



1. EXECUTIVE SUMMARY

Exactly nine years ago in 2012, The National Gay and Lesbian Human Rights Commission Legal Aid Centre was founded with the main objective of seeking redress for LGBTQA + persons in Kenya who face human rights violations due to their real or perceived SOGIE-SC status. This was after a research on the lived realities and access to justice was conducted prior to the inception that highlighted the fact that there is a need for access to justice for LGBTQA+ persons in Kenya. Since then the Commission has been the go-to organization for the LGBTQA+ citizenry including asylum seekers who seek redress for violations fuelled by their SOGIE-SC status.

In the beginning, the organization had no physical space and client meetings with the lawyers were conducted in hotels, parks and other public spaces. In the subsequent years through fundraising the Commission was able to secure a space where clients could walk in to seek legal assistance, other than that the Commission acquired telephone numbers and email addresses that clients could call/email or text in the event that they were unable to come to the office or were out of Nairobi. The Commission has equally trained and certified paralegals countrywide who respond to cases first hand and refer the cases to the Commission in the event that there is a need for further intervention by the Commission.

We expanded our legal aid upon receipt of numerous cases from counties other than Nairobi. The caseload received from our partners and paralegals from out of Nairobi were increasing and it was a general consensus that it was necessary to have Mobile Legal Aid Outreaches in counties that had an increasing number of violations reported. In late 2016, we commenced the first Mobile Legal Aid Outreach which involves having lawyers from the organization setting up offices for two or three days in different counties in Kenya. Since then, NGLHRC has Memorandum of Understanding with various peri urban and rural LGBTQ+ organizations to conduct mobile legal aid clinics. We have had mobile legal aid clinics in Eldoret, Migori, Nakuru, Kisii, Kitui, Mombasa, Kilifi and Meru Counties. From these counties, the legal team has received myriad of cases ranging from disownment from families, disinheritance, divorce, sexual and physical assault, forced marriages, correctional rape, blackmail and extortion



among other cases.

Since July 2020 to June 2021 the Commission has received and handled 619 cases reported by LGBTIQ+ persons across the country. There has been significant increase in the number of cases, this could have been due to the ongoing pandemic. Covid-19 rendered quite a number of our constituents jobless and with no means of survival hence they had to go back home and were stuck with either abusive partners or abusive family members. This therefore resulted in cases of intimate partner violence, evictions, family rejections, economic indignity, discrimination and stigma among other cases discussed in detail herein.

In tandem with the spirit of constitutionalism¹NGLHRC has in the past year, resulted in Alternative Dispute Resolution (ADR) mechanisms such as mediation, arbitration and reconciliation. These services were provided for by experts in ADR and have been an effective, swift and cheaper method to settle disputes from the court and the media's glaring eye thus ensuring our clients have their rights to dignity and privacy upheld while settling the matters out of court. Since we launched this service, we have received a couple of requests for ADR by our clients. We hope that this would be an avenue that our constituents can consider as a mode of settlement in the future.

The Commission received cases from the following regions; Trans-Nzoia, Kisumu, Kwale, Kakamega, Lodwar, Kajiado, Uasin-Gishu, Kiambu, Machakos, Murang'a, Homabay, Chuka, Meru, Eldoret, Mandera, Kilifi, Kakuma, Siaya, Nairobi, Embu, Miritini, Kilifi, Kwale, Mombasa, Nairobi, Nakuru among other counties. Additionally we served clients from Ethiopia and Tanzania who sought the Commission's help to intervene in instances of human rights violations.

2. LEGAL AID SUMMARY

¹ Article 159 2 (c)



The present legal aid report has been prepared pursuant to the mandate of the Commission on provision of legal protection for LGBTIQ+ population as well as the cases reported at the Legal Aid Center. The report summarizes the trends, nature and number of human rights violation cases reported at the Legal Aid Center. The cases herein are human rights violations occasioned on LGBTIQ+ populace based on their perceived Sexual Orientation, Gender Identity and/or Expression and Sex Characteristics.

Although the State is legally designated as the key duty bearer to respect, protect, promote and fulfil basic rights including the provision of legal assistance to every citizen within the Republic of Kenya, this has not been forthcoming, especially for the LGBTIQ+ populations. During this period, there was a jump in cases of human rights violation based on SOGIE-SC that were reported at the Legal Aid center, notably during As the pandemic escalated, we adopted safety measures to ensure safety for both our constituencies and staff. Within a month, most of our services were being delivered remotely and in-person services were restricted to exceptional circumstances. Usually averaging 500+ calls each year, our Legal received over 400+ calls in the first few months of the pandemic. To manage this significant shift, we coordinated staffing and support to respond to the rising need for legal aid services, rapid response, crisis response therapy and security response. Although in-person contact was restricted this year, we continued to deliver community legal education to our constituencies online. We also launched the soft IEC materials aimed at educating our diverse communities and stamping out human rights violations i.e conversion therapy that was on the rise following stay-at-home government directives.

Throughout the pandemic year, the Legal Aid Centre provided a wide range of legal services in the areas of Civil including forced evictions, discrimination, stigma etc, Criminal, Employment, Family and our specialist legal service to the LGBTQ+ communities. This year was marked by a 50% increase in the number of SOGIE-SC human rights violations as compared to the previous years that recorded margins of increase at 20%. The COVID-19 pandemic played a major role in exacerbating inequalities prevalent and the increase in number of cases reported at the Legal Aid center. Further, the Stay-at-home directives, isolation, increased stress and exposure to disrespectful family members exacerbated the risk of violence, with particular impact on LGBTIQ+ youth. Restrictions of movement created exacerbated risk of abuse during street controls, with reports of selective arrests; hate crimes such as harmful exposure on social media; arbitrary detentions and a general increase in mistreatment in the public sphere.



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Below is the outline of categorized nature of cases that the Commission's Legal Aid Center attended to :

- a) Statutory offences, b) Violation and Breach of human rights, c) Security d) Legal Assistance and other enquiries



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Statutory Offences

Malicious Damage to Property
Unnatural Offences
Indecents Acts in view of a child
Common Nuisance
Being Idle and disorderly
Child endangerment
Blackmail and Extortion
Cyberbullying
Stalking
Manipulation
Defilement
Indecent acts with a child
Gang Rape
Residing outside Designated Area

Emotional Manipulation
Threats to life
Robbery with violence
Coerced Medical Procedure
Cases involving minors
Suicide
Threats to cause bodily harm
Arson
Theft
Breach of peace
Withheld salary by employer
Denial of Services

Flouting Covid-19 rules and regulations
Escape from lawful custody
Breach of Privacy
Unlawful termination of employment
Conversion therapy
Institutionalization
Harassment
Intimidation
Murder
Corrective gang rape
Defamation
Medical Negligence



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Violation and Breach of Human rights

Intimate Partner Violence/Gender
Based Violence

Mob Justice

Physical Assault

Verbal Assault

Police extortion

Wrongful prosecution

Police harassment

Police raid/unwarranted searches

Police brutality

Discrimination & Stigma

Arbitrary arrests

Child Custody



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Security





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Assistance: Legal and Other Inquiries

Food packages/Vouchers
Change of name/Deed Poll
Relocation
Menstrual Kits
Registration of LGBTQ organizations
Financial Aid/ assistance
Medical Assistance
Intention to sue media house for breach of human rights
Getting back exhibit used as evidence in an ongoing case
Valid Identification documents

Legal Fees - Cash bail
Relocation in Kakuma
Paralegal Training Manual & Opportunities
Intention to sue employer for medical compensation
Intention to sue an abusive partner
Legal opinion/advice
Basic Amenities (Shelter, food, clothes, household stuff)
Therapy
Reinforcement

Asylum
Intention to appeal against Refugee Board
Security Response Training
Letter of endorsement
Letter of impediment/affidavit
Request for financial assistance to carry out activities by partner organizations
Psychosocial support
Gender reassignment surgery
Sensitization of parents
Mediation
Because Womxn



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LEGAL AID BRIEF

Series	Nature of Incident	Number of Incidents	No. Reported to the police/ or referred to by partner	Status of Case(s)	Commentary on case and perpetrators
1.0	Violence				
1.1	Intimate Violence/Sexual and Gender Based Violence Partner and Gender	9	6	4 closed	<ul style="list-style-type: none"> • Perpetrators known to the clients. • Clients that reported cases to the police opted to withdraw and settle for mediation while others were apprehensive regarding victimization from the nature of their unions.
1.2	Mob justice	2	2	Cases Closed	<ul style="list-style-type: none"> • Perpetrators unknown to the client making it impossible to follow up with this matter. With no knowledge and identification of the assailants,



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					the state is unable to deliver justice to the survivor.
2.0	Assault				
2.1	Physical Assault	39	18	<p>Eleven (11) cases were reported to the police station whose investigations are ongoing.</p> <p>Nineteen (19) cases closed</p> <p>Five (5) cases referred to partners (GALCK)</p> <p>Two (2) cases referred to mediation</p> <p>Two(2) cases going on in courts of Law</p>	<ul style="list-style-type: none"> • Perpetrators both known and unknown to the clients • Reports of homophobic attacks • Relocation offered to some clients
2.2	Verbal Assault	9	2	Eight (8) Closed	<ul style="list-style-type: none"> • Perpetrators known and unknown to the clients
3.0	Security				



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3.1	Homelessness	8	4	Four (4) cases closed Four(4) ongoing	<ul style="list-style-type: none"> • Two clients relocated by NGLHRC • Four (4) cases ongoing referred to HIAS & UNHCR for intervention • Homelessness has been on the rise since the novel pandemic affecting businesses operations and closure of schools • Some cases were dismissed on the grounds of credibility
3.2	Eviction from rental homes	35	6	Twenty three (21) cases closed Four cases referred to partner(s) for intervention	<ul style="list-style-type: none"> • Perpetrators both known and unknown to the clients. Some were close family members or partners • Twenty one (21) clients relocated by NGLHRC • Some cases were dismissed on grounds of credibility. • Reports of falsified information due to economic hardships
3.3	Eviction from business premises	1	0	Case referred to counsel and is ongoing	<ul style="list-style-type: none"> • Perpetrator known to the client. • Reports of attempted conversion therapy
3.3	Insecurity	38	16	Three cases referred to partner(s). Fifteen cases closed	<ul style="list-style-type: none"> • Perpetrators both known and unknown to the clients. • Reports of falsification of information.



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					<ul style="list-style-type: none"> • Relocation services offered
3.4	Missing persons	2	0	One case closed One case under investigation	<ul style="list-style-type: none"> • Reports of mental health matters
3.5	Economic Indignity	7	4	Cases closed	<ul style="list-style-type: none"> • Reports of Economic challenges due to loss of livelihood resulting from the pandemic
4.0	Statutory Offences				
4.1	Malicious damage of property	10	8	Six cases closed Four cases ongoing	<ul style="list-style-type: none"> • Perpetrators both known and unknown to the clients. • Four Clients resorted to out of court settlements: Mediation • One client compensated in Court proceedings.
4.2	Unnatural Offences	4	4	Two cases ongoing Two cases closed	<ul style="list-style-type: none"> • Two cases withdrawn following reports of bribery • Reports of Police Intimidation and coercion to pay bribes. • Two cases currently ongoing in courts of Law
4.3	Indecent Acts in view of a child	2	2	Case ongoing	<ul style="list-style-type: none"> • Case ongoing in Court of Law; Hearing dates set.



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4.4	Common nuisance	2	2	Case ongoing	<ul style="list-style-type: none"> • Case ongoing in Court of Law; Hearing dates set.
4.5	Being idle & Disorderly	2	2	Case ongoing	<ul style="list-style-type: none"> • Case ongoing in Court of Law; Hearing dates set.
4.6	Child Endangerment	1	1	Case ongoing	<ul style="list-style-type: none"> • Case currently ongoing in Children's Court
4.7	Blackmail & Extortion	8	2	Two cases closed Six cases ongoing	<ul style="list-style-type: none"> • Perpetrators known and unknown to the clients. • Six cases ongoing in court • Reports of Police involvement in extortion • Reports of organized syndicates to extort the clients • Continued reports of Blackmail and extortion happening through dating sites and social media
4.8	Cyber Bullying	9	2	Two cases closed Three Cases dropped	<ul style="list-style-type: none"> • Cases where perpetrators were unknown proved difficult to redress • Reports of homophobic attacks • Cyberbullying has been on the rise since the beginning of the Covid-19 pandemic. As more people result to virtual interaction and programming, the more



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4.9	Stalking	1	1	Case closed	<ul style="list-style-type: none"> ● Perpetrator known to the client ● Reports of mental health matters
4.10	Manipulation	1	1	Case closed	<ul style="list-style-type: none"> ● Perpetrator known to the client
4.11	Emotional Manipulation	1	1	Case closed	<ul style="list-style-type: none"> ● Perpetrator known to the client
4.12	Threats to Life	14	2	Thirteen cases closed	<ul style="list-style-type: none"> ● Perpetrators known and unknown to the clients. ● Reluctance to pursue legal redress ● Relocation services offered in some instances
4.1.3	Robbery with violence	8	8	Cases ongoing	<ul style="list-style-type: none"> ● Perpetrators unknown to the clients ● NGLHRC is currently watching brief in one case.
4.1.3	Medical Negligence	1	0	Case closed	<ul style="list-style-type: none"> ● Perpetrator known to the client. ● Reluctance to pursue the matter legally. Options of out of court settlement adopted.
4.1.4	Cases involving minors	3	0	Cases closed	<ul style="list-style-type: none"> ● The Commission's mandate does not involve itself with cases regarding minors.
4.1.5	Suicide	1	1	Case closed	<ul style="list-style-type: none"> ● Investigations ongoing.



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					<ul style="list-style-type: none"> • Crisis intervention therapy accelerated.
4.1.6	Threats to cause bodily harm	13	6	Seven cases closed Six cases ongoing	<ul style="list-style-type: none"> • Perpetrator both known and unknown to the clients. • Mental Health services offered . • Rapid response services offered.
4.1.7	Arson	2	2	Cases closed Investigations ongoing in one case.	<ul style="list-style-type: none"> • Perpetrators unknown to the clients. • One case under investigation • Loss of life to arson • Reports of homophobic attacks by host community
4.1.8	Theft	7	6	Three cases closed. Three cases ongoing	<ul style="list-style-type: none"> • Perpetrators unknown to the clients. • Two cases are ongoing in the court of law. • One case currently under investigation. • One case referred to partner organization
4.1.9	Breach of Peace	1	1	Case ongoing	<ul style="list-style-type: none"> • Case ongoing in court
4.2.1	Wrongfully remunerated withheld	1	0	Case closed	<ul style="list-style-type: none"> • Perpetrator known to client. • Sufficient compensation offered
4.2.2	Denial of services	1	1	Case closed	<ul style="list-style-type: none"> • Perpetrators known to the client.



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					<ul style="list-style-type: none"> • Case referred to partner for redress
4.2.3	Breach Covid-19 Rules and Regulations	1	1	Case closed	<ul style="list-style-type: none"> • Client fined for violating laws.
4.2.4	Escape from lawful custody	1	1	Case ongoing	<ul style="list-style-type: none"> • Case under investigation
4.2.5	Breach of Privacy	5	0	Four cases closed	<ul style="list-style-type: none"> • Perpetrators known and unknown to the clients.
4.2.6	Unlawful termination of employment	2	2	Cases ongoing	<ul style="list-style-type: none"> • Perpetrators known to the clients • One cases currently at the appeal stage against the Judiciary
4.2.7	Conversion therapy	1	1	Case ongoing	<ul style="list-style-type: none"> • Perpetrators known to the clients • Case referred to counsel
4.2.8	Institutionalization	1	1	Case ongoing	<ul style="list-style-type: none"> • Perpetrators known to the clients • Case referred to counsel
4.2.9	Harassment	1	1	Case ongoing	<ul style="list-style-type: none"> • Perpetrators known to the clients
4.3.1	Intimidation	1	1	Case ongoing	<ul style="list-style-type: none"> • Perpetrators known to the clients
4.3.2	Murder	2	2	Case Ongoing	<ul style="list-style-type: none"> • Case under investigation • Reports of malicious homophobic attacks.
4.4.2	Defilement	1	1	Case closed	<ul style="list-style-type: none"> • The Commission's mandate does not



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					extend to cases involving minors.
4.4.3	Indecent acts with a child	1	0	Case closed	<ul style="list-style-type: none"> • The Commission's mandate does not extend to cases involving minors.
4.4.4	Gang Rape	5	5	Case Ongoing	<ul style="list-style-type: none"> • Perpetrators known to the client. • Case currently ongoing in the law Courts.
4.4.5	Residing outside designated area	1	1	Case closed	<ul style="list-style-type: none"> • Case referred to UNHCR • Client to be taken back to Kakuma.
4.4.6	Corrective Gang Rape	1	1	Case ongoing	<ul style="list-style-type: none"> • Perpetrator known to the client • Case under investigation
4.4.7	Defamation	1	1	Case closed	<ul style="list-style-type: none"> • Perpetrator known to the client. • Charges withdrawn
4.4.8	Medical Negligence	1	1	Case ongoing	<ul style="list-style-type: none"> • Perpetrator known to the clients. • Out of court settlement initiated and completed to fruition
4.4.9	Denial of personal property	1	1	Case ongoing	<ul style="list-style-type: none"> • Case referred to a partner organization for further intervention.
5.0	Police Misconduct and				



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	Breach of Human Right				
5.1	Police Extortion	9	0	Cases Closed	<ul style="list-style-type: none"> ● Perpetrators were state officers. ● Reluctance to pursue case due to apprehension of victimization
5.2	Malicious Prosecution	1	0	Case ongoing	<ul style="list-style-type: none"> ● Perpetrators were state officers ● Case ongoing in court.
5.3	Arbitrary Arrests	18	10	Ten cases closed	<ul style="list-style-type: none"> ● Perpetrators were state officers. ● Reports of bribery to have charges dropped ● One case ongoing in court
5.4	Police Harassment	6	6	Case closed	<ul style="list-style-type: none"> ● Perpetrators were state officers ● Reluctance to pursue legal redress
5.5	Police Raid/Unwarranted Searches	9	8	Cases ongoing	<ul style="list-style-type: none"> ● Perpetrators were state officers ● Prosecution on charges of gangrape commenced ● Four cases referred to partner ● Reports of malicious prosecution
5.6	Police Brutality	1	1	Case closed	<ul style="list-style-type: none"> ● Perpetrators were state officers ● Reluctance to pursue legal redress owing to fear of victimization
6.0	Family				



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6.1	Family Rejection	18	8	Nine cases closed	<ul style="list-style-type: none"> • Perpetrators known to the clients. • Therapy and security relocations services offered
7.0					
7.1	Discrimination & Stigma	25	13	Fourteen cases closed	<ul style="list-style-type: none"> • Perpetrators known and unknown to the clients. • Security relocation services offered to 10 clients • One case closed due to lack of credibility
8.0					
	Child Custody	1	1	Case closed	<ul style="list-style-type: none"> • Perpetrator known to the client. • Case referred to counsel and Children's Court
9.0	Inquiries/Requests and Assistance				
9.1	Request for Deed Poll	2	0	Cases closed	<ul style="list-style-type: none"> • Clients provided with procedure on



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	procedure				name change.
9.2	Request for food packages	52	0	Cases closed	<ul style="list-style-type: none"> Forty four clients provided with food baskets by NGLHRC
9.3	Request for relocation	32	9	Twenty four cases closed	<ul style="list-style-type: none"> Reports of evictions due to homophobia as well as economic indignity. Fifteen clients relocated by NGLHRC Other clients referred to partners for intervention.
9.4	Request for menstrual kits	31	0	Cases closed	<ul style="list-style-type: none"> 30 Clients provided with dignity kits by NGLHRC One client referred to a partner organization.
9.5	Request for Medical Assistance	4	2	Cases closed	<ul style="list-style-type: none"> Clients referred to partner organizations for intervention
9.6	Inquiry on getting back mobile phones being used as exhibit in an ongoing case	6	6	Case closed	<ul style="list-style-type: none"> Clients retrieved mobile phones.
9.7	Inquiry on seeking legal redress against a Media House	9	9	Case ongoing	<ul style="list-style-type: none"> Perpetrators known to the clients Clients referred to partner organization
9.8	Inquiry on Acquiring	1	1	Case closed	<ul style="list-style-type: none"> Clients referred to partner



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	Identification Documents				organization
9.9	Inquiry on Appeal Against Refugee Board	1	1	Case closed	<ul style="list-style-type: none"> • Legal assistance provided
9.1.1	Inquiry on assistance with raising legal fees on an ongoing matter Cash bail	6	1	Case closed	<ul style="list-style-type: none"> • Legal fees secured through fundraising • Sureties secured and release of clients thereof
9.1.2	Inquiry on shelter shift movement at refugee camp	1	1	Case closed	<ul style="list-style-type: none"> • Case referred to Partner
9.1.3	Request for Paralegal Training Manuals	20	0	Case closed	<ul style="list-style-type: none"> • Paralegal Training Manuals issued as requested
9.1.4	Inquiry on claiming money spent on medical assistance from an employer	1	0	Case closed	<ul style="list-style-type: none"> • Perpetrator known to the client • Case referred to counsel for legal follow up.
9.1.5	Inquiry on pursuing legal address against an abusive partner	1	1	Case ongoing	<ul style="list-style-type: none"> • Perpetrator known to the client • Client assisted to report the matter to the station for legal redress
9.1.6	Request for Legal Advice	13	8	Cases Closed	<ul style="list-style-type: none"> • Provision of legal opinions
9.1.7	Request for basic amenities	4	0	Cases Closed	<ul style="list-style-type: none"> • Cases referred to partner organizations



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9.1.8	Request for Therapy sessions	43	0	Cases closed	<ul style="list-style-type: none"> • Clients referred to therapists.
9.1.9	Request for reinforcement	1	1	Case Closed	<ul style="list-style-type: none"> • Client referred to partner organization
9.2.1	Request for asylum	3	3	Cases closed	<ul style="list-style-type: none"> • Client referred to partner organizations
9.2.2	Request for Security Response Training	2	0	Case closed	<ul style="list-style-type: none"> • One security Response Training carried out by legal team • One training underway.
9.2.3	Request for a paralegal training opportunity	2	0	Case closed	<ul style="list-style-type: none"> • Clients to be contacted when there is a paralegal training opportunity
9.2.4	Request for valid documentation	4	4	Cases closed	<ul style="list-style-type: none"> • Client referred to partner organization
9.2.5	Request for letter of endorsement	1	0	Case closed	<ul style="list-style-type: none"> • Client provided with the letter of endorsement
9.2.6	Request for letter of impediment/affidavit of proof of relationship	1	0	Case closed	<ul style="list-style-type: none"> • Case referred to counsel.
9.2.7	Request for Psychosocial support	1	1	Case closed	<ul style="list-style-type: none"> • Client referred to partner organization



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9.2.8	Request for financial assistance to undergo gender reassignment surgery	1	1	Case Closed	<ul style="list-style-type: none"> Client referred to partner organization
9.2.9	Request sensitization of parents	1	1	Case ongoing	<ul style="list-style-type: none"> Client referred to partner organization
9.3.1	Request for mediation	1	0	Case closed	<ul style="list-style-type: none"> Client to have a mediation session with the Commission's mediator
9.3.2	Request for Because Womxn in Migori County	1	0	Case closed	<ul style="list-style-type: none"> The Commission conducted a virtual Because Womxn in Migori.
9.3.3	Request for assistance with registration of a CBO	1	0	Case closed	<ul style="list-style-type: none"> Assistance and Procedure of registering a CBO provided.
9.3.4	Request for financial assistance to facilitate a peer engagement activity	1	0	Case closed	<ul style="list-style-type: none"> Case referred to partner organization
9.3.5	Request for Legal Standby Services	1	0	Case closed	<ul style="list-style-type: none"> Commission's officers offered legal assistance to the client
9.3.4	Request for Financial assistance	3	0	Cases closed	<ul style="list-style-type: none"> One case referred to partner organization One Case closed due to lack of credibility. The commission crowdfunded for the client.



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9.3.5	Request for interview on research on sexual and reproductive health rights in East Africa	1	0	Case closed	<ul style="list-style-type: none"> • Interview conducted by NGLHRC.
9.3.6	Request for referral/introduction letter	1	0	Case closed	<ul style="list-style-type: none"> • Client offered with the referral letter.
9.3.7	Request for fast tracking of resettlement process	3	3	Cases closed	<ul style="list-style-type: none"> • Clients referred to partner organization for intervention
9.3.8	Request for Educational support	1	0	Case closed	<ul style="list-style-type: none"> • Client informed of our mandate and referred to partner organization for assistance
9.3.9	Request for partnership in a workshop	1	0	Case closed	<ul style="list-style-type: none"> • NGLHRC to partner with the organization in forthcoming projects
9.4.1	Request for assistance with falsifying information	1	0	Case closed	<ul style="list-style-type: none"> • Case closed on the grounds of dishonesty
9.4.2	Request for furniture	1	0	Case closed	<ul style="list-style-type: none"> • Client(s) provided with some pieces of furniture by NGLHRC.

TRENDS IN 2020/2021



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- The ongoing pandemic rendered quite a number of our constituents jobless since quite a number depend on odd jobs for survival. This then resulted in loss of livelihood hence they could not sustain themselves resulting in evictions and homelessness.
- Loss of livelihood and closure of institutions of learning resulted in our citizenry resorting to going back to either homophobic/transphobic partners and parents or abusive partners resulting in a lot of physical and verbal violence.
- There have been cases of blackmail and extortion among GSM community where some GSM collude with the police to extort other queer persons
- There has been an increase in the number of clients seeking therapy and psychosocial support this is a result of the effects of the pandemic that resulted in working from home, loss of livelihood and lack of social gatherings
- Requests for renewal of valid documentation by the queer refugee citizenry has significantly risen since RAS office was closed due to the pandemic and government guidelines on not issuing identification documents to asylum seekers.
- The pandemic has resulted in a downturn in funding hence quite a number of LGBTIQ+ organizations have been able to institutionally run their operations and activities and are at the verge of shutting down after the lapse of their previous funding.
- Cases of Intimate Partner Violence have steadily risen over the past year within our citizenry.
- There has been an increase in inquiries and requests generally varying from requests for legal assistance, requests for basic amenities, requests for food, financial and medical assistance e.t.c
- There has been an increase in requests for food baskets and food vouchers as a result of loss of source of livelihood by a number of our constituents.
- Homophobic, transphobic and biphobic attacks against LGBTIQ+ persons in Kakuma Camp has steadily risen.
- There has been an increase in requests for financial assistance by partner organizations to carry out activities within their environs.
- There has been an increased number of cases in homophobic attacks against queer Human Rights Defenders (HRDs) some unfortunately resulting in murder.



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- There has been an increase of cases involving minors (Below the age of 18) that falls beyond the scope of the Commission's mandate.
- There have been quite a number of cases of police raids and arbitrary arrests in a number of refugee safehouses.
- Incidents of threats to life/physical assault and verbal assault have been rampant from perpetrators well known and unknown to the clients.
- State officers have continuously acted ultra vires by arbitrarily arresting LGBTQ+ persons without charging and arranging them in court and threatening them with section 162 of The Penal Code.
- State officers have continuously harassed, blackmailed and extorted queer persons while threatening to charge them with the provisions of section 162 and 165 of the Penal Code.
- Lack of valid documentation for queer asylum seekers has resulted in limiting movements due to fear of being arrested, and extorted by state officers who often ask for bribe to arrest those without updated documents.

IDENTIFYING NEEDS

- There is a need for economic empowerment on income generating activities to ensure our clients have economic dignity and lead more stable lives after relocation.
- There is a need for dialogues between local authorities in areas where safehouses are located to avoid police raids and harassment.
- There is a need for sensitization on age and consent so as to avoid cases of defilement/involving minors amongst our citizenry.
- There is a need for training on funding and funding opportunities for LGBTIQ+ startup organizations.
- There is a need to continuously carry out sensitization and advocacy training on various stakeholders such as the police, judiciary, health workers as well as parents on the need to protect and uphold the rights of LGBTQ+ persons.



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- There is a need to expand the relocation funding as there are a number of requests for relocations especially with the ongoing pandemic that has resulted in loss of livelihood for a number of our citizenry.
- There is a need for security reinforcement in Kakuma Camp or /dialogues between the other communities and queer community in Kakuma.
- There is a need to petition the government to resume registration and refugee status determination for LGBTQIA+ asylum seekers and others in Kenya.
- Paralegals who continuously refer us to cases from different counties require stipends to do the work, or for purposes of their general protection and appreciation
- There is a need for more funding to carry out our legal aid clinic diligently as well as to meet our client requests.
- There is a need for sensitization on the rule of law and the applicability of laws of Kenya to everyone who contravenes them and the repercussions thereof.

Compiled by the Legal Department.