

WE HAVE RIGHTS TOO

Enhancing the rights of sex
workers human rights defenders



DEFENDERS
COALITION



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Defenders Coalition

P.O. Box 26309-00100, Nairobi, Kenya
Tel: +254 712 632 390, +254 716 200 100
Email: info@defenderscoalition.org
Website: www.defenderscoalition.org

Kenya Sex Workers Alliance (KESWA)

P.O. Box 16885-00200, Nairobi, Kenya
Tel: +254 (0) 20 5292624/+254 707 225 813
Email: info@keswa-kenya.org
Website: www.keswa-kenya.org

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ENHANCING THE PROTECTION OF SEX WORKERS
HUMAN RIGHTS DEFENDERS



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The idea of conducting a survey on the situation of Sex Workers Human Rights Defenders (SWHRDs) was conceived by Defenders Coalition and the Kenya Sex Workers Alliance (KESWA) in partnership with the American Jewish World Service (AJWS) following a growing concern on safety and security needs of SWHRDs in the country.

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Kamau Ngugi
Executive Director,
Defenders Coalition

Phelister Abdalla
Executive Director, Kenya Sex
Workers Alliance (KESWA)

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ACRONYMS

AJWS	American Jewish World Service
AU	African Union
CEDAW	The Convention on the Elimination of all Forms of Discrimination Against Women
FGDs	Focus Group Discussions
FSW	Female Sex Workers
HIV/AIDS	Human Immuno Virus/Acquired Immuno Deficiency Syndrome
HRDS	Human Rights Defenders
ICCPR	The International Covenant on Civil and Political Rights
KESWA	Kenya Sex Workers Alliance
MSM	Men who Have Sex with Men
NGOs	Non-Governmental Organizations
PEP	Post-Exposure Prophylaxis
SGBV	Sexual and Gender Based Violence
STIs	Sexually Transmitted Infections
SW	Sex Work(ers)
SWHRDS	Sex Work Human Rights Defenders
WRHDs	Women Human Rights Defenders
VPR	Violence prevention and response

EXECUTIVE SUMMARY

Globally, sex work is highly contested. Some states have created legal protection regimes while others criminalize sex work. In Kenya, sex workers face high levels of violence, stigma, discrimination and other human-rights violations. The stigma is due to the criminalization of sex work, discrimination based on gender, race, HIV status, drug use or other factors. Most violence against sex workers is a manifestation of gender inequality and discrimination directed at women, men and transgender individuals who do not conform to gender and heterosexual norms. Sex Work Human Rights Defenders (SWHRDs) undertake a very critical role of advocating for the rights of sex workers amidst serious risks and threats to themselves, their families and the sex work community at large. Like other human rights defenders (HRDs), SWHRDs play a significant role in safeguarding our democracy to ensure that it continues to open more, become pluralistic and promotes the principles of rule of law and good governance.

In view of this, Defenders Coalition and KESWA undertook a research among sex workers community activists from across the country to understand their working environment, their challenges and coping strategies. The project aimed at carrying out mapping of the security concerns for sex worker HRDs and HRDs working on sex worker rights by carrying out one day dialogue sessions with the HRDs drawn from five regions, Nyanza-Western, Nairobi-Central, Rift valley, North Eastern and Coast.

The aim of this exercise was to:

- a) Provide a safe and open platform for experience sharing among HRDs, examining the vital role they play as agents of social change and transformation.
- b) Highlight the security concerns and challenges faced by HRDs in the various regions and to make specific recommendations for commensurate responses.
- c) Develop collective strategies of ensuring the safety and security of HRDs at risk as well as securing the working environment.
- d) Identify existing mechanisms that can be utilized for the protection of human rights defenders.

Throughout the exercise, it was clear that the SWHRDs have organically organized in one way or the other into groups that serve as safeguards as they undertake their work. They meet often and have a mechanism for information sharing, including security threats alerts, arrests and other form of risks that they may encounter. It was evident that the work of SWHRDs and that of sex workers has been highly criminalized. This criminalization has been used as a strategy to delegitimize the human rights struggles and to reduce public support towards them. Subsequently, this has shrunk the space to advance social change and transformation for sex work.

This notwithstanding, the display of tenacity, resolve and hope for a better working environment gives the SWHRDs the morale to keep fighting for the observation and promotion of their human rights. Under the mantra: "we are human too, we have rights" they keep the fire burning. Sex work HRDs have also started to organize themselves to collectively defend their rights and to improve their working and living conditions such as protection and economic empowerment initiatives.

“Extortion by Police officer has become the order of the day. They have very little to do since their survival and business are of essence. In a region such as Kericho, SWs have to part with about Kshs 100 every Wednesday and Saturday as a bribe to security officials. Sometimes, this amount is out of reach for some of them.”

SWHRDS reported many incidents of stigma and discrimination from various segments of the society key among them: the health facilities, churches and at family levels including their places of tenancy. Majority live under constant fear for their lives and have to organize themselves to form a security buffer. The mapping exercise brought to the fore incidents of violence. A case in point was that of Nakuru County where a sex worker was killed. The actual statistics on the number of victims of violence remain unknown, pointing to the need for further research.

The violence meted against the SWs and SWHRDs continues to happen unabated. When the SWHRDs report cases to the necessary authorities, they are met with hostility and offered unsolicited advice on alternative forms of economic survival. As the people at the forefront of promoting the protection of the rights of the SWs, they face the brunt from not only police, but also from the society as well as their own family members. One SW in Nakuru reported of how she bumped into her uncle at night. To her disbelief, their ties were permanently severed henceforth.

From the discussions, the collective strategies that are geared towards the safety and security of the SWHRDs exist but are not adequate to guarantee their overall promotion and protection of rights. While each region seems to have its own way in which they address their security challenges, there is no one fit-for-all strategy that can be pointed out. This is largely due to the dynamic context in which sex work happens and the level of community perceptions as well as the by-laws that are specific in each county. However, in each of the five regions sampled, sex workers and SWHRDs have devised safety and violence response mechanisms that include hot line numbers that are used for reporting, rapid responses, documentations as well as follow up on security and safety concerns.

Some of the strategies employed by the various regions include:

- a) Creating good rapport with police officers that has helped in reducing arbitrary arrests quite significantly and was cited as a good practice since it helps police fight crime using the sex workers networks. The entry point to this cordial relationship is organizing community cleaning exercises in and around the precincts of the police station and undertaking social responsibility to children homes to influence public perceptions about sex workers.
- b) Having in place peer community paralegals in-charge of the Violence Prevention and Response (VPR) and accountable to safety and security hotline numbers regionally.

- c) The five regions stated that they have a set of crisis response teams and response mechanism.
- d) They are part of the county advocacy sub-committees mandated with the task of ensuring that violence is integrated into county advocacy.

Despite the lack of legal framework that is specifically protecting the work of human rights defenders, SWHRDs are able to come together to tackle the dangers they face.

Local mechanisms have been employed and have yielded reprieve, albeit temporarily and thus calls for the need to put in place a human rights defenders protection mechanism in Kenya. For example, when arrested or under attack, the SWHRDs depend on the social networks in form of close friends and/or family members. They come in handy when it comes to posting bail, attending court matters for solidarity, providing safe havens until the threats and risks subside. They keep in touch at an agreed time of the day. Whoever doesn't respond within that period triggers the need to reach out on their whereabouts. The respondents applauded the efforts of the Defenders Coalition in partnering with KESWA for the protection and promotion of SWHRDS rights as well as those of the larger sex workers community.

SWHRDs undertake a very critical role amidst serious risks and threats to themselves, their families and the sex work community at large. They play a significant role in safeguarding our democracy to ensure that it continues to open more, becomes pluralistic and promotes the principle of rule of law and good governance. Surely, they then must be facilitated to undertake this role in an atmosphere that emancipates them to guard the sex workers rights.

While they may have developed coping mechanisms and partnered with other organizations, there is need for adequate protection mechanisms. Kenya is yet to develop a mechanism for human rights defenders. While the 2010 Constitution has a progressive and elaborate Bill of Rights - It is simply not enough to guarantee their protection since they are seen as a criminalized population as outlined in the Penal Code and the Sexual Offences Act. They continue to suffer in the hands of state and non-state actors in form of intimidation, harassment, extortion, threats, violence, and oftentimes, even death. This calls for the necessary and appropriate measures and interventions aimed at protecting and promoting their rights.

RECOMMENDATIONS

1. Every conversation that objectively seeks to promote and protect their rights, must of essence, include them as equal partners in that process.
2. There is need for enhanced capacity in reporting and documentation of violations meted against them. Most SWHRDs do not document the atrocities and when they do, such documentation cannot meet the legal threshold as evidence in court when justice is sought.
3. Deepen the strategy of Health Education through Peer Learning as this was cited as contributing significantly on the capacity of sex worker to demand for usage of condoms.
4. Recruitment of child sex workers has been reported as rampant in most regions. The SWHRDs have brought this to the attention of the relevant authorities. There is need to investigate this matter further in order to take the appropriate action.
5. Defenders Coalition to offer training on: Advocacy, security, SGBV, human rights. Paralegal education; understanding the County By-laws; reporting, monitoring and documentation. Moving forward, the SWHRDs will develop a work plan that will be sent to KESWA in order to coordinate the trainings, with Defenders Coalition.
6. There are inadequate resources to sensitive the community through peer education about the rights of sex workers as people remains a challenge coupled with the vastness of the County. There is need for resources to be availed on this front.
7. There is an urgent need for deepening the sensitization programs for the health practitioners and boba boda community in order to curb the high levels of stigma and violations of rights and harassment that has been witnessed, respectively. This should include proposals for punitive measures for violations of the rights of sex workers.
8. The SWHRDS calls on Defenders Coalition to offer personal and digital security trainings as well assist them to develop a protection mechanism for the SWHRDS at risk.
9. SWHRDs wishes that the Defenders Coalition to puts in place a bail and bond fund to cater for the unique and emerging challenges faced by SWHRDs.
10. It's about time that laws targeting the protection of human rights defenders in line with the UN Declaration for Human Rights Defenders be developed.

1. INTRODUCTION AND BACKGROUND INFORMATION

1.1 About Defenders Coalition

The Defenders Coalition is a national organization incorporated in the Republic of Kenya as a Trust. Its mission is to strengthen the capacity of human rights defenders (HRDs) to work effectively in the country and to reduce their vulnerability to the risk of persecution, through protection, capacity building, and advocacy for a favourable legal and policy environment. Established in 2007, Defenders Coalition is the only national organization that works primarily for the protection of HRDs.

Defenders Coalition has positioned itself as an important player in responding to the challenges and risks faced by HRDs in Kenya. In the past ten years, the Defenders Coalition has demonstrated unwavering commitment to HRDs by ensuring that lives of human rights advocates were safeguarded, their voices are not stifled, and that human rights work is promoted in spite of increased surveillance, vilification, arbitrary arrests, malicious prosecutions, torture, threats to their life and livelihoods. In order to ensure inclusion in its programmes, Defenders Coalition works closely with American Jewish World Service (AJWS) in the implementation of the project **Enhancing the Protection for sexual minority human rights defenders**. Through this project the Defenders Coalition has put in place a number of tailored interventions that respond to the unique needs of SOGIE HRDs and HRDs working on SOGIE rights.

1.2 About KESWA

KESWA is an umbrella body of sex workers led groups and organizations that exists to strengthen the Voices of sex workers and empower their health and Human rights. (Both male, female and transgender sex workers) sex workers living with HIV and sex workers using drugs. KESWA is committed to examining the strengths and weaknesses of international human rights and domestic legal frameworks as they apply to sex work. Our aim is to evaluate the impact of various international and domestic policies and laws on the Human rights of female, male and transgender sex workers and their communities. KESWA is driven by a community vision of pushing for “a Kenyan society that recognizes sex work as work and promotes equal protection of human rights which are the foundational principles of our democratic society” and a mission of having a common voice that “advocates for sex workers health and human rights through advocacy, movement building, organizational development and capacity building.” KESWA is guided by four thematic areas as follows Health; Legal; Capacity building and Community empowerment and Advocacy.

In an effort to broaden its reach to key population HRDs, the Defenders Coalition seeks the continued support of AJWS to facilitate the enhancement of protection for sex worker Human Rights Defenders and HRDs advancing sex worker rights. The proposed activities will take place between 1 November 2018 and 30 March 2019.

Background

Sex workers face high levels of violence, stigma, discrimination and other human-rights violations. The stigma associated with sex work is due to the criminalization of sex work, or due to discrimination based on gender, race, HIV status, drug use or other factors. Most violence against sex workers is a manifestation of gender inequality and discrimination directed at women, or at men and transgender individuals who do not conform to gender and heterosexual norms.

There are several contexts, dynamics and factors that put sex workers at risk of violence from various actors. The antagonistic relationship with police creates a climate of impunity for crimes against sex workers that may lead them to be the targets of violence or of other crimes that may turn violent. Some actors, especially community members, specifically target sex workers to “punish” them in the name of upholding social morals. These include violence from intimate partners and family members, individuals in a position of power, most often health-care providers or landlords, and representatives of the state.

When the duty bearer leads in the violation of rights, it compromises sex workers’ access to justice and police protection and sends a message that such violence is not only acceptable but socially desirable.

In an attempt to mitigate against and respond to such violations, HRDs championing the rights for sex workers and sex worker HRDs have been at the forefront in demanding for accountability and justice. However, their advocacy has not been without risks due to criminalisation of sex work in Kenya. There exist punitive laws against sex work, at national (The Penal Code and the Sexual Offences Act), and at county level (Nairobi General Nuisance By-laws and Mombasa Municipal Council By-Laws) which continue to provide cover for violence and violations against sex workers.

Consequently, the HRDs are faced with numerous risks in the line of their human rights work including physical and verbal assault, extortion, threats, intimidation and in extreme circumstances death. In addition, HRDs extraordinary discrimination, stigma, and other violations because they are perceived to threaten social norms “which are often based on traditional gender stereotypes—associated not only with gender and family, but also with sex and sexuality.

Sex worker HRDs face certain sexualized and gendered types of violations, which may escape scrutiny under traditional rights lens. Often, the form of the attack aims to undermine the validity and credibility of the rights of defenders, such as smear campaigns that portray them as destroyers of family life or traditional values. Despite the toxic environment in which they operate, they have increasingly played a leading role in demanding their space.

In addition, sex worker human rights defenders have become the focus of political and social attacks as their advocacy work elicits scrutiny, for which defenders often pay a price. While the state is the primary perpetrator of human rights violations against sex worker HRDs, private actors, such as community or religious leaders may also abuse their rights. In such cases, State authorities often fail to provide adequate protection for the HRDs and their work against the social forces that threaten them.

2. MAPPING OBJECTIVES AND METHODOLOGY

The project aimed at carrying out a mapping of the security concerns for sex worker HRDs and HRDs working on sex worker rights by carrying out two-day dialogue sessions with the HRDs drawn from five regions, Nyanza-Western, Nairobi, Central-Eastern, Rift valley and Coast.

this exercise aimed at:

- e) Provide a safe and open platform for experience sharing among HRDs, examining the vital role they play as agents of social change and transformation,
- f) Highlight the security concerns and challenges faced by HRDs in the various regions and to make specific recommendations for commensurate responses.
- g) Develop collective strategies of ensuring the safety and security of HRDs at risk as well as securing the working environment.
- h) Identify existing mechanisms that can be utilized for the protection of human rights defenders.

The end result of this exercise was the development of a situational report that has put into perspective the working environment of sex worker HRDs, their security concerns, existing interventions and gaps and recommendations. This report will inform urgent response interventions unique to the specific challenges faced by the sex worker HRDs as well as inform programming in NCHRD-K and partner organisations.

2.1 Methodology

This Mapping Report is a product of information obtained largely through qualitative study in form of Focus Group Discussions (FGDs). The Discussions were held in 5 Regions as aforementioned.

Purposive Sampling was used to select the respondents for the qualitative data collection process. A team of 8-10 Sex Work Human Rights Defenders from the 5 regions were interviewed as guided by the objectives of the mapping exercise. The analysis of this report includes their verbatim responses as indicated in the analysis section. Confidentiality of the information and the respondents was guaranteed and as such, there is no attribution of the respondent by name. Their responses remain anonymous.

3. THE OPERATING ENVIRONMENT FOR SEX WORK HUMAN RIGHTS DEFENDERS

Throughout the world, sex work is stigmatized as taboo, immoral, and dangerous. Violence, stigma, and discrimination against sex workers are common occurrences in African countries. Stigma and discrimination towards sex workers in communities create mistrust, which leads to sex workers being dehumanized. The dehumanization of sex workers underlies the experience of sex workers:

Complaints of victimization, violence, and discrimination are seldom considered by the police, judiciary, lawyers, or magistrates (NSWP, 2017).

In many countries, sex work is illegal as a result of criminal or administrative laws targeting sex workers, their clients, or other people involved in the sex industry. Even where selling sex is not a crime, police frequently arrests sex workers, charging them with offenses like “disturbing the public” or “loitering”¹. This criminalization drives sex workers into hiding, makes it harder for them to access services, and increases their risk of violence. Sex workers’ fear of arrest means they often negotiate with clients in seclusion and lack time to screen them or agree to terms. This makes it harder for sex workers to identify dangerous situations and refuse unwanted services².

3.1. Criminalization of Sex Work

According to a report by Sex Work Europe, sex workers increasingly face laws criminalising all or some aspects of their work, ranging from direct criminalisation through penalisation in accordance with administrative laws to introducing state or municipal by-laws and police practices that arbitrarily target them. As a consequence, sex workers are subjected to police raids, fines, detention, and imprisonment in many countries of the region³



1 'No Turning Back': A Publication of Open Society Foundations.

2 Ibid

3 2005-2015 Reflecting on Ten Years of Sex Workers’ Rights in Europe available at:<http://www.sexworkeurope.org/community-reports/2005-2015-reflecting-ten-years-sex-workers-rights-europe>

Sex work is criminalized not only through prohibitions on selling sexual services, but also through laws that prohibit the solicitation of sex, living off the earnings of sex work, brothel-keeping, or the purchase of sexual services. Vulnerability to violence, extortion, and health risks further undermines the rights of SWs by reducing the freedom of sex workers to negotiate on condom use with clients, organize for fair treatment, and publicly advocate for their rights, criminalization and aggressive policing have been shown to increase sex workers⁴.

Sex workers face a myriad of challenges and human rights violations. They are victims of violence perpetrated by police, their clients as well as wider community members. They face violence such as rape, harassment, emotional abuse, physical violence including assault and battery.

The legal status of sex work is a critical factor defining the extent and patterns of human rights violations, including violence against sex workers. Where sex work is criminalized, violence against sex workers is often not reported or monitored, and legal protection is seldom offered to victims of such violence⁵.

As such, there is urgent need for continued advocacy on decriminalization of sex work. According to the Open Society Foundations (2017), decriminalizing sex work is the best policy for promoting health and human rights for sex workers, their families, and communities. Decriminalization refers to the removal of all criminal and administrative prohibitions and penalties on sex work, including laws targeting clients and brothel owners. Removing criminal prosecution of sex work goes hand-in-hand with recognizing sex work as work and protecting the rights of sex workers through workplace health and safety standards. Decriminalizing sex work allows workers to access financial services like bank accounts and insurance and other financial services. Moreover, decriminalization means sex workers are more likely to live without stigma, social exclusion, and fear of violence⁶.

To effectively protect the health and rights of sex workers, governments must remove all criminal laws regulating sex work, including laws that criminalize the purchase of sex. Systems that maintain criminal penalties for clients who purchase sexual services continue to put sex workers at risk. Rather than ending demand for sex work, penalties on clients forcing sex workers to provide services in clandestine locations, which increases the risk of violence and limits the power of the sex workers in the transaction, should be enforced⁷. When sex work is decriminalized, sex workers are empowered to realize their right to work safely, and to use the justice system to seek redress for abuses and discrimination⁸. Even if sex work is decriminalized, the prostitution of minors and human trafficking can and should remain criminal acts⁹.

4 '10 Reasons to Decriminalize Sex Work'. Publication by the Open Society Foundations

5 UNAIDS Report 2014: Sex Workers: Gap Analysis

6 Open Society Foundations (2017): '10 Reasons for Decriminalization of Sex Work' available at [https:// www.opensocietyfoundations.org/sites/default/files/decriminalize-sex-work-20120713.pdf](https://www.opensocietyfoundations.org/sites/default/files/decriminalize-sex-work-20120713.pdf)

7 Ibid

8 Ibid

9 Ibid

3.2. Violence

Research shows that violence meted against sex workers is rampant and has close correlation with increased risk of acquiring the Human Immuno Virus/Acquired Immuno Deficiency Syndrome (HIV/AIDS) among other Sexually Transmitted Infections (STIs), since it impacts on their ability to seek health services. Gender-based violence and other forms of violence affect all aspects of sex workers' lives. Violence is a human rights violation¹⁰. Violence is often perpetrated by law enforcers, close partners as well as the clients.

A report by the UNAIDS conducted in Kenya and Ethiopia, paints a picture of increased violence against sex workers. In many settings, law enforcement officers themselves are the main perpetrators, making instability and uncertainty the norm for sex workers trying to earn a living. Abusive law enforcement officers, accompanied by violence, extortion, sexual abuse, rape and mandatory testing for HIV and sexually transmitted infections, exacerbate the vulnerability of sex workers¹¹. The report further stipulates that extreme sexual violence, including gang rape and forced unprotected sex, has been documented among male, female and transgender sex workers, including while being arrested and in detention¹².

Violence is also a sanction against those perceived to be non-conforming. Primary male partners use the fact that sex workers have many partners to justify violence toward them. Moreover, the belief those men/women who sell sex deserve to experience violence because they are acting immorally explicitly implies that sex workers deserve abuse.¹³

Female, male and transgender sex workers may face violence because of the stigma associated with sex work, which in most settings is criminalized, or due to discrimination based on gender, race, HIV status, drug use or other factors. Most violence against sex workers is a manifestation of gender inequality and discrimination directed at women, or at men and transgender individuals who do not conform to gender and heterosexual norms, either because of their feminine appearance or the way they express their sexuality¹⁴. Modelling estimates in two different epidemic contexts (Kenya and Ukraine) show that a reduction of approximately 25% in HIV infections among sex workers may be achieved when physical or sexual violence is reduced. More HIV prevention programmes are implementing strategies to address violence against sex workers and protect their human rights as an integral part of HIV prevention, treatment and care. Addressing violence can make it easier for sex workers to access services and make their own choices about their long-term health and welfare¹⁵.

10 The Nexus of Gender and HIV among Sex Workers in Kenya. A report by FHI accessed at: <https://www.fhi360.org/sites/default/files/media/documents/resource-linkages-kenya-sw-gender-analysis-2016.pdf>

11 UNAIDS 2014 Gap Analysis Report visited at http://www.unaids.org/sites/default/files/media_asset/06_Sexworkers.pdf

12 Ibid. 5

13 The Nexus of Gender and HIV among Sex Workers in Kenya. A report by FHI accessed at: <https://www.fhi360.org/sites/default/files/media/documents/resource-linkages-kenya-sw-gender-analysis-2016.pdf>

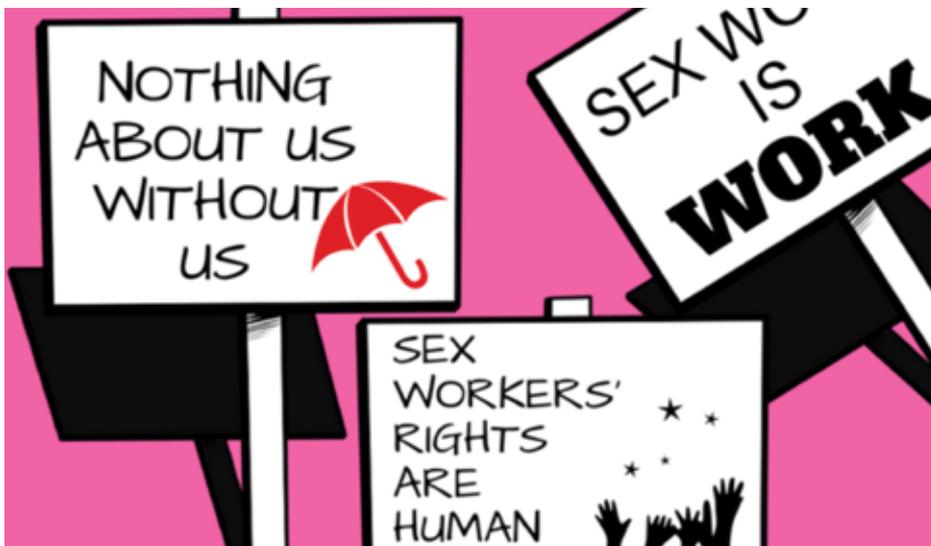
14 Addressing Violence Against Sex Workers (2016) accessed via: https://www.who.int/hiv/pub/sti/sex_worker_implementation/swit_chpt2.pdf

15 Ibid

Despite the abounding challenges, the Sex Work Human Rights Defenders (SWHRDs) have been at the forefront of promoting the sex workers human rights and non-discrimination. They have been advocating for their security, privacy; recognition and equality before the law; due legal process and the highest attainable standard of health; employment, and just and favourable conditions of employment; peaceful assembly and association; freedom from arbitrary arrest and detention, and from cruel and inhumane treatment; and protection from violence¹⁶.

3.3. Stigma and Discrimination

Discrimination towards sex work HRDs is nearly universal. In addition to the criminalization of sex work, entrenched social stigma affects their ability to advocate for their own human rights¹⁷. This has provided opportunities for the emergence of Sex Work Human Rights Defenders who challenge these social normativities. Stigma against sex workers extends to places such as hospitals and health centers and discourages sex workers from seeking necessary health services which inversely causes them to often internalize this deep societal stigma, which can lead to a grinding sense of hopelessness¹⁸.



More often than not, SWHRDs suffer from physical and sexual abuse and seldom are recipients of protection from the state as survivors of gender-based violence. This is so because of the notion that SGBV is part and parcel of sex work and not a crime from which they should be protected and rarely do statistics include instances in which the person at issue is an SWHRD¹⁹.

Far from protecting sex workers from abuse, police are often complicit in the abuse of sex workers through tolerance of routine police abuse and harassment of sex workers.

16 Ibid
17 Sex Work and Human Rights in Africa. Fordham International Law Journal Volume 33, Issue 4 2011 Article 2. Chi Mgbako Laura A. Smith
18 Ibid
19 Ibid

Police often demand exorbitant bribes from sex workers, detain sex workers through arbitrary arrests, and subject sex workers to sexual abuse²⁰.

3.4. Restrictive Legislation against Sex Work

Laws specific to sex work are used to criminalize sex workers, clients and third parties. In addition to the sex work-specific laws that criminalize sex workers; there are a number of other laws, such as the county by laws, which in practice are used to oppress sex workers. They also broadly create conditions of criminalization²¹. According to a study by A. Smith et al (2011), the criminalization of prostitution heightens sex work HRDs vulnerability.

3.4.1 Kenya Penal Code

According to a report by KELIN (2016), the Kenyan Penal Code does not criminalize sex work. However, it criminalizes third parties who live on the earnings of prostitution. The Penal Code defines two types of offences with respect to sex work, namely “living on the earnings of prostitution” and “soliciting or importuning for immoral purposes.” The Penal Code cites offences such as:

- Detention of females for immoral purposes (section 151);
- Male person living on the earnings of prostitution or soliciting (section 153).
- Woman living on earnings of prostitution or aiding, abetting or compelling an individual to engage in sex work (section 154).
- Premises used for prostitution or residing in or frequenting or living in a house wholly or in part on the earnings of prostitution (section 155).
- Running a brothel (section 156)²²

The report further stipulates that, male sex workers can be charged under the following provisions: Unnatural offences – Any person who has carnal knowledge of any person against the order of nature, permits a male person to have carnal knowledge of her against the order of nature (Section 162 b and c) ; and attempts to commit unnatural offences (Section 163) Indecent practices between males (Section 165).

3.4.2 Sexual Offences Act (2006)

Sexual Offences Act SOA) does not specifically criminalize sex work. The SOA aims at protecting persons who may be forced into sex work or may be exploited for prostitution. The SOA makes it an offence to encourage one to be a sex worker or to be in control of the sex worker. (Section 17).

The law criminalizes acts such as child prostitution, which acts include the procuring of, or permitting children under the age of 18 “to be sexually abused, or to participate in any form of sexual activity, or in any obscene or indecent exhibition or show (section 15). The SOA also criminalizes trafficking for sexual exploitation (section 18) and prostitution of persons with mental disabilities (section 19)²³.

20 Id
21 Punitive Laws Affecting Sex Workers, publication by KELIN(2016)
22 Id
23 Punitive Laws Affecting Sex Workers, publication by KELIN(2016)

3.4.3 County By-Laws

Defunct municipal by-laws across the country that refer to sex work differ according to different regions, and tend to be very vague, leaving a large amount of discretion for interpretation. These by laws are utilized by council officers and police officials to arrest sex workers²⁴ .

Nairobi County

Section 19(m) of the Nairobi General Nuisance By-laws (2007) provides that “any person who in any street – loiters or importunes for purposes of prostitution is guilty of an offence.” This law criminalizes loitering for purposes of prostitution, and not prostitution. It is often used by police to arrest sex workers who are seen waiting for clients in public places

Mombasa County

Sections 258 (m) and (n) of the Mombasa County By-laws (2003) state that: Any person who shall in any street or public place- (m) Loiter or importune for the purpose of prostitution (n) Procure or attempt to procure a female or male for the purpose of prostitution or homosexuality ... shall be guilty of an offence. This law criminalizes prostitution and homosexuality.

Kisumu County

Part VIII of the Kisumu County bylaws provide that a person shall not- (m) molest, solicit or importune any person for the purposes of prostitution or loiter on any street or public place for such purposes; or (n) wilfully and indecently expose his person in view of any street or public place; This law criminalizes prostitution and loitering in public places for such purposes. It also criminalizes indecent exposure in a public place.²⁵



24

Ibid

25

Punitive Laws Affecting Sex Workers, publication by KELIN(2016)

4. ENABLING LEGISLATION FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

The role of sex work human rights defenders across the four themes discussed herein and beyond, remains ever critical for the promotion, protection and preservation of human rights for all. As they undertake this work, their lives and that of their families is faced with a lot of threats and intimidation as their work is often criminalized. Most of the SWHRDs are not deterred from undertaking this noble task of advocacy on Human Rights, regardless of paying the ultimate price with their lives. This risk notwithstanding, their resolve and tenacity remains strong as ever in their endeavour to expose the human rights violations in their spaces. It is therefore paramount for the government, as the primary protector, to ensure that their protection is upheld at all times.



4.1 The Legal and Policy Frameworks

The Kenyan state is signatory to several international and regional legal instruments for advancing civil, political, economic, social and cultural rights. The Kenyan constitution has further been hailed as progressive having infused the bill of rights and international treaties into domestic law. As such, there already already exists a legal basis²⁶—through treaties which enshrine the right to free choice of work; the right to be free from arbitrary arrest, detention, discrimination and violence; and the right to free association—upon state and non-state actors should aim to advance sex workers' rights.²⁷

4.2 The Constitution of Kenya 2010

The Constitution of Kenya (CoK) 2010 through its various articles guarantees:

- Art. 27 Guarantees Freedom from Discrimination

26

Sex Work and Human Rights in Africa. Fordham International Law Journal Volume 33, Issue 4 2011 Article 2. Chi Mgbako Laura A. Smith.

27

Ibid

- Art. 29: Guarantees Freedom and Security of the person. It protects persons from: being deprived of freedom arbitrarily or without just cause; detained without trial except in a state of emergency; subjected to any form of violence from either public or private persons; subjected to torture in any manner, whether physical or psychological; subjected to corporal punishment; being treated or punished in a cruel, inhumane or degrading manner
- Art. 31 Guarantees the Right to Privacy
- Art. 43 Guarantees the Highest Attainable Standard of Health
- Art. 47 Guarantees Fair Administrative Action
- Art. 48 Guarantees Access to Justice

4.2 The Health Act No. 12 of 2017

The Act stipulates that the state shall:

- a) Protect, respect, promote and fulfill the health rights of all persons in Kenya to the progressive realization of their right to the highest attainable standard of health, including reproductive health care and the right to emergency medical treatment.
- b) Protect, respect, promote and fulfill the rights of children to basic nutrition and health care services contemplated in Articles 43(1) (c) and 53(1) (c) of the Constitution;
- c) Protect, respect, promote and fulfill the rights of vulnerable groups as defined in Article 21 of the Constitution in all matters regarding health;

The right to free choice of work, and to just and favourable work conditions are fundamental economic rights that are embodied in international human rights law. Article 23(1) of the Universal Declaration of Human Rights (UDHR) clearly enumerates these rights²⁸. CEDAW recognizes “the right to work as an inalienable right of all human beings.”²⁹ Article 6(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) also includes the right to free choice of work³⁰. These rights are violated when states create legal obstacles to prevent individuals from engaging in sex work. Article 9(1) of the International Covenant on Civil and Political Rights (ICCPR) preserves the right to be free from arbitrary arrest and detention.³¹ This fundamental civil and political right is frequently denied to sex workers and SWHRDs. Police use anti-sex work laws to arrest sex workers on an arbitrary basis, oftenly as an instrument of intimidation or extortion and thereby violating the right to liberty encompassed by UDHR article 3 and ICCPR article 9(1).³²

28 Universal Declaration of Human Rights, G.A. Res. 217A, art. 23(1), U.N. GAOR, 3d Sess., 1st plen. Mtg., U.N. Doc. A/810 (Dec. 12, 1948) [hereinafter UDHR] (“Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.”).

29 CEDAW, supra note 148, art. 11(a).

30 International Covenant on Economic, Social and Cultural Rights, art. 6(1), Dec. 16, 1966, S. TREATY DOC. NO. 95-19 (1978), 999 U.N.T.S. 3 [hereinafter ICESCR].

31 International Covenant on Civil and Political Rights, art. 9(1), Dec. 16, 1966, 999 U.N.T.S. 171 [hereinafter ICCPR].

32 Sex Work and Human Rights in Africa. Fordham International Law Journal Volume 33, Issue 4 2011 Article 2. Chi Mgbako Laura A. Smith.

5. FINDINGS AND ANALYSIS

The overall purpose of this project was to enhance the safety for Sex worker HRDs in Kenya. The analysis of this project draws from the qualitative data gathered through Focus Group Discussions (FGDs) themed around the security concerns for sex worker HRDs and HRDs working on sex worker rights. The FGDs were drawn from five regions, Nyanza-Western, Nairobi, Central, Rift valley, North Eastern and Coast.

Below are the findings of the mapping exercise based on the set objectives:-

5.1. Providing a safe and open platform for experience sharing among HRDs, examining the vital role they play as agents of social change and transformation.

Throughout the exercise, it was clear that the SWHRDs are organized into small units that serve as safeguards as they undertake their work. They meet often and have a mechanism for information sharing, including security threats alerts, arrests and other form of risks that they may encounter in the course of their work.

From the discussions held, it was evident that the work of SWHRDs and that of sex workers has been highly criminalized thus using it as a strategy to delegitimize the human rights struggles and to reduce public support towards them. Subsequently, this has shrunk the space to advance social change and transformation for sex work. Nonetheless, the display of tenacity, resolve and hope for a better working environment gives the SWHRDs the morale to keep fighting for the observation and promotion of their human rights, guided by the mantra of "We are human too, We have rights". Sex workers HRDs have started to organize themselves to collectively defend their rights and to improve their working and living conditions through protection and economic empowerment initiatives. One of the respondents noted that:

However, even with the above strategies being employed by the SWHRDs, the politics of morality have been made manifest on so many fronts, thereby affecting deepened levels of engagement due to other factors such as self-stigmatization and the levels of citizenry awareness and perceptions around sex work. citizenry awareness and perceptions around sex work.

"Sex work HRDs have started to organize themselves to collectively defend their rights and to improve their working and living conditions such as protection and economic empowerment initiatives."

Respondent x

“When one has been arrested on the grounds of being drunk and disorderly, it’s not business as usual. We now know our rights. One day i was taken to police cell. The next day i was to be taken to court. The officer asked me to accept the charges. I refused. He told me that I am too bright and I should just sweep the floor and go home. This is important legal information. We have shared this information to our fellow workers”

Respodent XX

Throughout the interview process, stigmatization, threats and violence were key challenges mentioned by most SWHRDs. As such, platforms have been put in place, formally (through forums) and informally (through whatsapp groups) for experience sharing purposes. These media of communication have been reportedly helpful in not only marshalling the necessary support in case of arrests and intimidation, but also forms a critical mass of protection for the sex workers.

In addition activities such as merry-go-rounds for purposes of table banking have proven successful in enhancing the economic capacities of sex workers. Such platforms were pioneered by SWHRDs who are concerned with the economic well-being of their colleagues. In other instances, these platforms serve as points of knowledge sharing and dissemination more so on health education and human rights awareness, and social support structures. Fellow SWs are taught on the legal processes in the event that are arrested, their rights, and health-seeking and promoting behaviours. One respondent had the following to say:-

The SWHRDs stated that limitations abound in terms of knowledge transmission. They expressed a desire to have experts on matters of health and law to work with them through workshops that are geared towards deepening their health and legal knowledge. Further to this, there were calls for capacity development through trainings on other areas other than those aforementioned. This will enable SWHRDs to respond to urgent and emerging medical and legal hurdles and is expressed hereunder:-

“We are kindly requesting the Coalition (read NCHRD-K) to train us on: Advocacy, security, SGBV, human rights; County by-laws, monitoring and documentation. We (SWHRDs) will develop a work plan that will be sent to KESWA in order to coordinate the trainings with NCHRD-K and help strengthen the networks”

Respodent AA

5.1.1 SWHRDS As Agents of Transformation

The SWHRDs in the 5 regions have organized themselves in ways that facilitate the reporting and documentation that has opened up avenues for accessing justice for sex workers who are victims of violence, intimidation, threats and even death. They have solidified their struggle and consolidated their voices. This reportedly has seen a shift, though in small scale, of public perception and attitudinal change in the communities they work in. One respondent, who has been a victim of continued eviction from his rented house as well becoming the topic of the Preacher's sermon on a Sunday morning. The respondent who is an MSM, gathered all his guts and confidence and sought the audience of the Clergy-in-Charge and spoke to him about his sex work. Among the discussion points he made, is that:

'We are all created in the image and the likeness of God. Had there been no sinners, Jesus would not have died. The church exists to embrace all of human race without discrimination.'

The respondent indicated that he continued to have lengthy conversation with the Clergy who later understood him and treated him with respect regardless of the nature of his work. The respondent now serves in the church and has joined the choir.

In certain instances, SWHRDs have collaborated successfully with local police units in bringing down crimes quite significantly. Sex workers interact with a myriad of people including perpetrators of crime and are able to inform the police of crime incidents within their locality.

5.2. Objective 2: Highlights on security concerns and challenges faced by HRDs in the various regions and to make specific recommendations for commensurate responses.

Throughout the field discussions in all of the 6 regions, SWHRDs narrated of the myriad of challenges faced and the security concerns that riddle their daily lives. Below are sampled responses:-

5.2.1 Extortion by Police Officers

- 1) "...Now they (police officers) have asked us to pay Kshs 100 per day per police officer. Every Wednesday, police officers come to pick their share. We have become their merry-go-round" Respondent from Nakuru.
- 2) "Every Wednesday and Saturday, each sex worker has to take Kshs 100 to the OCS for protection". Respondent from Kilifi.
- 3) "Police harassment and extortion from 10pm to midnight. Municipal askaris then take over from about 2am. They arrest them and are only released when they bribe the officers."

Stigma and Discrimination

SWHRDS reported many incidents of stigma and discrimination from various segments of the society key among them: the health facilities, churches and at family levels. Majority lives under constant fear for their lives and have to organize themselves as a security buffer. Below are sampled responses on stigma and discrimination:-

- 1) "I have 39 MSMs who are HIV positive and cannot seek health services due to stigma and discrimination." Lamu Respondent.
- 2) "A lot of times we treat ourselves for the STIs since majority of health officers are Muslims who discriminate us based on sexual orientation and the work we do." Lamu Respondent.
- 3) "Stigmatization and discrimination in health seeking behavior. Is real the health practitioners discriminate on us when we are seeking services such as (post-exposure prophylaxis (PEP) medicines or STI treatments. Stigma at family level, churches, is also rampant. Yet, they serve as our clients most of the time." Respondent from Kisumu.
- 4) "Brutality by the church happened to a sex worker where the church members in the pretext of offering prayers, thoroughly beat her up and broke all the alcohol bottles in her house." Respondent from Mai-Mahiu.
- 5) "Majority of us face stigma, physical abuse and assault almost on daily basis. This has puts us at risk of attacks, hence compromise our security. Majority of us are forced to relocate. Renting houses becomes problematic especially for MSM." Respondent from Nairobi.
- 6) "The doctors and nurses equally stigmatize the MSM and FSW hence interfering with our right to seek health services. This is worse for those presenting STI cases." Lamu Respondent.
- 7) "Evictions from our rented homes. SWHRDs cannot settle in one place for more than 3 months due to stigma from the neighbours. The stigma spills over to the family which causes double stigmatization." Nairobi Respondent.
- 8) "We trans-people face a myriad of challenges from dressing to stigma and discrimination at health services facilities. The attendants do not know how to handle Trans people which turn into a scandal within the facilities. When presenting STIs symptoms, they call each other to come and see. Sometimes we just dress up and leave. Other clients sometimes blackmail us after sex. They threaten to kill us or expose us and even refuse to pay for services rendered." Mombasa Respondent.
- 9) "In Taita Taveta, the HRDs have not come out in open due to fear of stigmatization and discrimination. There is need to reach out to them and heighten their confidence."

5.2.3 Violence including Death

The mapping exercise brought to the fore incidents of increased violence and sometimes, eventual death of sex workers and SWHRDs. There were reports of rape, mob justice through beatings,

- 1) "Harassment of the HRDs for speaking out including verbal and physical abuses. Deaths have been reported to us of a sex worker who was accused of being a member of MRC" Mombasa Respondent.
- 2) "Family interference with investigations of sex workers who have been killed. Family claim the need for privacy and closure. This dampens the SWHRDS to take up death cases for follow up." Nairobi Respondent.
- 3) "Access to services: In the event that an SWHRD is on a rescue mission, we are sometimes beaten up and put in cells. We are forced to mobilize amongst ourselves to raise the bail and bond funds. Their wish is for the Defenders Coalition to put in place a bail and bond fund to cater for these emerging challenges." Kisumu Respondent.
- 4) "A the SWHRDS we are viewed by the police and the community as recruiters of others into sex work. The other day, they invaded their offices and arrested some sex workers. The HRDs had to finance the court processes from our own pockets. There are challenges in reporting since we don't have enough paralegal teams which lead to burn out on the part of the SWHRD in pursuit of the cases." Mombasa Respondent.
- 5) "There are instances of many underage girls (13 and below) are getting into sex work. When asked the reasons behind this, they stated that they do so in search of money to buy sanitary towels. The boda boda guys are reported of in their numbers, are taking advantage of the young girls by raping them. SWHRDS have reported these incidents to the authorities for appropriate action,". Kilifi Respondent.
- 6) "In Malindi, 'the boda boda community has been a challenge. When sex workers are returning home at night, some of the motor bike riders detour and rape the women and dump them in the bushes." Kilifi Respondent.
- 7) "In Naivasha, an SWHRD child was raped by a client. She had no option but to withdraw the case for fear of reprisals considering that the perpetrator was a regular client who is known in the hotspot."

The violence meted against the SW and SWHRDs continues to happen unabated. When the SWHRDs report cases to the necessary authorities, they are met with hostility and offered unsolicited advice on alternative forms of economic survival. As the people at the forefront of promoting the protection of the rights of the SWs, they are harassed not only by police, but also by the society as well as their own family members. One SW in Nakuru reported of how she bumped into her uncle at night, to her disbelief, their ties were severed irreparably from that moment onwards

5.3. Objective 3: Develop collective strategies of ensuring the safety and security of HRDs at risk as well as securing the working environment

From the discussions, the collective strategies that are geared towards the safety and security of the SWHRDs are very minimal. Each region seems to have their own ways in which they address their security challenges. There is one fit-for-all strategy that can be pointed out. This is largely due to the dynamic context in which sex work happens and the level of community perceptions as well as the by-laws that are specific in each county.

Some of the strategies employed by the various regions include inter alia: -

- 1) Creating good rapport with police officers that has helped reducing arbitrary arrests quite significantly and was cited as a good practice since it helps police fight crime using the sex workers networks. The entry point to this cordial relationship is organizing community cleaning exercises in and around the precincts of the police station and undertaking social responsibility to children homes to influence public perceptions about sex workers.
- 2) Pushing for decriminalization of sex work is a continuing agenda and has gained traction in the legal corridors. The fight for decrim asserts that "sex work is a legitimate form of labor in which money is exchanged for a service and that legalization would cast sex work as a viable economic option for women who may face limited economic opportunities and thus decrease the vulnerability of women who enter the trade."
- 3) Sex workers HRDs have started to organize themselves strategically to collectively defend their rights and to improve their working and living conditions through protection and economic empowerment initiatives.
- 4) Creating a database of local HRDS and their contacts and circulating that within the most-frequented clubs (hot spots) for purposes of reporting incidents of violations to sex workers.
- 5) Since violence often occurs as a result of contested payments, the SWHRDS do advise their clients to always secure their payment first before the start of business. This guards them against non-payment or violence on by the clients.
- 6) Kilifi SWHRDs have a relationship with the County Commissioner who comes to their rescue when called upon.
- 7) Mwamko Mpya has been very bold in doing their human rights work in Lamu County. Due to their persistence, they have risen above the existing religious and cultural barriers.
- 8) Building strong social networks within the communities they operate in which provides safeguards as they undertake human rights work.

- 9) Having a strong community of allies such as: Ministry of Health, The Technical Working Group (at national and county level), Pwani GPP, Haki Afrika, Muslims for Human Rights (MUHURI) reach out among others

5.4. Identify existing mechanisms that can be utilized for the protection of human rights defenders

Despite the lack of legal framework that is specifically protecting sex work human rights defenders are able to organize organically to tackle the danger that may face them. Below are sample local mechanisms that are employed and have yielded reprieve, through temporarily and thus calling for the need to have in place, a human rights defenders protection mechanism in Kenya.

- 1) When arrested or under attack, the SWHRDs piggy-ride on the social networks in form of close friends and or family members. They came in handy when it comes to posting bail, attending court matters for solidarity, providing safe havens until the threats and risks subside. They keep in touch at an agreed time of the day. Whoever doesn't respond triggers the need to reach out and find out their status.
- 2) Circulating the contacts of the SWHRDS in the hotspots ensures that if an attack or arrest happens, the bar attendants are able to reach out to the respect HRD to come to their rescue.
- 3) Riding on the good rapport between them and the police officers, they are able to inform them in advance of planned meetings. They sometimes attend the meeting clandestinely. This offers some form of protection in the event that something goes wrong.
- 4) Supportive networks of HRDs such as the Defenders Coalition and the Kenya Sex Workers Alliance (KESWA) have been lauded as critical organizations that always come through in the event that HRDS are facing one form of threat or another.
- 5) Through participating in international and regional forums, SW have intensified lobbying and advocacy in support of the promotion of their human rights and decriminalization of their work. Such platforms include the African Union and the UN Mechanisms like engagements with the Rapporteur for the Human Rights Defenders
- 6) Participating in the Universal Periodic Review where their voices are captured in Defenders Coalition's and KESWA's submissions.

While the above mechanisms are not exhaustive, there is need to explore further on what other organic ways exists that have reduced the threat and risk of SWHRDS in the Counties.

6. SUCCESS STORY

Below is a respondent's sentiment on her plight and how she was able to use that to set precedence in a court of law:-

"I was arrested in Nairobi on the basis of loitering with the intent to prostitute. KESWA supported me in my quest for justice for my colleagues and I. The Police Officers were fond of demanding Kshs 500 from each one of us whenever we got arrested. Some had no money and hence were taken to police cells. Luckily, I had been trained prior by KESWA on advocacy and self-representation. I was arrested and taken to court. I denied the charges and was fined Kshs 1,000. When the case moved to court, the City Askaris began to look for me earnestly. My security was greatly compromised. The case took 9 months since they could prove that I was a sex worker. Nonetheless, carrying a condom, PEP or PreP in my pocket is my right. I thank KESWA and BHesP for their continued support in court attendance and the legal processes. In court, we wore t-shirts dubbed, "Sex Work is Work". In the end, I won the case. This set precedence in Nairobi and SWHRDs can no longer be arrested and charged with loitering with intent to prostitute."

Nairobi Respondent

7. CONCLUSIONS AND RECOMMENDATIONS

The respondents applauded the efforts of the Defenders Coalition in partnering with KESWA for the protection and promotion of SWHRDS rights as well as those of the larger sex workers community.

SWHRDs undertake a very critical role amidst serious risks and threats to themselves, their families and the sex work community at large. They play a significant role in safeguarding our democratic space to ensure that it continues to open more, becomes pluralistic and promotes the principle of rule of law and good governance, in the letter and spirit of the CoK 2010. It is therefore crucial that SWHRDs be facilitated to play their role in an atmosphere that emancipates them to guard the sex workers rights.

While there is appreciation of the coping mechanisms and partnerships formed with other organizations, there is an urgent need for adequate protection mechanisms. Kenya is yet to develop a mechanism for human rights defenders. While the 2010 Constitution has a progressive and elaborate Bill of Rights - It is simply not enough to guarantee their protection. They continue to suffer in the hands of state and non-state actors in form of intimidation, harassment, extortion threats, violence, and often times, even death. This calls for the necessary and appropriate robust measures and interventions that aim at protecting and promoting their rights.

8. RECOMMENDATIONS

1. Every conversation that objectively seeks to promote and protect the rights of Sex Workers must of essence, include them as equal partners in that process (Nothing for us Without us).
2. There is need for enhanced capacity in reporting and documentation of violations meted against them. Most SWHRDs do not document the atrocities and when they do, such documentation cannot meet the legal threshold as evidence in court when justice is sought.
3. Deepen the strategy of Health Education through Peer Learning as this was cited as contributing significantly on the capacity of sex worker to demand for usage of condoms.
4. There is need to investigate the matter of young pregnant school children joining sex work. this was reported in Kilifi County where the SWHRDs have brought this to the attention of the relevant authorities like Children officers and the police who help to take the girls back home. Appropriate action needs to be taken as some of the girls express fear in going back home and often return to the streets.
5. KESWA and Defenders Coalition to offer training on: Advocacy, security, SGBV, and enhance advocacy skills on human rights and the law in Kenya, community peer Paralegal education and refresher courses ; understanding the County By-laws; reporting, monitoring and documentation. Moving forward, the SWHRDs will develop a work plan that will be sent to KESWA in order to coordinate the trainings, with Defenders Coalition.
6. Inadequate resources to sensitize the general public through peer education about the rights of sex workers as human beings has been a hurdle. This challenge, coupled with the vastness of the counties, make it hard for peer educators to criss-cross the entire county. There is need for resource mobilization to this end.
7. Sensitization programs for the health practitioners and boda boda community need to be deepened in order to curb the high levels of stigma and violations of rights, and harassment that has been witnessed. This should include proposals to scrap off punitive measures for violations of the rights of sex workers.
8. The SWHRDS call on Defenders Coalition, in partnership with KESWA, to offer personal and digital security trainings as well as assist them to develop a protection mechanism for the SWHRDS at risk.
9. SWHRDs wishes that the Defenders Coalition to puts in place a bail and bond fund to cater for the unique and emerging challenges faced by SWHRDs.

10. In Taita Taveta, the HRDs have not come out in open due to fear of stigmatization and discrimination. There is need to reach out to them and heighten their confidence. This will enable them to seek the necessary support mechanisms.
11. There is an urgent need to liaise with HRDs in Lamu County to ensure that the rights of their members are upheld through access to health services devoid of discrimination.
12. It's about time that laws targeting the protection of human rights defenders in line with the UN Declaration for Human Rights Defenders be developed.

Defenders Coalition

P.O. Box: 26309-00100, Nairobi

Tel: +254 712 632 390

Email: info@hrccoalition.org

Website: <https://defenderscoalition.org/>

Twitter: @DefendersKE Facebook: Defenders Coalition

KESWA

Membley Estate,

Church Lane off Eastern Bypass,

P.O. Box 16885-00200 Nairobi, Kenya

Tel: +254 (0) 20 5292624/+254 707 225 813