work with key stakeholders to infuse SOGIESC elements 2. Awareness raising among schools and learning institutions to combat institutional homophobia, transphobia and biphobia 3. (in collaboration with ECOSOC) 4. Train public actors on human rights principles and standard including SOGIE rights. 	<p>Right to education</p> <ol style="list-style-type: none"> 1. Ministry of education 2. Public Universities 3. TSC 4. KSG
ECOSOC	<p>Cultural rights</p> <ol style="list-style-type: none"> 1. Promotion of cultural rights 2. Promoting the diversity of cultural expressions of LGBTI persons 3. Enhancing equal dignity and respect for all <p>Right to education</p> <p>To promote inclusion of LGBTI persons in access to education</p> <p>Right to health</p> <p>To promote the right to the highest attainable standard of health to LGBTI persons</p> <p>Business and human rights</p> <p>To promote the respect of rights of LGBTIQ persons to eliminate discrimination by business</p>	<p>Cultural rights</p> <ol style="list-style-type: none"> 1. Infusing SOGIESC in Policy dialogue meetings with duty bearers (including on business and human rights) 2. Community based forums on SOGIE/SC, including with elders/traditional leaders 3. Public awareness forums on the full and equal rights of LGBTIQ persons <p>Right to education</p> <p>Awareness raising among schools and learning institutions to combat institutional homophobia, transphobia and biphobia</p> <p>Right to health</p> <ol style="list-style-type: none"> 1. Engagements with NHIF to subsidise medical costs related to transition for trans persons 2. Develop clear guidelines under Registration of Persons Act to support name change and/or change of sex/gender marker 3. Ensure access to medical services without discrimination including through awareness raising among health practitioners, and infusing HRBA in health care 4. Reviewing curriculum used in medical training institutions to expound on certain elements in teaching anatomy, especially in relation to intersex and trans persons 5. Guidelines for transition for medical practitioners (Kenya Medical Practitioners and Dentists Board ethical code of conduct term it as unethical for changes to cause sex change) <p>Business and human rights</p> <ol style="list-style-type: none"> 1. Propose infusion of rights of LGBTIQ persons in policy documents of companies 2. Encourage the undertaking of due diligence to enable risk management 3. Establish appropriate remedial measures 4. Develop guidelines to support effective recruitment policies and eliminate harassment at the work place 5. Encourage access to services provided by businesses to LGBTIQ persons without discrimination 	<p>Cultural rights</p> <p>CSOs</p> <ol style="list-style-type: none"> 1. State actors (NGEC, Ministry of Public Service, Youth and Gender Affairs) 2. Religious leaders 3. Elders/ Traditional leaders <p>Right to education</p> <p>See above</p> <p>Right to health</p> <ol style="list-style-type: none"> 1. Kenya Medical Practitioners Board – DU 2. Ministry of health 3. Medical Training institutions 4. CSO on SOGIESC issues <p>Business and human rights</p> <p>KEPSA, Global Compact, KAM, COTU, FKE</p>

Divisions	Objectives	Activities	Actors
Reforms	Enhancing equal dignity and respect for all	<ol style="list-style-type: none"> 1. Engagements with Ministry of Interior and Education to reform the administrative process related to change of name/sex marker (so that issues of documents of identification do not present a barrier to accessing services) 2. The decriminalisation of petty offences that are used to harass sexual minorities, including commercial sex workers and MSMs (such as loitering with intention of soliciting for sex) 3. Engagement with the security sector on how LGBTIQ persons who are security sector workers are treated (and then development of policies thereafter) 4. Reparations: Review historical injustices of LGBTIQ persons to inform reparations through, for example the provision of free medical services for victims 5. Raise awareness among staff of prisons 6. Related to the mandate of reform to inspect prisons, research the status of human rights of LGBTIQ in places of detention (with a specific focus on MSMs and WSWs) 7. Infuse policies that respond to learners who are exposed to rights violations on the basis of their SOGIESC (and mainstream the conversation in our engagements with security sector actors) 	<p>CSOs: Jinsiangu, Transgender Education Advocacy, GALCK,</p> <p>Security sector workers</p> <p>Kenya prison service</p> <p>NCAJ</p> <p>Taskforce on children</p> <p>Taskforce on review of sexual offences</p> <p>National steering committee on response to SGBV</p>
Research	Enhancing equal dignity and respect for all	<ol style="list-style-type: none"> 1. Research on Issues of SOGIESC (We can develop the specific theme, for example on issue of intersection between disability and SOGIESC; or better still on HRDs(from BMM monies) 2. In our review of laws and policies, infuse rights of LGBTIQ persons (for example, Develop proposals on mental health related to LGBTIQ persons for inclusion in the Mental Health Amendment Bill (for example, the clauses addressing especially vulnerable groups) 3. In international compliance work, infuse rights of LGBTIQ persons, e.g. in UPR processes, in our Affiliate Report, report on Resolution 275, in follow ups to recommendations and in shadow reports 4. Include in the Indicators for violence on SDG 16 (Have something specific on LGBTIQ persons) 5. Develop position paper and policies that will combat discrimination and violence against LGBTIQ persons 	<p>OAG</p> <p>DOJ</p> <p>Parliament</p> <p>CSOs – e.g. on research on thematic</p>

2. Directorate of Corporate Services

Divisions	Objectives	Activities	Actors
ICT	Ensure that data collection systems are SOGIE compliant	Infuse SOGIESC in data collection systems	Collaborative effort between ICT and all Directorates at the Commission at LGB/ITGNC persons
Supply Management	Enhance inclusion of LGB/ITGNC persons in Commission processes	Ensure prequalification document is SOGIE compliant – this will help to establish the data of prequalified firms owned by SOGIE community Ensure tender documents that are SOGIE compliant	
Audit	Enhance risk planning interventions in programming around SOGIE	Lead in identification of risks tied to programming on SOGIE	
Human Resources and Administration	Enhance inclusion of LGB/ITGNC persons in the Commission	<ol style="list-style-type: none"> 1. Mainstream SOGIE and prohibition against SOGIE related discrimination in the Human Resource Policy 2. Ensure recruitment processes do not discriminate against LGB/ITGNC persons 3. Sensitize staff 	
Planning Monitoring and Evaluation	Enhance inclusion of LGB/ITGNC in knowledge management and planning	<ol style="list-style-type: none"> 1. Work with other division to include disaggregation of data to include categories that capture information on LGB/ITGNC persons in reporting tools 2. Review M&E criteria mainstreaming SOGIE sensitivity 3. Purchase of research publications materials to enhance learning on SOGIE issues 	
Public Affairs and Communication	Enhance inclusion of LGB/ITGNC in Commission's interaction with the Media	<ol style="list-style-type: none"> 1. Develop specific messaging for each category of SOGIE community 2. Develop a mechanism for information feedback from programmatic departments 3. Develop media outreach strategies on SOGIE issues to include working budget. 	

3. Directorate of Legal Services

Divisions	Objectives	Activities	Actors
Redress	To enhance redress and accountability for human rights violations on account of sexual orientation and gender identity	Continue with litigation of ongoing cases on SOGIE before Courts	
		Collaborate with CSOs including those involved in SOGIE rights to assist in identification of appropriate cases, appropriate litigation strategies	Work with organizations working to protect rights of persons of diverse sexual orientation and gender identity
		Input into relevant advisories generated by the KNCHR to ensure inclusivity and non-discrimination	

4. Directorate of Regional Services

Divisions	Objectives	Activities	Actors
Regional Offices	Deepen collaboration with SOGIE CSOs on regional public awareness initiatives	Ensure the involvement of organization working on protecting rights of persons of diverse sexual orientation and gender identity in Trainers of Trainers program for Human Rights Defenders	
		Including organizations working on protecting rights of persons of diverse sexual orientation and gender identity in advocacy and accountability flats forms established by KNCHR	
		Involve organizations working on protecting rights of persons of diverse sexual orientation and gender identity in regional CSO Forums	
	To entrench and secure observance of human rights principles and standards by all public and private institutions;	Train public actors on human rights principles and standard including SOGIE rights.	
		Issue advisories at the County government level on laws and policies when need arises.	
	To enhance redress and accountability for human rights violations on account of sexual orientation and gender identity	Screening and processing of complaints	
		Investigating cases of human rights violation	
		Mainstreaming the SOGIE rights in referral partners meeting	
		Involving SOGIE communities in Joint complaints handling.	

5. Directorate of Complaints and Investigations

Divisions	Objectives	Activities	Actors
Complaints and Investigations	To enhance redress and accountability for human rights violations on account of sexual orientation and gender identity	Screening and processing of complaints	
		Conduct investigations on human rights violations and rapid response missions	
		Staff to training on investigation of SOGIE violations	In collaboration with organizations working towards protecting rights of persons of diverse sexual orientation and gender identity

Annex II - Concept Note & Agenda

KNCHR WORKSHOP ON SEXUAL ORIENTATION, GENDER IDENTITY, SEXUAL CHARACTERISTICS AND HUMAN RIGHTS

Sentrim Elementaita Lodge, April 15 – 18, 2019

Background

Following the adoption of Resolution 275 during the 55th Ordinary Session of the African Commission on Human and People's Rights in 2014, the Secretariat of the Network of African Human Rights Institutions (NANHRI) initiated a project to strengthen the capacity of African National Human Rights Institutions (NHRIs) to respond to violence and discrimination faced by persons of diverse sexual orientations and gender identities. The NANHRI Secretariat is currently working on the initiative with five NHRIs and lesbian, gay, bisexual, transgender, intersex and gender non-conforming individuals (LGB/ITGNC) civil society from Malawi, Kenya, Uganda, South Africa and Ghana. This workshop is a follow up to in country meeting that was held in Ukunda that brought together representatives from KNCHR, LGB/ITGNC civil society and some state actors in May 2017. This workshop will be timely as it will be held following the ruling of the decriminalization of homosexuality public interest litigation case.

Objectives

The overall goal of the workshop is increase KNCHR staff awareness on how they can facilitate protection of the rights of LGBTI/GNC persons. By the end of the face to face workshop, the participants will be able to:

1. Explain the terminology and definitions pertaining to sexual orientation, gender identity and sexual characteristics.
2. Describe how international, regional and national human rights instruments apply to LGB/ITGNC persons.
3. Have an increased understanding on the role of KNCHR in protecting the rights of LGB/ITGNC persons in Kenya.
4. Have an increased awareness of the violations meted against LGB/ITGNC persons and what are the appropriate remedies to be provided to complainants.

Day One: Monday April 15, 2019

Session I	2:00-2:30 p.m.	Climate Setting/Introduction	Faiza/Kamanda KNCHR
	2:30-3:00 p.m.	Opening Remarks	James Kasombo – NANHRI Secretariat CSO Representative Comm. Morara
Preliminary Ses- sion	3:00 – 5.00p.m	Introduction to key concepts	Marie Ramtu

Evening tea & End of Day One

Day Two: Tuesday April 16, 2019

	8:30 – 8:40 a m	Preliminary remarks & climate setting	Marie Ramtu
Session II	08.40 – 9.40am	Being transgender and gender non-conforming in Kenya	Alesandra Ogetta JINSIANGU
	9.40 – 10.00 am	Plenary discussion	Session Chair
	10.00 – 11.00 pm	Being intersex in Kenya	James Karanja, IPSK
	11.00 – 11.20pm	Plenary discussion	Session Chair
Lived Experiences	11.20 – 11:30 pm	Health Break	
	11:40-12.40pm	Being lesbian, gay and bisexual in Kenya	Yvonne Oduor, GALCK
	12:40- 1:00pm	Plenary Discussion	Session Chair
1:00 p.m. Lunch Break			
	2:00 – 3:20 p.m.	Religion and the Protection of LGB/ITGNC Persons	Esther Mombo, St Paul's University Shamim Salim, CWS
	3:20- 3:40 p.m.	Plenary Discussion	Session Chair
	3:40 – 4:40 p.m.	Locating the role of HRDS in the Protection of LGB/ITGNC persons	Diana Meiyen NCHRD – K

	4:40 – 5:00 p.m.	Plenary Discussion	Session Chair
Evening Tea & End of Day Two			
Day Three: Wednesday April 17, 2019			
	8:30 – 9:00 am	Recap of Day 1	Rapporteur
	9:00-9:30 a.m.	Preliminary remarks & climate setting	Commissioner Lawrence Mute
Session III Legal Framework Session IV Role of the KNCHR in the Protection of the Rights of LBG/ITGNC persons	9:30-10:45 am	International discourse relating to SOGISC Rights	Kennedy Mwikya, KHRC
	10:45 – 11:00 a.m.	Plenary discussion	Lawrence Mute
Group photo & Health Break			
	11:00 – 11:45 am	Regional discourse relating to SOGISC Rights	William Aseka, CHR

	11:45- 12:00 p.m.	Plenary Discussion	Lawrence Mute	
	12:00 - 12:45 p.m.	Protection of persons persecuted because of the SOGISC	Beth Waruiru, UNHCR	
	12:45 - 1:00p.m	Plenary discussion	Lawrence Mute	
	Lunch Break			
	2:00 - 2:40 p.m.	Domestic discourse relating to SOGISC	Njeri Gateru, NGLHRC Yvonne Oduor, GALCK Alesandra Ogetta, JINSIANGU James Karanja, IPSK	
	2:40 - 3:00p.m.	Plenary discussion	Lawrence Mute	
	3:00-4:00pm	Role of the KNCHR in the Protection of the Rights of SOGISC	Faiza/Kamanda Veronica Mwangi Marie Ramtu	
	4:00 - 5:00 p.m.	Plenary Discussion & Action Plan Review	Lawrence Mute	
	Evening tea & Closure of Day Three			

Day Four: Thursday April 18, 2019

Session V	8:30 – 9:30 a.m.	Action Plan Review	Lawrence Mute
	10:30 - 11:30am	Presentation of Action Plan Revisions	Lawrence Mute
	11:30-12:00am	Evaluation	James Kasombo
Closing Remarks		CSO Representative Comm. Morara	

Lunch & Departure for Nairobi at 1:00 p.m.

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