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Protect the Lives and Rights of LGBTIQ+ Persons in Kenya

Nairobi, 17th May 2022.

The Lesbian, Gay, Bisexual, Transgender, Intersex, and Gender non-conforming (LGBTIQ+) community in Kenya continues to face stigma, and human rights violations, including torture, inhuman and degrading treatment and murder. Against this gloomy background, we stand in solidarity with the LGBTQ+ community and loudly say *‘Our Bodies, Our Lives, Our Rights Matter!’*.

The LGBTQ+ Community in Kenya faces systematic violence and stigma on grounds of sexual orientation and gender identity. Since its inception in 2014, the NGLHRC Legal Aid Clinic has handled and carefully documented over 3000 cases in the country ranging in severity from blackmail and extortion, to torture and murder.¹ This data confirms a pattern of violence against sexual and gender minorities in Kenya that has escalated at an alarming rate over the past years. Further, according to the Report² [Are we doing alright?](#) Of the 53% of LGBTQ+ respondents who disclosed having been physically assaulted, only 29% of these cases are reported.

Articles 26, 27 and 28 of the Constitution of Kenya (2010) guarantee the right to life, equal protection and equal benefit of the law to all persons and right

¹ NGLHRC Publications & Reports. National Gay & Lesbian Human Rights Commission.

² Müller, A., Daskilewicz, K. and the Southern and East African Research Collective on Health (2019). ‘Are we doing alright? Realities of violence, mental health, and access to healthcare related to sexual orientation and gender identity and expression in Kenya: Research report based on a community-led study in nine countries’. Amsterdam: COC Netherlands.

to dignity for all including sexual and gender minorities. In reality, this has not been the case, as seen in the lack of prosecution in the murder cases of persons of the LGBTQ+ community. Some of the recent reported cases include: Joash Mosoti, a young gay male peer educator, who was attacked and killed in his house in Mombasa County; In addition, Erica Chandra, a transwoman, was killed, and her body dumped on the streets of Westlands. Chriton "Trinidad" Atuhwera a gay refugee and human rights activist died from burn injuries sustained in an arson attack at the Kakuma refugee camp in 2021. Rose Mbesa, a 50-year-old intersex person, was raped and killed, her lifeless body was dumped on the roadside in Kachibora, Trans Nzoia County earlier this month. It is against this background that we urge speedy investigation and prosecution of LGBTQ+ related murders in Kenya, call for the implementation of the Intersex taskforce recommendations and formulation of general safety protection measures of the LGBTQ+ community.

We celebrate the milestones that have been marked over the last one year in efforts to acceptance of the Queer Folks in Kenya including the approval by members of Parliament of Dennis Nyongesa Wamalwa, the first intersex person to serve as a commissioner of the Kenya National Commission on Human Rights.

This IDAHOBIT we are reminded that Queer bodies are not battlegrounds, or museums of hatred and inhumanity, that Human Rights are interdependent and indivisible, and that our lives deserve to be protected regardless of people's feelings or opinions. The fight for Repeal 162 continues!

This is a joint statement from The National Gay and Lesbian Human Rights Commission (NGLHRC), Initiative for Equality and Non-Discrimination (INEND), Bold Network Africa, Amnesty International Kenya and Change.org, Kenya **on the International Day Against Homophobia, Biphobia, Transphobia And Intersexphobia 2022.**

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