Honourable Chairperson,

On May 19, Amnesty International, together with the National Gay and Lesbian Human Rights Commission (NGLHRC) released a report entitled “Justice like any other person”: Hate crimes and discrimination against LGBTI refugees. The report documents the extremely dangerous situation of hate crimes, discrimination and other human rights violations suffered by lesbian, gay, bisexual, transgender and intersex (LGBTI) asylum seekers and refugees in Kenya, specifically those living in Kakuma refugee camp.

The plight of LGBTI refugees in Kenya is well illustrated by the story of Mercy (not her real name), a lesbian woman who fled her homeland and sought refuge in Kenya. In her homeland, she could not to live openly due to laws criminalizing same sex relations and widespread prejudices against LGBTI people in society. She faced repeated attacks, risking her life daily. She escaped to Kenya, a place she believed would offer safety and a chance at a new life. Mercy arrived in Kenya with the simple hope of being safe. However, she has found that hope to be elusive.

Mercy's journey into Kenya highlights the challenges faced by LGBTI asylum seekers and refugees who are in the process of applying for asylum. While Kenya is the only country in the East and Horn of Africa willing to receive and recognize as refugees those who are persecuted for their sexual orientation, gender identity, and/or expression, the reality on the ground is different.

Registering as an asylum seeker for Mercy and other LGBTI asylum seekers is difficult. The officials responsible for registration often make it difficult for LGBTI individuals to disclose their sexual orientation, gender identity, and/or expression. Many, like Mercy, fear the potential consequences, given the criminalization of same-sex relations in Kenya. Some registration officers even resort to mockery and derogatory language. In many cases, the process is also intentionally slowed down due to their sexual orientation, gender identity and/or expression, in such a way that LGBTI asylum seekers find themselves trapped in a lengthy refugee status determination process.

In Kakuma refugee camp, Mercy and her fellow LGBTI refugees have also become victims of violence, harassment, and intolerance at the hands of the local population. Their shelters have been targeted, vandalized, and set ablaze, leaving them in constant fear for their lives. Tragically, in March 2021, an unknown assailant threw a petrol bomb at a house belonging to LGBTI refugees. Two of them suffered severe burns covering about 50% of their bodies. One of the victims, Chriton Atuhwera, tragically lost his life on April 12, 2021.

Despite the courage of LGBTI refugees to report these homophobic attacks to Kenyan security officials, there has been little to no action taken by the state. Lack of prompt and effective investigations have resulted in failures to arrest perpetrators and fuels a climate of impunity against hate crimes. LGBTI activists who have advocated for their community's rights have faced threats, intimidation, and arbitrary arrests by security officials in the camp.
Amnesty International urges the African Commission to address this grave situation by:

- imploring the Kenyan government to conduct prompt and thorough investigations into the incidents targeting LGBTI refugees, not only in Kakuma refugee camp but across the country.
- Calling on the Kenyan government to ensure the immediate implementation of protective measures to ensure that LGBTI refugees in Kenya enjoy their asylum rights, as guaranteed by regional and international human rights and refugee law.
- encouraging donor countries to provide targeted support to Kenya, specifically for programs aimed at enhancing the protection of minority refugee groups at increased risk of human rights violations, such as LGBTI refugees.
- Encouraging the UNHCR and its implementing partners to ensure that protection measures and services are gender-responsive and that they actively address the human rights risks faced by LGBTI refugees during program implementations.

We also urge the African Commission to consider undertaking a fact-finding mission to Kenya to assess the situation of LGBTI refugees and asylum seekers.

Thank you.