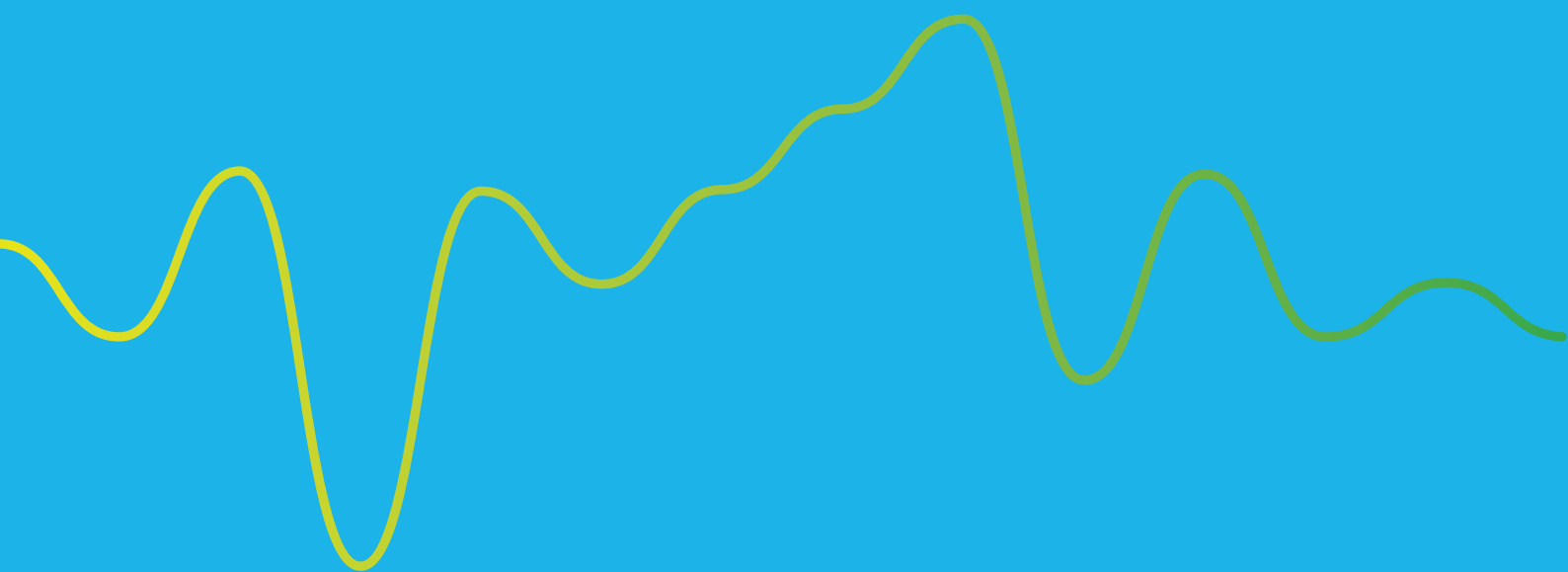


Inclusive Governance Initiative

# Annotated Bibliography on LGBTI Rights and Experiences in Kenya



**#WeBelongAfrica**  
Inclusive Governance Initiative





**#WeBelongAfrica brings together multiple initiatives that enable inclusive, just, affirming, safe, productive and fulfilling lives for all people in Africa, irrespective of sexual orientation, gender identity, gender expression or sex characteristics, and irrespective of HIV status or risk.**

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UNDP HIV, Health & Development team, Africa.

**This annotated bibliography provides an overview of key literature on the rights and experiences of LGBTI people in Kenya. It includes journal articles, books and book chapters, government documents and reports, independent reports and articles, research dissertations, and other materials of relevance to the topic.**

## Journal Articles

1. Adera, Godfrey Owino. 'Lessons from Zwingli's Reformation Approach- Engaging the Third Contour in the LGBTIQ Debate for the Kenyan Church'. *Yonsei University-Global Institute of Theology Seminar*, 2020. *ResearchGate*, [www.researchgate.net/publication/345575701\\_Lessons\\_from\\_Zwingli%27s\\_Reformation\\_Approach\\_-\\_Engaging\\_the\\_Third\\_Contour\\_in\\_the\\_LGBTIQ\\_Debate\\_for\\_the\\_Kenyan\\_Church](http://www.researchgate.net/publication/345575701_Lessons_from_Zwingli%27s_Reformation_Approach_-_Engaging_the_Third_Contour_in_the_LGBTIQ_Debate_for_the_Kenyan_Church)

Using the experience of the Swiss Reformation in the 15th Century onwards, the author discusses the possibility of Kenyan clergy dealing with the country's LGBTIQ community through a "softening principle with pastoral concern." This approach, the author argues, eschews more mainstream dealings of the clergy with Kenya's LGBTIQ community through a conservative reliance on biblical scripture. The author argues that this approach may have a positive impact on LGBTIQ rights in the country, considering the clergy's prominence in social and political life.

2. Bhattacharjee, Parinita, et al. 'Can a National Government Implement a Violence Prevention and Response Strategy for Key Populations in a Criminalized Setting? A Case Study from Kenya'. *Journal of the International AIDS Society*, vol. 21, no. S5, 2018. *Crossref*, <https://doi.org/10.1002/jia2.25122>

The article seeks to assess how the national government, in the case of Kenya, can implement violence prevention and response strategies for key populations in a criminalized setting. The authors in this article use the term "Key Populations" to include female sex workers (FSWs), men who have sex with men (MSM) and people who inject drugs (PWID). The article points towards increased cases of violence meted upon these groups which violates their human rights, places them at risk of contracting HIV and bars access to services. By examining trends and responses to violence, the need for addressing this violence by the national government by creating an enabling environment to promote wellbeing and safety for Key Populations is discussed as being critical to achieving HIV prevention goals.

3. Bourne, Adam, et al. 'Experiences and Challenges in Sexual Health Service Access among Men Who Have Sex with Men in Kenya'. *Global Public Health*, 2021, pp. 1–12. *Crossref*, <https://doi.org/10.1080/17441692.2021.1987501>

**Abstract:** Men who have sex with men (MSM) in Kenya bear a heavy burden of HIV/STIs and are a priority population in the national HIV/AIDS response, yet remain criminalised and stigmatised within society. HIV pre-exposure prophylaxis (PrEP) offers an opportunity to significantly impact the HIV epidemic, as does the concept of U=U, whereby those who are living with HIV and on treatment are infectious when their viral load has been suppressed so as to be undetectable. However, the value of such innovations will not be realised without sufficient understanding of, and respect for, the sexual health service provision needs of MSM. This paper describes findings from 30 in-depth interviews with MSM living in Nairobi that explored engagement with sexual health service providers, barriers to access and perceived opportunities to improve service design and delivery. Findings indicate concern relating to the professionalism of some staff working within public hospitals as well as feelings that many sexual health services were not considered safe spaces for the discussion of MSM-specific sexual behaviour. Diverse views were expressed relating to comfort in public, community and private sexual health services as well as how these are and should be organised.

4. Crowell, Trevor A., et al. 'Involvement of African Men and Transgender Women Who Have Sex with Men in HIV Research: Progress, but Much More Must Be Done'. *Journal of the International AIDS Society*, vol. 23, no. S6, 2020. *Crossref*, <https://doi.org/10.1002/jia2.25596>

The purpose of this supplement is to present reports of HIV-related studies that recruited African men who have sex with men (MSM) with a focus on challenges and successes related to engagement, recruitment and retention. Some studies also enrolled transgender women (TGW), another key population that historically has often been conflated with MSM, but is deserving of separate consideration and

tailored, rights-affirming engagement. Lessons learned from these studies will inform the development of strategies to test and, subsequently, deliver prevention and treatment interventions that are desperately needed to end the HIV pandemic.

5. Haase, Stephanie, et al. 'Using Online Spaces to Recruit Kenyan Queer Women and Trans Men in Restrictive Offline Settings'. *Archives of Public Health*, vol. 80, no. 1, 2022. Crossref, <https://doi.org/10.1186/s13690-022-00824-3>

The authors analyze innovative methods to ensure inclusion of sexual and gender minority subjects in research activities in Kenya, whose offline spaces are characterized in the article as being "restrictive." The article, after weighing the risks and benefits of online sampling techniques, finds that online spaces mitigate risks that would manifest on the ground and acts as a safe sampling method of a marginalized group in a constraining setting. While the use of online spaces risks further marginalizing those without access to web-based technology, the authors find that it successfully overcomes risks around discrimination, stigma and violence. These spaces further play the role of strengthening relationships among members of these online queer communities, and advance their interest in a safe setting.

6. Harper, Gary W., Katherine A. Lewis, et al. "'God Didn't Make a Mistake in Creating Me": Intrapersonal Resilience Processes among Gay and Bisexual Male Youth in Kenya'. *Adolescents*, vol. 1, no. 3, 2021, pp. 267–82. Crossref, <https://doi.org/10.3390/adolescents1030020>

The authors investigate intrapersonal processes that gay and bisexual male youth in Kisumu, Kenya, underscore as key to developing and demonstrating resilience in the face of adversity. These include human rights violations such as stigma and discrimination. While this group has showcased resilience and managed to thrive in mental health and wellbeing, this research has attributed this to various intrapersonal resilience processes which include self-love, acceptance of their sexual identities, spiritual/religious affirmation, adaptive coping, legal rights awareness, economic stability and advocacy satisfaction. The authors however indicate the need for revision of research from focusing on deficits for community-based interventions to a resilience based outlook.

7. Harper, Gary W., Jessica Crawford, et al. 'Mental Health Challenges and Needs Among Sexual and Gender Minority People in Western Kenya'. *International Journal of Environmental Research and Public Health*, vol. 18, no. 3, 2021, p. 1311. Crossref, <https://doi.org/10.3390/ijerph18031311>

The authors, researchers from the University of Michigan in collaboration with Kenyan LGBTQ civil society organizations, conducted a study evaluating the mental health challenges and needs of sexual and gender minorities in Western Kenya. Working with a range of SOGIESC groups, their findings pointed towards high levels of psychological distress, post-traumatic stress disorder and significant levels of depressive symptoms. The authors also used metrics such as violence and substance use to analyze the mental strain from socio-cultural and structural discrimination. The research finds that there is a need to develop and provide culturally appropriate mental health services for this population, using trauma informed principles as well as utilize community and policy level interventions. The research also encouraged political prioritization of sexual and gender minorities' mental health for sustainable change.

8. Heijningen, Maaikje van, and Lindsay van Clief. 'Enabling Online Safe Spaces: A Case Study of Love Matters Kenya'. *IDS Bulletin*, vol. 48, no. 1, 2017. Crossref, <https://doi.org/10.19088/1968-2017.103>

Abstract: For sexual health organisations, establishing a safe space to talk about sensitive topics is an important prerequisite for information exchange and open dialogue. With the popularity of social media and mobile phones, these safe spaces are moving online. This article examines one of these spaces, the Love Matters Kenya Facebook page, as an example of a sexual health organisation using social media to discuss sexuality with young people. We observed interactions on the Facebook page over a period of six weeks, and also led an online focus group discussion. The results showed that the key elements of a safe space are: good moderation; users' ability to create their own online personas; and a community atmosphere that enables trust and social relationships to grow.

9. Izugbara, Chimaraoke, et al. 'Regional Legal and Policy Instruments for Addressing LGBT Exclusion in Africa'. *Sexual and Reproductive Health Matters*, vol. 28, no. 1, 2020, p. 1698905. Crossref, <https://doi.org/10.1080/26410397.2019.1698905>

Abstract: The vulnerability of lesbian, gay, bisexual and transgender (LGBT) persons in Africa to public health and other risks is heightened by their exclusion from socio-economic opportunities and services. We analysed existing regional-level legal and policy instruments and treaties for the opportunities they

offer to tackle the exclusion of LGBT persons in Africa. We identified seven key living legal and policy instruments, formulated and adopted between 1981 and 2018, by the African Union (AU) or its precursor, the Organization of African Unity. These treaties and instruments do not only highlight the region's challenges related to inclusion, most of them are binding and enforceable, and all enshrine the responsibility of AU member-states to safeguard and ensure the inclusion and protection of citizens, their gender or sexual orientation notwithstanding. The instruments set forth strong and ambitious agendas of inclusion and recognise and affirm the rights of the region's citizens to sexual and reproductive health (SRH), equality, freedom and opportunities, regardless of their sexual orientation. Their language is generally universalist and their rejection of discrimination, criminalisation, and denial of socio-economic opportunities and services to the region's sexual minorities is forthright. However, the instruments do not explicitly mention LGBT persons and lack clear and effective mechanisms for answerability among member-states. Accountability and commitment among member-states towards these instruments and policies will improve national legal and policy environments and propel forward the agenda of LGBT inclusion, SRH and wellbeing in the region.

10. Jadwin-Cakmak, Laura, et al. "When You Talk It out ... You Will Feel like the Burden Has Somehow Gone down, You Will Feel Light": Social Support Received by Gay, Bisexual, and Other Men Who Have Sex with Men in Western Kenya'. *International Journal of Environmental Research and Public Health*, vol. 19, no. 3, 2022, p. 1667. Crossref, <https://doi.org/10.3390/ijerph19031667>

Abstract: Gay and bisexual men and other men who have sex with men (GBMSM) experience many sexual orientation-related stressors that negatively influence physical and mental health, making it imperative to understand their experiences of resilience-promoting resources such as social support. We utilized qualitative and participatory methodologies to examine sources of social support and types of social support received by GBMSM in Western Kenya through in-depth interviews with 60 GBMSM, including both peer educators and community members. GBMSM received emotional, informational, and instrumental support from six different relationship types: friends and peer groups, family of origin, sexual and romantic partners, healthcare providers, peer educators, and other people including work colleagues and police officers. A key finding from this study is the centrality of sexuality-specific support across all sources and types of support. Implications for clinics and LGBTQ organizations, policy, and future research are discussed.

11. Jauregui, Juan C., et al. 'Experiences of Violence and Mental Health Concerns Among Sexual and Gender Minority Adults in Western Kenya'. *LGBT Health*, vol. 8, no. 7, 2021, pp. 494–501. Crossref, <https://doi.org/10.1089/lgbt.2020.0495>

Abstract Sexual and gender minority (SGM) populations throughout Kenya as well as other sub-Saharan African countries face systemic discrimination and substantial human rights violations, yet scant literature documents the potentially harmful mental health effects of these experiences. This study sought to understand the relationship among experiences of violence, social support, and mental health among SGM adults in Kenya. Methods: Members of a local LGBT community-based organization collected survey data in Western Kenya from October 2017 to April 2018, recruiting 527 SGM participants through an array of community outreach methods. Respondents in this cross-sectional study completed a survey regarding their mental health and other psychosocial factors. Multiple linear regression analyses were conducted to assess associations between experiences of violence (SGM violence and intimate partner violence [IPV]) and mental health outcomes (depressive symptoms and post-traumatic stress symptoms [PTSSs]) and to examine the potential moderating effect of social support on these relationships. Results: Relative to those who had never faced violence, participants who experienced IPV and/or violence based on their sexual orientation, gender identity, or gender expression (SGM violence) reported significantly higher levels of depressive symptoms and PTSSs. Emotional support was associated with lower levels of PTSSs. Social support did not moderate the relationship between SGM violence and mental health symptoms. Conclusions: These findings suggest that there may be a relationship between experiences of violence and poor mental health among SGM Kenyans. More studies are needed to better understand SGM-specific risk factors for poor mental well-being among SGM people in Kenya and the types of interventions that may help mitigate these challenges.

12. Korhonen, Christine, et al. 'Depressive Symptoms and Problematic Alcohol and Other Substance Use in 1476 Gay, Bisexual, and Other MSM at Three Research Sites in Kenya'. *AIDS*, vol. 32, no. 11, 2018, pp. 1507–15. Crossref, <https://doi.org/10.1097/qad.0000000000001847>.

Abstract: Information on mental health and substance use challenges among gay, bisexual, and other MSM (GBMSM) is needed to focus resources on these issues and optimize services for HIV prevention

and care. We determined factors associated with depressive symptoms and problematic alcohol and other substance use among GBMSM in Kenya. Self-identified GBMSM in three HIV research studies in Kenya provided information on depressive symptoms, alcohol use, and other substance use. Associations were evaluated using mixed effects Poisson regression. Of 1476 participants, 452 (31%) reported moderate-to-severe depressive symptoms, (44%) hazardous alcohol use and 749 (51%) problematic substance use. Known HIV-positive status was not associated with these outcomes. Transactional sex was associated with hazardous alcohol use. Childhood abuse and recent trauma were associated with moderate-to-severe depressive symptoms, hazardous alcohol use and problematic substance use. GBMSM in rights-constrained settings need culturally appropriate services for treatment and prevention of mental health and substance use disorders, in addition to human rights advocacy to prevent abuse. Mental health and substance use screening and treatment or referral should be an integral part of programs, including HIV prevention and treatment programs, providing services to GBMSM.

13. Koske, Nicole Treyson, and Tomasz Milej. 'The Right to Privacy under the Constitution of Kenya and the Criminalisation of Consensual Sex between Same-Sex Adults'. *African Human Rights Law Journal*, vol. 21, no. 1, 2021. Crossref, <https://doi.org/10.17159/1996-2096/2021/v21n1a18>

The article analyzes how the right to privacy as enshrined in Article 31 of the Constitution of Kenya, is bounded by provisions of the Kenyan Penal Code (Sections 162 and 165) which criminalizes consensual sex between partners of the same sex. The authors advance the view that the constitution impedes the state from imposing upon individual moral choices given that it does not bring harm to any other parties. In line with having a democratic society, the article suggests that the decision to question morality on consensual sex between adults should be left to the concerned individuals. With specific reference to the High Court's rejection of the right to privacy argument in a case challenging the provisions of Section 162 and 165 of the Penal Code, the article concludes that there's a failure by the judiciary by misinterpreting the constitution by failing to uphold the right to privacy for LGBT persons in Kenya.

14. Kunzweiler, Colin P., et al. 'Depressive Symptoms, Alcohol and Drug Use, and Physical and Sexual Abuse Among Men Who Have Sex with Men in Kisumu, Kenya: The Anza Mapema Study'. *AIDS and Behavior*, vol. 22, no. 5, 2017, pp. 1517–29. Crossref, <https://doi.org/10.1007/s10461-017-1941-0>

Men who have sex with men (MSM) are disproportionately burdened by depressive symptoms and psychosocial conditions including alcohol and substance abuse as well as physical and sexual abuse. We examined sociodemographic and psychosocial factors associated with depressive symptoms at baseline among a cohort of MSM in Kisumu, Kenya. Depressive symptoms were assessed via the Personal Health Questionnaire 9 instrument and examined dichotomously. We performed multivariable modified Poisson regression with robust standard errors for the binary outcome. Among 711 participants: 11.4% reported severe depressive symptoms; 50.1% reported harmful alcohol abuse; 23.8% reported moderate substance abuse; 80.9% reported any childhood physical or sexual abuse; and 39.1% experienced recent trauma due to same-sex behaviors. In the final multivariable model, severe depressive symptoms were more common for men who were  $\geq 30$  years old, had completed  $\leq 8$  years of education, had experienced childhood physical or sexual abuse, and had recently experienced trauma due to same-sex behaviors. Our results demonstrate that comprehensive services capable of identifying and addressing depressive symptoms, alcohol and substance abuse, and physical and sexual abuse must be expanded within this sample of MSM.

15. Lalude, Olalekan Moyosore. 'The African Moral Perspectives on Human Rights and Their Influences on Anti-Gay Laws in Nigeria and Kenya'. *SSRN Electronic Journal*, 2019. Crossref, <https://doi.org/10.2139/ssrn.3454043>

Abstract: African moral perspectives on human rights are reflective of moral systems that are exclusive to African social philosophies. This paper asserts that there is an African conception of human rights based on the moral systems in Africa, which are a product of social philosophies on the continent. The paper analyzed the compliance of anti-gay laws in Nigeria and Kenya with human rights principles enshrined in the constitution of both countries and in the Universal Declaration of Human Rights 1948. It found the anti-gay laws inconsistent, and in gross violation of constitutional and international law standards. It further argued that despite the unimpressive development of the African conception of human rights, it has little or no influence on the anti-gay laws, especially as the anti-gay laws are a product of colonialist legacies. The paper concluded that for laws to achieve social justice, they must be of a sound juristic process.



16. Mbithi, Kelvin, and Vallarie Yiega. 'Removing Kenya's Futile Blanket Ban on Homosexual Content in Films to Stimulate Human Rights, Social, Individual and Economic Development'. 2021. *SSRN*, <https://doi.org/10.2139/ssrn.3746773>

Abstract: Kenya instituted a blanket ban on films containing homosexual content through the Kenya Film Classification Board Classification Guidelines of 2012. The guidelines informed the decision to ban the film *Rafiki*, on April 2018 which was upheld by the High Court on 29 April 2020. This paper argues that the blanket ban violates important constitutional freedoms from discrimination, expression and the rights to receive, impart information, intellectual property, human dignity and equality. Intolerance of homosexual content in films reflects the discrimination faced by Lesbian, Gay and Bisexual individuals in Kenya. The stigma they face reduces labor productivity, tourism and Foreign Direct Investment that denies economic growth to individuals, businesses and the country. Individual and societal development relies on questioning dominant narratives on issues such as homosexuality which is a function performed by films. The development of the internet, reactance factor in psychology, cultural dynamism and globalization have made the blanket ban futile. This paper recommends removing the blanket ban and only instituting 'adult-only' restrictions on films containing homosexual content if there are graphic scenes of sex and violence. It uses an interdisciplinary approach by reviewing economic, psychological and legal sources to identify qualitative and quantitative information to prove its thesis.

17. Mbote, David Kuria, Esther Mombo, Zablon Bundi Mutongu, Anthony Mkutu, et al. 'Facing Our Fears: The Impact of a 4-Day Training Intervention to Reduce Negative Perspectives on Sexual and Gender Minorities among Religious Leaders in Kenya'. *The Journal of Sex Research*, 2021, pp. 1–12. *Crossref*, <https://doi.org/10.1080/00224499.2021.1908942>

The author evaluates the efficacy of training interventions to reduce negative perspectives of religious leaders in Kenya, towards sexual and gender minorities. The research finds success in increased acceptance of LGBTQ persons and gender diversity with more positivity towards gender and sexual minorities. Such initiatives are key to reversing the negative status quo for sexual and gender minorities held up by clerics' expression of doctrinal orthodoxy.

18. Mbote, David Kuria. 'For Sexual Minorities, "Closing Space" for Civil Society Means Losing Access to Critical Services'. *OpenGlobalRights*, 6 July 2016, [www.openglobalrights.org/for-sexual-minorities-closing-space-for-civil-society-means-losing](http://www.openglobalrights.org/for-sexual-minorities-closing-space-for-civil-society-means-losing)

The author looks at how restricting space for gender and sexual minorities in Kenya denies access to critical services and threatens groups and organizations working these issues. The denial of access to services such as healthcare, housing, employment, and protection from violence as stated by the article, places gender and sexual minorities at risk of death as a result of prevalent discrimination. The author underscores the importance of viewing sexual and gender minorities as deserving of rights and agency to organize and exist.

19. Mbote, David Kuria, Theo G. M. Sandfort, et al. 'Kenyan Religious Leaders' Views on Same-Sex Sexuality and Gender Nonconformity: Religious Freedom versus Constitutional Rights'. *The Journal of Sex Research*, 2016, pp. 630–41, <https://doi.org/10.1080/00224499.2016.1255702>

The research evaluating the predominantly negative attitudes on same-sex sexuality and gender non-conformity among religious leaders, finds that intergroup-based contact interventions can be successful in changing religious leaders' outlook on sexual and gender minorities.

20. Mbote, David Kuria, Esther Mombo, Zablon Bundi Mutongu, Chris Alaro, et al. 'Religious Fundamentalism and Attitudes towards Sexual and Gender Minorities and Other Marginalized Groups among Religious Leaders in Kenya'. *Pastoral Psychology*, vol. 70, no. 2, 2021, pp. 167–78. *Crossref*, <https://doi.org/10.1007/s11089-021-00942-9>

Abstract: Religious fundamentalism is associated with negative perceptions towards outgroups and marginalized populations. However, this association has not been studied in Africa. This study among religious leaders in Kenya established that religious fundamentalism was negatively associated with acceptance of lesbian women and gay men and acceptance of gender diversity and positively associated with social distance towards gay men and social distance towards lesbian women. While religious fundamentalism was positively associated with social distance for sex workers, there was no association with social distance for transgender persons and persons who inject drugs. Future research should

explore how bias among religious leaders towards gender and sexual minorities can be reduced while taking religious fundamentalism into account.

21. Micheni, Murugi, et al. 'Health Provider Views on Improving Antiretroviral Therapy Adherence Among Men Who Have Sex with Men in Coastal Kenya'. *AIDS Patient Care and STDs*, vol. 31, no. 3, 2017, pp. 113–21. *Crossref*, <https://doi.org/10.1089/apc.2016.0213>

The authors investigate challenges specific to men who have sex with men (MSMs) in adhering to antiretroviral therapy (ART) in a setting where same sex conduct is criminalized. Using critical clinical staff sensitivity training, trained MSM peer navigators and stigma reduction in the community as interventions, the research finds success in these to improve adherence and health outcomes for MSM.

22. Moore, Hester KV. 'Lessons From LGBTIQ Refugee-Led Community-Based Organisations'. *Forced Migration Review*, vol. 58, 2018, pp. 67–69, [www.fmreview.org/economies/moore](http://www.fmreview.org/economies/moore)

This body of work examines the efforts of humanitarian agencies to maximize access to services for LGBTIQ refugees. Through partnerships in community based protection, community based organizations combine economic activities with pressing legal, psychological and medical issues to cement a holistic response to self-reliance and wellbeing of refugee communities.

23. Mucherah, Winnie, et al. 'Grappling with the Issue of Homosexuality: Perceptions, Attitudes, and Beliefs among High School Students in Kenya'. *Psychology Research and Behavior Management*, 2016, pp. 253–62. *PubMed Central*, <https://doi.org/10.2147/PRBM.S112421>

Abstract: While the past decade has seen an improvement in attitudes toward homosexuality, negative attitudes are still prevalent in many parts of the world. In general, increased levels of education tend to be predictive of relatively positive attitudes toward homosexuality. However, in most sub-Saharan countries, it is still believed that people are born heterosexual and that non-heterosexuals are social deviants who should be prosecuted. One such country is Kenya, where homosexuality is illegal and attracts a fine or jail term. The purpose of this study was to examine high school students' perceptions of homosexuality in Kenya. The participants included 1,250 high school students who completed a questionnaire on perceptions of homosexuality. The results showed that 41% claimed homosexuality is practiced in schools and 61% believed homosexuality is practiced mostly in single-sex boarding schools. Consistently, 52% believed sexual starvation to be the main cause of homosexuality. Also, 95% believed homosexuality is abnormal, 60% believed students who engage in homosexuality will not change to heterosexuality after school, 64% believed prayers can stop homosexuality, and 86% believed counseling can change students' sexual orientation. The consequences for homosexuality included punishment (66%), suspension from school (61%), and expulsion from school (49%). Significant gender and grade differences were found. The implications of the study findings are discussed.

24. Mung'ala, Lucy Wanjiku, and Anne de Jong. 'Health and Freedom: The Tense Interdependency of HIV/AIDS Interventions and LGBTIQ Activism in Kenya'. *Kohl: A Journal for Body and Gender Research*, vol. 6, no. 1, 2020, pp. 133–51, <https://doi.org/10.36583/2020060114>

Abstract: In recent decades in Kenya, public health interventions to address the HIV vulnerability of sex workers and men who have sex with men have been accompanied by a rise in gender and sexual minority (hereby also interchangeably referred to as LGBTIQ) activist initiatives that frame access to healthcare, legal recognition, and social acceptance as a human right. Complementing long-term engagement and ethnographic research among sexual minorities in Kenya, in addition to fieldwork stints between 2016-2018, the authors analyzed online statements regarding priorities and strategies of LGBTIQ organizations (local and global) and legal case files. We examine one case in which transgender and intersex plaintiffs objected to the name and mission of an NGO working towards equality and full inclusion of sexual and gender minorities because it incorporated the words gay and lesbian while applying for its official registration and it would include trans and intersex in the organization's mission. As such, the politics of naming, identity, and representation are neither new nor exclusive to Kenyan LGBTIQ activism. These case and related files reflect the everyday interactions of groups with seemingly conflicting goals, showing them to be part of a rich, connected "niche activist" scene. Rather than take this as a rigid split between activist organizations, we argue that these tensions are historically rooted in – and form a microcosm of – the politics of the global NGOization of both healthcare access and human rights advocacy in Kenya.



25. Musyoki, Helgar, et al. 'A Decade and beyond: Learnings from HIV Programming with Underserved and Marginalized Key Populations in Kenya'. *Journal of the International AIDS Society*, vol. 24, no. S3, 2021. Crossref, <https://doi.org/10.1002/jia2.25729>

**Abstract:** Key populations (KP) continue to account for high HIV incidence globally. Still, prioritization of KP in the national HIV prevention response remains insufficient, leading to their suboptimal access to HIV programmes. This commentary aims to share Kenya's challenges and successes in achieving 2020 global HIV targets and scaling up the KP programme in the last decade. **Discussion:** The KP programme in Kenya has scaled up in the last decade with the inclusion of female sex workers (FSW), men who have sex with men (MSM), people who inject drugs (PWID), transgender people and people in prisons as priority populations in the national HIV response. KP coverage based on official size estimates for FSW is 73%, for MSM is 82%, for PWID through needle syringe programme (NSP) is 71%, and through opioid substitution therapy (OST) is 26% and for trans-gender people is 5%. The service outcomes for KP have been relatively strong in prevention with high condom use at last paid sex for FSW (92%) and use of sterile equipment among PWID (88%), though condom use at last sex with a non-regular partner among MSM (78%) is still low. The KP programme has not met care continuum targets for all subpopulations with low case findings. The national KP programme led by the Ministry of Health has scaled up the programme through (a) strategic partnerships with KP-led and competent organizations, researchers, and donors; (b) development of policy guidance and pro-programme standards; (c) continuous sensitization and advocacy to garner support; (d) development of national reporting systems, among others. However, the programme is still struggling with uncertain size estimates; lack of updated bio-behavioural survey data; inadequate scale-up of interventions among transgender people and people in prison settings; gaps in reaching adolescent and young KP, and effectively addressing structural barriers like violence and stigma. **Conclusions:** To reach the ambitious global HIV targets, sufficient coverage of KP with quality HIV programmes is critical. Despite scaling up the KP programme, Kenya has not yet achieved the 2020 global HIV targets and needs more efforts to scale-up quality programmes for KP who are underserved in the HIV response

26. Mutua-Mambo, C. Nthemba. 'Living in a Liminal Space: Feminist and LGBT Alliances in Kenya'. *Women's Studies in Communication*, vol. 43, no. 2, 2020, pp. 125–30. Crossref, <https://doi.org/10.1080/07491409.2020.1745598>

The author uses liminality (relating to a transitional or initial stage of a process, or, occupying a position at, or on both sides of, a boundary or threshold) as a concept to assess the discursive strategies used by women and LGBT activists in Kenya as a form of resistance against a constitution that oppresses and criminalizes them as opposed to protecting their human rights and reinforce social structural systems. The article looks at the ways women and sexual minorities are Othered and have to exist in a state of constant transition or adjustment, to adapt and resist forms of marginalization that are constantly meted out upon them. The author opines that the existence of visible LGBTIQ movements and organisations showcase the gains for equality made in Kenya but highlight on the other hand the status quo maintained by marginalizing narratives advanced towards women who speak up or LGBTQ individuals who dare to exist freely.

27. Ndanyi, Samson Kaunga. 'Film Censorship and Identity in Kenya'. *Ufahamu: A Journal of African Studies*, 2021, <https://escholarship.org/uc/item/8v7112b0>

The article analyzes how censorship of films with LGBTQ themes have been informed by Kenya's colonial background, with the aim of creating a construct of a morally acceptable identity by the British colonial government, shielding African cinema audiences from 'immoral' films. The article bridges the present and the past, positioning present censorship with debates on gender, provoking thought on either real or imagined laws that may be a hindrance to continuity within film. Following national discourse on gender identity and past colonial practice, the government effectively banned two films by local directors, (*The Stories of Our Lives* and *Rafiki*), in 2014 and 2018 respectively. The author opines that grounding arguments against film censorship in a historical context while simultaneously addressing postcolonial censorship laws aimed at retaining the status quo creates credibility and upholds legitimacy for LGBTQ themed films.

28. Ngunjiri, Mbuthia, et al. 'Teachers Actions to Curb Homosexuality Activities in Secondary Schools in Nakuru County, Kenya'. *Journal of Advances in Education and Philosophy*, vol. 3, no. 83, 2019, pp. 270-276, <https://sau-dijournals.com/media/articles/JAEP-38-270-276-c.pdf>

This study aimed at investigating actions teachers take against students involved in disciplinary actions related to "homosexual activities" while in the school setting. Using qualitative data analyses, including

surveys targeting high school students, it was found that 76.5% of survey participants “observed that sexual orientation is an issue of concern in their schools.” Some of the strategies used by teachers to address this issue included shaming students involved in these disciplinary actions as well as expulsions (55%), suspension from school (17%) as well as referrals to guidance and counselling services among others. The study recommends the total implementation of sex and sexuality education to allow for healthy discussions between teachers and students on these topics; increasing reliance on guidance and counselling to address homosexuality-related disciplinary issues among students as opposed to harsher sanctions as well as greater capacity enhancement targeting teachers in the area of sex and sexuality studies, including training on sexual orientation.

29. Parsitau, Damaris Seleina. ‘Law, Religion, and the Politicisation of Sexual Citizenship in Kenya’. *Journal of Law and Religion*, vol. 36, no. 1, 2021, pp. 105–29. *Crossref*, <https://doi.org/10.1017/jlr.2021.12>

Abstract: In Kenya, debates about sexual orientation have assumed center stage at several points in recent years, but particularly before and after the promulgation of the Constitution of Kenya in 2010. These debates have been fueled by religious clergy and by politicians who want to align themselves with religious organizations for respectability and legitimation, particularly by seeking to influence the nation’s legal norms around sexuality. The author argues that through their responses and attempts to influence legal norms, the religious and political leaders are not only responsible for the nonacceptance of same-sex relationships in Africa but have also ensured that sexuality and embodiment have become a cultural and religious battleground. These same clergy and politicians seek to frame homosexuality as un-African, unacceptable, a threat to African moral and cultural sensibilities and sensitivities, and an affront to African moral and family values. Consequently, the perception is that homosexuals do not belong in Africa—that they cannot be entertained, accommodated, tolerated, or even understood. Ultimately, the author argues that the politicization and religionization of same-sex relationships in Kenya, as elsewhere in Africa, has masked human rights debates and stifled serious academic and pragmatic engagements with important issues around sexual difference and sexual orientation while fueling negative attitudes toward people with different sexual orientations.

30. Pincock, Kate. ‘UNHCR and LGBTI Refugees in Kenya: The Limits of “Protection”’. *Disasters*, vol. 45, no. 4, 2021, pp. 844–64. *Crossref*, <https://doi.org/10.1111/disa.12447>

Noting the “dearth of scholarship on LGBTI refugees’ experiences in first countries of asylum in the Global South,” the author argues that the framing of “protection by the UNHCR and other practical restrictions on the implementation of this protection made, leave LGBTI refugees unsafe.” To address the needs of LGBTI refugees in Kenya, the lived experiences of this group must not only be understood, but the recognition that protection is a “limited and problematic way to comprehend the relationship between LGBTI refugees and the UNHCR” must be recognised as well.

31. Shangani, Sylvia, Becky Genberg, et al. ‘Sexual Prejudice and Comfort to Provide Services to Men Who Have Sex with Men Among HIV Healthcare Workers in Western Kenya: Role of Interpersonal Contact’. *AIDS and Behavior*, vol. 26, no. 3, 2021, pp. 805–13. *Crossref*, <https://doi.org/10.1007/s10461-021-03440-4>

Expanding on previous work on sexual prejudice among healthcare providers and again men who have sex with men (MSM) in Western Kenya, this article sought to examine “associations between healthcare workers’ sexual prejudice and their comfort to provide care to MSM.” The study also “assessed the moderating role of workers’ prior interpersonal contact with MSM” in examining this association. The study found that “sexual prejudice was negatively associated with comfort to provide care to MSM. It recommended revisions to medical education and training to stress positive forms of interpersonal contact with MSM; involvement of MSM in educational efforts aimed at dispelling myths, misinformation and anxiety among healthcare providers; and further development and implementation of evidence-based educational interventions as ways of promoting greater comfort among these providers when providing care to MSM.

32. Shangani, Sylvia, Violet Naanyu, et al. ‘Stigma and Healthcare-Seeking Practices of Men Who Have Sex with Men in Western Kenya: A Mixed-Methods Approach for Scale Validation’. *AIDS Patient Care and STDs*, vol. 32, no. 11, 2018, pp. 477–86. *Crossref*, <https://doi.org/10.1089/apc.2018.0101>

This study “examined the reliability and validity of measures of stigma and satisfaction with healthcare providers,” among men who have sex with men in Western Kenya. Additionally, the study aimed at exploring “how stigma influences and relates to satisfaction with healthcare providers.” The study found that “men who identifies as homosexual reported higher mean scores of enacted stigma and distrust

of healthcare providers” compared to men who identified as heterosexual or bisexual. The authors recommended “specific efforts to address judgmental attitudes among healthcare providers” with the aim of ensuring that these healthcare professionals provide MSM-specific services “even when there is marked conflict with personally held moral views.”

33. Smith, Adrian D., Elizabeth Fearon, et al. ‘Disparities in HIV/STI Burden and Care Coverage among Men and Transgender Persons Who Have Sex with Men in Nairobi, Kenya: A Cross-Sectional Study’. *BMJ Open*, vol. 11, no. 12, 2021, p. e055783. *Crossref*, <https://doi.org/10.1136/bmjopen-2021-055783>

Established with the aim of estimating “the prevalence of, and associations with HIV and metrics of HIV care engagement” among transgender persons and gay, bisexual and other men who have sex with men, this study found, among other findings, that participants aged between 18 to 22 years were less likely to be aware of their HIV status, be receiving anti-retroviral therapy or have achieved viral suppression. Among other recommendations, the authors recommended that programmes aimed at providing adult key population services “identify and address the sexual, social and developmental needs of adolescent and young key populations.”

34. Smith, Adrian D., Joshua Kimani, et al. ‘HIV Burden and Correlates of Infection among Transfeminine People and Cisgender Men Who Have Sex with Men in Nairobi, Kenya: An Observational Study’. *The Lancet HIV*, vol. 8, no. 5, 2021, pp. e274–83. *ScienceDirect*, [https://doi.org/10.1016/S2352-3018\(20\)30310-6](https://doi.org/10.1016/S2352-3018(20)30310-6)

This study aimed to “assess gender identity among men and transgender people who have sex with men in Kenya, and to explore its associations with sexual health-related outcomes, risk behaviours, and uptake of HIV prevention and care interventions.” The authors interpreted the survey as indicating that transfeminine people “who have sex with men have a higher burden of HIV and associated risk behaviours compared with cisgender MSM in the same context, yet their uptake of prevention and care services is poor.” To mitigate this, the authors recommend the acknowledgement of “the specific needs of transfeminine people as distinct from cisgender MSM, and support health-care providers to address these needs.”

35. Vries, Daniel H. de, et al. ‘Collaboration between Key Populations in a Global Partnership for Health and Human Rights: Lessons Learned from “Bridging the Gaps”’. *Global Public Health*, vol. 14, no. 8, 2018, pp. 1125–38. *Crossref*, <https://doi.org/10.1080/17441692.2018.1549399>

This study reflected “on how partners collaborated in a complex alliance of over 100 different NGOs, representing and supporting three key populations – lesbian, gay, bisexual and transgender (LGBT) people, sex workers and people who use drugs – working across 16 countries.” The authors note that partnerships within a larger funding structure; a shared human rights context characterised by violence, discrimination and stigma; and an intersectional understanding of overlapping, intersecting and layered identities and struggles, were major contributors to collaborations while identity politics, stigma and time constraints major barriers. To address these barriers and bolster the benefits of these collaborations, the authors recommend the enhancement of engagements between collaborators, including funding for this enhanced engagement; cross disciplinary understanding of similar lived experiences (e.g., such as framing human rights in a medical agenda), and the recognition of implicit differences.

36. Wekesa, Seth. ‘Gay Rights Exclusion: An Economic Perspective on Gay Rights in Kenya and Uganda’. *East African Law Journal*, vol. 53, 2019, <https://heinonline.org/HOL/LandingPage?handle=hein.journals/easfrila-j2019&div=7&id=&page=>

This paper discusses the economic impact of discrimination on grounds of sexual orientation, finding that cases of discrimination at school, at work and when accessing health has significant economic effects on gays and lesbians who experience them but the larger economy as a whole. The author then goes ahead to make an economic case for the protection of gay rights, noting benefits both for the larger economy as well as individual gays and lesbians as well.

37. Woensdregt, Lise, and Lorraine Nencel. ‘Taking Small Steps: Sensitising the Police through Male Sex Workers’ Community-Led Advocacy in Nairobi, Kenya’. *Global Public Health*, 2021, pp. 1–13. *Crossref*, <https://doi.org/10.1080/17441692.2021.1954681>

Abstract: Kenyan sex worker-led organisations (SWLOs) often play a key role in the national HIV response. Accounts of these organisations frequently focus on their community-led approaches to promote sexual health. This paper addresses sensitisation, an underexplored but significant activity in the political agency of sex workers (SWs). Drawing on ethnographic fieldwork in a male SWLO in Nairobi,

we examine how male SWs strategically use their position in the national HIV response to create spaces of police sensitisation. Taking police sensitisation as a manifestation of community-led advocacy and a 'politics of small steps', we examine how SWs respond to, resist, and remake the political landscape of police violence. The strategy supports SWs in changing existing power relationships between themselves and the police, albeit within the confines of a criminalising legal system. The analysis of sensitisation practices supports a reimagining of SWLOs that stresses their political agency in the production of new political spaces and expands the focus on African SWLOs beyond HIV work to their political activities, which advance SWs' health, rights, and social justice.

38. Zaidi, Sidra S., et al. 'Women Who Have Sex with Women in Kenya and Their Sexual and Reproductive Health'. *LGBT Health*, vol. 3, no. 2, 2016, pp. 139–45. *Mary Ann Liebert, Inc.*, <https://doi.org/10.1089/lgbt.2014.0121>

**Abstract:** Purpose - To describe sexual and reproductive health characteristics of women who have sex with women (WSW) in Kenya's three most populous cities: Kisumu, Mombasa, and Nairobi. Although the last decade has shown an upsurge of health-related research studies in African sexual minority populations, these studies have generally concentrated on the health status of men who have sex with men to the exclusion of WSW. This study presents the first findings on Kenyan WSW's sexual and reproductive health. Methods - A community-based, cross-sectional survey was conducted among 280 women who were at least 18 years old, had at least one female sexual partner in the past three years, and were Kenyan residents. Results - A significant proportion of participants reported that they had at least one male sexual partner in the past three years (38.9%), ever had an abortion (13.2%), been infected with at least one sexually transmitted infection (STI) in the past three years (33.9%) and been tested for HIV at least once (88.9%). Of the women who reported having been tested for HIV, 9.4% (7.5% of the total sample) received a positive test result. Some women noted that they were open with their doctors about their sexual orientation, and that their doctors had not reacted negatively to this information. Conclusion - WSW in Kenya are at risk for negative sexual and reproductive health outcomes, including HIV, STIs, unplanned pregnancy, and unsafe abortion, positioning these women as a critical population for public health efforts. Some WSW actively exercise their agency in making important health decisions. Therefore, this study indicates a need to incorporate WSW's health concerns within Kenyan national health policy programming.

39. Zingsheim, Jason, et al. 'Narrating Sexual Identities in Kenya: "Choice," Value, and Visibility'. *Journal of Lesbian Studies*, vol. 21, no. 2, 2016, pp. 151–68. *Crossref*, <https://doi.org/10.1080/10894160.2016.1147007>

The article examines the agency of female same sex identities within the LGBTQ community, and the many ways they re-assert their individual identities and that of the LGBTI community. The authors denote how representations of the LGBTI community are dictated by their choices, devaluation by the society and invisibility within the Kenyan media sphere. The research therefore demonstrates the determination of same-sex attracted women to reassert themselves and resist notions placed on them by society.

## Books and Book Chapters

40. Amakobe, Guillit, et al. 'Gender Theatre: The Politics of Exclusion and Belonging in Kenya'. *Envisioning Global LGBT Human Rights*, edited by Nancy Nicol et al., 1st ed., University of London Press, 2018, pp. 347–70, [https://library.oapen.org/bitstream/handle/20.500.12657/46151/external\\_content.pdf?sequence=1](https://library.oapen.org/bitstream/handle/20.500.12657/46151/external_content.pdf?sequence=1)

The authors focus their chapter on intersex, trans and gender non-conforming (ITGNC) person's organising in Kenya. Noting developments such as securitisation in the wake of Kenya's war against terrorism, class exclusion in LGBTIQ spaces, donor dependence, limiting conceptual frameworks informed by universalist human rights discourses, and the practicalities in community building, the authors apply their experiences in this regard to also reflect on their work as co-founders of an ITGNC organisation in the country. The authors propose intersectional approaches to "better link LGBTI concerns" with issues related to "land rights, labour and economic justice, rather than treating LGBTI matters separately."

41. Arudi, Laurah. 'Dynamics of LBQ Women in Africa on Issues of Violence and Access to Justice: Can the Women's Movement Be More Involved?' *Bumi! A Journal on African Women's Experiences*, 1 Apr. 2020, [http://osisa.org/wp-content/uploads/2020/04/Buwa-X\\_2020\\_APR30.pdf](http://osisa.org/wp-content/uploads/2020/04/Buwa-X_2020_APR30.pdf)

Noting the "evident alienation of lesbian, bisexual and queer (LBQ) women's issues in inclusive and intentional advocacy by the women's rights movement," this article "analyses the dynamics of LBQ



women” in work aimed at addressing violence and access to justice, a main pillar of work by larger women’s rights movement. The article provides an assessment of the laws and policies that address the rights and activities of women human rights defenders and then pivots to analyse areas of mutual interest between mainstream and LBQ women human rights defenders. In conclusion, the author notes that despite progress made in the women’s movements, its continued movement building work through a frame of “patriarchal and heteronormative forces” continues to be a big impediment to their effectiveness.

42. Camminga, B. ‘Encamped within a Camp: Transgender Refugees and Kakuma Refugee Camp (Kenya).’ *Invisibility in African Displacements: From Structural Marginalization to Strategies of Avoidance*, edited by Jesper Bjarnesen and Simon Turner, Zed Books, 2020, pp. 36–52, [www.diva-portal.org/smash/get/diva2:1500293/FULLTEXT01.pdf#page=52](http://www.diva-portal.org/smash/get/diva2:1500293/FULLTEXT01.pdf#page=52)

The author who sheds light on invisible displacements in African transnational spaces, uses the case of Kakuma refugee camp in Kenya to showcase how despite being a distinguishable hub for refugees and people fleeing persecution on basis of their sexual orientation or gender identity, cases of physical and sexual assault meted out on LGBTQ individuals still persist for this group. Even as the state remains unsuitable for LGBTQ people, with little to no state protection, the role played by the United Nations High Commissioner for Refugees (UNHCR) through its mandated international protection has been key in offering reprieve for the LGBT community. The article assesses the tensions of visibility, invisibility and hyper-visibility relating to forms of displacement for LGBTQ refugees in Kenya. The author discusses how strategies used by UNHCR, aimed at addressing the influx of LGBTQ people, have ended up being more restrictive and an inhibition to their freedoms.

43. --- “‘Go Fund Me’ LGBTI Asylum Seekers in Kakuma Refugee Camp, Kenya’. *Waiting and the Temporalities of Irregular Migration*, edited by Christine M. Jacobsen et al., 1st ed., Routledge, 2020, pp. 131–48, <https://doi.org/10.4324/9780429351730>

This brief chapter discusses the human rights situation facing LGBTIQ refugees and asylum seekers at the Kakuma Refugee Camp. The chapter also discusses funding dynamics for the LGBTIQ refugee and asylum seeker advocacy at the camp, within larger discourses of aid, global human rights, and discrimination against LGBTIQ persons.

44. Dionne, Kim Yi, and Boniface Dulani. ‘African Attitudes Toward Same-Sex Relationships, 1982–2018’. *Oxford Research Encyclopedia of Politics*, 2020. Crossref, <https://doi.org/10.1093/acrefore/9780190228637.013.1787>

The authors examine the different variations of African attitudes towards same sex relationships where certain groups show greater tolerance towards sexual minorities. In view of developments in policy and legal advocacy for sexual minorities, the research asserts non-homogeneity in belief that Africa is entirely homophobic.

45. Moore, Hester KV. “‘The Atmosphere Is Oppressive’: Investigating the Intersection of Violence with the Cisgender Lesbian, Bisexual, and Queer Women Refugee Community in Nairobi, Kenya’. *LGBTI Asylum Seekers and Refugees from a Legal and Political Perspective*, 2018, pp. 323–36. Crossref, [https://doi.org/10.1007/978-3-319-91905-8\\_16](https://doi.org/10.1007/978-3-319-91905-8_16)

The author, in analysing experiences of lesbian, bisexual and queer women discovers the interaction of this group with violence in various forms. Calling attention to risks that LBQ refugees experience, targeted programming with focus on individual vulnerability preserves the safety and dignity of this group.

46. Ndzovu, Hassan J. “‘Un-Natural’, ‘Un-African’ and ‘Un-Islamic’”. *Public Religion and the Politics of Homosexuality in Africa*, 2016, pp. 78–91. Crossref, <https://doi.org/10.4324/9781315602974-6>

The author evaluates how Islam as a religion has enriched anti-LGBTQ narratives against homosexuals and has fuelled politicization of homosexuality in Kenya. The research explores the history and evidence of homosexuality in coastal Kenya, finding that politicization of homosexuality in Kenya has been reinforced by the state, religious groups and public opinion. Institutionalized discrimination against LGBT persons coupled with the wide doctrinal beliefs held by people against homosexuals has further undermined homosexual freedom in Kenya.

47. Thirikwa, Jane Wothaya. ‘Emergent Momentum for Equality: LGBT Visibility and Organising in Kenya’. *Envisioning Global LGBT Human Rights: (Neo)Colonialism, Neoliberalism, Resistance and Hope*, edited by Nancy Nicol et al., Human Rights Consortium, Institute of Commonwealth Studies, School of Advanced Study, University of

London, 2018, pp. 307–22, [https://library.oapen.org/bitstream/handle/20.500.12657/46151/external\\_content.pdf?sequence=1#page=339](https://library.oapen.org/bitstream/handle/20.500.12657/46151/external_content.pdf?sequence=1#page=339)

The chapter interrogates the rise of visibility through LGBT organizing, necessitated by the need to address discrimination and violence endured by LGBTQ persons. The article finds that continued advocacy has allowed organizations to widen the scope of social justice efforts for LGBTQ persons and brought networks of partners and stakeholders who focus on strategies to decriminalize same-sex conduct between consenting adults.

48. Klinken, Adriaan van. *Kenyan, Christian, Queer: Religion, LGBT Activism, and Arts of Resistance in Africa*. Penn State University Press, 2019

Abstract: Popular narratives cite religion as the driving force behind homophobia in Africa, portraying Christianity and LGBT expression as incompatible. Without denying Christianity's contribution to the stigma, discrimination, and exclusion of same-sex-attracted and gender-variant people on the continent, Adriaan van Klinken presents an alternative narrative, foregrounding the ways in which religion also appears as a critical site of LGBT activism. Taking up the notion of “arts of resistance,” *Kenyan, Christian, Queer* presents four case studies of grassroots LGBT activism through artistic and creative expressions—including the literary and cultural work of Binyavanga Wainaina, the “Same Love” music video produced by gay gospel musician George Barasa, the Stories of Our Lives anthology project, and the LGBT-affirming Cosmopolitan Affirming Church. Through these case studies, Van Klinken demonstrates how Kenyan traditions, black African identities, and Christian beliefs and practices are being navigated, appropriated, and transformed in order to allow for queer Kenyan Christian imaginations. Transdisciplinary in scope and poignantly intimate in tone, *Kenyan, Christian, Queer* opens up critical avenues for rethinking the nature and future of the relationship between Christianity and queer activism in Kenya and elsewhere in Africa.

49. Wekesa, Seth. ‘Decriminalisation of Homosexuality in Kenya: Prospects and Challenges’. *Protecting the Human Rights of Sexual Minorities in Contemporary Africa*, Pretoria University Law Press, 2017, pp. 79–108, [www.pulp.up.ac.za/component/edocman/protecting-the-human-rights-of-sexual-minorities-in-contemporary-africa](http://www.pulp.up.ac.za/component/edocman/protecting-the-human-rights-of-sexual-minorities-in-contemporary-africa)

This chapter discusses the prospects of the decriminalisation of consensual, adult and private same-sex conduct in Kenya. The author argues for the decriminalisation of same-sex conduct based on 5 constitutional principles: (a) The constitutional duty of the state to respect the rights of the vulnerable and marginalised; (b) equality and non-discrimination; (c) human dignity; (d) the right to privacy; and (e) the incorporation of international law into Kenya's domestic law. After discussing the origins of Kenya's anti-sodomy laws and the current status of gay and lesbian rights in the country, the author breaks down the 5 constitutional principles mentioned above, providing textual and case law analyses in arguing in favour of decriminalisation. The author concludes by stating that decriminalisation is essential for enhancing human rights protections on gays and lesbians, while acknowledging that negative public perceptions against this group is a major hurdle.

## Official Government Reports, Policies and Strategic Plans (both National and County Governments)

50. Kenya National Commission on Human Rights. *Equal in Dignity and Rights: Promoting the Rights of Intersex Persons in Kenya*. Kenya National Commission on Human Rights, 2018, [www.knchr.org/Portals/0/GroupRights-Reports/Equal%20In%20Dignity%20and%20Rights\\_Promoting%20The%20Rights%20Of%20Intersex%20Persons%20In%20Kenya.pdf?ver=2018-06-06-161118-323](http://www.knchr.org/Portals/0/GroupRights-Reports/Equal%20In%20Dignity%20and%20Rights_Promoting%20The%20Rights%20Of%20Intersex%20Persons%20In%20Kenya.pdf?ver=2018-06-06-161118-323)

The report provides a holistic view of the lived realities of intersex persons in Kenya, noting the human rights situation, law and legal gaps, policies and policy gaps and case law on the rights of intersex persons in the country. The report also addresses socio-cultural and religious beliefs regarding intersex persons in the country and provides recommendations on enhancing the rights protections of this group in the country.

51. ---. *The Undefended Defenders The Situation of Human Rights Defenders Working Towards Addressing Violence Based on Sexual Orientation, Gender Identity and Expression (SOGIE) in Kenya: A Focus on Garissa, Kajiado and Kisii Counties*. Kenya National Commission on Human Rights, 2021, [www.knchr.org/Portals/0/KNCHR\\_The\\_Undefended\\_Defender\\_B5\\_Final.pdf](http://www.knchr.org/Portals/0/KNCHR_The_Undefended_Defender_B5_Final.pdf)



Using the Resolution 275 of the ACHPR as a starting point, this report looks into the situation of LGBTIQ human rights defenders in three counties of focus in Kenya. The report tracks the law and policy situation when it comes to LGBTIQ HRDs in the country, negative perceptions on LGBTIQ rights and work to support expansion of these rights in the country, the lived realities of LGBTIQ human rights defenders, as well as recommendations to the government.

52. Kisumu County Department of Health & Sanitation. County Government of Kisumu: Sexual and Reproductive Health Strategy (KCSRHS) 2019–2024. Kisumu, County Government of Kisumu, 2019, [https://d3n8a8pro7vhmx.cloudfront.net/handicapinternational/pages/3998/attachments/original/1567713828/Kisumu\\_SRH\\_Strategy\\_2019-2024.pdf?1567713828](https://d3n8a8pro7vhmx.cloudfront.net/handicapinternational/pages/3998/attachments/original/1567713828/Kisumu_SRH_Strategy_2019-2024.pdf?1567713828)

This Strategy outlines the principles, objectives and actionable activities that the Department of Health and Sanitation of the County Government of Kisumu commits to undertake in order to provide the highest attainable standards of health; particularly sexual and reproductive health. The strategy has been developed from the principles of the Constitution of Kenya 2010, the prevailing statutes governing various sexual and reproductive health matters in Kenya, the accepted International standards and practices and the state and capacity of the local health systems. It is noted with freshness that this strategy has addressed the sexual and reproductive health needs of all age cohorts – from the young to the old- which underlines the importance of addressing client's needs as he/she transitions from one cohort to the next. The strategy is also notable for its inclusion of the needs of the trans persons, gay men, and men who have sex with men, as well as key populations in general. This Strategy acts as a reference hand book for Kisumu County Government operations for use in the coordination of partnerships, collaborations and other joint work.

53. Kisumu County Department of Women, Youth, PWD and Social Services. *Kisumu County Gender Mainstreaming Policy*. Kisumu, County Government of Kisumu, 2021, [www.kisumu.go.ke/wp-content/uploads/2021/12/Kisumu-County-Gender-Mainstreaming-Policy.pdf](http://www.kisumu.go.ke/wp-content/uploads/2021/12/Kisumu-County-Gender-Mainstreaming-Policy.pdf)

This policy provides broad objectives and policy commitments, as well as a detailed institutional framework for the operationalisation of county government commitments to achieve gender equality and women's empowerment. The document addresses 4 broad policy objectives: women socio-economic empowerment and livelihoods; women, peace and conflict resolution; women in leadership and decision-making; and sexual and gender-based violence. The policy is notable as it integrates sexuality in its conception of gender.

54. Ministry of Health. *Mental Health and Wellbeing, Towards Happiness and National Prosperity: A Report by the Taskforce on Mental Health in Kenya*. Ministry of Health, 2020, [www.pdokenya.org/uploads/8/0/2/8/80287644/taskforce\\_on\\_mental\\_health\\_report\\_web\\_1.pdf](http://www.pdokenya.org/uploads/8/0/2/8/80287644/taskforce_on_mental_health_report_web_1.pdf)

The report analyzes the mental health and well-being of Kenyans, and gives account of LGBT persons as special populations where the burden of mental conditions is higher than that of the general public. The report recommends special attention to special groups with focus on policies improving their plight, in addition it denotes the effects of stigma and discrimination on the mental health of LGBT persons.

55. National AIDS Control Council. *Kenya AIDS Strategic Framework II: Sustain Gains, Bridge Gaps and Accelerate Progress*. National AIDS Control Council, 2020, [https://nacc.or.ke/wp-content/uploads/2021/01/KASFII\\_Web22.pdf](https://nacc.or.ke/wp-content/uploads/2021/01/KASFII_Web22.pdf)

This research is a roadmap of addressing HIV with the goal of achieving the right to health. It includes making commitments legally, financially and culturally to safeguard populations affected by HIV. With coinciding research from other stakeholders on Key Populations, providing healthcare and advocacy for HIV solutions.

56. Taskforce on Policy, Legal, Institutional and Administrative Reforms Regarding the Intersex Persons in Kenya. *Report of the Taskforce on Policy, Legal, Institutional and Administrative Reforms Regarding the Intersex Persons in Kenya*. Office of the Attorney General of the Republic of Kenya, 2018, [www.klrc.go.ke/images/TASK-FORCE-REPORT-on-INTERSEX-PERSONS-IN-KENYA.pdf](http://www.klrc.go.ke/images/TASK-FORCE-REPORT-on-INTERSEX-PERSONS-IN-KENYA.pdf)

The Taskforce on Policy, Legal, Institutional and Administrative Reforms Regarding Intersex Persons in Kenya was appointed by the Attorney General of Kenya on 26th May 2017. It was tasked with compiling comprehensive data regarding the number, distribution and challenges of Intersex persons; undertak-

ing a comprehensive literature review based on a comparative approach to care, treatment and protection of Intersex persons; examining the existing policy, institutional, legislative, medical and administrative structures and systems governing Intersex persons; recommending comprehensive reforms to safeguard the interests of Intersex persons; developing a prioritised implementation matrix clearly stating the immediate, medium and long term reforms governing the Intersex persons; and undertaking any other activities required for the effective discharge of its mandate. The report was delivered in December 2018.

## Independent Reports, Studies and Commentaries

57. Arcus Foundation, and IRANTI. *Data Collection and Reporting on Violence Perpetrated Against LGBTQI Persons in Botswana, Kenya, Malawi, South Africa and Uganda*. Arcus Foundation/ IRANTI, 2019, [www.arcusfoundation.org/wp-content/uploads/2020/04/Iranti-Violence-Against-LGBTQI-Persons-in-Botswana-Kenya-Malawi-South-Africa-Uganda.pdf](http://www.arcusfoundation.org/wp-content/uploads/2020/04/Iranti-Violence-Against-LGBTQI-Persons-in-Botswana-Kenya-Malawi-South-Africa-Uganda.pdf)

This report analyses violence perpetrated against LGBTQI persons in five countries: Botswana, Kenya, Malawi, South Africa, and Uganda, making use of both quantitative and qualitative data from these countries. Noting the disparities in the documentation of violence against LGBTQI persons, characterised by lack of systems aimed at collecting this important information in a coordinated way, the report makes recommendations to guide future data collection efforts. These include linking violence against LGBTQI persons to broader systemic violence; establishing and bolstering sustainable documentation and data collection projects; engaging the state's roles and capacities when it comes to data collection; holding the state accountable with research-based and data driven evidence; addressing existing gaps in data collection; and establishing systems that promote a coordinated and networked data collection approach.

58. East African Trans Health Network. *Nilinde Nisife: How Safety and Security Affects Access to Health & HIV Services Among ITGNC Persons in East Africa*. EATHAN, 2018, [www.galck.org/wp-content/uploads/2021/03/Nilinde-Nisife.pdf](http://www.galck.org/wp-content/uploads/2021/03/Nilinde-Nisife.pdf)

The authors of this article, using data from intersex, trans and gender non-conforming (ITGNC) communities, assess the impact of safety and security on accessing health and HIV services among ITGNC persons in East Africa. Stigma, violence and discrimination towards ITGNC persons has alienated and excluded them from health and HIV programming, further augmenting visibility for sexual minorities. The article underscores the need to target diversity of identities in offering interventions and safeguarding their human rights.

59. Flores, Andrew R. *Social Acceptance of LGBT People in 174 Countries: 1981 to 2017*. University of California, 2019. [escolarship.org](http://escolarship.org), <https://escholarship.org/uc/item/5qs218xd>

In this report, Kenya was reported as having a GAI of 3.40 between from 2000-2003 which rose slightly to 3.44 between 2014 to 2017. This GAI is considered to be low compared to other countries. The GAI “utilizes the most comprehensive collection of social attitudes data about LGBT people and rights” and “its underlying methods to examine the global position of LGBT people in societies.”

60. ---. *Social Acceptance of LGBTI People in 175 Countries and Locations 1981 to 2020*. UCLA School of Law, 2021, <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Global-Acceptance-Index-LGBTI-Nov-2021.pdf>

This report describes updates to the LGBTI (lesbian, gay, bisexual, transgender, and/or intersex) Global Acceptance Index (GAI), which seeks to measure the relative level of acceptance of LGBTI people and issues in each country for a specific time period. Kenya was recorded as having a Global Acceptance Index (GAI) of 3.62 in the period under review which ranked 107 out of the 175 countries surveyed. The GAI seeks to measure the relative level of acceptance of LGBTI people and issues in each country for a specific time period.

61. Gay and Lesbian Coalition of Kenya. *Rainbow Childhoods*. Gay and Lesbian Coalition of Kenya/ CPC Learning Network, Columbia University Mailman School of Public Health, 2021, [www.galck.org/wp-content/uploads/2021/02/Rainbow-Childhoods-.pdf](http://www.galck.org/wp-content/uploads/2021/02/Rainbow-Childhoods-.pdf)

This research encompasses a collection of stories and research narrating the lives of Kenyan LGBTIQ+ persons and their childhoods. The domination of western produced research and stories have shadowed local and individual experiences of LGBTQ persons with gender and sexuality. The contributors

seek to expand the understanding of childhood LGBTQ experiences, covering a nation-wide geographic scope to broaden the knowledge on the Kenyan LGBTQ experience. They seek to enrich the available material and discourse on gender and sexual minorities in Kenya simultaneously increasing capacity for civil service organizations and other stakeholders in the LGBTQ community.

62. Gay and Lesbian Coalition of Kenya. *Research on the Lived Experiences of LBQ Women in Kenya*. Gay and Lesbian Coalition of Kenya, 2016, [www.galck.org/wp-content/uploads/2021/03/Research-on-the-lived-experiences-of-LBQ-women-in-Kenya.pdf](http://www.galck.org/wp-content/uploads/2021/03/Research-on-the-lived-experiences-of-LBQ-women-in-Kenya.pdf)

This report by the Gay and Lesbian Coalition of Kenya seeks to amplify the lives and experiences of lesbian, bisexual and queer women, who are highly marginalized with an aim to achieve more social, economic and political freedom for them. In attempting to illuminate the unique experiences, a common theme of discrimination based on identity and resistance towards expression and self-actualization of LBQ women is explored underscoring the importance of acknowledging their daily experiences. The report recommends initiatives aimed at improving security, providing economic opportunities and establishing and improving social spaces in order to improve efficacy and inclusivity for lesbian, bisexual and queer (LBQ) women.

63. Gay and Lesbian Coalition of Kenya and Defenders Coalition. *Safety and Protection Guide for Lesbian, Gay, Bisexual and Queer Persons (LGBQ), Sexual Orientation Gender Identity and Expression (SOGIE) HRDs and Human Rights Organizations Working on SOGIE Issues in Kenya*. Gay and Lesbian Coalition of Kenya/ Defenders Coalition, 2020, [www.galck.org/wp-content/uploads/2021/03/Safety-Protection-Guide-in-Kenya.pdf](http://www.galck.org/wp-content/uploads/2021/03/Safety-Protection-Guide-in-Kenya.pdf)

This safety and protection guide an overview of the law pertaining to LGBTIQ persons in the country, important contact information for LGBTIQ persons and activists at risk, tips on risk management as well as information on maintaining digital security.

64. George, Rachel, et al. *Intersecting Exclusions: Displacement and Gender-Based Violence Among People With Diverse Sexualities and Gender Identities in Kenya*. ODI/ Edge Effect/ LVCT Health, 2021, [www.edgeeffect.org/wp-content/uploads/2021/06/GESI\\_Samuels\\_et\\_al\\_SGBV\\_prevention\\_Web\\_8bJqQFX.pdf](http://www.edgeeffect.org/wp-content/uploads/2021/06/GESI_Samuels_et_al_SGBV_prevention_Web_8bJqQFX.pdf)

Noting the dearth of research on violence and discrimination against LGBTIQ refugees and asylum seekers in the Kenya, this literature review seeks to explore the barriers to inclusive gender-based violence prevention approaches that take into account SOGIESC experiences, the existing approaches to explore these needs in Kenya as well as recommendations for policies and practices. In terms of the latter, the review recommends a range of law and policy recommendations as well as service and programming recommendations.

65. Howard, Brian. *'All in This Together': Africans Tolerant on Ethnic, Religious, National, but Not Sexual Differences*. Afrobarometer, 2020, [https://afrobarometer.org/sites/default/files/publications/Dispatches/ab\\_r7\\_dispatch-no362\\_pap17\\_tolerance\\_in\\_africa\\_2.pdf](https://afrobarometer.org/sites/default/files/publications/Dispatches/ab_r7_dispatch-no362_pap17_tolerance_in_africa_2.pdf)

Continent-wide study mapping tolerance on the grounds of ethnicity, religion, nationality and sexual orientation in Africa. Kenya was recorded as having less tolerance on grounds of sexual orientation in the cohort of 36 countries that formed part of the study, compared to higher levels of tolerance on other grounds.

66. KELIN and Kenya Key Populations Consortium. *"Everyone Said No": Biometrics, HIV and Human Rights, A Kenya Case Study*. Nairobi, KELIN, 2018, [www.kelinkenya.org/wp-content/uploads/2018/07/Everyone-said-no.pdf](http://www.kelinkenya.org/wp-content/uploads/2018/07/Everyone-said-no.pdf)

This report analyzes human rights issues raised by use of biometrics in HIV research, and documents the Kenya case. Kenyan key populations highlighted the risk of function creep in use of biometrics (with data collected for health purposes potentially being used by police to target key populations for arrest); the risk of data breaches that could expose stigmatized populations publicly to their families and communities; the resulting risk of discrimination, including in access to government services; about the relationship between the state and private sector in biometrics data-gathering; and the need for meaningful informed consent and participation by communities in decisions that affect their health and rights. This report provides an overview to the HIV epidemic in Kenya, an analysis of the legal and human rights issues in use of biometrics in HIV research, and documentation of the case study and advocacy in Kenya. As one key populations' advocate said, the advocates were and remained strongly unified in their opposition to use of biometrics, which they saw as both high-risk and intrusive: "Everyone just said no, and we kept saying no." They also successfully involved global health donors and UN agencies

to support their engagement. The report makes recommendations to global health donors, Kenyan authorities, and civil society groups facing similar debates in other countries.

67. Kenya Human Rights Commission, et al. *The Human Rights Situation, Case Law, and Research on Protections on Grounds of Sexual Orientation, Gender Identity, and Expression in the Republic of Kenya*. Kenya Human Rights Commission, 2017, [www.khrc.or.ke/publications/178-the-human-rights-situation-case-law-and-research-on-protections-on-grounds-of-sexual-orientation-gender-identity-and-expression-in-the-republic-of-kenya/file.html](http://www.khrc.or.ke/publications/178-the-human-rights-situation-case-law-and-research-on-protections-on-grounds-of-sexual-orientation-gender-identity-and-expression-in-the-republic-of-kenya/file.html)

The report, submitted to the Mandate of the United Nations Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, provides a summary of the human rights situation, case law, and research on protections on the grounds of sexual orientation, gender identity, and expression in Kenya. The report also provides recommendations to address the human rights situation of LGBTIQ people in Kenya.

68. Kenya Human Rights Commission and East Africa Trans Health and Advocacy Network. *The Human Rights Situation, Case Law, and Research on Protections on Grounds of Sexual Orientation, Gender Identity, and Expression in the Republic of Kenya*. Kenya Human Rights Commission, 2018, [www.khrc.or.ke/images/docs/KenyaSubmission.pdf](http://www.khrc.or.ke/images/docs/KenyaSubmission.pdf)

The report, submitted to the Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity discussed the human rights situation, case law, and research on the legal recognition of gender identity and efforts towards destigmatisation and depathologisation in Kenya. The report also gave recommendations to the government of Kenya.

69. Kuria Foundation for Social Enterprise. *Can LGBT+ Persons Use Powers of Attorney to Protect Their Relationships?* Kuria Foundation for Social Enterprise, 2020, [https://kuriafoundation.or.ke/publications/Power%20of%20Attorney\\_for\\_LGBT+\\_Persons.pdf](https://kuriafoundation.or.ke/publications/Power%20of%20Attorney_for_LGBT+_Persons.pdf)

This legal brief discusses the possibility of the use of power of attorney as a means of protecting same-sex relationships in Kenya, which are not provided for under the law.

70. Kuria Foundation for Social Enterprise. *Dignified and Healthy Ageing – A KFSE Approach*. Kuria Foundation for Social Enterprise, 2021, [www.kuriafoundation.or.ke/publications/AgeingInterventions-KFSEApproach.pdf](http://www.kuriafoundation.or.ke/publications/AgeingInterventions-KFSEApproach.pdf)

The report summarises human rights issues that may face the ageing Kenyan LGBTIQ population and proposes ways in which the government, civil society organisations, enterprises and intergovernmental agencies can address this problem.

71. Kuria Foundation for Social Enterprise. *Economic Inclusion and Empowerment of LGBTQ+ People in Kenya*. Kuria Foundation for Social Enterprise, 2020, [https://kuriafoundation.or.ke/publications/ECONOMIC\\_INCLUSION\\_LGBTQ.pdf](https://kuriafoundation.or.ke/publications/ECONOMIC_INCLUSION_LGBTQ.pdf)

This report aims to contribute to a small but growing body of literature on the legacy of repressive laws against sexual minorities and policy lacuna towards gender minorities, and their impact on economic outcomes of LGBTQ+ persons. The report also aims at highlighting intervention areas that different stakeholders can take to reduce poverty and improve the economic welfare of Kenyan LGBTQ+ citizens.

72. Moore, Hester KV, and Waruiru Beth. *Challenges Related to LGBTIQ+ Refugees and Shelter in Urban Contexts*. RefugePoint, 2020, [www.refugepoint.org/wp-content/uploads/bsk-pdf-manager/2020/02/ShelterChallenges\\_Moore.pdf](http://www.refugepoint.org/wp-content/uploads/bsk-pdf-manager/2020/02/ShelterChallenges_Moore.pdf)

Ensuring safety, protection, and solutions for queer refugees remains a global challenge. Providing interventions for these communities brings additional challenges in countries of asylum that themselves criminalize same-sex relations. Continual cycles of displacement; violence, exploitation, and abuse; economic and social vulnerabilities; and an overall lack of social capital experienced by LGBTQ+ refugees, fuels chronic insecurities and other challenges in urban environments. This piece was written with a view to improving the protection of queer refugees, particularly with respect to shelter, but with implications and lessons for other programs as well.

73. Müller, Alex, et al. *Are We Doing Alright? Realities of Violence, Mental Health and Access to Healthcare Related to Sexual Orientation and Gender Identity and Expression in Kenya*. Amsterdam, COC Netherlands, 2019, [www.coc.nl](http://www.coc.nl)

[ghjru.uct.ac.za/sites/default/files/image\\_tool/images/242/PDFs/Dynamic\\_feature/SOGIE%20and%20wellbeing\\_04\\_Kenya.pdf](http://ghjru.uct.ac.za/sites/default/files/image_tool/images/242/PDFs/Dynamic_feature/SOGIE%20and%20wellbeing_04_Kenya.pdf)

This report presents research findings on the mental health and well-being of lesbian, gay, bisexual, transgender and intersex (LGBTI) people in Kenya. It also presents findings on LGBTI people's experiences of violence, and experiences in accessing healthcare. It is part of a series of reports based on research in nine countries of Southern and East Africa: in Botswana, Ethiopia, Kenya, Lesotho, Malawi, South Africa, eSwatini, Zambia and Zimbabwe. The research was done collaboratively by a consortium of non-governmental organisations (NGOs), academic researchers from the University of Cape Town, and COC Netherlands who funded the project and provided logistical support. Across those nine countries, the research used a standardised questionnaire to survey 3,796 people, and asked about physical and sexual violence, depression, anxiety, suicidality and substance use, as well as experiences of discrimination when accessing healthcare. The findings of this report provide a sense of the precarious state of LGBTI people's mental health and wellbeing in Kenya, and the high levels of violence that LGBTI people experience: compared to what we know from the general population, LGBTI people have higher levels of mental health concerns, have experienced more violence, and have faced barriers to healthcare that are directly linked to their sexual orientation, gender identity or gender expression. Additionally, the findings show that in Kenya, as elsewhere in the world, discrimination, stigma and marginalisation related to sexual orientation, gender identity and gender expression place LGBTI people at higher risk for mental health concerns and violence.

74. National Gay and Lesbian Human Rights Commission. *Annual Legal Aid Report 2020/2021*. National Gay and Lesbian Human Rights Commission, 2022, [http://static1.squarespace.com/static/581a19852994ca08211faca4/t/620aff8a94673a4ebb7c3ee7/1644887955628/2020\\_2021+ANNUAL+LEGAL+AID+REPORT.pdf](http://static1.squarespace.com/static/581a19852994ca08211faca4/t/620aff8a94673a4ebb7c3ee7/1644887955628/2020_2021+ANNUAL+LEGAL+AID+REPORT.pdf)

The 2022 annual legal aid report of the National Gay and Lesbian Human Rights Commission provides a breakdown of all human rights violations reported to the organisation in the previous fiscal year. The report, among other findings, noted a significant increase in complaints to the organisation. This was linked to increased vulnerabilities experienced by LGBTIQ people on account of the COVID-19 pandemic.

75. National Gay and Lesbian Human Rights Commission. *July 2019/July 2020 Legal Aid Report*. National Gay and Lesbian Human Rights Commission, 2021, [http://static1.squarespace.com/static/581a19852994ca08211faca4/t/620aff3c0b17db5c830751be/1644887872195/2019+\\_2020+LEGAL+AID+REPORT.pdf](http://static1.squarespace.com/static/581a19852994ca08211faca4/t/620aff3c0b17db5c830751be/1644887872195/2019+_2020+LEGAL+AID+REPORT.pdf)

The 2019/2020 legal aid report of the National Gay and Lesbian Commission provides a breakdown of the complaints made to the organisation in that financial year. Though the report notes that cases of violence including sexual, physical, emotional and verbal violence accounted for most of the complaints made to the organisation that year, cases of blackmail and extortion were on the rise. The report also noted incidences of cyberbullying against LGBTIQ individuals.

76. National Gay and Lesbian Human Rights Commission. *Legal Aid Brief (2018–2020)*. Nairobi, National Gay and Lesbian Human Rights Commission, 2020, [http://static1.squarespace.com/static/581a19852994ca08211faca4/t/620aff0766e95f0d73bee753/1644887815958/2018\\_2019+LEGAL+AID+BRIEF.pdf](http://static1.squarespace.com/static/581a19852994ca08211faca4/t/620aff0766e95f0d73bee753/1644887815958/2018_2019+LEGAL+AID+BRIEF.pdf)

This report by the National Gay and Lesbian Human Rights Commission, covering a period of close to three years, notes that the organisation has received more than 2000 complaints regarding violations of human rights. Of these, 34% were through allies and referrals.

77. National Gay and Lesbian Human Rights Commission. *Legal Aid Report 2016*. Nairobi, National Gay and Lesbian Human Rights Commission, 2017, <http://static1.squarespace.com/static/581a19852994ca08211faca4/t/5b73f628cd8366c5496aed6d/1534326313804/Legal+Aid+Report+2017+.pdf>

Covering the organisation's legal aid program between 2014 and 2017, the report by the National Gay and Lesbian Human Rights Commission provides a trend analysis on the human rights violations faced by the LGBTIQ community. The report notes increases in complaints by lesbian, bisexual and queer women, as well as trans and intersex individuals. A rise in incidences of blackmail and extortion was also noted.

78. National Gay and Lesbian Human Rights Commission. *National Gay and Lesbian Human Rights Commission 2020 Annual Report*. Nairobi, National Gay and Lesbian Human Rights Commission, 2021, [http://static1.squarespace.com/static/581a19852994ca08211faca4/t/620aff0766e95f0d73bee753/1644887815958/2018\\_2019+LEGAL+AID+BRIEF.pdf](http://static1.squarespace.com/static/581a19852994ca08211faca4/t/620aff0766e95f0d73bee753/1644887815958/2018_2019+LEGAL+AID+BRIEF.pdf)



[space.com/static/581a19852994ca08211faca4/t/5fe0ceb0e8c6996fea142105/1608568692239/NGLHRC+Annual+Report+2019-2020](https://space.com/static/581a19852994ca08211faca4/t/5fe0ceb0e8c6996fea142105/1608568692239/NGLHRC+Annual+Report+2019-2020)

The 2020 Annual Report of the National Gay and Lesbian Human Rights Commission provides a summation of the organisation during the previous year. Noted in the report is the continued work of the Legal Aid Centre established 3 years prior. The report also notes an increase in MOUs between NGLHRC and LGBTIQ-serving organisations in the country.

79. Open for Business. *The Economic Case for LGBT+ Inclusion in Kenya*. Open for Business, 2019, <https://drive.google.com/file/d/1qBeumxNW55O99ib4ITJ0TorycHYScGw5/view>

This publication provides an analysis on the economic costs of LGBT+ exclusion in Kenya. Among other statistics, the publication notes that LGBT+ discrimination costs Kenya between 0.2% to 1.7% of its GDP in the form of poor health outcomes, reduced tourism and lower productivity.

80. Organization for Refugee, Asylum & Migration (ORAM) and Rainbow Railroad. *The Challenges Facing LGBTIQ+ Refugees in Kakuma Refugee Camp, Kenya*. ORAM/ Rainbow Railroad, 2021, [www.rainbowrailroad.org/wp-content/uploads/2021/10/Rainbow-Railroad-and-ORAM-Report-on-Kakuma-2021.pdf](http://www.rainbowrailroad.org/wp-content/uploads/2021/10/Rainbow-Railroad-and-ORAM-Report-on-Kakuma-2021.pdf)

This report covers key informant surveys conducted on 58 residents of Kakuma Refugee Camp who identified themselves as lesbian, gay, bisexual and transgender. The aim of the study was to assess the lived experiences of LGBTI persons in Kakuma, the challenges faced by LGBTI refugees and asylum seekers living in the camp and recommendations to a wide range of stakeholders including the government of Kenya and the UNHCR.

81. Poushter, Jacob, and Nicholas Kent. 'The Global Divide on Homosexuality Persists'. *Pew Research Center's Global Attitudes Project*, 27 Oct. 2020, [www.pewresearch.org/global/2020/06/25/global-divide-on-homosexuality-persists](http://www.pewresearch.org/global/2020/06/25/global-divide-on-homosexuality-persists)

This report by the Pew Research Center notes that the percentage of Kenyans surveyed on whether homosexuality should be accepted rose to 14% compared to 1% in 2002.

82. RefugePoint. *Disaggregating LGBTIQ Protection Concerns: Experiences of Refugee Communities in Nairobi*. RefugePoint, 2018, [www.refugepoint.org/wp-content/uploads/bsk-pdf-manager/FINAL\\_LGBTIQ\\_07122018\\_web\\_33.pdf](http://www.refugepoint.org/wp-content/uploads/bsk-pdf-manager/FINAL_LGBTIQ_07122018_web_33.pdf)

This paper examines humanitarian agencies' experiences working with the LGBTIQ refugee community in Nairobi" and argues for "the disaggregation of protection approaches according to respective queer refugee communities." Noting "the distinct protection concerns of Lesbian, Bisexual, and Queer (LBQ), Men who have Sex with Men (MSM), trans\*, intersex, and Unaccompanied Minor (UAM) communities," the paper "concludes that agencies can more effectively empower queer refugee communities by moving away from applying group methodologies to LGBTIQ persons."

83. University of Minnesota Law School Human Rights Litigation and International Advocacy Clinic & Human Rights Center. *Rights of LGBTIQ+ Citizens and Non-Citizens in Kenya*. University of Minnesota Law School Human Rights Litigation and International Advocacy Clinic and Human Rights Center, 2020, [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/KEN/INT\\_CCPR\\_ICO\\_KEN\\_41037\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/KEN/INT_CCPR_ICO_KEN_41037_E.pdf)

This "Submission for the List of Issues: Kenya" provides an analysis of the law (including case law), human rights situation and legal analysis of the lived realities of LGBTIQ persons in Kenya. The report was submitted to the 128th Session of the United Nations Human Rights Committee, which was at that time considering Kenya's fourth periodic report in compliance with the International Covenant on Civil and Political Rights. The report made specific recommendations to the Human Rights Committee to raise with the Kenyan government during the consideration of its reports, recommendations that would enhance LGBTIQ rights protections in Kenya.

84. United Nations Development Programme. *Leave No One Behind Peace and Conflict Analysis: Through the Eyes of Those at Risk of Being Left Behind*, March 2022, [https://kenya.un.org/sites/default/files/2022-04/Leave%20no%20one%20behind%20report%20\\_Kenya%20March%202022\\_1.pdf](https://kenya.un.org/sites/default/files/2022-04/Leave%20no%20one%20behind%20report%20_Kenya%20March%202022_1.pdf)



## Dissertations and Unpublished Scholarly Works

85. Baraza, Nancy M. *The Impact of Heteronormativity on the Human Rights of Sexual Minorities: Towards Protection Through the Constitution of Kenya 2010*. Diss. University of Nairobi, 2016, <http://erepository.uonbi.ac.ke/handle/11295/97795>

Taking a broad overview of the legal development of anti-LGBTIQ discrimination law in Kenya and the United Kingdom, noting the pathways from criminalisation to legal protections from violence, discrimination and harm in the case of the latter, this Law Doctorate (LLD) dissertation by a former Justice of the Supreme Court of Kenya attempts to link heteronormative concepts and ideals with the current LGBTIQ situation in Kenya that is marked with oppressive laws, violence and discrimination. The role of the Kenyan judiciary in addressing contested issues to do with anti-LGBTIQ discrimination is also discussed. The dissertation recommends both legal approaches (such as the repeal of sodomy and gross indecency laws; the reform of discriminatory laws such as those banning gay adoptions; the adoption of a comprehensive equality legislation; and a larger review or screening of laws to detect discriminatory intent or impact) and non-legal approaches (such as bolstering judicial independence and competency to adjudicate LGBTIQ cases; empowering parliament through training and other dialogues on LGBTIQ rights issues; bolstering LGBTIQ public interest and strategic litigation; and establishing accountability mechanisms aimed at addressing longstanding and historical injustices against LGBTIQ persons) as ways of promoting the human rights of sexual minorities.

86. Brimmer, Jesse. *"Un-African" African Sexualities: Post-Colonial Nation Building and the Conditioning of Citizenship in Sub-Saharan Africa With Analysis of Uganda and Kenya*. Central European University, 2019, [www.etd.ceu.edu/2020/brimmer\\_jesse.pdf](http://www.etd.ceu.edu/2020/brimmer_jesse.pdf)

Abstract: This thesis explores the phenomenon of the labeling of same-sex sexual behavior as "un-African". It begins by exposing the myth that same-sex sexual behaviors were non-existent in pre-colonial sub-Africa. Following this, it moves into the colonial-era regulation of sexuality in sub-Saharan Africa and reveals the racialized basis for the first iterations of the "un-Africanness" of same-sex sexual behavior. This first iteration was based on the idea that same-sex sexual behavior was a result of the descendance of more "advanced" cultures. Black Africans did not exhibit this behavior because they were perceived to be more "primitive" and "closer to nature". This background informs the rest of the thesis which examines the modern "un-African" framing as a post-colonial nation building project which defines the idealized sub-Saharan African citizen as sexually productive and homophobic. The deviance of those who practice or are perceived to practice "un-African" same-sex sexual behavior from this idealized citizen allows homophobic leaders in sub-Saharan Africa to depict them as allied with Western forces. This justifies the exemption of these individuals from having human rights as their citizenship and sometimes personhood is removed. This is accomplished in less formally as states in sub-Saharan Africa deny the protection of these individuals which leads to a culture of impunity and more formally as states enact laws and courts uphold and laws persecuting those who practice or are perceived to practice same-sex sexual behavior. The degree to which the human rights of these individuals are limited is specifically examined in Uganda and Kenya. This is followed by a critique of current Western advocacy strategies attempting to address these issues which often try to directly copy strategies that have worked in Western countries without accounting for differences in political circumstances. This often results in strategies that are easily portrayed by nationalist, populist, homophobic leaders in sub-Saharan Africa as Western imperialism. The final section demonstrates the global nature of the struggle for sexual rights which is in constant interaction with national politics. The purpose of this thesis is to expose the complexity of the struggle for sexual rights in sub-Saharan Africa to better inform advocacy strategies.

87. Casteleyn, Liselot. *Challenging Queer African Narratives: A Case Study of LGBTIQ Activism in Nairobi as a Local Nuance to (Trans)National Queer Narratives*. Ghent University, 2019, [https://libstore.ugent.be/fulltxt/RUG01/002/791/446/RUG01-002791446\\_2019\\_0001\\_AC.pdf](https://libstore.ugent.be/fulltxt/RUG01/002/791/446/RUG01-002791446_2019_0001_AC.pdf)

This thesis explores (trans)national narratives of queer Africa, inconsistency with representations of African culture as anti-queer. The author uses Nairobi as a case study to bring forward local queer narratives countering erasure in different sectors and dominant western ideals. The research finds evidence of queerness in pre-colonial Kenya, which was suppressed by British colonial rule, grounding the need to re-imagine narratives away from Western understanding of gender and sexuality, as well as enable queering of African narratives and give power back to local LGBTQ communities.

88. Catherine W., Kariuki. *A Case Study of Women Who Have Sex With Women (WSWs) in Nairobi County, Kenya*. University of Nairobi, 2017, <http://erepository.uonbi.ac.ke/handle/11295/103368>

The research explores accessibility of healthcare services among women who have sex with women as a right, while existing in a society that criminalizes them. Discrimination, stigmatization and institutionalized homophobia being the main themes that are obstacles to seeking out health services as a result of their sexual orientation. The author finds the alternative for WSWs to be social support organizations championing LGBTQ rights.

89. Emma Wangari, Ng'ang'a. *Socio-Economic and Legal Environment of the Gay Community in Kenya: The Case of Gay and Lesbian Coalition of Kenya, Nairobi City County*. Kenyatta University, 2019, <https://ir-library.ku.ac.ke/handle/123456789/20524>

The purpose of this study was to identify the socio – economic and legal challenges facing the LGBTs in Kenya. The research took place at the Gay and Lesbian Coalition of Kenya (GALCK) in Nairobi County which was used as a sampling frame. The objectives of the study included: to identify the social, economic, legal environment of the LGBT community; to document past studies on the causes of LGBT identity and to identify effective strategies that can be used to address the social, economic and legal challenges facing the Lesbian Gay and Bisexual and Transgender (LGBT) community in Nairobi County. Queer theory was adopted as it was instrumental in the deconstruction of the socially constructed ideology of heterosexuality as being the only form of sexual orientation and in addition in the deconstruction of labels directed at the LGBTs which facilitate in their discrimination. The study identified the following social challenges facing LGBTs: discrimination, unjust or prejudicial treatment, stereotyping, stigmatization, physical, emotional, sexual and verbal abuse. The economic challenges facing the LGBT community were found to be lack of opportunities, losing jobs, being treated unfairly by employers, their sexual orientation acting as a customer push factor in business, that is, a negative aspect that motivates customers to avoid that business. Vices resulting from lack of employment or finances included: prostitution, drug trafficking and theft. The study found that the lack of recognition and protection in law of LGBTs leave them vulnerable to the violation of their rights, dignity and respect. In addition, law enforcement officials also play a role of abuse and discrimination. This is despite their rightful duty to serve and protect all citizens. The study also found that majority of LGBTs are afraid to report any incidences of violation of their rights to the police due to fear of being arrested and retribution when filing their complaints. Causes of LGBT identity were peer influence, sexual abuse and socialization. Strategies identified to address the LGBT challenges included: awareness creation and sensitization, legal and policy frameworks, providing the or enabling them to undertake income generating activities, health programs and alternatives and guidance and counselling. The study concluded that LGBT issues have failed to be prioritized despite the matter being about development and human rights issue where they have been side-lined for a long period of time by both law and society. There is a failure by the state to protect LGBTs and the failure of the application of human rights for all as per the Constitution where there is selective application. The study recommends an open discussion on the gay community as a development issue and the recognition of their human rights despite their sexual orientation. It also recommends not only a revise of the legal framework but effective implementation of it for redress of violation of LGBT rights and enhance gender equality.

90. Gitari, Antony M. *The Role of Civil Society Organizations in Framing LGBT Community Rights in Kenya*. Diss. University of Nairobi, 2020, [http://41.204.161.209/bitstream/handle/11295/153005/Antony\\_Mugambi\\_Final\\_Project.pdf?sequence=1&isAllowed=y](http://41.204.161.209/bitstream/handle/11295/153005/Antony_Mugambi_Final_Project.pdf?sequence=1&isAllowed=y)

This master's degree dissertation seeks to identify the role of individuals and organizations in advancing the rights of the LGBT community in Kenya. The author uses accounts of civil service organizations, social workers as well as members of the LGBT community, to assess the status of LGBT community rights in light of existing institutional, religious and societal prejudice as well as countering traditional value systems. Despite cultural prejudices and socio-cultural realities that may challenge initiatives for protecting the LGBT community, the research points out some of the initiatives that have grounded the role of civil service organizations in framing LGBT community rights. These include strategic litigation, advocacy with a focus on legal frameworks and promoting professionalism and neutrality with regard to sexual rights.

91. Kemin, Marijke. *To Be Out and In: Influencing Factors in the Recognition of SOGI-Based Asylum Claims in South Africa and Kenya*. Columbia University, 2017, <https://doi.org/10.7916/D8474H5N>

Abstract: This thesis examines the relationship and influence of domestic law and culture on the recognition, respect, and adherence of international refugee law as it pertains to sexual orientation and gender based asylum claims in Sub-Saharan Africa. Using South Africa and Kenya as comparative case studies, the paper explores different factors that have contributed to a discovered lack of influence of policy and culture in the practice of refugee status determination, as domestic interests, bureaucratic structure and decision making, and international affairs and involvement. The purpose of the study is to better understand the fulfilment of sexual orientation and gender based claims within the context of differing legal contexts but similar cultural ones given the unacceptance of sexual and gender non-conforming individuals throughout African culture. By examining these contexts, the goal of the study was to ascertain what factors contribute to these differences so as best practices and strategies can be used and advocated for moving forward.

92. Leboeuf, Charles-Antoine. *Love Is Human: Queer Activists in Kenya, Lebanon and Singapore Fighting for Freedom of Expression and Decriminalization of Same-Sex Relationships*. Utrecht University, 2020, <https://repository.gchumanrights.org/bitstream/handle/20.500.11825/2391/Leboeuf%20Charles-Antoine.pdf?sequence=1&isAllowed=y>

The research assesses realities of local LGBTQ+ activists in Kenya, Lebanon and Singapore, using socio-cultural, political and historical backgrounds to compare how they legitimize their existence despite criminalization. The author finds that the struggle for freedom on grounds of sexual orientation, gender identity and expression has informed efforts to decriminalize homosexuality in these countries. Activists are therefore guided by international human rights norms to interpret local mechanisms to further LGBTQ+ interests.

93. Lindroth, Elin Lundgren Och Malin. *Gay Rights of 'Importance' in Kenya: A Frame Analysis on the Kenyan Debate of Homosexuality*. Uppsala University, 2021, [www.diva-portal.org/smash/get/diva2:1563859/FULLTEXT01.pdf](http://www.diva-portal.org/smash/get/diva2:1563859/FULLTEXT01.pdf)

This research reviews debates around homosexuality in Kenya, reviewing the progress on LGBTQ rights and efforts in decriminalizing homosexuality. The author in demonstrating the role of homosexuality in Kenya, evaluates central actors who are in positions of power and how they model anti-gay rhetoric that fuels discrimination as well as the LGBTQ+ community who are at the core of fighting for recognition of their rights and challenging homophobic narratives.

94. Mamhare, Tapiwa. *The Place of Legal Recognition at Birth in Enhancing the Realisation of the Rights of Intersex Persons : A Comparative Analysis of Kenya and Malta*. Global Campus, 2017, <https://repository.gchumanrights.org/handle/20.500.11825/256>

The research seeks to determine the dire consequences that arise from denying intersex persons registration at birth in Kenya. With laws regulating birth registry assuming either fixed *male* or *female* identities, legal recognition of intersex persons in line with international human rights standards is important in safeguarding their fundamental rights and freedoms. The author compares procedures and possible lessons from Malta who have successfully enacted protections for intersex persons.

95. Massawe, Martha Beatus. *An Assessment of the Human Rights Attitudes Toward Sexual Diversity in Kenya: A Case Study of Universities in Nairobi*. United States International University - Africa, 2017, <http://41.204.183.105/handle/11732/3602>

This research is an analysis of public opinion on human rights attitudes towards homosexuality in Kenya, with a focus on university students and human rights groups. The author opines that there is hope in the consideration that while negative religious and moral attitudes uphold homophobia, positive legal attitudes towards viewing homosexuality as a human rights issue are a positive development.

96. Mburu, G. Karanja. *Homophobia and Its Effects on Dynamics of Sexual Relationships Among Men Who Have Sex With Other Men: A Case Study of Nairobi County*. University of Nairobi, 2016, <http://erepository.uonbi.ac.ke/handle/11295/100118>

The study is a key focus on internalized homophobia and its effects on sexual relationships and behaviors, extrapolating on the dynamics of romantic sexual relationships among men who have sex with other men in Nairobi. The research finds that risky sexual behaviour is linked to the duration and frequency

of these relationships. It remedies that diversifying focus on men who have sex with men from HIV to social and other aspects by realization of policies improving of this group is key to exemplify their existence in the Kenyan society.

97. Ogwindo, Sharon. *In Who's Best Interest? A Critique of the Ban on Homosexuals from Adopting Children Under Kenyan Law*. Diss. University of Nairobi, 2019, <http://erepository.uonbi.ac.ke/bitstream/handle/11295/108808/Ogwindo%20In%20Who's%20Best%20Interest-a%20Critique%20of%20the%20Ban%20on%20Homosexuals%20From%20Adopting%20Children%20Under%20Kenyan%20Law.pdf?sequence=1>

This master's degree dissertation seeks to examine the basis for the ban on homosexuals from adopting children under Kenyan law; to investigate the constitutionality of this ban; to provide a comparative analysis with South Africa on the question of gay adoptions and make recommendations on affirming the rights of homosexuals to adoption why advancing the best interest of the child. The publication notes that public morality, religious beliefs and political rhetoric have contributed to the ban on homosexuals from adoption. Recommendations are made to political leaders; religious leaders; legislators; the judiciary; the media; and civil society organisations working on human rights.

98. Rhodes III, Perry. *African NGO Strategies on LGBT Rights: Frames that Impact Legislation*. Diss. San Francisco State University, 2020, <https://scholarworks.calstate.edu/downloads/47429g34k>

In analyzing differences in outcomes between Kenya's and Botswana's cases for the overturning of anti-LGBT legislation, the author evaluates the strategies and tactics utilized by Non Governmental Organizations (NGOs) and their utility in determining the outcomes of the judgements. The author underscores that a key element in promoting or eroding LGBT rights was in the methods applied by NGOs in these countries to train their high court judges. The research distinguishes that a state-centric framing of goals in these cases pointed towards favourable judicial outcomes as opposed to a human rights framing which spoke directly to the plight of the affected LGBT community. The upholding of Kenya's case pointed towards the nation-state framing of the constitution even in human rights considerations.

99. Ridley, Martin Edwin. *Accounting for the Increasing Securitisation of LGBTI Groups in Sub-Saharan African States*. Diss. London Metropolitan University, 2017, [http://repository.londonmet.ac.uk/1463/1/RidleyMartin\\_Final\\_version\\_PhD.pdf](http://repository.londonmet.ac.uk/1463/1/RidleyMartin_Final_version_PhD.pdf)

This PhD thesis tracks the phenomenon of the securitization of LGBTI rights in Sub-Saharan Africa, characterised by states deeming expanding human rights protections for LGBTI persons as an "existential threat" to traditional and religious framings of moral identities. Referencing Kenya as an example of an Sub-Saharan state that has politicised and criminalised LGBTI identity, the role of foreign religious conservative movements and their attendant funding of anti-LGBTI causes is examined. The thesis also references Kenya as being at risk of the securitisation of LGBTI rights.

100. Vestlie, Ann Wanjiku. *A Qualitative Study of Lived Experiences of Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Community in Nairobi With Regards to Finding and Maintaining Jobs*. Norwegian University of Life Sciences, 2021, <https://nmbu.brage.unit.no/nmbu-xmlui/bitstream/handle/11250/2981854/Master%20Thesis%20Ann%20Wanjiku%20Vestlie%202021.pdf?sequence=1>

This master's thesis "sought to contribute to the growing field of knowledge on gender and sexual minorities in Kenya" by exploring "the lived experiences of LGBTQI people in Nairobi with regards to finding and maintaining jobs." Through semi-structured interviews and focus groups administered virtually and targeting 32 LGBTQI individuals, the study echoes previous academic work in different contexts pointing to the need to better map "sexuality assemblages."

101. Wairimu, Stephanie. *Decriminalisation of Consensual Same Sex Conduct: A Missed Opportunity in Kenya, Progress in Botswana*. Central European University, 2020, [www.etd.ceu.edu/2020/wairimu\\_stephanie.pdf](http://www.etd.ceu.edu/2020/wairimu_stephanie.pdf)

This master's theses examines the different outcomes between two strategic litigation campaigns to decriminalise homosexuality in Kenya and Botswana. The author provides a summary of the facts of both cases, the arguments presented by the applicants and respondents, and the findings and decisions by the court. The author also examines how different constitutional systems and histories, among other factors, may have contributed to the different outcomes.

102. Wekesa, Seth. *A Constitutional Approach to the Decriminalisation of Homosexuality in Africa : A Comparison of Kenya South Africa and Uganda*. Diss. University of Pretoria, 2016, <https://repository.up.ac.za/handle/2263/56992>

This Law Doctorate (LLD) thesis “critically examines how the rights to equality human dignity and privacy guaranteed in the Kenyan and Ugandan Constitutions can be used to construct a constitutional argument for the decriminalisation of same-sex sexual conduct in both countries.” The South African example of decriminalisation followed by the enactment of constitutional protections on grounds of sexual orientation is also discussed. The report also makes specific recommendations targeted at the Kenyan and Ugandan parliaments, the political classes of both countries, governments, civil society organisations, the gay and lesbian community and continental and international treaty bodies and mechanisms.

103. Wilson, Bianca D. M., et al. *Sexual and Gender Minorities in Western Kenya*. UCLA, 2019, <https://escholarship.org/uc/item/8vm1t7f7>

The author places focus on sexual and gender minorities assigned female sex at birth, examining the wide range of sexual health needs for this demographic. The research acknowledges that focus has been majorly on those assigned male at birth, with deeper attention on HIV/AIDS. Using a community based approach, understanding the experience of sexual and gender minorities of those assigned female sex at birth. Grassroots-based research and organizing finds that the spaces for lesbian, bisexual and queer women are inclusive spaces with initiatives meant to inform political and social debates best serving the needs of LGBTIQ persons assigned female at birth.

## Organizational Plans, Manuals, Statements and Related Documents

104. Gay and Lesbian Coalition of Kenya, et al. *G10 Research Engagement: A 3 Year Roadmap for Action for Sexual Orientation Gender Identity and Expression (SOGIE) Engagement in Research (2016/17 -2018/2019)*. ICOP, 2016, [www.icop.or.ke/wp-content/uploads/2016/09/G10-Research-Engagement-Road-Map-201617---201819.pdf](http://www.icop.or.ke/wp-content/uploads/2016/09/G10-Research-Engagement-Road-Map-201617---201819.pdf)

The research explores how sexual orientation and gender identity and expression (SOGIE) for the LGBTIQ + community can be emboldened for better community participation and ownership, by building on community led research initiatives extrapolating from past and current research. The research envisions richer and sustainable collaboration and partnerships in the LGBTIQ + community on grounds of SOGIE.

105. Kuria Foundation for Social Enterprise. *Kuria Foundation for Social Enterprise (KFSE) Strategic Plan 2021 – 2024*. Kuria Foundation for Social Enterprise, 2021, [www.kuriafoundation.or.ke/publications/KFSE\\_strategic\\_plan.pdf](http://www.kuriafoundation.or.ke/publications/KFSE_strategic_plan.pdf)

Strategic plan for the KFSE provides a summary of interventions that the organisation proposes to make to address challenges it has observed regarding the social and economic inclusion of LGBTIQ persons.

106. Kuria Foundation for Social Enterprise. *Increasing Access Existing Affirmative Funds: KFSE Support to LGBTQ+ Entrepreneurs Access Existing Affirmative Funds*. Kuria Foundation for Social Enterprise, 2021, <https://kuriafoundation.or.ke/publications/KFSEsupporttoaccessBusinessLoans.pdf>

Brief summary of enterprise funding opportunities that LGBTIQ Kenyans can apply for. It includes both government and private sector schemes.

107. Kuria Foundation for Social Enterprise. *KFSE Impact Investment Prospectus*. Kuria Foundation for Social Enterprise, 2021, [www.kuriafoundation.or.ke/KFSE\\_Impact\\_Investing\\_Prospectus.pdf](http://www.kuriafoundation.or.ke/KFSE_Impact_Investing_Prospectus.pdf)

This prospectus scopes opportunities for promoting LGBTIQ inclusion through impact investing in the country.

108. United Nations High Commissioner for Human Rights (UNHCR). *Kenya Comprehensive Refugee Program*. United Nations High Commissioner for Refugees, 2016, [www.unhcr.org/ke/wp-content/uploads/sites/2/2016/05/Kenya-Comprehensive-Refugee-Programme-document-KCRP-20161.pdf](http://www.unhcr.org/ke/wp-content/uploads/sites/2/2016/05/Kenya-Comprehensive-Refugee-Programme-document-KCRP-20161.pdf)

The 2016 Kenya Comprehensive Program by the UNHCR included statistics on the number of LGBTI-identified refugees and asylum seekers surveyed by the organisation, information regarding lived



realities of this group in Kenya as well as some interventions planned and/or proposed for further integrating LGBTI needs in the organisation's work.

109. National Gay and Lesbian Human Rights Commission. *Pocket Paralegal Resource Manual: A Guide for Easy Reference to the Kenyan Law Regarding the Rights of LGBTIQ and Gender Nonconforming Persons*. Nairobi, National Gay and Lesbian Human Rights Commission, 2017, <http://static1.squarespace.com/static/581a19852994ca08211faca4/t/58d2d5162994ca29b799f7d4/1490212121039/PP+Resource+Manual+2.pdf>

Described as a “guide for easy reference to the Kenyan law regarding the rights of LGBTIQ and gender nonconforming persons,” the Pocket Paralegal Resource Manual provides information that may be used to offer free legal advice to LGBTIQ persons facing a violation of human rights.

110. National Gay and Lesbian Human Rights Commissioner. ‘CS Magoha Should Stop Targeting LGBTIQ+ Learners’. *National Gay and Lesbian Human Rights Commissioner*, 15 Feb. 2022, <http://static1.squarespace.com/static/581a19852994ca08211faca4/t/620b9e78f3de1b7c15e62f16/1644928635486/NGLHRC+Press+Release+Web+Version+.pdf>

The press release by the National Gay and Lesbian Human Rights Commission is in response to utterances by Kenya's education Cabinet Secretary targeting LGBTIQ+ students. The use of homophobic and stigmatizing language furthers anti-LGBTIQ narrative further ostracizing this population in Kenyan schools. The release calls for the Cabinet Secretary to absolve himself, educate himself on the context and situation for LGBTIQ + children and lead the conversation to inform policy regarding non-discrimination in schools.

111. National Gay and Lesbian Human Rights Commission. ‘Advocacy and Engagement’. *National Gay and Lesbian Human Rights Commission*, [www.nglhrc.com/advocacy-and-engagement](http://www.nglhrc.com/advocacy-and-engagement). Accessed 22 Mar. 2022

This webpage of the official website of the National Gay and Lesbian Human Rights Commission provides a summary of the organisation's advocacy activities as well as priority areas that these activities intervene on. Information on how to become a NGLHRC advocate is also provided.

112. National Gay and Lesbian Human Rights Commission. ‘Guide to Your Rights: Know Your Rights as an LGBTIQ Person in Kenya’. *National Gay and Lesbian Human Rights Commission*, [www.nglhrc.com/guide-to-your-rights](http://www.nglhrc.com/guide-to-your-rights). Accessed 22 Mar. 2022

The guide is a summary of rights guaranteed under Articles 49 and 50 of the Constitution of Kenya. These articles of the constitution are also annotated and emphasised in bold to provide additional clarity. A link to the entire constitution online is also provided.

113. National Gay and Lesbian Human Rights Commission. ‘Kenyan Rights Groups Look to Indian Supreme Court Ruling With Hope’. *National Gay and Lesbian Human Rights Commission*, 5 Sept. 2018, <http://static1.squarespace.com/static/581a19852994ca08211faca4/t/5ba4b69de5e5f0a3f6bc74d5/1537521312236/Indian+Supreme+Court+Ruling+-+NGLHRC+Press+Statement.pdf>

This press release by the National Gay and Lesbian Human Rights Commission, congratulated the LGBTIQ movement in India for securing the decriminalisation of consensual, adult and private same-sex conduct. The Executive Director of NGLHRC, quoted in the release, noted the parallels between the Indian case and Kenya's petition to the High Court challenging similar laws in the country.

114. NYARWEK Network. *I Have Called You by Name, You Are Mine: A Training Manual on Religious Inclusion for Christians at the Periphery*. PDF ed., Kisumu, NYARWEK Network, 2017

This training manual is targeted at Christian religious leaders, with the aim of creating awareness among and sensitising this group on LGBTI population needs. The publication has modules on the role of religion in contemporary society; understanding leadership in religious calling; stigma and discrimination; human sexuality; religious texts and human rights; and discipleship. The training manual is based on awareness raising and sensitisation exercises targeting religious leaders by NYARWEK and is developed with joint inputs by religious clerics as well as LGBTI CSO representatives.

115. ‘Statements’. *Gay and Lesbian Coalition of Kenya*, GALCK, [www.galck.org/statements](http://www.galck.org/statements). Accessed 22 Mar. 2022

The Gay and Lesbian Coalition of Kenya, in their advocacy work plays the role of safeguarding and monitoring the human rights of the LGBTQ community in Kenya. Their website provides a platform that



provides information on safety and vigilance on LGBTQ experiences, fact checking as well as diligence on safe spaces. The website is an informative and interactive platform for LGBTQ persons that furthers inclusivity and offers a sense of belonging to this community.

116. 'Support for Kenyan LGBTIQ+ Students'. *Hivos*, 2021, <https://hivos.org/story/support-for-kenyan-lgbtqi-students/>

As part of efforts to highlight the impact of its Voice program, Hivos spoke to a beneficiary of the grants scheme and its work to provide safe online spaces for LGBTIQ students in Western Kenya. Noting that 5% to 10% of the 40,000 students in the region are LGBTIQ, the article notes adaptations and growth the program made in light of social restrictions brought by governments in response to the Covid-19 pandemic.

## Webpages and Online Articles

117. Gay and Lesbian Coalition of Kenya. 'Know Your Rights'. *Gay and Lesbian Coalition of Kenya*, 2 Dec. 2016, [www.galck.org/know-your-rights](http://www.galck.org/know-your-rights)

With a focus on human rights, the article gives an in-depth understanding to thematic areas for promoting LGBTIQ + rights. The article uses addressing injustices as the pivotal point of understanding human rights directly applying to LGBTIQ + persons. By availing information on legality, legitimacy and security, the organization seeks to safeguard and uphold the rights of the LGBTIQ + community.

118. Gay and Lesbian Coalition of Kenya. *LGBTQ SRHR Frequently Asked Questions*. Nairobi, Gay and Lesbian Coalition of Kenya, 2019, [www.galck.org/wp-content/uploads/2021/03/LGBTQ-SRHR-Frequently-Asked-Questions.pdf](http://www.galck.org/wp-content/uploads/2021/03/LGBTQ-SRHR-Frequently-Asked-Questions.pdf)

The article encompasses common asking points for LGBTQ persons navigating every day, with a focus on sexual and reproductive health for lesbian, bisexual and queer women. The findings indicate efforts by LGBTQ organizations to safeguard and protect their human rights, including partnering with LGBTIQ organizations to widen the scope of address issues affecting their community.

119. Ghoshal, Neela. 'Beginning of End for Forced Anal Exams'. *Human Rights Watch*, Human Rights Watch, 26 Sept. 2017, [www.hrw.org/news/2017/09/26/beginning-end-forced-anal-exams](http://www.hrw.org/news/2017/09/26/beginning-end-forced-anal-exams)

This article discusses the decision by the Kenya Medical Association to "condemn and discourage any form of forced examination of clients, even in the guise of discovering crimes, and to advise practitioners to always conduct consenting procedures for all clients they examine." The resolution was widely commended as a public stance by the association against forced anal examinations.

120. ---. 'Lesbian Film "Rafiki" May Change Kenya Forever'. *Human Rights Watch*, 15 Oct. 2018, [www.hrw.org/news/2018/10/15/lesbian-film-rafiki-may-change-kenya-forever](http://www.hrw.org/news/2018/10/15/lesbian-film-rafiki-may-change-kenya-forever)

The article makes a case for acceptance of the LGBTQ community in Kenya by watching the lesbian film, *Rafiki*. Despite the ban by the Kenya Film Classification Board on the lesbian themed film on claims that it would "promote lesbianism". Citing the film's happy ending, and depictions of violence towards LGBTQ persons, the article underscores that the film invokes empathy on the plight of LGBTQ Kenyans. The film is a depiction of how the LGBTQ community co-exists in the Kenyan society, scoring wounds on anti-LGBT proponents exploiting homophobia for political relevance.

121. Gupta, Tanishtha Bhatia Sen. 'LBQ Women and the Need for Specified Activism in Kenya'. *School of Advanced Study University of London*, 14 June 2018, <https://humanrights.blogs.sas.ac.uk/2018/06/14/lbq-women-activism-kenya/>

Based on an interview with a member of Kenya's lesbian, queer and bisexual (LBQ) movement, the author provides an overview of the human rights situation facing LBQ women in the country, a discussion of movement dynamics that in some instances marginalise LBQ women's needs within the larger LGBTIQ rights movement, with a specific focus on the intersecting struggles LBQ face on account of living in a sexist, patriarchal, heteronormative and queer-phobic societal context.

122. Namubiru, Lydia, et al. 'Hospitals across East Africa Offer Controversial Anti-Gay Counselling'. *openDemocracy*, 2 July 2022, [www.opendemocracy.net/en/5050/hospitals-east-africa-controversial-anti-gay-counselling](http://www.opendemocracy.net/en/5050/hospitals-east-africa-controversial-anti-gay-counselling)

This investigation, covered over a period of 6 months, exposes the existence of health facilities in Kenya, Tanzania and Kenya that offer SOGIE-SC change efforts (also known as “conversion therapy”).

123. Namubiru, Lydia, and Khatondi Soita Wepukhulu. ‘Exclusive: US Christian Right Pours More than \$50m into Africa’. *openDemocracy*, 29 Oct. 2020, [www.opendemocracy.net/en/5050/africa-us-christian-right-50m](http://www.opendemocracy.net/en/5050/africa-us-christian-right-50m)

This investigative journalism report exposes funding of US\$54 in social conservative causes by US Christian groups. The funds supported efforts against LGBTIQ rights protections and expansion of SRHR services and education efforts including comprehensive sexuality education, abortion, and contraceptives.

124. Thomson Reuters Foundation. ‘LGBT+ Refugees in Kenya Accuse U.N. of Failing Them’. *News.Trust.Org*, 11 Jan. 2019, <https://news.trust.org/item/20190111144847-vlttt>

Pointing to unsanitary and crowded conditions in an emergency shelter where were evacuated to after an attack in Kakuma refugee camps, LGBTIQ refugees and asylum seekers accused the United Nations High Commissioner for Refugees of abandoning them.

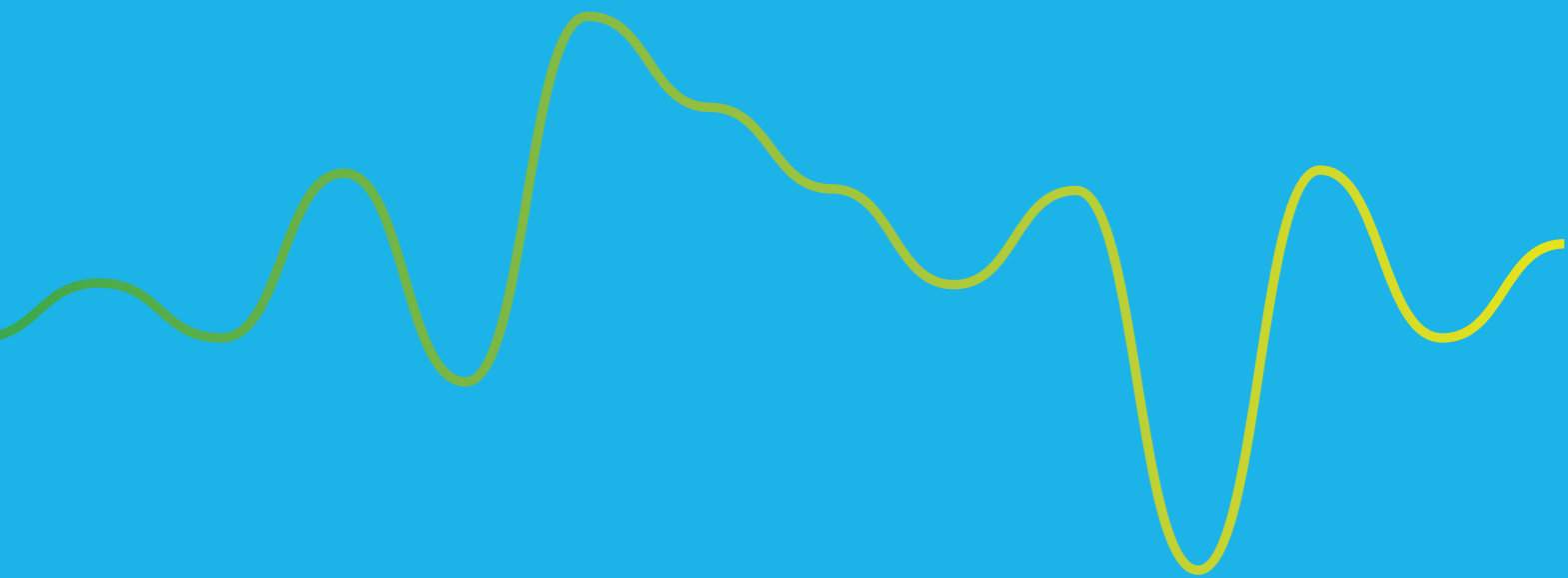
125. Voice. *Voice Context Analysis Kenya*. Voice, 2017, [www.voice.global/assets/2018/06/Voice-Context-Analysis-Kenya.pdf](http://www.voice.global/assets/2018/06/Voice-Context-Analysis-Kenya.pdf)

This document provides a brief contextual analysis of the LGBTI situation in Kenya. The information contained is relevant for the Voice Global Campaign’s work in Kenya. The document outlines 3 priority areas for the organisation’s work in the country including a) access to education for young transgender and intersex people; b) comprehensive legal framework and medical services for gender identity and re-assignment surgery; and c) access to comprehensive health services for transgender and intersex persons.

126. Wepukhulu, Khatondi Soita. ‘LGBTIQ Students Kicked out of School in East Africa Are Fighting Back’. *openDemocracy*, 11 Feb. 2022, [www.opendemocracy.net/en/5050/lgbtiq-students-kicked-out-of-school-in-east-africa-are-fighting-back](http://www.opendemocracy.net/en/5050/lgbtiq-students-kicked-out-of-school-in-east-africa-are-fighting-back)

This news report covers the expulsions of LGBTIQ secondary school students on grounds of sexual orientation and gender identity. The experience of high school students in Kenya is covered, as well as statements by Kenya’s Education Minister supporting expulsions of LGBTIQ students.





UNDP HIV, Health & Development team, Africa