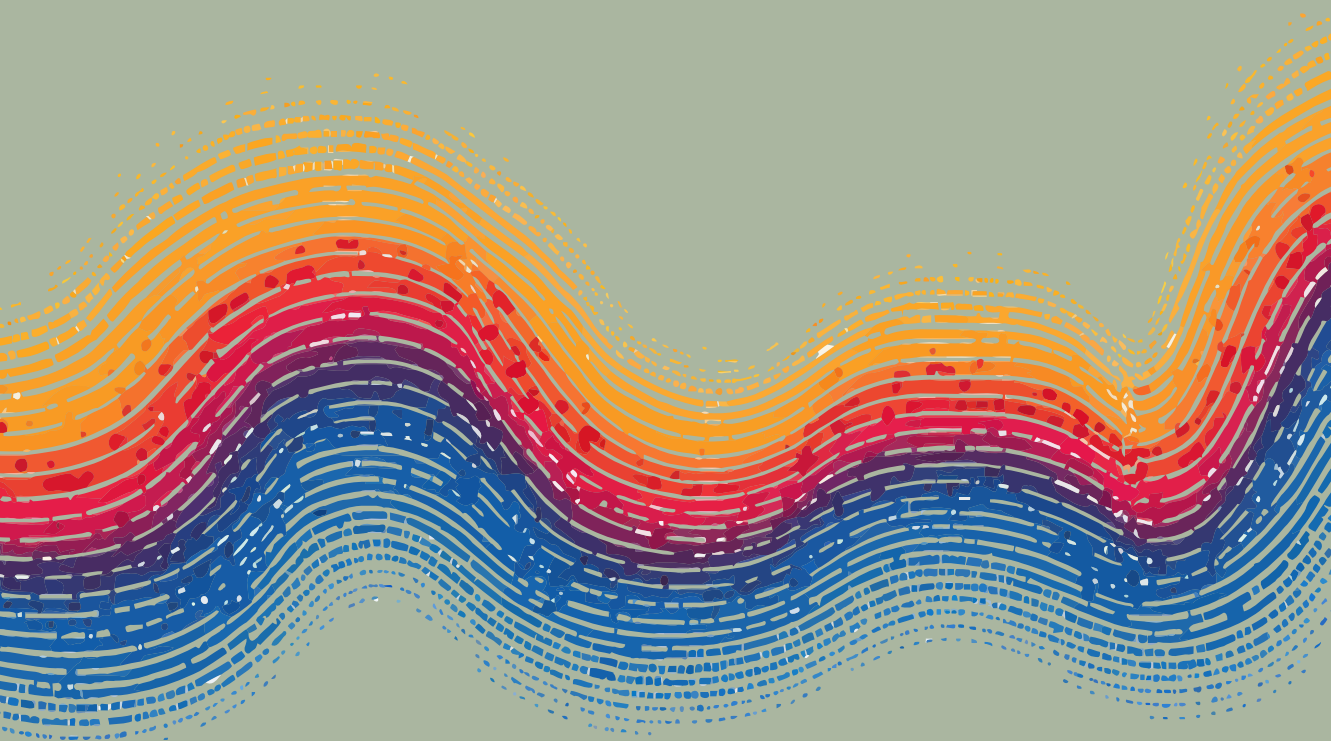


Our Vote Our Future

LGBTIQ+ Inclusion in Democratic
and Governance Processes in Kenya

2024 Situation Analysis Report



Published by:

Initiative For Equality And Non Discrimination(INEND)
National Gay and Lesbian Human Rights Commission (NGLHRC)
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List of Abbreviations

ACHPR	African Commission on Human and Peoples' Rights
AU	African Union
USAID	United States Agency for International Development
CAT	Committee Against Torture
CEDAW	Committee on the Elimination of Discrimination against Women
CMD	Centre for Multi-party Democracy
CSO	Civil Society Organizations
Defenders Coalition	National Coalition of Human Rights Defenders in Kenya
FDGs/FGDs	Focus Group Discussion
galck+	Former Gay and Lesbian Coalition of Kenya
Gen Z movement	Youth Led Movement Against High Cost Of Living And Corruption in Kenya
HIV/AIDs	Human Immunodeficiency Virus & Acquired Immune Deficiency Syndrome
IDs	National Identity cards
IEBC	Independent Electoral Boundaries Commission
INEND	Initiative for Equality and Non Discrimination
KII	Key Informant Interviews
LGBTIQ+	Lesbian, Gay, Bisexual, Transgender, Intersex and Queer persons
LSK	Law Society of Kenya
MCAAs	Members of County Assemblies
NGLHRC	The National Gay and Lesbian Human Rights Commission
KNCHR	Kenya National Commission on Human Rights
FPTP	First Past The Post
NGO	Non-Governmental Organization
PWDs	Persons with Disabilities
QTB	Queering The Ballot
SOGIE-SC	Sexual Orientation, Gender Identity, and Expression, and Sex Characteristics
UPR	Universal Periodic Review
UDHR	Universal Declaration of Human Rights
UN	United Nations
SMUG	Sexual Minority Uganda
PBO	Public Benefit Organization
AHA	Anti-Homosexuality Act 2023
UDA	United Democratic Alliance

Foreword

Kenya is currently at a pivotal moment in its democratic journey. The nation is grappling with economic challenges, disillusionment with political institutions, and a widening wealth gap. However, amidst this turbulence, there is a story that often goes untold in mainstream governance narratives: the brave, everyday resistance and resilience of LGBTIQ+ individuals. Despite the system's frequent denial of their visibility, dignity, and justice, LGBTIQ+ individuals and their strong movements continue to demand the recognition of their human rights. They have done this by using various ideological, political, jurisprudential, and theological tools that they have invariably turned on their heads in support of their human rights.

This is not just a report but a tapestry of lived realities. It weaves together harrowing testimonies of violence, exclusion, and structural abandonment with powerful moments of defiance, agency, and progress. From disinheritance and school expulsions to navigating healthcare while being denied legal identity, the stories in these pages reveal the depth of systemic discrimination. This report also illuminates the enduring hope and organizing power of Queer Kenyans who continue to show up in leadership contests, in policy spaces, in community forums to claim their rightful place in this nation's future.

These narratives are not isolated incidents; they are political truths. They remind us that democracy cannot be truly inclusive if it ignores or sidelines those most marginalized. The report therefore calls on institutions-parliament, county governments, political parties, oversight bodies, the judiciary, the police, and the people of Kenya to go beyond rhetoric and adopt concrete protections for LGBTIQ+ persons. It challenges us to expand our understanding of civic engagement, to build an inclusive democracy where sexual and gender minorities are not merely tolerated but recognized as essential to Kenya's progress.

The title *Our Vote our Future: LGBTIQ+ Inclusion in Democratic and Governance Processes in Kenya* is an ode to the spirit of the Queer movement in Kenya: Unshaken in the face of adversity, determined in its pursuit of justice, and unrelenting in demand to be seen, heard, and counted in democratic and political processes. As you read this report, we urge you not only to witness the pain and courage within, but to act through policy, funding, allyship, and public discourse to ensure that Kenya's democracy is one where every person can live and lead with pride, safety, and purpose.

Let this be more than a document. Let it be a continuous and consistent turning point and let it remind us: **No one is free until we are all free! No one is safe until we are all safe!**



**Chief Justice & President of the
Supreme Court, Kenya, 2011-2016;**
Adjunct Professor in Public Law,
Kabarak University Law School,
Nakuru, Kenya



**Chairperson,
INEND**

Acknowledgements

This report results from deep collaboration, trust, and unwavering commitment from individuals and institutions that continue to dream and fight for a more just, inclusive Kenya. In the face of discrimination, violence, and legal barriers, the LGBTIQ+ community in Kenya has shown resilience and strength, and this report is a testament to our courage and determination.

To the respondents across the 14 counties from Gumzo Youth Group in Bungoma, Q-Initiative In Uasin Gishu, Empowering Marginalized Communities Kenya (EMACK) In Meru And Machakos, Udada Imara In Kisii, Mission For Advocacy, Advisory For Young Generation Organization (Maaygo) From Nyanza, Kenya Youth Development & Education Support Association (KEYWDSA) In Nakuru, Utetezi Rural Africa (URA) In Kwale, LBQ women From Mombasa, LEHA In Kiambu, LGBTQ from Trans Nzoia, Elite LBQ In Busia and Upinde Advocates For Inclusion (UAFI) In Kilifi, we thank you for your courage. Your stories, truths, and lived experiences are the soul of this report. Many of you shared painful memories and intimate reflections not just for documentation, but in the hope that they would create change. We honour your bravery, dedication, and trust.

Finally, to all funders, supporters, policy allies, and democracy and human rights organizations, we appreciate you for standing with us in pursuit of a Kenya where all people regardless of gender identity or sexual orientation can live with dignity, safety, and pride.

This report is for and because of ALL of us. Together, we can continue to make strides towards a more just and inclusive Kenya.

Azantezi Sana.

Executive Summary

This report is a situation analysis of the LGBTIQ+ individuals participation in electoral, political and democratic processes in Kenya, drawing from past experiences in 2017 and 2022 elections, to build a strategy for 2027 general elections and beyond. Kenya's democracy remains incomplete without the full inclusion and participation of LGBTIQ+ persons. Queering The Ballot project is a statement that LGBTIQ+ Kenyans can no longer be ignored or wished away. Notably, in 2015, Justice Lenaola, a judge of the High Court, affirmed that the NGO Board's decision to reject the group's registration violated Article 36 of Kenya's Constitution, the High Court interpreted Article 27 on grounds of discrimination, which includes sex, to include non-discrimination on the basis of sexual orientation. The Court of Appeal, in a majority decision of three judges, also upheld the decision. The judges further held that morality could not serve as a justification for limiting fundamental rights. Seven years later, the Supreme Court¹ in a majority decision, affirmed the High Court's decision and allowed freedom of association for all, without any discrimination on any grounds, including sexual orientation.

Just like the Supreme Court, the Independent Electoral and Boundaries Commission (IEBC) in the 2022 general election, granted observer status to 50 individuals from INEND, NGLHRC and Elite LBQ, organizations that work on upholding the human rights of LGBTIQ+ persons, affirming our citizenship. Also, For the first time in Kenya's history, the August 9, 2022 General Election ballot paper had an intersex aspirant. Fransisca Kwamboka Kibagendi was vying for the Mukuru Kwa Njenga Member of County Assembly (MCA) seat under the United Democratic Alliance (UDA) ticket. Bottom line is; all Kenyans have the right to participate in democracy, which is indeed a fundamental human right, and we all have a duty in ensuring that elections are free, fair, and conducted (i) by secret ballot; (ii) free from violence; (iii) by an independent body; (iv) transparent and; (v) administered in an impartial, neutral, efficient, accurate and accountable manner.

This report contextualises and analyzes the Lived Realities of LGBTIQ+ community in the electoral, political and democracy processes. *"Our Vote Our Future: LGBTIQ+ inclusion in Democratic and Governance processes in Kenya"* paints a picture of the lived experiences of LGBTIQ+ in Kenya's 14 counties of **Bungoma, Busia, Kiambu, Kilifi, Kisii, Kisumu, and Uasin Gishu², Kwale, Machakos, Mombasa³, Meru, Nairobi City, Nakuru, and Transzoia;** examining barriers to democratic participation, including legal, socio-political, and cultural challenges and examines the extent to which electoral framework facilitates or impedes the inclusion of LGBTIQ+ individuals. This report also builds on political participation of LGBTIQ+ Kenyans during the 2017 and 2022 electoral cycles, highlighting both progress and persistent barriers to democratic engagement.

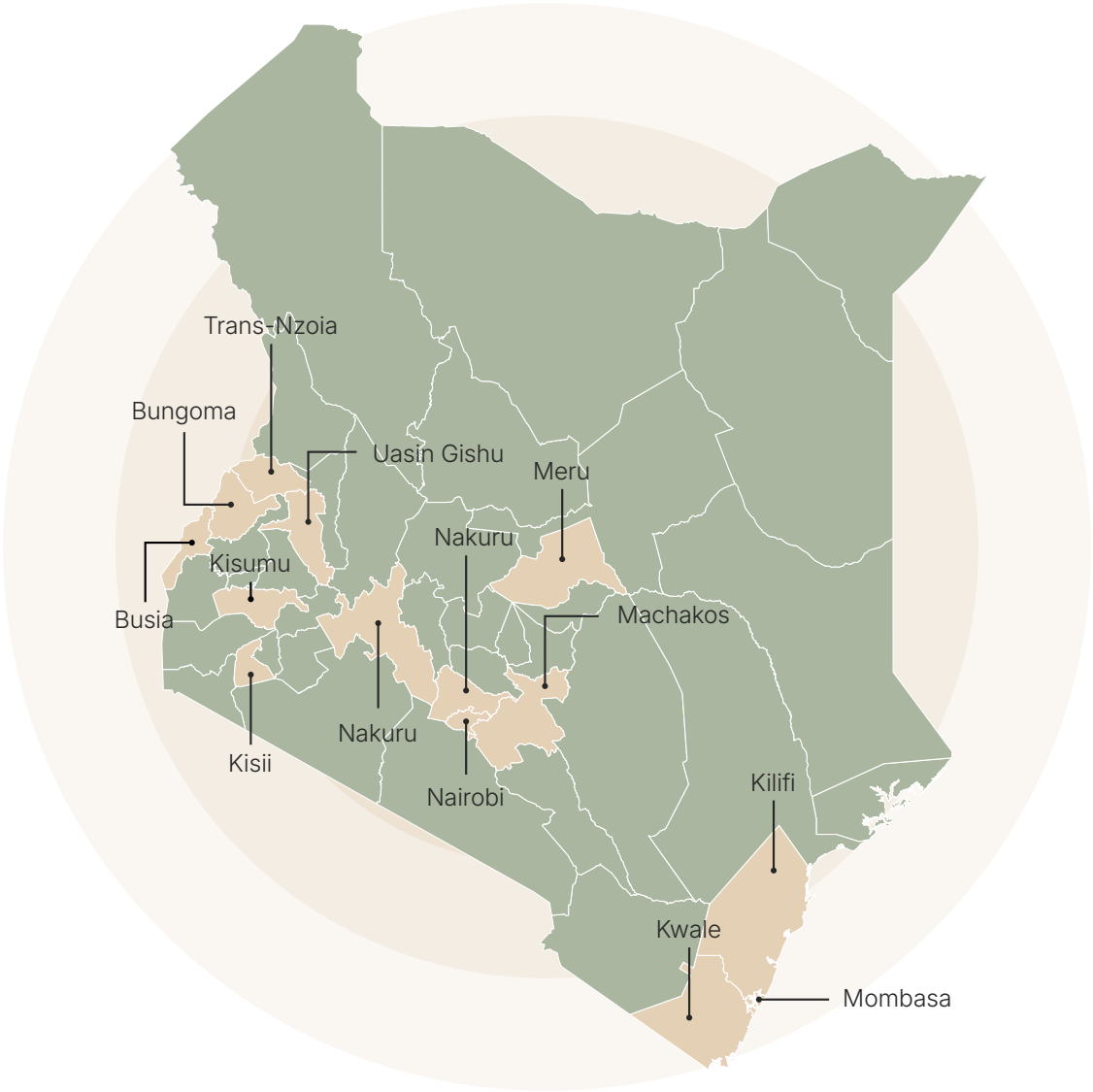
The report was developed when the Kenyan civic space had further deteriorated, marked by reprisals against the state led by the Gen Z movement, who decried the state of economy and general governance⁴, and a stalled electoral commission, threatening inclusive preparations to inform a strategy for increased involvement in the 2027 elections. Furthermore, the report's development coincided with an upsurge of anti-Gender, anti-rights rhetorics and

¹ NGOs Co-ordination Board V EG & 4 Others; Katiba Institute (Amicus Curiae) (Petition 16 Of 2019) [2023] KESC 17 (KLR)

² LGBTQ activist Edwin Chiloba found dead in Kenya – BBC News

³ Gay people fear for their lives, escape Mombasa over planned demos

⁴ The conversation at <https://theconversation.com/kenya-unrest-the-deep-economic-roots-that-brought-gen-z-onto-the-streets-233463?>



a tighter funding environment, influenced by international policy shifts such as the United States of America, Executive Order 14168 on LGBTIQ+ titled ***“Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government”***⁵. This environment greatly affects the democratic engagement for LGBTIQ+ persons, and the intersectionality in our organising.

The situation analysis was conducted in the period when Kenya had gone without commissioners for the Independent Electoral and Boundaries Commission (IEBC) since October 31st, 2024⁶. The process was barred by a number of pending court actions, including one matter by Azimio coalition's wiper democratic party in the Court of Appeal, and one which was before the High Court of Kiambu, filed by a petitioner contesting the failure to adhere to Articles 10 and 54 of the Constitution on national values, principles and the inclusion of persons with disability. At the time, the failure to have IEBC was particularly concerning, as all the functions of the commission under section 4 of the IEBC Act⁷ meant all audit processes for the 2022 elections had ground to a halt, while preparations for the 2027 elections would be rushed overriding the electoral cycle.

Despite the landmark ruling affirming freedom of association for LGBTQ led NGOs⁸ and non-discriminatory constitutional protections which state that ***“Every person has the right to freedom of association, which includes the right to form, join or participate in the activities of an association of any kind”***, LGBTIQ+ persons continue to face systemic violence, exclusion, and legal ambiguity. As Kenya approaches a pivotal electoral period, LGBTIQ+ community must gauge the current environment concerning safety, security⁹, and democratic engagement¹⁰ to formulate effective strategies, come 2027 elections. This report highlights urgent barriers to LGBTIQ+ individuals political participation and offers evidence based recommendations to inform advocacy, policymaking, and community support efforts, making your time and attention to this report worthwhile¹¹.

The research was conducted using a diverse range of research methodology, combining qualitative and quantitative methods. This approach ensured a comprehensive understanding of the subject by integrating data from various sources and perspectives. The methodology involved (i) focus group discussions (FGDs) in 14 Counties of Bungoma, Busia, Kiambu, Kilifi, Kisii, Kisumu, Uasin Gishu¹², Kwale, Machakos, Mombasa¹³, Meru, Nairobi, Nakuru, and Trans Nzoia (ii) online questionnaires, (iii) key informant interviews, and (iv) literature review and desktop research.

⁵ [Defending Women From Gender Ideology Extremism And Restoring Biological Truth To The Federal Government](#)

⁶ [Kenya faces constitutional crisis over delayed IEBC appointments](#)

⁷ [Independent Electoral and Boundaries commission act no 9 of 2011](#)

⁸ [2 EG v Non- Governmental Organizations Co-ordination Board & 4 others \[2015\] eKLR](#)

⁹ [Kenya's LGBTQ Community Faces Increased Abuse During Pandemic](#)

¹⁰ [Report on violence against queer people in 5 African countries - MambaOnline - LGBTQ South Africa online](#)

¹¹ [Breaking cycles of sexual violence linked to elections in Kenya | OHCHR](#)

¹² [LGBTQ activist Edwin Chiloba found dead in Kenya – BBC News](#)

¹³ [Gay people fear for their lives, escape Mombasa over planned demos](#)



The report examined barriers to participation including:

- i. **Social- political and cultural challenges;** Human Rights violations such as physical violence, denial of healthcare service, sexual violence, cyber and verbal harrassment, hate speech, forced evictions and displacement, loss of employment, access to education among others.
- ii. **Legal and policy contradictions,** where the Constitution guarantees coexist with colonial-era penal codes and political backlash.
- iii. **Assessment of electoral framework;** how it facilitates or impedes the inclusion of LGBTIQ+ individuals.
- iv. **LGBTIQ+ community resilience through presence of inclusive clinics,** legal advocacy, and strategic organizing.

The methods deployed to strengthen the reliability of the findings and recommendations, utilized existing data to corroborate the findings while accommodating emerging new data. The findings underscore the urgent need for:

- **Government accountability including inclusive voter registration, SOGIE-SC sensitive training, and protection of civic space.**
- **Strengthened coalitions, legal aid, and psychosocial support for LGBTIQ+ individuals.**
- **Long-term funding for movement building, digital rights and democratic inclusion of LGBTIQ+ individuals.**

**The study aimed to:**

- i** Identify and assess barriers and opportunities for increasing LGBTIQ+ participation and representation in democratic processes including; voter registration, leadership candidacy, and access to justice while highlighting emerging opportunities for inclusion and organizing.
- ii** Assess the current state of legal frameworks and policy contradictions affecting the rights, civic visibility and recognitions of LGBTIQ+ persons.
- iii** Examine human rights violations and institutional neglect affecting queer communities especially education, healthcare, and public services, assess the role of state and non state actors in perpetuating or addressing these violations.
- iv** Develop a comprehensive strategy with actionable recommendations for government, civil society, LGBTIQ+ organization, development partners to enhance LGBTIQ+ political engagement.

Introduction

01

This report, commissioned by Initiative for Equality and Non Discrimination (INEND)¹⁴ National Gay and Lesbian Human Rights Commission (NGLHRC)¹⁵, and galck¹⁶, aims to analyze factors influencing political participation and engagement of the LGBTIQ+ individuals within Kenyan democratic and governance processes.

This situation analysis research examines barriers and insights into participation in democratic and governance processes; including legal, socio-political, and cultural challenges, LGBTIQ+ community's safety and security¹⁷ and assesses the extent to which the electoral framework facilitates or impedes the inclusion of LGBTIQ+ individuals, as Kenya approaches 2027 general elections. In the context of heightened political engagement and societal discourse surrounding LGBTIQ+ human rights, this initiative builds upon the foundational **Queering the Ballot I of 2022**¹⁸ which sought to amplify lived realities of LGBTIQ+ voices in the Kenyan democratic process.

In a recent development, the Supreme Court of Kenya ruled in favour of registration of the NGLHRC, underscoring the critical intersection of human rights, freedom of association, and electoral participation for LGBTIQ+ persons in Kenya. As the country prepares for the 2027 elections and beyond, understanding the prevailing human rights context is essential for fostering an inclusive and equitable democratic environment. The research was commissioned based on strong recommendations from the LGBTIQ+ community scenario-building and foundational Queering The Ballot (QTB) findings from deeper and longer engagements.

The research was conducted after a wave of public homophobic and transphobic attacks against LGBTIQ+ persons, following the Supreme Court's 2023 ruling in NGO **Coordination Board vs. Eric Gitari and 4 others (Katiba Institute as amicus curiae)** which affirmed freedom of association for LGBTIQ+ individuals, setting an important precedent for civic and registration rights. The decision was met with backlash from religious and political leaders¹⁹. In an unprecedented move, the Supreme Court heard a matter for the review of its decision, which was filed by an interested party Kaluma v NGO Coordination Board & 5 others [2023] KESC 72 (KLR)²⁰ who was not a party to the initial appeal proceedings. This case was significant as it allowed for a review of the court's decision, demonstrating the potential for legal challenges to LGBTIQ+ human rights. The court dismissed the matter and ordered the applicant to meet the cost, noting that it was not against the rules of procedure for any disgruntled person who was not party to the appeal to bring a case for review. This dismissal reaffirmed the court's original decision, providing a legal precedent for the human rights of LGBTIQ+ Persons in Kenya. However, this legal progress has been accompanied by increased homophobia, transphobia, and legislative attempts²¹ to clamp down on the fundamental rights and freedoms of LGBTIQ+ persons²², yet the same have been met with judicious efforts²³ to protect editorial liberties both in parliament, judiciary, and media spaces. These developments underscore the urgency of assessing the current landscape ahead of the 2027 general elections and the intersectionality of human rights, freedom of association, and electoral participation for LGBTIQ+ individuals in Kenya.

¹⁴ <https://inend.org/>

¹⁵ <https://nglhrc.com/>

¹⁶ <https://galck.org/>

¹⁷ Kenya's LGBTQ Community Faces Increased Abuse During Pandemic

¹⁸ INEND, *Queering the ballot 2022*

¹⁹ Kikuyu elders, religious group blast Supreme Court over LGBTQ ruling

²⁰ Kaluma v NGO Co-ordination Board & 5 others

²¹ <https://www.the-star.co.ke/counties/nyanza/2023-04-08-details-of-kalumas-bill-on-criminalising-lgbtq>

²² Proliferation Of LGBTQ Persons In Kenya

²³ <https://nation.africa/kenya/counties/mombasa/court-bars-anti-gay-movement-from-incitement-against-lgbtq-community-4608244>

This report was developed during a period when the civic space in Kenya²⁴, the wider region²⁵ and globally, experienced significant regression, with its status downgraded from 'repressed' to 'obstructed'²⁶.

In Kenya, this is based on the reprisals and oppressive action seen against people²⁷ decrying the state of economy and general governance²⁸, led by the Gen Z movement. Further, the Public Benefit Organisations Act, 2013 which came into force as of 14 May 2024 pursuant to Legal Notice No. 78 of 2024²⁹ has posed limitations and surveillance of Civil Society organisations; imposing more onerous registration requirements, tighter donor-reporting and financial-disclosure rules, broad grounds for suspension or deregistration³⁰, and limitations on what constitutes permissible "political"³¹ activity, increasing state oversight on civil society actors. However, the act was countered by a judicious ruling on 12th June 2025, in *David Calleb Otieno & Others v Attorney General & Others (Petition No. E519 of 2024)*, where the court declared several provisions of the Public Benefit Organizations Act, 2013 (PBO Act) unconstitutional. It held that requiring NGOs previously registered under the repealed NGO Coordination Act to re-register under the PBO Act, mandating disclosure of donor and member data, and imposing compulsory membership in the National Federation of PBOs were all in violation of the Constitution. A month later the Ministry of interior and national administration extended the compliance of the PBO Act to 13th May 2026³².

Africa in general presents a deeply uneven legal landscape for LGBTIQ+ human rights. Despite Africa's regional legal frameworks which offer potential for inclusion; The African Charter on human and peoples' Rights³³ which guarantees dignity, equality and non discrimination and Maputo Protocol³⁴, affirming women's rights to bodily autonomy and political participation, enforcement is inconsistent, and many states interpret these instruments narrowly, excluding LGBTIQ+ persons from enjoying these protections. While some countries have made strides toward legal recognition, protection and inclusion of LGBTIQ+ persons, many other countries maintain or reinforce punitive laws, discriminatory policies and hostile environments of exclusion, stigma and violence³⁵.

Uganda, Tanzania and Kenya have retained colonial era penal codes criminalizing same sex relation³⁶, with Uganda recently enacting one of the world's harshest Anti-LGBTIQ+ laws, Anti-Homosexuality Act (AHA), 2023³⁷. These laws not only criminalize identity but also restrict freedom of association, expression, and access to justice³⁸. For example, Sexual Minorities Uganda (SMUG), was ordered to close down in 2021 for not being properly registered with the Authorities under the promotion clause, section 11 of the AHA Act 2023, which provides grounds for indictment by criminalising a range of activities, including funding and sponsoring

²⁴ The Civicus Monitor Downgrades Kenya's Civic Space To "Repressed" Amid A Crackdown On Nationwide Protests

²⁵ https://nisisikenya.org/wp-content/uploads/2024/06/Recasting_Advocacy_Civic_Space_Dynamics_in_East_Africa.pdf

²⁶ https://www.civicus.org/documents/reports-and-publications/SOCS/2025/state-of-civil-society-report-2025_en.pdf

²⁷ <https://www.knchr.org/Articles/ArtMID/2432/ArticleID/1229/Statement-on-the-25th-June-2025-Demonstrations>

²⁸ Kenya unrest: the deep economic roots that brought Gen-Z onto the streets

²⁹ The Public benefit Act

³⁰ <https://khrc.or.ke/storage/2023/11/CSORG-Statementon-deregistrations-October-31-2015.pdf>

³¹ <https://monitor.civicus.org/explore/kenya-deregistration-human-rights-CSOs/>

³² Key Findings of the Court Decision on PBO Act 2013

³³ African Charter on Human and Peoples' Rights

³⁴ Maputo Protocol

³⁵ <https://www.globalcitizen.org/en/content/countries-legalized-same-sex-relationships-africa/>

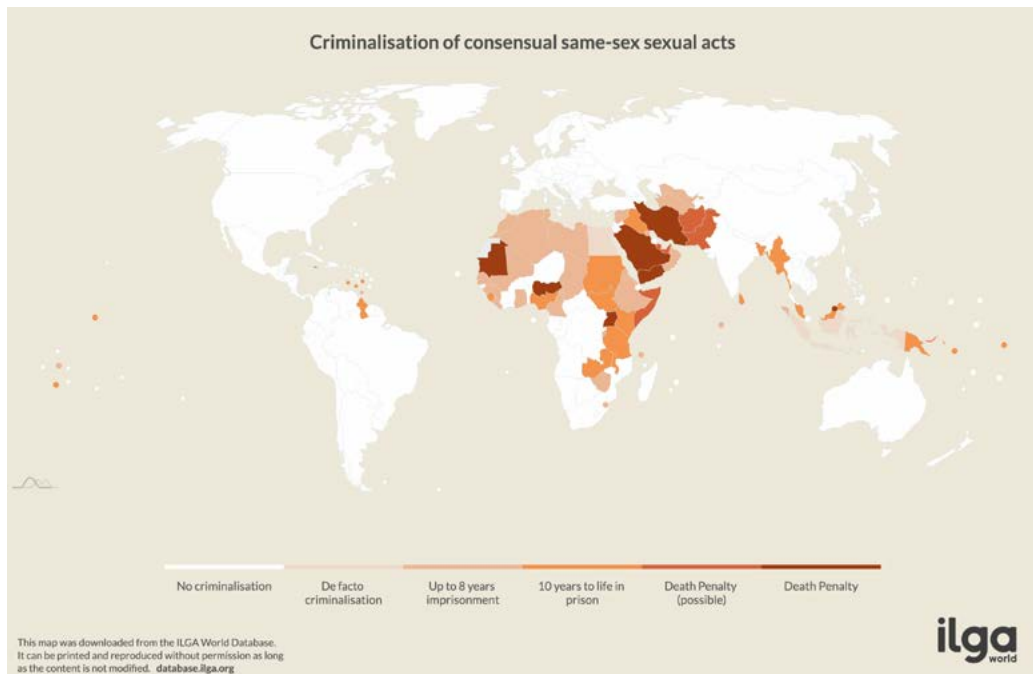
³⁶ Same-Sex-Relations-and-the-Kenyan-Constitution

³⁷ The Anti-Homosexuality Act 2023 ,Uganda

³⁸ [Exiles from Uganda's harsh anti-gay laws now fear 'moral panic' legislation could follow them](https://www.theguardian.com/world/2023/jul/19/uganda-anti-gay-laws-moral-panic)

initiatives deemed to encourage or normalise homosexuality³⁹. In Tanzania, recent General elections have been marred with bloodshed, opposition imprisonment, nationwide curfews, internet shutdown⁴⁰ and enforced crackdowns on LGBTIQ+ individuals and organisations⁴¹. The country's authorities have banned community organizations and arrested individuals on perceived identity, with government officials making public anti-LGBTIQ+ utterances⁴².

While countries like Burkina Faso⁴³, Ghana⁴⁴, Cameroon⁴⁵, Senegal⁴⁶, and Gambia Egypt⁴⁷, Mali⁴⁸, and Nigeria⁴⁹ stringent anti-LGBTIQ+ legislation; we have witnessed progressive laws and policies e.g South Africa, stipulates the protection of sexual orientation in its constitution and allows same-sex marriage, while in Mozambique, Botswana and Angola have seen decriminalization and have in place anti discrimination rights. Despite these progressive regional instruments, most African countries maintain harsh legal and policy frameworks that criminalize LGBTIQ+ identities, restrict civic organization, and exacerbate discrimination undermining democratic participation and rights protections. Most African political and religious leaders seem to ride on the homophobia wave as Western ideology, forced on Africans⁵⁰.



³⁹ [Impact of the Anti-Homosexuality Act](#)

⁴⁰ <https://www.citizen.digital/article/kwa-jirani-how-a-national-polling-day-quickly-turned-into-samia-suluhus-darkest-nightmare-n372198>

⁴¹ [Censorship Of LGBT Issues In Dar- Es -Salaam](#)

⁴² [A Shadow Report: The Violations of the Rights of Lesbian, Gay, Bisexual, Transgender Persons in The United Republic of TANZANIA](#)

⁴³ <https://www.hrw.org/news/2025/09/03/burkina-faso-criminalizes-same-sex-conduct>

⁴⁴ [Ghana passes bill making identifying as LGBTQ+ illegal](#)

⁴⁵ [The Lawyer Risking Everything To Defend LGTIQ Rights](#)

⁴⁶ [Senegalese rally against LGBTQ rights](#)

⁴⁷ <https://database.ilga.org/egypt-lgbti>

⁴⁸ <https://database.ilga.org/mali-lgbti>

⁴⁹ <https://www.humandignitytrust.org/country-profile/nigeria/>

⁵⁰ <https://www.sociostudies.org/journal/articles/450902/>

Extending beyond Africa's fractured terrain, the global landscape for LGBTIQ+ rights and civic participation reveals a similarly volatile mosaic, where geopolitical realignments, donor funding, and resurgent authoritarianism intersect to both enable and erode democratic inclusion⁵¹. At the international level, frameworks such as the Universal Declaration of Human Rights (UDHR)⁵² and the Yogyakarta Principles⁵³ underscore the indivisibility of sexual orientation and gender identity from core freedoms of expression, association and assembly and yet, enforcement remains patchy; with over 60 countries worldwide still imposing criminal sanctions on same-sex relations, and a rising tide of "anti-propaganda" laws in places like Russia and Hungary. These global regressions are compounded by the weaponization of civic space as state surveillance, and digital crackdowns⁵⁴ stifle organising and advocacy.

A pivotal significant global dynamic shift in donor priorities, particularly from major bilateral funders like the United States Agency for International Development (USAID), has marked profound programmatic shifts with downstream effects on grassroots LGBTIQ+ activism⁵⁵, following the 2024 U.S. presidential transition and USAID's 2025 fiscal reallocations⁵⁶ prioritizing counterterrorism⁵⁷, economic resilience, and attainment of 'super power' over human rights programming, with several global leaders following suit⁵⁸.

All this interplay between global civic space erosion and LGBTIQ+ human rights; has amplified vulnerabilities⁵⁹, with international democracy aid fatigue⁶⁰ being evident in reduced allocations for foreign aid programs, in a context already navigating intersectional risks of violence, diminished resources, curtailed visibility, arbitrary arrests, and social ostracism. This environment severely impacts the engagement of LGBTIQ+ persons in democratic and governance initiatives⁶¹, underscoring the urgency of this inquiry.

This analysis was also conducted where, for the first time in Kenya's history, the Independent Electoral and Boundaries Commission (IEBC) had remained without commissioners after the 2022 general elections⁶². The reconstitution process had been barred by multiple pending legal court actions, including a case filed by Azimio coalition's wiper Democratic party in the Court of Appeal, and another before the High court of Kiambu. The latter challenged the government's failure to uphold Articles 10 and 54 of the constitution, which mandate adherence to national values and the inclusion of persons with disability⁶³.

The absence of a functioning IEBC was deeply concerning. All core functions outlined under section 4 of the IEBC Act⁶⁴ including electoral audits, stakeholder engagement, and strategic planning, had ground to halt. As a result, preparations for the 2027 general elections risked being rushed, reactive and misaligned with the standard electoral cycle, undermining transparency, inclusivity and public trust in the process.

⁵¹ <https://freedomhouse.org/report/freedom-world>

⁵² Universal Declaration of Human Rights

⁵³ <https://yogyakartaprinciples.org/>

⁵⁴ <https://www.accessnow.org/campaign/2025-elections-and-internet-shutdowns-watch/>

⁵⁵ Impact of US funding cuts on the global HIV response

⁵⁶ https://www.usgic.org/media/2024/03/FY25Budget_FINAL.pdf

⁵⁷ <https://appropriations.house.gov/news/press-releases/committee-approves-fy25-state-foreign-operations-and-related-programs>

⁵⁸ The EU Trust Fund for Africa: Trapped between aid policy and migration politics

⁵⁹ Defunding Freedom – Impacts of U.S. Foreign Aid Cuts on LGBTIQ People Worldwide

⁶⁰ Report: Foreign aid cuts threaten global human rights ecosystem

⁶¹ Queering Democracy: The Global Elections in 2024 and How LGBTIQ People Fared

⁶² <https://www.citizen.digital/news/kenya-faces-constitutional-crisis-over-delayed-iebc-appointments-n353897>

⁶³ <https://www.kenyans.co.ke/news/107249-uda-urges-azimio-withdraw-iebc-case>

⁶⁴ Independent Electoral and Boundaries commission act no 9 of 2011

As the country approaches a pivotal electoral period, this report seeks to assess the current realities facing the LGBTIQ+ Persons in relation to safety, security⁶⁵, and democratic engagement⁶⁶. By illuminating these intersecting challenges, the report aims to inform advocacy strategies, policymaking, and community led support initiatives, ensuring that the engagements with its findings contribute meaningfully to inclusive governance and protection of human rights⁶⁷. This study also builds on historical data and prior engagements. In 2020, INEND conducted a survey with 28 LGBTIQ+ persons to explore their experiences with civic processes, the barriers encountered, and the kind of support needed to enable full participation in governance processes. The findings informed a public tweet chat under the hashtag **#QueerPublicParticipation**. The results of this survey and the deliberations on tweet chat and several other engagements were consolidated in a position paper featured in INEND's 2020 *Annual Report, Scaling The Heights of Civic Inclusion and Movement Building*, sparking dialogue and reflection across queer communities and allies. It is from this foundation that the Queering The Ballot 2022 engagement emerged⁶⁹, deepening the commitment to amplifying queer voices in democratic spaces and shaping a more inclusive political future.

This report draws on regional instruments, country level legislation and community led documentation to assess both barriers and opportunities for LGBTIQ+ political and electoral participation.

a. Legal Frameworks and Policy Context

The legal framework in Kenya is mainly protective, based on the constitutional provisions in the Bill of Rights for the equal protection of all persons from all forms of discrimination in Article 27 of the constitution, despite the complex mix of judicial progress and persistent contradictions. This report analyzes existing statutes, judicial decisions, and institutional practices that both advance and undermine the fundamental rights and freedoms of LGBTIQ+ individuals. It further draws on parliamentary proceedings, policy debates, and recommendations from human rights mechanisms regarding Kenya's obligations to uphold inclusion and protection for sexual and gender minorities. The same has received judicial interpretation at the High Court, the Court of Appeal, and the Supreme Court. The list of discrimination is not exhaustive and must continue to be expanded to protect even singular minorities, but there has been a significant judicial development that occurred and put it in another way, to allow discrimination based on sexual orientation would be counter to these constitutional principles; this finding was upheld all the way to the Supreme Court. The 2010 Constitution enshrines equality, dignity and non-discrimination for all persons. However, LGBTIQ+ persons continue to face systemic exclusion rooted in colonial-era laws, political hostility, and weak institutional safeguards.

The constitution of Kenya guarantees freedom of association under Article 36, equality and non-discrimination under Article 27, and national values such as inclusiveness, human dignity, and protection of marginalized groups under Article 10. These provisions have been interpreted by courts to affirm the right LGBTIQ+ persons. In the case of *Eric Gitari versus the NGO Coordination Board*, where Justice Lenaola⁷⁰ ruled that the term "sex," as used in

⁶⁵ Kenya's LGBTQ Community Faces Increased Abuse During Pandemic

⁶⁶ Report on violence against queer people in 5 African countries - MambaOnline - LGBTQ South Africa online

⁶⁷ Breaking cycles of sexual violence linked to elections in Kenya | OHCHR

⁶⁸ INEND'S 2020 Annual Report

⁶⁹ INEND #QueerPublicParticipation

⁷⁰ *EG v Non-Governmental Organisations Co-ordination Board & another; AMI & 2 others (Interested Parties)*; Katiba Institute (Amicus Curiae) (Petition 440 of 2013) [2015] KEHC 5425 (KLR)

the constitution, encompasses “sexual orientation”. The court found that when applying the Constitution, to give effect to the non-discrimination provisions in Article 27 and the national values and principles set out in Article 10, which include, Article 10(2), *“human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised”*, an 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, and that denying registration to an LGBTIQ+ organization violated constitutional rights. This ruling was upheld by the Court of Appeal and later affirmed by the Supreme Court in 2023, setting a precedent for the recognition of sexual and gender minorities under Kenyan Law.

Despite these gains, the Penal Code continues to criminalize adult consensual same-sex relations under section 162, 163, and 165. Section 162 Criminalizes “unnatural offences”, specifically “carnal knowledge against the order of nature” with up to 14 years imprisonment, section 163 penalizes attempts to commit such “unnatural offences” as defined in section 162, a felony with a penalty of up to seven (7) years imprisonment, and section 165 Criminalizes acts of “gross indecency” between males, punishable by up to five (5) years imprisonment⁷¹. Whereas a plain reading of the section shows that they could apply to all persons regardless of their sexual orientation and gender identity, the same is mainly used to target gay men and transwomen reinforcing stigma and enabling harassment. Whereas it was long repealed in the United Kingdom and some commonwealth countries, Kenya continues to cling to the colonial laws on buggery which are often used to justify discrimination and violence. Although there are comprehensive provisions of the sexual offences act on the protection of all persons from all unlawful sexual offences, the penal code section 162 remains a stark reminder of the colonial oppressive laws. Political leaders have openly opposed queer inclusion, with some calling for legislative reversals to ban any recognition of LGBTIQ+ rights, fueled by religious lobbying⁷². Some proposals mirror the proposed law in Ghana and the enacted Anti Homosexual Act 2023 in Uganda⁷³. following the Supreme Court’s ruling by Parliamentarians condemning the 2023 Supreme Court decision, arguing that it contravenes Kenya’s cultural and religious norms⁷⁴.

The Kenyan Parliament has enacted several laws with explicit provisions that protect LGBTIQ+ persons, notably the Children’s Act recognizes intersex children from birth, aligning to the decision and the structural interdict in the baby A case⁷⁵ that mandated structural reforms for intersex recognition. The effectiveness of these provisions is also limited by weak enforcement, and the Female Genital Mutilation Act⁷⁶ prevents sexual reassignment of intersex children from being part of the outlawed processes under the act.

The Basic Education Act of 2013⁷⁷ provides access to basic education and is compulsory for every child in Kenya under section 28. Section 34 safeguards against the admission of any child to school and includes some grounds for non-discrimination, including ‘sex’, yet enforcement remains inconsistent. Section 35 urges schools to take all measures to keep children in school, and Section 36 outlaws all forms of torture and degrading treatment, including psychological treatment. Section 39 imposes a direct responsibility on the

⁷¹ Cap 63 laws of Kenya

⁷² Kenya’s Christian professional

⁷³ The Anti-Homosexuality Act, 2023, Uganda

⁷⁴ How an LGBTQ court ruling sent Kenya into a moral panic

⁷⁵ Baby ‘A’ (Suing through the Mother E A) & another v Attorney General & 6 others [2014] eKLR

⁷⁶ Prohibition Of Female Genital Mutilation Act

⁷⁷ The Basic Education Act, 2013

government to ensure that children access education, with Section 39(c) requiring that the government should ensure that marginalized, vulnerable or disadvantaged groups are not discriminated against and prevented from pursuing and completing basic education; it goes further in 39(h) to require that government ensures compulsory admission, attendance and completion of the basic education for all students. The progressive provisions of the Act are often in conflict with freedom of belief, as per Article 32 of the Constitution and Section 27 of the Basic Education on the role of the sponsor. In Kenya, most sponsors are religious institutions that hold massive responsibility for curriculum review, infrastructure development, and spiritual development. The conflict between freedom of religion and freedom from non-discrimination has become an area of interest and has been documented by the UN Special Rapporteur on Freedom of Religion⁷⁸. The courts have applied the provisions of the constitution in several Judicial decisions including [2024] KEHC 10048 (KLR)⁷⁹ and GM (Suing as the father and next friend of (JTM Minor) & another v Board of Management M High School & 3 others; Ministry of Education & 7 others (Interested Parties) [2022] KEHC 10447 (KLR)⁸⁰ where the Court offered various relief for children expelled from schools on allegation of being lesbians and engaging in irregular sexual conduct.

Legal name change in Kenya remains a complex and often exclusionary process, particularly for transgender and intersex persons, despite evolving jurisprudence and constitutional protections. While the Births and Deaths Registration Act⁸¹ allows for name changes under specific conditions, the process is not clearly codified for individuals seeking gender-affirming identity recognition. Transgender persons often face bureaucratic delays, invasive requirements, and discretionary refusals when attempting to align their legal documents with their affirmed gender. The lack of a legal recognition means that name change applications are frequently treated as exceptional rather than routine, leaving applicants vulnerable to discrimination and forced disclosure. In addition to judicial protection of transgender persons, legal identity recognition cases are notable in facilitating the equal protection and human dignity of sexual and gender minorities⁸².

Judicial decisions have begun to challenge this status quo. In *Baby A v Attorney General*, the High Court issued a structural interdict requiring the state to develop procedures for intersex recognition, including documentation reforms. Similarly, courts have affirmed the right to dignity and identity for transgender persons, referencing Article 27 (equality and non-discrimination) and Article 28 (human dignity) of the Constitution. However, implementation remains inconsistent, and many applicants are forced to litigate individually to access basic documentation rights.

The Data Protection Act of 2019⁸³ also recognises gender identity and sexual orientation as sensitive personal data and prohibits unauthorised disclosure. It does not, however, guarantee the right to amend official records. Without clear administrative guidelines or legislative reform, the legal name change process continues to reinforce exclusion, limit access to services, and undermine civic participation for gender diverse Kenyans⁸⁴.

⁷⁸ Special Rapporteur on freedom of religion or belief

⁷⁹ FW (Suing on behalf of AWW, a minor) v Board of Directors of St Hannah's Girls School & another (Petition E214 of 2023) [2024] KEHC 10048 (KLR)

⁸⁰ GM (Suing as the father and next friend of (JTM Minor) & another v Board of Management M High School & 3 others; Ministry of Education & 7 other

⁸¹ Births And Deaths Registration Act

⁸² Republic v Kenya National Examinations Council & another Ex-Parte Audrey Mbugua Ithibu

⁸³ Section 2 of the Definitions section Data Protection Act CAP 411C

⁸⁴ The Human Rights Situation, Case Law, and Research on Protections on Grounds of SOGIE in Kenya

While legal frameworks exist, enforcement is weak. Law enforcement agencies often fail to protect LGBTIQ+ persons, and survivors of violence rarely report incidents due to fear of reprisal and mistrust. Schools, healthcare institutions, and housing systems lack inclusive policies, leaving queer individuals vulnerable to expulsion, denial of services, and evictions⁸⁵. The gap between legal recognition and lived experiences remains wide, demanding urgent institutional accountability and reforms.

The context reveals patterns of violence, systemic discrimination, and exclusion that continues to threaten the safety and civic participation of LGBTIQ+ communities. At same time, it highlights areas of legal evolution and policy reform that signal potential for progress. The report proposes actionable reforms aimed at dismantling structural barriers, strengthening accountability, and fostering a more inclusive and rights affirming society. These reforms are not only urgent, they represent a pathway toward justice, dignity, and democratic inclusion for all.

Kenya is party to several international treaties which are recognised to form part of Kenyan law, as per article 2 (6) of the Kenyan constitution, which have treaty body human rights mechanisms. The enjoyment of fundamental rights and freedoms for the LGBTIQ+ community has found its way to several human rights mechanisms.

During Kenya's Universal Periodic Review (UPR) in 2015, the UN Human Rights Council recommended the decriminalization of same-sex relationships and protections for LGBTIQ+ persons⁸⁶. Kenya has consistently rejected these recommendations; however, treaty bodies continue to make recommendations to Kenya. The 2022 Committee Against Torture made broad-based recommendation for protection of LGBTIQ+s from torture⁸⁷ including decriminalisation of consensual same-sex acts, protection of intersex persons from violative medical procedures and general steps to accelerate legal protection of LGBTIQ+ persons. The CEDAW Committee has also made several recommendations to Kenya⁸⁸. On the African Union front, the African Commission on Human and Peoples' Rights (ACHPR), through its Resolution 275 (2014), urges member states to protect Persons from violence based on sexual orientation and gender identity. Kenya is yet to implement the resolution. Additionally, the Guidelines on combating Sexual Violence and its consequences in Africa by the ACHPR extensively address sexual offences meted out on people based on their actual or perceived sexual orientation⁸⁹.

Most importantly, as we explore ways to enhance the democratic participation of all people, including LGBTIQ+ individuals, Kenya should prioritize legal reforms. This includes repealing sections 162(a) and (c), 163, and 165 of the Penal Code, and enacting comprehensive anti-discrimination laws that explicitly protect sexual orientation and gender identity. These protections should cover critical areas such as healthcare, employment, and education, thereby safeguarding the rights of vulnerable and marginalized groups throughout the country.

⁸⁵ [Research on Gay, bisexual and trans persons, health and violence](#)

⁸⁶ [Universal periodic review implementation matrix 2015-2019 accessible](#)

⁸⁷ [The Committee Against Torture in its 1897th and 1900th meetings, held on 4 and 5 May 2022, and adopted the present concluding observations at its 1908th meeting, held on 11 May 2022 accessible](#)

⁸⁸ <https://intersexrights.org/un/cedaw-c-ken-co-8/>

⁸⁹ <https://achpr.au.int/en/node/848>

b. Socio-Political And Economic Landscape

The socio- economic and political environment in Kenya continues to shape and often constrain the civic participation of LGBTIQ+ persons. This landscape is marked by economic hardship⁹⁰, civic donor uncertainty, all of which intersect to deepen exclusion and undermine democratic engagement.

i. Human Rights Violations Against LGBTIQ+ Persons in Kenya

LGBTIQ+ persons faces a range of violations, including physical assault, psychological abuse, murder, sexual violence⁹¹, and corrective practices⁹². These violations also extend to the digital environment in the form of cyber violence and extortion through targeted harassment⁹³. LGBTIQ+ children face harassment and targeting through suspension and expulsion from schools on allegations of being homosexual⁹⁴, while adults face eviction, and denial of healthcare, asset stripping, disinheritance from family homes, and even denial of access to certain public spaces⁹⁵. Access to health services is more complicated but the community has learnt a way of dealing with this through the establishment of integrated and inclusive clinics that serve LGBTIQ+ persons and other members of the community in most counties in Kenya⁹⁶. In terms of sexual and reproductive health rights, the Health Act⁹⁷ caters to marginalised and vulnerable populations with the HIV and AIDS Prevention and Control Act of 2006⁹⁸ prohibiting discrimination based on HIV status and guaranteeing access to healthcare for all, including key populations such as men who have sex with men (MSM). Various policy guidelines for effective implementation have followed this; However, contradictions between this framework and the criminalization of same-sex consensual intimacy, coupled with general societal biases, hinder its implementation. These violations are compounded by underreporting, driven by fear, stigma, and lack of trust in health institutions. The absence of reliable data further limits redressive action and policy reform. Efforts are underway to improve data collection, but its utility must be deployed strictly under the principles of do no harm.

The social-political environment generally continues to undermine the political climate for LGBTIQ+ persons. In particular, the outcome of the freedom of association case filed by Eric Gitari for the registration of the NGLHRC by the Supreme Court saw negative remarks from current influential political leaders. The speaker of the national assembly also addressed the matter, noting that LGBTIQ+ protections and discussions will not be allowed⁹⁹. The religious leaders across the board quickly joined these¹⁰⁰. Thereafter, the mantra of cancelling LGBTIQ+ persons discussions in public and the progressive laws made in their recognition was taken up notably by Hon Mohammed Ali, the MP for Nyali Constituency¹⁰¹, and Hon Kaluma, the MP for Homabay¹⁰².

⁹⁰ <https://open-for-business.org/kenya-economic-case>

⁹¹ KHRCC Lives On The Line: Report finds over 2,100 rights violations against sexual and gender minorities in Kenya

⁹² <https://galck.org/wp-content/uploads/2025/01/SHAME-IS-NOT-A-CURE.pdf>

⁹³ <https://www.amnesty.org/en/documents/afr32/6578/2023/en/>

⁹⁴ <https://www.the-star.co.ke/counties/eastern/2024-07-18-naivasha-girl-dies-by-suicide-after-alleged-school-suspension>

⁹⁵ <https://pmc.ncbi.nlm.nih.gov/articles/PMC11907648/>

⁹⁶ <https://www.safe-space-kollektiv.com/>

⁹⁷ <https://kenyalaw.org/ki/fileadmin/pdfdownloads/Acts/HealthActNo.21of2017.pdf>

⁹⁸ https://www.kenyalaw.org/ki/fileadmin/pdfdownloads/Acts/HIVandAIDSPreventionandControlAct_No14of2006.pdf

⁹⁹ <https://www.washingtonblade.com/2023/03/24/kenyan-mps-approve-resolution-to-ban-public-discussions-of-lgbtq-issues/>

¹⁰⁰ https://youtu.be/8Q_U1lUOkRq?si=Wcb5G6a5lI2P9qDf

¹⁰¹ <https://youtu.be/qHsH2tPhDLq?si=C7nFmLotdffQG-gf>

¹⁰² https://youtu.be/_Q5OXW9iPwE?si=DE_vhxtxlw-Aux-X

ii. Civic space regression and political hostility

Kenya's civic space has been downgraded from repressed to obstructed reflecting increased state reprisals against youth led movements and human rights defenders. The Genz-led protests demanded economic justice but have been met with brutal force and anti-rights rhetoric has surged in political and religious spaces. Notably, following the Supreme Court's ruling on freedom of association, backlash intensified, with parliamentary leaders and religious groups openly opposing LGBTIQ+ inclusion. Despite this, progressive voices such as Senator Sifuna¹⁰³, Hon. Millie Odhiambo, and Hon. Passaris have consistently advocated for the equal protection of all persons' dignity and equality. While these voices are encouraging, it is important to note that the majority of Kenyan leaders openly oppose the inclusion of LGBTIQ+ persons.

Kenya's economic crisis, rising cost of living, and governance challenges have created widespread disillusionment. The absence of IEBC commissioners stalled electoral audits and threatened inclusive preparations for the 2027 elections. Meanwhile, donor support for LGBTIQ+ rights has shrunk, especially following Order 14168 in the United States, which has emboldened Anti-Gender narratives globally. This shift has impacted funding for movement building, legal and social transformative-led advocacy and mental health support for LGBTIQ+ persons.

1.2 The Study Objective,Purpose,Scope and limitations



The objective of this study was to:

- i Identify and assess barriers and opportunities for increasing LGBTIQ+ participation and representation in democratic processes including; voter registration, leadership candidacy, and access to justice while highlighting emerging opportunities for inclusion and organizing.
- ii Assess the current state of legal frameworks and policy contradictions affecting the rights, civic visibility and recognitions of LGBTIQ+ persons.
- ii Examine human rights violations and institutional neglect affecting queer communities especially education, healthcare, and public services, assess the role of state and non state actors in perpetuating or addressing these violations.
- iv Develop a comprehensive strategy with actionable recommendations for government, civil society, LGBTIQ+ organization, development partners to enhance LGBTIQ+ political engagement.

¹⁰³ <https://youtu.be/-iWmUYjaWrs?si=JxkRD5TYS2ExUjYc>

The purpose of this research is to assess the current state of LGBTIQ+ inclusion in Kenya's democratic and governance processes, including; legal, socio-political, and cultural challenges and examine the extent to which electoral framework facilitates or impedes the inclusion of LGBTIQ+ individuals, with a view to inform strategic advocacy (**Queering The Ballot II**), and policy reforms ahead of the 2027 general election and beyond.

In this situation analysis the scope was expanded to 14 counties: Bungoma, Busia, Kiambu, Kilifi, Kisii, Kisumu, Uasin Gishu, Kwale, Machakos, Mombasa, Meru, Nairobi, Nakuru, and Trans Nzoia to reflect the growing urgency, geographic diversity and movement building momentum across the country. This was from the insights of *Queering the Ballot, 2022* and recommendations from LGBTIQ+ partners who emphasized the need for broader representation and national documentation beyond the initial five counties: Mombasa, Kilifi, Nairobi, Kisumu and Busia.



The scope of the study was to;

- i Documenting lived experiences of LGBTIQ+ persons across the 14 counties in relation to civic participation, electoral engagement and government.
- ii Analyzing legal, policy and institutional frameworks that enable or hinder democratic inclusion.
- iii Examining socio-political dynamics including civic spaces, donor trends and political hostility that shape queer visibility and participation.

We are cognizant of the limitations of the research, including the possibility of underreporting, which may have led some participants to withhold sensitive information, particularly in FGDs, for fear of reprisals. Steps to mitigate this included ensuring absolute anonymity and strong data protection, using LGBTIQ-affirming language and inclusive categories, partnering with trusted community-based organizations and training researchers in cultural competence and trauma-informed approaches. We also acknowledge the likelihood of sampling bias through the online questionnaires, which may have excluded those with limited internet access, such as rural communities, and the FGD that left out some counties with unique dimensions due to resource constraints. The study focused on 14 counties, which may not fully represent national dynamics.

Methodology

02

This study on the state of human rights for LGBTIQ+ persons in Kenya employed a diverse range of research methods, combining both qualitative and quantitative approaches. This approach ensured a comprehensive understanding of the subject by integrating data from various sources and perspectives.

2.1 Study Area and Parameters

The methodology involved focus group discussions (FGDs), online questionnaires, key informant interviews, and desktop research. The methods were deployed to strengthen the reliability of findings and recommendations and work with existing data to corroborate findings with accommodation for emerging new data. To capture in-depth insights into lived experiences, perceptions, and opinions about human rights issues at the county level, a total of 14 Focus Group Discussions were conducted in the counties of Bungoma, Busia, Kiambu, Kilifi, Kisii, Kisumu, and Uasin Gishu¹⁰⁴, Kwale, Machakos, Mombasa¹⁰⁵, Meru, Nairobi City, Nakuru, and Transzoia.

The study areas were selected based on the following criteria:

- 1 **Presence of organized LGBTIQ+ communities and networks**
- 2 Documented cases of civic exclusion and human rights violations
- 3 **Strategic relevance to electoral processes and governance structures**
- 4 Recommendations from 2022 Queering the Ballot report and partner consultations
- 5 **Their diverse geographic, socio-economic, and cultural contexts.**

¹⁰⁴ LGBTQ activist Edwin Chiloba found dead in Kenya – BBC News

¹⁰⁵ Gay people fear for their lives, escape Mombasa over planned demos

2.2. Design and Approach

The study on LGBTIQ+ inclusion in democratic and governance processes in Kenya was conducted using a diverse range of research methods, design employed, integrating both qualitative and quantitative approaches to ensure a comprehensive and nuanced understanding of the human rights situation. This triangulation of methods enhanced the reliability and validity of findings, allowing for both depth and breadth in data collection and analysis. Data collection was collected between November and December 2024 across the 14 Counties.

The tools used to collect and analyze data involved:



**Focus Group
Discussions (FGDs)**



**Online
Questionnaires**



**Key Informant
Interviews (KIs)**



**Desktop
Review**

Key research question



The research was guided to respond to;

- i** What are the current human rights challenges faced by LGBTIQ+ persons in Kenya
- ii** How do LGBTIQ+ persons engage with democratic processes at the county level
- iii** What barriers and opportunities exist for civic participation
- iv** What institutional responses and policy frameworks shape the human rights landscape
- v** What recommendations can strength safety, inclusion, and democratic engagements

i. Focus Group Discussion

The data was collected through an agile semi-structured discussion guide covering key security concerns by LGBTQ+ Persons, access to legal identity documents, engagement in democratic processes, existing initiatives for the participation of LGBTQ+ persons, and recommendations for improving all these areas of concern.

A total of 14 FGDs were conducted in the counties of Bungoma, Busia, Kiambu, Kilifi, Kisii, Kisumu, Uasin Gishu¹⁰⁶, Kwale, Machakos, Mombasa¹⁰⁷, Meru, Nairobi City, Nakuru and Transzoia. In each Focus Group Discussion (FGD) across selected counties had between 9 and 15 participants per session, including LGBTQ+ community leaders, civil society organisations representatives, defenders, paralegals, lawyers, journalists, National police Service (NPS) officials and representatives of the Ministry of Interior and coordination of national government. Participants were identified through local networks of LGBTQ+ civil society organisations and community-based groups. The sessions were primarily conducted in person across the selected counties with the exception of Nairobi, where the FGD was held online. Each session was facilitated by a trained researcher, supported by a skilled local leader who ensured inclusive participation, upheld confidentiality, and maintained a neutral environment. Discussions lasted between 1.5 to 3 hours and were audio-recorded with participants' informed consent for transcription and analysis. The recordings were transcribed and analyzed using thematic coding to identify recurring issues, regional nuances, and patterns across the counties.

ii. Key Informant Interviews (KII)

To gain expert insights and a deeper understanding of systemic human rights issues, policy frameworks, and institutional responses, twelve (12) key informants were interviewed including representatives from the Kenya National Commission on Human Rights (KNCHR)¹⁰⁸, Legal experts, policymakers, and civil society leaders. The data was collected through semi-structured interview guides to allow flexibility and deeper exploration of systemic issues, policy gaps, and institutional responsibilities. Sessions were conducted in person or virtually, lasting approximately 45–60 minutes. Transcripts and notes were analyzed using a framework analysis method to extract key insights and strategic recommendations.

iii. Online Questionnaire

To complement the qualitative data, an online questionnaire was distributed to gather quantitative insights from a broader and geographical dispersed population. The questionnaire was disseminated via social media, email, and civil society networks, targeting individuals aged 18 and above who were knowledgeable about or affected by human rights. A total of 189 respondents from 48 counties and one participant from Diaspora.

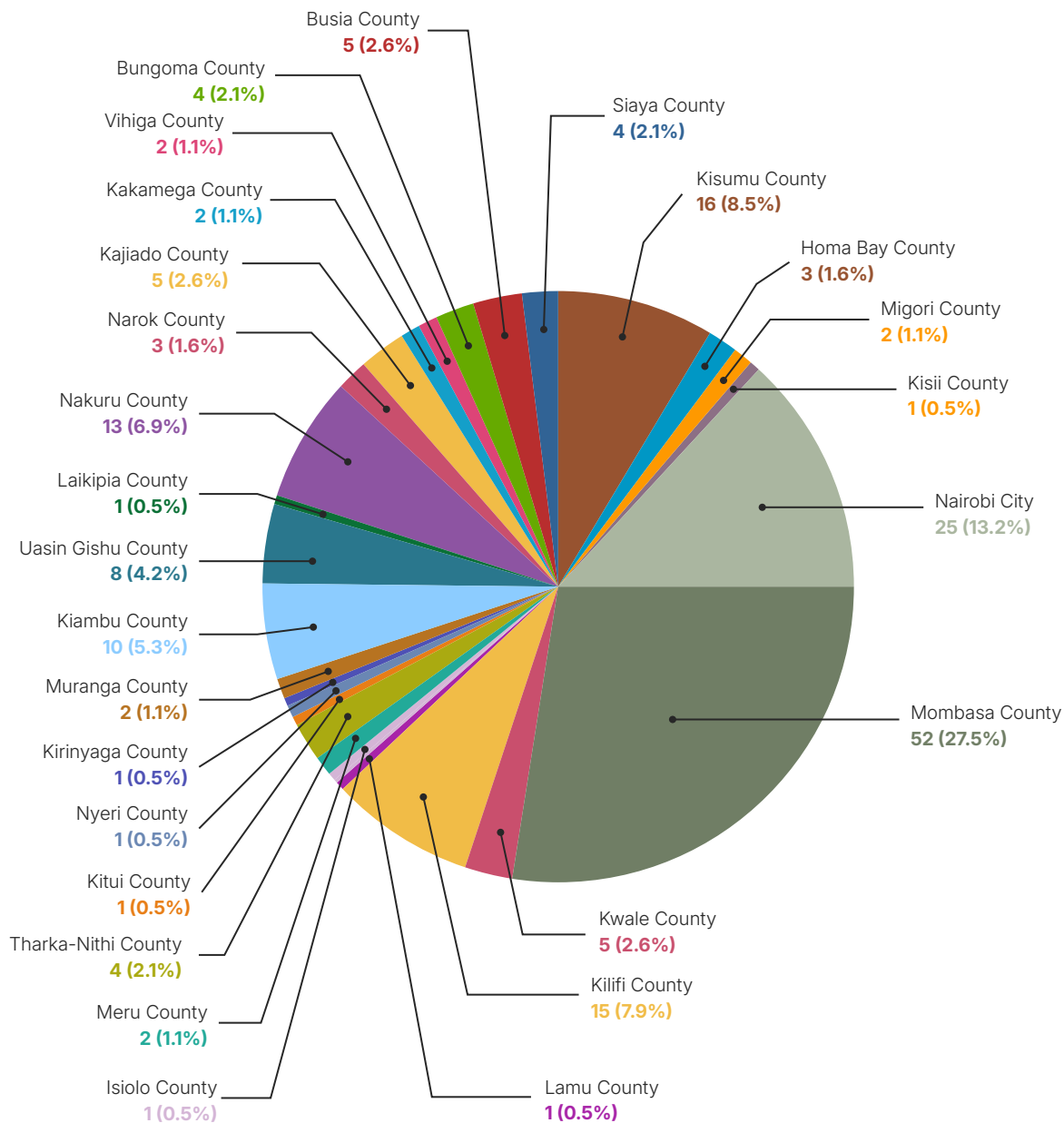
¹⁰⁶ LGBTQ activist Edwin Chiloba found dead in Kenya – BBC News

¹⁰⁷ Gay people fear for their lives, escape Mombasa over planned demos

¹⁰⁸ <https://www.knchr.org/>

What County do you currently reside in?

80 Responses



The questionnaire included both closed-ended and open-ended questions covering topics, types and frequency of human rights violations, and perceived accountability of duty bearers, and proposals for actionable recommendations. Responses were anonymized to encourage honesty and responses were analysed using statistical software to ensure scientific rigor and reliability.

iv. Literature and Desktop Review

To contextualize and to corroborate primary data, a comprehensive literature review was conducted. Sources included international, regional and national legal and policy frameworks, judicial decisions, reports from constitutional commissions, publications by human rights and LGBTIQ+ focused organisations, and media reports. The information from this literature review was triangulated with findings from the FGDs, Online questionnaire, and KIs to enhance validity and ensure consistency. The findings were integrated and validated for accuracy, reliability and in-depth analysis. Overlapping themes were collated to highlight systemic concerns, while discrepancies were explored for deeper insights.

In conducting the research, the team was guided by the do-no-harm principles and prioritized ethical considerations throughout, such as anonymity, confidentiality and data protection. Informed consent was obtained from all participants, cultural sensitivity and responsiveness were applied, inclusive language and identity affirming categories were used to respect and affirm all LGBTIQ+ identities.

2.3 Ethical Considerations

The research prioritized participant safety, confidentiality, and informed consent. All engagements were trauma-informed and survivor-centered, facilitated by trained personnel. The methodology ensured that findings are contextually relevant, ethically grounded, and strategically aligned with the broader movement for inclusive governance and human rights protection.

**Analysis
and Findings**

03

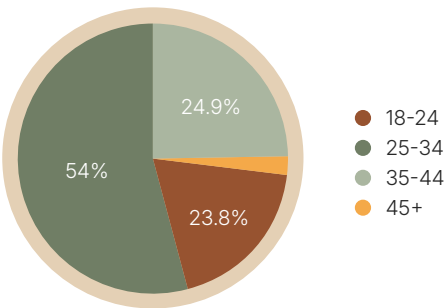
The integration of qualitative and quantitative methods provided a robust, multidimensional analysis of the human rights situation of LGBTIQ+ Persons in Kenya. By combining lived experience with statistical trends and expert insights, the study offers actionable recommendations to inform advocacy, policy reforms, and community support initiatives.

i. Demographics In The Online Questionnaire

The majority (53.7%) of the respondents on the online tool were aged between 25 and 34. 25% were aged between 35 and 44, and 19.1% were aged between 18 and 24. Only 2.1% were aged above 45.

What is your age?

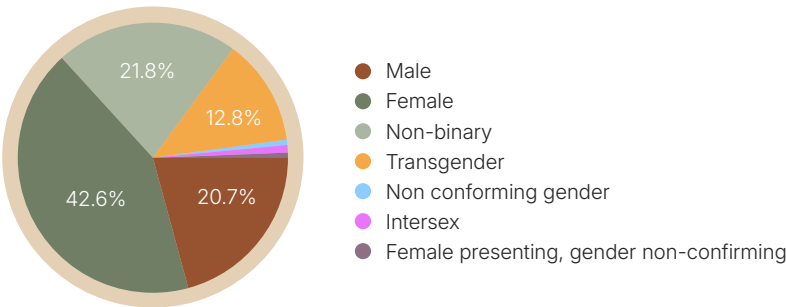
189 Responses



42.6% of the respondents on the online survey identified as female, while 21.8% identified as nonbinary. 20.7% were male, while 12.8% identified as transgender. This is captured in the chart below.

What is your gender identity?

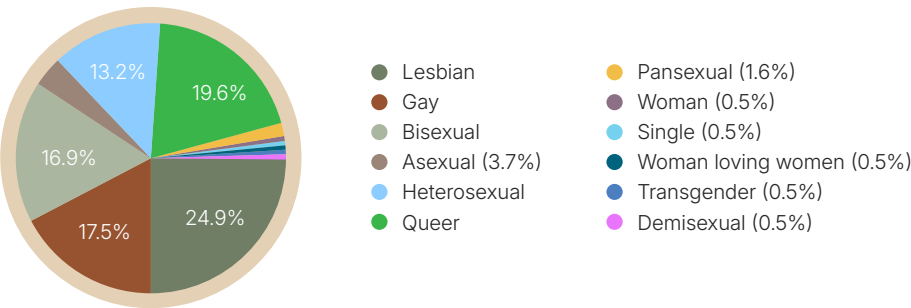
188 Responses



When it came to sexual orientation, 25% of the respondents were lesbians, 19.7% reported they were queer while 17.6% were gay. 16.5% were bi-sexual and 13.3% were hetero-sexual.

What is your sexual orientation?

189 Responses

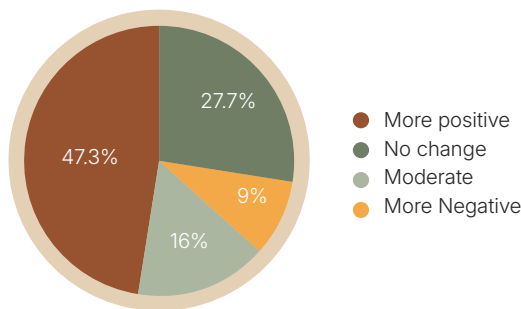


ii. Current Environment and Recent Events

From the online survey, 47% of the respondents indicated that the current societal attitude toward the queer community was moderate or more or less the same while 27.7% indicated it was more negative.

How would you describe the current societal attitude toward the queer community after the Supreme Court’s decision allowing the registration of LGBTQ+ organizations in 2023?

188 Responses



This was further compounded by the focus group discussions (FGD), with only Kilifi county respondents reporting feeling safe. In Kiambu and Bungoma, they reported feeling safe in certain urban areas, while the rest of the counties felt unsafe. Mombasa respondents noted that the LGBTIQ+ community still faces discrimination and are concerned about their safety while participating in electoral processes. In Kwale County, the respondents noted that the queer community still feels unsafe especially since the Anti-LGBTIQ+ demonstration, but maintained that Kwale is safer than Mombasa:

“ Following the 2023 LGBTIQ+ protest, some of us had to relocate for safety purposes and economically, this affected our source of income”
- Kwale FGD respondent.

Kilifi respondents noted that LGBTIQ+ community feel safe. Respondents in Machakos and Nairobi noted that mostly, the queer community have been subjected to harsh insults, threats and physical violence by people who are of different views:



“for the most part, the LGBTIQ+ community have been subjected to harsh insults, threats and physical violence by people who are of different views in Machakos” - Machakos FGD respondent.

The state of human rights for the LGBTIQ+ community varies across different regions of Kiambu County. In some places, the LGBTIQ+ persons face a lot of hostility, while in other areas, it is neutral. Statistically, the feminine-presenting men, masculine-presenting women, and gender non-conforming persons face more physical and verbal attacks. Snippets of these challenges are but not limited to;

- There is pervasive stigma and discrimination in **Meru County** from societal institutions, including the church and social spaces such as clubs. There have been safety concerns due to hostile communities, verbal and physical abuse, death threats, and violence.
- In **Meru and Nakuru Counties**, there have been specific incidents, such as high school students being subjected to conversion practices such as prayers to “*expel queerness*”, which show the depth of societal misunderstanding and hostility.
- In **Uasin Gishu**, there are safety concerns due to hostile communities, verbal and physical abuse, death threats, and violence.
- In **Bungoma County**, people living within the urban centers are a little bit more informed about the LGBTIQ+ community, unlike those living in the rural areas, who can sometimes express their ignorance through insults and violence towards the LGBTIQ+ persons.
- In **Kisumu County**, threats do exist, but the LGBTIQ+ community is better organised. The community took part in the Gen Z protests but was attacked verbally.
- In some spaces, it is hard to get employment in **Kisii County**; in businesses, most people do not want to relate with LGBTIQ+, and sometimes the LGBTIQ+ community in businesses are attacked by the boda boda operators. Allies and friends of the queer community are considered part of them and discriminated against.

Some of the notable incidents that were highlighted in the FGDs include;

- Anti-LGBTIQ+ demonstrations in Mombasa in 2023. ***“We feel unsafe in the coastal region, especially since the Mohammed Ali demonstration, but Kwale is safer than Mombasa”*** - Kilifi FGD respondent.
- Closure of a clinic by the Kwale county health committee on allegations that it served the LGBTIQ+ community in April 2024
- In September 2024, in Kwale, a transgender woman was accosted by 15 women outside her house who stripped and demanded that she strip to verify her gender identity.
- A political candidate leaked an LGBTIQ+ organisation's office location in Kiambu county during the 2022 election campaign period, which led to angry residents storming the building. The office was then closed for an extended period of time to let the tensions cool down.
- In Nakuru, an LGBTIQ+ organisation's office was raided by the police based on promoting queerness in the county. The office was also closed for an extended period of time.
- In Meru, Uasin Gishu, and Nakuru counties, high school students were forcefully subjected to conversion practices like prayers to “expel queerness” when suspected of being queer.
- In Uasin Gishu county, the LGBTIQ+ community has reported cases of verbal and physical abuse to a point where some of them even got death threats.
- In Busia county, there have been at least two murders associated with persons whose real or perceived sexual orientation was Queer since 2023.
- In Trans Nzoia, a suspected LGBTIQ+ person was almost lynched in their house by an angry mob, but luckily was able to escape.
- Boda boda riders and Matatus operators have, in some cases, refused to offer their services to the LGBTIQ+ community in counties like Nakuru, Bungoma and Uasin Gishu

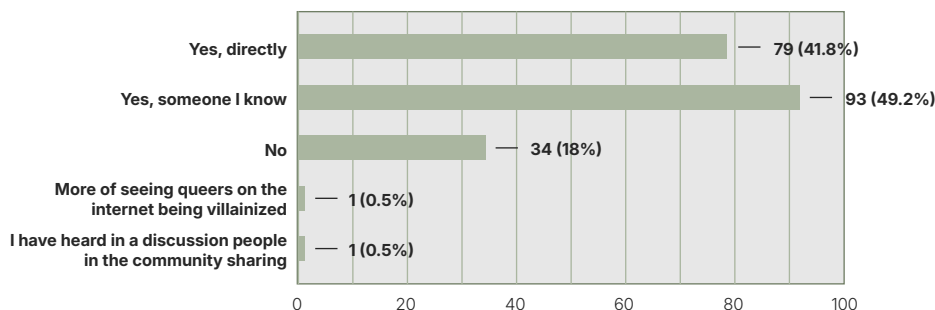
- **▲ Trigger Warning:** A Muslim mother of a LGBTIQ+ person in Busia county was defiled because their child was gay. She was mutilated, and a bottle was inserted into her vagina. The follow-up has been difficult because the families opt to settle the process under Islamic law.
- A gay man was reportedly evicted from his ancestral land and is at risk of being disinherited for being queer in Busia County.
- A lesbian woman in Busia county was subjected to homophobic 'corrective' rape for being LGBTIQ+. She got pregnant from the rape and her family insists that that is proof enough that she is not queer.
- In Kisii County, a respondent noted that ***"there was an incident at Nyakoe Police station where the police stripped a trans person, took photos and videos and shared them online; this was a result of personal, cultural values and beliefs"***.

“The LGBTIQ+ community must put measures in place including the response mechanisms, evacuate them from where they live, create safe spaces; safe houses. A proper response mechanism and referral system. Training the queer community to be vigilant. Training on conversations about digital security is essential among queer community. Train allies on digital security; use social media to share information on digital safety. Give people as observers' VPN; this will help one to remain safe and deploy security systems” - **KII respondent.**

Most of the respondents in the online survey reported that they have been victims of targeted attacks either directly or indirectly, as shown in the chart below:

Have you or someone experienced targeted attacks (verbal, physical, or online) due to the reactions by various leaders to the Supreme Court especially between February 2023 to December 2023?

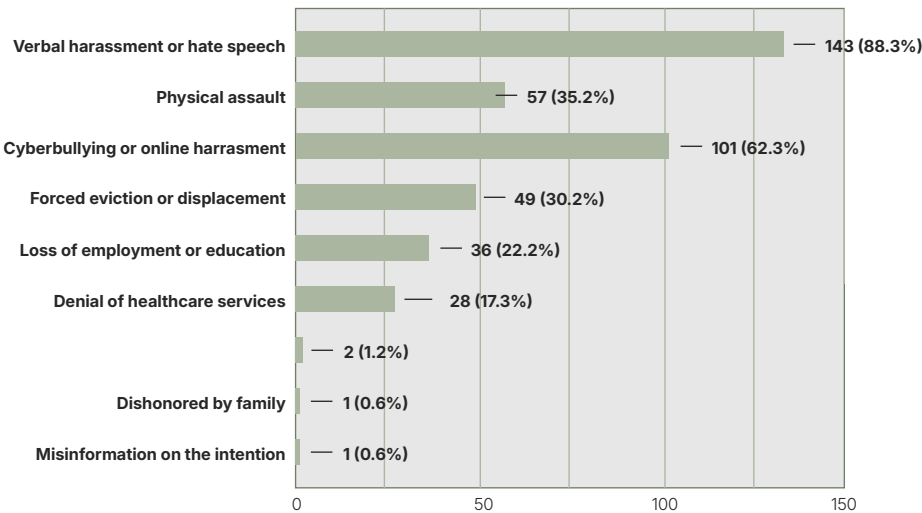
189 Responses



The majority of the attacks were verbal abuse, hate speech, and cyberbullying or online harassment, as can be seen in the chart below.

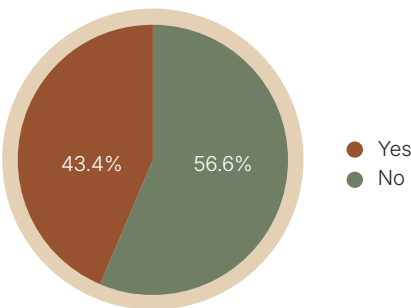
If yes, what kind of attacks or backlash have you witnessed or experienced (Choose all that apply)

189 Responses



Are you aware of any hateful legislative initiatives that have been introduced in Kenya?

189 Responses



They noted that the proposed bill was called the Family Protection Bill 2023¹⁰⁹ and others referred to it as the Kaluma Bill. The Focus Group Discussions also flagged the motions tabled in parliament by Hon Mohammed Ali¹¹⁰. Also, they mentioned proposed regressive legislative initiatives by Hon Kaluma seeking to counter several gains made on human rights

¹⁰⁹ The Family Protection Bill, 2023

¹¹⁰ MPs back motion against gays, lesbians

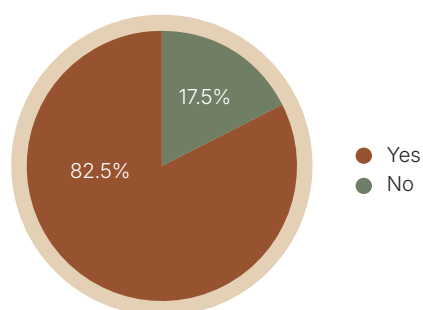
in Kenya. The FGD respondents, however, created optimism through multiple initiatives with county government officials, the Directorate of Criminal Investigations, and progressive legislators who continue to fight for equal protection for all.

iii. Electoral engagement

Most online respondents (82.4%) in the online survey reported participating in the previous election cycle. This was corroborated by most of the FGD respondents, especially in Mombasa, Kwale, Kilifi, Machakos, Kisumu, Nairobi, Busia and Kisii, where most participants had participated in the 2022 and 2017 elections through voting with over 35% of them taking other roles like being IEBC officials (presiding officers and clerks), political party agents of Kenya Kwanza and Azimio la Umoja affiliated parties, elections observers with Queering The Ballot and participation through other human rights organisation. The respondents in Meru, Nakuru, Uasin Gishu, Trans Nzoia, Bungoma and Kiambu counties were much younger and reported lower levels of engagement, including being underage during the 2017 and 2022 elections.

Have you participated in any electoral process (e.g., voting, campaigning, advocacy) in the past?

189 Responses



As reported from the FGDs, the main problem in accessing National identity cards (ID) for voter registration affected the Transgender community. This was because, for most of them, the gender on the identity card (ID) was not the gender perceived by their appearance. This resulted in embarrassing questions, exposure, stigma and therefore, most opted not to register as voters and thus not vote.

“As LGBTIQ+ persons, we face challenges when changing the particulars in our IDs and birth certificates; the process has always been hectic and traumatizing; we also have cases where some LGBTIQ+ persons were chased away by their parents before getting to 18 years who need support to apply for IDs thus limiting their abilities to vote.” - **Mombasa FGD respondent**

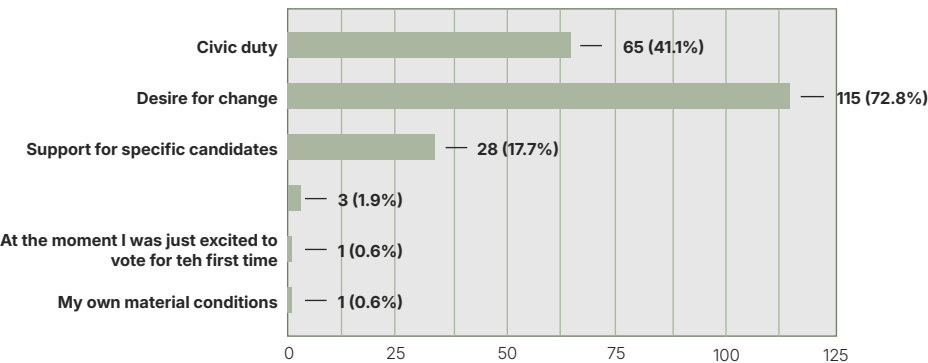
The main reason for not voting for the other categories in the LGBTIQ+ community was reported to be voter apathy in the electoral process as the candidates do not represent the interests of the queer community and was closely followed by the fear of discrimination or violence.

“LGBTIQ+ individuals get judged when going to the elections because of the way we look, dress and even express ourselves. This leads to verbal abuse and discrimination especially at the election ballot which causes one to either not vote or vote and leave with psychological issues because of the abuse you getting on the line for voting” - **Survey Respondent**

Some LGBTIQ+ persons in Mombasa, Kiambu, Meru, Uasin Gishu, and Busia Counties were chased away by their parents before they were 18 years old, thus they needed support to apply for national IDs. In Kwale County, one Trans person who had legally transitioned, was able to change their details with the IEBC. The FGD respondents in Kilifi, Nairobi, Kisii noted that with the introduction of National Identity cards expiry dates and a fee of Ksh. 1,000 plus cyber fees of at least Ksh. 200, most young people may not be able to access the identity cards and will be unable to access government services, which will further marginalize them, further limit their voting rights.

If Yes, what motivated your participation?

189 Responses



“LGBTIQ+ individuals get judged when going to the elections because of the way we look, dress and even express ourselves. This leads to verbal abuse and discrimination especially at the election ballot which causes one to either not vote or vote and leave with psychological issues because of the abuse you getting on the line for voting” - **Survey Respondent**

79%

advocacy for inclusive laws and policies was the best way to go

When asked, how can the LGBTIQ+ organizers offer support during electoral and political processes, the most popular response chosen by 79% of the respondents indicated that advocacy for inclusive laws and policies was the best way to go, followed by networking with close allies in the government that was chosen by 58% of the respondents. Having LGBTIQ+ political aspirants tied with members of the LGBTIQ+ serving as election observers was picked by 56% of the respondents as a possible way for organizer's to offer support to the community.

58%

networking with close allies in the government

This shows a high interest among most of the respondents in participating more meaningfully in electoral processes and general elections in all upcoming elections. Again, counties with older LGBTIQ+ and more experienced persons in the democratic governance process during the FGDs showed engagement in previous elections in various capacities, including as aspirants, chief campaigners of candidates and as IEBC officials. Counties that have had LGBTIQ+ targeted or integrated initiatives showed a deeper understanding of the local politics, potential aspirants, key drivers of political processes, wider bases of allies including from very volatile and influential sectors like Boda Boda, taxi and matatu operators and local youth vigilance groups as was the case in Busia and Mombasa.

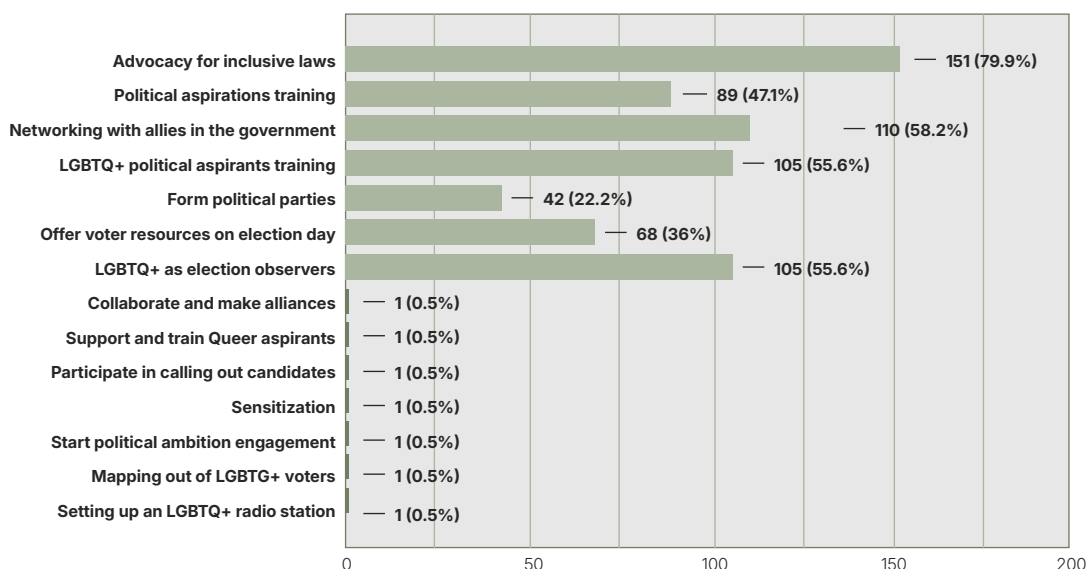
56%

Having LGBTIQ+ political aspirants / members of the LGBTIQ+ serving as election observers

Kilifi, Kwale, Mombasa, Busia and Kisumu showed potent collaboration and knowledge of the operations of the national police service, as well as the Ministry of Interior and National Coordination, which play a vital role in peace and security in the country, as well as in the issuance of national identity cards.

How can the LGBTQ+ organisers offer support during electoral and political processes?

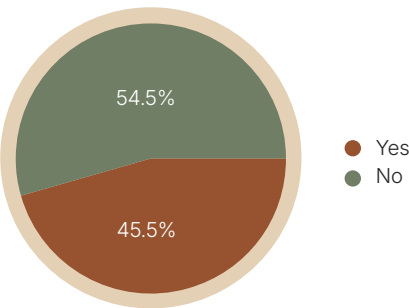
189 Responses



83% of the respondents in the online survey indicated that they did not think LGBTIQ+ voices were adequately represented in Kenyan politics. 14.4% were not sure, while only 2.7% believed that the community's voices were adequately represented.

Are you aware of Queering The Ballot in the 2022 General Elections?

189 Responses



This was further corroborated by the FGDs, in which all counties believed that the political scene, including the political parties, is not inclusive of the LGBTIQ+ community and they are not well represented in leadership roles. Major political parties are shaped around a society which is conservative due to traditional and religious beliefs, and does not want to identify with the LGBTIQ+ community. The minute an aspiring leader aligns with the LGBTIQ+ community, they are discriminated against. LGBTIQ+ Persons must engage the top political party leadership because Kenya's political system has an emphasis on the candidate as witnessed in 2022 where Frankie Kibagendi was vying to be an MCA in Mathare¹¹¹.

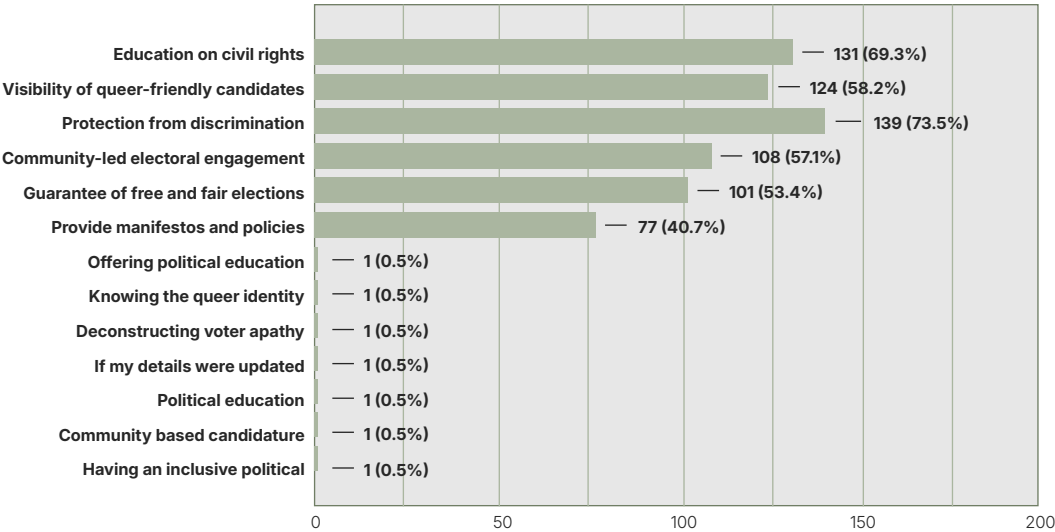
“Political parties value the voices of the society; the majority of communities in Kenya do not acknowledge LGBTQ. They never speak about LGBTQ openly. We are glad to note that in 2022, we had LGBTIQ+ aspirant supported under UDA party Mathenge in Tetu constituency; he did not go through the nomination. We further saw a nominated MCA in Uasin Gishu from LGBTIQ+ community called Mercy.” - **Online survey respondent**

When asked what would encourage them to participate more actively in the electoral process, the most popular response at 73.5% was protection from discrimination and violence during elections, highlighting the plight of the queer community. Education on civic rights came in second, having been chosen by 69% of the respondents. Thirdly, 65.6% expressed a need for visibility of queer friendly candidates. The FGDs further supported this with the majority of the counties (64%) indicating a fear and need to ensure personal safety while engaging in political and electoral processes for fear of discrimination, stigma, and other forms of violence.

¹¹¹ [Meet Kenya's first ever Intersex aspirant nominated by DP Ruto's UDA](#)

If yes, what kind of attacks or backlash have you witnessed or experienced (Choose all that apply)

189 Responses



iv. Allyship

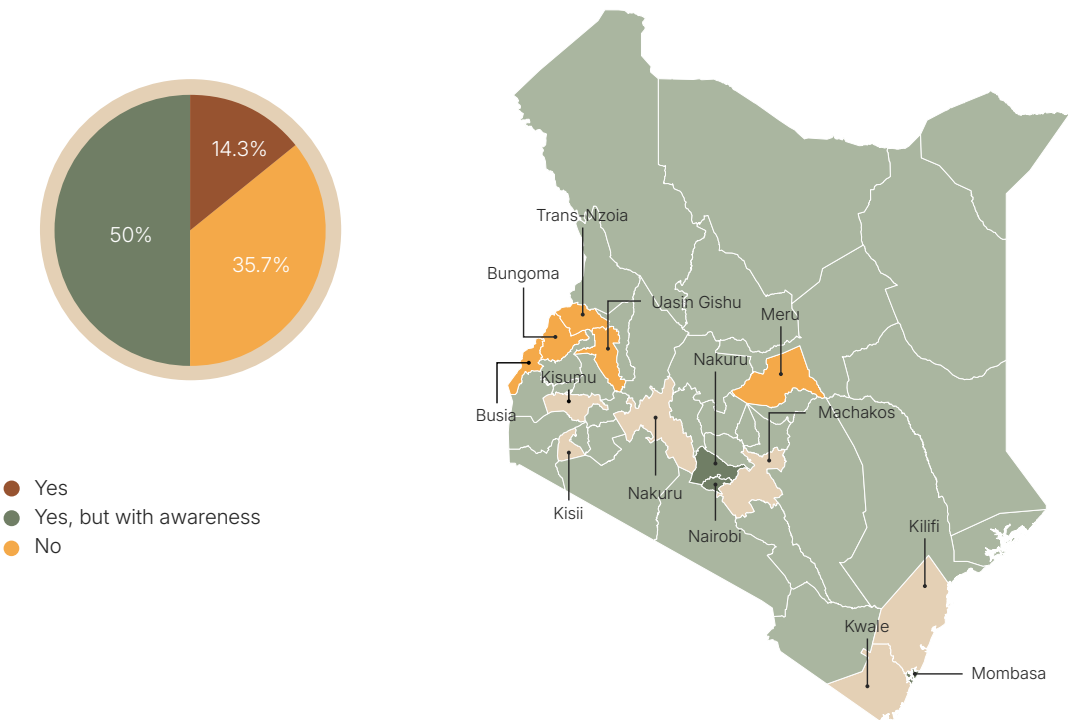
Across all Focus Group Discussions (FGDs), a consistent trend emerged regarding perceived allies. Sensitized groups and communities, including civil society organizations present in all counties, were consistently identified as allies. Notably, in Mombasa, Kilifi, and Busia, previously sensitized Boda Boda operators were also recognized as allies. However, in all other counties, Boda Boda operators were identified as posing risks to the LGBTIQ+ community. Conversely, trained, lower-ranking police officers demonstrated greater sympathy towards the LGBTIQ+ community, though frequent transfers limited their impact.

Allyship networks help to net hate messages and incitement plans and offer LGBTIQ+ persons time to create mitigation and response initiatives through information sharing. The collaboration with Boda Boda operators in Mombasa, Kilifi, and Busia radiated hope of how well-informed members of the community can become key pillars in protecting LGBTIQ+ persons, especially during times of heightened unrest, like public protests and elections, as was witnessed during 2023 anti-lgbtiq protests in Mombasa.

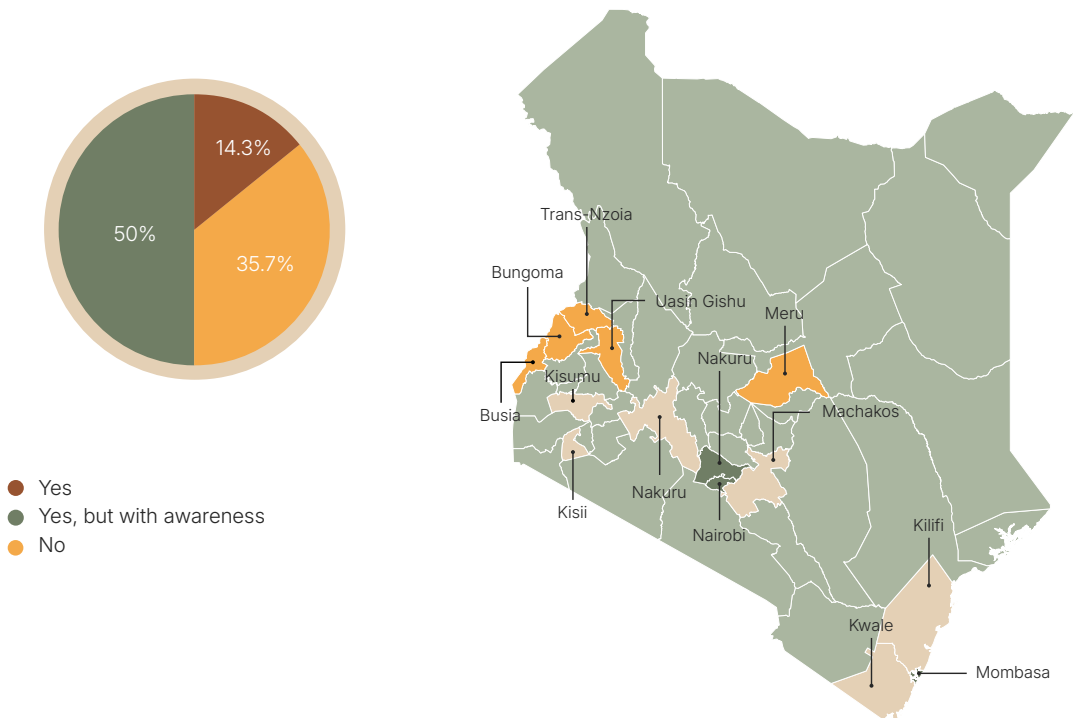
Some of the allies highlighted during the FDGs include:

- i Civil society organisations like Defenders Coalition, Uraia Trust, Bajeti Hub, Human rights defenders, Amnesty International Kenya, Kenya Human Rights Commission, community paralegals, Okoa Uchumi Campaign, Law Society of Kenya (LSK), Plan International, Open Institute on Governance, Maulo spaces, among others;
- ii County and National government, and specifically MCAs, Ministry of Health, Kenya School of Government, County Government, Court User Committees, County Police Commanders, Prosecutors, CECs, IEBC, the Governor, and Women Representative in Kisumu County, Kenya National Commission on Human Rights (KNCHR)
- iii Local stakeholders, including Matatu, Boda Boda, and Transport leaders, prosecutors, religious leaders, e.g. Sheikh Alinur, youth and women movements and Local administration - wazee wa mtaa.

During the FGDs, participants were asked for their opinions on whether the LGBTIQ+ community should be more visible. Interestingly, the urban counties (Mombasa, Nairobi City, Nakuru), except Kisumu, thought they should be visible or make plans like awareness creation in the community, then become visible, while most rural counties (Bungoma, Busia, Uasin Gishu, Meru, Trans Nzoia) preferred the community to be less visible or not visible at all, except for Kisii.



Only five counties, Mombasa, Nairobi, Machakos, Kisumu, and Busia, reported that they currently have existing and running LGBTIQ+ targeted programs in their counties. The other counties indicated they do not have any programs.



The participants were asked to identify the preferred and necessary areas of training in their respective counties. Awareness creation to the mainstream community on LGBTIQ+ issues was the most chosen theme. The second most needed areas of training were on electoral processes and leadership, governance, and advocacy.



Unbowed: Dr. Grey's Road to Leadership

My name is Dr. Grey—Andyson Grey Gathauri. I am a proud trans man, a dreamer, a survivor, and a leader. From an early age, I stood out. I was a brilliant child, inquisitive, bold, and deeply reflective. But alongside my academic excellence, I carried a truth that many around me did not understand—I was transgender. I didn't have the language for it then, only the sharp sting of being called strange, confused, or worse. What I knew, even as a child, was that I was not the girl they said I was.

High school was supposed to be my chance at a fresh start. I earned a spot in one of Kenya's top national schools. But instead of opportunity, I found torment. The abuse was constant. My voice was "too deep." My walk was "too bold." My refusal to conform was unforgivable. I was mocked, shamed, and isolated. Eventually, I transferred to a mixed school, hoping for a reprieve—but there, I faced new kinds of hostility. The boys were offended by a "girl" who wouldn't shrink, who didn't sound "right," who didn't behave the way they expected.

Everything changed when I transferred again—this time to a nuns-run school. It was the first place I found peace, where I could learn without fear and start healing. There, I emerged as a leader. I became a student president, stood up for fairness, and challenged discrimination in my small ways. It was a brief but life-changing chapter. When the COVID-19 lockdowns hit, the school closed. I returned home, but inner and outer battles broke the quiet.

During this period, I was nursing two wounds: one, inflicted by a relative who could not accept who I was. The other, post-surgery pain after taking hormone therapy medication, my mother, in an act of fierce maternal love, sourced for me to help ease my suffering from a voice and body that felt like a battlefield. My healing took place at a girls' school, a strange and painful return, yet one that deepened my courage.

I moved forward, undaunted. At Meru National Polytechnic, where I am pursuing a diploma in general agriculture, my leadership spark returned. In 2024, during my second year, I decided to vie for the Deputy President Academic seat in the student council. Politics has always inspired me. I believed in inclusion and equity. I thought my presence in leadership could pave the way for others like me.

But what followed was a storm of hate and rejection. When I began collecting signatures to qualify, my friends and I were harassed. Slurs were thrown at us: “Hatutaki mashoga!” “Go and tell that woman to become straight!” My posters were defaced with “SHOGA” and tossed in bins. My inbox was filled with threats from men accusing me of stealing their girlfriends. I was called names, X-ed out in student WhatsApp groups. I lost friends. I almost lost hope.

Yet, I submitted all 800 required signatures, passed vetting, and stood for what I believed in.

I campaigned with nothing but grit. No money, no media, no clout. Just my voice and my truth. I stood in classrooms, told my story, and shared my vision. And on election day, I got 200 votes. I didn’t win the seat. But I had won something bigger—visibility, courage, and a new community. Through the chaos, I met someone who introduced me to the Amazonians and the MWA (Minority Womyn In Action) chapter. There, I found other trans siblings. I found belonging. I found strength.

Now, I speak boldly, create awareness, share my experience to encourage others, and rebuild myself unbowed and unapologetic. I am not done with politics—not by a long shot. One day, I will run again—and I will win.

I still have a long way to go and obstacles to overcome, including which entrance to use when being searched daily during entry at the college gate. I have embraced the more prolonged exercise that sees me ping-pong between the male and female search areas depending on who is manning it. I am also braving the journey to change my identity card to my current name and gender identity. I know the scars will eventually become stars that shine for many others who are different yet gorgeous.

A large, stylized number '04' in a dark olive green color serves as the background for the page. The '0' is on the left, and the '4' is on the right, both rendered in a bold, sans-serif font.

Recommendations

04

4.1 For Government Agencies, including Independent Electoral and Boundaries Commission (IEBC)

- i** Parliament should enact legislative reforms to protect the human rights of LGBTIQ+ persons, especially repealing the penal code sections 162 (a) and (c), 163, and 165 that are still used to stigmatize and unfairly target the LGBTIQ+ community. Additionally, in line with the recommendations from the universal periodic review (UPR), enact a law for comprehensive protection from discrimination for all minorities and marginalized groups in line with articles 27 and 100 of the Constitution of Kenya. There is a need for parliament to guard against polarizing debates that could fuel incidences of homophobic and transphobic attacks against LGBTIQ+ persons while consistently working toward the realization of the fundamental human rights in the bill of Rights for all persons, including LGBTIQ+ and take active measures to guard against any form of regression.
- ii** The County Assemblies should take measures in promoting, protecting, and fulfilling the right to access the highest attainable standards of health care, including sexual and reproductive health-related services for all, including those of LGBTIQ+ persons. This can be achieved through mapping and safeguarding integrated clinics that serve key populations, LGBTIQ+ persons, and other populations, especially to guard and uphold the strides made in reducing HIV prevalence and managing the already infected persons in Kenya.
- iii** The National Registration Bureau should support the change of names for transgender persons and facilitate the required update of particulars in the IEBC register for already registered transgender persons.
- iv** IEBC should adopt an integrated queuing and voter-management system that protects all voters regardless of their sexual orientation, gender identity or gender expression including gender diverse and transgender people, from public targeting during registration and polling.
- v** The IEBC should strengthen its commitment to inclusion and non-discrimination by facilitating documentation change of transgender persons who have legally transitioned, and taking measures to ensure they are not verbally harassed or subjected to any degrading treatment during the voting process.
- vi** IEBC should take into consideration the need to be fully constituted at all times, but no later than 24 months before the election, to allow effective workforce planning and continuous voter registration and verification to cater to new voters and Transgender persons undergoing the name change process
- vii** National police service should continue the proposed curriculum review for an expanded and more inclusive training of all officers on sexual exploitation, abuse, and harassment that includes sexual and gender based violence meted out on LGBTIQ+ persons as documented in this report.

- viii** The officers who lead in the coordination of the national government should be trained on how to handle sexual and gender minorities' human rights violations and safeguard against evictions and incidents of disinheritance during the succession process.

4.2 LGBTIQ+ Focused Organizations

- i** The LGBTIQ+ community and allies need to collectively advocate for legal Reforms to repeal sections 162 (a) and (c), 163, and 165 of the Penal Code and enact comprehensive human rights anti-discrimination laws.
- ii** The LGBTIQ+ movement to enhance coordination among the registered LGBTIQ+ associations in Kenya and encourages collaboration with LGBTIQ+ organizations from the 14 counties sampled during this study and if possible nationwide.
- iii** To address the lack of National Identity Cards (IDs), there is a need to set up a national database of transgender and intersex persons. The database at the county/regional level will be helpful to support the LGBTIQ+ community in accessing government services, inform targeted interventions, and advocate for change in the process of changing personal details of IDs with the Office of Registration of Persons.
- iv** LGBTIQ+ organisations to partner with galck+ and other friendly mental health institutes to provide mental health services across the country.
- v** Establish a proper response mechanism for human rights violations, (i) conducting safety and security training for LGBTIQ+ persons, (ii) reporting of cases (iii) Providing safe or transitional houses for LGBTIQ+ persons.
- vi** Launching grassroots campaigns and mobilising to address low voter turnout to ensure more LGBTIQ+ persons are registered as voters and understand their civic rights.
- vii** The partner organisations should scale up the boda boda and matatu operators sensitization approach, targeting all stakeholders, including local administration, police service, and religious leaders in each region, by mapping out influential mobilisation groups that will support promoting and responding to the safety of LGBTIQ+ persons, and coexistence to expand community influencers to address discrimination and violence.
- viii** Establish advocacy groups or work with organizations that promote and protect LGBTIQ+ human rights as entry points for political advocacy and mobilisation. The advocacy groups can effectively engage in Political Dialogues, political debates, forums, and discussions in their local contexts to raise awareness about LGBTIQ+ human rights issues.

- ix** To address the low representation of LGBTIQ+ persons in the government, we recommend the provision of training and mentorships for LGBTIQ+ political aspirants in executing campaigns that focus on winning elections. This will encourage LGBTIQ+ Persons to run for political office, either within established parties or as independents, and in the long run, form their own parties.
- x** Collaboration with CMD is recommended to further expand the existing election monitoring tools that target women and youth aspirants to include LGBTIQ+ aspirants.
- xi** Build alliances with other marginalized groups and progressive political parties to amplify voices and gain support. We can draw lessons and seek common grounds with the women's movement, the youth movement (Gen Z), the PWD movement, and other feminist movements. This collaboration will be helpful in jointly advocating for legal reforms to address violence, promote inclusion, and enhance visibility.
- xii** To enhance visibility, we recommend benchmarking from other jurisdictions such as South Africa¹¹², which has laws against human rights violations. Further, the LGBTIQ+ community can document the milestones and judicial rulings made in Kenya and use them to advocate for legislative amendments and reforms on hate crimes.
- xiii** Partner with IEBC and elections observer groups to address low representation and participation in election monitoring among LGBTIQ+, demanding space and representation, and develop mechanisms to establish a platform to push for meaningful representation and participation; further investing in the training of LGBTIQ+ to monitor elections and report incidences of discrimination and violence.
- xiv** LGBTIQ+ persons should register as members of political parties, participate in advocacy initiatives that shape policy, align with political education and civic campaigns, use mainstream issues to create allies, support queer candidates and become political party agents.
- xv** Advocate for policy reforms within political parties for protection of LGBTIQ+ human rights and push for equality in the electoral process.
- xvi** Empower the LGBTIQ+ community to participate in social, economic, and humanitarian initiatives, such as sports, community theatre, music, and the arts, to integrate with society. Further, LGBTIQ+ aspirants also need to integrate with society through such humanitarian initiatives as a tool to interact with society, seek voter support, and share their manifesto and political vision.
- xvii** Train LGBTIQ+ individuals on effective communication strategies, cybersecurity, and strategic digital campaigning to address online safety while using social media as a tool in public awareness and advocacy.

¹¹² [Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000](#)

- xviii** Fostering partnerships and providing skills training in budget making and other economic justice and governance processes to empower LGBTIQ+ persons participation. These areas have become central to governance conversations and corruption, especially following the protests against high cost of living and they are likely to remain crucial through the next elections in 2027 and beyond.

4.3 Civil Society and Community Organizations

- i** In line with the best practices for supporting marginalised and minority groups, civil society organisations working on democratic governance and human rights need to integrate the grave human rights concerns affecting the LGBTIQ+ persons in their advocacy initiatives in line with the mantra of working for the furthest behind especially in the areas of physical, sexual, cyber, and psychological attacks of LGBTIQ+, denial and limitation of fundamental human rights, so as to expand the number of actors working on inclusion and protection of LGBTIQ+ persons.
- ii** Strengthen advocacy efforts to include LGBTIQ+ persons in electoral observation and political party processes while working with the do-no-harm principles. This can be achieved through capacity building and coaching of LGBTIQ+ Persons, as well as organizations focused on and dedicated to democratic engagement and processes. Additionally, public solidarity and support during heightened incidences of violations against the LGBTIQ+ community are crucial. Mainstream Civil Society Organizations (CSOs) can also serve as hubs for mentoring and integrating more LGBTIQ+ Persons into leadership and governance by appointing them to their respective boards.
- iii** Build broad-based coalitions for various democratic governance initiatives that are inclusive of all marginalized groups and especially with the youth, women, people with disability, and other feminist movements, as well as LGBTIQ+ focused organisations. This will further strengthen the ongoing processes for addressing inequalities based on diverse intersectional identities.

4.4. Political Parties

- i** Political parties, as key drivers of participatory democracy under the first-past-the-post (FPTP) system, play a critical role in including or excluding LGBTIQ+ persons. As these parties aim to form governments that uphold the constitution and are funded by Kenyan taxpayers, they must work from the outset to protect all persons from harm and discrimination.
- ii** Work with strategic influential persons to urge all political leaders to embrace inclusion and tolerance of all persons and their views, and avoid making insightful and derogatory remarks. Additionally, they should prevent sensationalizing sexual orientation and gender identity in the name of culture and religion, as this harms LGBTIQ+ persons who are insular minorities.

4.5 Development Partners, UN and AU agencies

- i Support grassroots LGBTIQ+ organisations by rolling out localisation in funding initiatives for democracy, safety, and human rights protection to ensure support for the rural LGBTIQ+ community, most of which face deeper challenges.
- ii UN and African Union human rights and democracy based mechanisms should ensure that they continue to make recommendations that uphold the protection and progress in respecting and fulfilling human rights of LGBTIQ+ persons in Kenya and beyond.
- iii The formation tasked with rolling out initiatives during the election cycle should ensure that LGBTIQ+ focused organizations are actively included among the marginalized groups institutions in Kenya. This approach promotes broader representation and addresses the unique needs of all marginalized communities.

4.6 Media and Opinion Influencers

- i Media organizations should actively oppose discriminatory laws, policies, and harmful social norms that restrict LGBTIQ+ individuals' freedom of expression and association. This can be achieved by providing balanced and respectful coverage of LGBTIQ+ issues, seeking diverse and credible sources, amplifying LGBTIQ+ voices, and emphasizing authentic, non-stereotypical narratives that promote dignity and humanity.

Conclusion

This research, conducted across 14 counties, paints a sobering picture of the systemic discrimination faced by LGBTIQ+ Kenyans within a patriarchal framework that deepens vulnerability. LGBTIQ+ individuals endure violence that ranges from familial abuse to mob attacks and even murder, along with the extrajudicial killings. Many courageous individuals report experiences of theft, eviction, or disinheritance when they choose to come out. Public officials often wield their authority to threaten LGBTIQ+ individuals with forced "examinations" or arbitrary detentions, perpetuating a culture of fear and oppression. The denial of identity documents, healthcare, and other essential public services based on actual or perceived sexual orientation or gender identity underscores a deeply ingrained inequity in our societal framework. In our educational institutions, entrenched anti-LGBTIQ+ attitudes often result in severe consequences for those perceived as gay or gender non-conforming, with students facing suspension or even physical assault by school administrators. These oppressive environments compel many to suppress their true selves for the sake of safety, echoing the broader social expectation that denies the richness of human diversity.

Nevertheless, the findings of this study indicate that LGBTIQ+ Kenyans with stable livelihoods and access to education experience significantly fewer humiliations, highlighting the critical role of economic empowerment as a protective factor. As the late Archbishop Desmond Tutu passionately stated, "One of the most potent tools for social transformation is education. By investing in education, we invest in our future," reminding us of our duty to uplift all marginalized voices. Politically, LGBTIQ+ citizens remain largely excluded from public life. Political parties and officials seldom engage meaningfully with this community, leaving openly queer candidates fearful of pursuing political office. The expectation for LGBTIQ+ Kenyans to conceal their identities discourages civic participation, stifling potential contributions to the broader struggles against corruption, inequality, and insecurity.

In the landmark case of *Baby A v. Attorney General* (2015), the High Court formally recognized the existence of intersex persons and their right to legal registration. The courts have confirmed that transgender individuals have the right to change their legal names via deed poll, affirming dignity as foundational to identity. Moreover, the judicial system has outlawed forced anal examinations of suspected LGBTIQ+ persons, and the Supreme Court recently ruled against using the law to prevent LGBTIQ+ organizations from registering, thereby reinforcing the freedom of association. Other notable advancements include the introduction of an "intersex" category in the national census and ongoing advocacy to ensure that schools do not expel students simply for being LGBTIQ+.

These milestones, while significant, represent only the beginning of the journey toward genuine equality and justice for all. We must build upon this progress with concrete actions. The LGBTIQ+ community in Kenya, alongside its allies, has raised its voice for the protection of intersex children, showcasing resilience and determination. While we celebrate the recognition of the dignity of legal identity, particularly for transgender persons, much work lies ahead in both policy and practice. The constitution recognizes sexual orientation as a ground for non-discrimination, emphasizing the importance of self-determination and expression. As we stand at this critical juncture, we confront both legislative proposals that threaten to violate the rights of individuals based on their sexual orientation and broader cultural influences that call for respect and dignity.

Namibian President Hage Geingob compellingly stated, "We cannot be a nation that speaks of freedom and justice while denying the basic rights of some," reminding us that justice is a collective pursuit. This report calls upon Kenyan society, its leaders, and allies to transform these sentiments into actionable commitments: to end exclusion and violence, protect the most vulnerable, and uphold the dignity of every LGBTIQ+ person.

Annexes

05

Annex 1: Focus Group Discussion Guide

Introduction

Initiative for Equality and Non Discrimination (INEND), galck+ and National Gay and Lesbians Human Rights Commission (NGLHRC) are partners working to create an enabling environment for LGBTIQ+ community to thrive and build a home in Kenya. The partners are conducting a situational analysis and developing a strategy for comprehensive LGBTIQ+ community engagement in the 2027 election.

Thank you for your participation. Your input will help us understand the experiences, challenges, and aspirations of the LGBTIQ+ community in Kenya regarding civic participation, safety, and the evolving political and social environment. This information will contribute to a comprehensive strategy for engagement and support during the 2027 elections.

Data protection note: INEND, NGLHRC and galck+ are committed to protecting the privacy and safety of personal data in accordance with Kenyan data protection laws. INEND, galck+ and NGLHRC shall treat all information received as strictly confidential and used to only inform the study.

A. Context Setting

1. How would you describe the current state of human rights for the LGBTIQ+ community in Kenya? (Probe for what has improved and what has declined in the political, legal and social context)
2. What areas do you think any strategy for protection and participation of the LGBTIQ+ in Kenya should focus on until 2027 (political, legal and social)?

Have you heard about Queering The Ballot (QTB I)? What is your view about QTB I?

B. Identity Documentation and Voter Registration

3. Identity Cards: What challenges have you or others in the LGBTIQ+ community faced in obtaining identity cards (e.g., discrimination, name or gender mismatches)?
4. How do these challenges impact voter registration and participation in governance processes including appointments and employment?
5. What steps can be taken to address these challenges in registration?
6. Voter Registration: What barriers exist for LGBTIQ+ individuals in registering as voters?
7. How can these barriers be addressed?

C. Participation in Governance and Electoral Processes

8. Engagement in Political Parties: Do you feel that political parties in Kenya are inclusive of LGBTIQ+ voices? Have you or someone you know engaged with a political party? If yes, what was the experience? If not, what prevented you?
9. What steps can political parties take to be more inclusive of LGBTIQ+ individuals?
10. What steps can the LGBTIQ+ community take to effectively participate in political parties and electoral processes effectively in political parties and electoral processes?
11. Please share your experience in the 2017 and 2022 election period. What challenges did you or someone you know face as a member of a political party and in the electoral process?
12. What opportunities exist for the LGBTIQ+ community effective participation in electoral process?
13. Running for Office and Supporting Allies: Do you know members of the LGBTIQ+ community considered or attempted to run for political office? What challenges do LGBTIQ+ individuals face in vying for leadership positions? How can the community better identify, support, and promote allies or queer-friendly candidates?

D. Safety and Risk Management

14. What is your view of the political leadership (Executive and legislature) at the national and county level on the inclusion and protection of the rights of the LGBTIQ+ community? Do you have allies? How do you go about influencing at the national level and county? Do you face any risk from the political class? How have you mitigated it?
15. Please list the allies at county and national level and their mandate (probe for the role of allies useful in stakeholder analysis)
16. What are the primary safety concerns for queer individuals participating in governance or the electoral process? Have you or others experienced threats or violence during elections or governance activities? (Probe for experiences in the 2022 and 2017 general elections)
17. Are there specific public officers you are aware of that pose a risk to the LGBTIQ+ community?
18. What strategies have you or your community used to ensure safety during civic engagement?
19. What additional measures could be implemented to protect the community in these spaces?

E. Increasing LGBTIQ+ Participation in Governance

20. Community Empowerment: What programs or initiatives currently exist to empower LGBTIQ+ individuals to participate in governance and electoral processes? What gaps exist in these initiatives?
21. Advocacy and Awareness: How can the LGBTIQ+ community raise awareness about their rights and encourage greater participation in governance? What role can allies, civil society, and organizations play in this advocacy?
22. Training and Education: What kind of training or resources would help LGBTIQ+ individuals engage more effectively in governance (e.g., leadership training, voter education, advocacy skills)?
23. Visibility and Representation: What is your opinion on the suggestion for LGBTIQ+ individuals to be visible in governance and electoral processes? What can be done to increase visibility while ensuring safety?

F. Roadmap for Action

24. What actions should be prioritized to address barriers to queer participation in governance and elections?
25. What is the community's vision for LGBTIQ+ representation and engagement in governance by 2027 and beyond?

G. Program Design

26. What are the best ways to roll out a program that increases LGBTIQ+ participation in governance and electoral processes? During the formation of political parties, election monitoring, being election officials, influencing campaign manifestos and so on?

What platforms or approaches (e.g., social media, workshops, grassroots campaigns) would be most effective?

What ways can the LGBTIQ+ community monitor and document their participation in electoral, political and governance process?
27. What are your suggestions on milestones to show progress and how to jointly track them?

H. Closing Reflections

- 28.** What gives you hope for queer participation in governance in Kenya? Is there anything else you would like to share that we haven't discussed?

To Observe

- Encourage participants to share their personal stories and lived experiences.
- Allow time for group brainstorming on practical solutions and strategies.
- Record key insights while maintaining participant anonymity.

Annex 2: Key Informant Interview Guide

Introduction

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Thank you for your participation. Your input will help us understand the experiences, challenges, and aspirations of the LGBTIQ+ community in Kenya regarding civic participation, safety, and the evolving political and social environment. This information will contribute to a comprehensive strategy for engagement and support during the 2027 elections.

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General Context and Understanding:

1 Current Landscape:

- How would you describe the current political climate for the LGBTIQ+ community's participation in electoral, political, and governance processes in Kenya?
- What areas do you think any strategy for protection and participation in electoral, political, and governance processes of the LGBTIQ+ in Kenya should focus on until 2027 (political, legal, and social)?

2 Legal Framework:

- What are the primary legal challenges for LGBTIQ+ Persons to participate in the electoral process, politics, and governance?
- What are the main legal opportunities for LGBTIQ+ Persons to participate in the electoral process, politics, and governance?

3 Social and Cultural Barriers:

- What are the primary social and cultural barriers preventing LGBTIQ+ Persons from participating in electoral, political, and governance processes?
- What are the existing opportunities for LGBTIQ+ Persons to enhance their participation in electoral, political, and governance processes?

Barriers to Participation:

4. Fear and Intimidation:

- To what extent do fear and intimidation prevent LGBTIQ+ Persons from engaging in electoral, political, and governance processes?

5. Lack of Representation:

- Do you think there is a lack of LGBTIQ+ representation in government and political parties? If so, why?
- **Voter Turnout:** How does LGBTIQ+ voter turnout compare to the general population? What factors influence their decision to vote or abstain from voting?

6. Party Registration Laws:

- How do existing party registration laws and regulations impact the ability of LGBTIQ+ groups to form and register political parties?
- What administrative challenges do LGBTIQ+ groups face in their participation in any existing political party and electoral processes?
- Are there specific financial requirements or limitations that hinder LGBTIQ+ groups from meeting the economic criteria for political party participation as a member?

7. Public Safety and Security:

- What measures can be taken to protect LGBTIQ+ Persons from violence and discrimination, especially during electoral, political, and governance processes?
- Please indicate any specific measures to address hate crimes and violence against LGBTIQ+ Persons.

How can law enforcement ensure that LGBTIQ+ Persons are treated fairly and without bias?

- Are there security concerns or threats to the safety of LGBTIQ+ Persons involved in electoral, political, and governance processes?

8. Strategies for Enhancing Participation:

Legal Reforms:

- What specific legal reforms could be implemented to better protect the rights of LGBTIQ+ Persons and facilitate their participation in electoral, political, and governance processes?

Political Party Reforms:

- How can political parties be encouraged to be more inclusive and supportive of LGBTIQ+ Persons?

Public Awareness and Education:

- What strategies can be employed to raise public awareness and understanding of LGBTIQ+ issues and promote tolerance and acceptance in electoral, political, and governance processes?

Capacity Building:

- What kind of capacity-building and training programs are needed to empower LGBTIQ+ Persons to participate effectively in electoral, political, and governance processes?

Public Safety and Security:

- How effective are anti-discrimination laws in protecting LGBTIQ+ Persons from discrimination in the electoral, political, and governance processes?
- What strategies can be taken to enhance the effectiveness of anti-discrimination laws in protecting LGBTIQ+ Persons from discrimination in the political process?

Alliances and Partnerships:

- What strategies can the LGBTIQ+ community and political parties employ to form alliances and partnerships with other political groups/parties?

Annex 3: About Us

Initiative For Equality And Non Discrimination (INEND)

Initiative for Equality and Non Discrimination (INEND), is a non-governmental, non-partisan, not for profit organization established in 2015 based in Mombasa, Kenya. INEND's mission is to create an inclusive society and dignified lives for all by influencing policies and practice amongst institutions, leaders and persons for more proactive protection of the rights of sexual and gender minorities. INEND implements a number of themes and programs geared towards ensuring changed public perceptions and attitudes towards LGBTIQ+ persons. These programs center advocacy, done by engaging policymakers on inclusive policy review and formulations, and creation of a network of allies, supporters and changemakers who ensure the protection, inclusion and participation of LGBTIQ+ persons and other minority groups in public and private spaces. All this is achieved through a combination of strategies including advocating, convening, capacity support, research and monitoring, and rallying and amplifying as means of reducing violations towards sexual and gender minorities in Kenya.



National Gay and Lesbian Human Rights Commission (NGLHRC)

The National Gay and Lesbian Human Rights Commission (NGLHRC) is an independent human rights institution that exists to realize legal and policy reforms towards equality and full inclusion of sexual and gender minorities in Kenya. The bastion of our work is providing daily free legal aid to ensure access to justice for sexual and gender minorities in Kenya. This legal aid is supported by training of paralegals and first responders, civic education, monitoring and documentation of violations, strategic litigation, lobbying and public education programs. We are a dedicated team of lawyers and justice defenders whose mission is to promote and protect the equality and inclusion of LGBTIQ persons and communities in Kenya, and advance their meaningful participation in Society. We envision a Kenyan society with equal rights and opportunities for all.

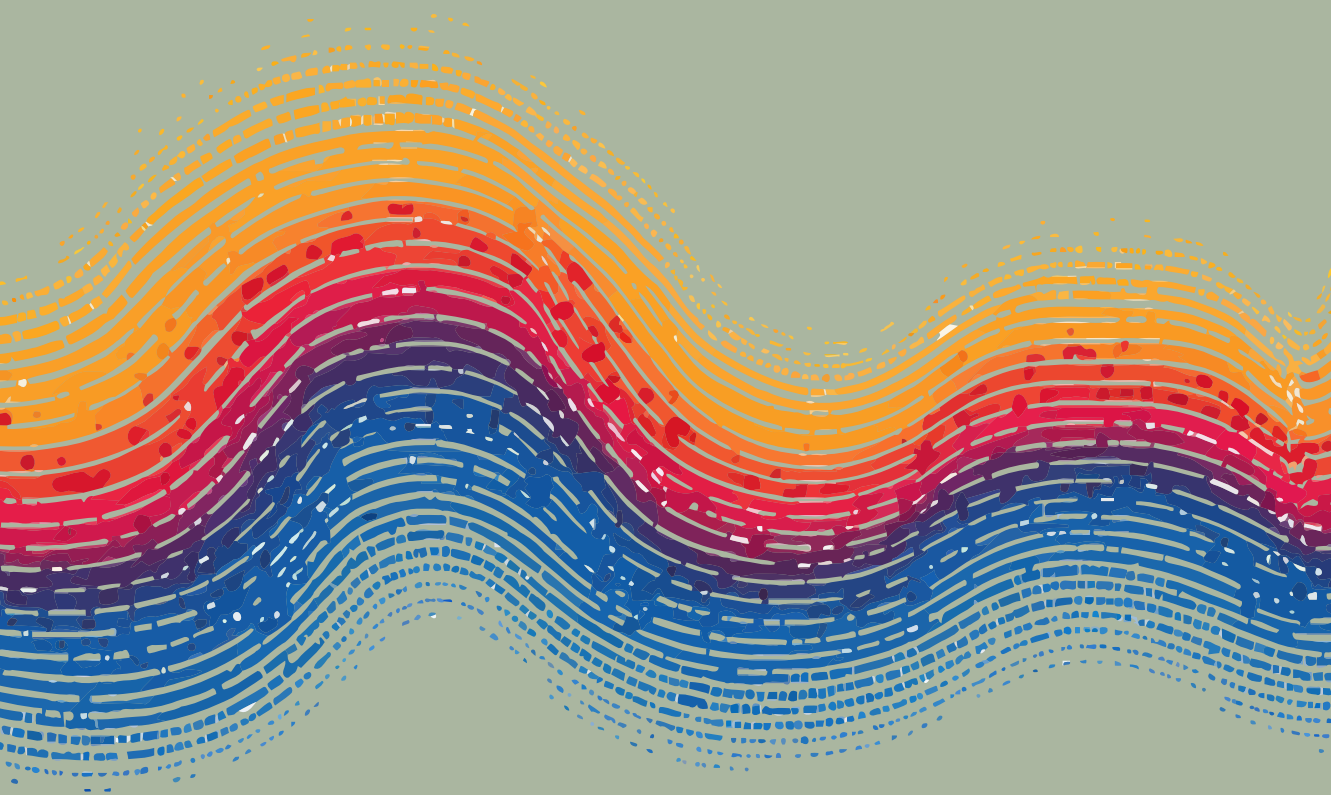


galck+

galck+ is Kenya's national umbrella body for currently 22 LGBTQ+-led organisations, united in advancing the voices, interests, health, safety, and human rights of LGBTQ+ and gender non-conforming people. Founded in 2006 and fully independent since 2019, we bring together diverse community stakeholders under a shared vision of a safe, enabling and inclusive environment for ALL. Our mission is to advance and defend the human rights of LGBTQ+ people in Kenya by driving collective advocacy, influencing policy, amplifying community voices and enhancing the well-being and protection of a sustained, visible movement.

galck+'s work rests on four interconnected functions. Coordination fosters collaboration among a range of LGBTQ+ groups and stakeholders, human rights organisations, allies, and decision-makers to harmonise efforts and respond effectively to threats. Capacity Strengthening equips members with, but is not limited to, programmatic, operational, and management skills, bolstering their resilience in an unpredictable legal and political landscape. Advocacy drives our policy influence, public-facing campaigns, and narrative-shaping work, as well as strategic litigation, amplifying community demands, shaping laws, practices, and public opinion. Alliance Building cultivates vocal and fearless supporters across various sectors, expanding the coalition's reach and influence.





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NGLHRC
National Gender Leadership
Research Centre