

Report of the Three Day Advocacy Training with Strategic Partners of NEPHAK on the Rights Based Approach with a Focus to the Right to Health

Submitted by Kenya Legal & Ethical Issues Network
on HIV & AIDS

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ABBREVIATIONS

ACHPR	African Charter on Human and people's rights
ARV's	Anti-retrovirals
AAIK	Action Aid International Kenya
CAT	The Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	The Convention on the Elimination of All forms of Discrimination against Women
CERD.	The International Convention on the Elimination of Racial Discrimination
CRC-	The Convention on the Rights of the Child
CRDPWD	The Convention on the Rights and Dignity of Persons with Disabilities
CRMW	The Convention on the Rights of Migrant Workers
FGM	Female genital mutilation
GBV	Gender-based Violence
GIPA	The Paris Principles on Greater involvement of Persons Living with HIV and AIDS
HIV	Human Immuno deficiency Virus
HR	Human resource
HRBAP	Human Rights Based Approach to Programming
ICCPR	The International Covenant on Civil and Political Rights.
ICESCR	The International Covenant on Economic Social and Cultural Rights
IDUs	Intravenous Drug Users
KELIN	Kenya Legal & Ethical Issues Network on HIV and AIDS
MAXFACTA	Maximizing Facts On HIV/AIDS Youth Group
NACC	National Aids Control Council
NEPHAK	National Empowerment Network of People Living with HIV/AIDS in Kenya
NGOs.	Non-governmental Organisations
OVCS	Orphans and Vulnerable Children
PLWHAs.	Persons Living with HIV and AIDS
PMTCT	Prevention of Mother To Child transmission.
RBA	Rights based approach
STI	Sexually Transmitted Infections
TB	Tuberculosis
UDHR	The Universal Declaration on Human Rights
UN.	United Nations.
UNAIDS.	The United Nations Joint Programme on HIV/AIDS
UNGASS	United Nations General Assembly
UNGASS	The United Nations General Assembly
VCT	Voluntary Counselling and Testing
WOFAK	Women Fighting AIDS in Kenya

NEPHAK: Human Rights Based Approach to Programming Training Course Nairobi, Kenya Held on the 12th Day of May to the 14 Day of May, 2010

NAME OF TRAINING INSTITUTION	Kenya Legal & Ethical Issues Network On Hiv & Aids		
COUNTRY/SITE OF TRAINING	Kolping Guest House, Nairobi, Kenya.		
TRAINING	Human rights based approach to hiv programming.		
DATES OF TRAINING	12 th May- 14 th May 2010.		
TOTAL NUMBER OF PARTICIPANTS	MALE	FEMALE	TOTAL
	16	10	26

1.0 EXECUTIVE SUMMARY

Report of the Training of NEPHAK Strategic Partners on the Rights Based Approach

The Kenya Legal and Ethical Issues Network on HIV& AIDS (KELIN) is one of the few organisations in Kenya and East Africa working on legal and human rights issues in relation to health and HIV. KELIN's goal is to undertake advocacy and provide leadership in ensuring an enhanced rights based approach in health and HIV strategies and programmes.

Action AID International Kenya (AAK) is a branch of Action AID International, which is an anti-poverty agency working in over 40 countries taking sides with the poor people to end poverty and injustice together.

AAI Kenya entered into an agreement with KELIN to conduct a three (3) day workshop for NEPHAK member organisations, on human rights and the rights based approach to programming. The workshop was held from 12th – 14th May 2010 at the Kolping guest house, Nairobi, Kenya.

The overall objective of the workshop was to strengthen NEPHAK membership organisations by infusing the human rights approach into its programmes through capacity building of its programme planners and implementers. The member organisations were taken through training on the human rights principles and how to localise them in the process of planning and implementing programmes and also undertaking advocacy under the NEPHAK umbrella. Ms. Catherine Muyeka Mumma, led the KELIN team and was assisted by Mr. Ambrose Rachier and Mr. Allan Maleche

The workshop brought together a number of NEPHAK constituent members as documented in annex I herein. During the three (3) day workshop, participants were trained on key human rights principles, stigma and discrimination, legal and ethical issues on HIV and AIDS, HIV and AIDS and gender issues, HIV & AIDS in the context of vulnerable populations, and the Human Rights Based Approach to Programming (HRBAP). The sessions were facilitated by KELIN. The workshop sessions commenced on the 12th day of May 2010 with introductory remarks from Ms. Mumma who gave an overview of the workshop. She then proceeded with an elaborate introductory session with participants being requested to introduce themselves and the organizations that they represented. Ms. Mumma emphasised the importance of the introductions in this particular instant and requested the participants to give detailed information during introduction. This information, she stated, was important for a clear understanding of the issues involved in a rights based training such as this.

Before the introductions, the chair sought the participants' permission/consent for the filming of the training to ensure proper documentation of the whole process. Participants/trainees had no objection to this.

Thereafter, Ms. Mumma opened up a plenary session with participants where she sought to understand from NEPHAK members what the key mandate of NEPHAK was, and then sought to understand from participants why in their opinion they believed training on a rights based approach was important. She went on to spell out the objectives of the training workshop as follows; Firstly, the programme sought to ensure proper linkage between HIV and Human rights and secondly, the training sought to evaluate the programmes of NEPHAK and its constituents to see how well the HRBAP was being implemented in them.

Mrs Mumma requested for 100% participation, time keeping and encouraged everyone to freely interact and ask as many questions as they could to ensure proper and better understanding of every detail as the training progressed.

Mr. Ambrose Rachier commenced with the first session on introduction to Human Rights. He gave a brief history on the development of the international human rights standards as known today. He then discussed the key principles and concepts related to human rights while allowing participants to join in the discussion. The concepts of universality of rights, human dignity, inherency of rights in the human person, inter- dependence and inter – relations of different rights were discussed. Also discussed at length were the key human rights principles of

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Equality and non- discrimination, participation, accountability, the best interest of the child and inclusion among others.

The international and regional instruments on human rights were then discussed including the international treaty law basic terminologies (Declarations, Treaties, Covenants, Conventions, protocols, signing, ratification, accession, reservations, and derogation among others). A brief discussion of the key human rights instruments and the ones Kenya is party to were discussed. These included the Universal Declaration on Human Rights (UDHR), the International Covenant on Economic Social and Cultural Rights (ICESCR), the International Convention on Civil and Political Rights (ICCPR), International Covenant on Elimination of All Forms of Racial Discrimination (ICERD), Covenant Against Torture (CAT), Convention on Elimination of All forms of Discrimination Against Women (CEDAW), Convention on the Rights of the Child (CRC), Convention on the Rights of Persons with Disability (CRPD) , African Charter on Human and Peoples Rights (ACHPR) and African Charter on the Rights and Welfare of the Child (ACRWC). Also discussed were international declarations, guidelines and pronouncements on HIV. These include UNGASS 2001 and 2006, the UNAIDS guidelines on human rights, GIPA and the Abuja Declaration among others.

Mr. Rachier then took participants through the session on stigma and discrimination in relation to HIV and later in the afternoon, Allan Maleche took the participants through a session on HIV and Gender related rights. This session ended at 1650hrs marking the end of the first day of the training.



Mr. Ambrose Rachier explains the contents of the human rights module to the participants.

On the second day, Mr. Maleche took participants through the legal and ethical issues that are raised by HIV generally and later in the afternoon, he took the participants through the session dealing with issues of Vulnerable Populations. The concept of vulnerability and the underlying causes was discussed in a participatory manner. Participants were led in discussions on the impact of economic, social and cultural violations on people's ability to cope with situations of HIV. Various vulnerable groups were discussed including women, widows in rural cultural settings, OVCs, sex workers and their children, IDUs, the elderly carers, the youth among others. The discussions often drew from the programmatic experiences of the participants. Later in the afternoon Mrs. Mumma conducted a presentation on HRBAP. She refreshed the participants on the Human Rights principles earlier discussed and then proceeded to explain the process of causality and power analysis. This presentation marked the end of training on day two at 1700hrs.

On day three, Ms. Mumma did a presentation on NEPHAK's understanding of the human rights based approach

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to programming. She basically revisited some of the key issues and principles discussed in the previous session on human rights based approach to programming. The participants were then given one theoretical case study touching on the right to health, right to education, right to work and the right relating to inheritance and ownership of property. Participants were to interpret the problematic situations in the case study to develop programmes for addressing the identified problems using RBA. Participants presented their group work in plenary and were able to audit each others approaches on the basis of the RBA.



Caption two of photo Mrs. Mumma listens to the participants comments during the Rights Based Approached session.

Finally, NEPHAK leaders facilitated the last session of the three day training where practical application of the Human Rights Approach to Programming, preparation of Action Plans on Advocacy for the right to health and presentation of Plan of Action, Challenges and Prospects was the main theme. This session also discussed the way forward and evaluation of the course undertaken.

The day's session ended at 1630hrs with concluding remarks from Chairman of NEPHAK.

2.0 SUMMARY OF WORKSHOP SESSIONS

The following is a summary of the workshop sessions.

2.1 SESSION I: ICE BREAKING

The training officially commenced on 12th May 2010 with introductory remarks from Ms. Catherine Mumma, the lead consultant from KELIN. She thereafter requested the participants to introduce themselves and mention area of operation and the nature of activities they were undertaking for a clearer understanding of the issues involved in rights based training such as this.

Ms. Mumma then explained to the participants the course content of the training, the objectives of the training, the duration and the methodology that was to be adopted by the trainers. The objectives of the training were as follows:

Introduce/clarify basic human rights concepts;

- Enable an understanding of the link between Human rights and HIV;
- Understand and articulate gender and gender related concepts
- Understand the general legal and ethical issues raised by HIV and also specific to certain vulnerable populations, women, sexworkers and children
- Introduce and begin localising the Human Rights Approach to Programming within the specific context of the programmes of member organisations of NEPHAK.

2.2 SESSION II: INTRODUCTION TO HUMAN RIGHTS

This presentation was made by Mr. Ambrose Rachier. The aim of this session was to acquaint the participants with the general understanding of Human Rights, the principles relating to rights and the international and national frameworks on human rights. The session specifically discussed the following aspects of human rights: The meaning; characteristics; general principles; underlying principles; history; international and regional human rights regime; how international human rights norms are created and myths about human rights. The session further enabled the participants to articulate the specific rights relating to their area of work and understand the link between the thematic areas they were focusing on and Human Rights.



2.3 SESSION III: STIGMA & DISCRIMINATION IN THE CONTEXT OF HIV

The presentation made during this session by Mr. Rachier helped to impart on the participants knowledge on issues of stigma and discrimination in the context of HIV and AIDS and further to visualise the effect and impact of stigma and discrimination on HIV and AIDS treatment and prevention. The presentation elaborately dealt with definition of the term

stigma and the form and type of stigma that exist. The presentation further gave guidelines on what considerations members organisations should undertake when advocating for the right to health in the context of HIV and in light of stigma and discrimination. There was extensive reference to the *Midwa V Midwa Case No. 197/2000 [EALR] EA453 (CAK)* to illustrate the manifestation of stigma and discrimination faced by PLWHA.

2.4 SESSION IV: HIV & GENDER RELATED RIGHTS

The presentation made by Mr. Maleche. This session addressed gender and the gender related principles. It is also addressed the increasing feminisation of the HIV and AIDS epidemic due to the gender gap between men and women. The presentation articulated gender and gender related concepts and further helped the participant appreciate the issues of access and control in relation to the gender roles.

2.5 SESSION V: LEGAL & ETHICAL ISSUES IN THE CONTEXT OF HIV; VULNERABLE POPULATIONS IN THE CONTEXT OF HIV AND AIDS

This session was also facilitated by Mr. Maleche and it basically encompassed the legal and ethical aspects of HIV and AIDS focusing on testing for HIV and the place of confidentiality of HIV results in various fields of life such as medical practice, in the family and at the work place. It also addressed legal issues raised by biomedical research, gender issues, and criminal law. The session outlined useful questions that programme officers should consider when developing programmes that address the legal and ethical issues raised by HIV and AIDS.

This session was also briefly devoted to HIV and AIDS in the context of vulnerable populations with a specific focus to women, sex workers and children, given that these are the vulnerable groups that NEPHAK members work with. Women because of their perceived inferior status in society, children because of their legal incapacity, and Sexworkers, who are perceived as an illegal group in Kenya.

2.6 SESSION VI: THE HUMAN RIGHTS APPROACH TO PROGRAMMING

The aim of this session was to give capacity to the NEPHAK programme officers on the human rights based approach to programming. The session clearly articulated the key principles of this model, and the central procedures that are pertinent to it. Elaborately discussing the causality and power analysis concept, that are pertinent to the human rights process.

2.8 SESSION VII: NEPHAK'S UNDERSTANDING OF THE HUMAN RIGHTS APPROACH TO PROGRAMMING.

The aim of this session was to enable the participants, by way of case studies, to conceptualise and apply the concepts of the HRBAP they had learnt. This was achieved by dividing the participants into three groups, based on their main thematic areas and requiring them to conduct a causality analysis of the case studies availed to them. (The findings of the groups are attached hereto as appendix III).

2.9 SESSION VIII: PRACTICAL APPLICATION OF THE HUMAN RIGHTS APPROACH TO PROGRAMMING, PREPARATION OF ACTION PLANS ON ADVOCACY FOR THE RIGHT TO HEALTH.

This session was mainly dedicated to the Nephak leadership to put the issues affecting them into perspective in order to help

understand the way forward. The chairman of Nephak identified the challenges affecting NEPHAK as including;

- Inconsistent ARV supply (stockouts)
- The lives of PLWHA still being linked to organizations e.g. global fund, MSF e.t.c
- The government's involvement in the provision of ARV's is very minimal if not at all
- Poor domestic funding for treatment
- Certain sections of the HIV/AIDS prevention and control Act, 2006 are yet to be operationalised
- The HIV tribunal is yet to start its operations due to poor funding

2.10 SESSION IX: WAY FORWARD

From the problems identified in session VIII above, a number of recommendations and/or suggestions were made for action. With regard to the tribunal the NEPHAK secretariat agreed to draft a letter with the assistance of Nick were to be forwarded to the Hon. the Attorney General by the 17th of May 2010 to hasten the operationalisation of the tribunal.

James was mandated to initiate the process of marshalling support to ensure achievement of universal access to testing for prevention, care and support which would be spearheaded by NEPHAK. The location remained to be advised. The key issues identified as of priority to the process included;

- a/ universal counselling & testing for treatment
- b/ provision of treatment including for opportunistic infections, drugs
- c/ Access to quality lab services

As agreed at the Silver Springs meeting, there was need to go to the grassroots to find out the reason why there are stockouts to facilitate evidence based advocacy. Participants were urged to attend meetings with government to advocate for issues affecting PLWHA in the 2010/11 budget with emphasis on treatment.

It was also agreed that there was need for advocacy on testing not only for epidemiology purposes but also for treatment purposes. Nephak was also urged to engage political leaders on issues affecting PLWHA to ensure leaders commit on issues of health and develop a manifesto to be included in political parties' manifestos.

KELIN offered to forward HIV related cases to the HIV tribunal as and when they would be forwarded to them.

3.0 TRAINING METHODOLOGY

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The participants received maximum opportunity for learning through a participatory learning process including structured presentations, case studies and group work. The presentations were made through PowerPoint, flipcharts and handouts.

For efficient delivery and to make the presentations participatory, the consultants decided to assess and determine the level of understanding of the participants before anchoring the training on every module. In this way, it was possible to assess and determine the level of understanding of the participants before anchoring the training on each module.

At the end of the third day, a final course evaluation tool was administered to indicate participants' thoughts on the course content and process and how useful they found the training including the challenges they had encountered. The facilitators also made time to discuss with individual participants issues that required further clarifications.



Mr. Davis Njunga, Joseph Munyi, both board members of NEPHAK, and Nick Were of NETAM follow proceedings of the workshop.

4.0 COURSE EVALUATION

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Options for narrative comments on the most useful and least useful features of the sessions and the overall course were requested. The following are the key comments that were picked from these evaluations:

- Participants were given the opportunity to actively participate in and be part of the programme.
- The facilitators were highly experienced, committed and knowledgeable in the areas of training and HIV matters in general.
- Participants were taken through the HIV Act and a number of international legal instruments which are ordinarily not within their reach.
- The case studies were very practical and helped participants understand the issues much better
- The training on the HRBAP would help them in improving their programmes
- The course duration was very short. It should be enhanced next time for a much more comprehensive coverage
- The location was inconvenient especially for time keeping purposes.
- The training was done in the assumption that all participants were lawyers

ANNEX I: TIMETABLE

HUMAN RIGHTS BASED APPROACH TO PROGRAMMING: THEORY AND PRACTICE TRAINING WORKSHOP FOR NEPHAK LEADERS

12th MAY – 14th MAY 2010

Objectives

- Introduce/clarify basic human rights concepts;
- Enable an understanding of the link between Human rights and HIV;
- Understand and articulate gender and gender related concepts
- Understand the general legal and ethical issues raised by HIV and also specific to certain vulnerable populations, women, sexworkers and children
- Introduce and begin localising the Human Rights Approach to Programming within the specific context of advocating for the right to health by the leaders.

PROGRAMME

Date	Time	Session	Facilitator
12/05/2010	8:30-9:00 a.m.	Registration	KELIN
12/05/2010	9:00-10:30 a.m.	Session I: Ice-breaking	Co-facilitators
		Welcome remarks	AAIK, KELIN and PHAK
		Participants' introductions (name, title, focus, beneficiaries, key expectation)	Mrs. Catherine Mumma
		Interface between expectations and objectives; confirming workshop norms	Mrs. Catherine Mumma
	10:30-11:00 a.m.	Health break	
	11-00 a.m.-1:00 p.m.	Session II: Introduction to human rights (meaning; characteristics; general principles; underlying principles; history; international and regional human rights regime; human rights abuses and violations; how international human rights norms are created; International Instruments Relevant to HIV)	Mr. Ambrose Rachier
	1:00-2:00 p.m.	Lunch break	
	2:00- 3:30pm	Session III : Stigma & Discrimination (Definition of Stigma, meaning of stigma, main causes of stigma, effect of stigma on HIV programmes	Mr. Ambrose Rachier

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	3;30 -4;30 p.m.	Session IV: HIV and Gender Related Rights (Definition of Gender and related concepts, Gender Disparities, Gender Discrimination for development	Mr. Allan Maleche
	4;30- 4;45	Evaluation	KELIN
	4;45 – 5-30pm	Health Break	KELIN
13/05/2010	9:00-10:30 a.m.	Session V: Legal and Ethical Issues in HIV & AIDS Generally. (Human reactions to HIV & AIDS, Legal issues of testing, confidentiality, gender issues, biomedical research, criminal law and HIV)	Mr. Allan Maleche
	10:30-11:00 a.m.	Health break	
	11:00 a.m.-1:00 p.m.	Session VI: Vulnerable Populations in the context of HIV & AIDS Women, Sexworkers & Children	Mr. Allan Maleche
	1:00-2:00 p.m.	Lunch break	
	2:00-5:00 p.m.	Session (VII) Introducing the Human Rights Approach to Programming	Mrs. Catherine Muyeka Mumma
		Health break	
		Evaluation of the day	
14/05/2010	9:00 a.m.-10:30 p.m.	Session (VIII): NEPHAKs understanding of the Human Rights Approach to Programming (revisiting key human rights principles used in programming; steps; power analysis)	NEPHAK
		Health break	
	11;00am – 1;00pm	Session (IX): Operationalising the concepts (group activities)	
	1:00-2:00	Lunch break	
	2:00-3:30 p.m.	Session (X): Session : Practical application of the Human Rights Approach to Programming Preparation of Action Plans on Advocacy for the right to health)	Co-facilitators
	3;00pm- 4;30pm	Session (XI): Presentation of Plan of Action Challenges and Prospects; way forward	
	4;30 – 4;45pm	Evaluation of the day and the whole course	
	4;45 to 5;00pm	Closing Remarks AAIK; KELIN & NEPHAK	

ANNEX II LIST OF PARTICIPANTS

The Rights Based Approach Training

12th -14th May 2010, Nairobi, Kenya

Participant List, Day One -12th May 2010

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