

Ambassador Katherine Tai  
United States Trade Representative  
600 17th Street NW  
Washington, DC 20508

June 8, 2023

Dear Ambassador Tai,

We write to you as trade justice, health, labor, and LGBTQI+ rights organizations that are monitoring the evolution of the U.S.-Kenya Strategic Trade and Investment Partnership (STIP). Given the rapidly deteriorating state of LGBTQI+ rights in Kenya, we kindly request that your office temporarily pause the negotiations.

Earlier this year, the Supreme Court of Kenya ruled that the freedom of association applies to organizations that support the rights and freedoms of LGBTQI+ people.<sup>1</sup> However, government officials and other duty bearers quickly responded with backlash.<sup>2</sup> President William Ruto called for nullification of the ruling.<sup>3</sup>

Over Easter weekend, Member of Parliament Peter Kaluma submitted the “Family Protection Bill” to the Kenya National Assembly. The legislation calls for harsh new criminal penalties—including the death penalty—for anyone identifying as LGBTQI+ or anyone who promotes or protects LGBTQI+ rights.<sup>4</sup> If enacted, this bill would compel employers to report employees perceived as LGBTQI+ to Kenyan authorities. Furthermore, because this bill criminalizes the sharing of information and resources about LGBTQI+ people, it would prevent companies from implementing diversity, equity, and inclusion policies in Kenya. Passage of this bill would not only result in more people fleeing Kenya as refugees, but it would also disrupt the resettlement infrastructure of the region; Kenya hosts over 500,000 refugees and has long been a destination for LGBTQI+ people escaping persecution from neighboring countries.<sup>5,6</sup>

Even without new legislation taking effect, violence against the LGBTQI+ community has escalated. This spring, the Kenya National Commission on Human Rights has registered over 400 violations against people perceived as LGBTQI+ in Kenya. More than 10 LGBTQI+ serving organizations and clinics have been shut down.<sup>7</sup>

**The STIP negotiations take place during a critical time, as LGBTQI+ people in Kenya face grave danger. For this reason, we ask you to pause these negotiations and only resume if**

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<sup>1</sup> [Supreme Court Petition No.16 of 2019, NGOS Co-ordination Board vs. Eric Gitari & 5 Others. Judgment](#)

<sup>2</sup> [Why are Kenya and Uganda cracking down on LGBTQ rights? | LGBTQ News | Al Jazeera](#)

<sup>3</sup> <https://www.youtube.com/watch?v=NISr61sa5Go>

<sup>4</sup> <https://eu.docs.wps.com/l/sIH-m9aGmAbL5w6EG?sa=00&st=0t>

<sup>5</sup> [Figures At A Glance | UNHCR](#)

<sup>6</sup> [We Will Hunt You: Ugandans Flee Ahead of Harsh Anti-Gay Law | New York Times](#)

<sup>7</sup> ['Nowhere to hide': Anti-gay crackdown grips East Africa](#)

## **President Ruto commits to vetoing any legislation that criminalizes the LGBTQI+ community.**

With Ugandan President Yoweri Museveni signing a harsh anti-LGBTQI+ bill into law on May 29, the stakes are even higher. The world is watching the rising tide of intolerance and hate in Kenya, Tanzania, and beyond. Proceeding with STIP negotiations sends the wrong message not only to Kenya but also to all countries currently considering policies that pose harm to LGBTQI+ people. Because Kenya is the only country in the region with which the U.S. is currently engaged in bilateral trade negotiations, the whole world is following the talks.

Precedent exists for human rights concerns altering the trajectory of a trade deal. LGBTQI+ rights violations resulted in the removal of African Growth and Opportunity Act (AGOA) status for the Gambia. Sen. Ron Wyden has called for the suspension of Uganda's AGOA status, should the country pass additional laws that criminalize LGBTQI+ people.<sup>8</sup>

Moreover, groups based in the U.S. are promoting hatred in East Africa.<sup>9</sup> Organizations such as Family Watch International,<sup>10</sup> which the Southern Poverty Law Center has identified as a hate group,<sup>11</sup> are driving the proliferation of legislation like the "Family Protection Bill."

The Biden administration has released a memorandum directing U.S. diplomats, foreign assistance programs, and agencies to advance the rights of LGBTQI+ people everywhere.<sup>12</sup> The administration has also embarked on an important and laudable mission to lead the way toward a new model of trade. The U.S. government must stand by its values and maximize its leverage to combat hate. Pursuing the U.S.-Kenya STIP at this time without assurances protecting the human rights of LGBTQI+ people sends the wrong message that the U.S. will look the other way and compromise its stated values in furtherance of economic and trade goals.

We look forward to your response to this urgent matter.

Sincerely,

ACT UP New York (AIDS Coalition To Unleash Power)

ACT UP Philadelphia (AIDS Coalition To Unleash Power)

Association of Flight Attendants-CWA

African Services Committee

AIDS Action Baltimore

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<sup>8</sup> [Wyden asks Administration to warn Uganda its AGOA status is endangered](#)

<sup>9</sup> [The U.S. connection to Uganda's 'kill the gays' anti-LGBTQ bill - The Washington Post](#)

<sup>10</sup> <https://www.glaad.org/gap/sharon-slater>

<sup>11</sup> <https://www.splcenter.org/fighting-hate/extremist-files/group/family-watch-international>

<sup>12</sup> <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/04/memorandum-advancing-the-human-rights-of-lesbian-gay-bisexual-transgender-queer-and-intersex-persons-around-the-world/>

AIDS Alabama  
American Jewish World Service  
AVAC  
Black and Latinx Community Control Philadelphia  
California Trade Justice Coalition  
Center for Popular Democracy  
Citizens Trade Campaign  
Communications Workers of America (CWA)  
Communities United for Status & Protection (CUSP)  
Community Alliance for Global Justice/AGRA Watch  
Council for Global Equality  
Equality California  
Fight for the Future  
Fundors Concerned About AIDS  
GALAEI  
Global Network of Black People Working in HIV  
Haitian Bridge Alliance  
Health GAP  
Housing Works  
Human Rights Campaign  
Institute for Agriculture and Trade Policy  
International Association of Providers of AIDS Care  
MPact Global Action  
National LGBTQ Task Force  
National Organization for Women  
National Working Positive Coalition  
NETWORK Lobby for Catholic Social Justice  
New York Trade Justice Coalition  
Outright International  
Oxfam America  
Pierce County AIDS Foundation (PCAF)  
PFLAG National  
PrEP4All  
Pride At Work  
Progressive Democrats of America

Public Citizen

Rethink Trade

Service Employees International Union (SEIU)

Texas Fair Trade Coalition

The Global Justice Institute

Trade Justice Education Fund

Treatment Action Group (TAG)

United Church of Christ, Justice and Local Church Ministries

Washington Fair Trade Coalition