



National Gay and Lesbian Human Rights Commission.

## Kenyan rights group in landmark case to scrap biased colonial laws.

**NAIROBI, 19/01/2018 FOR IMMEDIATE RELEASE**

On **Thursday, 18<sup>th</sup> January 2018**, Kenya's High Court heard a case challenging old colonial laws that target the lesbian, gay, bisexual and transgender (LGBT) community in Kenya. The case seeks to decriminalise consensual same sex relations between adults.

The National Gay and Lesbian Human Rights Commission (NGLHRC) argues that sections 162, 163 and 165 of the Kenyan Penal Code are in breach of the Constitution and basic rights of Kenyan citizens.

Njeri Gateru, Acting Executive Director of NGLHRC, said:

*“As lawyers, we believe in the equal protection of the rule of law and in the superior legal framework of the Kenyan Constitution.*

*These colonial legacy laws undermine LGBT people's fundamental rights as enshrined in our Constitution and ostracise them from society, causing misery and isolation, and devastating their lives.*

*We believe that this wrong must be put right. There is no place in our proud Kenyan democracy for old discriminatory laws.*

*How adults conduct their private lives together within close, consensual relationships, and in the intimacy of their own homes, should not be a matter for state interference.*

*Anyone who supports our national values of human dignity, democracy, equality, social justice and freedom from discrimination will be able to see the injustice in these sections of the law.”*

Introduced to the nation by British colonisers in 1897, sections 162, 163 and 165 make vague reference to “carnal knowledge against the order of nature” and “gross indecency.” Punishment for breaking these laws is up to fourteen years' imprisonment. In practice, the laws are used to target consensual LGBT relations and to harass, abuse and extort from Kenya's LGBT population.

The laws exist in contravention of the rights enshrined in the Kenyan Constitution and African Charter on Human and People's Rights, which guarantee all citizens freedom from discrimination and to be treated with dignity and equality.

Anyone judged to sit outside conventional gender stereotypes in Kenya is vulnerable to violence and persecution; from mob violence to blackmail and forced torturous



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internal testing by government actors to prove sexuality. Because of the laws targeting them, LGBT people have no access to state protection from the cruelty and exploitation they routinely face, meaning it is likely that countless other crimes against them go unreported.

The **next hearing date** for the case against sections 162, 163 and 165 is scheduled for **February 22<sup>nd</sup> 2018**.

Ends

#### Notes to Editors

1. For more information or to request an interview with an NGLHRC representative, please contact – [admin@nglhrc.com](mailto:admin@nglhrc.com) and [info@nglhrc.com](mailto:info@nglhrc.com)
2. The National Gay and Lesbian Human Rights Commission (NGLHRC) was founded by a group of Kenyan lawyers to use the law to protect the basic rights of LGBT people to live with dignity, free from discrimination and abuse. [www.nglhrc.com](http://www.nglhrc.com)
3. LGBT stands for 'lesbian, gay, bisexual and transgender'. The category generally includes anyone who sits outside conventional stereotypes on gender and heterosexuality. LGBT people are often targeted for being masculine or feminine in a way that doesn't fit with what is expected of them, but are just as likely to be completely indiscernible from everyone else: LGBT people are all of us. They are doctors, politicians, boda-boda riders, street sweepers and everything in between. They are our neighbours. They are our sons and daughters, brothers and sisters, parents and grandparents. They are ordinary Kenyans, who are a part of every subsection of our society.