



Informational Brief

Lesbian, Gay, Bisexual, Transgender/Transsexual and Intersexed (LGBTI) Concerns in Kenya

Social views on relationships remain largely conservative across Africa, but differ widely from nation to nation, both in terms of actual laws and the enforcement of those same laws. Kenya is widely regarded as one of the more progressive and inclusive nations in sub-Saharan Africa and ranks second in both tourist destinations and conference host destinations in Africa. But travelers are advised to educate themselves as to all laws and restrictions of any destination country, and the legal statutes that address lesbian, gay, bisexual, transgender / transsexual and intersexed issues (LGBTI) in Kenya are no exception.

Much of Kenyan law still reflects socially conservative views handed down from a far less progressive colonial era, and culturally speaking, homosexuality remains taboo. But there are indications of increasingly tolerant perspective held in Kenya

There is increasing evidence of a societal shift in views toward LGBTI issues. These include recent proposed changes to legislation on LGBTI issues, greater space in civil society for organizations that promote equality on these issues to operate openly, and recent statements by the country's president that indicate a progressive view on same-sex relationships.

"The majority in our society yes, do not wish to legalize...this issue of gay rights," said Kenya president Uhuru Kenyatta, in a recent interview with CNN. "The people in Kenya are not, at this point in time, and that's exactly what I said when we were with President Obama. To them this is not an issue that they are going to put at the center. They have more pressing issues...However, that said and done I ...will not allow people to persecute any individuals...Every individual has a right to be protected by the law and that's stated in our constitution."

Some travel guides advise both homosexual and heterosexual couples alike to avoid public displays of affection in Kenya, but these travel guides do not dissuade gay couples from visiting the country. For more on this, please visit advice for travelers in Lonely Planet and Rough Guide at <http://www.lonelyplanet.com/africa/gay-and-lesbian-travellers> and <https://www.roughguides.com/destinations/africa/kenya/culture-etiquette>.

Pressure from human rights activists regarding the treatment of LGBTI persons in Kenya is growing stronger, and recent legal actions challenge the current state of the law on this matter. The High Court has ruled that the Kenyan Constitution does not discriminate based on sexual orientation and a person of any sexual orientation has the right to privacy, dignity, and equality, and in 2015, the LGBTI community in Kenya celebrated another legal achievement: the proposed anti-homosexuality bill.

In 2015, the High Court of Kenya also ruled that members of a LGBT rights group could [formally register their organization](#), the National Gay and Lesbian Human Rights Commission, (NGLHRC). This was described as a 'significant victory for the LGBT community' by Human Rights Watch. The case created a legal precedent for LGBT rights organizations, such as Transgender Education and Advocacy (TEA) and others, to formalize their activity in Kenya without a fear that the process will be blocked by the government.

Recently, TEA submitted a memorandum on the 2016 Health Bill that, if approved, will help to stop the stigma associated with transsexuality. In addition, in 2014 a Kenyan transgender activist was allowed to change her gender on her school records. The Kenyan media also fuels social change, and the “Kenyan Queer Questions” is a new LGBT podcast from Nairobi that commands a significant audience and addresses stereotypes and important questions regarding HIV, coming out, and other important issues.

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