

FiLiA
C/O Women's resource centre
41 North Road
London
N7 9ER

1st September 2020

Dear UNHCR,

FiLiA is a Women's rights Charity established with 3 main aims:

- 👤 Building Sisterhood and Solidarity (locally, nationally, globally)
- 👤 Amplifying the Voices of Women (particularly those less often heard or purposefully silenced)
- 👤 Defending Women's Human Rights

We've received harrowing reports of poor treatment, lack of food, sexual assault and rape from a number of lesbians in Block 13 of the Kakuma refugee camp. The women are not the only ones subjected to harassment, abuse and violence. The problems are said to stem from lesbian, gay, bisexual and transgender refugees being placed in a specific block which marks them out for their sexual orientation or transgender status and makes them a target as a result.

The residents of 'Block 13' say they live in fear every day, not knowing who will be attacked next. Even basic daily activities - such as shopping, showering, and gathering water - have become dangerous because of the risk of further assault.

We were able to make contact and interview several of the women, their testimonies told time and again of being raped, sexually assaulted and their reports being ignored by the police and UNHCR officials. We were even told of direct homophobia from UNHCR staff with a woman recounting that she was told to 'change and just stop being a lesbian' and 'Why don't you change and start having feelings for men?' Having just reported being raped.

According to The Statute of the Office of the United Nations High Commissioner for Refugees, the 'essential function of UNHCR is to provide international protection to refugees and to seek durable solutions to their problems by facilitating either their voluntary repatriation or their integration into new national communities in safety and with dignity' FiLiA believes that the residents of Block 13 in Kakuma camp are not being protected or having due regard to their safety or dignity.

LGBT Refugees in Kakuma Camp are facing violent attacks on a daily basis and in 6 years UNHCR has proven that protecting them in the camp is not possible.

UNHCR operates the camp at Kakuma and the neighbouring Kalobeyei Integrated Settlement - <https://www.unhcr.org/ke/kakuma-refugee-camp>

UNHCR's own Guideline No. 9, which deals with claims based on sexual orientation and / or gender identity, recognises that non-state actors may be agents of persecution where the state is unwilling or unable to protect them. The residents in Block 13 are experiencing harm capable of amounting to persecution and have no recourse to protection from the state or apparently from UNHCR. <https://www.unhcr.org/publications/legal/509136ca9/unhcr-guidelines-international-protection-9-claims-refugee-status-based.html>

UNHCR's Guideline on Gender-Related Persecution, which deals with sex and gender in refugee claims, acknowledges that gender-based violence encompasses persecution on the basis of sexual

orientation, and that sexual violence is capable of amounting to persecution. Women in Block 13 are at risk due to both their sex and their sexual orientation.

Article 5 of the UN Declaration on Human Rights confirms that nobody shall be subjected to inhuman and degrading treatment.

Article 7 of the same - all are equal before the law and entitled to equal protection against discrimination.

Article 14 - everyone has the right to seek and enjoy asylum from persecution.

The conditions in Kakuma for those who are resident in Block 13 fail on these counts. Having sought asylum from persecution in their countries of origin, they are exposed to continued persecution and to inhuman and degrading treatment and discrimination due to their sexual orientation. This undermines the purpose of the Refugee Convention and compounds the suffering of the refugees in Block 13.

—> We demand that you IMMEDIATELY ensure that movement passes are issued for all LGBT refugees to leave Kakuma Camp.

—>We demand that you give your protection for all LGBT refugees to transit safely from Kakuma Camp to Nairobi and to be protected for the duration of their time in Kenya.

We ask that you act urgently to protect these Women's lives.

We would be happy to meet with you and discuss further the distressing complaints we have received from these women hoping to escape persecution not encounter more of it.

Yours etc

