



Home Office

Country Policy and Information Note

Kenya: Sexual orientation and gender identity and expression

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Executive summary

Lesbian, gay, bisexual, trans and intersex (LGBTI) people have different statuses within the law. Same-sex consensual sex between men is illegal and is punishable with a prison sentence. There is no specific law prohibiting same-sex sex between women but those who do so may be arrested under public order laws. There are no laws on gender identity (including scope to change gender identity) intersex people are legally recognised as the third gender. Same-sex marriage is illegal.

Civil society groups advocating and supporting LGBTI people are allowed to operate but do so in a restrictive civic space.

The state does not actively enforce the anti-LGBT laws and prosecutions are rare. However other legal provisions are used, such as public order offences, to harass or arrest LGBTI people.

Homophobia and transphobia remain common and LGBTI people may experience discrimination, violence, verbal and sexual harassment, corrective rape and conversion therapy, extortion, and blackmail, by community and family members. They also sometimes face discrimination in accessing education, employment, and healthcare.

LGBTI people form a particular social group in Kenya.

LGBTI people face discrimination however the available evidence does not indicate that they are generally subject to persecution.

The state is able but unwilling to provide effective protection.

Internal relocation may be possible for those who fear non-state actors.

Where a claim is refused it is unlikely to be certifiable as 'clearly unfounded'.

All cases must be considered on their individual facts, with the onus on the person to demonstrate they face persecution or serious harm.

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Assessment

Section updated: 25 October 2024

About the assessment

This section considers the evidence relevant to this note – that is the [country information](#), refugee/human rights laws and policies, and applicable caselaw – and provides an assessment of whether, **in general**:

- a person faces a real risk of persecution/serious harm by the state or non-state actors because of their sexual orientation and/or gender identity and expression.
- the state (or quasi state bodies) can provide effective protection.
- internal relocation is possible to avoid persecution/serious harm.
- if a claim is refused, whether it is unlikely to be certified as ‘clearly unfounded’ under [section 94 of the Nationality, Immigration and Asylum Act 2002](#).

This note provides an assessment of the situation for gay men, lesbians, bisexuals, trans and intersex (LGBTI) people, as well as those perceived as such. Sources often refer to LGBTI people collectively, but the experiences of each group may differ. Where information is available, the note will refer to and consider the treatment of each group discretely.

Decision makers **must**, however, consider all claims on an individual basis, taking into account each case’s specific facts.

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1. Material facts, credibility, and other checks/referrals

1.1 Credibility

- 1.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#), [Asylum Instruction on Sexual identity issues in the asylum claim](#) / and [Gender identity issues in the asylum claim](#).
- 1.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 1.1.3 Decision makers must also consider making an international biometric data-sharing check (see [Biometric data-sharing process \(Migration 5 biometric data-sharing process\)](#)).
- 1.1.4 In cases where there are doubts surrounding a person’s claimed place of origin, decision makers should also consider language analysis testing, where available (see the [Asylum Instruction on Language Analysis](#)).

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1.2 Exclusion

- 1.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts.
- 1.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).
- 1.2.3 For guidance on exclusion and restricted leave, see the Asylum Instruction on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and the instruction on [Restricted Leave](#).

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2. Convention reason(s)

- 2.1.1 Actual or imputed particular social group (PSG).
- 2.1.2 Lesbian, gay, bisexual, trans and intersex (LGBTI) people form a PSG in Kenya within the meaning of the Refugee Convention because they share an innate characteristic or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it **and** have a distinct identity in Kenya because the group is perceived as being different by the surrounding society.
- 2.1.3 Although LGBTI persons form a PSG, establishing such membership is not sufficient to be recognised as a refugee. The question to be addressed is whether the person has a well-founded fear of persecution on account of their membership of such a group.
- 2.1.4 For further guidance on the 5 Refugee Convention grounds, see the Asylum Instruction, [Assessing Credibility and Refugee Status](#).

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3. Risk

- 3.1.1 An LGBTI person is unlikely to be at risk of persecution or serious harm from state and/or non-state actors. The onus is on the person to demonstrate

otherwise. Factors that may affect risk include the person's gender, socio-economic and educational background, and where they lived.

- 3.1.2 There is no data on the number of the LGBT people in Kenya, which has a total population of over 52 million. The state, however, recorded that there were over 1,500 intersex people in 2019 (see [Demography](#)).
- 3.1.3 The constitution includes the right to equality and non-discrimination but does not specifically recognise or provide protection based on sexual orientation or gender identity and expression. Same-sex sex between men is criminalised under sections 162 and 165 of the penal code with sentences of up to 14 years imprisonment. Same-sex relationships between women are not explicitly criminalised, but women who have sex with women may face arrest for acts considered 'indecent' (See [Legal context](#)).
- 3.1.4 Trans people are not protected under the law and are not legally able to change their gender. Trans individuals who engage in sexual activity with people of the same sex, for example trans women having sex with men, could be punished under the law criminalizing consensual same-sex sexual activity. However, there have been some court rulings in favour of trans rights, such as the right to change names on legal documents (see [Trans people](#)).
- 3.1.5 The law recognises intersex people and permits them to identify as intersex but does not otherwise cover or normalize gender-nonconformity or nonbinary designations. An Intersex Persons Bill 2023 was introduced that provides for protection against medical testing, procedures and treatment, however at the time of writing this had not become law (see [Trans people](#) and [Intersex people](#)).
- 3.1.6 While anti-LGBT laws remain, the courts have shown made rulings protecting LGBT rights. This includes a case which found that forced anal examinations are illegal and, in September 2023, the Supreme Court upholding its February 2023 ruling that LGBTI groups have a constitutional right of association and can register as non-government organisations (see [Challenges to the laws affecting LGBTI people](#)).
- 3.1.7 The government's public stance, as well as that of parliamentarians and other public officials, towards LGBTI people varies. Senior members of the government have said they 'wouldn't condone' same-sex relations. Some members of parliament have expressed strong anti-LGBTI views and have tried to limit their rights, specifically after the Supreme Court ruling in February 2023 which generated public backlash (See [State treatment](#)).
- 3.1.8 Prosecutions under the anti-LGBT laws are extremely rare. The International Lesbian and Gay Association reported that between 2009 and 2023 there were 18 'apparent' examples of 'targeting' of LGBTI people by the state but there is no evidence these cases led to prosecutions and convictions. The US State Department noted that while the police do arrest people under the anti-LGBT laws, particularly those suspected of commercial sex working, they usually released them shortly afterward. A submission by Advocates of Human Rights (AHR) and other NGOs to the UN reported that 2 men were reportedly charged with violations under section 162 of the penal code in 2021; however, the charges were later dropped. The same source also

noted that 2 trans women were charged under section 165 of the penal code. There is no further information about the cases in the sources consulted indicating these progressed to prosecution and conviction (see [prosecution of same-sex acts](#)).

- 3.1.9 Sources also report the police sometimes use public order law – for example, disturbing the peace – to arrest, harass, abuse and extort bribes from LGBTI people. AHR and other NGOs report that police harassment is frequent, and that under-reporting may be common ([see State treatment](#)). However, detailed evidence of the scale and nature of police harassment is limited and that which is available does not support the claim of that it is frequent. Most of the numerical data has been collated by the Kenyan NGO National Gay and Lesbians Human Rights Commission (NGLHRC). NGLHRC ‘dealt with’ 679 cases of blackmail and extortion between 2014 and 2021/2 (about 90 a year) but it is unclear if these were all the result of state action. NGLHRC also provided a detailed breakdown of the 619 cases of ‘violence’ reported to it by state and non-state actors in 2021 (the most recent year available). Of these, only 80 were police misconduct, of which 18 were for arbitrary arrest, 9 for extortion, 9 raid/unwarranted searches and 6 for harassment. However, the numbers and type incident reported is not the same as confirmation, the source does not clarify as to who is the determiner of whether an arrest was ‘arbitrary’ or a raid/search was ‘unwarranted’. The NGLHRC does not provide analysis of the profile or circumstance of the cases (see [Treatment – general](#) and [State treatment](#)).
- 3.1.10 Societal attitudes remain largely negative, with around 14% of people surveyed in 2020 saying ‘homosexuality’ should be accepted (a significant improvement from 2002 when only one per cent did). (see [Societal attitudes and treatment](#)).
- 3.1.11 Sources – mostly NGOs – report that LGBTI people may (to note may is not the same as reasonably likely) face physical and verbal attacks including corrective rape, conversion therapy, blackmail, eviction, extortion, forced marriage, social prejudice and stigmatisation from their local community and family members. An Amnesty International poll in 2023 found 75% of LGBTI respondents said they had experienced some form of discrimination. However, no distinction is made between state and non-state actors and ‘discrimination’ is not defined. AHR reported that anti-LGBTI vigilantism, particularly in rural areas, also occurs but that the ‘majority’ of attacks were verbal assaults. Sources also report that LGBTI people may face discrimination in accessing public services such as education and healthcare, as well as accommodation (see [Societal attitudes and treatment](#)).
- 3.1.12 There is limited numerical evidence about societal discrimination and violence against LGBTI people. The NGLHRC published data on the number of incidents of ‘violence’ reported to its legal aid centres committed by state and non-state actors between 2014 and 2022. These totalled over 3,900 cases (increasing from 344 in 2014 to 901 in 2022, averaging 433 a year), noting that other incidents may go unreported. The incidents were from 41 of Kenya’s 47 counties (but did not indicate which) and include non-Kenyan asylum seekers and refugees. However, the NGLRC used a broad definition

of violence, with the annual report for 2022 listing 48 different types of incident ranging in gravity from murder (2 cases) to requests for food baskets (52 cases). The annual report 2022 included data which appear largely to relate to societal violence. It identified 11 incidents of 'violence' (9 by intimate partners, 2 mob justice), 120 case so of statutory offences including 14 cases of threat to life and 13 cases of threat to bodily harm, and 5 of gang rape. However, the largest group of cases (over 40%) were requests for assistance, including for food packages (52), therapy sessions (43), relocation (31) and menstrual kits 31 (see [Treatment – general](#)).

- 3.1.13 A number of NGOs advocating on behalf of and providing support to LGBTI people operate. These include Gay and Lesbian Coalition of Kenya (GALCK), Ishtar MSM, and National Gay and Lesbian Human Rights Commission (NGLHRC) (see [LGBTI groups, civil society, and human rights NGOs](#)).
- 3.1.14 LGBTI people face negative state and societal attitudes and discrimination, although there has been progress in legal recognition of their rights, the development of LGBTI groups and 'space', and shifts in public opinion. Some may also experience state and societal violence, which may particularly affect those involved in sex work or those who live in rural areas. However, there is not clear, detailed and cogent evidence that LGBTI people generally face treatment by its nature and/or severity amounts to persecution.
- 3.1.15 If a person does not openly express their sexual orientation or gender identity, consideration must be given to the reasons why they do not.
- 3.1.16 For further guidance on assessing risk, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#), [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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4. Protection

- 4.1.1 Where the person has a well-founded fear of persecution or serious harm from the state, they are unlikely to be able to obtain protection.
- 4.1.2 A person who has a well-founded fear of persecution or serious harm from a rogue state actor and/or a non-state actor is unlikely to obtain protection from the state. This is because in general, the state is able but not willing to offer effective protection.
- 4.1.3 The criminal justice system is capable of detecting, prosecuting, and punishing people who commit acts against the law, and which may amount to persecution. The state does not actively enforce the anti-LGBTI laws and prosecutions under these have been rare. However, some police have also reportedly harassed LGBTI people when their assistance has been sought, and there is limited evidence that the state has investigated, arrested, and prosecuted people who have committed crimes against them (see [State attitude and treatment](#) and [Police and judicial response to anti-LGBTI violence](#)).
- 4.1.4 For further guidance on assessing state protection, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#) [Assessing](#)

[Credibility and Refugee Status](#) and [the Asylum Instruction on Sexual identity issues in the asylum claim and Gender identity issues in the asylum claim.](#)

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5. Internal relocation

- 5.1.1 Where the person has a well-founded fear of persecution or serious harm from the state, they are unlikely to be able to relocate to escape that risk.
- 5.1.2 Where the person has a well-founded fear of persecution or serious harm from a non-state or rogue state actor, they are likely to be able to internally relocate to escape that risk.
- 5.1.3 This is because in general, there are parts of the country particularly in urban areas such as Nairobi and Nyanza where it will be reasonable to expect individuals to relocate there, where majority of the population do not want the state to regulate intimate relationships (see [Public Opinion](#))
- 5.1.4 There are number of LGBTI friendly social spaces in cities like Nairobi which have a vibrant and resilient LGBTI community, offering a safe space for individuals to connect, and express themselves. A number of organisations and initiatives have also been established to provide support and create inclusive spaces for LGBTI persons (See [Social space](#)).
- 5.1.5 For further guidance on considering internal relocation and factors to be taken into account see the Asylum Instruction on [Assessing Credibility and Refugee Status](#) and the [Asylum Instruction on Sexual identity issues in the asylum claim and Gender identity issues in the asylum claim.](#)

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6. Certification

- 6.1.1 Where a claim from an adult male is refused, it must be considered for certification under section 94(3) of the Nationality, Immigration and Asylum Act 2002 as Kenya is listed as a designated state in respect of men only. Such a claim must be certified under section 94(3) if you are satisfied it is clearly unfounded.
- 6.1.2 Where a claim by LGBTI person is refused it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 6.1.3 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\).](#)

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Country information

About the country information

This section contains publicly available or disclosable country of origin information (COI) which has been gathered, collated, and analysed in line with the [research methodology](#). It provides the evidence base for the assessment.

The structure and content follow a [terms of reference](#) which sets out the general and specific topics relevant to the scope of this note.

This document is intended to be comprehensive but not exhaustive. If a particular event, person, or organisation is not mentioned this does not mean that the event did or did not take place or that the person or organisation does or does not exist.

The COI included was published or made publicly available on or before **6 January 2025**. Any event taking place or report published after this date will not be included.

Decision makers must use relevant COI as the evidential basis for decisions.

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7. Demography

- 7.1.1 According to The Kenya National Bureau of Statistics (KNBS) 'The total population of Kenya in 2019 [was] split between males (23,548,100) females (24,014,700), and 1.5 thousand intersex...'¹
- 7.1.2 According to KNBS 'As of 2019, there was a total of 12,143,900 households, and the average household size was 3.9 people.'²
- 7.1.3 According to KNBS 2019 Kenya Population and Housing Census, Population by County and Sub-County Volume-1, population in Nairobi city is 4,397,073, of which 2,192,452 are male, 2,204,376 are female, and 245 are intersex.³
- 7.1.4 Kenya National Commission on Human Rights (KNCHR) in their press statement, Commemoration of the 2024 Intersex Awareness Day, dated 26 October 2024 (KNCHR Press statement October 2024), referring to KNBS 2019 Kenya Population and Housing Census, noted: 'According to the 2019 Kenya Population and Housing Census, there are 1,524 intersex persons in Kenya, with Nairobi and Kiambu Counties recording the highest numbers at 245 and 135, respectively.'⁴
- 7.1.5 There is no information on the size of the LGBT population in the sources consulted (see [Bibliography](#)).

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8. Legal context

8.1 Constitution

- 8.1.1 The Constitution states that everyone is equal before the law and that 'The State shall not discriminate directly or indirectly against any person on any

¹ The Kenya National Bureau of Statistics, [Gender distribution](#), no date

² The Kenya National Bureau of Statistics, [Total Households](#), no date

³ KNBS, [Volume 1-Population by County and Sub-County](#) (table 2.1), November 2019

⁴ KNCHR, [Commemoration of the 2024 Intersex Awareness Day](#) (page 1), 26 October 2024

ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth ... [a] person shall not discriminate directly or indirectly against another person on any of the grounds specified or contemplated in clause (4).⁵ However, it does not refer to sexual orientation or gender identity.

- 8.1.2 The AHR in their joint submission with The Eagles for Life, Oasis Research, and University of Minnesota Law School Human Rights Litigation and International Advocacy Clinic to the 73rd Session of the Committee against Torture, titled 'Kenya: Compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: Rights of LGBTI Persons' (AHR-TEFLK-OR-UoM submission 2022) noted: 'Although constitutional provisions ensure equality for every person under the law, neither sexual orientation nor gender identity are explicitly protected identities under the Constitution.'⁶
- 8.1.3 The NGLHRC which described itself as an independent human rights institution working for legal and policy reforms towards equality and full inclusion of sexual and gender minorities in Kenya, and Amnesty International (AI) in their joint report, Kenya: "'Justice Like Any Other Person" Hate Crimes and Discrimination Against LGBTI Refugees', dated 19 May 2023 (NGLHRC and AI joint report 2023) noted:
- 'Kenya's Constitution gives prominence to the principles of equality and non-discrimination. Article 10 sets out values and principles of governance, which include human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination, and protection of the marginalized. Government officials, including RAS officers, are required to abide by and apply these principles while discharging their duties.¹⁸⁴ Article 27(1) provides for the rights to equality and freedom from discrimination, and states that everyone is equal before the law and has the right to equal protection and benefit of the law.'⁷
- 8.1.1 The NGLHRC and AI joint report 2023 also noted 'The High Court has also affirmed the right to dignity for every person in Kenya, as provided for in Articles 10 and 28 of the Constitution. In a landmark decision, the High Court ruled that it is important to recognize and protect the rights of transgender people in line with the constitutional principle of non-discrimination.'⁸
- 8.1.2 The National Gay & Lesbian Human Rights Commission (NGLHRC), and Redress, which described itself as 'an NGO that pursues legal claims on behalf of survivors of torture in the UK and around the world'⁹, in their joint submission to the UN Committee Against Torture's 73rd Session Concerning Kenya's Third Periodic Report dated 18 March 2022 (NGLHRC-Redress submission 2022) noted: '... the Constitution provides that individuals shall not be discriminated against on the basis of sex and case law has stated

⁵ Government of Kenya, [Constitution of Kenya](#) (section 27), September 2010

⁶ AHR-TEFLK-OR-UoM, [Kenya: Compliance with the Convention...](#) (paragraph 32), 18 March 2022

⁷ NGLHRC and AI, [Kenya: "Justice Like Any Other Person" Hate Crime...](#) (section 5.2), 19 May 2023

⁸ NGLHRC and AI, [Kenya: "Justice Like Any Other Person" Hate Crime...](#) (section 5.2), 19 May 2023

⁹ Redress, [About us](#), no date.

that, on a case-by-case basis, this may include sexual orientation.¹⁰

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8.2 Penal code and other domestic legislation

- 8.2.1 The NGLHRC-Redress submission 2022 noted: ‘Section 162 of the [Penal Code](#) ... (unnatural offences) criminalises acts “against the order of nature”, which have been interpreted by the High Court as including anal sex. Further, section 165 of the Penal Code ... (indecent practice between males) criminalises any act of “gross indecency” between male individuals. These offences carry a penalty of up to fourteen (s. 162) and five years of imprisonment (s. 165).’¹¹
- 8.2.2 The US Department of State (USSD) in their 2023 Country Reports on Human Rights Practices (USSD report 2023) published 23 April 2024, noted: ‘The penal code criminalized “carnal knowledge against the order of nature,” which was interpreted to prohibit consensual same-sex sexual conduct, and it specified a maximum penalty of 14 years’ imprisonment if convicted, as well as seven years for “attempting” such conduct. The law criminalized acts of “gross indecency” between men, whether in public or in private, with five years’ imprisonment. Police detained persons under these laws, particularly persons suspected of working in commercial sex, but released them shortly afterward.’¹²
- 8.2.3 The USSD report 2023 also noted: ‘The law did not explicitly protect LGBTQI+ persons from discrimination based on sexual orientation, gender identity or expression, or sex characteristics, and it did not recognize LGBTQI+ individuals, couples, or their families. The law did not specifically recognize or protect the rights of LGBTQI+ persons in housing, employment, education, or health care.’¹³
- 8.2.4 The NGLHRC and AI joint report 2023 noted: ‘Kenya is a state party to the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol), which provides for the elimination of all forms of discrimination against women irrespective of their sexual orientation. The protocol calls on states to “support the local, national, regional and continental initiatives directed at eradicating all forms of discrimination against women” regardless of their sexual orientation.’¹⁴
- 8.2.5 The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) is a worldwide federation of more than 1,900 organisations from over 160 countries and territories campaigning for lesbian, gay, bisexual, trans and intersex human rights¹⁵, in their Laws on Us: A Global Overview of Legal Progress and Backtracking on Sexual Orientation, Gender Identity, Gender Expression, and Sex Characteristics [Kenya excerpt], (ILGA Report 2024),

¹⁰ NGLHRC, [Submission to the Committee Against Torture ...](#) (paragraph 6) 18 March 2022

¹¹ NGLHRC, [Submission to the Committee Against Torture ...](#) (paragraph 6) 18 March 2022

¹² USSD, [2023 Country Reports on Human Rights Practices: Kenya](#) (section 6), 22 April 2024

¹³ USSD, [2023 Country Reports on Human Rights Practices: Kenya](#) (section 6), 22 April 2024

¹⁴ NGLHRC and AI, [Kenya: “Justice Like Any Other Person” Hate Crime...](#) (section 5.2), 19 May 2023

¹⁵ ILGA, [About us](#), no date

dated 30 May 2024 noted:

‘In March 2023, parliamentarian George Peter Kaluma announced the Family Protection Bill (2023), which aims to amend the definition of “family” contained in Article 45(2) of the Constitution and Section 162 of the Penal Code (1930). The draft bill has yet to be gazetted and has not been presented to parliament for debate. This contentious draft bill came only weeks after the Supreme Court’s decision that allowed the formal registration of the National Gay and Lesbian Human Rights Commission (NGLHRC) as a non-governmental organisation. This ruling was also followed by waves of LGBTQ protests by detractor legislators and clerics. The text of the draft bill would bring harsher penalties for consensual same-sex sexual acts. Those found guilty of such acts could face imprisonment for at least ten years or even the death penalty. Moreover, owners of premises where same-sex sexual activities occur may be fined USD 14,000 or serve a seven-year jail term’¹⁶

8.2.6 At the time of writing there was no information to indicate the Family Protection Bill had become law in the sources consulted (see [Bibliography](#)).

8.2.7 ILGA report 2024 noted: ‘Kenya currently does not have national legislation protecting persons based on their SOGIESC in the provision of goods and services, healthcare, education, employment, or housing.’¹⁷

8.2.8 The USSD report 2023 observed:

‘Authorities permitted LGBTQI+ advocacy organizations to register and conduct activities. In February, the Supreme Court struck down a lower court ruling that denied LGBTQI+ organizations the right to register as NGOs and upheld its decision in September, thus affirming the groups’ constitutional right of association.

‘Authorities restricted freedom of expression for LGBTQI+ content through a law that regulated distribution and broadcasting of content to the public. In April, parliament passed a non-binding motion banning discussion and debate of LGBTQI+ matters.’¹⁸

8.2.9 The ILGA report 2024 also noted:

‘In 2023, Kenya saw several legislative initiatives to restrict freedom of expression regarding sexual and gender diversity in education and the larger public sphere ... In March 2023, the Kenyan parliament voted to pass a motion during the thirteenth parliamentary session stating that the Government should “immediately ban discussing, publishing and distributing information that promotes same-sex relationships in the country and set up a strategy to control such content in accordance with Article 45(2) of the Constitution and Article 162 of the Criminal Law “in order to protect society, especially children and young people, against being approached by the perverted tendencies of same-sex love and marriage”.’¹⁹

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¹⁶ ILGA, [Laws on Us: A Global Overview of...](#) (Chapter -1, Kenya excerpt), 30 May 2024

¹⁷ ILGA, [Laws on Us: A Global Overview of...](#) (Chapter 4, Kenya excerpt), 30 May 2024

¹⁸ USSD, [2023 Country Reports on Human Rights Practices: Kenya](#) (section 6), 22 April 2024

¹⁹ ILGA, [Laws on Us: A Global Overview of...](#) (Chapter -2, Kenya excerpt), 30 May 2024

8.3 Trans people

- 8.3.1 Article 19, a UK based charity in their report, 'Kenya: LGBTQI+ rights must be championed by civil society', dated 17 May 2022 noted: 'Trans people have historically suffered discrimination, and in Kenya there are no statutory provisions relating to transgender rights. If there have been some court rulings in favour of transgender rights, such as the right to change names appearing on legal documents, it remains unclear as to whether these rulings constitute substantive law on the issue of changing legal gender.'²⁰
- 8.3.2 Advocates for Human Rights (AHR), which described itself as an independent, non-partisan, non-governmental international human rights organization based in USA, and The Eagles for Life, an organization working in Kenya with programs designed to advocate for human rights, especially the rights of LGBTQI+ persons, and the NLGHRC in a joint submission as part of the UN Universal Periodic Review of Kenya dated 11 October 2024 (AHR-TEFLK-NLGHRC report 2024) noted: 'Kenya lacks laws that permit transgender people to legally change their gender. Transgender individuals who engage in sexual activity with cisgender people of a different gender (e.g., transgender men who have sex with cisgender women and transgender women who have sex with cisgender men) may fall victim to the law criminalizing consensual same-sex sexual activity between adults.'²¹

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8.4 Intersex people

- 8.4.1 The National Council on the Administration of Justice (NCAJ), Kenya, established in 2011 under Section 34 of the Judicial Service Act (No 1 of 2011) as an umbrella body that brings together justice sector actors to ensure an efficient, effective and consultative approach to the administration of justice²² in their 'Report on The Status of Intersex Persons in The Criminal Justice System In Kenya', dated 19 January 2023, (NCAJ report 2023) noted: 'The Persons Deprived of Liberty Act was the first piece of legislation in Kenya to recognize and provide for intersex persons. Section 2 provides the following definition of an intersex person: "A person certified by a competent medical practitioner to have both male and female reproductive organs." Albeit progressive, the definition provided has been criticized for being too narrow.'²³
- 8.4.2 The NCAJ report 2023 also noted:
- 'In acknowledgment of the need to safeguard the interests of intersex persons, the Taskforce on Policy, Legal, Institutional and Administrative Reforms regarding Intersex Persons in Kenya was formed by the Attorney General in May 2017. The Taskforce was mandated to compile comprehensive data regarding the number, distribution, and challenges of intersex persons; and to examine the existing policy, institutional, legislative, medical, and administrative structures and systems governing them with a view to recommending comprehensive reforms to safeguard their

²⁰ Article 19, [Kenya: LGBTQI+ rights must be championed by civil society](#), 17 May 2022

²¹ AHR-TEFLK-NLGHRC, [Joint Universal Periodic Review:..](#) (Executive summary), 11 October 2024

²² NCAJ, [About us](#), No date

²³ NCAJ, [The Status of Intersex Persons in The Criminal...](#) (Section 2.2) 19 January 2023

interests.²⁴

8.4.3 The same report noted:

‘There is a gap in the legislation concerning how intersex persons in pretrial detention and those who are handed custodial sentences are to be handled within the various correctional institutions in Kenya. The lack of specific provisions addressing the measures and procedures to comply with increases the vulnerability of intersex persons within correctional institutions... Similar to the issues identified in the Prisons Act, the Borstal Institutions Act does not mention the accommodation and management of intersex offenders. The Borstal Act under section 18 requires that male and female offenders be accommodated in separate institutions. There exists no provision for intersex youth offenders.’²⁵

8.4.4 The ILGA report 2024 noted:

‘In June 2023, the Intersex Persons Implementation Coordination Committee (IPICC) presented the draft Intersex Persons Bill (2023), as requested by Kenya’s National Human Rights Commission in August 2019 ... Under Article 11(1)(b), the bill ensures that intersex individuals are protected from “intrusive and involuntary medical testing, treatment, or procedures that may have long-term negative consequences”. Additionally, Article 11(3) outlines guidelines for healthcare providers and the Cabinet Secretary of Health to develop “protocols on surgical and hormonal or other interventions that constitute medical emergencies necessary to avoid serious, urgent and irreparable harm to an intersex person”, along with other programs and requirements for appropriate medical care for intersex persons.’²⁶

8.4.5 The USSD report 2023 stated: ‘The law allowed intersex persons to formally identify “intersex” or “I” as the third gender, but the law did not otherwise cover or normalize gender-nonconformity or nonbinary designations.’²⁷

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9. Challenges to laws affecting LGBTI people

9.1.1 The Human Dignity Trust (HDT) (UK), in their ‘Countries that Criminalise LGBT People: Kenya Country Profile (January 2025)’, 9 January 2025 (HDT profile 2025), noted:

‘Kenya has seen a number of significant legal challenges to criminalising provisions and the treatment of LGBT people and organisations in recent years. These have included a case that established that the use of forced anal examinations is illegal and a case that upheld the right of LGBT people to form and register organisations. A constitutional challenge to the laws criminalising same-sex sexual activity was rejected in 2019 by the High Court and is currently being appealed to the Court of Appeal.’²⁸

9.1.2 At the time of writing no further information could be found on the progress of

²⁴ NCAJ, [The Status of Intersex Persons in The Criminal...](#) (Section 3.3) 19 January 2023

²⁵ NCAJ, [The Status of Intersex Persons in The Criminal...](#) (Section 2.3 and 2.4) 19 January 2023

²⁶ ILGA, [Laws on Us: A Global Overview of...](#) (Chapter -10, Kenya excerpt), 30 May 2024

²⁷ USSD, [2023 Country Reports on Human Rights Practices: Kenya](#) (section 6), 22 April 2024

²⁸ HDT (UK), [Countries that Criminalise LGBT...](#) (Summary) 9 January 2025

the case in the Court of Appeal in the sources consulted (see [Bibliography](#)).

- 9.1.3 An article in Jurist News, which describes itself as ‘a non-profit news organization that highlights rule-of-law issues around the globe ...’²⁹, of 25 February 2023, noted that, on 23 February 2023, the Supreme Court of Kenya had ‘... [declared](#) discrimination against the LGBTQ community unconstitutional and affirmed their right to association after a 10-year legal battle. In a 3-2 majority decision, the court ruled that article 27 of Kenya’s Constitution—which [protects](#) every person from discrimination with an open-ended list of grounds—protects sexual minorities as well.

‘The court said:

‘... [a]n interpretation of non-discrimination which excludes people based on their sexual orientation would conflict with the principles of human dignity, inclusiveness, equality, human rights, and non-discrimination. To put it another way, to allow discrimination based on sexual orientation would be counter to [the] constitutional principles.

‘Through a wider interpretation of the term “sex” under article 27, the court declared that sex should not be interpreted in the strict sense. The majority decision stated:

“... [t]he use of the word ‘sex’ under Article 27(4) does not connote the act of sex per se but refers to the sexual orientation of any gender, whether heterosexual, lesbian, gay, intersex or otherwise. Further we find that the word “including” under the same article is not exhaustive, but only illustrative and would also comprise ‘freedom from discrimination based on a person’s sexual orientation.’”³⁰

- 9.1.4 On 24 February 2023, BBC News reported the Supreme Court had ruled, ‘... that the country’s NGO board was wrong to stop the National Gay and Lesbian Human Rights Commission (NGLHRC) from registering in 2013. ‘As Kenya’s highest court, the Supreme Court’s ruling cannot be overturned. ‘In their judgment, the judges ruled that “it would be unconstitutional to limit the right to associate, through denial of registration of an association, purely on the basis of the sexual orientation of the applicants” ... ‘Friday’s judgement ends a 10-year legal battle which began in 2013 when Eric Gitari, the former executive director of the NGLHRC, challenged the head of Kenya NGO Coordination Board’s refusal to permit him to apply to register an NGO under a name containing the words gay or lesbian. ‘The judges ruled in his favour at the High Court in 2015, again at the Court of Appeal in 2019 and finally in 2023.’³¹

- 9.1.5 Amnesty International in a report of January 2024 noted that, ‘on March 9, 2023, George Kaluma [MP, who also proposed the Family Protection Bill – see above] submitted an application to the [Supreme] court, seeking a review of the Judgment and Orders issued [regarding the February 2023

²⁹ JuristNews, [FAQ / Frequently asked questions](#), no date

³⁰ JuristNews, [Kenya Supreme Court declares ...](#), 25 February 2023

³¹ BBC News, [Kenya wrong to ban LGBT rights groups from registering ...](#), 24 February 2023

judgment].³² However, as the HDT profile 2025 noted: ‘In September [2023], the Kenyan Supreme Court [upheld](#) its February judgment, thus reaffirming the constitutional right to association of the NGLHRC.’³³

9.1.6 The HDT profile 2025 noted:

‘In April [2024], the High Court in Mombasa issued an interim ruling on a case brought in October 2023 by the Centre for Minority Rights and Strategic Litigation (CMRSL) and Mr. JM. The court reportedly ordered anti-LGBT groups and individuals to refrain from inciting violence against LGBTI people in Kenya. The court order prohibits anti-LGBT activists from “calling on or inciting members of the public to carry out extra-judicial killing, lynching, punishing, stoning, forcible conversion or any other means of harming LGBTQ+ identifying persons and their homes, expulsion from Kenya or any part of Kenya of LGBTQ+ identifying persons or closure of organisations serving LGBTQ+ identifying persons serving LGBTQ+ identifying persons.” This is a temporary order ahead of the court hearing the full case, and it is expected that hearings will begin on 24 July.’³⁴

9.1.7 CMRSL in their press update dated 24 June 2024 reported that the ‘High court in Mombasa granted more time to the petitioners to file their evidence in the case of JM and CMRSL vs The inspector general of police & others.’³⁵

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10. Treatment – general

10.1.1 The NGLHRC-Redress submission 2022 noted: ‘In Kenya, there is an overall environment of hostility (by state and non-state actors) towards LGBTIQ+ individuals, who commonly suffer harassment and discrimination because of their sexual orientation, gender identity, gender expression and sex characteristics.’³⁶

10.1.2 The NGLHRC-Redress submission 2022, citing 3 NGLHRC annual reports for 2018/2019, July 2019/July 2020 and 2020/2021, commented on the number of incidents of state and non-state violence:

‘LGBTIQ+ persons in Kenya are disproportionately affected by State and non-State violence. NGLHRC since the inception of its legal clinic in 2014 has received and responded to approximately 2,707+ cases of violence [this corresponds to 2014 to July 2021] against LGBTIQ+ Kenyans, and refugees and asylum seekers in Kenya, based on their real or perceived sexual orientation or gender identity. These cases include sexual assault, physical assault, verbal abuse and threats to violence, murder, conversion therapy practices, among others ... The UN Human Rights Committee also recently expressed its concern about such violence against LGBTIQ+ persons in Kenya ...’³⁷

10.1.3 The NGLHRC in its annual report for 2022 (NGLHRC report 2022) provided

³² AI, [We are facing extinction: Escalating anti-LGBTI sentiment ...](#) (page 14), 9 January 2024

³³ HDT (UK), [Countries that Criminalise LGBT...](#) (Law and Legal Developments), 9 January 2025

³⁴ HDT (UK), [Countries that Criminalise LGBT...](#) (Law and Legal Developments) 9 January 2025

³⁵ CMRSL, [Press update](#), 24 June 2024.

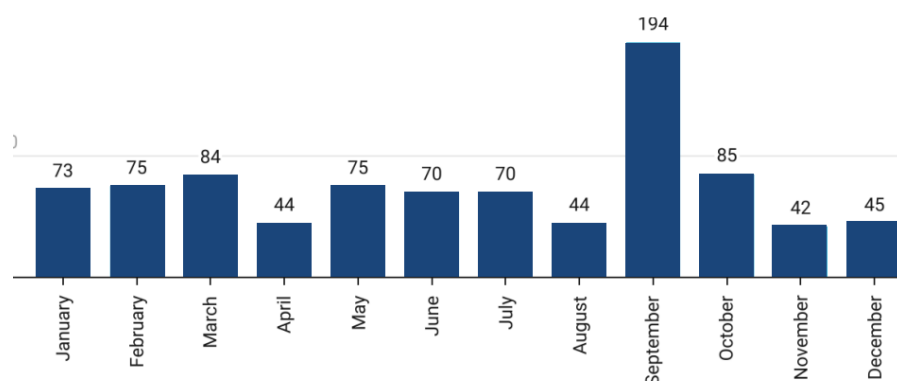
³⁶ NGLHRC, [Submission to the Committee Against Torture ...](#) (paragraph 5) 18 March 2022

³⁷ NGLHRC, [Submission to the Committee Against Torture ...](#) (paragraph 10), 18 March 2022

a breakdown by year of the number of cases reported to it between 2014 and 2022³⁸:

Number of cases handled by the NGLHRC legal aid centre by year	
Year	Number of cases
2014	344
2015	276
2016	193
2017	433
2018	518
July 2019 to July 2020	130
July 2020 to July 2021	619
2021	560
2022	901
Total	3,974
(note: there is no data for January to June 2019, while there is double counting for the first 6 months of 2021)	

10.1.4 The NGLHRC report 2022 additionally commented ‘... we received requests for Legal Aid from 41 out of 47 counties, showing how widespread violations are against LGBTIQ+ individuals. Our data confirms both a surge in reporting of violations, and a pattern of violence against sexual and gender minorities in Kenya that is escalating at an alarming rate. Worryingly, cases documented by NGLHRC represent just a fraction of the larger reality.’ The report also included a graph with a breakdown of cases by month in 2022:



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10.1.5 The NGLHRC report 2022 also noted that they had ‘received requests for redress from eight countries’ which included ‘... refugees in Kenya’⁴⁰.

10.1.6 The NGLHRC report 2022, however, did not provide a break of the type of issue or outcome of these cases for each of these years but did list the issues raised in 2022 ranging from Aggravated Assault, Anal Testing, Arbitrary Targeting and Arrests of Activists, Attempted Fraud, Attempted Murder to Requests for Financial Assistance, Requests for Financial

³⁸ NGLHRC, [2022 Annual Report](#) (page 18), no date

³⁹ NGLHRC, [2022 Annual Report](#) (page 16), no date

⁴⁰ NGLHRC, [2022 Annual Report](#) (page 18), no date

Support, Requests for Security Training, verbal assault. For full list see [source](#) ⁴¹

10.1.7 The NGLHRC 2020/2021 Annual Legal Aid Report noted:

‘Since July 2020 to June 2021 the Commission has received and handled 619 cases reported by LGBTIQ+ persons across the country. There has been significant increase in the number of cases, this could have been due to the ongoing pandemic. Covid-19 rendered quite a number of our constituents jobless and with no means of survival hence they had to go back home and were stuck with either abusive partners or abusive family members. This therefore resulted in cases of intimate partner violence, evictions, family rejections, economic indignity, discrimination, and stigma among other cases discussed in detail herein.’⁴²

10.1.8 The NGLHRC report 2020/21 also, unlike the annual report for 2022, provided detail of the type and outcome of cases reported to it. These cases of violence ranged significantly in nature and severity, of the 619 cases (most common types of cases listed in order under each bullet):

- 11 were cases of classified as incidents of ‘violence’.
 - of which 8 were reported to the police/or referred to by partner (of NGLHRC)
 - these ranged from intimate partner violence (9 cases) to mob justice (2 cases)
- 48 cases of ‘assault’,
 - of which 11 reported to the police with investigations ongoing, 2 gone to court, 27 closed.
 - including physical assault (39 cases) and verbal assault (9 cases)
- 91 cases of ‘insecurity’
 - of which 30 were reported to the police/or referred to by partner
 - including insecurity (not defined) (38 cases), eviction from rental homes (31 cases) and homelessness (8 cases)
- 120 cases of ‘statutory offences’
 - of which 74 were reported to the police/or referred to by partner
 - including threats to life (14 cases), threats to bodily harm (13), blackmail and extortion (8), theft (5), gang rape (5), breach of privacy (5), unnatural offences (4) and murder (2)
- 80 cases of police misconduct and breach of human rights
 - of which 47 were reported to the police/or referred to by partner
 - including discrimination and stigma (25 cases), arbitrary arrest (18), extortion (9), raid/unwarranted searches (9), harassment (6), police brutality (1 case)

⁴¹ NGLHRC, [2022 Annual Report](#) (page 16), no date

⁴² NGLHRC, [Annual Legal Aid Report 2020/2021](#) (Executive summary), no date

- 261 cases of inquiries and requests for assistance
 - of which 53 were reported to the police/or referred to by partner
 - ranging from requests for food packages (52 cases), therapy sessions (43), relocation (32), menstrual kits (31), legal advice (13)⁴³

10.1.9 The NGLHRC report 2020/2021 also noted that some of the cases were individuals from 'Ethiopia and Tanzania who sought the Commission's help to intervene in instances of human rights violations'⁴⁴.

10.1.10 Amnesty International (AI) in their Quarterly Discrimination Index: Quarter 1, 2024, dated 2 April 2024, stated:

'LGBTQ+ individuals in Kenya encounter pervasive discrimination and violence due to prevailing societal stigma and legal prohibitions against same-sex relations. Discrimination against individuals based on their sexual orientation, gender identity, and expression leads to marginalization, harassment, and denial of basic rights, including access to healthcare and housing ... In February 2024, anti-LGBTQ+ lobby groups and religious organisations reaffirmed their position that the rights and freedoms of the LGBTQ+ community are "alien", not just to Africans but to "anyone with a moral fibre in their being." ... They oppose amendments to the Penal Code that would decriminalise same sex relations and propose hiring of religious leaders in public schools to "fight" homosexuality...'⁴⁵

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11. State treatment

11.1 Official attitudes and statements

11.1.1 Lise Woensdregt and Naomi van Stapele, 'who have researched queer experiences in Kenya for nine years' considered the consequences of and reactions to the Supreme Court ruling in February 2023 that allowed the registration of LGBTI community organisations in an article in the Conversation of 2 May 2023. They observed:

'The Kenyan government has joined churches and mosques in their vitriol condemning not only the supreme court judges, but also LGBTIQ+ activists, organisations, and citizens. For example, a member of parliament declared that being LGBTIQ+ is [worse than murder](#). He described homosexuality as "" a foreign practice from the West that's not aligned with African cultures and as such, severe punishment should be meted out on offenders."

'Kenya's deputy president Rigathi Gachagua added that the government wouldn't "[condone](#)" same-sex relations, a sentiment shared by president William Ruto. The president [has previously said](#) that unemployment and hunger are the "real" issues, not LGBTIQ+ concerns, and that tradition must be respected.

'Kenya's first lady, [Rachel Ruto](#), has also claimed that LGBTIQ+ people are

⁴³ NGLHRC, [Annual Legal Aid Report 2020/2021](#) (Legal Aid brief). No date

⁴⁴ NGLHRAC, [Annual Legal Aid Report 2020/2021](#) (Executive summary). No date

⁴⁵ AI, [Quarterly Discrimination Index: Quarter 1, 2024](#) (page 8), 2 April 2024

a threat to the institution of the family. Another member of parliament, Peter Kaluma, recently submitted a [family protection bill](#) that includes provisions to criminalise LGBTIQ+ organising, funding and, what is ominously termed, “behaviours”.¹⁴⁶

11.1.2 The Saturday Standard, a Kenyan newspaper, noted in an article from 2023:

“Deputy President William Ruto on Friday stated that his Christian background teaches against homosexuality but if elected president, the Constitution, and the law will be the guiding principle.

‘... Asked whether members of the LGBTQ community will be safe if he is elected the fifth president of Kenya, Ruto maintained that every Kenyan must be subjected to the rule of law and only permissible authorities should take action on those who contravene the law.

‘... This appears to be a shift from his stand in 2015 when he warned anyone pushing for gay rights in Kenya, adding that they did not have a place in the country’s society.’¹⁴⁷

11.1.3 The USSD report 2023 noted: ‘They also reported some elected politicians and religious leaders incited violence and harassment against LGBTIQ+ individuals in public statements and on social media during the year.’¹⁴⁸

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11.2 Prosecution of same-sex acts

11.2.1 A Reuters article of 10 October 2023 commenting on the Supreme Court’s decision in September 2023 to uphold its ruling of February 2023 to allow the NGLHRC to register as a non-governmental organisation, noted: ‘Kenya is still seen as a relative haven for LGBTQ+ people in a hostile region. Unlike in many of the more than 30 other African countries where same-sex relations are illegal, its colonial-era anti-gay law is rarely enforced.’¹⁴⁹

11.2.2 ILGA in their report ‘Our Identities Under Arrest’, published November 2023 (ILGA report 2023), noted:

‘Between 2009 and 2023 ILGA World identified around 18 apparent examples of targeting from the State. Despite these numbers Kenya claimed in 2015 during the second United Nations UPR cycle that “on the rights of LGBT, not a single individual could confirm the application of the criminal law on the basis of his/her sexual orientation”. Though this has proven demonstrably untrue, the real numbers are often obscured by the fact that many in Kenya are not charged under provisions against same-sex sexual activity, but are often instead charged with “drunkenness, loitering, solicitation, impersonation or prostitution” - or not charged at all and rather blackmailed and extorted by police.’¹⁵⁰

11.2.3 The AHR-TEFLK-NLGHRC report 2024 noted ‘In 2021, two men were reportedly charged with violations under Section 162 (c) of the Penal Code;

¹⁴⁶ Woensdregt and van Staple, The Conversation, [Queerphobia in Kenya ...](#), 2 May 2023

¹⁴⁷ The Standard, [Rutp declares his stand ...](#), 2023

¹⁴⁸ USSD, [2023 Country Reports on Human Rights Practices: Kenya](#) (section 6), 22 April 2024

¹⁴⁹ Reuters, [Ruling by Kenya’s Supreme Court buoys LGBTQ+ community](#), 10 October 2023

¹⁵⁰ ILGA. [Our Identities Under Arrest](#) (page 80), November 2023

however, the charges were later dropped ... In 2022, two trans women were reportedly tried for “indecent practice between males contrary to Section 165 of the Penal Code, Cap 63 Laws of Kenya.”⁵¹ CPIT was unable to find the outcome of this case in the sources consulted.

- 11.2.4 The AHR-TEFLK-NLGHRC report 2024 noted ‘Although law enforcement rarely enforces the laws criminalizing consensual same-sex sexual activity, many members of law enforcement threaten enforcement in order to extract bribes from LGBTQ+ people in order to avoid imprisonment.’⁵²

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11.3 Harassment, arrest and detention

- 11.3.1 The NGLHRC-Redress submission 2022, referring to 3 NGLHRC reports dated 2019, 2020 and 2021 and without providing a breakdown of the number of cases by year or more detail about the nature of the cases, noted:

‘Arbitrary arrests with the intent to extort are disproportionately carried out against LGBTIQ+ persons in Kenya. NGLHRC has dealt with 679 cases of blackmail and extortion since 2014 but there is anecdotal evidence among local organisations of thousands of such cases. In 2021, instances of extortion by undercover police officers who lured LGBTIQ+ persons through a dating app illustrate the extent of the effort and creativity employed to practice extortions against this group.’⁵³

- 11.3.2 AHR-TEFLK-OR-UoM submission 2022 included information largely based on research undertaken in 2019, including interviews with 20 self-identifying LGBTI people living in the areas of Kisii, Nyamira, Homa Bay, Migori, and Nairobi. It noted:

‘In January 2019, civil society organizations and human rights researchers conducted fieldwork to map the human rights violations of LGBTI individuals in Kenya. This report is based on first-hand information collected from the interviews and desk-research on news media outlets and reports on the issues of LGBTI individuals in Kenya. Interviews were conducted with twenty LGBTI individuals living in the areas of Kisii, Nyamira, Homa Bay, Migori, and Nairobi. A portion of the study also focused on interviews with seven Deaf LGB individuals to understand their lived experiences and the intersections between two marginalized identities. The interviews primarily focused on the participants’ interactions, as LGB persons, with law enforcement and government officials, health, and education service providers, religious 1 Sample consisted only of individuals who identified as lesbian, gay, and bisexual. 3 leaders, members of society, and vigilante groups. In addition, researchers visited local NGOs to gather data on cases of LGBTI human rights violations in Kenya ...

‘All information in this report is used with express consent of the participants. This report also includes first-hand information used with permission from The Advocates’ asylum clients about their experiences, as well as information provided by NGOs in Kenya that work on SOGI issues.

⁵¹ AHR-TEFLK-NLGHRC, [Joint Stakeholder Report for the Unit...](#) (Paragraph 17), 11 October 2024

⁵² AHR-TEFLK-NLGHRC, [Joint Stakeholder Report for the Unite...](#) (Paragraph 21), 11 October 2024

⁵³ NGLHRC, [Submission to the Committee Against Torture ...](#) (paragraph 12), 18 March 2022

Additional information for this report came from interviews with refugees and advocates in northern Kenya near the Kakuma refugee camp.⁵⁴

11.3.3 The AHR-TEFLK-OR-UoM submission 2022 noted: ‘LGB individuals interviewed for this report described frequent persecution and arrests of LGB individuals by law enforcement officials. A common pattern emerged from the interviews in which LGB individuals were arrested because of their sexual orientation, but charged for other crimes like loitering, gambling or simply detained without a formal charge.’⁵⁵ However, the source did not provide details of how many people were arrested or how often, and whether this led to prosecutions or convictions.

11.3.4 The USSD report 2023 noted:

‘... Police detained persons under these [anti-LGBT] laws, particularly persons suspected of working in commercial sex, but released them shortly afterward.

‘LGBTQI+ organizations reported police more frequently used general public order laws (for example, disturbing the peace) to arrest or harass LGBTQI+ individuals. NGOs reported police frequently harassed, intimidated, or physically abused LGBTQI+ individuals in custody. They also reported police threatened gay men while in custody with forced anal examinations, a medically discredited practice with no evidentiary value that was outlawed in 2018.’⁵⁶

11.3.5 The Foreign, Commonwealth and Development Office (FCDO) travel advice for UK travellers in Kenya updated in November 2024 observed: ‘Same-sex sexual activity is illegal and same-sex relationships are not tolerated in Kenya’s conservative society. Showing affection in public could lead to arrest and imprisonment.’⁵⁷

11.3.6 Asylos, referring to the Guardian article of 4 January 2022, noted:

‘Kelly Kigera, of the emergency security response team at the Gay and Lesbian Coalition of Kenya, says blackmailers approach members of the LGBTQ+ community online, sometimes using “cute” fake pictures, to chat and gain their trust before arranging to meet. Sometimes they will take compromising pictures or videos, which they use to threaten to expose their victim’s sexual orientation.

‘... Other people report police officers storming into their homes, threatening them with prosecution under section 162. Kigera adds: “They take your phone, contacts, passwords. They see other gay men you’ve been talking to and trace them using other platforms.

‘... [Oriendo] got a call from someone he had been chatting to for a week on Grindr, a social networking app for gay, bi, trans and queer people. The man had already tried ringing several times during the day while Otieno was with colleagues and was keen to meet. Otieno, 29, mentioned where he was but said that he did not want to see the man. Then, as he was heading to his

⁵⁴ AHR-TEFLK-OR-UoM, [Kenya: Compliance with the Conve...](#) (paragraphs 3 and 4), 18 March 2022

⁵⁵ AHR-TEFLK-OR-UoM, [Kenya: Compliance with the Convention...](#) (paragraph 30), 18 March 2022

⁵⁶ USSD, [2023 Country Reports on Human Rights Practices: Kenya](#) (section 6), 22 April 2024

⁵⁷ UK FCDO, [Foreign travel advice: Kenya](#) (LGBT+ travellers), 4 November 2024

car, he got another call. As he answered it, someone approached him and said they were a police officer. Seconds later, two other officers joined him and surrounded Otieno. “One of them had this envelope,” he says. “He was getting papers out of the envelope and looking at them and then at me. I saw it was a chat [from Grindr] and I saw my face on it. I knew I had been set up.”⁵⁸

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11.4 Police and judicial response to anti-LGBTI violence

11.4.1 The Kenyan Section of the International Commission of Jurists (ICJ Kenya) a non-governmental, non-profit and a member-based organization in their report Criminal Justice Reforms: Issues and Options for Kenya dated 1 August 2018 (ICJ Kenya report 2018) noted:

‘Kenya’s legal system is based on statutory law, English common law, customary law, and Islamic law. It has evolved from the inheritance of its English Common Law tradition to modern day system adapting to the changing social, economic and political trends... Kenya’s criminal justice system involves various actors with defined duties and responsibilities in managing offenders. Key players in the criminal justice system in Kenya are the police (investigation and arrest); the judiciary (the court process); the probation after care services and the prison services (rehabilitation, reformation and reintegration).’⁵⁹

11.4.2 AHR-TEFLK-OR-UoM submission 2022 noted: ‘The Kenyan government fails to protect LGBTI individuals from human rights violations by members of their communities or to educate the public about LGBTI rights.’⁶⁰

11.4.3 The NGLHRC-Redress submission 2022 noted:

‘... in some cases, the police have protected LGBTIQ+ persons from violence, there remain many cases in which the police have either refused to assist LGBTIQ+ individuals or became perpetrators of violence themselves. LGBTIQ+ persons who have attempted to report incidents of violence or crime to the police have been subjected to further verbal or physical abuse, or even arrest, as a result of officers’ perception of the victims’ sexual orientation or gender identity.’⁶¹

11.4.4 The above report also noted:

‘In light of these experiences, it is unsurprising there is a general fear of reporting violence against LGBTIQ+ persons, especially where the violence was motivated by discrimination on grounds of sexual orientation or gender identity ... Also, in cases where an individual has suffered sexual violence at the hands of the police, attempts to report such incidents have on occasion been unsuccessful due to the reluctance of the police to investigate and prosecute their own.’⁶²

11.4.5 The USSD report 2023 noted: ‘LGBTQI+ organizations reported police failed

⁵⁸ Asylos, [Kenya: The treatment of homosexual men and their relatives](#) (page 12), May 2023

⁵⁹ ICJ Kenya, [Criminal Justice Reforms: Issues and Optio...](#), (Contextual Background), 1 August 2018.

⁶⁰ AHR-TEFLK-OR-UoM, [Kenya: Compliance with the Convention...](#) (paragraph 26), 18 March 2022

⁶¹ NGLHRC, [submission to the Committee Against Torture Concer...](#) (paragraph 17), 18 March 2022

⁶² NGLHRC, [submission to the Committee Against Torture Concer...](#) (paragraph 18) 18 March 2022

to prevent harassment against LGBTQI+ individuals during March anti-LGBTQI+ protests in coastal communities.⁶³

11.4.6 The USSD report 2023 also noted: 'Mob violence and vigilante action were common in areas where the populace lacked confidence in the criminal justice system.'⁶⁴

11.4.7 The AHR-TEFLK-NLGHRC report 2024 noted:

'When LGBTQI+ people experience violence by State and non-State actors, law enforcement and government officials often do not sufficiently investigate and prosecute perpetrators. For example, the police response to the 17 April 2022 murder of a queer, nonbinary person in Karatina, Nyeri County was "inadequate," in part because police failed to secure critical evidence – including the possible murder weapon – prompting the deceased individual's family and friends to investigate. The victim was found dead in their apartment after experiencing "rape, broken limbs and multiple stab wounds in the neck and chest area.'⁶⁵

11.4.8 The AHR-TEFLK-OR-UoM submission 2022 observed:

'Due to arrests and persecution by law enforcement, LGBTQ+ individuals in Kenya reported that they distrust law enforcement officials. LGBTQ+ individuals interviewed expressed their inability to report criminal cases to the police and government agencies because doing so would affect them negatively. In some instances, respondents [to the research undertaken in 2019] were the victims of crimes and human rights violations, but they did not seek help from police because the underlying violation happened because of their sexual orientation. For example, when one gay man was blackmailed by someone from his local community, he decided to pay 10,000 KSh, the equivalent of about 100 US dollars, rather than report the incident to the authorities out of fear that it would damage his reputation.'⁶⁶

11.4.9 AHR-TEFLK-OR-UoM submission 2022 noted:

'There have been, however, some positive steps forward in Kenya. One example is a three-year partnership between an NGO based in Kisumu, Keeping Alive Societies Hope (KASH), and the Kisumu police to address arbitrary arrests and physical attacks of female sex workers, men having sex with men, and other security threats and harassment. The project involved training programs for the public and police, as well as media campaigns. It resulted in a reduced number of arrests and sexual violence against and enhanced protection of LGBTQI+ people, as well as better relations between the LGBTQI+ community and police.'⁶⁷

11.4.10 The Human Dignity Trust noted:

'LGBT organisations reported that police failed to prevent harassment against LGBT persons during anti-LGBT protests in coastal communities in March. The Kenya National Commission on Human Rights (KNCHR)

⁶³ USSD, [2023 Country Reports on Human Rights Practices: Kenya](#) (section 6), 22 April 2024

⁶⁴ USSD, [2023 Country Reports on Human Rights Practices: Kenya](#) (section 6), 22 April 2024

⁶⁵ AHR-TEFLK-NLGHRC, [Joint Stakeholder Report for the Unite...](#) (Paragraph 29), 11 October 2024

⁶⁶ AHR-TEFLK-OR-UoM, [Kenya: Compliance with the Convention...](#) (paragraph 31), 18 March 2022

⁶⁷ AHR-TEFLK-OR-UoM, [Kenya: Compliance with the Convention...](#) (paragraph 33), 18 March 2022

received at least 60 reports from LGBT persons who believed they were at risk of being attacked during the protests in March and September (protests against the Supreme Court ruling affirming the right of LGBT organisations to register as NGOs – see above).⁶⁸

11.4.11 CIVICUS, a global alliance of civil society organisations and activists⁶⁹, in its 5 June 2024 report, ‘Kenya: The court sent a message that LGBTQI+ people are human beings entitled to all rights and freedoms’, noted:

‘In late April [2024], in response to a petition we submitted, the High Court in Mombasa issued an interim ruling ordering anti-LGBTQI+ groups and people to refrain from inciting violence against LGBTQI+ people. This offers a temporary reprieve from hate speech, vilification campaigns and threats of violence. It also sends a strong message to the public that LGBTQI+ Kenyans are human beings entitled to all rights and freedoms, including the rights to security, protection, and residence, just like everyone else.

‘The court order is expected to have several impacts, some of which are already noticeable. Since it was issued, there haven’t been any anti-LGBTQI+ protests and there’s been a noticeable drop in abuse, incitement to violence and human rights violations directed at LGBTQI+ people by the public, both online and in physical spaces.

‘With this court order in place, LGBTQI+ people can now more easily report any violation of their rights to the authorities, and the authorities are expected to take them seriously and take action when necessary. This will hopefully make LGBTQI+ people more confident in exercising their rights and freedoms.’⁷⁰

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12. Societal attitudes and treatment

12.1 Public opinion

12.1.1 The ILGA report 2023 noted: ‘Negative social attitudes in Kenya extend beyond sexual orientation to encompass gender identity and expression. Hostile political climates, lack of family acceptance, and cultural marginalisation all contribute to anti-transgender and intersex stigma. This systematic discrimination results in the denial of opportunities, exclusion from society, and outright violence.’⁷¹

12.1.2 The Pew Research Centre, a nonpartisan fact tank that informs the public about the issues, attitudes and trends shaping the world⁷², in their report ‘The Global Divide on Homosexuality Persists’ dated 25 June 2020 noted: ‘In Kenya, only 1 in 100 said homosexuality should be accepted in 2002, compared with 14% who say this now (2020).’⁷³

12.1.3 Afrobarometer a non-profit company limited by guarantee with headquarters in Ghana, is a pan-African, non-partisan survey research network that

⁶⁸ HDT (UK), [Countries that Criminalise LGBT...](#) (Discrimination and Violence), 9 January 2025

⁶⁹ CIVICUS, [About Us](#), no date

⁷⁰ CIVICUS, [The court sent a message...](#), 5 June 2024

⁷¹ ILGA, [Our Identities Under Arrest](#) (page 80), November 2023

⁷² Pew Research Centre, [About us](#), no date

⁷³ Pew Research Centre, [The Global Divide on Homosexuality Persists](#), 25 June 2020

conducts public attitude surveys on democracy, governance, the economy, and society⁷⁴, in their report *Identity in Kenya: Tolerance and trust deficits point to opportunities for progress*, dated 14 May 2021, where they interviewed a nationally representative, random, stratified probability sample of 2,400 adult Kenyans between 28 August and 1 October 2019. A sample of this size yields country-level results with a margin of error of +/-2 percentage points at a 95% confidence level⁷⁵ noted: ‘widespread intolerance for people of a different sexual orientation; only one in 10 Kenyans (10%) say they would not mind living next door to a homosexual person.’⁷⁶

- 12.1.4 A Reuters article of 10 October 2023 commenting on the Supreme Court’s decision in September 2023 to uphold the decision to allow NGLHRC to register as an NGO, noted ‘September’s declaration by the court prompted a protest by hundreds of Muslims in the capital last week and a demonstration in the coastal city of Mombasa, which drew speakers including the lawmaker, Ali. Addressing the event, he said LGBTQ+ Kenyans should leave the country. "If it is a must that you want homosexuals and lesbians, give them visas and take them to America," he said in Swahili.’⁷⁷
- 12.1.5 Amnesty International (AI) Kenya commissioned an opinion poll between 10 to 14 November 2023 using computer assisted telephone interviews (CATI) with 95% response rate, with a sample size of over 3,000 responses from all 47 counties and all 8 regions of Kenya. The survey found that ‘Nearly 1 in 2 Kenyans (49%) have directly experienced discrimination based on one or more of their identities. Those currently experiencing the worst discrimination include LGBTI persons (75%), persons from northeastern counties (62%), those between 35-39 years (55%), and urban cities and towns (51%), among others.’⁷⁸
- 12.1.6 AHR-TEFLK-OR report 2023 observed: ‘In addition, a 2016 survey found that 40% of Kenyan respondents strongly agreed that being LGBTIQ+ should be a crime.’⁷⁹
- 12.1.7 Same report noted:
‘Deaf LGB individuals interviewed expressed fear of coming out in their own community due to homophobia in the Deaf community. Because of this, most of the participants expressed that they would only discuss LGBTI topics with hearing people. Since the Deaf community is so small, they feared discussing LGBTI topics would damage their reputation throughout the entire Deaf community. One participant expressed, “there are so many in school, no one stands up. For us is so difficult, if you talk, everyone knows.” Deaf LGB individuals express fear about coming out since it could leave them without the protection of their Deaf community.’⁸⁰

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⁷⁴ Afrobarometer, [About us](#)

⁷⁵ Afrobarometer, [Identity in Kenya: Tolerance and trust defi...](#)(Afrobarometer surveys), 14 May 2021

⁷⁶ Afrobarometer, [Identity in Kenya: Tolerance and trust defi...](#)(Tolerance and trust), 14 May 2021

⁷⁷ Reuters, [Ruling by Kenya's Supreme Court buoys LGBTQ+ community](#), 10 October 2023

⁷⁸ AI, [Is article 27 under attack?](#) (page 7), 30 November 2023

⁷⁹ AHR-TEFL-K-OR, [Kenya. Compliance with the...](#) (paragraph 28), 9 January 2023

⁸⁰ AHR-TEFLK-OR-UoM, [Kenya: Compliance with the Convention...](#) (paragraph 52), 18 March 2022

12.2 Violence and discrimination

- 12.2.1 AHR-TEFLK-OR-UoM submission 2022 noted: '[The 20] LGBTI individuals [interviewed in 2019] also reported suffering attacks from members of their local community based on their sexual orientation. LGBTI individuals who present themselves more openly in Kenyan society are more at risk of aggression from people in their communities.'⁸¹
- 12.2.2 Same report also noted: 'Sexual encounters for LGBTI individuals tend to be unsafe and risky because of social prejudice and stigmatization. One participant mentioned two males could never rent a room together in a hotel which made the sexual encounters dangerous and unprotected. He mentioned this practice further advanced the lack of protection in sexual encounters between LGBTI individuals.'⁸²
- 12.2.3 The USSD report 2023 also noted: 'LGBTQI+ organizations reported their caseload increased four-fold during the year as LGBTQI+ persons faced harassment, discrimination, evictions, blackmail, and extortion following a backlash spurred by the February Supreme Court ruling affirming the right of LGBTQI+ groups to associate. LGBTQI+ persons reportedly faced discrimination in the workplace.'⁸³
- 12.2.4 The Advocates for Human Rights in a joint report with The Eagles for Life Kenya and Oasis Research, 'Kenya: Compliance with the International Covenant on Economic, Social and Cultural Rights', submitted to UN Committee on Economic, Social and Cultural Rights dated 9 January 2023 (AHR-TEFLK-OR report 2023) observed:
- 'LGBTIQ+ individuals face discrimination from religious leaders in Kenya. [The 20] Interviewees [interviewed in 2019] reported that religious leaders have sometimes specifically targeted LGBTIQ+ individuals who perceive LGBTIQ+ people as an evil that needs to be addressed. Many of the people interviewed shared the view that religious leaders and practitioners purposefully excluded [them] from religious settings. One of the individuals interviewed said, "I stopped going to church. They stigmatize you and do not let you sit near people. You cannot pray or sing, they would preach about you." Many interviewees similarly reported that they stopped going to church because of the treatment and hate speech they had received. Many of these participants also expressed an interest in returning to church should the conditions change.'⁸⁴
- 12.2.5 Amnesty International in a report of January 2024 noted:
- 'On 3 January 2023, heartbreaking news went round both social and mainstream media, announcing the violent death of one Edwin Kiprotich Kiptoo also known as Edwin Chiloba. Edwin was an activist, fashion designer and model. When the news first emerged, there were initial suspicions of a hate crime. However, as more details came to light, it became evident that this was a case of Intimate Partner Violence (IPV). Sadly, instead of empathetic understanding, certain anti-LGBTI groups

⁸¹ AHR-TEFLK-OR-UoM, [Kenya: Compliance with the Convention...](#) (paragraph 26), 18 March 2022

⁸² AHR-TEFLK-OR-UoM, [Kenya: Compliance with the Convention...](#) (paragraph 35), 18 March 2022

⁸³ USSD, [2023 Country Reports on Human Rights Practices: Kenya](#) (section 6), 22 April 2024

⁸⁴ AHR-TEFL-K-OR, [Kenya. Compliance with the...](#) (paragraph 21), 9 January 2023

exploited the situation to perpetuate a homophobic narrative that persisted for several weeks.’⁸⁵

12.2.6 AHR-TEFLK-OR report 2023 observed:

‘Vigilante groups are another primary source of fear for LGBTI individuals because of their violent attacks on LGBTI individuals that are supported by members of the community and even LGBTI individuals’ family members. Vigilante groups specifically target LGBT individuals in Kenya by creating fear and promoting violence. Most of the participants interviewed expressed great fear of vigilante groups, especially those living in rural areas. For example, interviewees said, “If they know you are gay, they will kill you. They just kill,” and “They think you are promoting satanism, them murdering you would be very easy.”’⁸⁶

12.2.7 AHR-TEFLK-OR report 2023 observed: ‘[The 20] LGBQ+ interviewees also reported suffering attacks [nature of attack not specified] from members of their local community based on their sexual orientation. LGBTIQ+ individuals who are more open about their status as a sexual or gender minority are more at risk of aggression from people in their communities.’⁸⁷

12.2.8 AHR-TEFLK-OR report 2023 noted, ‘... verbal assaults constituted the majority of attacks on LGB individuals in Kenya from other community members.’⁸⁸

12.2.9 The USSD report 2023 noted non state violence against LGBTQI+ people were ‘widespread’ but did not define what was meant by this. Instead, it further noted: ‘The [Kenya National Commission on Human Rights] KNCHR received at least 60 reports from LGBTQI+ persons who believed they were at risk of being attacked during protests in March and September. Civil society organizations reported evictions of LGBTQI+ persons following anti-LGBTQI+ protests. For the 2022 killing of Sheila Adhiambo Lumumba, a nonbinary member of the LGBTQI+ community, police charged a suspect who pleaded guilty.’⁸⁹

12.2.10 KNCHR Press statement October 2024 noted: ‘Intersex persons have long endured discrimination stemming from a lack of awareness, which has fostered stigma and barriers. Among the most troubling issues are non-consensual medical interventions on intersex children, intended to conform their bodies to binary gender norms. Such practices can have lifelong psychological and physical impacts. Intersex individuals in Kenya continue to face challenges in accessing healthcare, education, employment, and acceptance within their communities and families.’⁹⁰

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12.3 Family treatment

12.3.1 The AHR-ELK-OR report 2023 noted:

⁸⁵ AI, [We are facing extinction: Escalating anti-LGBTI sentiment ...](#) (page 25), 9 January 2024

⁸⁶ AHR-TEFLK-OR-UoM, [Kenya: Compliance with the Convention...](#) (paragraph 32), 18 March 2022

⁸⁷ AHR-TEFL-K-OR, [Kenya. Compliance with the...](#) (paragraph 26), 9 January 2023

⁸⁸ AHR-TEFL-K-OR, [Kenya. Compliance with the...](#) (paragraph 27), 9 January 2023

⁸⁹ USSD, [2023 Country Reports on Human Rights Practices: Kenya](#) (section 6), 22 April 2024

⁹⁰ KNCHR, [Commemoration of the 2024 Intersex Awareness Day](#) (page 1), 26 October 2024

[The 20] LGBTQ+ individuals [interviewed in 2019] shared with the authors of this report that they feared being assaulted by family members if they disclosed their sexual orientation. In one case, a lesbian was physically and verbally assaulted by her male family members. While they physically assaulted her, they told her “You are not enough to be a human being.” In another case, a 25-year-old bisexual man was physically assaulted by his father and forced to abandon his house and family because of his sexual orientation. Interviewees said that they were afraid to report these violations to law enforcement and other government officials because doing so could potentially exacerbate the situation.⁹¹

- 12.3.2 CPIT was unable to find any further information on family treatment from reliable sources and within the sources consulted (See [Bibliography](#)).

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12.4 Conversion therapy

- 12.4.1 The Galck report 2022 noted:

“Pray the gay away” conversion therapy often stems from a strong religious conviction that humankind is meant to be organized around strict gender binaries and roles. Those of the Christian right specifically rely on the creation story of Adam and Eve as God’s design for a world of men and women who procreate to fulfil a higher purpose. Others from other Abrahamic religions — including Judaism, Islam, Mormonism, and other Orthodox religious denominations — rely on their religious beliefs to argue that being a homosexual is abhorrent and therefore, sinful. The alleged intention of these groups is to ultimately turn LGBTIAQ+ persons away from their “sinful” lifestyles.

‘This form of conversion “therapy” is difficult to both identify and address. Often churches run so called conversion “therapy” as one among many programs, mostly targeting youth, which makes it almost impossible for those not in the in-group to access details of the program. Secondly, because families, especially parents and siblings, of LGBTIAQ+ people are primarily responsible for recruiting the victim into conversion therapy programs, the victim is likely to suffer in silence for fear of abandonment, punishment and/or eviction.’⁹²

- 12.4.2 The Galck report 2022 also noted ‘Many Kenyan churches, even when not openly offering conversion “therapy” programming, tend to operate in those the blurred lines – between preaching “God’s saving grace” and the threat of condemnation to “hellfire” for LGBTIAQ+ persons.’⁹³

- 12.4.3 The USSD human rights report 2023 noted:

‘LGBTQI+ rights organizations reported an increase in so-called conversion therapy and corrective rape practices, including forced marriage, exorcism, physical violence, psychological violence, or detainment.

‘According to the [Kenya National Commission on Human Rights] KNCHR,

⁹¹ AHR-TEFL-K-OR, [Kenya: Compliance with the ...](#) (paragraph 27), 9 January 2023

⁹² Galck, [Shame Is Not a Cure: So-Called Conversion “Therapy” Practices in...](#) (page 11), 2022.

⁹³ Galck, [Shame Is Not a Cure: So-Called Conversion “Therapy” Practices in...](#) (page 11), 2022.

intersex infants and children were subjected to harmful medical practices in an attempt to “normalize” them. In 2022 the country amended the Children’s Rights Act protecting children from unnecessary harmful genital surgeries. The KNCHR reported it received two complaints of harmful medical practices on intersex children during the year.’⁹⁴

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12.5 Media

12.5.1 Africanews a news channel that is part of euro news, Europe’s leading international news channel, providing global, multilingual news⁹⁵ in their report - Kenya bans movies with LGBTQ+ content by streaming platforms, dated 29 September 2022 noted:

‘... the Kenya Film Classification Board (KFCB) CEO, Christopher Wambua reiterated ... in an interview with local media on Friday saying that same-sex films and movies are prohibited in the Kenyan Constitution hence the board will continue its crackdown on such content in the mainstream media.

"The country's laws do not allow LGBTQ+ content or even relationships. Even as we rate and classify content, we also consider other applicable laws," Wambua said.’⁹⁶

12.5.2 In its 2022 Country Report, the US Department of State refers to the censorship of LGBT films in February 2022 and noted: ‘In February [2022], the KFCB banned the Indian film *Badhaai Do*, alleging it would promote the notion that same-sex marriage was acceptable. The board claimed the film violated the penal code, which outlaws homosexuality, as well as provisions of the Films and Stage Plays Act.’⁹⁷

12.5.3 The Human Dignity Trust noted:

‘In June [2023], the Kenyan government and Netflix reportedly signed an agreement that Netflix would remove all LGBT-themed content available in the country.

In September [2021], the Kenyan Film and Classification Board banned the film “*I Am Samuel*”, a documentary about the life of a LGBT man in Kenya. The ban was justified on the basis that the film ‘promoted same-sex marriage as an acceptable way of life.

In September [2018], the Kenyan High Court temporarily lifted the ban on ‘*Rafiki*’, a movie about love between two women. The film had been banned by Kenya’s Film and Classification Board in April because of its lesbian theme and for “promoting lesbianism”.’⁹⁸

12.5.4 The USSD report 2023 noted: ‘Authorities restricted freedom of expression for LGBTQI+ content through a law that regulated distribution and broadcasting of content to the public. In April, parliament passed a non-

⁹⁴ USSD, [2023 Country Reports on Human Rights Practices: Kenya](#) (section 6), 22 April 2024

⁹⁵ Euro news, [About us](#)

⁹⁶ Africanews, [Kenya bans movies with LGBTQ+ content by streaming platforms](#), 29 September 2022

⁹⁷ USSD, [2022 Country Reports on Human Rights Practices: Kenya](#) (section 6), 20 March 2023

⁹⁸ HDT (UK), [Countries that Criminalise LGBT...](#) (Other Developments), 9 January 2025

binding motion banning discussion and debate of LGBTQI+ matters.⁹⁹

- 12.5.5 International Press Institute (IPI) citing an anonymous Kenyan journalist in a report titled, 'Kenya: Reporting on undercover LGBTQ+ community brings potential scrutiny', dated 30 June 2023 reported: 'You can tell there's hesitation to cover these kinds of stories from the editors themselves. You don't want to commission or to send out coverage for LGBTQ stuff because they know that they expect the audience to react a certain kind of way. And they don't want to be seen as propagating or pushing an agenda. So very often such stories are not covered.'¹⁰⁰

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13. Access to services

13.1 Healthcare

- 13.1.1 Al Jazeera, which a news channel based in Qatar¹⁰¹, in an article dated June 2022, noted:

"The Kenyan constitution guarantees every citizen the right to healthcare access without discrimination, but healthcare workers continue to violate this provision, especially as gay men stay silent for fear of harassment or stigma."

" 'I developed anal warts [after the rape] which needed urgent treatment and went to a government health facility because of its affordability,' Ndiretu told Al Jazeera. 'After explaining my predicament, the doctor asked if I was gay. I answered in the affirmative and he told me that they do not treat 'evil people'. The doctor asked him to go to pro-gay rights civil society groups instead.'¹⁰²

- 13.1.2 The AHR-TEFLK-OR-UoM submission 2022 noted:

'[The 20] Interviewees [interviewed in 2019] expressed that they faced significant barriers to accessing healthcare. Participants' experiences with health care providers showcase the barriers that exist as LGB individuals try to access essential services. There was a clear distinction between experiences with public healthcare providers versus private NGOs which provide services to key populations. Although a platform allowing government agencies to work with key populations exists, LGBTI individuals' distrust of healthcare professionals may prevent them from attempting to access these services.

'Most of the LGB individuals interviewed for this report decided not to disclose their sexual orientation to health care providers because they feared it could affect their treatment. In addition, interviewees expressed fear regarding the lack of privacy for patients and how it could affect their reputation in the community.'¹⁰³

- 13.1.3 The AHR-GLK-OR report 2023 noted:

⁹⁹ USSD, [2023 Country Reports on Human Rights Practices: Kenya](#) (section 6), 22 April 2024

¹⁰⁰ IPI, [Kenya: Reporting on undercover LGBTQ+ community brings potential ...](#), 30 June 2023

¹⁰¹ Al Jazeera, [about us](#), no date

¹⁰² Al Jazeera, [Kenyan queer men risk health amid homophobia in public hospitals](#), 2 June 2022

¹⁰³ AHR-TEFLK-OR-UoM, [Kenya: Compliance with the Conventi...](#) (paragraph 41-42), 18 March 2022

“[The 20] Interviewees [interviewed in 2019] reported facing significant barriers to accessing healthcare. Participants’ experiences with healthcare providers showcase the barriers that exist as LGBQ+ individuals try to access essential services. There was a clear distinction between experiences with public healthcare providers compared to private NGOs which provide services to key populations. Although a platform allowing government agencies to work with key populations exist, LGBTIQ+ individuals’ distrust of healthcare professionals may prevent them from attempting to access these services.’¹⁰⁴

13.1.4 Asylos, referring to the Government of Kenya noted:

‘The Government of Kenya points to sensitization campaigns conducted by the Kenyan state:

“The GOK is aware that stigma is one of the greatest barriers to accessing services for lesbians, gays, bisexuals and transgender (LGBT). [...] Some of the measures taken by the State to address the situation include sensitization of healthcare workers to reduce stigmatizing attitudes in healthcare settings.’¹⁰⁵

13.1.5 The AHR-TEFLK-NLGHRC report 2024: ‘Some healthcare providers at government facilities also deny LGBTIQ+ individuals access to “basic services such as treatment for sexually transmitted infections, tuberculosis, and malaria” if they do not receive bribes from their LGBTIQ+ patients.’¹⁰⁶

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13.2 Employment

13.2.1 The AHR-GLK-OR report 2023 noted:

‘LGBTIQ+ individuals face discrimination in the workplace, both when applying for jobs and while employed. One gay individual noted that he had to leave a position with a tourism company after his boss found out he was dating a man. The boss said that by having him as an employee he was “destroying the business.” In addition, he mentioned when he was trying to apply for a job at a catering company, the job application said they were only looking for heterosexual people. This case is one of many LGBTIQ+ individuals experiencing discrimination in the workplace or when trying to enter the job market. In some instances, documented discrimination in the workplace pushed LGBTIQ+ individuals into sex work as their only option for employment.’¹⁰⁷

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13.3 Education

13.3.1 NGLHRC noted ‘On December 30th, 2021, in Kisumu County, Education Cabinet Secretary said, “children who are homosexual and lesbian ... must go to day schools close to their homes.” The CS stated that this move would “protect the greater majority of learners.” These remarks by a government

¹⁰⁴ AHR-TEFLK-OR, [Kenya. Compliance with the ...](#) (paragraph 40), 9 January 2023

¹⁰⁵ Asylos, [Kenya: The treatment of homosexual men and their relatives](#) (page 13), May 2023

¹⁰⁶ AHR-TEFLK-NLGHRC, [Joint Stakeholder Report for the Unite...](#) (Paragraph 22), 11 October 2024

¹⁰⁷ AHR-TEFLK-OR, [Kenya. Compliance with the...](#) (paragraph 37), 9 January 2023

representative are highly concerning, considering their intensely discriminatory and homophobic nature.¹⁰⁸

13.3.2 The AHR-TEFLK-OR-UoM submission 2022 noted:

‘Multiple LGB individuals reported being expelled from schools based on their sexual orientation. School administration expelled and suspended students who were seen engaging in same-sex conduct. School staff members expressed concern about LGB students “influencing” other students into same-sex relations. According to interviewees, schools-maintained policies to actively identify LGBTI students. One of the LGB participants described how headmasters would physically abuse LGBTI students until they confessed their sexual orientation and were encouraged to give up other LGBTI students’ names.

‘LGB individuals interviewed also experience harassment at school from other students and enjoy little protection from school administrators. In one case, a perceived gay student was targeted with physical and verbal abuse from other students because of his sexual orientation. When he decided to go to the Deputy Director of the school with his mother to inform them of the situation and demand protection, he was asked to pay (2,000 Ksh), the equivalent of about twenty US dollars, to the Deputy Director in order to ensure his protection.¹⁰⁹

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14. LGBTI groups, civil society, and human rights NGOs

14.1 Groups

14.1.1 Freedom House (FH) in their report covering events in 2023 noted: ‘Kenya has an active civil society, but NGOs have faced growing obstacles in recent years, including repeated government attempts to deregister hundreds of NGOs for alleged financial violations.¹¹⁰

14.1.2 The USSD report 2023 noted: ‘Authorities permitted LGBTIQ+ advocacy organizations to register and conduct activities. In February, the Supreme Court struck down a lower court ruling that denied LGBTIQ+ organizations the right to register as NGOs and upheld its decision in September, thus affirming the groups’ constitutional right of association.¹¹¹

14.1.3 However, AHR-TEFLK-NLGHRC report 2024 noted ‘TEFL-K, co-authors of this report, has ... faced bureaucratic challenges that impinge their rights to freedom of association. For example, the Kisii County Assembly attempted to impose an annual permit fee on NGOs as part of the proposed Kisii County 2024 Finance Bill. This fee could be interpreted as a way to burden organizations with financial obstacles, particularly those NGOs advocating for marginalized groups like the LGBTIQ+ community.¹¹²

14.1.4 Pride adventures a LGBTI friendly travel information website in their report Nairobi’s Hidden LGBTQ+ Scene: A Cautious Guide, dated 2 December

¹⁰⁸ NGLHR, [Statement on Discriminatory Utterances Made by Education...](#), 17 May 2022

¹⁰⁹ AHR-TEFLK-OR-UoM, [Kenya: Compliance with the Conventi...](#) (paragraph 39-40), 18 March 2022

¹¹⁰ FH, [Freedom in the World 2024](#) (Section E), 2024

¹¹¹ USSD, [2023 Country Reports on Human Rights Practices: Kenya](#) (section 6), 22 April 2024

¹¹² AHR-TEFLK-NLGHRC, [Joint Stakeholder Report for the Unite...](#) (Paragraph 51), 11 October 2024

2024 (Pride adventures report 2024) noted: ‘Nairobi is home to several LGBTQ+ organizations that provide support, advocacy, and resources for the community. Some notable ones include the Gay and Lesbian Coalition of Kenya (GALCK), Ishtar MSM, and National Gay and Lesbian Human Rights Commission (NGLHRC). These organizations play a vital role in creating awareness and fighting for LGBTQ+ rights.’¹¹³

- 14.1.5 GALCK one of the leading LGBTQ+ organisation in Kenya operates with a vision to A safe and enabling environment for SOGIE organizations and individuals in Kenya¹¹⁴ stated ‘The Gay and Lesbian Coalition of Kenya has been instrumental in establishing (and re-establishing) working relationships and alliances with Government institutions and Civil Society organizations through which to inspire a society that appreciates diversity and recognizes that everyone has a right to equal opportunities irrespective of their real or perceived sexual orientation, gender and expression.’¹¹⁵

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14.2 Social space

- 14.2.1 Erasing 76 Crimes, a news site that focuses on the human toll of dozens of countries’ anti-LGBTI laws and the struggle to repeal them in their report ‘To be seen, have unabashed fun and be liberated’: A Kenyan party celebrates queer joy, dated 29 November 2024 (Erasing 76 news report November 2024) noted:

‘In a country where being queer is still outlawed, Wanderlust [A Party organised by Kenyan musician Ashton Laurence, and his team, a safe space for LGBTI people in Nairobi to party¹¹⁶] is one of the very few safe queer spaces in Kenya, curated to celebrate queer joy and existence ... “Barbz Nite was the first Wunderlust party my friends and I attended,” says Gianna*, a trans artist who lives in Nairobi. “I have been to a lot of parties in Nairobi and Kilifi. Most of them are usually private to ensure security for those who are invited, but Wunderlust is different because there are a lot of people, and you don’t have to know someone to be invited. You can just let go without feeling afraid because it’s just pure vibes.”

- 14.2.2 Erasing 76 news report November 2024 noted:

‘Queer joy organising as a concept and act of resistance has evolved globally and in Kenya since its inception...In Kenya, queer joy organising can be traced to the promulgation of the new constitution in 2010, which brought hope for a lot of minority groups in Kenya as it came with tools for the enforcement of rights. This encouraged a lot of queer groups and individuals to come out in the open to demand their rights and consequentially, seek each other out outside of formal legal spaces. At the time of the #Repeal162 campaign, different queer groups had been organizing social events privately and publicly across the country.’¹¹⁷

- 14.2.3 Pride adventures report 2024 noted: ‘Exploring Nairobi’s vibrant LGBTQ+

¹¹³ Pride adventure, [Nairobi’s Hidden LGBTQ+ Scene: A Cautious Guide](#), 02 December 2024

¹¹⁴ GALCK, [About us](#) (Vision), no date.

¹¹⁵ GALCK, [About us](#), no date.

¹¹⁶ Erasing 76 Crimes, [To be seen, have unabashed fun and be liberated...](#), 29 November 2024

¹¹⁷ Erasing 76 Crimes, [To be seen, have unabashed fun and be liberated...](#), 29 November 2024

scene can be an exhilarating experience, filled with hidden gems that cater to a diverse range of tastes and preferences. From trendy bars to cozy cafés, Nairobi has become a haven for queer-friendly hangouts, offering a safe space for individuals to connect, celebrate, and express their authentic selves.¹¹⁸

14.2.4 Pride adventures report 2024 also noted:

‘Despite the challenges and discrimination faced by this marginalized group, a vibrant and resilient community has emerged, offering a safe space for individuals to connect, express themselves, and find solace in one another.

Within this community, a number of organizations and initiatives have been established to provide support and create inclusive spaces for LGBTQ+ individuals. These networks, such as the Rainbow Alliance of Nairobi and the Nairobi LGBTIQ Film Festival, play a vital role in fostering a sense of belonging and empowerment. Through events, workshops, and social activities, they bring together people from diverse backgrounds, celebrating their unique identities and promoting acceptance.¹¹⁹

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15. Freedom of movement

15.1.1 USSD report 2024 noted ‘The law provided for freedom of internal movement, foreign travel, emigration, and repatriation for citizens, and the government generally respected these rights.’¹²⁰

15.1.2 There was no specific information about the movement or local population groups of LGBTI people in the sources consulted (see [Bibliography](#)).

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¹¹⁸ Pride adventure, [Nairobi’s Hidden LGBTQ+ Scene: A Cautious Guide](#), 02 December 2024

¹¹⁹ Pride adventure, [Nairobi’s Hidden LGBTQ+ Scene: A Cautious Guide](#), 02 December 2024

¹²⁰ USSD, [2023 Country Reports on Human Rights Practices: Kenya](#) (section 2), 24 April 2024

Research methodology

The country of origin information (COI) in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual](#), 2024. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency, and traceability.

Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge, and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information
- whether the COI is consistent with and/or corroborated by other sources

Commentary may be provided on source(s) and information to help readers understand the meaning and limits of the COI.

Wherever possible, multiple sourcing is used, and the COI compared to ensure that it is accurate and balanced and provides a comprehensive and up-to-date picture of the issues relevant to this note at the time of publication.

The inclusion of a source is not, however, an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote.

Full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

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Terms of Reference

The 'Terms of Reference' (ToR) provides a broad outline of the issues relevant to the scope of this note and forms the basis for the [country information](#).

The following topics were identified prior to drafting as relevant and on which research was undertaken:

- Legal context.
 - Constitution
 - Legislation
- State treatment.
 - Government attitude
 - Police/authorities
 - Enforcement
- Societal attitudes and treatment
 - Societal norms and acceptance
 - Violence, harassment, and discrimination
 - Religious attitudes
- Access to treatment and services.
 - Education
 - Employment
 - Healthcare
 - NGOs and support
- Freedom of movement.

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Version control and feedback

Clearance

Below is information on when this note was cleared:

- version **4.0**
- valid from **12 February 2025**

Official – sensitive: Not for disclosure – Start of section.

The information in this section has been removed as it is restricted for internal Home Office use.

Official – sensitive: Not for disclosure – End of section

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Changes from last version of this note

Updated COI and assessment.

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Feedback to the Home Office

Our goal is to provide accurate, reliable, and up-to-date COI and clear guidance. We welcome feedback on how to improve our products. If you would like to comment on this note, please email the [Country Policy and Information Team](#).

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Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support them in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures, or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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