



Summary Proceedings of Technical Workshop on SOGIE-Related Complaints Handling, Investigations and Documentation

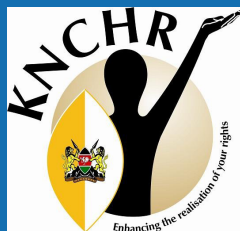
July 23-25, 2019

Entebbe, Uganda

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Contents

Acknowledgement.....	iv
Acronyms.....	v
Introduction.....	2
Day One.....	3
Preliminary Session.....	3
Session I	
NHRI progress updates on SOGIE related responses.....	5
Session II	
Complaints handling and Investigations.....	20
Day Two.....	21
Session III	
Documentation.....	21
Day Three.....	23
Session IV	
Best practices identified.....	23
Group presentations.....	23
Annex I - Concept Note.....	28
Annex II -Agenda.....	30

Acknowledgement

This report documents the summary proceedings of the Technical Workshop on SOGIE-related Complaints Handling, Investigations and Documentation (CID) held in Entebbe, Uganda from July 23-25, 2019.

We wish to specifically thank representatives from Kenya National Commission on Human Rights (KNCHR), Uganda Human Rights Commission (UHRC), Malawi Human Rights Commission (MHRC), Ghana's Commission on Human Rights and Administrative Justice (CHRAJ) and South African Human Rights Commission (SAHRC) whose presence enriched the workshop.

We also wish to recognize the presence of Commissioners Med Kaggwa (UHRC), George Morara (KNCHR) and Joseph Whittal (CHRAJ).

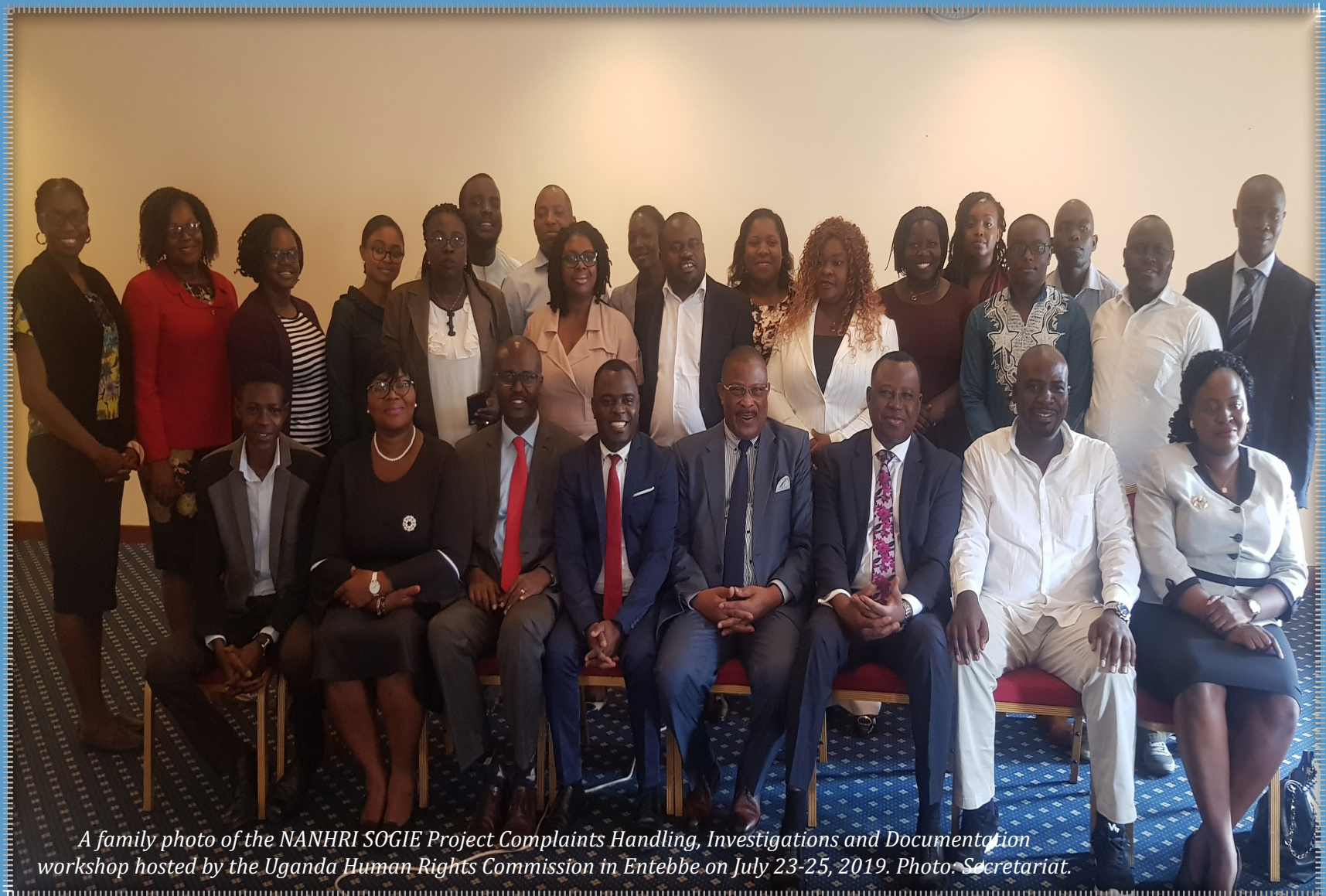
Gratitude also goes to the technical assistance from William Aseka and contributions received from the following non-governmental organizations representatives: James Karanja (Intersex Person Society of Kenya), Lelei Cheruto (National Gay and Lesbian Human Rights Commission), William Apoko (Tranz Network) and Frank Mugisha (Sexual Minorities Uganda).

Importantly, the Secretariat of the Network of African National Human Rights Institutions (NANHRI) recognises and appreciate the efforts of the 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 bringing together 44 African National Human Rights Institutions (NHRIs). We work 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. We also provide technical support to the NHRIs to enable them meet their objectives of promoting, protecting and advocating for human rights at national level.

Acronyms

ACHPR	African Commission on Human and Peoples' Rights	MOU	Memorandum of Understanding
CHRAJ	Commission on Human Rights and Administrative Justice	MSM	Men who Have Sex with Men
CID	Complaints Handling, Investigations and Documentation	NANHRI	Network African of National Human Rights Institutions
CSO	Civil Society Organization	NHRI	National Human Right Institution
FSW	Female Sex Workers	NTT	National Task Team
IDAHOBIT	International Day against Homophobia, Biphobia and Transphobia	PLHIV	People Living with HIV
KNCHR	Kenya National Commission on Human Rights	SAHRC	South African Human Rights Commission
LGB/ITGNC	Lesbian, Gay, Bisexual, Intersex, Transgender and Gender Nonconforming	SOGIESC	Sexual Orientation, Gender Identity, Expression and Sex Characteristics
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex	STI	Sexually transmitted infections
LGBTIQ	Lesbian, Gay, Bisexual, Transgender, Intersex and Queer	UDHR	Universal Declaration of Human Rights
MHRC	Malawi Human Rights Commission	UHRC	Uganda Human Rights Commission
		UPR	Universal Periodic Review
		WAPCAS	West Africa Program to Combat AIDS and STI



A family photo of the NANHRI SOGIE Project Complaints Handling, Investigations and Documentation workshop hosted by the Uganda Human Rights Commission in Entebbe on July 23-25, 2019. Photo: Secretariat.

Introduction

With support from the Arcus Foundation and Wellsprings Advisors, from 2017, the Network of African National Human Rights Institutions (NANHRI) has been implementing a project aimed at strengthening 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 phase that ended in 2018, involved implementation of online and face-to-face staff training³; in-country meetings to address country specific contextual issues⁴; and technical follow up assessments at each NHRI level.

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 on 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/>

The CID workshop was necessitated after the 2018 assessment report was done. The assessment report indicated that SOGIE-related complaints filed with the NHRIs are minimal compared to other forms of violations reported. Civil Society Organisation (CSO) representatives interviewed during the assessment expressed no or little confidence and/or awareness of the NHRI complaints handling mechanism. As a result, this workshop was convened to serve as a platform for the five NHRIs to gain knowledge on how to processes SOGIE related violations.

The purpose of this workshop was to serve as a learning exchange platform for the 5 NHRIs on effective strategies to increase reporting of SOGIE-related violations in order to provide effective remedies that expand the protection space for sexual and gender minorities. Specific objectives were to:

1. Highlight progress from the 5 NHRIs to the extent to which responses towards SOGIE-related violence and discrimination have been integrated into respective institutions.
2. Serve as a forum to consolidate strategies for improved complaints handling mechanisms and documentation of SOGIE-related violations within NHRIs.

Day One



NANHRI Executive Director Gilbert Sebihogo delivers remarks during the CID workshop in Uganda. Photo Secretariat.

Preliminary Session:

The opening remarks were delivered by the Executive Director of Sexual Minorities Uganda (SMUG), Frank Mugisha, the Executive Director of NANHRI, Gilbert Sebihogo and Uganda Human Rights Commission (UHRC) Chairperson Med Kagwa.

In his remarks, Mugisha noted that the workshop was welcomed and that SMUG and UHRC have been working closely on addressing SOGIE-related violations. He further noted that the two institutions have been working closely with the Ugandan police in responding and handling LGBTI individuals. He noted that the workshop was the first convening in Uganda on SOGIE-related issues, which had not been interrupted by government official this year. Hence, emphasizing the importance of collaboration with NHRIs. He welcomed everyone to Uganda and hoped that the workshop will be a good learning exercise.

On his part, Sebihogo noted that the Resolution 275 (Res. 275) of the African Commission on Human and Peoples Rights (ACHPR) was the genesis of this project. He recognised that the Res. 275 may not specifically be addressing issues related to sexual characteristics. However, he provided that NHRIs as stipulated in the Paris Principles have an obligation to be pluralistic in carrying out their mandates. Sebihogo noted that

NHRIs and CSOs present should collaborate in monitoring, investigating and documenting SOGIE related violations. He highlighted some key milestones so far achieved by each of the NHRIs present. He ended by assuring them that the Secretariat will continue support the members in tackling the issue.

Commissioner Med Kaggwa officially opened the workshop by welcoming the participants to Uganda. He expressed optimism that the meeting will be a good learning opportunity for the five NHRIs and CSOs on providing effective remedies for the LGBTI individuals who are victims of human rights violations. He highlighted that the Anti Homosexuality Act, 2014⁵, which was later overturned by a court, made Uganda to be more intolerant, thus, majority of LGBTI individuals are subjected to discrimination, stigma and exclusion. He noted with concern that cases of SOGIE-related violations are still underreported, though, efforts are underway to boost collaboration with other state actors. He concluded by extending gratitude to the NANHRI Secretariat for the support and choosing Uganda, the Pearl of Africa, in hosting the workshop.



⁵ <https://www.refworld.org/pdfid/530c4bc64.pdf>

Uganda Human Rights Commission Chairperson Med Kaggwa makes opening remarks during the CID workshop in Entebbe. The Chairperson said SOGIE-related violations in the country are still underreported. Photo: Secretariat.

Session I

NHRI Progress Updates on SOGIE-related Responses from January 01, 2019 to June 30, 2019

The purpose of this session was to get progress report on how the five NHRI's have been working on SOGIE-related issues under three pre-determined outcomes for the first half of 2019.

Outcome 1: Increased NHRI-CSO mutual trust and cooperation in addressing SOGIE-related violence and discrimination.

KENYA NATIONAL COMMISSION ON HUMAN RIGHTS		
Activity – When and where held	Target & No. of Participants	Impact
Meeting with National LGBTI organizations; organizations working towards protection of human rights defenders and National Human Rights Institution- 'Situation Room' Eka Hotel, Nairobi, February 18, 2019	National LGB/ITGNC organizations, National Organizations working to protect human rights defenders	Strategies towards protecting personnel working in national LGBTIQ organizations and human rights defenders discussed and put in place. It was the first time that organizations coalesced to discuss the potential impact of the decriminalisation ruling on the safety and security of personnel in the LGBTIQ organizations and human rights defenders
Meeting with Situation Room on February 26, 2019 at KNCHR offices	National LGB/ITGNC Organizations and national organizations working to protect human rights defenders	The stakeholders were able to map out strategies on how to jointly expand the protection space for persons of diverse sexual orientation and gender identity. Strategies discussed cover response to complaints on rights violation; engagement with media; security and response to human rights violations; Provide a safe space to hold discussions without fear of reprisal or self-censure

KENYA NATIONAL COMMISSION ON HUMAN RIGHTS

Activity – When and where held	Target & No. of Participants	Impact
Launch of the ‘Economic Case for LGBT+ Inclusion in Kenya Report’ co-hosted by the Kenya National Commission on Human Rights and the Open for Business Foundation on the February 26, 2019	National LGBTIQ organizations, representatives from companies,	Findings of the report shared with participants
Launch of the Intersex Taskforce Report and presentation to the Hon. Attorney General (AG)	Ministries, Departments and Agencies, Members of Parliament, Media, Intersex Persons Organizations	An implementation Committee has been set up by the Office of the Attorney General to commence reforms on intersex persons- The KNCHR is to Chair the Secretariat of the Committee. The Committee is to report to the AG after every six months.
Situation Room Meeting on May 10, 2019 hosted at the KNCHR offices	National LGBTIQ organizations, organizations working towards protection of human rights defenders and NHRI	Status updates and brief on attacks on persons of diverse sexual orientation and gender identity shared and redress mechanisms agreed upon; strategies for response to potential violence anticipated due to backlash from IDAHOBIT celebrations and the May 24, 2019 judgment put in place
Press statement on IDAHOBIT- May 17, 2019	Public	Statement by the KNCHR on IDAHOBIT calling for immediate cessation of violence and homophobic utterances against sexual and gender minorities was read at celebrations of IDAHOBIT in Nairobi and posted on website and social media platforms

UGANDA HUMAN RIGHTS COMMISSION

Activity – When and where held	Target & No. of Participants	Impact
<p>Presentation on UHRC’s role in protecting SOGI rights and how the UPR can advance the rights of minority groups Meeting held in Geneva on March 7, 2019</p>	<p>Chairpersons of Commonwealth NHRIs</p>	<p>Information sharing NHRIs motivated to work on SOGI rights</p>
<p>Trained staff and members of the Equal Opportunities Commission on SOGI rights. May 31, 2019 - Premier Best Western Garden Hotel in Entebbe, Uganda</p>	<p>20 Staff Two Members of the Equal Opportunities Commission</p>	<p>Awareness created Change in attitude Willingness of the EOC to protect rights of LGBTI persons</p>
<p>Trained police officers. Training held on June 11, 2019 in Mpigi District, Uganda.</p>	<p>50 police officers trained</p>	<p>Awareness created and change in attitude Willingness of police officers to protect right of LGBTI persons</p>

COMMISSION ON HUMAN RIGHTS & ADMINISTRATIVE JUSTICE

Activity – When and where held	Target & No. of Participants	Impact
Signing of MOU with WAPCAS, January 28, 2019 at the Commission’s office	Officials who were present at the ceremony were eight. Three from CHRAJ and five from WAPCAS.	Discussions were held on how to restore the DRS to revamp it and make it more sustainable. There were also discussions on how to use SMS Text Messaging for the Key population and LGB-TI community to lodge complaints.
<p>One program was held at our district office in Techiman in February, 2019</p> <p>On February 11-12, 2019 the a staff of our Regional Office participated in a workshop organized by WAPCAS and WILDAF in Kumasi.</p> <p>On February 21, 2019 CHRAJ was selected to be part of a planning committee to plan for the launch of the National Human rights intervention program. This was held in Accra.</p> <p>On February 22, 2019 the Tamale Regional Office, as part of its public education program, organized a workshop at the Picorna Hotel-Tamale to educate the members of the key populations and LGBTI on how to access justice and health.</p>	<p>FSW, lesbians, M-friends, MSM</p> <p>M-Watchers M-friends</p> <p>12 members from our stakeholders and partner institutions were part of the planning committee</p> <p>FSW, PLHIV, LGBTI</p> <p>MSM</p>	<p>Participants were educated on the use of CHRAJ’s online discrimination reporting system as well as the mandate of the Commission</p> <p>They were educated on their fundamental human rights</p> <p>This planning committee was formed to ensure the successful launch of the program</p> <p>Program to protect their rights and to educate them on how to access to justice.</p>

COMMISSION ON HUMAN RIGHTS & ADMINISTRATIVE JUSTICE

Activity – When and where held	Target & No. of Participants	Impact
In February 2019 the Upper East Regional Office collaborated with two radio stations to conduct public education on the rights of the LGBTI's respectively.	Community members	The public was sensitized through the radio talk show on the rights of the LGBTI members.
The Upper West Regional office organized a public education program for parties who had appeared before the Commission in a case involving an HIV patient on the need to respect the human rights of HIV patients and the LGBTI persons	Parties who lodged a complaint at the Commission	The parties were educated on their fundamental human rights and also the rights of the LGBTI community.
On March 8, 2019 one officer from Ashanti Regional Office participated in a community dialogue session organized by WAPCAS in Kumasi.	PLHIV TB patients Key Population	The Commission used the opportunity to sensitize the participants, who included PLHIV, key population, among others on their rights as human beings, on stigma and discrimination and also on CHRAJ's Discrimination Reporting System.
On March 26, 2019 there was a Human Rights Institutions Partner meeting at the Crystal Palm Hotel-Tesano	The number of participants were 10	There were deliberations on various interventions these institutions could offer in combating stigma and discrimination and abuses faced by KPs and PLHIV, and the LGBTI
There was the launch of the National Human Rights Intervention program by WAPCAS on March 28, 2019 at the Coconut Grove Hotel, Accra	There were about 250 people, including Stakeholders, Peer educators and Peer counselors, community members, invited guests – the Police, Traditional Leaders, the media and the general public.	This was done to educate the key populations, PLHIV, and LGBTI community on how they can access health facilities and seek justice.

COMMISSION ON HUMAN RIGHTS & ADMINISTRATIVE JUSTICE

Activity – When and where held	Target & No. of Participants	Impact
Engagement with WAPCAS, in April 2019 in Accra	Stakeholders and partner Institutions	Quarterly report was given on activities undertaken in addressing stigma and discrimination
Our Eastern Regional Office initiated one community program for the LGBTI community during the period under review	Peer educators M -friends	The program was organized in partnership with an NGO to explain the Commission’s readiness in ensuring that the rights of all citizens are protected.
During the period under review the Commission-organized seven programs with stakeholders including the Ghana Aids Commission, CEPEHRG, WAPCAS & PROLINK between January – June, 2019 at Suhum, Oda and Koforidua	Ghana Aids Commission, CEPHERGH, WAPCAS AND Prolink	Community members were educated through interactive encounters and participants were able to share ideas on how best the Commission could assist them especially, on how to access legal services, health and most importantly on how to access and report issues that affected them to the police when the need arose.
One programme was organized by our Northern Regional office in Tamale in May, 2019	Key population	Community members were educated on the use of the online discrimination reporting system

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

Activity – When and where held	Target & No. of Partici- pants	Impact
<p>IDAHOBIT Panel Discussion</p> <p>On May 17, 2019 the SAHRC observed the International Day against Homophobia, Biphobia and Transphobia.</p> <p>The Commission, in collaboration with various embassies in South Africa and CSO’s like Centre for Human Rights and IRANTI, hosted a panel discussion on “Safety and Protection for All”</p> <p>This was followed by a screen of a short film “Becoming Myself”.</p> <p>The Commission with its partners also staged an art exhibition that was aimed at using art to raise awareness about specific challenges faced by inter-sex persons.</p>	<p>100 young people</p>	<p>Increased visibility about the SAHRC</p> <p>Promoting understanding of the Commission’s protection mandate</p> <p>How CSO’s can collaborate with the Commission’s regional offices.</p> <p>Distribute advocacy material produced last year.</p>

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

Activity – When and where held	Target & No. of Participants	Impact
<p>Legislative developments In the execution of its obligation in terms of the Constitution, the SAHRC engages parliament on draft policies and draft bills.</p> <p>In February 2019, the Commission made comments to the latest version of the Hate Crimes and Hate Speech Bill.</p> <p>*the Prevention and Combating of Hate Crimes and Hate Speech Bill).</p>		<p>The submission to parliament gave the Commission an opportunity to:</p> <p>Propose new human rights-congruent legislation</p> <p>To advocate for the inclusion of the term “intersex” in the definitions clause of the Bill</p> <p>Recommend the inclusion [and definition] of the term “gender expression” to the Bill. The SAHRC considered that while closely related, “sexual orientation”, “gender”, “gender identity” and “gender expression” are distinct concepts and distinct sites for prejudice and intolerance - each deserving its own express recognition as grounds on which protection is afforded.</p> <p>Recommended alignment between the prohibited grounds listed in section 1 of PEPUDA and those set out in section 4 of the Bill to ensure consistency between the Bill and PEPUDA.</p>

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

Activity – When and where held	Target & No. of Participants	Impact
<p>Continued participation in the National Task Team (NTT) on Gender and Sexual Orientation-based Violence Perpetrated against LGBTIQ Persons.</p> <p>The NTT is a rapid response team composed of representatives of the Department of Justice and Constitutional Development (DoJ&CD), National Prosecuting Authority (NPA), South African Police Service (SAPS), Department of Social Development and other government departments and CSOs</p> <p>As part of NTT work, SAHRC is developing advocacy material on Equality Court and LGBTIQ Persons, and Hate Speech.</p>	<p>Ongoing</p>	<p>The NTT is aimed at addressing the deprioritisation, marginalisation, exclusion and targeted victimisation by the very public institutions intended to provide services and protection for LGBTIQ persons.</p> <p>The NTT functions like “the watchdog” of the criminal justice system – as far as it related to SOGIE-related crimes and rights violations.</p>
<p>Ongoing complaints handling through Provincial Offices and the identification of potential matters for Strategic Impact Litigation</p>		
<p>Caster Semenya media engagements</p>	<p>National radio and national TV</p>	<p>To raise awareness about the human rights implications of the IAAF - International Association of Athletics Federation’s proposed regulation on intersex athletes.</p>

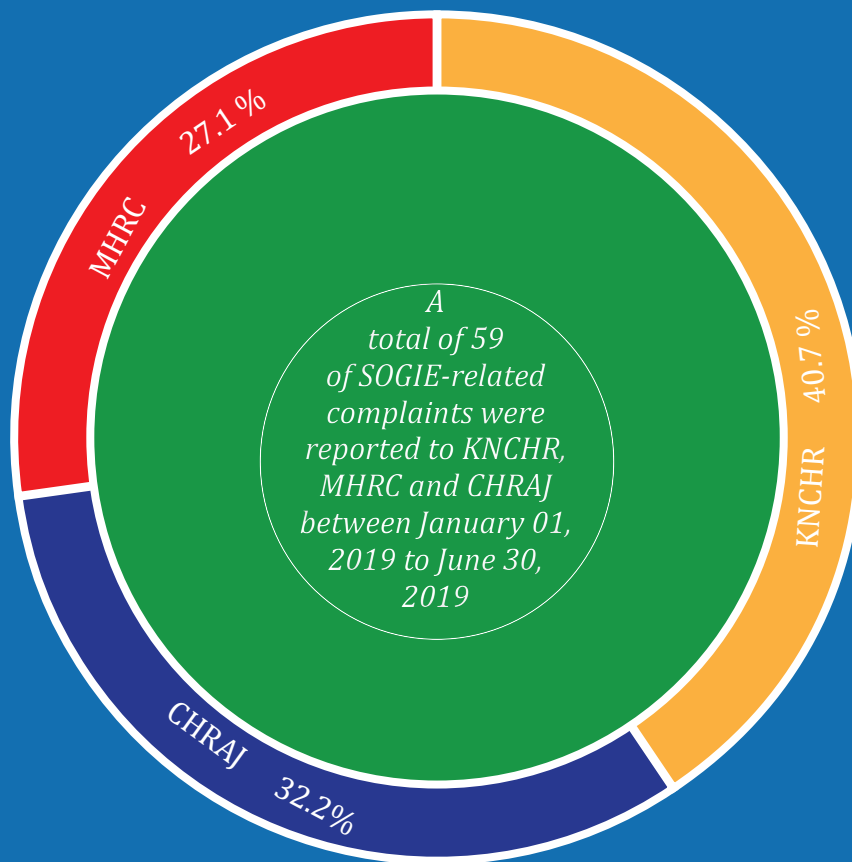
MALAWI HUMAN RIGHTS COMMISSION

Activity – When and where held	Target & No. of Participants	Impact
<p>Meetings with National Reference Group members for Improving the lives of Transgender People In Malawi</p> <p>May 10, 2019- Nezzar Guest House, Salima District</p>	<p>Targeted Core Group Members comprising MHRC, CEDEP, CHRR and MLS and others</p>	<ul style="list-style-type: none"> • Participants were aware of the modalities available for channeling complaints to MHRC. • Members were made aware of strategies for reporting and sharing of information about complaints. • Complaints referral mechanism with the network members was strengthened. • The terms of reference for the National Reference Group were reviewed. • The following emerging issues were also noted: <ol style="list-style-type: none"> 1. Need for mental health support 2. Limited guidance and counseling services in health facilities 3. Drugs and substance abuse 4. Intra-sectoral violence 5. Level of infidelity
<p>CEDEP and MHRC disseminated the 2015 report titled, <i>“Violence And Discrimination Based On Real Or Perceived Sexual Orientation And Gender Identity In Malawi”</i></p>	<p>The dissemination reached out to over 100 members from public institutions such as the police and Immigration department as well as religious leaders and organisations from Blantyre City, Mangochi District, Lilongwe and Mzuzu City</p>	<ul style="list-style-type: none"> • Members were oriented on the role of the Commission in protecting the rights of LGB-TI persons. • Members were oriented on key issues in the report that require collaborative efforts to address

MALAWI HUMAN RIGHTS COMMISSION

Activity – When and where held	Target & No. of Participants	Impact
<p>MHRC collaborated with CHRR in conducting radio programs on the challenges facing LGBTI refugees in Malawi upon the adoption of a decision declaring 2019 as the year of “Refugees, Returnees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa”. By the African Union (AU) Assembly at its 31st Ordinary Session held in Nouakchott, Mauritania on July 1-2, 2018</p>	<p>The public</p>	<p>The challenges that refugees in general and LGBTI refugees in particular were profiled.</p>
<p>MHRC collaborated with the MLS in implementing MLS’s project entitled ‘Reducing Violence and Discrimination towards LGBTI Persons through meetings with different stakeholders including the police. One of the key objectives of the project was strengthening access to justice for LGBTI persons in Malawi.</p>	<p>The meetings targeted police officers and other stakeholders in all the regions of Malawi</p>	<ul style="list-style-type: none"> • The meetings provided the opportunity for interaction with various stakeholders including the police on critical human rights issues. • Participants were also able to share knowledge, experience and best practices in handling cases involving LGBTI persons. • The meetings also provided a platform for collaboration between different stakeholders. MHRC made presentations on the legal and human rights perspective of LGBTI issues.

Outcome 2: Increased reporting of SOGIE-related complaints by LGB/ ITGNC persons affected by human rights violations.



Outcome 3: Increased NHRI staff understanding on how various international, regional and national legislation applies to rights of LGB/ITGNC persons.

KENYA NATIONAL COMMISSION ON HUMAN RIGHTS		
Activity – When and where held	Target & No. of Participants	Impact
Kenya National Commission on Human Rights Workshop on Sexual Orientation and Identity held on April 15-18, 2019	At least 30 Commission staff	A Commission action plan on how to integrate SOGIE related issues at departmental level agreed upon
The Commission provided information following a call for inputs to inform the report of the Independent Expert on Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity on Data Collection and Management as a means to create heightened awareness of violence and discrimination based on SOGI	Independent Expert	
The Commission further provided its support to joint statement by 'A' Status NHRIs in support of the renewal of the mandate of the Independent Expert on Protection against Violence and Discrimination based on SOGIE read during the 41 st Session of the Human Rights Council- July 1, 2019		

MALAWI HUMAN RIGHTS COMMISSION

Activity – When and where held	Target & No. of Participants	Impact
In house training on the Legal and policy framework relating to LGBTI in Malawi. This was done at MHRC Headquarters in Lilongwe on February 18, 2019	35 MHRC members of staff	Members of staff understood the terms LGBTI and SOGIE as well as the policy and legal framework that relate to LGBTI persons

COMMISSION ON HUMAN RIGHTS & ADMINISTRATIVE JUSTICE

Activity – When and where held	Target & No. of Participants	Impact
June 19-22, 2019 there was a workshop on the e-Learning Manual on Discrimination and Stigma at the Hill View Guest House, Accra.	24 CHRAJ staff and four staff from the Kofi Annan International Peace Keeping Centre	It was for the Commission to test how well the learning manual is as a tool and also to fine tune it with the help of the officials from the Kofi Annan Peace Keeping Center, who developed it.

SOUTH AFRICAN HUMAN RIGHTS COMMISSION		
Activity – When and where held	Target & No. of Participants	Impact
Staff training on SOGIE held at the SAHRC Head Office in Johannesburg on May 27, 2019.	60 employees of the SAHRC at the Head Office and Gauteng regional Office	<p>The training offered members an opportunity to:</p> <ul style="list-style-type: none"> • explore their own socialisation around differences • understand terminologies used in SOGIE work and their impact • have a deeper understanding of the challenges faced by people who are diverse in sexuality and gender • gain insight into how an affirming personal, institutional and programmatic climate can be achieved in work with people are diverse in terms of sexuality and gender

Additional Comments:

- a) MHRC to join Members of Nyasa Rainbow Alliance in a petition challenging the unconstitutionality of the Registrar General’s decision of not registering Nyasa Rainbow Alliance. This was upon request of the High Court of Malawi on May 27, 2019.

- b) CHRAJ has included discrimination reporting system and other programs concerning key populations and people living with HIV in its 2017 annual report.

Session II

Complaints Handling & Investigations

This session was to give an overview of what Complaints Handling and Investigation (CID). It was undertaken by William Aseka. The facilitator took the participants through the mandate of the NHRIs. He focused on the Paris Principles that all NHRIs are established on. Of importance, the Paris Principles summarise the mandate of the NHRIs as protection and promotion.

Complaints handling, and investigation is under the protection mandate of the NHRIs. The goal of human rights protection is:

- (a) To ensure the establishment or reinforcement of a protection framework, to identify and investigate human rights abuses
- (b) To bring those responsible for human rights violations to justice, and
- (c) To provide effective remedies and redress for victims, within a structural framework of policies, laws and programs that ensures prevention and enforcement.

In addition, the session explored the fundamentals of an ideal investigation and complaints handling unit.

Lelei Cheruto, of National Gay & Lesbian Human Rights Commission (NGLHRC) made a presentation on how the Nairobi-based organisation handles complaints and investigations. They receive complaint from victims, partner organizations, legal collective meetings and paralegal reports. The complaints range from extortion and blackmail, violence, threats to murder, suicide attempts, cyber bullying and social exclusions.

After the lodge of a direct report, investigations start with one on one interview. NGLHRC also conduct fact finding missions, among other procedures. They also prepare client briefs on each case and how to follow up on the matter. This was important because it helped participants inquire about the confidentiality of cases NGLHRC receive. Importantly, she mentioned that some of the challenges they encounter is homophobia, lack protection from the government, non-inclusive justice system. The NHRI also said they encounter similar problems whenever they investigate or handle complaints.

Day one was concluded with participants being given group work on how their respective NHRI's would handle a complaint and also investigate the matter.



COMPLAINT MANAGEMENT SCREENING FORM

Date: 24-09-2019

Petitioner's AC No.

Name: Allegation ID:

Tel No. National ID/Passport No:

Postal Address: Email:

Gender: Age: Marital Status:

Sexual Orientation (Optional)

Nationality:

Present Physical Residence:

Constituency:

LEVEL OF EDUCATION

Pre Primary Primary Secondary University

PURPOSE OF VISIT (tick appropriate)

TYPE OF COMPLAINT (tick appropriate)

Referral

THE NATURE OF HUMAN RIGHTS VIOLATED:

HUMAN RIGHTS

SUMMARY OF FACTS OF VIOLATION (Where)

Why, How &

A CID sample form of the KNCHR, which has integrated Sexual orientation option. Photo: Secretariat.

Day two

Under the moderation of the NANHRI Program Officer, Marie Ramtu, the day began with participants making presentations on the group work assignments of the first day.

Each group presented on how they would handle the complaints and even investigate. After the group presentations the participants watched different videos on how to do a proper client interview. They were also required to identify the good and bad practices. The video was a follow up on the group work since most of the participant had indicated that they would do an interview in the group work. Based on how the participants engaged and asked questions, the session was informative. The session also helped the participants identify how they need to break their prejudice whenever they work on SOGIE related violations.+

Session III

Documentation

This session was led by Aseka. The aim of the session was to provide an overview of how to document the human rights violations. Critical steps when documenting human rights violations were identified. This was to allow for and map out the frequency and steps taken to specifically address the human right violation. This will help the NHRIs in proper planning in

handling future cases. KNHRC presented their database on how they document cases they receive. It had integrated SOGIESC related components. The database provides for sections of kind of action was taken for a specific case. It also classifies cases in terms of the specific human rights violation.

The other NHRIs in the meeting found the complaints handling system comprehensive. Some expressed interest in having a similar database.

Day two was concluded by Mugisha, of SMUG presenting on their documentation process. He said that their documentation process is detailed as it also captures interlinking issues that potentially increase the vulnerability of the client. Their documentation processes classifies the kind of violations and to what group of people. It was an eye opening for the NHRI participants on how other status such as HIV/AIDS, disability, among others interplays to influence the risks faced by LGBTI persons.



*A participant makes a contribution during the CID workshop.
Photo: Secretariat.*

Day three

Session IV

Best Practices Identified

Led by Marie, the participants gave their feedback on what had been identified as best practices during the workshop.

These were presented under thematic areas, as per the group presentations.

Group 1: Complaints Handling & Investigation

Group 1 gave the following recommendations as best practices under complaints and investigations:

- a) Integration of SOGIE SC (emphasize optionality) on the complaint form.
- b) Integration of the general *jurat* in the complaint form.
- c) Use of systemic public inquiries
- d) Having disability-friendly and language accommodative material
- e) Adoption Programs that enable backup of information.

- f) Posters & signage that have a reassuring non-discriminatory/safe space messaging
- g) Capacity building of the complaints and investigations officers.
- h) Have the following incorporated in the complaints and investigation steps:
 - ▶ Determine whether the complaint is within the jurisdiction of the NHRI.
 - ▶ Determination of the available remedies for the complaint.
 - ▶ Draft an investigation plan.
 - ▶ Conduct preliminary investigations.
- i) After the preliminary investigations, the Commission takes three basic steps:
 1. Initiates a quick response to the complaint for an amicable settlement
 2. Launches a full scale investigations into the complaint
 3. Refers the matter to an appropriate body

Group 2: Research and Documentation

The representatives from Group 2 identified the following as best practices under research and documentation from NHRIs:

- a) Uganda Human Rights Commission has signed an MOU with National Planning Authority; Uganda Bureau of Statistics and Office of the Prime Minister have developed an online database for a human rights based approach to data. The database is a platform where the government Uganda puts together all recommendations from UHRC, treaty and charter based mechanisms for government ministries to provide updates that contribute to annual reports. UHRC reviews Bills such as the Anti-Homosexuality Bill and submits its positions to Parliament
- b) In carrying out research work, the MHRC collaborates with other stakeholders such as government departments and CSOs. Malawi has a National Human Rights Action Plan led by the government and involving all national stakeholders including the MHRC.
- c) South Africa Human Rights Commission identifies cross-cutting issues, which inform its work including research. The State of Province Human Rights Report feeds into National Human Rights Report. Also the NHRI has assigned each commissioner a focus area and has

a research adviser to support their work.

- d) Kenya National Commission on Human Rights has an MOU with the National Statistical Office.

Group 3: Human Rights Education & Training

Under human rights education and training, group 3 identified the following as best practices:

- a) Conducting an assessment as to how much the LGBTI communities know about their rights.
- b) Develop or review training manuals to guide in SOGIESC specific human rights education programs.
- c) Design and implement awareness program in the areas identified as having limited information on human rights issues including SOGIESC.
- d) Conduct targeted trainings for police, judges, senior government officials, other state and non-state actors such traditional leaders.
- e) Use of traditional and social media for sensitisation, shaping public discourse and legal clinics.
- f) Where possible, establish a mandatory human rights course at primary and secondary education level; and human rights as core unit at university entry level.

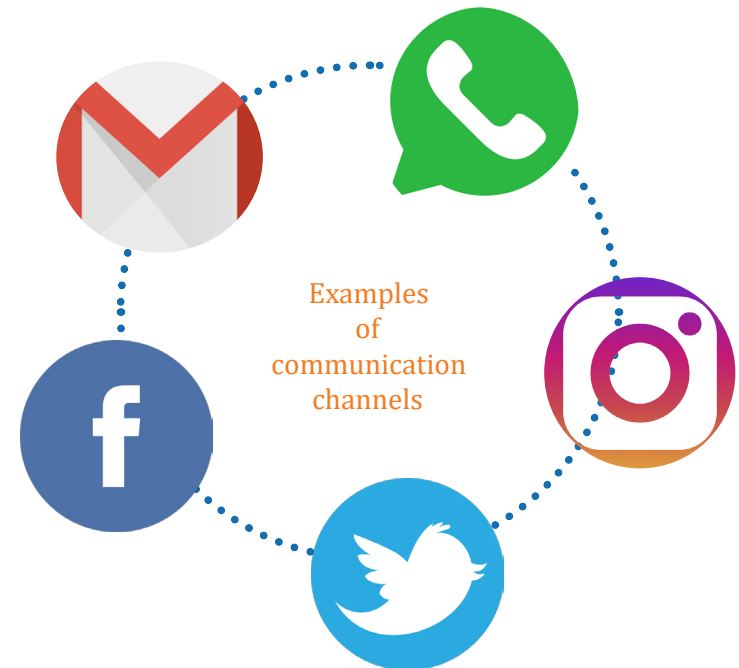
- g) Where possible, establish human rights clubs in public primary and secondary schools; and human right centres at the university levels.

- e) Establish communication links (such as email, WhatsApp.)
- f) Each NHRI should conduct at least one training for media on specific NHRI needs.

Group 4: Communication & Advocacy

Bearing in mind the differing contexts of operation in which the five NHRIs execute their mandate, the following were identified as best practices to be established by each of the NHRIs present:

- a) The UHRC works closely with CSOs and co-ordinates communication. So too, NHRIs can co-ordinate communications efforts co-ordinating messaging.
- b) Release statements and address issues collaboratively, that is, Uganda cannot speak on SOGIE matters directly but Ghana, Malawi, Kenya or South Africa could be more direct.
- c) NHRIs need to identify and hold strategic communication meetings with internal stakeholders (such as parliament, security agencies and CSOs)
- d) Host strategic communication meetings with external stakeholders (amongst other NHRIs and other regional and international bodies).



Group 5: Overall Recommendations to NHRIs by CSOs Present

This group composed of CSO representatives took a macro perspective and provided general recommendations to NHRIs:

- a) NHRIs must be visible in protecting the LGBTI community rights. Visibility creates access and availability, this would encourage queer persons to report violations
- b) Institutionalization of SOGIE-related work throughout the NHRIs by:
 - a. Integrate SOGIESC components into annual strategic planning.
 - b. Relook at organizational structures and policies to ensure that they are LGBTI-friendly
 - c. Expand the number of “focal people” in the institution.
- c) All employees should be trained to be able to deal with LGBTI issues. Having focal point persons may work, but they often end up overwhelmed and in case of their absence, LGBTI persons cannot be served.
- d) Disaggregate data collected on LGBTI persons to inform legislative and policy change; provide statistics on population and violations.
- e) Human resource/employment policies should exclusively demonstrate that the institution is LGBTI-friendly and it should be taken into account in hiring procedures. Repercussions for homophobic conduct should be included in the policy.
- f) Hire more LGBTI people into the organizations; having a conducive environment and specifically stating in hiring calls that the institution does not discriminate on the basis of SOGIESC.
- g) Institutions should set aside resources specifically for dealing with SOGIESC matters such as rapid response to security issues, material development and research.
- h) NHRIs should develop resource material for training, sensitisation and advocacy work. Materials addressing the legal issues, human rights violations and the lived realities of sexual minorities can be distributed at the institutions and disseminated to the public to raise awareness.
- i) Collaborate with other CSOs and NHRIs to streamline services and information sharing. This increases the impact of the movement, reduces shadow reports and provides affirmation to the public.
- j) Procurement procedures should deliberately include LGBTI persons/businesses to promote economic empowerment.

- k) Training of the general public and stakeholders; police officers, magistrates, judges, medical officers, religious leaders etc.
- l) NHRIs should have proper investigation and documentation procedures to inform their work.
- m) Employ strategic litigation to reform policy and legislation.
- n) Diversify all systems to include and cater for intersections such as disability, gender, age, sexual orientation, among others.

Closing

William Apako of Tranznetwork made final remarks and the workshop was officially closed by the Chairperson of UHRC, Commissioner Kaggwa.

Annex I - Concept Note

Technical Workshop on SOGIE-related Complaints Handling, Investigations and Documentation (CID)

July 23 - 25, 2019

Entebbe, Uganda

Background:

The Network of African National Human Rights Institutions (NANHRI) is a regional membership organization of African NHRIs whose Secretariat is based in Nairobi, Kenya. NANHRI works towards the strengthening the capacity of NHRIs in Africa to fulfill their mandate of protecting and promoting human rights as stipulated in the Paris principles. NANHRI achieves this through its Secretariat that coordinates efforts amongst the NHRIs by linking them with other key human rights actors both at the regional and international level. NANHRI has a broad mandate to address all forms of human rights violations.

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 NANHRI initiated a project to strengthen the capacity of African NHRIs to respond to violence and discrimination faced by persons of diverse sexual orientations and gender identities. In the two-year pilot phase that ended November 2018, The NANHRI SOGIE Project collaborated and still continues to do so with five NHRIs of Kenya, Uganda, Ghana, Malawi and South Africa. The project aims to increase the capacity of the NHRIs to respond to SOGIE-related violence and discrimination.

Findings from assessments conducted in 2018 to measure the extent to which the five NHRIs have institutionalized responses towards SOGIE-related violence revealed that:

- SOGIE-related complaints filed with the NHRIs are minimal compared to other forms of violations reported.
- CSO representatives interviewed expressed no or little confidence and/or awareness of the NHRI complaints mechanism.
- Except for the South African Human Rights Commission, SOGIE-related issues had been excluded from latest annual reports by the time of the assessment.

Overall Objective of the CID Workshop: To serve as a learning exchange platform for the five NHRIs on effective strategies to increase reporting of SOGIE-related violations in order to provide effective remedies that expand the protection space for sexual and gender minorities.

Specific Objectives:

- Highlight progress from the five NHRIs to the extent to which responses towards SOGIE-related violence and discrimination have been integrated into respective institutions.
- To serve as a forum to consolidate strategies that would lead

to improved complaints mechanisms and documentation of SOGIE-related violations within NHRIs.

Key Expected Outcomes:

- NHRIs have increased knowledge on the best contextual strategies to employ for improved reporting of SOGIE-related cases to their institutions.
- NHRIs have acquired the appropriate technical skills for improved documentation of SOGIE-related issues within their respective institutions.

Workshop Participants: Representatives of NHRIs and SOGIE-related civil society organizations.

Annex II: Agenda

Day 1: July 23, 2019

<p><i>Preliminary</i> 9:00 a.m. – 10:00 a.m.</p>	<p>Opening Remarks</p> <p>~SMUG – ED, Frank Mugisha</p> <p>~NANHRI – ED, Gilbert Sebihogo</p> <p>~ UHRC – Comm. Med Kaggwa</p> <p>Participant Introduction</p> <p>Expectation Setting</p>	<p>Ruth Ssekindi</p>
<i>Tea Break & Group Photo</i>		
<p><i>Session I – Progress updates</i> 10:30 a.m. – 11:00 a.m.</p>	<p>Progress Updates & Plenary : KNCHR</p>	<p>KNCHR Representative</p>
<p>11:00 a.m. – 11:30 a.m.</p>	<p>Progress Updates & Plenary: UHRC</p>	<p>UHRC Representative</p>
<p>11:30 a.m. – 12:00p.m.</p>	<p>Progress Updates & Plenary: CHRAJ</p>	<p>CHRAJ Representative</p>
<p>12:00p.m. – 12:30 p.m.</p>	<p>Progress Updates & Plenary: SAHRC</p>	<p>SAHRC Representative</p>
<p>12:30 p.m. – 1:00 p.m.</p>	<p>Progress Updates & Plenary: MHRC</p>	<p>MHRC Representative</p>
Lunch break		

<i>Session II – Com-plaints Handling & Investigations</i>	Overview of SOGIE-Related Complaints Handling & Investigation	William Aseka
2:00 – 3:00 p.m.		
3:00 – 5:00 p.m.	<i>Case study Presentation: NGLHRC- Cheruto Lelei</i>	All participants
	Mapping out complaints Handling procedures within the 5 NHRIs	

Day 2: July 24, 2019

9:00 a.m. – 11:00 a.m.	Identifying SOGIE-related violations	Marie Ramtu
11:00 a.m. – 1:00 p.m.	Interviewing LGBTI clients	Marie Ramtu
Lunch Break		
<i>Session III - Docu-mentation</i>	Overview of NHRI SOGIE-Related Doc-umentation	William Aseka
2:00 – 3:00 p.m.		
3:00p.m. – 5:00 p.m.	<i>Case study Presentation: SMUG – Dr. Frank Mugisha</i>	All participants
	Mapping out documentation proce-dures within the 5 NHRIs	

Day 3: July 25, 2019

Session IV – Way Forward 9:00 a.m. – 11:00 a.m.	Addressing parking lot issues & Mapping out implementable best practices to adopted by each NHRI on CID	All participants
Tea Break		
Closing 11:00 a.m. -12:00 p.m.	Evaluation ~ NANHRI – Gilbert Sebihogo ~Tranznetwork – William Apako ~UHRC - Comm. Med Kaggwa	Ruth Ssekindi



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