

CURRICULUM VITAE

ERIC MAWIRA GITARI

ACADEMIC AND PROFESSIONAL QUALIFICATIONS

Aug. 2018- Present	Harvard University	Doctor of Juridical Science (SJD) Candidate
May 2018 to July 2018	Harvard Law School	Summer Academic Fellow
Aug. 2017 to May 2018	Harvard University	Master's in Law (LL.M degree waived upon entry into the SJD program)
Sept. 2003 to June 2007	University of Nairobi	Bachelor of Laws degree (LLB)
Jan. 1998- Dec. 2001	Chogoria Boys High School	Kenya Certificate of Secondary Education

WORK EXPERIENCE

August 2022 to May 2023

Graduate Student Affiliate, Weatherhead Center for International Affairs- Harvard University

- Awarded the Harvard University Weatherhead Center for International Affairs Dissertation Writing Grant on recognition of my academic merit.
- The award enabled me to focus on writing my doctoral dissertation without the burden of teaching or other university employment.
- This academic award improved my research, writing and public speaking skills through attending seminars, special speaker events, conferences, and workshops that overlapped with my research interests.

June 2022 to September 2022

Summer Public Interest Fellow, Equality Triangle-Nigeria

- Facilitated international human rights training workshops for LGBTIQ community leaders from the Delta State in Nigeria
- Trained LGBTIQ activists on advocacy mechanisms at the African Commission on Human and Peoples Rights
- Drafted a paralegal resource guide for the LGBTIQ community in Nigeria.

December 2021 to April 2022

Litigation Consultant, HIVOS East Africa

- Led and coordinated efforts to drive national efforts towards the decriminalization of homosexuality and the protection of the freedom of association for LGBTIQ+ communities in Kenya.
- Delivered case management on two pending appeals in the courts in Nairobi that challenged: (1) the State's refusal to register LGBTIQ+ organizations (Supreme Court petition number 16 of 2019), and; (2) the constitutionality of sections 162 (a & c) and 165 of the Penal Code which criminalize private consensual homosexual sexual conduct between adults in Kenya. (Civil appeal number 536 of 2019).
- Provided progress on the two pending appeal cases and steered case coordination mechanisms as well as advocacy strategies by the LGBTIQ+ community and their respective lawyers.
- Researched and gathered feedback on the impact of litigation on LGBTIQ+ equality in Kenya through consultations with the LGBTIQ+ community and lawyers involved in the two cases as a backdrop to guide next steps and future work.

August 2021 to May 2022

Writing Advisor, Harvard Law School, LL.M program

- Assisted international LL.M students develop their research questions and proposals for their LL.M thesis.
- Taught and mentored LL.M students on the art and discipline of writing.
- Supported and guided students from the inception of their writing ideas to completion.
- Participated in building a vibrant research and rigorous scholarship culture at Harvard University.
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June 2021 to Sept 2021

Summer Public Interest Fellow, The Eagles for Life -Kenya

- Offered *pro bono* legal aid services to LGBTIQ individuals and groups in Kisii and Nyamira counties in rural Kenya.
- Supported the institutional growth in conjunction with the Executive Director.
- Drafted police training manual on human rights needs and challenges for LGBTIQ persons in Kisii and Nyamira counties Kenya.
- Drafted a health workers human rights training manual on LGBTIQ persons health needs by LGBTIQ persons in Kisii and Nyamira counties Kenya.
- Researched on acquiring observer status at the African Commission on Human and Peoples Rights (ACHPR) for the Eagles for Life, Kenya.
- Assisted in drafting and editing the final report on the human rights conditions of LGBTIQ persons in Kenya to the ACHPR.

Sept 2019 to May 2020

Research Assistant, UN Independent Expert on Sexual Orientation and Gender Identity

- Researched on conversion therapy as it relates to the freedom from torture, inhumane, cruel and degrading treatment under International Human Rights Law.
- Assisted in framing issues and global patterns within the conversation therapy report.
- Drafted the report that was eventually submitted to the United Nations General Assembly by the mandate holder.
- Held consultative meetings with international stakeholders in the conversation therapy in Harvard Law School in Feb 2020.
- Organized follow up meetings with stakeholders and other research team members.

June 2019 to August 2019

International Public Service (Chayes) Fellow, Office of the High Commissioner for Human Rights (OHCHR) Dakar

- Assisted in documentation and writing reports on violations of the human rights of LGBTIQ persons in Senegal and the Gambia with a view to submit them to the Special Procedure.
- Supported the Gambian LGBTIQ community to engage with the newly created National Human Rights Commission on issues facing the LGBTIQ community in the Gambia.
- Conducted Human rights training and advising of activists from Senegal and the Gambia on use of domestic, regional and international mechanisms to realize equality for all including LGBTIQ persons.
- Supported the LGBTIQ community in Senegal and the Gambia to engage with the African commission on Human and Peoples Rights through data collection.
- Connected the Gambian LGBTIQ movement with the larger African LGBTIQ movement.
- Organized meetings with media professionals in the Gambia on media sexuality and gender in The Gambia.

February 2019 to June 2019

Consultant, Human Dignity Trust (London)

- Researched and drafted a report detailing the nature of hate crimes against the LGBT community in 54 British Commonwealth countries. The review and analysis provided:
 - An overview of the different political, social, cultural, religious and economic contexts in which violent crimes against the LGBT community are conceived and perpetrated across the British Commonwealth.
 - A comprehensive review of the nature, scope and extent of violent crimes committed against the LGBT community across the Commonwealth, with a dis-aggregated analysis of each constituent sub-group i.e. lesbian, gay, bisexual and trans communities, including the different categories of perpetrators of such crimes;
 - Case study examples of the range of violent crimes committed against different sub-groups within the LGBT community across the British Commonwealth.
 - An analysis of the personal, familial and social impacts of violent crimes against LGBT people in the Commonwealth, including secondary research on personal testimonies of survivors of violence and their families or communities.

August 2018 to June 2019

LL.M. Advisor, Harvard Law School

- Provided individualized course counseling and take part in informational sessions with LL.M students throughout the year.
- Held regular gatherings (at least once each term) for 15 LL.M students.
- Checked in and meet with advisees throughout the academic year (providing feedback to the Graduate Program where appropriate)
- Provided academic and other guidance to LL.M. students as needed.
- Hosted regular walk-in sessions for LL.M students.
- Stayed on call for LL.M students during all registration and exam periods.

September 2012 to August 2018

Executive Director, National Gay and Lesbian Human Rights Commission (NGLHRC) Nairobi

- Led in program and staff administration and supervision and accountability, including in strategic decision making around strategic litigation choices and approaches. Notable litigation achievements that I have led include victory from the constitutional court regarding registration of NGLHRC (freedom of association), appeal against use of anal examinations to prove sexual orientation and the ongoing court challenge seeking to decriminalize consensual adult private same sex intimate expressions.
- Steered organizational representation and communication to partners, government institutions and public authorities, and relationship building and linkages with CSO actors.
- Maintained quality assurance and quality improvement to ensure efficient and satisfactory service delivery, legal representation and support.
- Directed year planning, including creation of key result areas, recommending program and staff responsibilities and program and staff performance indicators.
- Monitored and evaluated program performance, and documentation of and reporting on program interventions.
- Nurtured relations and linkages with LGBTI CSO partners towards increased community engagement and involvement in legal and political reform.

August 2012 to 2015

Country Research Coordinator- Envisioning Global LGBT Human Rights- University of York, Canada

- My duties involved research and analysis of the criminalization of LGBT people in British Commonwealth countries, resistance efforts to criminalization, programs to advance LGBT rights globally, asylum issues affecting LGBT peoples in Canada, and the interaction between International Human Rights Mechanisms and LGBT rights initiatives in domestic legal systems of British Commonwealth Countries.
- The research also involved a critical analysis of neoliberalism and the imposition of normalized heterosexuality and minoritized homosexuality on indigenous forms of same-gender eroticism and gender identities in Kenya.

September- November 2013

Research Assistant, Futures Group, Nairobi

- This was a consultancy research project which involved data collection on health policies and laws that touch on men who have sex with men, Injecting Drug Users (IDU) and sex workers in Kenya.

January 2011 to August 2012

Program Manager, Hebrew Immigrant Aid Society (HIAS), Nairobi

- Managed the sexual and gender-based persecution program whose core focus was protecting and resettling LGBTI refugees and asylum seekers from the great lakes' region and the horn of Africa from Kenya to safer third countries.
- Worked with the Country Director to implement new operational policies in HIAS including offering Program support for the UNHCR regional hub and country office on best practices in serving LGBTI refugees.
- Liaised with national and international agencies and donors to expand HIAS' programming by responding to proposals and/or securing grants and sub-grants.
- Contributed to HIAS' proposals in conjunction with the Country Director including assessment, program design, logical frameworks and budgets.
- Enhanced the capacity of existing partners using a strategic approach to training and development of LGBTI friendly policies in refugee work.
- Managed and supervised program officers, and interns.
- Ensured accurate receipt tracking and timely submission of reports to HIAS head office in Washington
Communicate with HIAS' finance department to further finance policies and ensure the accurate and responsible use and tracking of funds.
- Ensured all donor, program and finance reporting is submitted in a timely manner.

May 2010 to December 2010

Program Associate, Kenya Human Rights Commission (KHRC), Nairobi

- Conceptualized, implemented and monitored work on equality and non-discrimination (including through research) with respect to LGBTI communities and advocacy around human rights of LGBTI persons and groups at the domestic and continental level.
- Conducted research, fact finding, urgent action and protection missions of LGBTI persons within Kenya.
- Advised and capacity built and guided programs implementation at the Gay and Lesbian Coalition of Kenya (GALCK).
- Led in advocacy for sexuality and gender mainstreaming of all programs of the KHRC.

August 2008 to April 2010

Programs Associate, Center for Rights Education & Awareness (CREAW), Kibera, Nairobi

- Supported the organization in Internal and external capacity development of Gender-Based Violence, Reproductive Health, and LGBTI programs.
- Developed new program opportunities and concepts in Gender, Sexuality and Human Rights.
- Established and sustained partnerships with relevant stakeholders and strengthen existing ones.
- Initiated lobbying and advocating for constitutional and other legal reforms on issues affecting women and formulated laws practices and policies to eliminate all forms of discrimination against women and all institutions, practices and customs that are detrimental to their dignity.

July 2007 to April 2008

Legal Assistant, Mboya and Wangong'u Advocates

- Assisted in development and implementation of transaction methodology, attending board, shareholders and management meetings to assist in explaining and elaborating on various structures and documents and advise on compliance.
- Assisted in drafting, reviewing and advising on various agreements, share sale and purchases agreements, shareholders' agreements, board and shareholders' resolutions, legal due diligence reports, legal opinions, share subscription agreements, service agreements, employment contracts, land transfers, leases, assignments and agreements for sale, and bid documentation.

Dec 2005 to June 2007 (Part Time)

Research Assistant, Institute for Development Studies-University of Nairobi

- Developed curriculum-based research hypothesis, methodologies and research tools for research projects and conducting interviews, discussions and administering questionnaires to students.
- Researched on higher education policies in Kenya with specific reference to curriculum relevance in the University of Nairobi.
- Researched and drafted a report titled "Drifting towards the market: Students exposure to the world of work at the University of Nairobi:" The report led to the formulation of a policy paper on integration of practical learning and industrial attachment into the higher education curriculum in Kenya. This report was also selected for publication in the 2008 Institute of Development Studies Journal.

August 2006 to March 2007 (Part Time)

Programs Assistant, Center for Rights Education and Awareness (CREAW)

- Assisted in administering questionnaires, conducting interviews and discussions on a research survey on sexuality rights awareness among law students at the University of Nairobi.
- Assisted in the implementation of the Civic Education, Gender and Governance Program.
- Facilitated Legal clinics, conducted civic education and civic educators training workshops.

May 2006 to June 2007

Managing Editor, University of Nairobi Law Journal

- This is a scholarly publication of the School of Law, University of Nairobi. My responsibilities included coordinating the running of the journal by the student editorial board, calling for papers from scholars, organizing research symposiums and paper presentation, financial administration, liaising with the consulting editors, editing articles, and overseeing all editorial board departments such as the research, production and sales departments. This inculcated in me teamwork, interpersonal and organizational skills.
- **Notable achievements** during my tenure include launching the e-journal version, shipping bulk copies of the journal to the congress library at Washington DC, stocking all High Court Libraries across Kenya with the journal and distributing the journal to all Law Faculties within the East Africa Community.

August 2009 to Dec 2010 (Part Time),

Writer, Standard Newspapers, Nairobi

- Contributed to the news and magazines print section of the Standard Newspaper with travelogues and human-interest stories.
- Engaged in freelance news reporting to the print newsroom.

May 2008 to Dec 2010

Teacher , Kabete Approved School (National Juvenile Prison and Rehabilitation Center) Nairobi

- Taught English, Social Studies and Science to class 5, 6, 7 and 8.
- Coached basketball, debating, drama and general life skills.
- Offered correctional guidance, counseling and mentorship to the students.

June 2005 to Dec 2007

Script Developer and Director, Go Out and Make a Difference (GOMAD) Theatre Group Nairobi

- Developed social justice themed scripts, casted and produced them.
- Took leading roles in various productions and poetry recitals.
- Facilitated the coming up of the group's strategic plan for 2005-2007

June 2002 to September 2003

Teacher, Kiang'onde Secondary School, Tharaka Nithi County

- Taught and examined form 3 and 4 in English and Chemistry.
- Started and patroned the school's Debating and Wildlife clubs.

RESPONSIBILITIES AND MEMBERSHIPS

- Committee member of the International Bar Association (IBA)
- Co-founder, National Gay and Lesbian Human Rights Commission
- Panel Member, Gay and Lesbian Coalition of Kenya, Decriminalization Panel
- Member, Nairobi Cyclists Club

ACHIEVEMENTS

Sept 2016- Filed an appeal against use of forced anal examinations to prove sexual orientation in Kenya after our legal aid clients were subjected to the same in a case where they are charged with consensual carnal knowledge against the order of nature.

April 2016- Filed a petition to strike down sections 162 (a), (c), 163 and 165 of the Penal Code of Kenya which criminalize carnal knowledge against the order of nature.

February 2016- Won a criminal case against the state where along 16 others we had been charged with taking part in a riot after we held a demonstration and brought live pigs into parliament to illustrate the greed of our legislators.

September 2015- Filed a petition in the High Court of Mombasa against use of forced anal examinations to prove sexual orientation in Kenya after our legal aid clients were subjected to the same in a case where they are charged with consensual carnal knowledge against the order of nature. We lost this case and appealed.

August 2014 -October 2015- Led a campaign against a proposed Kenya Anti Homosexuality Bill including holding live TV debates with the drafter of the Bill and the leader of the anti-gay parliamentary caucus in the Kenyan parliament. The Bill was eventually defeated.

2010- May 2014- Jointly with other pan African activists we Successfully lobbied the African Commission on Human and Peoples Rights to pass a resolution condemning violence on grounds of real or perceived sexual orientation and gender identity. The resolution passed.

Feb 2014 - Participated in the drafting of constitutional arguments against the Uganda Anti Homosexuality Act. The constitutional court eventually struck down this law.

Feb 2014- Started a picketing campaign outside the High Commissions of Uganda and Nigeria in Nairobi to protest the enactment of ant gay laws in those countries. Anti-riot Police eventually dispersed us.

Sept. 2013 – Filed a petition at the Constitutional Court in Nairobi (*Eric Gitari Vs AG*) seeking remedies against the government’s refusal to register the National Gay and Lesbian Human Rights Commission. Judgment was in our favor.

Dec. 2012- Jointly founded the National Gay and Lesbian Human Rights Commission and launched it with a public cocktail at City Hall, Nairobi.

May 2011 - Launched Kenya’s shadow research report on the human rights status of LGBTI persons in Kenya which report I researched and compiled whilst working as an LGBTI associate with the Kenya Human Rights Commission.

May 2010 - Chaired and organized Kenya’s first public celebration of the International Day against Homophobia (IDAHO) at the National Museum as the LGBTI program associate under the Kenya Human Rights Commission.

March 2007 - Rated in the Dean’s List among the best 10 students out of approx. 420 students for academic excellence in University of Nairobi, School of Law, graduating class of 2007.

August 2005 - Successfully launched the Justice Professor J.B Ojwang Research Award as a founding member of the steering committee of the research award.

PUBLISHED WORK

- The Involvement of LGBTIQ persons in Kenya’s constitutional transition; Reflections and lessons, IDEA 2015.
- Liberation is Within Reach, Keep Walking, ILGA State Sponsored Homophobia, 2013 Edition.
- ‘The Outlawed Amongst Us’ A country wide report on the human rights status of LGBTI persons in Kenya, Kenya Human Rights Commission, 2011
- You Are Not Gay Enough; Proving Sexual Orientation and Gender Identity within the Asylum Regime; the Credibility Challenge in Varying Cultural Expressions of Sexuality and Gender. University of Amsterdam (VU) Faculty of law, September 2011.
- The Place of LGBTI in Human Rights Practice, Teaching and Defense in Africa. Paper presented at the Africa Same Sex Sexuality conference in Pretoria, February 2011.
- The asylum regime for LGBTI refugees in East Africa. Delivered at the 13th conference of the International Association for Studies in Forced Migration (IASFM) held in Kampala, Uganda, July 3-6. 2011.
- As If Peoples Mattered; A Critical Appraisal of Minority Rights from an International Perspective and Beyond’ University of Nairobi Law Journal Vol 2 Issue 1, 2005.
- Drifting Towards the Market: Students Exposure to the World of Work at the University of Nairobi- Institute for Development Studies (IDS) (2008).

- LLB Dissertation 'Drifting Towards Unsustainability? A Critique of the Kenyan Biodiversity Regulatory Frameworks'. June 2007.
- Lead legal editor: *Your Way, My way or the Right way*. A domestication of the Yogyakarta principles by the Gay Kenya Trust, 2010 (Published by story-moja but also available at ([HTTP://www.gaykenya.com/GKTBOOK.pdf](http://www.gaykenya.com/GKTBOOK.pdf)).
- Social, Economic and Cultural Rights of minority groups in Kenya. Delivered at the University of Nairobi, October 2011.
- Numerous Features in the Standard Newspapers (Can be availed upon request).
- Monthly columnist in *Identity*, Kenya's first LGBTI and sex work magazine.
- Monthly legal contributor on Family Law and Children Issues in the *Pregnant* and *Baby Love* Magazines.

PAPER PRESENTATIONS/WORKSHOPS

- University of Greenwich (London), Paper presentation on using culturally relevant human rights training programs to combat homophobia towards LGBTIQ+ asylum seekers and refugees in the global south.
- Institute of Development, University of Geneva, Trained asylum workers on best practices on service provision to LGBTI asylum seekers and refugees.
- Kisumu Initiative for Positive Empowerment (KIPE), trained on Health rights for LGBTIQ persons in Kenya.
- Paper presentation to the US Congress committee on migration, White House representatives, State Department and the US Security council chair on the plight of LGBTI refugees in Africa and the need for expedited resettlement to the US.
- Trained the UNHCR senior global directors in Geneva on best practices combating and address homophobia within the UN refugee/asylum regime.
- Paper presentation on the human rights of LGBTI persons in Africa at the Africa same sex sexualities and gender diversities conference in Pretoria South Africa.
- Read the Kenya country status report on the human rights violations of LGBTI persons and the statement on citizenship rights in Kenya to the African Commission on Human and Peoples Rights (ACHPR) in Banjul Gambia.
- Made presentations to the UN Human Rights Council on the UPR process relating to the rights of sexual minorities in Kenya in Geneva.
- Trained police and other provincial administration agencies on the handling of LGBTI persons as administrators and duty bearers in Nairobi.
- Trained persons working with refugees on the handling of LGBTI refugee and asylum seekers using the UN guidelines and the Yogyakarta principles in Nairobi.
- Delivered a talk to civil society stakeholders on starting a community radio station purely for civic education in the Panafric Hotel, Nairobi.
- Delivered a talk on my experiences in implementing the Gender and Governance Program under Center for Rights Education and Awareness (a civil society organization in Kenya) to civil society stake holders at the Silver Springs Hotel, Nairobi.
- Gave an address on Youth and Sexuality in Kenya to stake holders from the civil society in the Hotel Intercontinental, Nairobi, based on my experiences as a reproductive rights health activist among the youth.

LANGUAGES

Fluent in **English**

Kiswahili

Kimeru

REFEREES

Professor Gerald Neuman

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