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*Plenary sitting*

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**B9-0448/2021**

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))

**Hilde Vautmans, Petras Auštrevičius, Malik Azmani, Izaskun Bilbao Barandica, Olivier Chastel, Klemen Grošelj, Bernard Guetta, Svenja Hahn, Irena Joveva, Karin Karlsbro, Ilhan Kyuchyuk, Karen Melchior, Javier Nart, Jan-Christoph Oetjen, Samira Rafaela, Frédérique Ries, María Soraya Rodríguez Ramos, Nicolae Ștefănuță, Ramona Strugariu, Marie-Pierre Vedrenne**

on behalf of the Renew Group

**B9-0448/2021**

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

*The European Parliament,*

- having regards to international human rights obligations, including those contained in the Universal Declaration of Human Rights, the United Nations Charter and the European Convention on Human Rights and Fundamental Freedoms,
- having regards to the 2011 United Nations Human Rights Council wide-ranging resolution 17/19 on human rights, sexual orientation and gender identity, expressing grave concern at violence and discrimination against individuals based on their sexual orientation and gender identity,
- having regards to the 2013 United Nations General Assembly resolution A/RES/67/168, calling on States to ensure the protection of the right to life of all persons under their jurisdiction and to investigate promptly and thoroughly all killings including those motivated by the victim’s sexual orientation and gender identity,
- having regards to the High Commissioner for Human Rights study released in December 2011, which pointed to a pattern of violence and discrimination directed at individuals because of their sexual orientation and gender identity,
- having regards to the 2019 European Parliament resolution 2019/2879(RSP) on the situation of LGBTI people in Uganda,
- having regards to the arson attack with a petrol bomb against two refugees LGBTIQ+ people that took place at the Kakuma 3 Block 13 refugee camp, Kenya, March 15 2021,
- having regards to the statement on March 2019 of Gilbert Kagarura, a human rights activist and refugee from Uganda who lived in Block 13, that LGBTIQ+ people refugees and asylum seekers in Kakuma have endured attacks, harassment and discrimination for years,
- having regards to the United Nations High Commissioner for Refugees (UNHCR) statement noting that Kenya remains the only country in the region to provide asylum to those fleeing persecution based on sexual orientation, gender identity or expression, even though consensual same-sex sexual relations remain criminalized,
- having regards to the ultimatum given to the UNHCR by the Kenyan Government issued on 24 March 2021 on closure of the Dadaab and Kakuma Refugee Camps,
- having regards to the roadmap that was presented by the UNHCR to the Government of Kenya early in April 2021 on the next steps towards a humane management of refugees in both camps,
- having regard to the International Covenant on Civil and Political Rights of 1966 (ICCPR), to which Kenya has been a party since 1972,
- having regards to the Constitution of the Republic of Kenya,
- having regards to Rules 144(5) and 132(4) of its Rules of Procedure;

- A. Whereas on 15 March 2021 in Kakuma 3 Block 13 two refugees suffered second-degree burns due an arson attack with a petrol bomb while sleeping; whereas one of the victims, Chriton Atuhwera, perish due to the sustain injuries;
- B. Whereas accordingly to UNHCR, over 30 individuals with an LGBTIQ+ profile had to be relocated from Kakuma 3 due standing threats in 2021;
- C. Whereas Kenya hosts more than half million refugees and asylum seekers being Uganda, South Sudan, Somalia and Democratic Republic the main origin countries; whereas the UNHCR estimates that 1,000 from them are LGBTI+ refugees;
- D. Whereas homosexuality is punishable by death in Mauritania, Nigeria, Somalia and South Sudan;
- E. Whereas accordingly to the 2020 global review by International Lesbian, Gay, Bisexual, Trans, and Intersex Association (ILGA), near half of the countries worldwide where homosexuality is outlawed are in Africa; whereas just 22 of 54 African nations have legalized homosexuality;
- F. Whereas in many African nations the standing anti-LGBTIQ+ laws date back to the colonial era;
- G. Whereas thousands of LGBTIQ+ people have been and continue to be forced to leave their countries in Africa due to continued stigma, discrimination, and widespread threats and violence as a result of their sexual orientation and gender identities;
- H. Whereas according to the estimates of UNHCR July 2020 the Kakuma refugee camp in Kenya has registered over 195,000 refugees and asylum seekers; whereas it is estimated that around 300 refugees and asylum seekers registered in Kakuma refugee camp have an LGBTIQ+ profile;
- I. Whereas Kenya is the sole country in the region to grant asylum to all being persecuted in their origin countries based on their sexual orientation, gender identity or expression;
- J. Whereas resettlement departures from Kenya refugee camps with an LGBTIQ+ profile continue to fall short; whereas COVID 19 pandemics slows down the process; whereas accordingly with UNHCR since 2019, some 235 refugees with this profile have been submitted for resettlement, of whom 48 per cent have departed the country;
- K. Whereas Kenya has shouldered the burden of sheltering refugees for almost three decades, and the swelling camps have overstretched their capacity to host populations;
- L. Whereas the Kenyan Government has issued on the 24 March 2021 a 14 day ultimatum to the UNHCR to provide a plan and timeline for closing two refugee camps including the Kakuma;
- M. Whereas in April 2021 a joint team comprising officials from the Kenyan Government and the UN agency was formed with the aim to finalize and implement a roadmap on the next steps towards a humane management of refugees in both camps; whereas the roadmap was

presented to the Government of Kenya in the beginning of April and included voluntary return for refugees in safety and dignity, departures to third countries under various arrangements, and alternative stay options in Kenya for certain refugees from East African Community (EAC) countries; whereas LGBTIQ+ refugees face specific protection risks due to their orientation and gender identity.

1. Strongly condemns the arson attack with a petrol bomb perpetrated on 15 March 2021 in Kakuma 3 refugee camp against two refugees LGBTIQ+ people; is deeply concerned with the standing threats in Kakuma refugee camp against individuals with an LGBTIQ+ profile; Recalls that over 30 individuals have been urgently relocated in the last months;
2. Urges the Kenyan authorities to bring full clarity regarding this crime and to hold to account those responsible in accordance with Kenyan law; call the law enforcement and other branches of government in Kenya to ensure that refugees are protected and safe;
3. Makes note of the joint position of the Government of Kenya and UNHCR that refugee camps are not a long-term solution to forced displacement;
4. Acknowledges the importance of the Kakuma refugee camp for thousands of refugees and asylum seekers in the bordering regions of Kenya including the ones with an LGBTIQ+ profile that face criminalization and even death punishment in their origin countries;
5. Commends the collaborative work done over the years between Kenya's Refugee Affairs Secretariat (RAS), UNHCR and other partners when addressing the protection of all refugees;
6. Calls on the Kenyan Government, UNHCR and international community to commit working together and find alternative durable, appropriate and rights-based solutions that are in line with the responsibility sharing principles and goals of the Global Compact on Refugees (GCR);
7. Calls on the Kenyan government and UNHCR to ensure the implementation of the repatriation program in full view of international obligations and Kenya's domestic responsibility;
8. Calls on the Government and people of Kenya to continue to show their hospitality towards refugees as they have done for nearly three decades, and to continue to provide protection and services for asylum-seekers and refugees;
9. Calls for greater efforts to protect forcibly displaced LGBTIQ+ people and greater solidarity of the international community in responding to resettlement needs globally as these remain far greater than the actual number of spaces available;
10. Calls on the EU to enhance the defence and promotion of human rights in Kenya, notably through targeted support to civil society organizations and full implementation of the EU Guidelines on Human Rights Defenders;

11. Recalls that in the European Union, persecution on the basis of sexual orientation is considered a criteria for asylum application and for granting asylum; Calls on the EU and its Member States to adhere to this principle;
12. Calls on the EU, notably EU delegations and the EU special representative on human rights, to effectively make full use of the LGBTI Toolkit and its accompanying guidelines, in their dialogue with all African nations that still criminalize homosexuality and more generally in their dialogue with all countries in which the persecution of or violence against LGBTIQ+ people is widespread;
13. 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 President of Kenya, the Parliament of Kenya, the African Union and its institutions and the United Nations High Commissioner for Refugees.