

**STATEMENT TO THE AFRICAN COMMISSION OF HUMAN AND PEOPLES'
RIGHTS
56TH ORDINARY SESSION, APRIL-MAY 2015**

SITUATION OF WOMEN SEX WORKERS IN KENYA

Madam Chair,

1. FIDA Kenya is a women's rights organization with 30 years experience fighting all forms of discrimination against women in Kenya. FIDA Kenya has carved a niche for itself as a fearless women rights defender in Kenya. We welcome the opportunity to make a statement on behalf of women whose rights are being violated because they are sex workers.
2. We would like to draw the Commission's attention to the issues faced by these women, how their rights are being violated, and to highlight some recommendations on how the Government should take measures to ensure that the rights of sex workers are protected.
3. In Kenya, sex workers struggle to claim their individual human rights as they are relentlessly subjected to police harassment, arrest and abuse; stigma and discrimination and little personal safety and security from their clients and the public in general. This means that the women are unable to protect and safely provide for themselves and their families. The lack of recognition, the illegality of the work, and the lack of access to tailored health care services, makes sex workers inordinately exposed to HIV/AIDs.
4. In Kenya, there is no law that legalizes sex work neither are there laws that directly criminalize it. The Kenyan Penal Code and the Sexual Offences Act do not explicitly criminalise sex work, but criminalise the actions of third parties associated with sex work. The confusion has resulted to un-harmonized interpretation of the law to the disadvantage of the sex workers. Currently, various country governments are debating on the enactment of laws that directly criminalize sex work.
5. The Constitution of Kenya 2010 provides equality and non-discrimination; freedom and security of every person, which includes protection against inhuman or degrading treatment and right to the highest attainable standards of health. The state is required under the Constitution to abide by the provisions of international and regional human rights instruments that it has ratified.

FIDA Kenya would like to make the following recommendations to the Commission to urge the Kenyan Government to:

- Decriminalize sex work and enact policies and laws to adequately protect and respect human rights for marginalized and vulnerable women such as sex workers. This will give sex workers the basis to access and utilize the legal systems when their rights are violated.

- Provide and support appropriate and quality health programmes, including HIV prevention, for sex workers using evidence-based and human rights-based approaches.
- Implement rigorous training of law enforcement, local administration officials and the local community on legal and human rights standards with regards to sex work.
- Institute mechanisms that allow sex workers to find redress for human rights violations and violators accountable for their actions.

CONCLUSION

FIDA Kenya is committed to monitoring government's obligation to women by ensuring women's rights are protected. FIDA Kenya urges the African Commission on Human and Peoples' Rights to recommend to the Kenyan government to put measures in place, to ensure sex workers rights are properly protected, respected and upheld.