



Plenary sitting

B9-0447/2021

14.9.2021

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 144 of the Rules of Procedure

on the situation in Kakuma refugee camp in Kenya
(2021/2874(RSP))

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on behalf of the S&D Group

B9-0447/2021

European Parliament resolution on the situation in Kakuma refugee camp in Kenya (2021/2874(RSP))

The European Parliament,

- having regard to its previous resolutions on Kenya, in particular those of 30 April 2015 and 18 May 2017,
- having regard to its resolution on a new EU-Africa Strategy – a partnership for sustainable and inclusive development, 25 March 2021,
- having regard to the joint statement by the Republic of Kenya and the European Union, 21 June 2021,
- having regard to the European Council declaration on EU’s International Day Against Homophobia and Biphobia, 17th of May 2021,
- having regard to the joint statement by the Government of Kenya and the United Nations High Commissioner for Refugees (UNHCR): Dadaab and Kakuma Refugee Camps Roadmap, 29 April 2021,
- having regard to the UNHCR Statement on the situation of LGBTIQ+ refugees in Kakuma camp, 25 March 2021,
- having regard of the UN Secretary General’s statement on the International Day Against Homophobia and Biphobia message on the 17th of May 2021 ,
- having regard of the European Commission’s LGBTIQ+ quality strategy 2020-2025,
- having regard to Articles 2, 3(5), 21, 24, 29 and 31 of the Treaty on European Union and Article 10 and 215 of the Treaty on the Functioning of the European Union, which commit the EU and its Member States, in their relations with the wider world, to upholding and promoting universal human rights and the protection of individuals, and adopting restrictive measures in case of grave human rights breaches,
- having regard of the values of human dignity, equality and solidarity contained in the 1951 Convention of the status of refugees,
- having regard of article 14 of the Universal declaration of human rights of 1948 which recognizes the right to seek asylum from persecution in other countries,
- having regard to the EU Emergency Trust Fund for Africa,
- having regard to the UN Global Compact on refugees,

- having regard to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment of 1985,
 - having regard to the EU 2020-24 Action Plan on Human Rights and Democracy,
 - having regard to the African Charter on Human and Peoples' Rights (ACHPR),
 - having regard to the Universal Declaration of Human Rights,
 - having regard to the EU 2020/24 Action Plan on Human Rights and Democracy,
 - having regard to Rules 144 of its Rules of Procedure,
- A. whereas the human rights situation at Kakuma refugee camp in Kenya has exponentially deteriorated in the past weeks especially against the LGBTIQ+ refugees;
 - B. whereas on LGBTIQ+ refugees have been attacked and injured with many having to flee the refugee camp to an area where they are not protected and not legally allowed to stay;
 - C. whereas same sex relationships are still illegal in Kenya carrying up to 14 years prison sentences, the movement of LGBTIQ+ refugees from designated refugee camps puts them at greater risk of being labelled criminal and further attacks;
 - D. whereas the African Commission on Human Rights revoked observer status from the Lesbians association which it had granted in 2015 following a directive from the African Union to align with "African values";
 - E. whereas in April 2020 attacks on refugees by other refugees and local Turkana people saw many injured and properties destroyed with the authorities being non responsive to the violence;
 - F. whereas on the 15 of March 2021 a report of security incident was reported to the UNHCR regarding Kakuma camp with attacks on refugees with LGBTIQ+ profiles against a background of the agency having record of at least 300 refugees of that profile at the camp;
 - G. whereas in March 2020 some refugees with LGBTIQ+ profiles made requests to the UNHCR seeking relocation out of Kenya due to the hostility of the country on them; whereas the European Parliament has called for a binding and mandatory legislative approach to the resettlement of refugees in need of international protection, taking into account the global resettlement needs published annually by the UNHCR;
 - H. whereas on the 14th of April Chriton Trinidad Atuhwera was killed in a fire bomb after an attack on a block where refugees with LGBTIQ+ profiles live;
 - I. whereas refugees at Kakuma in general live in fear of being deported after the Kenyan government in April 2021 issued a two week ultimatum to the UNHCR to come up

with a road map to close the Dadaab and Kakuma camps, find alternative host country, failure of which the Kenyan Government would close the camp and move the refugees to the respective countries they came from arguing that the camps are recruiting ground for Al Shabab;

- J. whereas as at March 2021, Kenya hosts more than 512,000 and asylum-seekers, including an estimated 1000 LGBTIQ+ refugees; whereas Kenya remains the only country in the region to provide asylum to those fleeing persecution based on sexual orientation, gender identity or expression;
 - K. whereas in November 2020 the Kenyan government and Human Rights Watch confirmed that the era of COVID-19 has seen exponential increase on attacks on the LGBTIQ+ notwithstanding that violence in general flared up;
 - L. whereas accordingly to UNHCR, over 30 individuals with an LGBTIQ+ profile had to be relocated from Kakuma 3 due to standing threats in 2021;
 - M. whereas the threats to return the refugees to Somalia can be seen as an attempt to get diplomatic concessions by the Kenyan government at the expense of emotional torture at the expense of refugees;
 - N. whereas the current status and agreement between the Kenyan government and the United Nations refugee agency, UNHCR, is that of postponing the shutting down of the refugee camps to June 30, 2022 still places refugees in a state of concern;
 - O. whereas the EU Emergency Trust Fund (EUTF) for Africa signed at the Valletta Summit on 12 November 2015 was designed to address the root causes of destabilization, forced displacement and irregular migration by promoting resilience, economic opportunities, equal opportunities, security and development; whereas the EU is responding to the lifesaving basic needs of refugees hosted in Kenyan refugee camps;
 - P. whereas since 2012, the EU has provided more than €200 million in humanitarian aid, EU has also allocated EUR 286 million through the European Development Fund (EDF) for the period 2014-2020, focusing on the implementation of the ‘Compact’ and on state and peace building, food security, resilience and education in particular; whereas the new Global Europe financial instrument, NDICI will continue the implementation of EU programmes in Kenya
 - Q. whereas in 2021, the EU allocated €14 million in funding for humanitarian projects in Kenya, aiming first at assisting refugees; whereas in the Kakuma and Dadaab refugee camps, the EU continues to support the provision of basic life-saving aid such as food assistance, healthcare, undernutrition treatment, water, sanitation and hygiene (WASH), protection, and education;
1. Recognizes the role Kenya and the local region of Kakuma has played in hosting an large number of refugees over a long period;

2. Deplores the overall human rights situation at Kakuma camp, notably the security situation of LGBTIQ+ profiled refugees who are targets of hate and homophobic violence by other refugees and the locals;
3. Concerned by the loss of life of Ugandan activist Atuhwera due to relentless and recurrent attacks on LGBTIQ+ profiled refugees;
4. Urges both the Kenyan government and the AU to reconsider its approach on LGBTIQ+, noting that their stance may in one or the other be placing them at risk of inhumane and degrading treatment against the values of equality and equal protection of the law;
5. Calls on the Kenyan authorities to ensure that refugees returns have to be conducted in line with international standards, in that they must be voluntary and informed, with returnees having access to objective, neutral and pertinent information, that they must be done in safety, with dignity, and in a sustainable manner, and that returnees must be aware of what will happen should they decide not to volunteer;
6. Reminds all Kenyans their obligation to respect the right to freedom of opinion and expression as enshrined in Article 19 of the International Covenant on Civil and Political Rights (ICCPR); urges the Kenyan authorities to guarantee, in all circumstances, the physical integrity and psychological well-being of all refugees, irrespective of their sexual orientation, gender identity or expression;
7. Calls for a lasting solution on the refugee crisis between the UNHCR and the Kenyan government to ensure sustainability and ensure that refugees rights are respected and that they do not live in the fear of being deported back to unsafe countries they escaped came from ; Recommends that, to be effective, this should include the resettlement to the EU of a meaningful number of refugees in need of international protection ;
8. Reiterates that there can be no development without improved security in the region; strongly underlines however, that funding must be devoted to economic, human and social development in the region with a particular focus on the development challenges identified by the Trust Fund decision; recalls that EDF and ODA funds should be used exclusively for development objectives;
9. Call for the need for adequate security in refugee camps and urges the Kenyan government to launch a full investigation into the attacks of LGBTIQ+ refugees including the death of Atuhwera and that those responsible be held accountable;
10. Reminds the Kenyan Government of its obligations to guarantee fundamental rights, as provided for in the African Charter and other international and regional human rights instruments, including the Cotonou Agreement and specifically Articles 8 and 96 thereof;
11. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Human Rights, the

Secretary-General of the United Nations and the United Nations High Commissioner for Human Rights and the UN High Commissioner for refugees, the speaker of the Kenyan Parliament, the Intergovernmental Authority on Development, IGAD, the governments of the IGAD Member States, the African Union, the Pan-African Parliament, and the ACP-EU Joint Parliamentary Assembly.