

Intersex Infanticide: NGO Oral Statement CCPR131 Kenya, 08.03.2021 (on behalf of StopIGM.org)

John Chigiti, SC

Thank you.

Dear Committee

I am a senior counsel, a human rights and public interest litigation lawyer practicing in Kenya.¹ I am also counsel at the African Court and at the International criminal court. I do a lot of child rights litigation. And I am the author of the book “Intersex Persons & the Law in Kenya”.²

I am also the founder of The Gender Minority Advocacy Trust where we attend to the rights of intersex children.

I litigated the only two intersex persons cases in Kenya known as The RM case and The Baby A case mentioned in the State report [paras 172-173].

The Baby A judgment³ informed the urgent need to set up the Taskforce on Policy, Legal, Institutional and Administrative Reforms regarding the Intersex Persons in Kenya⁴ mentioned in the State report [para 173], where I served as the lead consultant to the Taskforce.

I’ve been following the work of StopIGM.org since 2014 and I fully appreciate and support the findings in their NGO Report for the LOI.⁵

From my deep long interaction with intersex persons in Kenya since the year 2007, I am aware that intersex infanticide is a serious human rights issue in Kenya, and that one of the objectives of the National Coroners Service Act 2017 mentioned in the List of Issues [para 14] is to provide for investigation of reportable deaths in order to determine the identities of the deceased persons, the times and dates of their deaths and the manner and cause of their deaths. This includes and is not limited to the power to investigate cases of intersex children infanticide and refer them to the Office of Public Prosecutions.^{6,7} However, we are yet to see progress in the prosecutions of such cases.

Towards the promotion, protection and the fulfilment of the right to life for all intersex children as guaranteed under **Article 26 of the Constitution of Kenya** and under **Articles 2, 6, 7, 24 and 26 of the Covenant**, I therefore do identify with and urge the Committee to raise the issue of **intersex infanticide** within the context of the **Coroners Act** during the Session to help protecting intersex children at risk of infanticide.

Thank you for your consideration.

1 <https://chigiti.co.ke/>

2 <https://www.the-star.co.ke/sasa/books/2020-11-06-intersex-kenyans-are-our-invisible-citizens/>

3 <http://kenyalaw.org/caselaw/cases/view/104234/>

4 <http://www.klrc.go.ke/images/TASKFORCE-REPORT-on-INTERSEX-PERSONS-IN-KENYA.pdf>

5 <http://intersex.shadowreport.org/public/2020-CCPR-LOI-Kenya-NGO-Intersex-StopIGM.pdf>

6 Ibid., p. 141

7 Kenya National Commission of Human Rights (KNCHR), Handbook on the National Coroners Service Act, p. 16, https://www.knchr.org/Portals/0/Handbook%20on%20The%20National%20Coroners%20Service%20Act%2C%202017_2018.pdf