

Statement: Kenyan authorities must stop dangerous anti-LGBTQ protests

October 5, 2023, Nairobi—A dangerous protest will occur on Friday, October 6, in Nairobi, calling for the attack of LGBTQ persons, culminating in a hateful campaign that started in Mombasa in September.

On February 24, 2023, the apex court said LGBTQ persons have a right to association and reaffirmed this position on September 12.

However, this monumental decision was followed by a series of anti-LGBTQ protests in Mombasa and Lamu.

Blatant incitement to violence characterized the protests—Nyali MP Mohamed Ali rallied his supporters to [kill](#) people with different sexual orientations, audaciously invoking religious texts to justify this indefensible stance.

Now, this hate campaign is coming to the capital, and we know this will affect LGBTQ persons' lives because previous street actions placed this group in harm's way.

We take this opportunity to unequivocally condemn all the previous and ongoing nefarious activities that continue to expose this community's rights to life, security, and dignity.

The Constitution and the court's decision must be respected.

We call upon the Kenyan police to immediately disallow these groups' illegal activities and initiate investigations concerning the culprits involved. We wish to remind them and the public that under Article 33(2) of the Constitution:

The right to freedom of expression does not extend to: (a)propaganda for war; (b)incitement to violence; (c)hate speech; or (d) advocacy for hatred that: (i)constitutes ethnic incitement, vilification of others or incitement to cause harm; or (ii)is based on any ground of discrimination specified or contemplated in Article 27(4)

We further demand that the National Cohesion and Integration Commission (NCIC) exercises its investigative mandate and collaborate with other actors in the criminal justice system to ensure effective prosecution for the acts of hate speech in this situation.

Unfortunately, this delicate matter was recently brought to the attention of the police and NCIC, who seem to have abdicated their constitutional and statutory duties of maintaining law and order and facilitating respect for diversity, respectively.

We also call upon the Ethics and Anti-Corruption Commission (EACC) to act against Mohamed Ali, whose conduct in this situation damages the leadership and integrity values and standards established for State Officers in Article 73 of the Constitution.

Finally, we wish to oblige Kenyans to exercise more tolerance and restraint—having diverse sexual orientations and gender identities is not a crime but a fundamental aspect of human diversity.

We must nurture a more inclusive and accommodating culture devoid of cruel and discriminatory motives and practices. No one should ever dare to impose their religious beliefs

and social values on others, for our Constitution guarantees all people's freedom of religion and beliefs.

Let it be known that we will not relent in our unwavering pursuit of justice, equality, and the protection of the rights and dignity of all.

Signed:

1. Kenya Human Rights Commission-KHRC
2. International Commission of Jurists (ICJ)
3. Defenders Coalition
4. Katiba Institute
5. Independent Medico-Legal Unit-MLU
6. INUKA ni Sisi Trust
7. Kituo cha Sheria
8. Siasa Place
9. Constitution Education Reforms Consortium-CRECO
10. Social Justice Centers
11. Partnership for Empowerment Network (PEN)
12. Usalama Reforms Forum
13. National Students Guild
14. Grace Agenda
15. Democracy without Borders
16. Kawangware Paralegal Trust
17. Kariobangi Paralegal Network
18. Center for memory and Development
19. Forum for Civic Participation in Governance
20. Women Collective Kenya
21. Coalition for Grassroots Human Rights Defenders-Kenya
22. East Africa Legal Service Network
23. Feminists for Peace Rights and Justice Center
24. Raise Your Voice
25. Women in Grassroots Uprising
26. Trust for Indigenous Culture and Health (TICAH)
27. Waremba Unique
28. Viba Explore
29. Africa's Voice of Nature
30. Civil Society Network