

29th Session of the Human Rights Council

Item 6 – UPR Kenya

Statement by the International Gay and Lesbian Association

*Delivered by Tshegofatso Schoole*

Thank you Mr. President.

This statement was prepared in consultation with the Gay and Lesbian Coalition in Kenya. We would like to take this opportunity to state that gay, lesbian and bisexual people in Kenya deserve to be treated equally before the law in accordance with Kenya's Constitution.

Article 27 of the Constitution of Kenya provides for equality and freedom from discrimination. It states that every person is equal before the law and has the right to equal protection and equal benefit of the law. However, we note with concern the increasing violence towards people due to their actual or perceived sexual orientation or gender identity.

Mr. President

Section 162 of Kenya's Penal Code Act criminalizes sex between two consenting same sex adults. The effects of this criminalization include but not limited to an increase in instances of human rights abuses for gay and lesbian people, a difficulty in access to health by gay and lesbian people, evictions of gay and lesbian people from dwelling places, gay and lesbian people become targets of attacks in the streets and social places and the society effectively considers the individuals criminal due to their sexual orientation.

We further note that despite the decision at the High Court for Eric Gitari on behalf of the National Gay and Lesbian Human Rights Commission, there is still an unwillingness from the Kenyan government to register organizations with the words "gay" or "lesbian" in their names. This, in contravention to Article 36 of the Constitution of Kenya on the right to freedom of association.

Mr. President.

We want to urge the Council and particularly the Kenyan government to ensure the protection of gay, lesbian, bisexual, transgender and intersex people in Kenya. The LGBTI persons deserve protection and their rights should be afforded as to any other person. Thank you Mr. President.