



Legal Challenges

Same-gender sexual activities between men are illegal in Kenya with a penalty of 5-14 years imprisonment. While women's same-gender sexual activities are not explicitly prohibited by law because lesbians, bisexual women, and transgender persons are not recognised in the Kenyan Constitution. There is no legal recognition of any same-gender relationships. Same-gender marriage is constitutionally banned since 2010 and adoption is prohibited for same-gender couples. There are no explicit protections against discrimination based on sexual orientation and/or gender identity and there are no statutory provisions relating to transgender people's rights. However, there have been a series of court rulings in favor of transgender rights, such as the right to change the names appearing on legal documents.

Activism

LGBTQIA+ rights main organisations in Kenya include the Gay and Lesbian Coalition of Kenya (GALCK) (<https://www.galck.org/>), Gay Kenya Trust (<https://www.galck.org/gkt/>), National Gay & Lesbian Human Rights Commission (NGLHRC) (<https://www.facebook.com/NGLHRC/>), and EATHAN (the East Africa Trans Health & Advocacy Network) (<https://eathan.org/>).

The following organisations are also listed by ILGA to be in LGBTQIA+ field in Kenya:

AMKENI MALINDI, Changing Attitude Kenya, EATHAN, Gay Activists Alliance International Africa Kenya, HIV/AIDS PEOPLE ALLIANCE OF KENYA, Let Good Be Told In us (LGBTI) - Nyarwek Coalition, Minority Women in Action, NYANZA RIFT VALLEY AND WESTERN KENYA LGBTI NETWORK, PICTURE YOUTH GROUP, Persons Marginalized and Aggrieved Kenya, Queer Talk, SDA Kinship, Tamba Pwani.

Societal Challenges

Kenyan society is highly conservative. A large majority of people hold negative views on LGBTQIA+ people. Traditional religious and cultural values play a substantial role in these figures. Leaders of Catholic, Anglican and Islamic religions in Kenya condemn homosexuality and transgender identity as signs of decadence, disease, and immorality. LGBTQIA+ persons are routinely harassed by the police. Sex workers are often asked for bribes and sexual favors or raped by policemen in exchange for their freedom and security. Women's same-gender marriage is practiced among the Gikuyu, Nandi, Kamba, Kipsigis as a way for families without sons to keep their inheritance within the family. Transgender people in Kenya suffer stigma and discrimination and are not able to access gender confirmation therapy. Intersex people also face mutilation and non-consensual medical interventions, and difficulties in obtaining documentation in Kenya. Despite all, public support has slowly been growing and various organisations are working to protect and improve LGBTQIA+ rights.

Displacement

LGBTQIA+ individuals are fleeing their home country from persecution and violence to a safer destination in European and North American countries. Despite the discrimination and harassment present in Kenya, it is the only East African nation where someone can seek asylum and be registered as a refugee based on their LGBTQIA+ status from other African countries such as Uganda.

Resources

- [1] <https://apnews.com/article/lifestyle-africa-ap-top-news-virus-outbreak-international-news-de94e8c2f1ee816996619c8f12f72ddb>
- [2] https://ilga.org/downloads/ILGA_State_Sponsored_Homophobia_2019.pdf
- [3] <https://www.refugeelegalaidinformation.org/kenya-lgbti-resources>
- [4] https://en.wikipedia.org/wiki/LGBT_rights_in_Kenya
- [5] https://ilga.org/civi_details

