



17<sup>th</sup> May 2019

## Press Release

### **International Day against Homophobia, Biphobia Interphobia and Transphobia (IDAHOBIT)**

#### **“Justice and Protection for All”**

The Kenya National Commission on Human Rights (the Commission or KNCHR) is an independent National Human Rights Institution (NHRI) established under Article 59 of the Constitution of Kenya, 2010 and the KNCHR Act, 2011. The Commission’s mandate is the promotion and protection of human rights in Kenya.

The Commission is once again delighted to join Kenyans and people all over the world in marking the 2019 annual *International Day against Homophobia, Biphobia, Interphobia and Transphobia (IDAHOBIT)*. This day was created in 2004 to draw world attention to the violence and discrimination experienced by people with diverse sexual orientations, gender identities or expressions, and sex characteristics. These people include intersex, lesbian, gay, bisexuals, transgender and gender non-conforming persons. The date of May 17<sup>th</sup> was specifically chosen to commemorate the World Health Organization’s decision in 1990 to declassify homosexuality as a mental disorder.

The Commission acknowledges several milestones that Kenya has realized in the past year towards safeguarding the rights of sexual and gender minorities.

In April 2019, the Government Taskforce on the plight of Intersex Persons finalized and presented its report to the Attorney General. The Task force found that intersex persons are a marginalized, minority and vulnerable group that continues to face a multitude of challenges and human rights violations from birth including stigmatization, ridicule and discrimination. For instance, majority of the intersex persons lack birth certificates and National Identity cards (ID) making it difficult or impossible for them to access vital government services. The Taskforce proposed a raft of policy, legal, institutional and administrative reforms that will ensure equal treatment, respect and protection of the dignity of intersex persons in Kenya. The Attorney General has since designated the Commission to spearhead the implementation of the recommendations of the Task Force Report. We call upon the public, the government and stakeholders to fully support this initiative.

The Commission welcomes the decision of the Court of Appeal, in March 2019, in the Case of *NGO Coordination Board versus Eric Gitari* which upheld the decision of the High Court compelling the NGO Coordination Board to officially register the National Gay and Lesbian Human Rights Commission (NGLHRC). The decision affirms the right of all persons to associate regardless of their sexual orientation, gender identity, gender expression and sex characteristics.

The Commission continues to implement Resolution 275 adopted by the African Commission on Human and Peoples' Rights (ACHPR) in April 2014 on the Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity. This has been through review of our institutional systems and policies, capacity building, awareness creation and responding to incidences of abuses against sexual and gender minorities in collaboration with various stakeholders and agencies.

The Commission urges the Kenyan Government to meet its commitment under the United Nations Universal Periodic Review (UPR) and adopt a comprehensive equality and non-discrimination law affording protection to all individuals, irrespective of their sexual orientation, gender identity, expression and sex characteristics.

While celebrating the foregoing gains the Commission remains concerned by the prevalent levels of intolerance against sexual and gender minorities in Kenya. We call on Kenyans and particularly people in positions of power and influence to refrain from and speak out against hateful language and behavior that undermine the dignity of sexual and gender minorities. We call on all to embrace diversity and nurture a culture where everyone feels safe and dignified in the society.

To the sexual and gender minorities, the Kenya National Commission on Human Rights celebrates you on this day and assures you of our commitment to protect your rights and dignity.

Let's continue our collective journey towards a society that ensures **justice and protection for all**.

**We wish everyone a fantastic IDAHOBIT.**

*"Human Rights For All, By All, All the Time, and that is the Nature of Human Rights!"*

**Thank you**

