

22nd September, 2010

Speaker: Judith Ngunjiri

KENYA UPR

15th Session of the Human Rights Council
Item 6: Universal Periodic Review – Statement by
Action Canada for Population and Development (ACPD)

Mr. President,

ACPD with Minority Women in Action, the Coalition of African Lesbians and Pan Africa ILGA, wishes to stress the following points in relation to the Universal Periodic Review of Kenya:

We welcome the State's support on various recommendations including the promise to review national laws to fully uphold the principle of non-discrimination, eradicate the use of torture and ill-treatment by public officials and take effective measures to safeguard the work of human rights defenders. We also recall the State's ratification of various international and regional human rights instruments including the Maputo protocol on the rights of women in Africa.

However, we express disappointment that the Kenyan government has rejected recommendations to take measures to provide for the protection and equal treatment of lesbian, gay, bisexual, transgender and intersex persons. The criminalization of consensual same-sex conduct in Sections 162 and 165 of the Penal Code fuels stigma, discrimination and violence against sexual minorities. Human rights are universal, inalienable and inherent. These principles apply to all citizens including lesbian, bisexual, transgender and intersex Kenyans.

The importance of human rights was emphasized in a statement by UN Secretary General Ban Ki-Moon in a high-level panel at the current session of the Human Rights Council where he said:

"No doubt deeply rooted cultural sensitivities can be aroused when we talk about sexual orientation. Social attitudes run deep and take time to change. But cultural considerations should not stand in the way of basic human rights."

LGBTI Kenyans are repeatedly discriminated against and continue to face threats and violence as well as torture, ill-treatment and harassment at the hands of public authorities simply because of who we are and who we love. We regret the silence of the State in the face of these violations, such as in the highly publicized attack on 12 February, 2010 in Mtwapa targeting homosexual individuals that saw organized physical violence, life threats and hate speech.

In this dawn of a new constitution, we urge the State of Kenya to seize this moment and respect, protect and fulfill the rights of all Kenyans including lesbian, gay, bisexual, transgender and intersex persons. Our rights, the rights of LGBTI people, are human rights.

Thank you.