

PRESS STATEMENT

UNAIDS deeply regrets the decision of the High Court of Kenya to maintain laws that criminalize and discriminate against LGBT people

GENEVA, 24 May 2019— UNAIDS deeply regrets the decision of the High Court of Kenya to maintain key provisions of Sections 162 and 165 of the Kenyan Penal Code. Those provisions criminalize certain private sexual acts and lead to discrimination and violence against lesbian, gay, bisexual and transgender (LGBT) people in Kenya.

“Today’s ruling is a missed opportunity for Kenya to uphold human rights and to restore privacy, respect and dignity to the lesbian, gay, bisexual and transgender (LGBT) community,” said Gunilla Carlsson, UNAIDS Executive Director, a.i. “I share the deep disappointment and frustration felt by LGBT people in Kenya and I want to assure them of UNAIDS’ continued support in reaching justice and equality for all.”

UNAIDS has been working together with the National Gay and Lesbian Human Rights Coalition and other LGBT groups as well as civil society organizations and other partners to promote a more enabling legal environment in Kenya.

There are indications that the judgement will be appealed.

Criminalization of consensual same-sex sexual relations is a violation of human rights and legitimizes stigma, discrimination and violence against LGBT people. Criminalization stops people from accessing and using HIV prevention, testing and treatment services and increases their risk of acquiring HIV.

“The failure to decriminalize consensual same-sex relations will undermine Kenya’s aim of reaching universal health coverage,” said Ms Carlsson.

Globally, the risk of acquiring HIV is 28 times higher among gay men and other men who have sex with men than among the general population and 13 times higher for transgender women. Prohibitive legal and policy environments and a lack of tailored services for key populations increase their vulnerability to HIV. UNAIDS urges countries to ensure the full respect of the human rights of all people, regardless of their sexual orientation, through repealing laws that prohibit sex between consenting adults in private, enforcing laws to protect people from violence and discrimination, addressing homophobia and transphobia and ensuring that crucial health services are made available.

“We need to move towards a more humane, compassionate and rights-based approach towards same-sex relations worldwide. This decision entrenches unjust laws that criminalize same-sex sexual relations and block people’s access to essential services, including to health care,” said Ms Carlsson.

Consensual same-sex sexual relations remain criminalized in at least 67 countries and territories worldwide.

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UNAIDS

The Joint United Nations Programme on HIV/AIDS (UNAIDS) leads and inspires the world to achieve its shared vision of zero new HIV infections, zero discrimination and zero AIDS-related deaths. UNAIDS unites the efforts of 11 UN organizations—UNHCR, UNICEF, WFP, UNDP, UNFPA, UNODC, UN Women, ILO, UNESCO, WHO and the World Bank—and works closely with global and national partners towards ending the AIDS epidemic by 2030 as part of the Sustainable Development Goals. Learn more at unaids.org and connect with us on Facebook, Twitter, Instagram and YouTube.