



# VOL 002 | 2022 NEWSLETTER

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# HELLO

## Welcome to our project newsletter!

Human rights violations targeted toward anyone because of their perceived sexual orientation or gender identity constitute a serious concern globally. These violations include ill-treatment, sexual assault and rape, invasions of privacy, arbitrary detention, denial of employment and education opportunities, and serious discrimination in relation to the enjoyment of other human rights. These violations are often compounded by other forms of transgressions eg violence, hatred, discrimination and exclusion, such as those based on age, religion, economic, social or other status.

Every victim of a human rights violation, including violations based on sexual orientation or gender identity, has the right to effective, adequate and appropriate remedies. Measures taken for the purpose of securing adequate advancement of the rights of persons of diverse sexual orientations and gender identities are integral to the right to effective remedies and redress.

The emergence of covid-19 pandemic has presented the past two years with extraordinary challenges. The pandemic's impacts have exposed and exaggerated existing violence and discrimination targeted towards the Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ) communities in Kenya.

The Centre for Minority Rights and Strategic Litigation (CMRSL) has been committed to improving access to Justice for persons of the LGBTIQ+ communities through various interventions, supported by the Canadian Government through its Canadian Funds for Local Initiatives (CFLI). The past two years have been of reflection, growth and change and has inspired everyone at CMRSL to challenge themselves individually and organizationally in advocating for human rights as well as making legal services available to the LGBTIQ community.

Here is a read on the project.

Enjoy!



**MICHAEL MAUNDU**

*Coordinating Trustee.*

## **Our Mission:**

Reducing violence and discrimination targeting the LGBTIQ communities, enforcing equality, inclusiveness and protection of the LGBTQ community and in whole fostering a society that upholds and protects Human rights for all.

For more on our organisation profile, visit <https://www.cmrsi.org>

## **Project Name:**

*“Accelerating access to justice for Lesbian, Gay, Bisexual, Transgender and Queer (LGBTIQ) persons in Kenya’s Coastal Counties through training, legal counseling and targeted litigation”*

## **Project Objective:**

Improve access to Justice for LGBTQ persons in Kenya's Coastal region.

# PROJECT BY NUMBERS

**2017** year of establishment

**3** human rights trainings conducted

**12** number of paralegals in security response team

**1928** LGBT beneficiaries

**19** organizations partnered with

**7** organizations outside the coastal region partnered with

**1** online program initiated

**7** counties reached by our project

**3524** social media followers



# Project impact overview:

*Being able to access services from the comfort of my location was a good experience.*

*-Online Legal aid clinic Client*

*“It's been a rough couple of months going through abuse in my intimate relationship and not being able to open up to anyone due to the fear of being judged. The dialogues provided me with a chance to talk to an expert who guided me on how to go about my situation and keep records for when I'm ready to begin a legal suit. That was an eye opening discussion we had as Transcommunity and I appreciate the effort CMRSL are making in empowering the Transcommunity.”*

*-Dialogue participant*

*“Through the resource and knowledge support i received from the training, I've been able to respond to violations against my community in Taita Taveta county by obtaining OB for the victim and following up through the process. I've engaged my peers on their personal security in our TOTT monthly planning meetings and documented a number of violations against my Queer community in Voi. I can confidently assure that through CMRSL's support, I'm working towards changing attitudes towards the Queer community in Taita Taveta and Kenya at large and proud to be part of the Equality advocacy for Queer persons in Kenya.”*

*-Ellan, Paralegal Transgender Organisation of Taita-taveta(TOTT)*

# PROJECT THROUGH OUR VALUES

## 1.Partnership and Collaboration.

Partnership and collaboration go a long way in creating a strong and better community. In addition to pushing your mission forward, partnership and collaboration can provide stability while achieving shared goals. Being our core value, CMRSL strategically form partnerships with organisations whose vision goals and objectives are aligned with our mission of fostering a society that upholds human rights and dignity.

### *i. CFLI*

The support of the Canadian Government through the Canadian High Commission to Kenya under the Canadian Funds for Local Initiatives (CFLI) enabled CMRSL to implement projects in the coastal region for a period of 8 Months. The activities of this project were designed to improve access to quality legal services for the LGBTIQ community by providing linkage to justice institutions for redress. We conducted sensitisation training, LGBTIQ empowerment training, dialogues and offered legal aid clinics to the LGBTIQ community. Click here to read about our first project <https://cmrsl.org/index.php/2021/07/14/accelerating-access-to-justice-for-lgbtq-persons-in-5-kenyan-coastal-counties/>



## *ii. Advocates*

Center partnered with advocates and law firms enabling LGBTIQ persons access justice and redress with ease. We sensitized 30 Advocates of the High Court on LGBTIQ issues, legal challenges and how to effectively respond to them. 26 of the sensitized advocates were engaged in our *pro bono* advocates scheme to offer legal guidance and counselling in our LGBTIQ legal aid clinic and LBQ and ITGNC dialogue spaces.

*“The workshop was eye opening not only on what GSM goes through in accessing legal services and in society. The violation of the human rights of GSM persons is scary to say the least. Repealing of Sections 162, 163 and 165 of the Penal Code will go a long way in ensuring that the state protects its citizens from human rights violations on any grounds as it is stated in both the Regional and International Laws”*

*-Duncan Osoro on the sensitization training and legal clinics*



*Advocates training workshop*

### *iii. Dialogues*

CMRSL collaborated with 6 organizations serving women of diverse gender identities and sexual orientations in the coastal region to create safe spaces for dialogues on the legal framework, how it affects the LBQ and ITGNC communities' social and economic lives and raising awareness on how to navigate the barriers as well as social norms that impedes equality and nondiscrimination.

Follow [link](https://cmrsl.org/index.php/2021/12/10/dialogue-for-change/) for a comprehensive read >>>  
<https://cmrsl.org/index.php/2021/12/10/dialogue-for-change/>

**127** LBQ and trans-women identifying beneficiaries were empowered through the safe space dialogues to ensure that their rights are respected, and their trust in the existing mitigation strategies are restored

*“The event was so beautiful and for sure the Center for Minority is doing a great work. We would appreciate it if more sessions are conducted for our beneficiaries. Thank you very much and let’s continue to make the world a better place for us all”*

***-B.A. Odongo on Dialogues***

In the dialogues, cases of child support, inheritance, intimate partner violence and rejection had the highest number being brought forward for advice and counselling.



*Dialogue meeting with CWW*



#### *iv. Paralegals training.*

We conducted a two-day human rights and access to justice training for 36 LGBTIQ persons from 12 LGBTIQ serving organisations from five coastal counties. These individuals were provided with the know-how of monitoring, responding and documenting cases of human rights violations perpetrated against the LGBTIQ community as well as linking victims of human rights violations to justice thus building a LGBTQ paralegal network in the Coastal region. This network was supported with the necessary resources for responding and documenting cases of violation and linking affected victims to a redress system

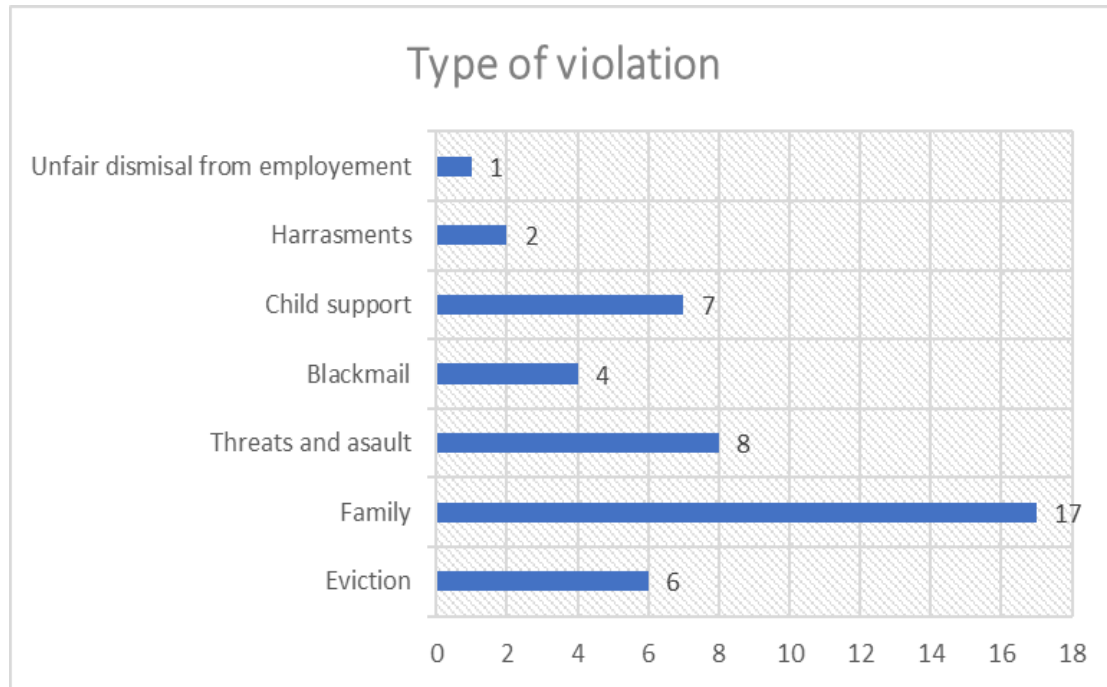


*Paralegal training*

## 2. INNOVATION

Innovation as a concept, refers to the process that an organisation undertakes to conceptualise new processes to approach existing processes in new ways. In this regard, CMRSL encourages a working environment that allows volunteers to apply progressive ideas and use of technology in delivering our services to the LGBTIQ community.

### *i. Virtual Legal aid clinics*



*Types of violation attended to in our virtual legal clinic*

The movement ban imposed to control public interaction and reduce the effects of the Covid19 pandemic led to the cessation of movement in April 2020. This meant that individuals who experienced violence during this period were delayed in accessing justice. This scenario significantly affected the LGBTIQ community who recorded a high number of individuals facing violence and human rights violations. To ensure that our clients continued to access legal services during this period, we conducted virtual legal clinics linking our advocates virtually to LGBTIQ+ clients from wherever they were in the Republic. This program began in October 2020 and has since then utilised the services of 8 out of the 30 *pro-bono* advocates on LGBTQ legal challenges.

41 LGBTQ clients have experienced the flexibility that our virtual legal clinic offers, raising the tally of our Free Legal Aid Clinic beneficiaries to 164 within an 8 months' period.

8 LGBTIQ+ serving organisations from Kenya's Coastal Region were supported to enable their members access and benefit from the virtual legal aid clinic.

LBQ women and Transgender Community showed their preference for the virtual legal services by registering the highest numbers of clients attended to in the virtual legal clinics.

Click on the link to learn more about our virtual legal clinic:  
<https://web.facebook.com/100048268991891/videos/372901878000511/>

## ***ii. Advocacy***

Social media has indisputably become a significant tool in collecting and disseminating information over time and in the past year, CMRSL took advantage of social media to carry out our advocacy work and reach out to more LGBTIQ persons, partners and allies. We used the social media to call out to volunteers, share project progress updates, commemoration of LGBTQ calendar activities and forge strategic partnerships with different organisations in Media Campaigns eg “Inclusion of KP/GSM needs in National and County Systems” one week Campaign Read here <https://pemakenya.org/news/joint-media-advocacy-inclusion-of-kp-gsm-in-the-national-and-county-health-care-systems/>

Our advocacy messages through social media reached 3524 social media viewers. 131 IEC material and advocacy messages were shared on our twitter page which attracted 7250 visits to our profile and expanded our following by 382. Our participation in various LGBTQ twitter safe conversation Twitter spaces contributed to this aspect of growth.

Within a period of four months starting 2<sup>nd</sup> December 2021 to 1<sup>st</sup> March 2022, 361 accounts have been reached by the 9 advocacy materials we posted on our Instagram account. 59% of this audience were women while 42% of the profile visits were from Nairobi County.

We intend to continue using the Social media in disseminating our advocacy materials and promoting peace and vigilance within the LGBTQ community especially during the 2022 election period.

### 3. RESPONSIVENESS

For CMRSL, *Responsiveness= value + speed*. We have an established registration link for LGBTQ community to book appointments with pro-bono advocates. This facilitates quick responses to LGBTQ legal needs as they occur. Through the paralegals network we support to monitor and respond to human rights violations within the LGBTQ community, we're able to respond to LGBTQ security incidents in the coastal region. These individuals also link LGBTQ clients to our legal clinics for legal counselling.

#### *Paralegal support*

12 of the 36 trained LGBTQ persons from each of the organisations were supported with knowledge and resources for monitoring, preventing, responding and documenting human rights violations targeting the LGBTQ persons.



# Lamu

1 organisation engaged.  
1 paralegal engaged and supported.  
Harassment is the leading case.

Notorious hot spots: Shella, Mkunguni, Kijitoni, Pamba roho.

# Mombasa

4 Organisations engaged  
4 paralegals engaged and supported  
Eviction and Outing (breach of confidentiality) are leading cases.

Notorious hot spots: Bamburi, Kwa Bulo, Mshomoroni, Bombolulu.

# Kwale

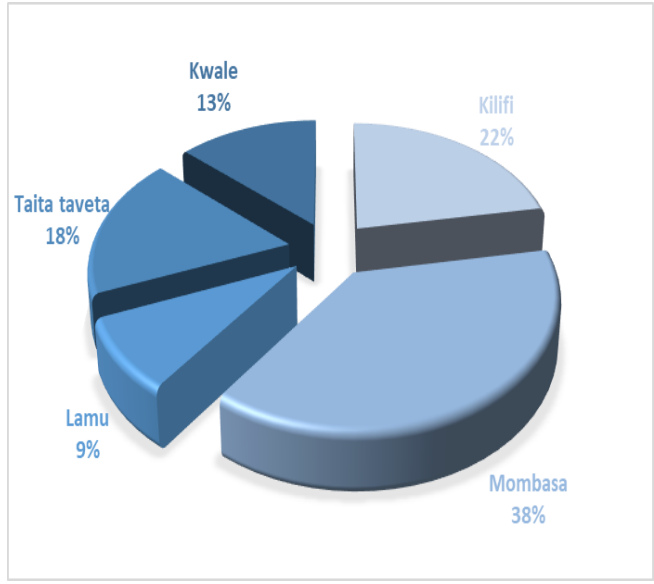
2 organisations engaged.  
2 paralegals engaged and supported.  
Assault and Blackmail are the leading cases.

Notorious hot spots: Maasai, Ibiza, Kona Musa, Chepechepe

# Kilifi

4 organisations engaged.  
4 paralegals engaged and supported.  
Threats, assault and eviction are leading cases.

-Notorious hot spots: Majengo mpya, Kwa Chocha, Kisumu ndogo,

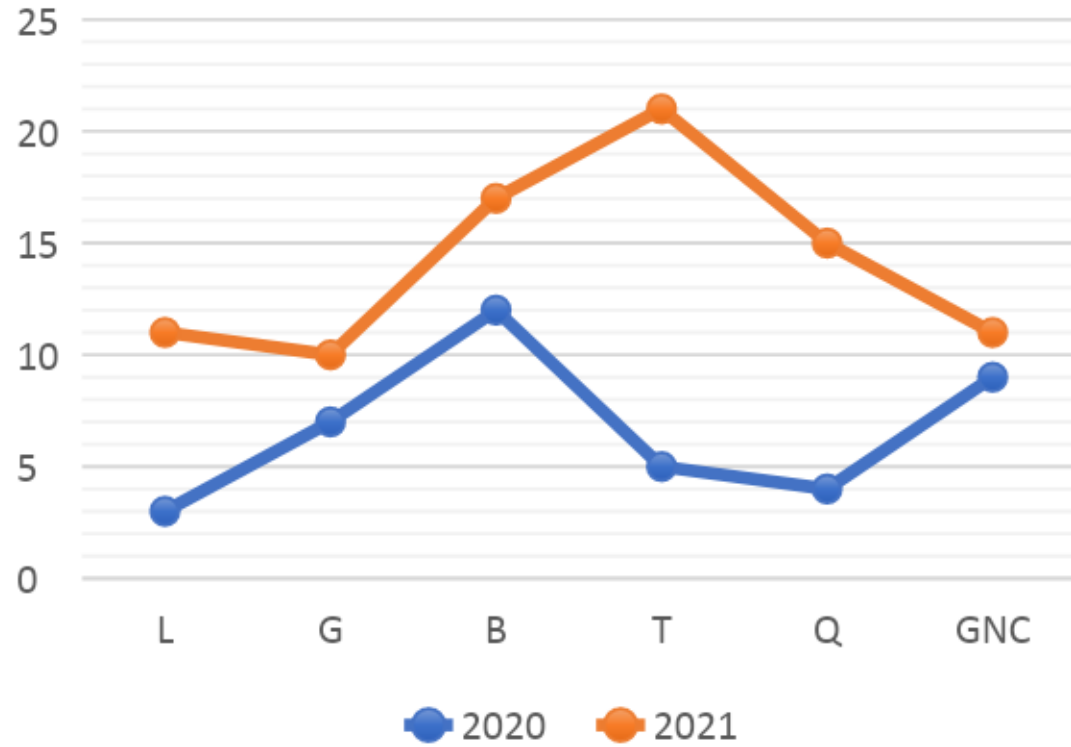


# Taita taveta

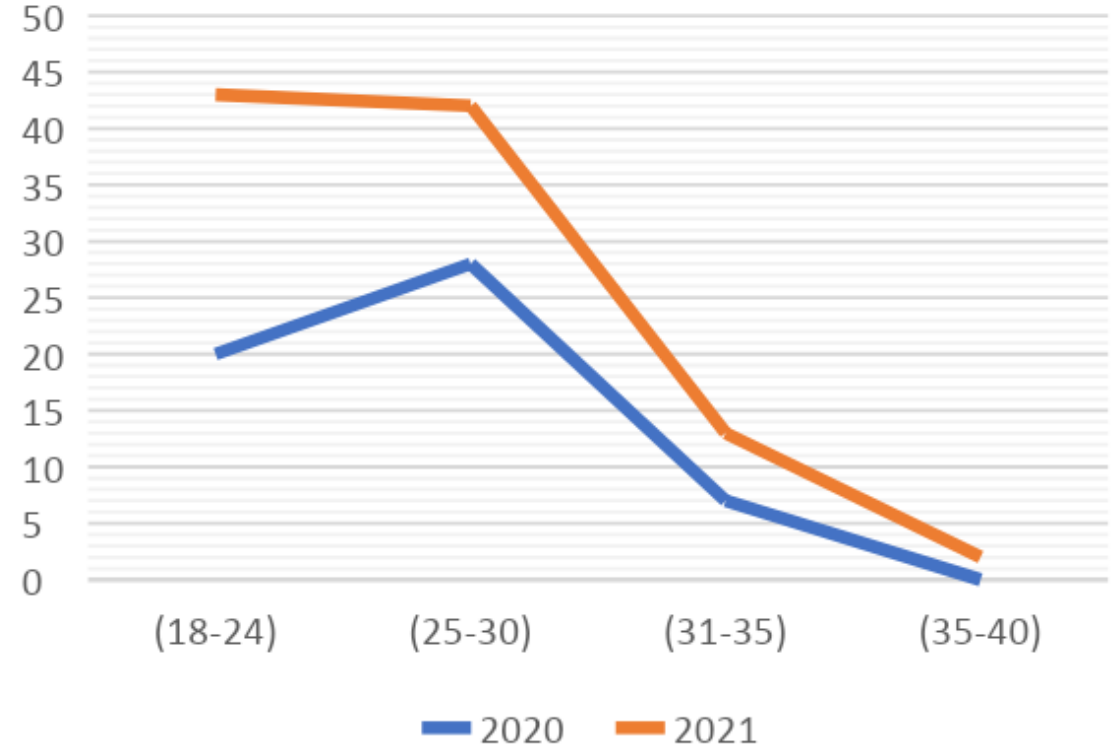
1 organisation engaged.  
1 paralegal engaged and supported.  
Harassment and threats to violence are the leading cases.  
Notorious hot spots: Mwakingali, Mams Le grande.




### violence reporting trend per cluster



### Violence reporting trend per age





The country's current political climate presents the LGBTIQ+ community in Kenya with immense security challenges. Individuals whose gender identities do not correspond with their Identification document details find it hard to register to participate in the country's politics. The LGBTQ community could face specific targeting and assault due to their perceived gender identities or sexual orientation.

The trend in violence meted against the LBQ and ITGNC communities has risen in the country with two murders being recorded in the recent times. Erica, ITGNC individual was found murdered in her residence in Nairobi in November 2021 [Transgender woman murder report](#), while Sheila Lumumba, LBQ identifying person was also brutally murdered by six men in her home on April 2022 [Justice for Sheila](#). No one has been arrested in connection with these murders nor the police updated the LGBTQ community on their investigations. There have been several reports of LBQ and ITGNC persons being targeted within the Coastal region, underlining the urgent need to protect our community from these attacks and serve victims of justice, especially in the pre and post-election period.

## LITIGATION UPDATE

To influence social change and policy through litigation, CMRSL filed two appeals; *MSA COACA E017/2022* and *COACA E018/2022*; from two High Court decisions dismissing two petitions: *Msa High Court Petitions Nos 18 and 19 of 2019*.

*Mombasa High Court Petition number 18 of 2019* had sought to challenge a decision by The Kenya Film Classification Board on the basis that the said decision was contrary to the values of the Constitution and that it violates the constitutionally guaranteed rights to equality and freedom from discriminating and the freedom of expression.

*Mombasa High Court Petition number 19 of 2019* on the other hand had sought to challenge the constitutionality of Sections 162, 163 and 165 of the *Kenyan Penal Code* on the basis that the said statutory provisions violate the right to privacy and human dignity.

CMRSL continued to prosecute *HCCHRPET/8/2021, Jow Vs the ODPP and 3 Others*. The petition challenges forced anal and HIV examinations on the basis that they infringe on the right to human dignity, privacy, freedom and security of the person, among other rights and freedoms guaranteed in the Constitution and Treaties.

CMRSL also afforded criminal defense in 3 ongoing criminal cases in which persons are charged with committing unnatural offenses contrary to Sections 162 of the *Penal Code*.

CMRSL together with partners also undertook a campaign “***Seeking Justice for Joash and Gabriel***”; a campaign to bring to justice person(s) responsible for the murder of Joash and Gabriel. The campaign, which is ongoing, involves watching briefs in court proceedings, advising partners and lobbying Institutions in the Criminal Justice System to charge and prosecute the culprits responsible for the murders. Follow link to read more on the murderers <https://cmrsl.org/index.php/2020/05/29/murdered-gay-man-laid-to-rest/>



*“2021 has been a successful year for CMRSL, we are grateful for the great support we got from our partners. As an organization, we are fully committed to ensure that we create an inclusive environment for all, regardless of a person’s sexual orientation and identity. We are however aware that we cannot do that in a single day, that is why we will continue advocating for equality through sensitizing of stakeholders who are key in bringing change in the society, litigating cases on behalf of the gender sexual minorities and giving legal advice through legal aid clinics to Gender sexual minorities persons. We believe that good laws should bring happiness to all and minimise pain to its subject, we shall continue advocating for laws that bring happiness to all citizens in the country, laws that are not discriminative and laws that are progressive and align to contemporary society.”*

***-Nandasaba Humphrey, Legal Officer***



# Milestone

- ✓ Significant increase in the number transgender and LBQ women attending the legal clinics directly translates to the increase in number of violations reported. 68% of the cases reported through the paralegal network were made by LBQ and transgender women. 22% of the clients served in the legal clinics were LBQ women, while transgender women constituted 25% .
- ✓ We strengthened our *pro-bono* advocates' team by equipping them with the right knowledge to respond to LGBTIQ cases with quality service, urgency and the right attitude. A survey conducted during the sensitization training indicated an increase in understanding on LGBTIQ issues. The pool also grew in number and currently CMRSL has a total of 30 volunteer advocates who are sensitised on LGBTIQ issues and ready to serve the LGBTIQ community.
- ✓ Expansion and strengthening of our paralegal network through training and resource support enabled CMRSL to break new ground while implementing this project. Cases from outside the Coastal region were referred to CMRSL for legal counselling. We served clients from Nairobi, Kisumu and Uganda. Through the partnership forged with Gilbert, LGBTQ representative from Kakum Refugee Campa, we conducted Legal aid clinics to clients from Kakuma and helped release 1 victim of violent assault in Block 13 of the camp from a Nairobi hospital.

# Opportunities

- 1.Partnerships formed through the project implementation could provide new opportunities for collaborations.
- 2.Being an election year, CMRSL is going to use the Dialogue spaces created in the project to provide civic and voter education for the LGBTIQ community. We will also utilise the social media as a tool of building peace in the pre and post election period to our followers.



*Special appreciation to our Partners for the continued collaborations to create a synergy and ensure that we deliver our mandate to the LGBTIQ community in the Coastal Region and Kenya at large.*

***-John Omollo, Program Officer.***

# Meet the project partners

Mwamko Mpya

Transgender Organisation of Taita Taveta

Amkeni Malindi

Tamba Pwani

Upinde Advocates for Inclusion

Malindi Desire

UKWELI Kwale

Hapa Kenya

LEGETO

PEMA-Kenya

Rainbow Women

Coast Women for Women

MAYGO

Hoymas

KYDesa

Kenya National Commission on Human Rights

Protection International

Amnesty International

Defenders Coalition