

## ORAL STATEMENT

Item 3: Interactive dialogue with the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity

UN Human Rights Council  
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13 June – 8 July 2022

Mister President,

This Pride Month, the National Gay and Lesbian Human Rights Commission draws attention to the critical situation of the LGBTIQ+ community in Kenya. We suffer discrimination and are vulnerable to violence, including torture, by State and non-State actors. We face sexual and physical assault, murder, forced medical examinations, conversion therapy, threat of refoulement for queer refugees and asylum seekers, among others.

Adult consensual same-sex conduct is still criminalised in Kenya and contributes to a hostile environment. Meanwhile, no law protects against discrimination based on sexual orientation or gender identity.

In 2017, Kenya criminalised torture, including based on discrimination. However, such acts against the LGBTIQ+ community are rarely investigated and prosecuted as torture.

Forced anal examinations were declared unconstitutional in 2018 yet continue to be reported.

The government must urgently address the lack of accountability for torture and other forms of violence against LGBTIQ+ persons.

We call on the government of Kenya to:

1. Review its current legal framework and repeal discriminatory laws against the LGBTIQ+ community, and specifically to decriminalise consensual same-sex conduct;
2. Enact anti-discriminatory laws to safeguard discrimination based on SOGIE; and
3. Consider developing a best practices protocol and guidelines on the effective investigation of allegations of LGBTIQ+ violence, based on international standards and input from civil society.

Thank You.