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REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FIFTH SESSION – 2026
PUBLIC PETITIONS COMMITTEE

REPORT ON-

CONSIDERATION OF PUBLIC PETITION NO. 04 OF 2024 REGARDING THE PROLIFERATION OF LESBIANS, GAYS, BISEXUALS, TRANSGENDER AND QUEER (LGBTQ) IN THE COUNTRY. BY HON MOHAMED ALI MP ON BEHALF OF CITIZENS OF KENYA, REPRESENTING CHRISTIAN AND MUSLIM RELIGIOUS LEADERS AND ORGANIZATIONS, NON-GOVERNMENTAL ORGANIZATIONS, AND INDIVIDUALS

THE NATIONAL ASSEMBLY
PAPERS LAID
DATE: 30 SEP 2026 DAY. Wednesday
TABLED BY: Hon. Janet Sitienei, MP (Vice - Chairperson)
CLERK-AT THE-TABLE: Komale

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SEPTEMBER, 2026

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CHAIRPERSON'S FOREWORD

On behalf of the Public Petitions Committee and pursuant to the provisions of Standing Order 227, it is my pleasant privilege and honour to present to this House the Report of the Committee on the Public Petition No. 04 of 2024 regarding the proliferation of Lesbians, Gays, Bisexuals, Transgender and Queer (LGBTQ) in the country. The petition was presented to the House pursuant to Standing Order No. 225 (2) (a) by the Member for Nyali on behalf of the citizens of Kenya, representing Christian and Muslim Religious leaders and organizations, non-governmental organizations, and individuals.

The Petition arose from court rulings overturning actions of the Executive Director of the NGO Coordination board's refusal to register an association for the LGBTQ based on section 162, 163 and 165 of the Penal Code. The Supreme Court held that denial of registration on the basis of these sections of the penal code was discriminatory and therefore unconstitutional.

The Committee undertook this inquiry by hearing from the petitioner, Ministry of Education, the Ministry of Interior and National Administration, Kenya Human Rights Commission, Pema Kenya, Human is My Identity Alliance, Glack+, Amnesty International Kenya, Kenya Law Reform Commission, Coalition for Grassroots and Human Right Defenders Kenya.

The Committee noted that court rulings had affirmed protection of all people's rights to associate, but neither did the courts legalize same-sex unions nor render sections 162, 163 and 165 of the Penal Code unconstitutional. Article 45(2) of the Constitution was the foundation of relationships culminating in marriage. The Committee further observed that Human Sexuality Education within CBC did not have LGBTQ content, and the Committee recommends that all curricula must be cognizant of Article 45(2) of the Constitution. The Committee further recommends that the Ministry of Interior and National Government enforces the law, including section 162, 163 and 165 of the Penal Code.

The Committee is thankful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support offered during the consideration of the Petition. The Chairperson expresses gratitude to the Members of the Committee and the secretariat for their devotion and commitment to duty during the consideration of the Petition.

On behalf of the Committee and pursuant to the provisions of Standing Order 199, I now wish to table the report before the House.

HON. MUCHANGI KAREMBA, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

PART ONE

1 PREFACE

1.1 Establishment and Mandate of the Committee

1) The Public Petitions Committee is established under the provisions of Standing Order 208A with the following terms of reference:

a) considering all public petitions tabled in the House;
b) making such recommendations as may be appropriate with respect to the prayers sought in the petitions;
c) recommending whether the findings arising from consideration of a petition should be debated; and
d) advising the House and reporting on all public petitions committed to it.

1.2 Committee Membership

2) The Public Petitions Committee was first constituted in October 2022 and reconstituted in March 2025 and comprises the following Members:

Chairperson
Hon. Muchangi Karemba, CBS, M.P.
Runyenjes Constituency
United Democratic Alliance (UDA)

Vice Chairperson
Hon. Janet Jepkemboi Sitienei, M.P
Turbo Constituency
United Democratic Alliance (UDA)

Hon. Patrick Makau King'ola, M.P.
Mavoko Constituency
Wiper Democratic Movement-Kenya (WDM-K)

Hon. Edith Vethi Nyenze, M.P.
Kitui West Constituency
Wiper Democratic Movement-Kenya (WDM-K)

Hon. Maisori Marwa Kitayama, M.P.
Kuria East Constituency
United Democratic Alliance (UDA)

Hon. Joshua Chepyegon Kandie, M.P.
Baringo Central Constituency
United Democratic Alliance (UDA)

Hon. Beatrice Kadeveresia Elachi, M.P.
Dagoreti North Constituency
Orange Democratic Movement (ODM)

Hon Suzanne Ndunge Kiamba, MP
Makueni Constituency
Wiper Democratic Movement-Kenya (WDM-K)

Hon. Ntwiga Patrick Munene, M.P.
Chuka Igambang'ombe Constituency
United Democratic Alliance (UDA)

Hon. Bernard Muriuki Nebart, M.P.
Mbeere South Constituency
Independent

Hon. Paul Biego, M.P.
Chesumei Constituency
Jubilee Party (JP)

Hon. Peter Irungu Kihungi, M.P.
Kangema Constituency
United Democratic Alliance (UDA)

Hon. John Bwire Okano, M.P.
Taveta Constituency
Wiper Democratic Movement-Kenya (WDM-K)

Hon. Peter Mbogho Shake, M.P.
Mwatate Constituency
Jubilee Party (JP)

Hon. Sloya Clement Logova, M.P.
Sabatia Constituency
United Democratic Alliance (UDA)

1.3 Committee Secretariat

3) The Public Petitions Committee was facilitated members of the secretariat:

Mr. Victor Weke
Principal Clerk Assistant II

Ms. Miriam Modo
Clerk Assistant I

Mr. Benard Kipchumba
Clerk Assistant III

Ms. Damaris Kafuyai
Clerk Assistant III

Ms. Nancy Akinyi
Research Officer III

Ms. Roselyn Njuki
Senior Sergeant at Arms

Mr. Clinton Sindiga
Legal Counsel Officer II

Ms. Felister Muiya
Public Communications Officer

Mr. Collins Mahamba
Audio Officer

Ms. Viola Saiya
Research Officer III

Ms. Fridah Ngari
Media Relations Officer

PART TWO

2 BACKGROUND OF THE PETITION

2.1 Introduction

4) Public Petition No. 04 of 2024 regarding the proliferation of Lesbians, Gays, Bisexuals, Transgender and Queer (LGBTQ) in the country was presented to the House on 21st February 2024 by the Member for Nyali on behalf of the citizens of Kenya, representing Christian and Muslim religious leaders and organizations, non-governmental organizations, and individuals.

5) Over the past decade, the Lesbians, Gay, Bisexuals, Transgender, and Queer (LGBTQ) community members and representatives have consistently made efforts to challenge in various courts laws that prohibit homosexuality and other acts deemed unnatural;

6) These meticulously planned and financially supported endeavours are also prevalent in numerous African countries, such as Uganda, Botswana, Zimbabwe, Namibia, and several others;

7) Representatives and community members claim that their rights and freedoms have been infringed upon due to discrimination based on sexual orientation and gender identity;

8) The Supreme Court in Non- Governmental Organizations Co-ordination Board V EG & 5 others overstretched its mandate in holding that the right to equality before the law would not be advanced if people were denied the right not to be discriminated against based on their sexual orientation;

9) This judgement sets the pace for legalization of same sex unions in Kenya and will have a drastic negative impact on the family unit;

10) The infiltration of LGBTQ agenda in books and study material through subtle depiction of same gender relationships within the Kenyan and international school curricula is a matter of concern;

11) There have been concerted efforts from foreign non state actors through financial lobbying to effect changes to the penal code in order to decriminalize acts that have been criminalized such as homosexuality;

12) The Constitution in the preamble recognizes the ultimate authority of God as the source of objective moral laws, and Article 119 of the Constitution allows every person to petition Parliament to consider any matter within its authority, including among other issues the protection of family life and society as a whole;

13) The matters presented in this petition are not pending before any court of Law, constitutional or legal body;

2.2 Prayers

14) The Petitioners pray that the National Assembly through the Public Petitions Committee;

i) Intervenes with a view to have the Ministry of Interior and National Administration strictly enforce the provisions of the Penal Code Act, CAP 63 particularly sections 162, 163 and 165 that prohibit homosexuality in the country;

ii) Investigates into the possibility of approved curriculum or content by the Ministry of Education, through the Kenya Institute of Curriculum Development as regards to LGBTQ in the Country; and

iii) Recommends consideration and fast-tracking of the Family Protection Bill, 2023 into law; and,

iv) Makes any other orders or directions that it deems fit in the circumstances of the matter.

PART THREE

3 STAKEHOLDERS' SUBMISSIONS ON THE PETITION

3.1 The Petitioner

The Member for Nyali, Hon Mohamed Ali, MP appeared before the Committee on Tuesday, 24th September 2024, and submitted as follows;

LGBTQ Population in Kenya

15) The Petitioner stated that no official data or statistics exist regarding the number of LGBTQ individuals in Kenya, as the practice is largely concealed and conducted in secrecy. However, some LGBTQ members have publicly identified themselves on social media. The Petitioner expressed concerns, claiming that the culture was foreign and aimed at enticing people to engage in what they considered unnatural practices.

LGBTQ Traits and Behaviour

16) The Petitioner clarified that the LGBTQ community is often associated with the use of rainbow colours and that certain mannerisms, including specific signs, dressing, body language, and behaviour in public spaces, were indicators. The Ministry of Interior and National Administration might also have data on the LGBTQ community.

Pending Court Matters

17) The Petitioner referenced the landmark ruling of the Supreme Court in September 2023, which upheld the right of the National Gay and Lesbian Human Rights Commission to register under the Kenya NGOs Coordinating Board. The ruling stated that it would be unconstitutional to deny the right to associate based on sexual orientation. However, the petition before the Committee was presented before this Supreme Court ruling.

18) Additionally, the Petitioner mentioned that he was taken to court in Mombasa by a lawyer representing LGBTQ members, citing that his statements in and outside Parliament had threatened the community. The Petitioner was the 5th Respondent in Petition No. E048 of 2023 (The Protection of Rights and Fundamental Freedoms and Enforcement of the Constitution) at the High Court of Mombasa, alongside the Inspector General of Police and other organizations.

Infringement of the Bill of Rights

19) The Petitioner argued that the petition did not infringe on the Bill of Rights, stating that LGBTQ individuals are not discriminated against as they go about their daily lives.

Impact on Religious Groups

20) The Petitioner clarified that various religious groups felt it was their duty to protect their religious tenets, which they believed were being violated by the LGBTQ community.

Foreign Funding of the LGBTQ Movement

21) While the Petitioner did not have concrete evidence of foreign funding for the LGBTQ movement in Kenya, he suggested that NGOs aligned with LGBTQ interests often receive such funding indirectly. He referenced Uganda's rejection of foreign aid tied to support for LGBTQ rights as an example. The Petitioner also noted that parents had raised concerns about the inclusion of pro-LGBTQ material in school curriculums and the provision of certain books.

Medical Reports on Sexuality

22) The Petitioner stated that both local and international doctors have documented research on sexuality. However, he emphasized that the petition was also aimed at urging relevant authorities to clarify the dangers of LGBTQ practices.

3.2 Ministry of Interior and National Administration

The Cabinet Secretary Ministry of Interior and National Administration vide letter referenced MOINA/SEC/1/27/1 submitted as follows in response to the prayers;

23) Section 162 of the Penal Code states that a person who:
    a) has carnal knowledge of any person against the order of nature;
    b) has carnal knowledge of an animal; or
    c) permits a male person to have carnal knowledge of him or her against the order of nature, is guilty of a felony and is liable to imprisonment for 14 years.

24) Section 163 of the Penal code states that any person who attempts to commit any of the offences specified in section 162 above is guilty of a felony and is liable to imprisonment for 7 years.

25) Section 165 of the Penal Code states that any person who whether in public or private commits any act of gross indecency with another male person, or procures another male person to commit any act of gross indecency with him, or attempts to procure the commission of any such act by any male person with himself or with another male person, whether in public or private is guilty of a felony and is liable to imprisonment for 5 years.

26) As noted above, the Supreme Court declared these sections discriminatory and hence unconstitutional. To date, the judgment has not been reviewed or set aside. It has the force of all and is binding upon the Government. The Ministry of Interior and National Administration cannot therefore enforce the sections declared unconstitutional.

3.3 Ministry of Education

Vide a letter Reference MOE/CONF/G9/11VOL.V(55) and dated 26th May 2026, the Cabinet Secretary for the Ministry of Education responded to the petition as follows—

27) The Ministry is mainstreaming Human Sexuality Education in Kenya's Competency-Based curriculum. Lesbian, Gay, Bisexual, Transgender, and Queer/Questioning (LGBTQ) identification reflects a complex sexual identity crisis, particularly among children and adolescents who are still in the early stages of understanding and forming their sense of self. Without clear guidance, age-appropriate education, and supportive environments, many young learners struggle with confusion, emotional distress, and vulnerability related to their developing sexual identity.

28) KICD is mandated to ensure that the national curriculum and international curricula implemented in Kenya remains responsive to societal needs by identifying and integrating salient societal concerns—referred to as Pertinent and Contemporary Issues (PCIs) - into the curriculum and curriculum support materials. PCIs are societal issues that significantly influence learners' psychosocial well-being, access to and retention in education, academic completion, and ultimately their ability to thrive in the workplace and society. These issues are addressed through deliberate curriculum design intended to equip learners with knowledge, values, and psychosocial competencies required to navigate real-life challenges and contribute meaningfully to national development.

29) As part of Kenya's ongoing curriculum reform, the Basic Education Curriculum Framework (BECF, 2017) classifies PCIs into broad categories including: Citizenship, Health-Related Issues, Life Skills, Moral and Human Sexuality Education, Socioeconomic Issues. Among these, Human Sexuality Education has emerged as a critical area requiring deliberate intervention through the curriculum.

30) Human sexuality was identified as a priority PCI through the 2016 National Needs Assessment Survey conducted to guide the CBC reform. The survey revealed alarming trends: early sexual debut, rising HIV/STI infection rates, adolescent pregnancies, early marriages, and increased school dropout rates. These patterns highlighted a gap in young people's ability to understand and manage their sexuality within appropriate developmental, cultural, and religious frameworks. Adverse negative effects of these issues have contributed to the weakening of family and social fabric as well as the youth failing to attain their full academic, career and economic potentials.

31) Following the findings and recommendations from the Needs Assessment survey, other relevant studies and presentations by stakeholders in Education, Human Sexuality in CBC is being addressed as a pertinent issue in the three dimensions of the curriculum. KICD has developed matrices on human sexuality and corresponding values and life skills that have been providing guidance on the content to be mainstreamed in the curriculum to ensure the content covered at each grade is developmentally, morally and culturally relevant and appropriate. The spiral approach is employed to ensure that the content and complexity of the concepts increase as learner's progress from one grade to another.

32) Human sexuality like other PCIs is incorporated in the learning areas (subjects) with more emphasis given during the learning experiences. The designs have a component on PCIs. However, the Institute is also aware that the social environment and interaction at school and home also influence learner's moral and character development.

33) The concepts on Human Sexuality Education content and the requisite skills are based on two perspectives namely developmental and psychosocial perspective. The developmental perspective equips learners with age-appropriate knowledge, values, and competencies that empower them to make informed, healthy decisions about their sexuality. The Psychosocial Perspective focuses on building self-awareness, self-esteem, assertiveness, and decision-making skills—critical psychosocial competencies that enable learners to navigate peer pressure and societal expectations.

34) During the course material evaluation process, Kenya Institute of Curriculum Development (KICD) on behalf of the Ministry of Education ensures that books that are evaluated and approved for use in learning institutions contain content that is in tandem with the specifications given in the curriculum designs. The criteria indicate clearly that any material that promotes unethical practice should be disqualified.

35) For transparency, all evaluation criteria and curriculum design references are publicly available via the KICD website, and the Institute remains open to dialogue and continuous improvement. Thus, the Instructional materials are not expected to promote LGBTQ in any way.

36) Human sexuality, while personal and sensitive, is also a matter of national concern involving identity, morality, and social well-being. While the Constitution of Kenya recognizes parents as the primary moral guides, the education system—together with religious and civil society institutions—plays a complementary role. Human Sexuality Education within CBC is structured not merely as sex education, but as a broader developmental framework that supports learners in understanding, accepting, and appreciating their sexual identity. It promotes values such as abstinence, self-respect, and protection from risky behaviors.

37) Religious organizations such as NCCK, SUPKEM, KCCB, and the Hindu Council as well as developmental psychologists are involved in the curriculum development process including participation in mainstreaming of human sexuality education at the subject panel, validation of the curriculum at the Course panel and approval of the curriculum at the Academic Committee Level.

3.4 Kenya Law Reform Commission

The Kenya Law Reform Commission submitted as follows;

Pronouncements by the Courts on the position of LGBTQ in Kenyan laws

38) The courts have had occasion to pronounce themselves on LGBT matters as analyzed below;
39) In case involving EG & 7 others v Attorney General; DKM & 9 others (Interested Parties); Katiba Institute & another (Amicus Curiae) [2019] KEHC 11288 (KLR), the petitioners initiated legal proceedings challenging Sections 162(a), 162(c) and 165 of the Penal Code, Cap 63. These sections prohibit what are termed "unnatural offences" and acts of "gross indecency," which have historically been interpreted and applied to criminalize consensual same-sex sexual activity.
40) The Petitioners contended that these provisions were unconstitutional on several grounds.
41) Primarily, the petitioner argued that the sections were void for vagueness, lacking clear definitions of the prohibited conduct.
42) Furthermore, the Petitioners asserted that the provisions violated the rights to non-discrimination, human dignity and privacy as guaranteed by the Constitution.
43) The case was consolidated with another similar petition, Petition 234 of 2016, as both raised common issues regarding the impact of these Penal Code sections on individuals who do not conform to societal expectations of gender identity, expression or sexual orientation.
44) The respondents submitted that the petitioners were attempting to use the judicial process to legitimize acts that were deemed indecent and to create rights not explicitly recognized in the Constitution. It was further argued that the criminalization of homosexuality fell within the bounds of the law and that individual liberty could be legitimately curtailed when it conflicted with the common good and public policy.
45) The respondent also highlighted that during the drafting of the 2010 Constitution, the issue of same-sex relationships was considered, but there was no consensus or desire to legalize them.
46) As a result, Article 45(2) of the Constitution specifically recognizes heterosexual marriage. It was argued that permitting consensual, private same-sex relations would implicitly lead to same-sex couples cohabiting, which would contradict the spirit and intent of the Constitution as drafted.
47) The High Court held on the issue of vagueness, the Court acknowledged that while the Penal Code sections in question did not explicitly define terms like "unnatural

offences" or "against the order of nature," these phrases had been defined in legal dictionaries and prior judicial pronouncements.

48) Therefore, the Court concluded that the lack of explicit definitions within the statute itself did not render the provisions unconstitutionally vague.
49) The Court also accepted the principle that fundamental rights and freedoms, while guaranteed, are not absolute and may be limited to prevent prejudice to the rights and freedoms of others.
50) The Court placed significant weight on the intent of the legislature and the perceived social values of Kenya. It was stated that the court had a responsibility to uphold positive African cultural values and contribute to the moral well-being of society.
51) The Court's interpretation of Article 45(2) of the Constitution, which recognizes heterosexual marriage, was also crucial.
52) The Court reasoned that if there had been a desire by the Kenyan people to protect and recognize same-sex relationships, this would have been reflected in the drafting of the 2010 Constitution. Consequently, allowing consensual, private same-sex relations would contradict this perceived intent.
53) The High Court in this case dismissed the case, upholding the constitutionality of the challenged provisions of the Penal Code.
54) The case originated from the decision of the Non-Governmental Organizations Co-ordination Board (NGO Board) to reject the registration of a proposed organization aimed at addressing the violence and human rights abuses suffered by the Lesbian, Gay, Bisexual, Transgender, Queer or Questioning (LGBTQ) persons in Kenya.
55) In a letter dated 25th March, 2015, the NGO Board refused to reserve any of the names proposed by Mr. Eric Gitari for this organization. The Board's Executive Director justified this refusal by citing Sections 162, 163 and 165 of the Penal Code, which criminalize certain sexual acts, implying that the proposed organization's focus was illegal.
56) Aggrieved by this decision, Mr. Gitari initiated legal action by filing High Court Petition No. 440 of 2013. He contended that the NGO Board's actions violated several articles of the Constitution, including Article 20(2), Article 27(4), Article 28 and Article 36, as well as provisions of the NGO Coordination Act.
57) His core argument was that the refusal to register the organization, based on its focus on LGBTQ rights and its proposed name, infringed upon the constitutional rights to freedom of association and non-discrimination.

3.5 Coalition for Grassroots Human Right Defenders Kenya

The association submitted a written submission and stated as follows;

58) The organization protects and defends the rights of all Kenyans, regardless of their sexual orientation and gender identity, including LGBTQ+ Kenyans.
59) The association urged the Public Petitions Committee to reject this petition.
60) The petition is an attempt to undermine rights and fundamental freedoms contained in the Constitution of Kenya. The Constitution guarantees the right to equality and

non-discrimination (Article 27), dignity (Article 28), privacy (Article 31), and freedom of association (Article 36).

61) The Supreme Court decision in NGOs Co-Ordination Board v EG & 4 Others has affirmed that the freedom of association under Article 36 of the Constitution cannot be unlawfully deprived to Kenyans on the basis of sexual orientation and gender identity. Previously, the High Court in EG v Non- Governmental Organizations Co-Ordination Board & 4 Others (Petition 440 of 2013) held that discrimination on the grounds of sexual orientation constituted a violation of Article 27(4) of the Constitution.
62) Contrary to the petitioner's assertion, the Supreme Court's exercise of its duty and mandate to interpret the Constitution in line with constitutional principles and provisions is not an "overstretch." Articles 23,159 and 163 of the Constitution clearly delineate the Supreme Court's (and other superior courts') mandate when it comes to the interpretation and alignment of statute, policy and practice with the Supreme Law.
63) By linking the struggle for LGBTQ+ rights with threats against the family and children in particular, this petition fosters intolerance that could further fuel hate speech and violence against LGBTQ+ persons.
64) Like all Kenyans, LGBTQ+ persons are part of families, communities and the Kenyan society as a whole.
65) LGBTQ+ persons share commonly held beliefs that hold that children's rights should be protected and that their wellbeing, and that of families as a whole, should be safeguarded.
66) The best way to safeguard the rights of children and families is to fully uphold the Constitution, particularly the Bill of Rights that provides for both civil and political rights as well as social, economic and cultural rights.
67) Like any other person, LGBTQ+ persons deserve to be free from fear, discrimination, and violence.
68) LGBQ+ persons have been part and parcel of Kenyan society since time immemorial and, either individually or through associations, have actively contributed to the diverse and vibrant civil society that Kenya enjoys today.
69) Efforts to delegitimize civil society organizations on account of any foreign funding they may receive belies the fact that human rights, democratic principles and the rule of law enjoy a high level of support among Kenyans.
70) The petition also describes same-sex conduct that is adult, consensual and private as unnatural. This statement is in contradiction to the historical record of the existence of LGBTQ+ persons in our society. A person's sexual orientation and gender identity are immutable characteristics that cannot be changed through coercion, laws or persuasion.

3.6 Amnesty International Kenya

With regard to public petition 04 of 2024, the association submitted as follows;

71) Under various international and Regional Conventions including the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) which Kenya is party to, prohibit discrimination of people and state that All people are entitled to equal protection against any discrimination.
72) The public petition by Hon. Mohammed Ali is frivolous, has no basis and is meant to threaten the peaceful coexistence of peace-loving Kenyans.
73) The petition seeks to undermine the authority of the Supreme Court of Kenya that clearly pronounced itself on the matter of freedom of association for the LGBTQ+ people in Kenya in the case of Non - Governmental Organizations Coordination Board vs Eric Gitari and 5 Others.
74) Article 22 of the Constitution (CoK) affords every person the right to institute in court proceedings with any claims of human rights denial, violation, infringement or threat as enshrined in the Bill of Rights and this includes LGBTQ+ persons in Kenya.
75) The LGBTQ+ people have existed in Kenya and have lived within communities belonging to our cultural, ethnic, religious and gender diversity.
76) The organization against discrimination of the LGBTQ people in various African countries is premised on the fact that African people's struggles are interconnected and the fight for inclusion is not only a Kenyan issue but a regional and global campaign as per the UN Sustainable Development Goals principle "Leave No One Behind."
77) Discrimination against the LGBTQ+ community has been rampant, fueled by fundamentalism and denies the people an opportunity to fully realize their potential as envisaged by Article 19 of the Constitution. The purpose of recognizing and protecting human rights and fundamental freedoms is to preserve the dignity of individuals and communities and to promote social justice and the realization of the potential of all human beings.
78) In Kenya, the deliberate exclusion and subsequent discrimination of the LGBTQ+ people costs the country billons of shillings.
79) The allegation accusing LGBTQ+ people of threatening the family unit is unfounded. The rates of femicide and other unresolved Gender Based Violence related cases including Intimate Partner Violence, Child molestation and rape among others are the real threats to the family unit in Kenya with over 60% of cases taking place at home and by people well known to the survivors or victims.
80) There is no state religion in Kenya and therefore our values are all derived from Article 10 CoK and not religious texts or cultural morals.

3.7 Galck+

Galck+, the Gay and Lesbian Coalition of Kenya submitted a written memorandum as follows;

81) The Constitution of Kenya under Article 19(3)(b) states that the rights and fundamental freedoms contained in Chapter 4 (the Bill of Rights) "do not exclude

other rights and fundamental freedoms not in the Bill of Rights, but recognized or conferred by law, except to the extent that they are inconsistent with this Chapter"

82) The Constitution of Kenya under Article 27(1) states that: "Every person is equal before the law and has the right to equal protection and equal benefit of the law. "

83) The Kenyan High Court, in the exercise of its mandate under Articles 23 and 159 of the Constitution, has upheld the rights of all Kenyans to be free from discrimination on the basis of their sexual orientation in line with Article 27 (4) of the Constitution.

84) The Supreme Court of Kenya, in exercise of its mandate under Article 163 of the Constitution, has upheld the freedom of LGBTQ+ persons to form associations to advocate for their rights under Article 36 of the Constitution and to be duly registered under the applicable laws of Kenya without discrimination in line with Article 27 (4) of the Constitution?

85) Public Petition No. 4 of 2024 by Hon. Mohamed Ali is an attempt to stoke division among the Kenyan people and to further entrench the culture of discrimination and abuse towards persons on the basis of their real of imputed sexual orientation and gender identity, in contravention to the values and principles laid out in the Constitution and the laws of Kenya.

86) Sexual orientation and gender identity are inherent aspects of a person's identity that are not chosen and cannot be changed by force, law, or persuasion.

87) Violence and discrimination against LGBTQ+ persons are a pervasive issue in Kenyan society with real world negative effects on LGBTQ+ persons themselves, their families, communities, and the economy.

88) Any attempt to deprive Kenyans of their rights and fundamental freedoms on the basis of their real or perceived sexual orientation and gender identity, including through the enforcement of provisions contained in Sections 162, 163 and 165 of the Penal Code, run afoul of the spirit and letter of the Constitution of Kenya.

89) LGBTQ+ Kenyans are part and parcel of Kenyan civil society and contribute to the promotion of commonly held principles of constitutionalism and the promotion of human rights, democracy and the rule of law.

90) Further, that LGBTQ+ Kenyans contribute to the promotion of the national values and principles of governance found under Article 10 of the Constitution in their individual capacity or through associations and organizations.

91) The protection of the family unit and the rights of children are principles widely supported by LGBTQ+ persons.

92) Public Petition No. 4 provides no evidence of any unlawful involvement of LGBTQ+ persons and organizations in the development or accreditation of school curricula and other educational content targeting children.

93) False and baseless accusations targeting the LGBTQ+ persons form the basis of violation of the rights of these persons.

94) Further that, on account of these accusations, hate speech, and other stereotypes, LGBTQ+ Kenyans are constantly at risk of discrimination and violence,

contravention of the constitutional prohibition of discrimination and other criminal laws applicable in Kenya.

95) The Constitution, under Article 8, states that there is no state religion in Kenya and that under Article 10, the conduct of all state organs, state officers, public officers and all persons is governed by the national values and principles of governance.

96) Public Petition No. 4 seeks prayers relating to matters currently before the Court of Appeal as it pertains to the constitutionality of Sections 162, 163 and 165 of the Constitution and is thus contravention of clause 223 (g) of the Standing Orders of the National Assembly.

3.8 Human is My Identity Alliance

Human is My Identity Alliance submitted a written memorandum as follows;

97) The LGBTQ+ people have existed in Kenya and continue to co-exist within communities belonging to our cultural, ethnic, religious and gender diversity.

98) Their existence has never threatened any community or institutions in the country.

99) Organizing against discrimination of LGBTQ people in various African countries is premised on the fact that African people's struggles are interconnected and the fight for inclusion is not only a Kenyan issue but a regional and global campaign as per the UN Sustainable Development Goals principle "Leave No One Behind."

100) Discrimination against the LGBTQ+ community has been rampant, fueled by fundamentalism and denies them the opportunity to fully realize their potential as envisaged by Article 19 CoK which provides: "The purpose of recognizing and protecting human rights and fundamental freedoms is to preserve the dignity of individuals and communities and to promote social justice and the realization of the potential of all human beings."

101) The allegation accusing LGBTQ+ people of threatening the family unit is unfounded. The rates of femicide and other unresolved Gender Based Violence related cases including Intimate Partner Violence, Incest, Child molestation and rape among others are the real threats to the family unit in Kenya with over 60% of cases taking place at home and by people well known to the survivors or victims.

102) There is no state religion in Kenya and therefore our values are all derived from Article 10 CoK and not religious texts or cultural morals.

103) The alliance therefore recommends to the Committee:

- To dismiss the said Petition in its totality.
- To work with other relevant committees to include gender identity as a basis for hate speech in Kenya in the proposed NCIC Bill 2023
- To respect the judicial decisions on equality and anti-discrimination issues, rule of law and separation of powers.
- To abide by Kenya's international obligations and resist the urge to perpetuate any form of discrimination and hate against any person or group of people in Kenya.

3.9 Pema Kenya

In response to the petition Pema Kenya submitted as follows;

104) The struggle for LGBTQ+ rights with threats against the family and children in particular, this petition fosters intolerance that could further fuel hate speech and violence against LGBTQ+ persons.

105) Like all Kenyans, LGBTQ+ persons are part of families, communities and the Kenyan society as a whole. LGBTQ+ persons share commonly held beliefs that hold that children's rights should be protected and that their wellbeing, and that of families as a whole, should be safeguarded.

106) The best way to safeguard the rights of children and families is to fully uphold the Constitution, particularly the Bill of Rights that provides for both civil and political rights as well as social, economic and cultural rights. Like any other person, LGBTQ+ persons deserve to be free from fear, discrimination, and violence.

107) It is the duty of all public servants to ensure that human rights and fundamental freedoms apply to all Kenyans in line with the provisions of the Constitution.

108) Of concern is the imputation in the petition that the struggle for LGBTQ+ rights is an agenda that has been imposed by foreign actors. Nothing can be further from the truth.

109) LGBTQ+ persons have been part and parcel of Kenyan society since time immemorial and, either individually or through associations, have actively contributed to the diverse and vibrant civil society that Kenya enjoys today.

110) Efforts to delegitimize civil society organizations on account of any foreign funding they may receive belies the fact that human rights, democratic principles and the rule of law enjoy a high level of support among Kenyans.

111) The petition also describes same-sex conduct that is adult, consensual and private as unnatural. This statement is in contradiction to the historical record of the existence of LGBTQ+ persons in our society. A person's sexual orientation and gender identity are immutable characteristics that cannot be changed through coercion, laws or persuasion.

112) Indeed, any attempts to force someone to change their sexual orientation or gender identity, even if theoretically possible, would require the widespread abuse of the rights and fundamental freedoms of all Kenyans, in contravention of the Constitution.

113) There is no way of enforcing the current criminalization of adult, consensual and private same-sex conduct without breaking the law and violating human rights.

114) The petition erroneously asserts that the Constitution of Kenya "recognizes the ultimate authority of God as the source of objective moral laws." However, neither the preamble of the Constitution nor any provisions within it provide for the reliance of religious edicts in shaping laws and policies in the country.

115) Article 8 of the Constitution states that there shall be no state religion in Kenya. Due to the religious, ethnic, and cultural diversity of Kenyans, a secular legal system that

provides for the freedom of religion, belief, opinion and conscience is the only method to guarantee cohesion and unity in the country.

116) Further, Article 10 which outlines Kenya's national values and principles of governance which can be adopted by all Kenyans in their diversity.

117)To pass laws that are in line with the religious preferences and opinions of a small section of Kenyan society, who are represented by this petition, would be a recipe for disastrous divisions in our society. That alone should be reason enough to dismiss this petition.

118)Lastly, by seeking prayers relating to matters currently before the Court of Appeal in the case of Eric Gitari v Attorney General & Others (Civil Appeal 536 of 2019), the petition is fatally flawed. Clause 223 (g) of the Standing Orders of the National Assembly precludes the tabling of petitions relating to matters pending before any court of law or other constitutional or legal body.

119) The petition attempts to circumvent the legitimate authority of the Court of Appeal, which is currently in the process of determining the constitutionality of the criminalization of adult, consensual and private same-sex conduct.

3.10 Kenya Human Rights Commission (KHRC)

The Commission submitted as follows;

120)Over the past decade, civil society organizations, including the Kenya Human Rights Commission and many others, have made significant progress and gains in advocating for the protection and enjoyment of fundamental rights for all Kenyans, regardless of their identity and sexual orientation.

121)KHRC has always worked with minority, marginalized, and disadvantaged groups to enable them, in their own way, to articulate, defend, and realize their human rights, be they civil, political, economic, social, and cultural.

122)One such group is Kenya's LGBTQI+ community, which includes gender and sexual minorities, that is, Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTQI+) persons. The KHRC and LGBTQI+ organizations continue to receive cases of human rights abuses against LGBTQI+ persons.

123)The KHRC, together with other civil society actors have worked with LGBTQI+ persons, addressing various human rights violations including: physical, verbal and sexual violence.

124)The Constitution of Kenya, 2010 guarantees all Kenyans shall enjoy the rights and fundamental freedoms in the Bill of Rights to the greatest extent consistent with the nature of the right or fundamental freedom, equal protection, and freedom from discrimination.

125)The Constitution of Kenya 2010 guarantees all Kenyans the rights to privacy, equality, dignity, and non-discrimination. It articulates a set of national values that include human rights, non-discrimination, and protection of the marginalized.

126) Further, the constitution integrates international law - including treaties ratified by Kenya that prohibit discrimination on the grounds of sexual orientation into Kenya law.

127) Therefore, the commission prays that the National Assembly, through the Public Petitions Committee:

i) Rejects Public Petition No. 4 of 2024 in its entirety and urge the House to decline to enact or recommend any measure that would implement the requests of that petition, given that those requests (including stricter criminalization of homosexuality, censorship of educational materials, and investigations targeting LGBTQI+ advocacy groups) are unconstitutional and contravene Kenya's domestic and international legal obligations.

ii) Pray that the relevant Departmental Committees (such as the Committee on Justice and Legal Affairs; on Education; on Administration and National Security; and on Health) be tasked to inquire into the recent incitement of hate against LGBTQI+ persons and to ensure that the responsible state organs are taking action.

iii) No new legislation be introduced or passed that singles out individuals on the basis of sexual orientation or gender identity for adverse treatment.

iv) Parliament refrains from fast-tracking or enacting any new laws that would further criminalize or punish LGBTQI+ persons (such as imposing higher sentences, broadening criminal definitions to include simply identifying as LGBTQI, or banning LGBTQI+ advocacy under the guise of "promotion").

v) That the National Assembly uses its platform to promote civic education and dialogue on issues of sexual and gender diversity, grounded in facts and constitutional values.

vi) Pass comprehensive anti-discrimination legislation that prohibits discrimination on the grounds of gender identity and sexual orientation and includes effective measures to identify and address such discrimination.

vii) The Kenyan Government should review discriminatory laws that affect LGBTQI+ persons. Particularly, the Kenyan Parliament should repeal the discriminatory sections 162 (a) and (c), 163, and 165 of the Penal Code.

viii) The Kenyan Government should adopt equality legislation that specifically guarantees the enjoyment of rights by LGRTQI+ Kenyans.

ix) Offer more protections to LGBTQI+ persons

PART FOUR

4 COMMITTEE OBSERVATIONS

Upon consideration of the various stakeholder submissions, the Committee observed that—

128) The foundation of the petition was that one Eric Gitari applied to the Executive Director of NGO Coordination Board for reservation of 6 names for an NGO which had the words 'gay' and 'lesbian' in the names sought to be reserved. The Executive Director refused to reserve the names stating that they were offensive to public policy and contrary to section 162, 163 and 165 of the Penal Code which outlawed homosexuality and other indecent acts.

129) The Supreme Court (eventually on appeals from cases emanating from the High Court and Court of Appeal) disagreed with the position of the Executive Director and held that it would be unconstitutional to limit the right of LGBTQ members to associate by denying them the registration of their own NGO by dint of sections 162, 163 and 165 of the Penal Code.

130) The Committee's interpretation is that sections 162, 163 and 165 of the Penal Code were **not** rendered unconstitutional but rather, they could not be used to limit freedom of association.

131) The Committee therefore observes that the court ruling allowing the registration of an association does not and cannot impeach neither Article 45(2) of the Constitution nor sections 162, 163 and 165 of the Penal Code, and does not in any way open the doors to legalize same sex unions.

132) Article 45(2) of the Constitution is express that every adult has the right to marry a person of the **opposite sex**.

133) Promotion of activities that are contrary to Article 45(2) therefore ought to be disallowed. Any person seeking registration of any association ought to clearly demonstrate that the association's activities do not intend to violate this provision of the Constitution. They can associate on any other matter thereof.

134) Human Sexuality Education within the Competency Based Curriculum is structured not merely as sex education, but as a broader developmental framework that supports learners in understanding, accepting and appreciating their sexual identity. It promotes values such as abstinence, self-respect and protection from risky behaviour, and not LGBTQ content

135) From the foregoing, LGBTQ agenda in so far as the family unit is concerned, could therefore not be allowed to infiltrate the country's education curriculum as the family unit that learners ought to be taught is headed by parents, who could only be persons of the opposite sex.

PART FIVE

5 COMMITTEE RECOMMENDATIONS

136) Pursuant to the provisions of Standing Order 227, the Committee responds to the Petition as follows—

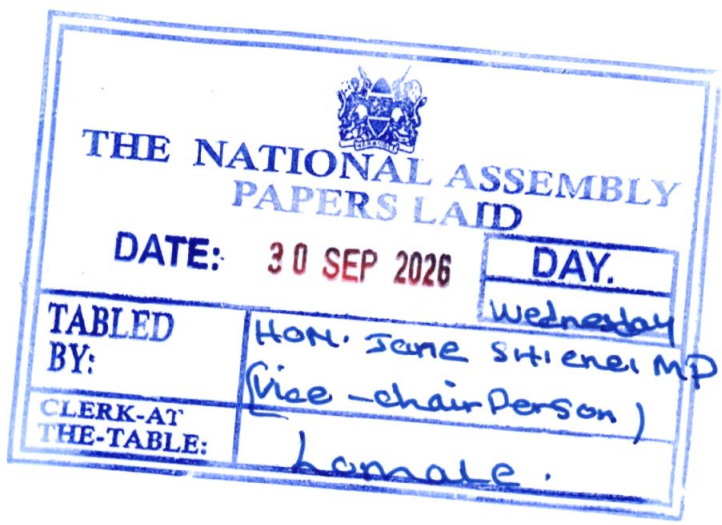
i) On the prayer that that the Committee intervenes with a view to have the Ministry of Interior and National Administration strictly enforce the provisions of the Penal Code Act, CAP 63 particularly sections 162, 163 and 165 that prohibit homosexuality in the Country; **the Committee recommends that the Ministry of Interior and National Administration strictly enforces the law as is;**

ii) On the prayer that the committee investigates into the possibility of approved curriculum or content by the Ministry of Education, through the Kenya Institute of Curriculum Development as regards to LGBTQ in the Country; **the Committee found no such approved curricula and recommends that the Ministry of Education through the Kenya Institute of Curriculum Development ensures all educational curricula upholds Article 45(2) of the Constitution.**

iii) On the prayer that the committee recommends consideration and fast-tracking of the Family Protection Bill, 2023 into law; **the Committee notes that this was the preserve of the House Business Committee and the sponsor of the legislative proposal.**

Signed: _____ for _____ **Date:** 30/09/2026

HON. MUCHANGI KAREMBA, CBS, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE



ANNEXURES

Annex 1: The Adoption List

Annex 2: Public Petition No. 01 of 2025 regarding the proliferation of Lesbians, Gays, Bisexuals, Transgender and Queer (LGBTQ) in the country

Annex 3: Minutes of Committee proceedings

PUBLIC PETITIONS COMMITTEE

ADOPTION LIST

(i) Consideration and adoption of the P/No. 04 of 2024 regarding the proliferation of LGBTQ persons in Kenya by Hon. Mohamed Ali, MP.

We, the undersigned, hereby affix our signatures to this Report to affirm our approval:

DATE: 5/9/2026.

	HON. MEMBER	SIGNATURE
1.	Hon. Muchangi Karemba,CBS, M.P.(Chairperson)	
2.	Hon. Janet Jepkemboi Sitienei, CBS, M.P.(Vice Chairperson)	
3.	Hon. Patrick Makau King'ola, M.P.	
4.	Hon. Beatrice Kadeveresia Elachi, CBS, M.P.	
5.	Hon. Joshua Chepyegon Kandie, M.P.	
6.	Hon. Maisori Marwa Kitayama, M.P.	
7.	Hon. Edith Vethi Nyenze, M.P.	
8.	Hon. Patrick Ntwiga Munene,CBS, M.P.	
9.	Hon. Paul Biego Kibichy, M.P.	
10.	Hon. (Eng.) Bernard Muriuki Nebart, M.P.	
11.	Hon. Peter Mbogho Shake, M.P.	
12.	Hon. Suzanne Ndunge Kiamba, M.P.	
13.	Hon. John Bwire Okano, M.P.	
14.	Hon. Sloya Clement Logova, M.P.	
15.	Hon. Peter Irungu Kihungi, M.P.	

Hon. Speaker, Sir, kindly approve. Thanks/ 21/2/24

Approved SNA 21/2/24

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT (THIRD SESSION)

PUBLIC PETITION

(No. 4 of 2024)

REGARDING THE PROLIFERATION OF LESBIANS, GAYS, BISEXUALS, TRANSGENDER AND QUEER (LGBTQ) IN THE COUNTRY

I, the **UNDERSIGNED**, on behalf of citizens of Kenya, representing Christian and Muslim Religious leaders and organizations, Non-Governmental organizations, and individuals;

DRAW the attention of the House to the following:

1. **THAT**, over the past decade, the Lesbians, Gay, Bisexuals, Transgender, and Queer (LGBTQ) community members and representatives have consistently made efforts to challenge in various courts laws that prohibit homosexuality and other acts deemed unnatural;

2. **THAT,** these meticulously planned and financially supported endeavours are also prevalent in numerous African countries, such as Uganda Botswana, Zimbabwe, Namibia, and several others;

3. **THAT,** representatives and community members claim that their rights and freedoms have been infringed upon due to discrimination based on sexual orientation and gender identity;

4. **THAT,** the Supreme Court in *Non- Governmental Organizations Co-ordination Board V EG & 5 others* overstretched its mandate in holding that the right to equality before the law would not be advanced if people were denied the right not to be discriminated against based on their sexual orientation;

5. **THAT,** this judgement sets the pace for legalization of same sex unions in Kenya and will have a drastic negative impact on the family unit;

NATIONAL ASSEMBLY RECEIVED

REGARDING THE PROLIFERATION OF LGBTQ IN THE COUNTRY

6. **THAT,** the infiltration of LGBTQ agenda in books and study material through subtle depiction of same gender relationships within the Kenyan and international school curricula is a matter of concern;

7. **THAT,** there have been concerted efforts from foreign non state actors through financial lobbying to effect changes to the penal code in order to decriminalise acts that have been decriminalised such as homosexuality;

8. **THAT,** the Constitution in the preamble recognizes the ultimate authority of God as the source of objective moral laws, and Article 119 of the Constitution allows every person to petition Parliament to consider any matter within its authority, including among other issues the protection of family life and society as a whole;

9. **THAT**, the matters presented in this petition are not pending before any court of Law, constitutional or legal body;

THEREFORE, your humble Petitioners pray that the National Assembly through the Public Petitions Committee;

i. Intervenes with a view to have the Ministry of Interior and National Administration strictly enforce the provisions of the Penal Code Act, CAP 63 particularly sections 162, 163 and 165 that prohibit homosexuality in the Country;

ii. investigates into the possibility of approved curriculum or content by the Ministry of Education, through the Kenya Institute of Curriculum Development as regards to LGBTQ in the Country; and

iii. recommends consideration and fast-tracking of the Family Protection Bill, 2023 into law; and,

iv. Makes any other orders or directions that it deems fit in the circumstances of the matter.

And your **PETITIONERS** will ever pray.

PRESENTED BY:



THE HON. MOHAMED ALI MOHAMED, MP
MEMBER FOR NYALI CONSTITUENCY

Date: 21st Feb 2024

MINUTES OF THE 54TH SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON THURSDAY, 3RD SEPTEMBER, 2026 IN MASHUA CONFERENCE ROOM, SERENA HOTEL, MOMBASA COUNTY AT 9:00 A.M.

PRESENT

1. Hon. Eric Muchangi Karemba, CBS M.P. - **Chairperson**
2. Hon. Janet Jepkemboi Sitienei, CBS, M.P. - **Vice-Chairperson**
3. Hon. Beatrice Kadeveresia Elachi, CBS, M.P.
4. Hon. Joshua Chepyegon Kandie, M.P.
5. Hon. Maisori Marwa Kitayama, M.P.
6. Hon. (Eng.) Bernard Nebart Muriuki, M.P.
7. Hon. Suzanne Ndunge Kiamba, M.P.
8. Hon. Peter Irungu Kihungi, M.P.
9. Hon. Edith Vethi Nyenze, M.P.
10. Hon. Paul Biego Kibichiy, M.P.

APOLOGIES

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. Peter Mbogho Shake, M.P.
3. Hon. Sloya Clement Logova, M.P.
4. Hon. Patrick Ntwiga Munene, CBS, M.P.
5. Hon. John Bwire Okano, M.P.

IN-ATTENDANCE

SECRETARIAT

1. Mr. Oscar Namulanda	-	Deputy Director/HOD
2. Mr. Victor Weke	-	Principal Clerk Assistant II
3. Ms. Miriam Modo	-	Clerk Assistant I
4. Mr. Bernard Toroitich	-	Clerk Assistant III
5. Ms. Kafuyai Wamae	-	Clerk Assistant III
6. Mr. Clinton Sindiga	-	Legal Counsel II
7. Ms. Nancy Akinyi	-	Research Officer III
8. Mr. Valerian Pascal	-	Hansard Officer II
9. Mr. Collins Mahamba	-	Audio Officer
10. Ms. Fridah Ngari	-	Media Relation Officer
11. Mr. Paul Shani	-	Serjeant-at-Arms
12. Mr. Mahlon Kiprono	-	Intern

MIN./PPC/2026/277: PRELIMINARIES

The Chairperson called the meeting to order at 9:00 am and opening prayers were led by the Hon. Maisori Marwa Kitayama, M.P.

MIN./PPC/2026/278: ADOPTION OF AGENDA

The proposed agenda was adopted having been proposed by Hon. Suzanne Ndunge Kiamba, M.P, and seconded by, Hon. Edith Vethi Nyenze, M.P.

AGENDA

1. Prayer and Preliminaries
2. Adoption of the Agenda
3. Confirmation of previous Minutes
4. Matters Arising
5. **Consideration and adoption of the following Public Petition Reports:**
   (i) **P/No. 59 of 2023 regarding Settlement of Ontulili Mount Kenya Forest Squatters by Mr. Patrick and Mr. Robert Wanjau;**
   (ii) **P/No. 18 of 2025 regarding Road reserve boundaries and protection of ancestral land by residents of Gitei Village, Kiambu County; and**
   (iii) **P/No. 04 of 2024 regarding the proliferation of LGBTQ persons in Kenya by Hon. Mohamed Ali, MP.**
   (iv) **P/No. 04 of 2025 regarding unfair labour practices by Sukari Industries Limited in Homa Bay County by Hon. Martins Owino, MP**
6. Any Other Business
7. Adjournment and Date of the Next Meeting

MIN./PPC/2026/279: CONFIRMATION OF MINUTES

This agenda item was deferred to the next sitting.

MIN./PPC/2026/280: CONSIDERATION AND ADOPTION OF REPORTS ON VARIOUS PUBLIC PETITIONS

a) Public Petition No. 59 of 2023 regarding Settlement of Ontulili Mount Kenya Forest Squatters by Mr. Patrick and Mr. Robert Wanjau.

The adoption of the Draft Report was deferred pending site visit Ontulili, the Committee resolved to conduct site visit to have an engagement with Ontulili Mount Kenya Forest Squatters.

b) Public Petition No. 18 of 2025 regarding Road reserve boundaries and protection of ancestral land by residents of Gitei Village, Kiambu County

The Committee considered and adopted the Draft Report unanimously having been proposed by the Hon. Joshua Kandie, MP and seconded by the Hon. Nerbert Muriuki, MP as follows –

i) On the prayer that the National Assembly inquires into the immediate review and revocation of reliance on Survey Plan FR No.9/69(1941) and adoption of current statutes, gazette notices and the recommendation for gazettement of the road reserve between KM 12+800 (Kiu River) and KM 14+500(Kirigiti) as 40 metres to ensure uniformity with the rest of the Kiambu-Ruiru road corridor; **the Committee declines to grant this prayer as the road reserve is legally 60 metres wide, as per the Registry Index Maps (RIM) Ndumberi/Riabai/Sheet 12 and Sheet 9, and as aligned with the original 1915 survey.**

ii) On the prayer that the National Assembly inquires an equitable and transparent compensation for any compulsory acquisition of land that is carried out through a meaningful public participation and legal due process; **the Committee notes that from the foregoing, there was no compulsorily acquired land and hence no compensation for land due. The Committee however recommends that the**

Ministry of Lands through a re-survey, investigates the circumstances under which residents claim they hold valid title deeds issued by the state, which include the disputed 20 metres, within ninety (90) days of tabling of this report. Should the title deeds be found to have been issued by the state, regardless of the irregularity, then any development put up by the residents on the 20 metres disputed portion be duly compensated, and title deeds subsequently regularized to exclude the 20 metres.

iii) On the prayer for the recognition and protection of the valid certificates of title holders particularly where road reserves and riparian land overlap with special attention to Ndumberi/Riabai parcels 14,125 and 337; **the Committee reiterates its recommendation in prayer no. (ii) above.**

iv) On the prayer that the Public Petitions Committee ensures that any land irregularly taken from the community is restored, and that unlawful boundary markers are removed; **the Committee recommends that any land outside the gazetted acreage, resulting from the re-survey, be reverted to the community.**

c) Public Petition No. 04 of 2024 regarding the proliferation of LGBTQ persons in Kenya by Hon. Mohamed Ali, MP.

The Committee considered and adopted the Draft Report unanimously having been proposed by the Hon. Janet Jepkemboi Sitienei, CBS, M.P, and seconded by the Hon. (Eng.) Bernard Nebart Muriuki, M.P as follows

i) On the prayer that that the Committee intervenes with a view to have the Ministry of Interior and National Administration strictly enforce the provisions of the Penal Code Act, CAP 63 particularly sections 162, 163 and 165 that prohibit homosexuality in the Country; **the Committee grant the prayer as the cited provisions the provisions of the Penal Code Act, CAP 63 particularly sections 162, 163 and 165;**

ii) On the prayer that the committee investigates into the possibility of approved curriculum or content by the Ministry of Education, through the Kenya Institute of Curriculum Development as regards to LGBTQ in the Country; **the Committee notes that Human Sexuality Education within the Competency Based Curriculum is structured not merely as sex education, but as a broader developmental framework that supports learners in understanding, accepting and appreciating their sexual identity. It promotes values such as abstinence, self-respect and protection from risky behaviour, and not LGBTQ content**.

The Committee recommends that the Ministry of Education through the Kenya Institute of Curriculum Development ensures all educational curricula uphold Article 45(2) of the Constitution.

iii) On the prayer that the committee recommends consideration and fast-tracking of the Family Protection Bill, 2023 into law; **the Committee notes that this was the preserve of the House Business Committee and the sponsor of the legislative proposal**.

d) Public Petition No. 04 of 2025 regarding unfair labour practices by Sukari Industries Limited in Homa Bay County by Hon. Martins Owino, MP.

The Committee considered and adopted the Draft Report unanimously having been proposed by the Hon. Janet Jepkemboi Sitienei, CBS, M.P, and seconded by the Hon. Maisori Marwa Kitayama, M.P as follows –

Pursuant to the provisions of Standing Order 227, the Committee recommends that –

i) On the prayer that the National Assembly inquires into the alleged discrimination, unfavourable working conditions and unfair treatment of both outsourced and directly employed workers, whether local or foreign; **the Committee reprimands the Cabinet Secretary, Ministry of Labour and Social Protection and recommends that the ministry immediately issues notice to Sukari Industries Limited to comply with Article 41 of the Constitution and all prevailing labour laws, failure to which the factory be shut down for non-compliance. From the foregoing, a report be submitted to the National Assembly within ninety (90) days of tabling of this Report.**

ii) On the prayer that the National Assembly recommends that Sukari Industries Limited allows its workers, including those hired through outsourcing firms, to join or form labour unions to safeguard their rights, particularly their right to fair remuneration and reasonable working conditions, as guaranteed under Article 41 of the Constitution; **the Committee reiterates its recommendation in prayer (i) above.**

MIN./PPC/2026/281: ADJOURNMENT AND DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at 4:30 p.m.

Sign: ..... for ..... **Date** 30-09-26

HON. MUCHANGI KAREMBA, CBS, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

MINUTES OF THE 53RD SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON TUESDAY, SEPTEMBER 24, 2024, IN CONFERENCE ROOM 12, NEW WING, MAIN PARLIAMENT BUILDINGS AT 11.00. A.M

PRESENT

1. Hon. Janet Jepkemboi Sitienei, M.P. — Vice Chairperson
2. Hon. Ernest Ogesi Kivai, M.P.
3. Hon. Joshua Chepyegon Kandie, M.P
4. Hon. John Walter Owino, M.P.
5. Hon. Edith Vethi Nyenze, M.P
6. Hon. Bidu Mohamed Tubi, M.P.
7. Hon. Caleb Mutiso Mule, M.P.
8. Hon. (Eng.) Bernard Muriuki Nebart, M.P.
9. Hon. John Bwire Okano, M.P.

APOLOGIES

1. Hon. Nimrod Mbithuka Mbai, M.P. — Chairperson
2. Hon. Patrick Makau King'ola, M.P.
3. Hon. Maisori Marwa Kitayama, MP
4. Hon. Peter Mbogho Shake, M.P.
5. Hon. Suzanne Ndunge Kiamba, M.P.
6. Hon. Sloya Clement Logova, M.P.

SECRETARIAT

1.	Mr. Ahmad Kadhi	Senior Clerk Assistant
2.	Ms. Roselyn Njuki	Senior Sergeant at Arms I
3.	Ms. Miriam Modo	Clerk Assistant I
4.	Ms. Anne Shibuko	Clerk Assistant I
5.	Mr. Isaac Nabiswa	Legal Counsel II
6.	Mr. Willis Obiero	Clerk Assistant III
7.	Ms. Nancy Akinyi	Research Officer III
8.	Mr. Calvin Karungo	Media Relations Officer III
9.	Mr. Peter Mutethia	Audio Officer

PETITIONER

Hon. Mohammed Ali, HSC — Petitioner

MIN./PPETC/2024/330: PRELIMINARIES

The Chairperson called the meeting to order at 11:00 am. and proceedings began with prayers by Hon. Edith Nyenze, M.P.

MIN./PPETC/2024/331: ADOPTION OF AGENDA
AGENDA

1. Prayer
2. Adoption of the Agenda
3. Confirmation of minutes of previous sittings
4. Matters Arising
5. **Consideration of P/No. 4 of 2024 regarding Proliferation of LGBTQ Persons in Kenya**
   - *Meeting with the Petitioner (Hon. Mohamed Ali, MP)*
6. **Consideration of P/No. 48 of 2023 regarding Compromised Safety Standards of Planes Operated by Skyward Express PLC**
   - *Meeting with the Petitioner (Hon. Protus Akujah, MP)*
7. **Consideration of P/No. 74 of 2023 Enactment of the Bankers Professional Bill,2023**
   - *Meeting with the Hon. Julius Rutto, MP*
8. Any Other Business
9. Adjournment

The Agenda was adopted to constitute business having been proposed by Hon. Joshua Kandie, M.P. and seconded by Hon. Edith Nyenze, M.P.

MIN./PPETC/2024/332: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

The agenda was deferred.

MIN./PPETC/2024/333: CONSIDERATION OF P/NO. 4 OF 2024 REGARDING PROLIFERATION OF LGBTQ PERSONS IN KENYA

Meeting with the Petitioner, Hon. Mohammed Ali, M.P, HSC

The Hon. Mohammed Ali, MP appeared before the Committee and submitted as follows:

Background

1. Over the past decade, the Lesbians, Gay, Bisexuals, Trans-gender and Queer (LGBTQ) community members and representatives have consistently made efforts to challenge in various courts laws that prohibit homosexuality and other acts deemed unnatural.

2. Those meticulously planned and financially supported endeavours are also prevalent in numerous African countries such as Uganda, Botswana, Zimbabwe, Namibia, and several others.

3. Representatives and community members claim that their rights and freedoms have been infringed upon due to discrimination based on sexual orientation and gender identity.

4. The Supreme Court in Non- Governmental Organisations Co-ordination Board VEG and 5 others overstretched its mandate in holding that the right to equality before the law would not be advanced if people were denied the right not to be discriminated based on their sexual orientation. This judgement sets the pace for legalisation of same sex unions in Kenya and will have a drastic negative impact on the family unit.

5. The infiltration of LGBTQ agenda in books and study materials through subtle depiction of same gender relationships within the Kenyan and international school curricula is a matter of concern.

6. There have been concerted efforts from foreign non-state actors through financial lobbying to effect changes to the Penal Code in order to decriminalise acts that have been decriminalised such as homosexuality.

7. The Constitution in the preamble recognises the ultimate authority of God as the source of objective moral laws, and Article 119 of the Constitution allows every person to petition Parliament to consider any matter within its authority, including among other issues the protection of family life and society as a whole.

8. The matters presented in this Petition are not pending before any court of law, constitutional or legal body.

<u>Prayers</u>

9. The Petitioners prayed that the Committee—

(i) Intervenes with a view to have the Ministry of Interior and National Administration strictly enforce the provisions of the Penal Code Act, CAP 63, particularly sections 162, 163 and 165, that prohibit homosexuality in the country;

(ii) Investigates into the possibility of approved curriculum or content by the Ministry of Education through the Kenya Institute of Curriculum Development as regards to LGBTQ in the country;

(iii) Recommends consideration and fast-tracking of the Family Protection Bill, 2023, into law; and

(iv) Makes any other orders or directions that it deems fit in the circumstances of the matter.

Committee Concerns

Sponsor of the Petition

1. The Committee observed that the petition submitted to the Clerk's office was signed by Hon. Peter Kaluma, M.P. However, the petition was presented in the House by Hon. Mohamed Ali, M.P. Hon. Mohamed Ali clarified that he had previously introduced a Motion on the same subject and was collaborating with Hon. Peter Kaluma on this petition. Hon. Kaluma had directly engaged with some of the petitioners and was expected to provide further submissions on the matter.

LGBTQ Population in Kenya

2. The Petitioner stated that no official data or statistics exist regarding the number of LGBTQ individuals in Kenya, as the practice is largely concealed and conducted in secrecy. However, some LGBTQ members have publicly identified themselves on social media. The Petitioner expressed concerns, claiming that the culture was foreign and aimed at enticing people to engage in what they considered unnatural practices.

LGBTQ Traits and Behaviour

3. The Petitioner clarified that the LGBTQ community is often associated with the use of rainbow colours and that certain mannerisms, including specific signs, dressing, body language, and behaviour in public spaces, were indicators. The Ministry of Interior and National Administration might also have data on the LGBTQ community.

Representation of Signatories

4. The Petitioner explained that the signatories represented various religious organizations, including both churches and mosques, which had approached Hon. Kaluma. However, verification of the specific organizations being represented could be established.

Pending Court Matters

5. The Petitioner referenced the landmark ruling of the Supreme Court in September 2023, which upheld the right of the National Gay and Lesbian Human Rights Commission to register under the Kenya NGOs Coordinating Board. The ruling stated that it would be unconstitutional to deny the right to associate based on sexual orientation. However, the petition before the Committee was presented before this Supreme Court ruling.

   Additionally, the Petitioner mentioned that he was taken to court in Mombasa by a lawyer representing LGBTQ members, citing that his statements in and outside Parliament had threatened the community. The Petitioner was the 5th Respondent in Petition No. E048 of 2023 (The Protection of Rights and Fundamental Freedoms and Enforcement of the Constitution) at the High Court of Mombasa, alongside the Inspector General of Police and other organizations.

Infringement of the Bill of Rights

6. When asked whether the petition infringed on the Bill of Rights, the Petitioner argued that it did not, stating that LGBTQ individuals are not discriminated against as they go about their daily lives.

Impact on Religious Groups

7. The Petitioner clarified that various religious groups felt it was their duty to protect their religious tenets, which they believed were being violated by the LGBTQ community.

Foreign Funding of the LGBTQ Movement

8. While the Petitioner did not have concrete evidence of foreign funding for the LGBTQ movement in Kenya, he suggested that NGOs aligned with LGBTQ interests often receive such funding indirectly. He referenced Uganda's rejection of foreign aid tied to support for LGBTQ rights as an example. The Petitioner also noted that parents had raised concerns about the inclusion of pro-LGBTQ material in school curriculums and the provision of certain books.

Committee's Inquiry on Persons of Interest

9. The Committee asked the Petitioner to identify persons of interest that it could engage with. The Petitioner indicated that stakeholders in coastal regions, Nyanza, and Nairobi could provide insights and share the challenges faced by communities in these areas. He also mentioned that the person taking him to court served as a point of contact.

Medical Reports on Sexuality

10. The Petitioner stated that both local and international doctors have documented research on sexuality. However, he emphasized that the petition was also aimed at urging relevant authorities to clarify the dangers of LGBTQ practices.

Committee Resolution

After deliberations, the Committee resolved to invite the Hon. Peter Kaluma, MP to make submissions on the Petition before engaging other stakeholders.

MIN./PPETC/2024/334: **CONSIDERATION OF PUBLIC PETITION NO. 48 OF 2023 REGARDING PROLIFERATION OF LGBTQ PERSONS IN KENYA COMPROMISED SAFETY STANDARDS OF PLANES OPERATED BY SKYWARD EXPRESS PLC**

The Agenda was deferred.

MIN./PPETC/2024/335: **CONSIDERATION OF PUBLIC PETITION NO. 74 OF 2023 REGARDING ENACTMENT OF THE BANKERS PROFESSIONAL BILL,2023**

The Agenda was deferred.

MIN./PPETC/2024/336: ADJOURNMENT AND DATE OF NEXT MEETING

The Chairperson adjourned the meeting at 12:30 p.m. The next meeting will be held on Wednesday, 25th September 2024 at 11:00 a.m.

Sign: .....

FOV **(CHAIRPERSON).**

Date.....19-11-2024.....

(2) Head-RRT
(3) Process as appropriate.
7/2/24

PETITION TO PARLIAMENT TO INQUIRE INTO THE PROLIFERATION OF LGBTQ IN KENYA.

(1) DLPS
Please deal
06/02/24

To:
National Assembly of Kenya
C/O The Clerk Kenya National Assembly
Parliament Buildings
P.O Box 41842 - 00100,
Nairobi, Kenya

NATIONAL ASSEMBLY
RECEIVED
01 FEB 2024
CLERK'S OFFICE
P O Box 41842, NAIROBI

Date: 1st February, 2024.

PETITION TO PARLIAMENT TO INQUIRE INTO THE PROLIFERATION OF LGBTQ IN KENYA.

WE, the undersigned, Citizens of Kenya, representing Christian and Muslim Religious leaders and organizations, Non Governmental organizations, and individuals **DRAW the attention of the House to the following**:

That;

1. The Constitution of Kenya 2010 reposes all sovereign authority in the People of Kenya;

2. Article 119 of the Constitution of Kenya grants any citizen or group the right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.

3. In the past ten years, we have witnessed persistent, well-choreographed and well financed/funded attempts by persons identifying themselves as representing homosexuals (or more precisely Lesbians, Gay, Bisexuals, Transgender, and Queer (LGBTQ) to have laws prohibiting homosexuality and other unnatural acts impugned or declared unconstitutional. They have filed numerous court cases and petitions in our courts. This has not only been witnessed in Kenya but in many African countries including Uganda, Botswana, Zimbabwe, Namibia and many others.

4. The common thread through all these attempts throughout the world has been their claims that their rights and freedoms have been violated through **discrimination on grounds of sexual orientation and gender identity.** These two terminologies are alien not just to the African but to anyone with a moral fiber in their being.

5. The Supreme court in ***Non-Governmental Organizations Co-ordination Board v EG & 5 Others*** overstretched its mandate in holding that the right to equality before the law would not be advanced if people were denied the right not to be discriminated against based on their sexual orientation. If this judgement is not remedied, there will be a drastic negative impact on the family in Kenya. It sets the pace for the legalization of same sex unions in Kenya.

6. There already is an attempt to revise our moral code through proposed amendments of the Penal Code by the National Council on Administration of Justice (NCAJ)

NATIONAL ASSEMBLY
PETITIONS DESK
RECEIVED

NATIONAL ASSEMBLY
RECEIVED
05 FEB 2024

7. The Kenyan curriculum has also unfortunately seen the infiltration of LGBTQ agenda. The agenda is being pushed in books and study material. A specific example in one of the Grade 4 books that has less than subtle depiction of gay relationships. This is an affront on future generations and seeks to further confuse and mislead our young children. Parliament must as a matter of urgency investigate unsanctioned publishers and book distributors of these offensive material.

8. International basic education curricula have also taken the form of open access to LGBTQ material. Urgent action must be taken by Parliament to ensure that all Kenyan children studying a variety of international curricula are not swayed by this infiltration.

9. There have been concerted efforts from foreign non state actors through financial lobbying to effect changes to our penal law in order to decriminalize such acts long criminalized such as homosexuality. This is the beginning of a slippery slope from which the country may not recover from if left unattended.

10. Apart from background financial lobbying there is presently ongoing aggressive public recruitment into the LGBTQ agenda. There are scores of seemingly harmless programs across campuses and institutions of higher learning couched as caucuses on sexual freedoms and minority rights. These are inoculation and breeding grounds for the LGBTQ agenda. Unless Parliament intervenes and has these activities nipped in the bud, the moral decay we have seen over the last couple of years will continue to dizzying levels.

11. That the preamble to the Constitution acknowledges the supremacy of the almighty God who is the objective moral law giver and that this informed the decision to petition Parliament to further protect the family, life and society at large.

That:

12. We have made inquiries into the foregoing issues to the concerned ministries and state agencies.

That:

14. That we confirm that the issues in respect of which the petition is made are not pending before any court of law, or constitutional or legal body.

HEREFORE your humble petitioners Pray that Parliament—

a. Parliament, pursuant to Standing Orders 25A, 40, and in exercise of its oversight role to ensure the Cabinet Secretaries of Education, Health, Foreign Affairs, and Labour and Social Protection, and the Inspector General of Police to confirm the measures they are taking on;

    i. Sneaking of the LGBTQ agenda into the Kenyan and International curriculum

ii. The ministry of Health's position on the definition of sexual health and rights vis a vis the WHO definitions and agenda.

iii. The proliferation of foreign actor funding and lobbying on LGBTQ matters.

iv. The Ministry of Labor and social protections plans to safeguard the family from such erosive influences.

v. Enforcing the Penal Code provisions, including Sections 162, 163 & 165 of the Penal Code that prohibit homosexual conduct in Kenya.

b. Fast tracks the discussion and passage of the Family Protection Bill sponsored by Hon. Peter Opondo Kaluma- *The Kaluma Bill*

c. Rejects in toto the proposed decriminalization Bill by the NCAJ and only amend the Penal Code in a manner that gives life to the Constitution rather than suffocate it. The Penal Code Amendment Bill No. 56 of 2022 is one perfect example of how such an amendment should be done

And your PETITIONERS pray:

That this petition be heard and considered expeditiously.

Dated this 1st day of February 2024.

Presented by: HON. GEORGE PETER KALUMA, MP. On behalf of the Petitioners
HOMA BAY TOWN CONSTITUENCY

PETITION TO PARLIAMENT TO INQUIRE INTO THE PROLIFERATION OF LGBTQ IN KENYA.

NO	NAME OF PETITIONER	ORGANIZATION	TELEPHONE NO.	ID/PP NUMBER	SIGNATURE
1	Charles Kanjama, SC	KCPF	0721481296	20017841	
2	SHEIKH ABDULLATIF	FRC	0722789764	8453778	
3	Apostle ISAAC MWAURA	ARCK	0722495888	11769110	
4	Dr Stanley SK Kamau	FAMILY MATTERS	0722673079	9012948	
5	BSP Hudson Ndeda	CCAK	0722394464	11043081	
6	Bishop JUDAH KAJILA	FDFK	0716533	764123	
7	Rev. JUSTUS MUGAMBI	CITAM	0700045522	880624	
8	Bishop TITUS MASIKA	VLI	0722233030	3342991	
9.	Rev. Dennis Mthumbi	Christians in Politics Kenya	0702607000	14582895	
10	Bishop DR DANIEL KIVEU	GIMA	0727767111	10040986	
11	Bishop Dr. Charles Muisli Kwiki	ARCK	0722618530	10878248	
12	Chaplain Dr. Carolyne Irungu	EAK	0728608140	22938954	
13	Bishop DAVID THAGANA	FEICCK	0710415407	5776932	
14	Jane Opar - Okello	GMA	0721201252	10965912	
15	Dr Rashid Aly Omar	JUDRAK	0720955702	08630/	
16	SH IBRAHIM MOHAMMED	Council of Imams CIPK	0706444106	1103582	
17	Dr. JOEL NZOMO	UCA	0722653780	11628882	
18	Apostle Julius Muraga	Family Matters Foundation	0721492317	10889461	

PETITION TO PARLIAMENT TO INQUIRE INTO THE PROLIFERATION OF LGBTQ IN KENYA.

NO	NAME OF PETITIONER	ORGANIZATION	TELEPHONE NO.	ID/PP NUMBER	SIGNATURE
19.	Simon M. Mbatia	G. M. A.	0720844507	12876550	
20.	Julius Gitaru	RCGG	0712771277	10970251	
21.	Obed K. Mungwiki	CUC/KCPF	0710931873	15622572	
22.	David Kwagalta	Youth	0728765512	13405452	
23.	Antonnah Kering	MZAZI-IP	0720288950	21791951	
24.	Pastor Jacinta Kinkani	Scripture Union Kenya	0720820511	22818571	
25.	Sheikh SAID KIPIM	IGAMIC.	0715817391	28075442	
26.	Rev. MARK KHAKADA	ACK BUNGOMA	0719862679	22822337	
27.	AL KHALID	AL AMEEN	0721625555	21009573	
28.	Sheila Wambani Sirengo	CITAM - SAA	0720826763	24701070	
29.	Ahmed R. Ruto	CIPK	0716561217	22484281	
30.	[illegible] MUNYAKI, OLE WATERERA	St. John's Anglican	0717571877	10645922	
31.	Evaline Murono	Bowenwall	0794986236	21096637	
32.	FAISAL A. MBARAK	NMERO	0798933360	7228163	
33.	GODFREY K. GICHUKI	LIFE CHURCH INT'L	0722751422	9187208	
34.	Philip Musangala	KCPF	0712805960	29622476	
35.	Kevin Yoya	KCPF	0701095476	29061149	
36.	Sheikh Hassan Omar	YMA	0789575611	21229124	
37.	Derrick Amusavi	KBC	0715961255	34917891	

PETITION TO PARLIAMENT TO INQUIRE INTO THE PROLIFERATION OF LGBTQ IN KENYA.

NO	NAME OF PETITIONER	ORGANIZATION	TELEPHONE NO.	ID/PP NUMBER	SIGNATURE
	ANISA BASHIR				
38	ANISA BASHIR	Family Resource Centre	0722462100	18880 ID	
39	Batuli Suleiman	Darul Arqam	0727270266	9113947	
40	Dan Wamere	Media	0796475728	36931576	
41	Hassan Athumani	Media	0740808981	36430641	
42	Urban Shikoni	Media	0728051488	32106043	
43	Stephen Kitete	KCPF	0721217777	20877369	
44	Mustafa Kassim	Media	0791727819	38435514	
45	Job Cichana	Media	0728895163	24621206	

PETITION TO PARLIAMENT TO INQUIRE INTO THE PROLIFERATION OF LGBTQ IN KENYA.

NO	NAME OF PETITIONER	ORGANIZATION	TELEPHONE NO.	ID/PP NUMBER	SIGNATURE

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

CONSTITUTIONAL AND HUMAN RIGHTS DIVISION

HCCHRPET. NO. 048 OF 2023

IN THE MATTER OF: **THE CONSTITUTION OF KENYA ARTICLES 2, 3, 8, 10, 11, 12, 19, 20, 21, 222, 23, 24, 25, 27, 28, 29, 31, 32, 33, 37, 39, 40, 56, 159, 160 AND 258 OF THE CONSTITUTION OF KENYA.**

IN THE MATTER OF: **THE PROTECTION OF RIGHTS AND FUNDAMENTAL FREEDOMS AND ENFORCEMENT OF THE CONSTITUTION**

BETWEEN:

JOHN MATHENGE..... 1ST PETITIONER

THE CENTRE FOR MINORITY RIGHTS AND STRATEGIC LITIGATION...2ND PETITIONER

AND:

THE INSPECTOR GENERAL OF POLICE..... 1ST RESPONDENT

SALIM SAID KARAMA..... 2ND RESPONDENT

ATHMAN AHMED..... 3RD RESPONDENT

THE ANTI-LGBTQ MOVEMENT..... 4TH RESPONDENT.

MOHAMED ALI..... 5TH RESPONDENT

AND:

THE NATIONAL COMMISSION ON HUMAN RIGHTS..... 1ST INTERESTED PARTY

AMNESTY INTERNATIONAL-KENYA ..... 2ND INTERESTED PARTY

THE KENYA HUMAN RIGHTS COMMISSION.....3RD INTERESTED PARTY

THE NATIONAL COHESION AND INTEGRATION COMMSSION..4TH INTERESTED PARTY

TO:

PETITIONER'S SUPPLEMENTARY LIST OF DOCUMENTS

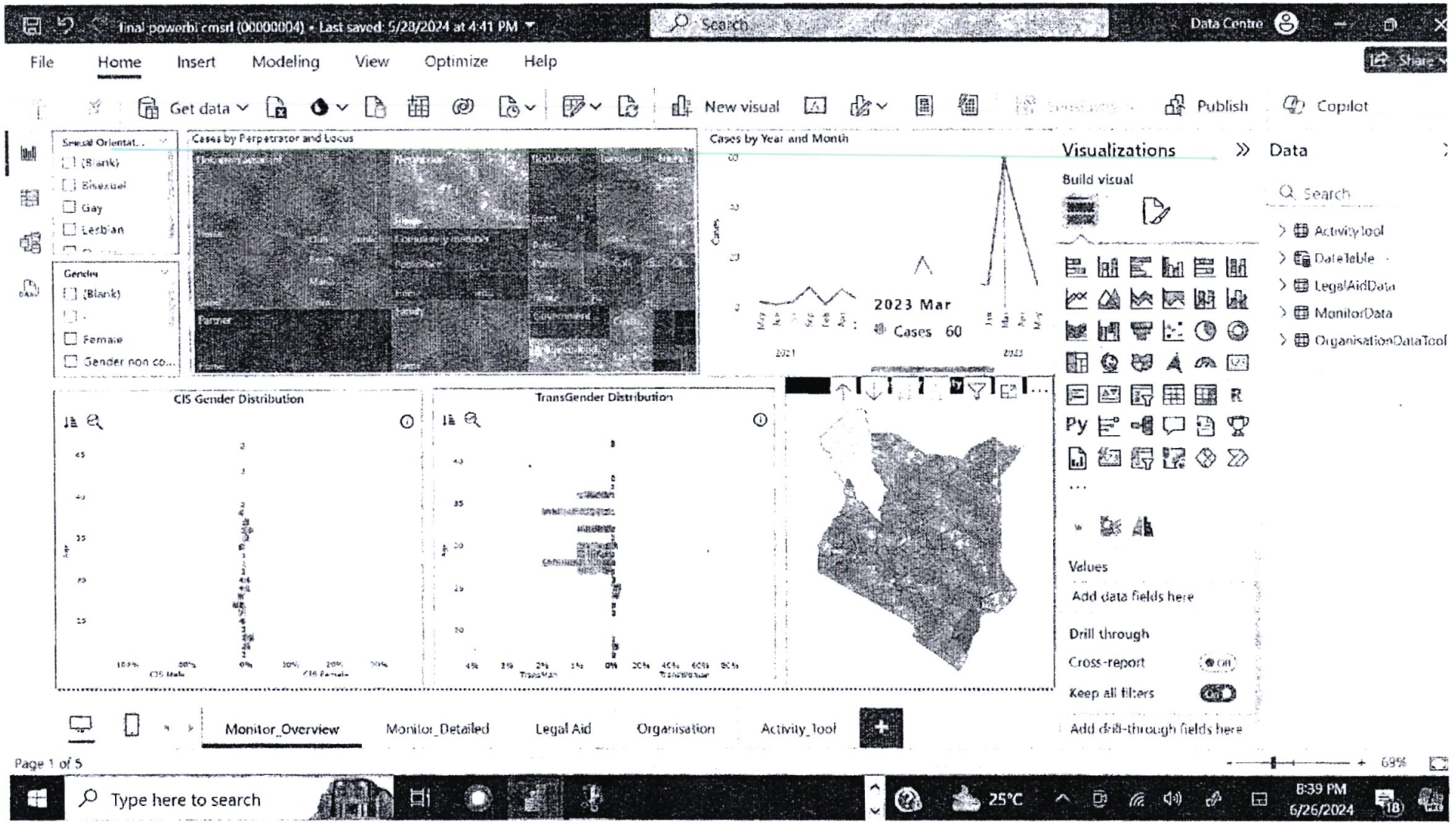
1. CMRSL Data analysis
2. Screenshots

Dated at Mombasa this *21st* day of *June* 2024.

Michael K. Maundu
Advocate

DRAWN & FILED BY:-

Michael K. Maundu
Advocate
P. O. Box 784-80100
Mombasa
michael@cmrsl.org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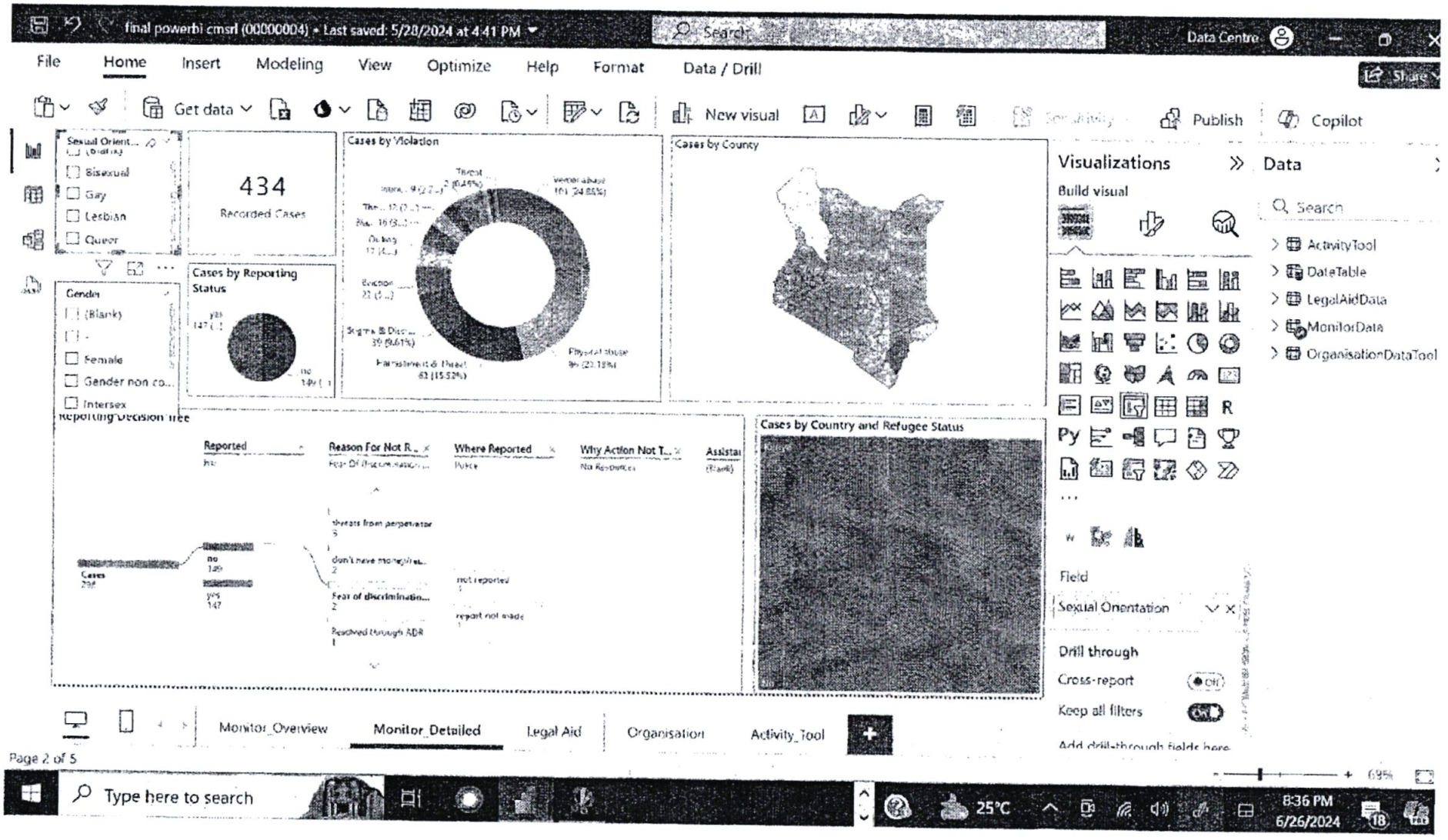
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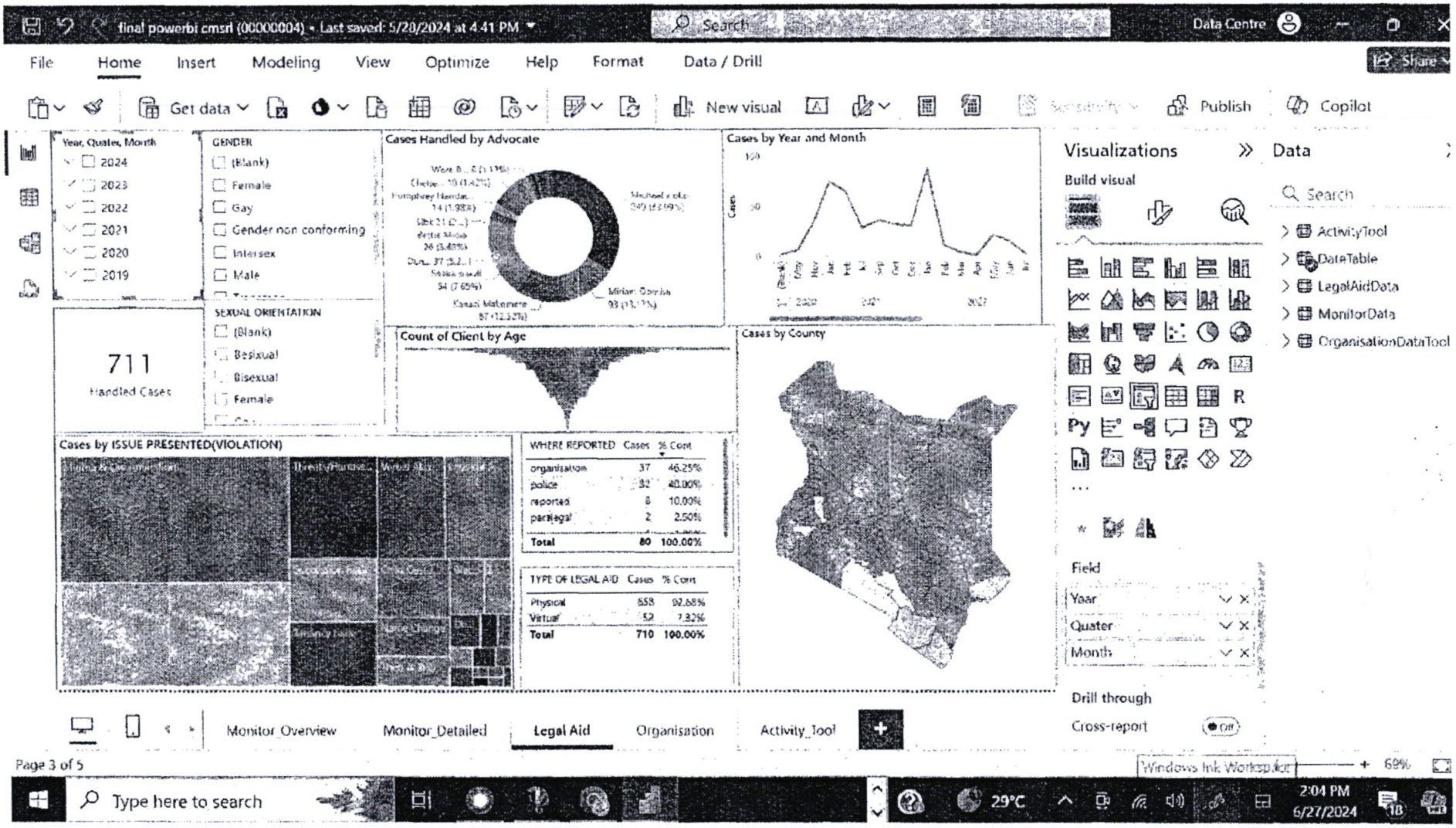
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Cases by County
Cases by ISSUE PRESENTED(VIOLATION)
WHERE REPORTED Cases % Cont
organisation 37 46.25%
police 32 40.00%
reported 8 10.00%
pardlegal 2 2.50%
Total 80 100.00%
TYPE OF LEGAL AID Cases % Cont
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Virtual 52 7.32%
Total 710 100.00%
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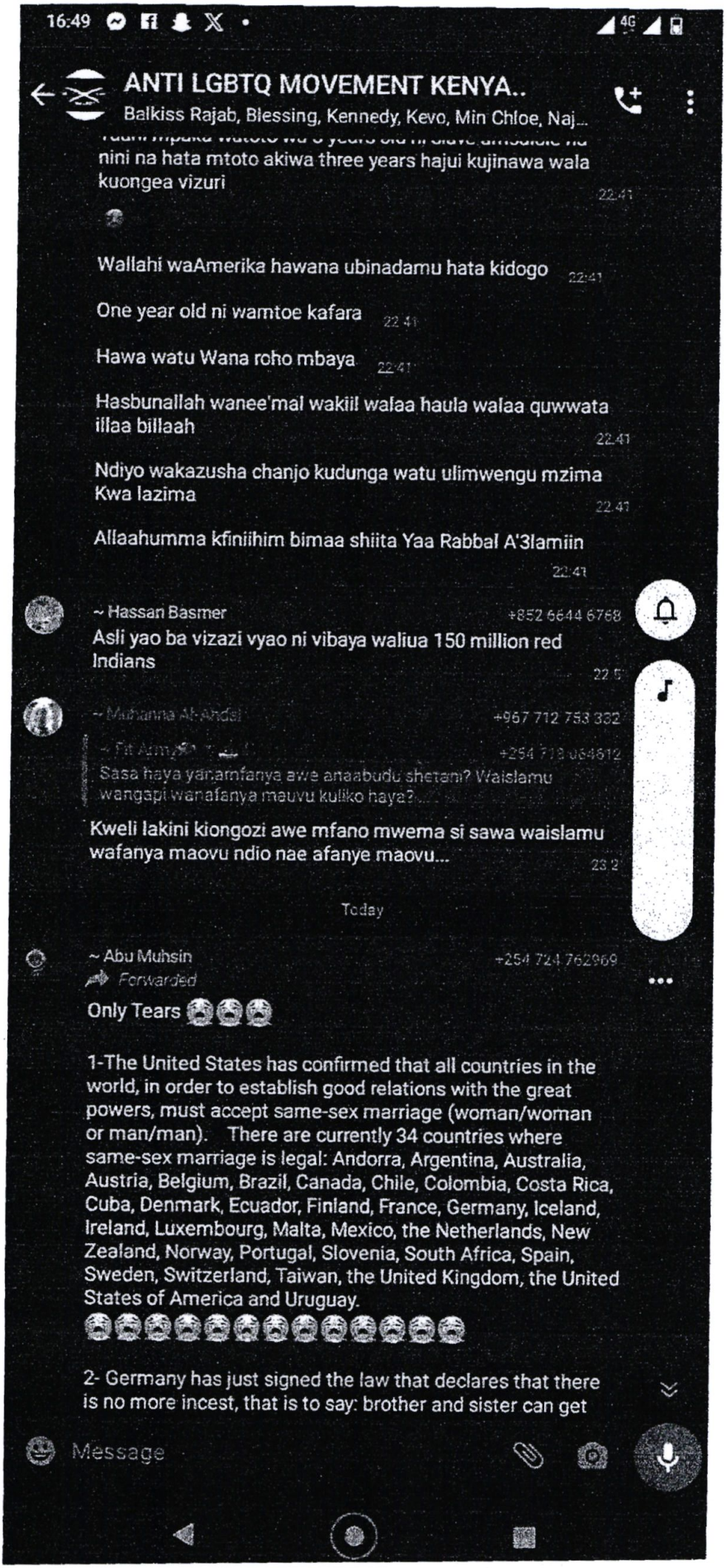
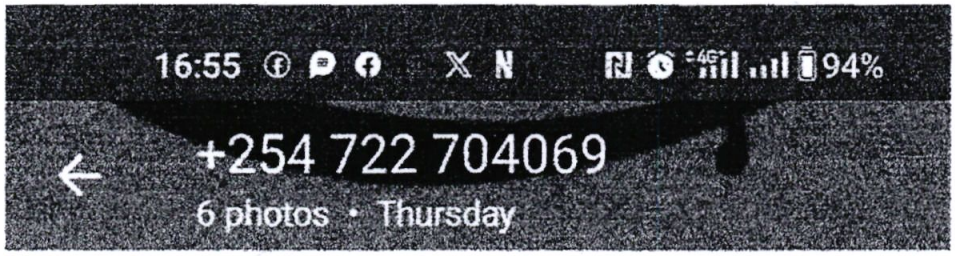
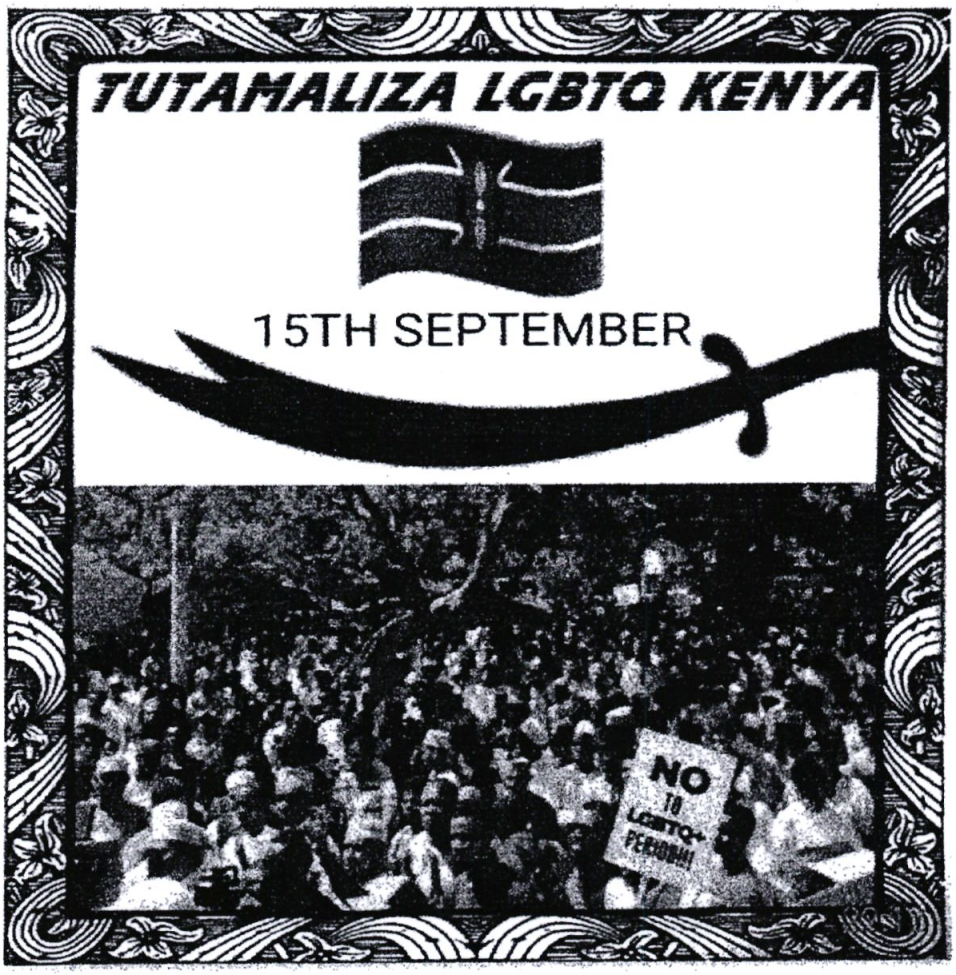

16:49
ANTI LGBTQ MOVEMENT KENYA..
Balkiss Rajab, Blessing, Kennedy, Kevo, Min Chloe, Naj...
nini na hata mtoto akiwa three years hajui kujinawa wala kuongea vizuri
22:41
Wallahi waAmerika hawana ubinadamu hata kidogo 22:41
One year old ni wamtoe kafara 22:41
Hawa watu Wana roho mbaya 22:41
Hasbunallah wanee'mal wakiil walaa haula walaa quwwata illaa billaah
22:41
Ndiyo wakazusha chanjo kudunga watu ulimwengu mzima Kwa lazima
22:41
Allaahumma kfiniihim bimaa shiita Yaa Rabbal A'3lamiin
22:41
~ Hassan Basmer +852 6644 6768
Asli yao ba vizazi vyao ni vibaya waliua 150 million red Indians
22:5
~ Muhanna Al-Andal +967 712 753 332
+254 718 064612
Sasa haya yanamfanya awe anaabudu shetani? Waislamu wangapi wanafanya mauvu kuliko haya?
Kweli lakini kiongozi awe mfano mwema si sawa waislamu wafanya maovu ndio nae afanye maovu...
23:2
Today
~ Abu Muhsin +254 724 762969
Forwarded
Only Tears
1-The United States has confirmed that all countries in the world, in order to establish good relations with the great powers, must accept same-sex marriage (woman/woman or man/man). There are currently 34 countries where same-sex marriage is legal: Andorra, Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Denmark, Ecuador, Finland, France, Germany, Iceland, Ireland, Luxembourg, Malta, Mexico, the Netherlands, New Zealand, Norway, Portugal, Slovenia, South Africa, Spain, Sweden, Switzerland, Taiwan, the United Kingdom, the United States of America and Uruguay.
2- Germany has just signed the law that declares that there is no more incest, that is to say: brother and sister can get
Message







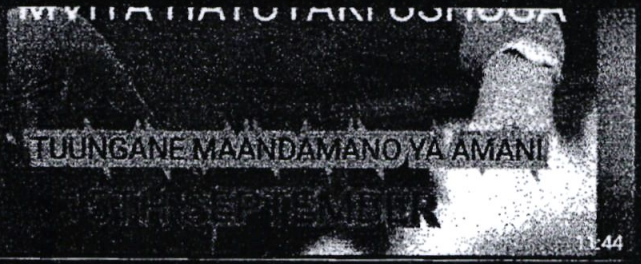
MAANDAMANO YA AMANI

TUSIPO KUHIMIZA HATARI IKO KWA WATOTO WETU

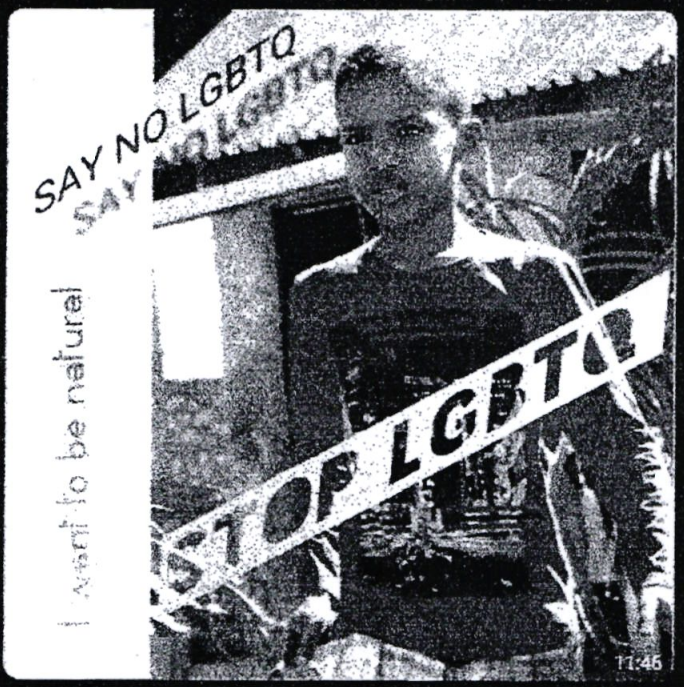
16:48

ANTI LGBTQ MOVEMENT KENYA..

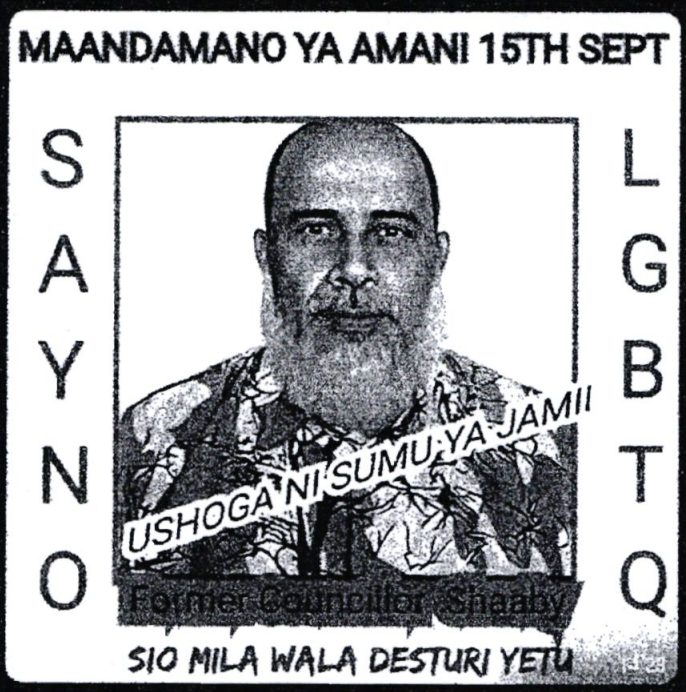
Balkiss Rajab, Blessing, Kennedy, Kevo, Min Chloe, Naj...



~ ERTURGRUL +254 722 704069



~ ERTURGRUL +254 722 704069



Message

16:50

ANTI LGBTQ MOVEMENT KENYA..

Balkiss Rajab, Blessing, Kennedy, Kevo, Min Chloe, Naj...



Fight for our children 11:37

~ Athman Shariff +254 722 415596

~ ERTURO RUI. +254 722 704059

Fight for our children



Swadaqta...we shall never relent!! Together we shall win the Goliath!! 11:40

~ Najuu Abubakar (SANAJ) +254 722 681255

TikTok CEO Shou Zi Chew says company will open Kenya office to coordinate operations in Africa to ensure content is moderated to fit community standards
www.standardmedia.co.ke 13:30

~ Chairman +254 722 344668

Kennedy Mwasi

Morning ,nachukua fursa hii kupongeza hii movement kwa mikakati muna weka ,swali langu ni hii LGBTQ nikitu ilianza zamaa zakale nyinyi wenyewe mmekua kama hili jambo imefanyika mbo...

Zama zazamani na sasa nitafauti currently nimtandao if you will keep quiet our children will get wrong teachers through mtandao. Issue ya lgbtq la zima tuje waze these people are devil's but have support from few super power leaders through human rights group. Imf World Bank and others. We must say NO to lgbtq at any cost 14:45

2

It's inhuman to be in lgbtq group 14:45

~ Zakwany +254 722 710506

Message

16:51

ANTI LGBTQ MOVEMENT KENYA..

Balkiss Rajab, Blessing, Kennedy, Kevo, Min Chloe, Naj...



~ Fuad Buran +966 56 913 2400

> Kennedy Rubea
> Morning ,nachukua fursa hii kupongeza hii movement kwa mikakati muna weka .swali langu ni hii LGBTQ nikitu ilianza zamaa zakale 'nyinyi wenyewe mmekua kama hili jambo linafanyika mbo...

Tumenyamaza siku nyingi na wazee wetu wa kali walikuwa hawana mitandao ndiyo haya mambo yamezidi. Namiyondoko wa kisiku hizi wa mitandao ndiyo shida kubwa kwa vijana lazima wanatakiwa washutuliwe kidogo kwa mandamano ndiyo utawamsha kutoka usingizi wa mitandao.

08:39

~ Athman Shariff +254 722 415596

> Kennedy Rubea
> Morning ,nachukua fursa hii kupongeza hii movement kwa mikakati muna weka .swali langu ni hii LGBTQ nikitu ilianza zamaa zakale 'nyinyi wenyewe mmekua kama hili jambo linafanyika mbo...

Tunakushukuru kwa kuungana nasi kupinga jambo hil , karibu sana.
Kwanza ningekuomba unapotaka kupigana na usharati wowote ule, ni lazima uwe na very positive attitude .
1. Kweli jambo hili limekuzwa siku nyingi sana lakini watu walinyamazia kwa sababu nyingi tu, kama tulivyonyamazia usharati mwingi uliokua unaendelea katika jamii. Sababu moja ni kua sisi tunaishi katika dunia ya freedom of everything. Serikali zote za kidunia zimepatia binadamu uhuru mwingi. Kaatika hali kama hii inakua ni vigumu raia wawili watatu kujaribu kubadilisha mkondo wa maisha ya watu.
2. Tumeamka saizi na kelele na midomo kama unavyosema kwa sababu Supreme court ilijaribu kuhalalisha rasmi uchafu huu, na ingekua wamejaribu kuhalalisha machafu mengine yeyote inakua rahisi kupiga... Read more

08:42

3

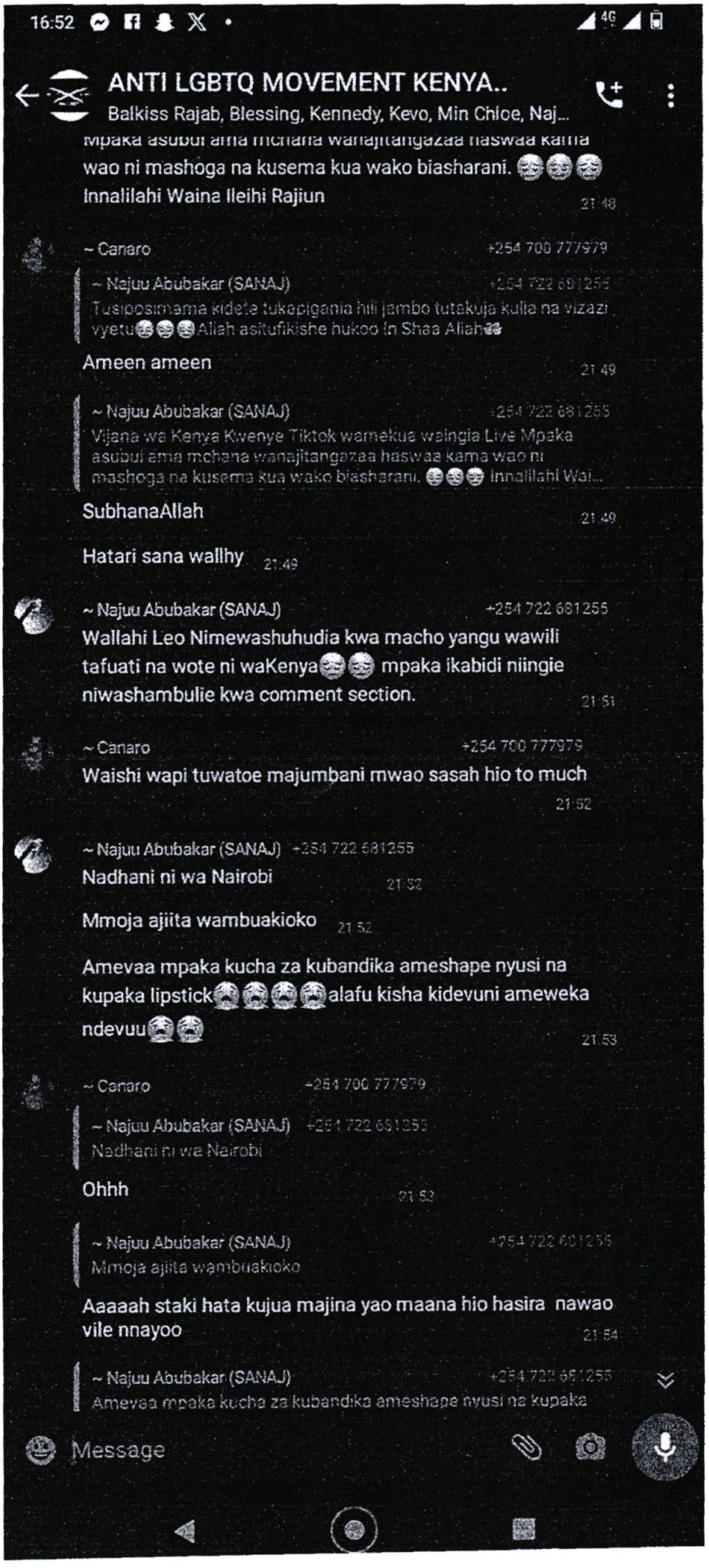
~ mrsolin3000@gmail.com +254 702 280581

Umejibu swab swahiih kabisa

08:44

~ Najuu Abubakar (SANAJ) +254 722 681255

Message


16:52
ANTI LGBTQ MOVEMENT KENYA..
Balkiss Rajab, Blessing, Kennedy, Kevo, Min Chloe, Naj...
Mpaka asubui ama mchana wanajitangazaa haswaa kama wao ni mashoga na kusema kua wako biasharani.
Innalilahi Waina Ileihi Rajiun
21:48
~ Canaro +254 700 777979
~ Najuu Abubakar (SANAJ) +254 722 681255
Tusipositmama kidete tukapigania hili jambo tutakuja kulia na vizazi vyetu Allah asitufikishe hukoo In Shaa Allah
Ameen ameen
21:49
~ Najuu Abubakar (SANAJ) +254 722 681255
Vijana wa Kenya Kwenye Tiktok wamekua waingia Live Mpaka asubui ama mchana wanajitangazaa haswaa kama wao ni mashoga na kusema kua wako biasharani. Innalilahi Wai...
SubhanaAllah
21:49
Hatari sana wallhy
21:49
~ Najuu Abubakar (SANAJ) +254 722 681255
Wallahi Leo Nimewashuhudia kwa macho yangu wawili tafuati na wote ni waKenya mpaka ikabidi niingie niwashambulie kwa comment section.
21:51
~ Canaro +254 700 777979
Waishi wapi tuwatoe majumbani mwao sasah hio to much
21:52
~ Najuu Abubakar (SANAJ) +254 722 681255
Nadhani ni wa Nairobi
21:52
Mmoja ajiita wambuakioko
21:52
Amevaa mpaka kucha za kubandika ameshape nyusi na kupaka lipstick alafu kisha kidevuni ameweka ndevuu
21:53
~ Canaro +254 700 777979
~ Najuu Abubakar (SANAJ) +254 722 681255
Nadhani ni wa Nairobi
Ohhh
21:52
~ Najuu Abubakar (SANAJ) +254 722 681255
Mmoja ajiita wambuakioko
Aaaaah staki hata kujua majina yao maana hio hasira nawao vile nnayoo
21:54
~ Najuu Abubakar (SANAJ) +254 722 681255
Amevaa mpaka kucha za kubandika ameshape nyusi na kupaka
Message

Snapchat

✨Sally✨ • now
added 7 Snaps to their Story

OPEN DISMISS

~ kuvunanyati +254 733 906261
This message was deleted 20.22

~ ERTURGRUL +254 722 704069
~ Faris Sagar +254 723 203381
Where are we heading to??😭😭😭

Umma wa Mohamad, mashabab (vijana) TAKBIR TAKBIR TAKBIR
🧢🧢🧢🧢🧢🧢🧢🧢🧢🧢🧢🧢🧢🧢

BAKORA BAKORA BAKORA 20.27

+254 784 000033 joined using this group's invite link

~ BALLETH +44 7715 547133
~ Faris Sagar +254 723 203381
Where are we heading to??😭😭😭

Hii ingelikua uzuri unaongoja hio siku ifike kisha unakamata wote hakuna kukimbia mtu. 20.42

Lakini lazma squad iwe kubwa sana 20.43

~ Abu Hamza +254 722 713927
Forwarded



Message

16:53

ANTI LGBTQ MOVEMENT KENYA..

Balkiss Rajab, Blessing, Kennedy, Kevo, Min Chloe, Naj...

Takbir ya hii makhnatha jamaa? 21:12

~ ERTURGRUL +254 722 764069

TUNAKUJA TUNAKUJA

TAKBIR TAKBIR TAKBIR TAKBIR TAKBIR TAKBIR TAKBIR TAKBIR ...

Hii sio mahali pa takbiir jamaa...haifai kabsaa 21:13

~ BALLETH +44 7715 547153

Hii ingelikuà uzuri unaongoja hio siku ifike kisha unakamata wote hakuna kukimbia mtu.

Mukishatangaza kua tutakwenda itaharibu... yatakiwa tujipange kisirisiri 21:15

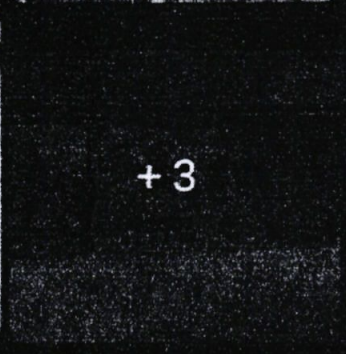
~ Athman Shariff +254 722 415596

Forwarded many times


21:16


21:16


21:16



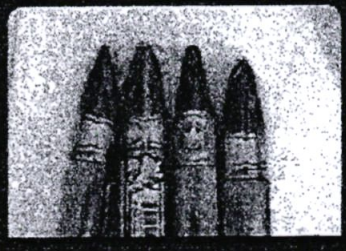
~ Athman Shariff +254 722 415596

Forwarded

Tahadharini wazazi , hizi ni mihadarati 👆 👆 . 21:16

~ Athman Shariff +254 722 415596

Forwarded many times





Message

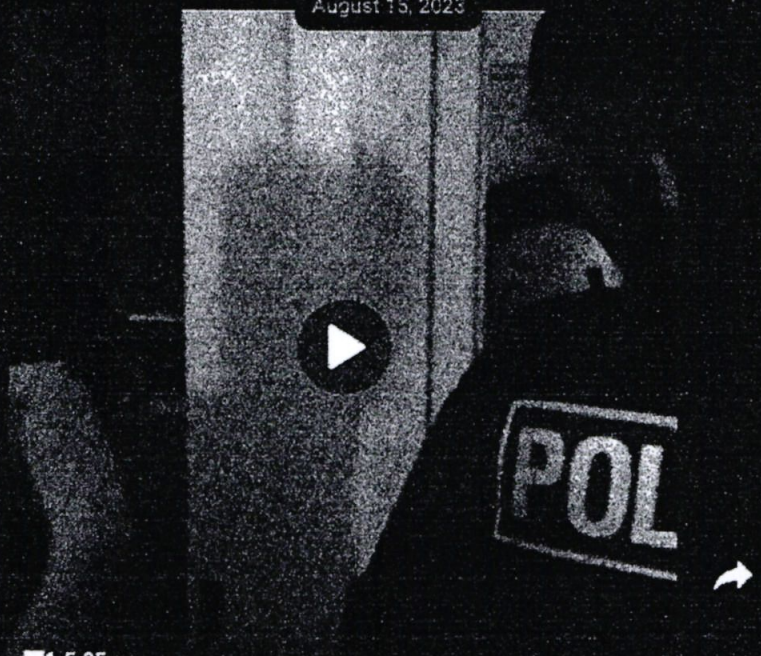
16:54

ANTI LGBTQ MOVEMENT KENYA..

Balkiss Rajab, Blessing, Kennedy, Kevo, Min Chloe, Naj...

Forwarded

August 15, 2023



5:05

UK Police kidnaps a child against his will from his home in front of his parents claiming the parents were "unfit" to raise him! This little boys name is Hashim, this is what it looks like when they act upon their various human rights laws in the west. Childrens rights, Anti-conversion therapy laws etc.. Please remember this can happen because the child says something against lgbtq, or the parents are 'uncooperative' to trans agenda, disagree with medical 'treatment' or the parent has acted with any authority over the child or taught them anything that the state does not agree with. No dissension is tolerated. Agenda 21 - family unit unsustainable, state raised children. UN SDG16 - Peace, Justice and Strong institutions May Allah سبحانه و تعالى have ... Read more

08:11

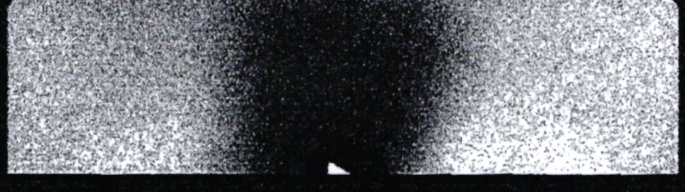
Wallahi this people should have a very big revolution .they have a right to own guns.mtu akujie mtoto wangu hivyo wallahi nawa shot wote kama mbaya mbaya

08:13

Wametangaza Jihad wakati wameingilia watu hadi manyumbani kwao.this is modern day slavery.no freedom anymore

08:14

~ khuzeima said +254 722 355229



Message

09:52

ANTI LGBTQ MOVEME...

Djadja-dee BS. , Beril Hs...

Together We Can 💪 15:54

~ Athman Shariff +254 722 415596

> ~ Najuu Abubakar... +254 722 681255
> Iwe Times three ya ile maandaamano ya nyuma

This time tutaalika Al-shabaab kushiriki... hiyo tu ndio dawa yu huyu khabithi 15:54

~ Omar Awadh +254 724 495043

🤣🤣🤣🤣🤣🤣 15:54

~ Najuu Abubakar (SANAJ) +254...

> ~ Athman Shariff +254 722 415596
> This time tutaalika Al-shabaab kushiriki... hiyo tu ndio dawa yu huyu khabithi



15:54

~ Omar Awadh +254 724 495043

ALLAAHU AKBAR 15:54

Message

1:44

ANTI LGBTQ MOVEMENT...
Andy, Beryl, Blessings, Elvis , Erick , Flo...

As received 14:09

~ BALLETH +44 7715 547133
Tupeni adhabu za mashoga na misago ikiwa hawato repent wafanywe nini?
14:12

~ Canaro +254 700 777979

> ~ BALLETH +44 7715 547133
> Tupeni adhabu za mashoga na misago ikiwa hawato repent wafanywe nini?

Wachinjwe
14:13

~ Geoffrey Kamande kar... +254 720 951507

> ~ ERTURGRUL +254 722 704069
> Video (0:25)



Ushoga una maudhi kweli jama!
14:13

~ BALLETH +44 7715 547133
Wanatakiwa wasukumwe kutoka juu ya mililma one one of the punishment.
14:14

Inamaanisha kuwaondoa hapa 14:14

~ Athman Shariff +254 722 415596
Shoga na sago wanasukumwa kutoka juu ya mlima au jabali mpaka chini...wasipokufa wanatUpwa tena mpaka wafe
14:15

> ~ BALLETH +44 7715 547133
> Wanatakiwa wasukumwe kutoka juu ya mililma one one of the punishment.

Swadaqta
14:15

Message

1:44

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> Video (0:25)



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14:14

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14:15

> ~ BALLETH +44 7715 547133
> Wanatakiwa wasukumwe kutoka juu ya mililma one one of the punishment.

Swadaqta 14:15

Message

1:43

ANTI LGBTQ MOVEMENT...

Andy, Beryl, Blessings, Elvis , Erick , Flo...



This man defiled a four years old child; does this resemble justice?

13:14

~ Najuu Abubakar (SAN... +254 722 681255

> ~ Geoffrey Ka... +254 720 951507
> This man defiled a four years old child; does this resemble justice? (0:30)



Yeah Very Correct!!! Hvy ndivyo wanafaa kufanywaa wote mpaka hawa Wengine😂😂

13:17

~ Geoffrey Kamande kar... +254 720 951507

> ~ Najuu Abubakar (SA... +254 722 681255
> Yeah Very Correct!!! Hvy ndivyo wanafaa kufanywaa wote mpaka hawa Wengine😂😂

Natamani kama yule mkamba wa Shelly Beach angejionea hii!!!!

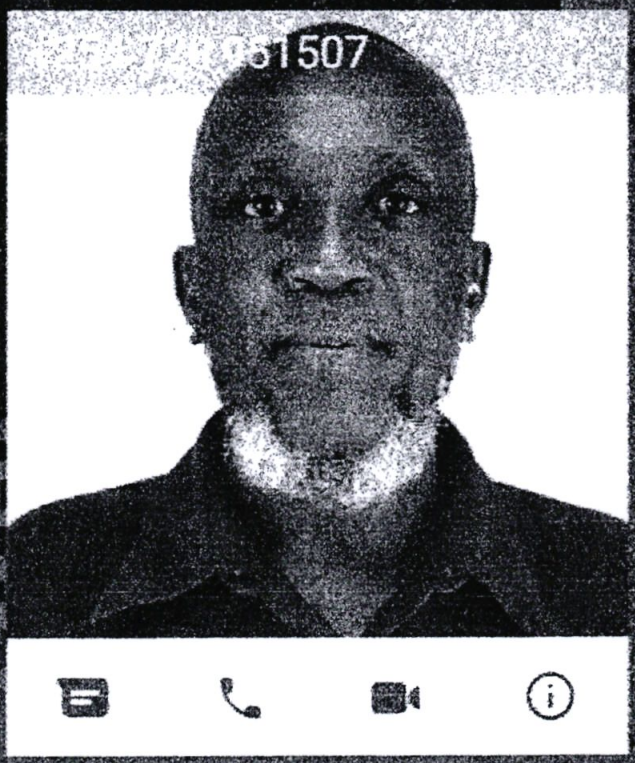
13:19

Message

1:43

ANTI LGBTQ MOVEMENT...

Angy, Beryl, Blessings, Brian, Buck, Flo...



~ Geoffrey Ka... +254 720 951507

This man defiled a four years old child. does this resemble justice? (0:30)

Yeah Very Correct!!!, Hvy ndivyo wanafaa kufanywaa wote mpaka hawa Wengine 13:17

~ Geoffrey Kamande Kar... +254 720 951507

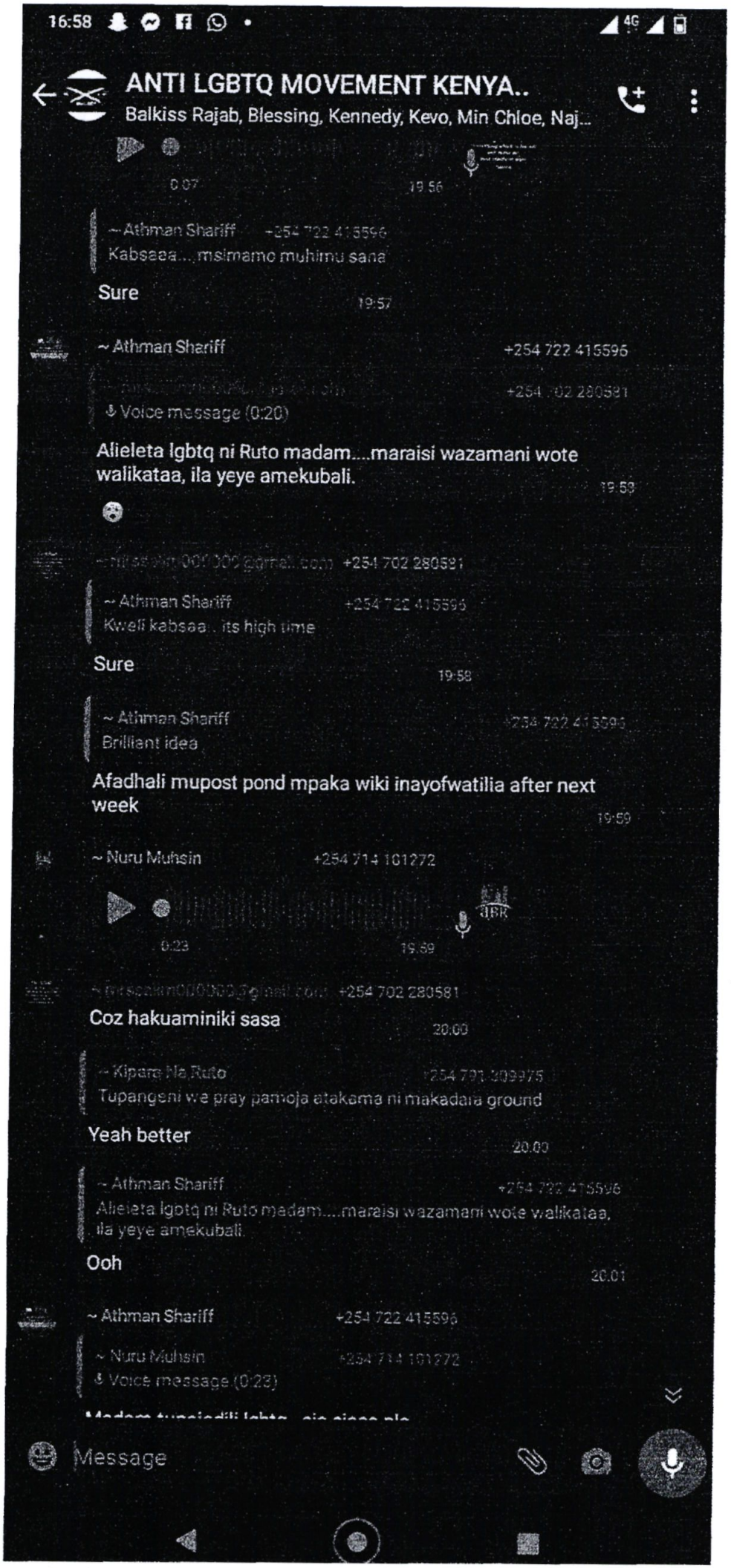
~ Nghtc Abubakar (SA... +254 722 681255

Yeah Very Correct!!, Hvy ndivyo wanafaa kufanywaa wote mpaka hawa Wengine

Natamani kama yule mkamba wa Shelly Beach angejionea hii!!!! 13:19

~ ERTURGRUL +254 722 704069

Message


16:58
ANTI LGBTQ MOVEMENT KENYA..
Balkiss Rajab, Blessing, Kennedy, Kevo, Min Chloe, Naj...
0:07
19:56
~ Athman Shariff +254 722 415596
Kabsaaa... msimamo muhimu sana
Sure
19:57
~ Athman Shariff +254 722 415596
Voice message (0:20)
Alieleta lgbtq ni Ruto madam....maraisi wazamani wote walikataa, ila yeye amekubali.
19:58
+254 702 280581
~ Athman Shariff +254 722 415596
Kweli kabsaa.. its high time
Sure
19:58
~ Athman Shariff +254 722 415596
Brilliant idea
Afadhali mupost pond mpaka wiki inayofwatilia after next week
19:59
~ Nuru Muhsin +254 714 101272
0:23
19:59
+254 702 280581
Coz hakuaminiki sasa
20:00
~ Kipare Na Ruto +254 791 209975
Tupangeni we pray pamoja atakama ni makadara ground
Yeah better
20:00
~ Athman Shariff +254 722 415596
Alieleta lgbtq ni Ruto madam....maraisi wazamani wote walikataa, ila yeye amekubali.
Ooh
20:01
~ Athman Shariff +254 722 415596
~ Nuru Muhsin +254 714 101272
Voice message (0:23)
Message

16:58

ANTI LGBTQ MOVEMENT KENYA..

Balkiss Rajab, Blessing, Kennedy, Kevo, Min Chloe, Naj...



2

~ +254 702 280561

Audhubillah 17:02

Huo ni wazimu hao wazazi punguani 17:02

~ Hassan Mohamed +254 713 357229

Huo ni mfano kwa wale wanaotaka kugeuza jinsia zao. 17:06

~ Unknown +254 728 326552

ANTI LGBTQ MOVEMENT OF KENYA

TANGAZO MAALUM MEMBERS

Tunawaomba kutumia fursa hii ya kutoa maoni kwa serikali mufike kwa wingi

Three 3rd July 2023 venue GTI

Viongozi wote wa kidini watahudhuria

Anti lgbtq committee watahudhuria

8.30AM

FIKENI NYOTE

~ Mohammed Were +254 728 968345

~ Unknown +254 728 326552

Photo



Check vour date??

Message

16:49

ANTI LGBTQ MOVEMENT KENYA..

Balkiss Rajab, Blessing, Kennedy, Kevo, Min Chloe, Naj...

STAMBULI ABDILLAHI NASSIR

15:14

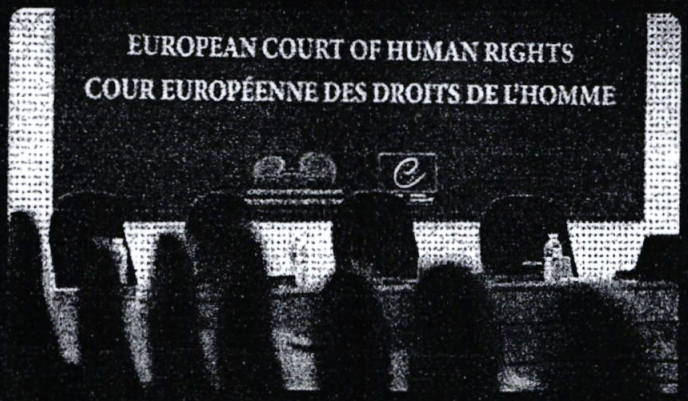
~ ERTURGRUL +254 722 704069



Reminder, operation safisha mazingira 15:22

~ Abu-Jeylaa +254 723 886223

Forwarded



La Cour Européenne des Droits de l'Homme confirme à l'unanimité l'absence de droit au mariage homosexuel

Voici le communiqué de l'European Center for Law & Justice : La CED...

God is still supreme creator and Ruler

SAME-SEX MARRIAGE - JUDGMENT OF THE COURT OF HUMAN RIGHTS IN STRASBOURG - FRANCE

Message

16:54

ANTI LGBTQ MOVEMENT KENYA..

Balkiss Rajab, Blessing, Kennedy, Kevo, Min Chloe, Naj...

Forwarded

August 15, 2023



5:05

UK Police kidnaps a child against his will from his home in front of his parents claiming the parents were "unfit" to raise him! This little boys name is Hashim, this is what it looks like when they act upon their various human rights laws in the west. Childrens rights, Anti-conversion therapy laws etc.. Please remember this can happen because the child says something against lgbtq, or the parents are 'uncooperative' to trans agenda, disagree with medical 'treatment' or the parent has acted with any authority over the child or taught them anything that the state does not agree with. No dissension is tolerated. Agenda 21 - family unit unsustainable, state raised children. UN SDG16 - Peace, Justice and Strong institutions May Allah سبحانه و تعالى. have ... Read more

08.11

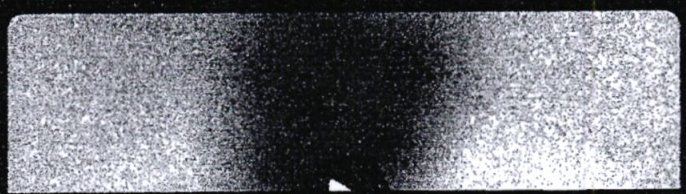
Wallahi this people should have a very big revolution .they have a right to own guns.mtu akujie mtoto wangu hivyo wallahi nawa shot wote kama mbaya mbaya

08.13

Wametangaza Jihad wakati wameingilia watu hadi manyumbani kwao.this is modern day slavery.no freedom anymore

08.14

~ khuzeima said +254 722 355229



Message

17:00

ANTI LGBTQ MOVEMENT KENYA..

Balkiss Rajab, Blessing, Kennedy, Kevo, Min Chloe, Naj...

~ LilMayaMo +254 722 837273

We are trying to form a thousand-parents-on prayer group to pray for the children of this generation. We want to ask Azza wa Jalla to save them from the negative side of the Internet... games addiction, pornography, wrong relationships and influences. Also from rebellion, lewdness, laziness, greed, confusion, helplessness, anxiety, depression.
They do not realize that they are moving into a deep darkness slowly but surely. Please love and care for them by joining us in the next 30 seconds to PRAY aloud (or silently as you wish) for every child of every color in every country in the world today. Then take the next 30 seconds to forward this prayer to 10 of your friends whom you think will invest 1 minute of their lives to unite with us in this prayer.
Let's us... Read more

12:45

~ Umm Juneyd +254 722 222168



12:46

~ Alhamdulillah

+254 722 743624

> ~ LilMayaMo +254 722 837273
> We are trying to form a thousand-parents-on prayer group to pray for the children of this generation. We want to ask Azza wa Jalla to save them from the negative side of the Internet... games ...



12:55

~ Athman Shariff +254 722 415596

ASSALAAM ALKM WA RAHMATULLAHI WA BARAKATUHUU. TUNGEPENDA KUWAJILISHA MEMBERS KWAMBA JUZI JUMAMOSI TULIPATA HABARI KUA HAWA MA IBILISI WA LGBTQ WATAKUA NA PARTY YA USIKU. TULIJIANDAA VIZURI NA KIKOSI MAALUM KUWAVAMIA. KWA BAHATI MBAYA WALIPATA HABARI KUA TUNAKWENDA , NA WALIKUA WASHAKATA KEKI. BASI WALIKIMBIA NA MAKEKI YAO . ALHAMDULILLAHI

14:01

Message

16:54

ANTI LGBTQ MOVEMENT KENYA..

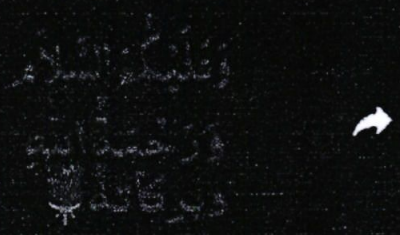
Balkiss Rajab, Blessing, Kennedy, Kevo, Min Chloe, Naj...

~ Hassan Mohamed +254 718 357229

This message was deleted by admin +254 722 415596

07:19

~ Hassan Mohamed +254 718 357229



07:19

~ Hassan Mohamed +254 718 357229

This message was deleted by admin +254 722 415596

07:19

~ Zubeda +254 719 157550

Forwarded

Since Hawaii's legalization of same-sex unions in 2013, the state has gained popularity as a gay tourism destination. It's one of the top places in America to get married and enjoy your honeymoon!

07:29

Lanatullah hawa watajua kuna mungu 07:29

~ Zubeda +254 719 157550

Forwarded



Message

16:59

ANTI LGBTQ MOVEMENT KENYA..

Balkiss Rajab, Blessing, Kennedy, Kevo, Min Chloe, Naj...

-rebrand-the-vagina-as-a-bonus-hole/

سُبْحَانَ اللَّه

16.48

~ G +971 50 544 5325

~ G +971 50 544 5325

Hawa wanwake wanaowasupport watajuta maana soon mwanamke atakuwa extinct from sports to toilets saii mpaka body parts zao ziko attacked

Maskini wanawake wazungu wametekwa nyara wanaona jina la mwanamke linaenda na linapotea lakini hawana la kusema na kuna watu wanawaambia soon yale muliokuwa mukiyapigania kihaki mambo ya womens rights yatakwenda kama upepo walikuwa waleta mambo ya feminism saii ndio watajuta kabisa imagine mpaka miss world na michezo wamepewa waume waliojibadilisha wanwake!!

16.54

~ Athman Shariff +254 722 415596

~ G +971 50 544 5325

Maskini wanawake wazungu wametekwa nyara wanaona jina la mwanamke linaenda na linapotea lakini hawana la kusema na kuna watu wanawaambia soon yale muliokuwa mukiyapigania ki...

Ajab !! Majuto ni mjukuu

18.55

~ Abu Muhsin +254 724 762969

~ G +971 50 544 5325

https://www.outkick.com/trans-activists-are-trying-to-rebrand-the-vagina-as-a-bonus-hole/



19.00

Subhannallah 19.00

~ Nuru Muhsin +254 714 101272

Forwarded

Contribution for Harriet's brother Burial on 22nd July

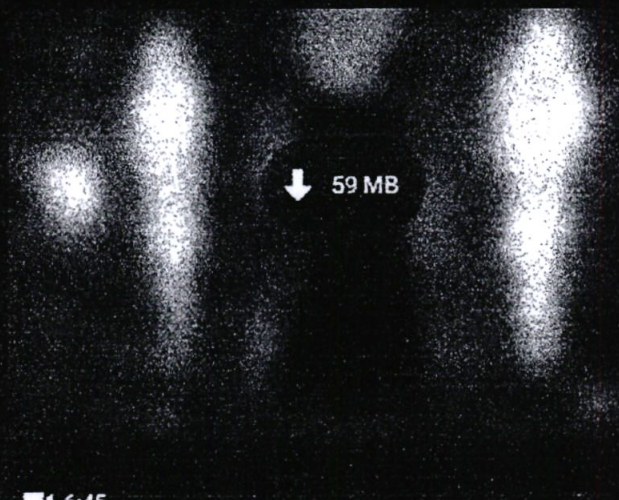
Moesa Number 0714101272

Message

16:59

ANTI LGBTQ MOVEMENT KENYA..

Balkiss Rajab, Blessing, Kennedy, Kevo, Min Chloe, Naj...



6:45

JITOLEE KATAZA MUNKAR KABLA MAUTI YAKO, SAY NO TO LGBTQ+, HII NI MOJA YA AMAL YAKO 23:20

July 16, 2023

~ Ustadh Jaafar Hussein +254 723 360468

~ Unknown +254 728 326652

MashAllah group lina Umoja

Mungu atuongezee imani na umoja

Amiin 00:16

~ Muna +254 722 806249

Forwarded many times

machozi tu

😭😭😭

1-Marekani imethibitisha kuwa nchi zote duniani ili kujenga mahusiano mazuri na mataifa makubwa ni lazima zikubali ndoa za jinsia moja (mwanamke/mwanamke au mwanaume/mwanaume). Kwa sasa kuna nchi 34 ambapo ndoa za watu wa jinsia moja ni halali: Andorra, Argentina, Australia, Austria, U... Read more 04:13

❤️

~ Ahmed +254 712 899363



Message

16:59

ANTI LGBTQ MOVEMENT KENYA..

Balkiss Rajab, Blessing, Kennedy, Kevo, Min Chloe, Naj...

~ Nuru Muhsin +254 714 101272



11:34

~ Muna +254 722 806249

~ ERTURGRUL +254 722 704069
Video (0:22)

Video kama hizi haifai kusambaza wala kuangalia 12:09

~ Zubeda +254 719 157550

~ ERTURGRUL +254 722 704069
Video (0:22)

This people are not Muslims,they are making a mockery of islam 12:23

~ +254 702 280581

~ BALLETH +44 7715 647133
Hawa wanaichezea dini ya kiislamu hata huyo msomaji haisomi vizuri ukimsikiliza. Allah atawashinda

Si waislamu ni makafiri 12:45

Wamezikram hizo ayah za Quran Ili wapotoshe waislamu ambao ni new converts waone ni sawa wawamanipulate 12:53

~ Ahmed Amana +254 722 691262



Message

16:59

ANTI LGBTQ MOVEMENT KENYA..
Balkiss Rajab, Blessing, Kennedy, Kevo, Min Chloe, Naj...

~ Muna +254 722 606249

~ BALLETH +44 7715 547193
Amepatikana shukran sana

Alhamdulilah 20:43

~ Mohamed +254 725 376784
only tears

1-The United States has confirmed that all countries in the world, in order to establish good relations with the great powers, must accept same-sex marriage (woman/woman or man/man). There are currently 34 countries where same-sex marriage is legal: Andorra, Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Denmark, Ecuador, Finland, France, Germany, Iceland, Ireland, Luxembourg , Malta, Mexico, Netherlands, New Zealand, Norway, Portugal, Slovenia, South Africa, Spain, Sweden, Switzerland, Taiwan, United Kingdom, United States of America and Uruguay.

2- Germany has just signed the law which declares that there is no more incest, that is to say: brother and sister can marry, mother... Read more 21:09

~ Hassan Mohamed +254 713 357229
Forwarded



THIS IMMORAL JOURNALIST FROM EUROPE, CAN NOT ACCEPT THE FACT MUSEVENI DOES NOT ALLOW GAYSM I...
www.youtube.com

https://youtu.be/uL1oDVHYkZk 21:16

~ Hassan Mohamed +254 713 357229

Message

16:54 94%

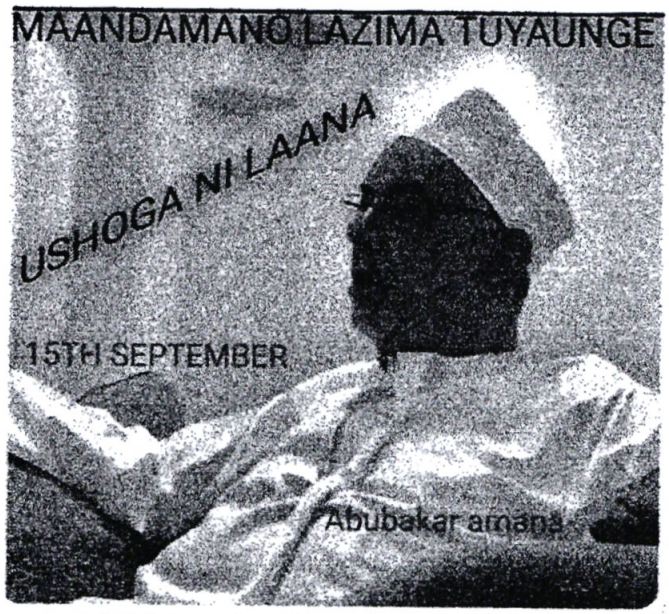
ANTI LGBTQ MOVEME...
Erickjones, hapa, K, K Derick, Pe...

live to regre Thursday id will protect our children 🙏.

22:49

~ ERTURGRUL +254 722 704069

KAMA WAZEE WA PWANI 100%



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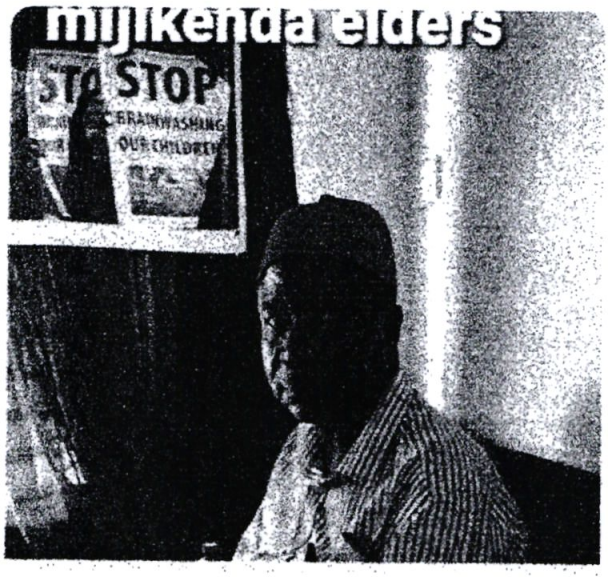


Message

16:54 94%

ANTI LGBTQ MOVEME...

Erickjones, hapa, K, K Derick, Pe...

~ ERTURGRUL 722 704069

Yesterday

MOJA YA SULUHISHO NI MAANDAMANO

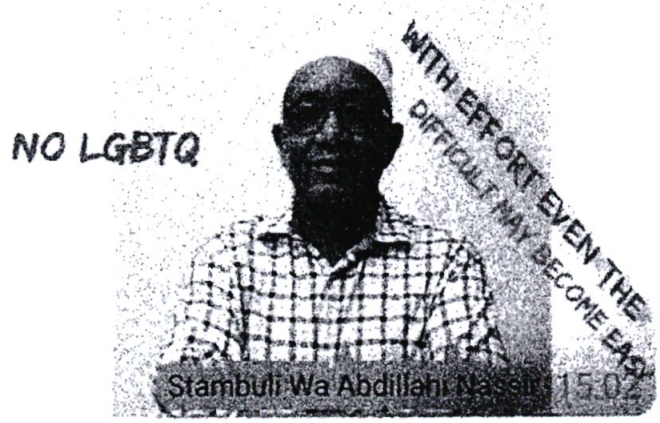
15TH SEPTEMBER

SISI KAMA JAMII YA PWANI

HATUWEZI NYAMAZIA USHOGA

KULETWA NA KUFUNZWA WATOTO WETU

TUTASIMAMA KUHAKIKISHA SHERIA IMEWEKWA



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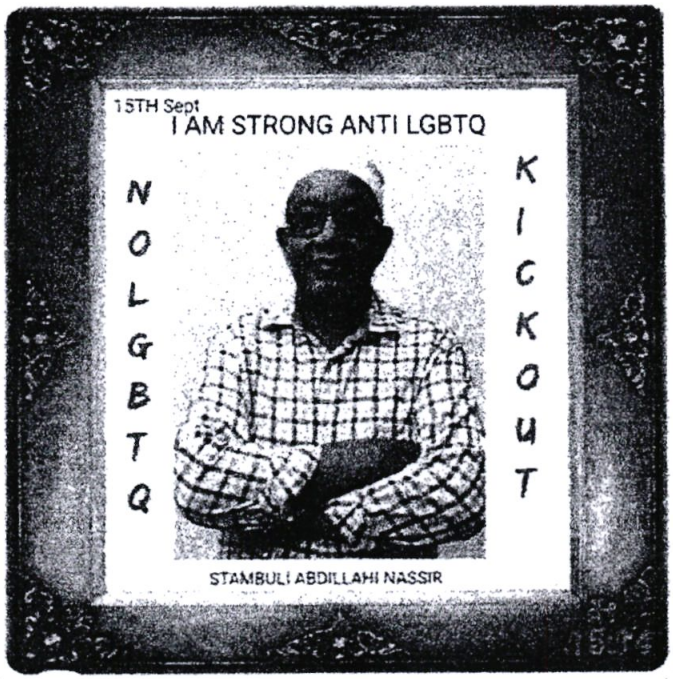

Message

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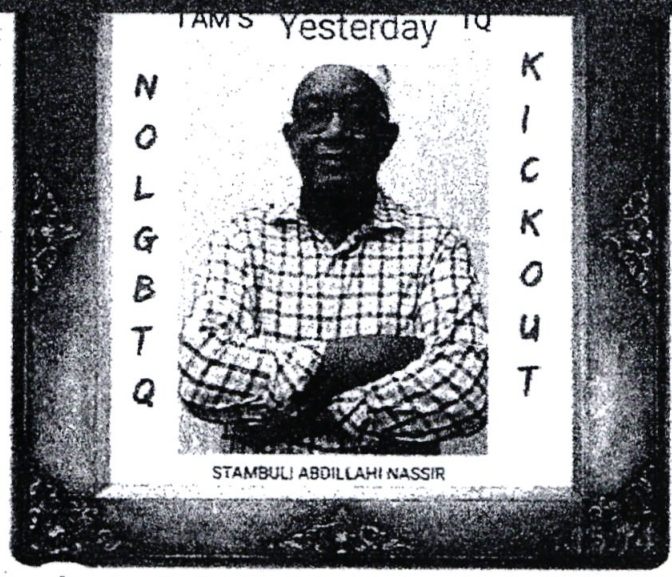
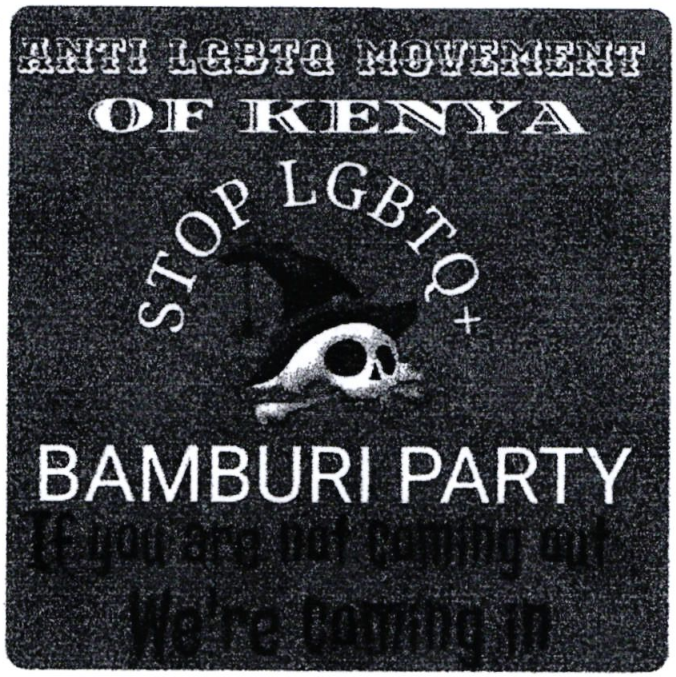


~ ERTURGRUL +254 722 704069



Reminder, operation safisha mazingira 15:22

~ Abu-Jeylan +254 723 886223

Message

16:54 94%

ANTI LGBTQ MOVEME...

Erickjones, hapa, K, K Derick, Pe...

22:40

Thursday

100

~ mrssalim000000@gmail.co...

Hata namshangaa 22:41

~ ERTURGRUL +254 722 704069



~ Hossa Jefwa +254 759 449364

Endapo mtu hana mchango unaondana na malengo ya jukwaa hili basi naaishie kuzisoma changizo za wenziwe kwa ajili ya kudumisha amani na.nidhamu yake na yetu pia 22:45

Message

24.Al Abdala 200
25.Wahida Hussein 200
26.Murshid Mohamed 200
27.Fatma Mubarak 100
28.Abdurahman Ali 200
29.Husnat kaka 200
30.Ali zulf 200
31.Salim Said 200
32.Muhsin Abubakar 200
33.Josephine UK 1000
34.mgv 1750
35.Aboud Abdalla 300
36.Omar Njoki 500
37.... Read more 17:50

Shukran shabina 17:50

Hamjambo nyote.hala hala hapa tuko nyuma sana na masiku ya yoyoma wana Anti lgbtq.huu munkar tujitahidi kupigana nao 17:52

Demonstration 15th of September contribution .
1.salim said 200
2.Nuru said 200
3.Najma Ali 200
4.Athuman Ahmed 200
5.Hawa Omar 200

16:53 94%

ANTI LGBTQ MOVEME...

Erickjones, hapa, K, K Derick, Pe...

Yesterday

5

lgbtq is modern day slavery,using our minds to fool us,chanukeni 21:40

Wazazi wananyanganywa watoto ulaya kwa nguvu.tunalazimishiwa huu usheitani na tukikata wanasema hawatupi misaada.wakae na misaada yao mpaji ni mungu 21:43

2

~ mrssalim000000@gmai...

Forwarded many times



Message

ANTI LGBTQ WOMEN GROUP

DONATION FOR DEMONSTRATION

ON 15TH SEPTEMBER 2023



SAVE OUR GENERATION

@200×500=100000

KICK OUT LGBTQ 21:02

~ Zubeda +254 719 157550

Forwarded many times





This is how land was acquired in Zimbabwe.
This is a photo of British colonialists hanging Africans in 1900s Bulawayo, Zimbabwe.
The photo was so prized by a British officer as 'Rhodesia' Robert Baden-Powell, founder of the 'Boy Scouts' and 'Girl Guides', that he kept it in a scrapbook entitling it 'The Chastising Time'.

That wagering ... The origins of the term "Black Friday" have become...

Now, do we really need to celebrate this kind of torture? Or we are such fanatics that we don't even research what is this so-called black Friday and we become so excited on something like this?





5

Message

16:54 94%

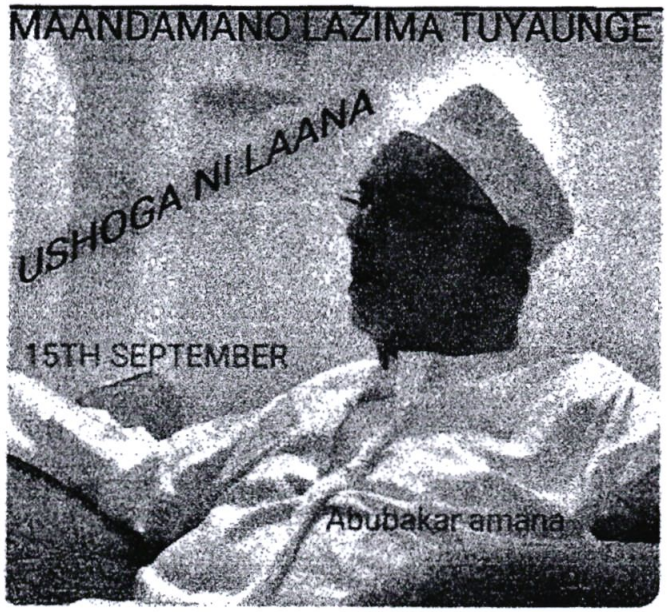
ANTI LGBTQ MOVEME...
Erickjones, hapa, K, K Derick, Pe...

live to regre Thursday d will protect our children 🙏.

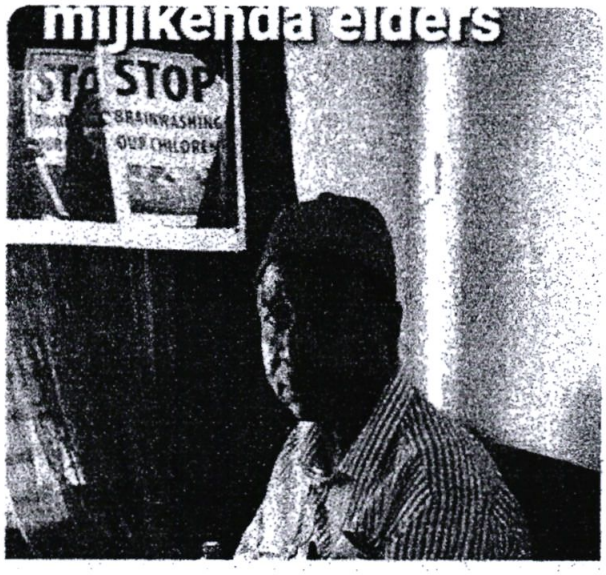
22:49

~ ERTURGRUL +254 722 704069

KAMA WAZEE WA PWANI 100%



~ ERTURGRUL +254 722 70...



Message

(1) DLPS
Please deal.
15/10/24

NATIONAL ASSEMBLY
RECEIVED
15 OCT 2024
CLERK'S OFFICE
P O Box 41842, NAIROBI

CONFIDENTIAL

(2) Head-PRI
Please deal
urgently
16/10

OFFICE OF THE PRESIDENT

Telegraphic Address: "Rais"
Telephone: Nairobi 2227411
When replying, please quote

MINISTRY OF INTERIOR
AND
NATIONAL ADMINSITRATION

P.O. Box 30510-00100
Nairobi

Our Ref: MOINA/SEC/1/27/1 **Date:** 14th October, 2024

Clerk of the National Assembly
Main Parliament Buildings
NAIROBI

MEETING WITH THE PUBLIC PETITIONS COMMITTEE ON VARIOUS PETITIONS

Reference is made to your letter reference number KNA/DLPS/PPETC//CORR/2024/175 dated 23rd September, 2024 on the above subject matter.

The Cabinet Secretary for Interior and National Administration has another prior engagement and he is therefore not in a position to honour the invitation.

You are therefore kindly requested to postpone the meeting to **29th October 2024** at **8.30a.m.**

NATIONAL ASSEMBLY
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J. N. NARENGO, EBS, MBS
FOR: PRINCIPAL SECRETARY/INTERNAL SECURITY
AND NATIONAL ADMINISTRATION

NATIONAL ASSEMBLY
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15 OCT 2024
P.O. Box 41842
DEPUTY CLERK

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(1) DLPS (2) Head-PRT
DLDC

Please deal- to deal
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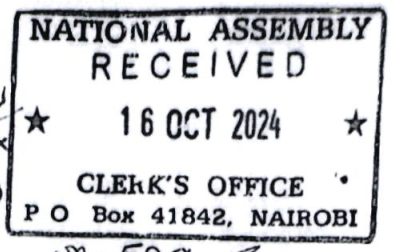


NO. 529

PUBLIC PETITION REGARDING THE PROLIFERARTION OF LESBIAN, GAYS, BISEXUALS, TRANSGENDER AND QUEER (LGBTQ) IN THE COUNTRY

Honourable Chair, this petition is brought before the Public Petitions Committee by Honourable Mohamed Ali Mohamed, Member of Parliament for Nyali Constituency. The petitioner states that over the past decade, the LGBTQ community has challenged various laws prohibiting homosexuality and other acts deemed unnatural. The basis for the challenge is that those laws are violating their rights not to be discriminated against.

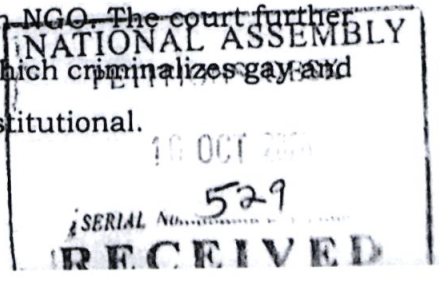
The petitioner further states that the LGBTQ agenda has found its way in our learning institutions. There are school books and other learning materials containing subtle depiction of same gender illicit liaisons.

The petitioner also asserts that there has been concerted efforts by foreign non-State actors to amend the Penal Code so as to decriminalize homosexuality. These actors have been offering financial support to facilitate the process.

The petitioner cited the judgment in the case of *NGO Coordination Board v. EG & others, Supreme Court Petition No. 16 of 2019* as likely to lead to legalization of same sex marriages. This case was heard by the High Court, then the Court of Appeal and finally, the Supreme Court.

The facts of the case were that one EG applied to the Executive Director of NGO Coordination Board for reservation of 6 names for an NGO which had the words 'gay' and 'lesbian' in the names sought to be reserved. The Executive Director refused to reserve the names stating that they were offensive to public policy and contrary to section 162, 163 and 165 of the Penal Code which outlawed homosexuality and other indecent acts.

The Supreme Court disagreed with the position of the Executive Director and held that it would be unconstitutional to limit the right of LGBTQ members to associate by denying them the registration of their own NGO. The court further held that section 162, 163 and 165 of the Penal Code which criminalizes gay and lesbian liaisons is discriminatory and therefore unconstitutional.



Despite this judgment, the petitioner is requesting the National Assembly, through the Public Petitions Committee to:

i. Intervene in the matter with a view to having the Ministry of Interior and National Administration strictly enforce the provisions of the Penal Code, particularly section 162, 163 and 165 that prohibits homosexuality in the country;
ii. Investigate into the possibility of the existence of an approved curriculum or content by the Ministry of Education, through the Kenya Institute of Curriculum Development as regards LGBTQ in the country; and
iii. Recommend the consideration and fast-tracking of the Family Protection Bill, 2023 into the law; and
iv. Make any other orders or directions that it deems fit in the circumstances of the matter.

I state as follows;

i. *Intervene in the matter with a view to having the Ministry of Interior and National Administration strictly enforce the provisions of the Penal Code, particularly section 162, 163 and 165 that prohibits homosexuality in the country.*

Honourable Chair, Section 162 of the Penal Code states that a person who:

a) has carnal knowledge of any person against the order of nature;
b) has carnal knowledge of an animal; or
c) permits a male person to have carnal knowledge of him or her against the order of nature,

is guilty of a felony and is liable to imprisonment for 14 years.

Section 163 of the Penal code states that any person who attempts to commit any of the offences specified in section 162 above is guilty of a felony and is liable to imprisonment for 7 years.

Section 165 of the Penal Code states that any person who whether in public or private commits any act of gross indecency with another male person, or procures another male person to commit any act of gross indecency with him, or attempts to procure the commission of any such act by any male person with himself or with another male person, whether in public or private is guilty of a felony and is liable to imprisonment for 5 years.

As noted above, the Supreme Court declared these sections discriminatory and hence unconstitutional. To date, the judgment has not been reviewed or set aside. It has the force of all and is binding upon the Government. The Ministry of Interior and National Administration cannot therefore enforce the sections declared unconstitutional.

ii. Whether our curriculum should be investigated for LGBTQ content

Honourable Chair, we respectfully submit that the Cabinet Secretary for Education is better placed to deal with this issue.

iii. Whether the Family Protection Bill should be fast-tracked

Honourable Chair, we respectfully submit that this is a private member Bill sponsored by Hon. Peter Kaluma, Member of Parliament for Homabay Town Constituency. He is better placed to deal with the issue.

Thank you, **Honourable Chair.**

KITHURE KINDIKI
CABINET SECRETARY FOR INTERIOR
AND NATIONAL ADMINISTRATION
11th OCTOBER, 2024

(1) DLPS
Please deal.
15/10/24

NATIONAL ASSEMBLY
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P O Box 41842, NAIROBI

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(2) Head-PRT
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as discussed
16/10

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Telegraphic Address: "Rais"
Telephone: Nairobi 2227411
When replying, please quote

MINISTRY OF INTERIOR
AND
NATIONAL ADMINSITRATION

P.O. Box 30510-00100
Nairobi

Our Ref: MOINA/SEC/1/27/1 **Date:** 14th October, 2024

Clerk of the National Assembly
Main Parliament Buildings
NAIROBI

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AND NATIONAL ADMINISTRATION

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15 OCT 2024
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DEPUTY CLERK, S. KIOKO

CONFIDENTIAL

@DLPS
8
26/06/25

Coalition for Grassroots Human Rights Defenders Kenya
Mathare-Nairobi -Kenya.
cghrdkenya@gmail.com
20 june 2025

NATIONAL ASSEMBLY
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01 JUL 2025
PROCEDURAL, RESEARCH AND JOURNALS
P. O. Box 41842, NAIROBI

The Clerk
The National Assembly of Kenya
Parliament Buildings
P.O. Box 41842 – 00100
Nairobi, Kenya

Re: Opposition to Public Petition No. 4 Regarding the Proliferation of Lesbians, Gays, Bisexuals, Transgender and Queer (LGBTQ) in the Country

Dear Honourable Members of the Public Petitions Committee,

About Coalition for Grassroots Human Rights Defenders

Coalition for Grassroots Human Rights Defenders – Kenya – CGHRD – Kenya is a Social Movement of Grassroots Social Justice Activists ,Feminists,SRHR Advocates, Women Human Rights Defenders ,Climate justice activists, community organizers and Grassroots Human Rights Defenders – GHRDs who have come together to offer solidarity among themselves ,organize themselves , work collectively with communities and also have rapid response in cases of threats and rapid action on cases of human rights and women's rights violations.

The CGHRD s– Kenya Social movement was formed in January 2016 and registered 2020 as a CBO after a study that was conducted in Awendo Constituency in Migori County titled ***"Assessment of the Work of the Grassroots Human Rights Defenders in Rural Areas, A Case Study of Awendo Constituency in Migori County, Kenya[1]"*** by Calleb David Otieno which found out that the GHRDs working in rural areas and slums or low income areas are in most cases not targeted by the mainstream organizations defending HRDs and that majority of GHRDs did not understand various

1

NATIONAL ASSEMBLY
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26 JUN 2025
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P.O. Box 41842, NAIROBI

provisions of the Constitution of Kenya, acts, local, regional and international instruments for enforcing human rights and secondly where the co -founder Rachael Mwikali ,and other grassroots feminists and women human rights defenders were threatened as a result of their work in grassroots communities and never had support to protect, defend them to continue with their work . The GHRDs also did not have a network that brings them together.

The study and lived experience of recommended formation of a network that can bring GHRDs across the country together so that they can have a platform where they can offer solidarities among themselves and support each others work during times when they face risks and threats, and conducting periodic trainings targeting the GHRDs,Community Organizers and Feminists with a view of building their capacity regarding means of enforcing human rights for all hence the formation of the CGHRDs– Kenya.

The CGHRD – Kenya seek to streamline the voices of grassroots human rights defenders (GHRDS) in Kenya in fighting Gross Human Rights Violations and ,women's Rights in Kenya and beyond. CGHRD – Kenya does this by organizing GHRDs in slums and rural areas into clusters that can work together and offer solidarity among them and also document and share information regarding Gross Human Rights Violations in their grassroots communities.

CGHRD – Kenya encourages the GHRDs to form within their clusters, pull resources together with an aim of fighting, building solidarity and offering rapid response in cases where the GHRDs have been faced by direct threats pending support from the mainstream organizations offering support to HRDs at risk. Our work and leadership is based on Human Rights and Feminist values, Principles and Approaches.

We write to express strong opposition to Public Petition No. 4 presented by Hon. Mohamed Ali. In summary, the petitioner decries an emerging situation in which LGBTQ+ litigants have been successful in asserting their constitutionally protected rights in the

courts, culminating in the Supreme Court decision which upheld the freedom of association of LGBTQ+ persons,vulnerable groups and their right to register associations for the defence of LGBTQ+ rights without discrimination. The petition notes that this is not only a local phenomenon, with similar movements witnessed in countries such as Uganda, Botswana, Zimbabwe, Namibia and others. The petitioner describes the recent Supreme Court decision in *NGOs Co-Ordination Board v EG & 4 Others* as an overstretch of the Court's mandate. The petition seeks four prayers:

- The intervention of the National Assembly with a view to have the Ministry of Interior and National Administration enforce relevant provisions of the Penal Code that prohibit adult, consensual and private same-sex conduct (i.e., Sections 162, 163, 165).
- Investigations by the National Assembly into the possibility of approved curriculum or content by the Kenya Institute of Curriculum Development regarding LGBTQ+ topics.
- Fast-tracking of the Family Protection Bill (2023) into law.
- Orders or directions that it deems fit in the circumstances of the matter.

As an organization which speaks up for, protects and defends the rights of all Kenyans, regardless of their sexual orientation and gender identity, including LGBTQ+ Kenyans, we urge the Public Petitions Committee to reject this petition.

The petition is an attempt to undermine rights and fundamental freedoms contained in the Constitution of Kenya. The Constitution guarantees the right to equality and non-discrimination (Article 27), dignity (Article 28), privacy (Article 31), and freedom of association (Article 36). The Supreme Court decision in *NGOs Co-Ordination Board v EG & 4 Others* has affirmed that the freedom of association under Article 36 of the Constitution cannot be unlawfully deprived to Kenyans on the basis of sexual orientation and gender identity. Previously, the High Court in *EG v Non- Governmental Organisations Co-Ordination Board & 4 Others (Petition 440 of 2013)* held that discrimination on the grounds of sexual orientation constituted a violation of Article 27 (4) of the Constitution.

Contrary to the petitioner's assertion, the Supreme Court's exercise of its duty and mandate to interpret the Constitution in line with constitutional principles and provisions is not an "overstretch." Articles 23,159 and 163 of the Constitution clearly delineate the Supreme Court's (and other superior courts') mandate when it comes to the interpretation and alignment of statute, policy and practice with the Supreme Law.

By linking the struggle for LGBTQ+ rights with threats against the family and children in particular, this petition fosters intolerance that could further fuel hate speech and violence against LGBTQ+ persons. Like all Kenyans, LGBTQ+ persons are part of families, communities and the Kenyan society as a whole. LGBTQ+ persons share commonly held beliefs that hold that children's rights should be protected and that their wellbeing, and that of families as a whole, should be safeguarded. We believe that the best way to safeguard the rights of children and families is to fully uphold the Constitution, particularly the Bill of Rights that provides for both civil and political rights as well as social, economic and cultural rights. Like any other person, LGBTQ+ persons deserve to live free from fear, discrimination, and violence. Indeed, some members of the Public

Petitions Committee raised concerns about the human rights impact should the National Assembly decide to answer the prayers sought in the petition. It is the duty of all public servants to ensure that human rights and fundamental freedoms apply to all Kenyans in line with the provisions of the Constitution.

We note with concern the imputation in the petition that the struggle for LGBTQ+ rights is an agenda that has been imposed by foreign actors. Nothing can be further from the truth. LGBTQ+ persons have been part and parcel of Kenyan society since time immemorial and, either individually or through associations, have actively contributed to the diverse and vibrant civil society that Kenya enjoys today. Efforts to delegitimize civil society organisations on account of any foreign funding they may receive belies the fact that human rights, democratic principles and the rule of law enjoy high level of support among Kenyans.

The petition also describes same-sex conduct that is adult, consensual and private as unnatural. This statement is in contradiction to the historical record of the existence of LGBTQ+ persons in our society. A person's sexual orientation and gender identity are immutable characteristics that cannot be changed through coercion, laws or persuasion. Indeed, any attempts to force someone to change their sexual orientation or gender identity, even if theoretically possible, would require the widespread abuse of the rights and fundamental freedoms of all Kenyans, in contravention of the Constitution. There is no way of enforcing the current criminalization of adult, consensual and private same-sex conduct without breaking the law and violating human rights.

The petition erroneously asserts that the Constitution of Kenya "recognizes the ultimate authority of God as the source of objective moral laws." However, neither the preamble of the Constitution nor any provisions within it provide for the reliance of religious edicts in shaping laws and policies in the country. Article 8 of the Constitution states that there shall be no state religion in Kenya. Due to the religious, ethnic, and cultural diversity of Kenyans, a secular legal system that provides for the freedom of religion, belief, opinion and conscience is the only method to guarantee cohesion and unity in the country. Further, Article 10 which outlines Kenya's national values and principles of governance which can be adopted by all Kenyans in their diversity. To pass laws that are in line with the religious preferences and opinions of a small section of Kenyan society, who are represented by this petition, would be a recipe for disastrous divisions in our society. That alone should be reason enough to dismiss this petition.

Lastly, by seeking prayers relating to matters currently before the Court of Appeal in the case of *Eric Gitari v Attorney General & Others (Civil Appeal 536 of 2019),* the petition is fatally flawed. Clause 223 (g) of the Standing Orders of the National Assembly precludes the tabling of petitions relating to matters pending before any court of law or other constitutional or legal body. We consider this petition to be an attempt to circumvent the legitimate authority of the Court of Appeal, which is currently in the process of determining the constitutionality of the criminalization of adult, consensual and private same-sex conduct.

It is because of the above-stated concerns that we oppose Public Petition No, 4 of 2024. Parliament must protect all Kenyans, not just the majority. We urge you to dismiss this petition.

Yours faithfully,
RACHAEL MWIKALI
CGHRDs Kenya.

Pet No. 358

Head - PT

Please fwd. can.

Acknowledge

2446.

DLPS

Please deal.

22/06/25

KENYA AMNESTY INTERNATIONAL

SUBMISSION TO THE NATIONAL ASSEMBLY PUBLIC PETITIONS COMMITTEE

ON

THE PETITION BY HON. MOHAMMED ALI REGARDING THE PROLIFERATION OF LESBIAN GAY BISEXUAL TRANSGENDER AND QUEER IN THE COUNTRY

TO

THE CLERK

NATIONAL ASSEMBLY OF KENYA

PARLIAMENT BUILDINGS, PARLIAMENT ROAD

NAIROBI

Advance sent by email to: cna@parliament.go.ke

NATIONAL ASSEMBLY RECEIVED 23 JUN 2025 P.O. Box 41842, NAIROBI

NATIONAL ASSEMBLY RECEIVED 20 JUN 2025 CLERK'S OFFICE P O Box 41842, NAIROBI

NATIONAL ASSEMBLY PETITIONS DESK 26 JUN 2025 SERIAL No. 358 RECEIVED

We Amnesty International Kenya, a human rights movement of over 7 million people globally and over 2000 members in Kenya have carefully considered the above referenced petition and wish to submit as follows:

1. **THAT** under various International and Regional Conventions including the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) which Kenya is party to, prohibit discrimination of people and state that All people are entitled to equal protection against any discrimination.

2. **THAT**, the public petition by one Hon. Mohammed Ali is frivolous, has no basis and is meant to threaten the peaceful coexistence of peace-loving Kenyans. We equally note that the petition seeks to undermine the authority of the Supreme Court of Kenya that clearly pronounced itself on the matter of freedom of association for the LGBTQ+ people in Kenya in the case of Non – Governmental Organisations Coordination Board vs Eric Gitari and 5 Others.

3. **THAT** Article 22 of the Constitution (CoK) affords every person the right to Institute in court proceedings with any claims of human rights denial, violation, infringement or threat as enshrined in the Bill of Rights and this includes LGBTQ+ persons in Kenya.

4. **THAT** the LGBTQ+ people have existed in Kenya and have lived within communities belonging to our cultural, ethnic, religious and gender diversity.

5. **THAT** the organising against discrimination of the LGBTQ people in various African countries is premised on the fact that African people's struggles are interconnected and the fight for inclusion is not only a Kenyan issue but a regional and global campaign as per the UN Sustainable Development Goals principle ***"Leave No One Behind."***

6. **THAT** discrimination against the LGBTQ+ community has been rampant, fueled by fundamentalism and denies the people an opportunity to fully realise their potential as envisaged by Article 19 CoK which provides:

   "The purpose of recognising and protecting human rights and fundamental freedoms is to preserve the dignity of individuals and communities and to promote social justice and the realisation of the potential of all human beings."

   In Kenya, the deliberate exclusion and subsequent discrimination of the LGBTQ+ people costs the country billions of shillings.

7. **THAT** The allegation accusing LGBTQ+ people threatening the family unit is unfounded. The rates of femicide and other unresolved Gender Based Violence related cases including Intimate Partner Violence, Child molestation and rape among others are

the real threats to the family unit in Kenya with over 60% of cases taking place at home and by people well known to the survivors or victims.

8. **THAT** There is no State religion in Kenya and therefore our values are all derived from Article 10 CoK and not religious texts or cultural morals.

We therefore recommend to the Committee:

1. To dismiss the said Petition as it has adverse implications not only on LGBTQ+ Individuals but the general societal cohesion.
2. To work with other relevant committees to include gender identity as a basis for hate speech in Kenya in the proposed NCIC Bill 2023
3. To respect the judicial decisions on equality and antidiscrimination issues, rule of law and separation of powers.
4. To abide by Kenya's international obligations and resist the urge to perpetuate any form of discrimination and hate against any person or group of people in Kenya.

For any further enquiries kindly contact us through amnesty.kenya@amnesty.or.ke cc Zaina.kombo@amnesty.or.ke

Submitted by:

Amnesty International Kenya
1st Floor, 197 Lenana Place
Lenana Road
Nairobi, Kenya

galck+
P.O.Box 13005 - 00100,
Nairobi, Kenya.
020-242-6060
info@galck.org
www.galck.org

NATIONAL ASSEMBLY
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01 JUL 2025
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P. O. Box 41842, NAIROBI

THE CLERK
NATIONAL ASSEMBLY OF KENYA
PARLIAMENT BUILDINGS, PARLIAMENT ROAD
NAIROBI.

Dear sir/madam/other.

RE: SUBMISSION TO THE NATIONAL ASSEMBLY PUBLIC PETITIONS COMMITTEE

We, galck+, have carefully considered the above-referenced petition and wish to submit as follows:

1. **THAT** the Constitution of Kenya under Article 19(3)(b) states that the rights and fundamental freedoms contained in Chapter 4 (the Bill of Rights):
   "do not exclude other rights and fundamental freedoms not in the Bill of Rights, but recognised or conferred by law, except to the extent that they are inconsistent with this Chapter"

2. **THAT** the Constitution of Kenya under Article 27(1) states that:

   "Every person is equal before the law and has the right to equal protection and equal benefit of the law."

3. **THAT,** the Kenyan High Court, in the exercise of its mandate under Articles 23 and 159 of the Constitution, has upheld the rights of all Kenyans to be free from discrimination on the basis of their sexual orientation in line with Article 27 (4) of the Constitution.[1]

4. **THAT,** the Supreme Court of Kenya, in exercise of its mandate under Article 163 of the Constitution, has upheld the freedom of LGBTQ+ persons to form associations to advocate for their rights under Article 36 of the Constitution and to be duly registered under the applicable laws of Kenya without discrimination in line with Article 27 (4) of the Constitution.[2]

5. **THAT,** Public Petition No. 4 of 2024 by Hon. Mohamed Ali is an attempt to stoke division among the Kenyan people and to further entrench the culture of discrimination and abuse towards persons on the basis of their real of imputed sexual orientation and gender identity, in contravention to the values and principles laid out in the Constitution and the laws of Kenya.

[1] EG v Non- Governmental Organisations Co-Ordination Board & 4 Others (Petition 440 of 2013) [2015] EKLR," Kenya Law, April 30, 2015, accessed August 29, 2023, http://kenyalaw.org/caselaw/cases/view/108412/
[2] NGOs Co-Ordination Board v EG & 4 Others; Katiba Institute (Amicus Curiae) (Petition 16 of 2019) [2023] KESC 17 (KLR) (Constitutional and Human Rights) (24 February 2023) (Judgment) (with Dissent - MK Ibrahim & W Ouko, SCJJ), Kenya Law, February 24, 2023, accessed August 29, 2023, http://kenyalaw.org/caselaw/cases/view/252450/.

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6. **THAT,** LGBTQ+ people have existed in Kenya and have lived within families and communities belonging to our cultural, ethnic, religious and gender diversity as Kenyans.

7. **THAT,** sexual orientation and gender identity are inherent aspects of a person's identity that are not chosen and cannot be changed by force, law, or persuasion.

8. **THAT,** violence and discrimination against LGBTQ+ persons is a pervasive issue in Kenyan society with real world negative effects on LGBTQ+ persons themselves, their families, communities, and the economy.

9. **THAT,** any attempt to deprive Kenyans of their rights and fundamental freedoms on the basis of their real or perceived sexual orientation and gender identity, including through the enforcement of provisions contained in Sections 162, 163 and 165 of the Penal Code, run afoul of the spirit and letter of the Constitution of Kenya.

10. **THAT,** LGBTQ+ Kenyans are part and parcel of Kenyan civil society and contribute to the promotion of commonly held principles of constitutionalism and the promotion of human rights, democracy and the rule of law. Further, that LGBTQ+ Kenyans contribute to the promotion of the national values and principles of governance found under Article 10 of the Constitution in their individual capacity or through associations and organisations.

11. **THAT** the protection of the family unit and the rights of children are principles widely supported by LGBTQ+ persons.

12. **THAT,** Public Petition No. 4 provides no evidence of any unlawful involvement of LGBTQ+ persons and organisations in the development or accreditation of school curricula and other educational content targeting children.

13. **THAT,** false and baseless accusations targeting the LGBTQ+ persons form the basis of violations of the rights of these persons. Further that, on account of these accusations, hate speech, and other stereotypes, LGBTQ+ Kenyans are constantly at risk of discrimination and violence, in contravention of the constitutional prohibition of discrimination and other criminal laws applicable in Kenya.

14. **THAT,** the Constitution, under Article 8, states that there is no state religion in Kenya and that under Article 10, the conduct of all State organs, State officers, public officers and all persons is governed by the national values and principles of governance.

15. **THAT,** Public Petition No. 4 seeks prayers relating to matters currently before the Court of Appeal[3] as it pertains to the constitutionality of Sections 162, 163 and 165 of the Constitution and is thus in contravention of clause 223 (g) of the Standing Orders of the National Assembly.

[3] Eric Gitari v Attorney General & Others (Civil Appeal 536 of 2019).

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We therefore recommend to the Committee to dismiss Public Petition No. 4 of 2024.

For any further enquiries, kindly contact us through info@galck.org, + +254 020 242 6060

Submitted by:

Yvonne Oduor
Executive Coordinator,
galck+

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

CONSTITUTIONAL AND HUMAN RIGHTS DIVISION

HCCHR PET. NO. E048 OF 2023

IN THE MATTER OF: THE CONSTITUTION OF KENYA ARTICLES 2, 3, 8, 10, 11, 12, 19, 20, 21, 222, 23, 24, 25, 27, 28, 29, 31, 32, 33, 37, 39, 40, 56, 159, 160 and 258 OF THE CONSTITUTION OF KENYA.

IN THE MATTER OF: THE PROTECTION OF RIGHTS AND FUNDAMENTAL FREEDOMS AND ENFORCEMENT OF THE CONSTITUTION

BETWEEN:

JOHN MATHENGE..... 1ST PETITIONER

THE CENTRE FOR MINORITY RIGHTS AND STRATEGIC LITIGATION....2ND PETITIONER

AND:

THE INSPECTOR GENERAL OF POLICE.....1ST RESPONDENT

SALIM SAID.....2ND RESPONDENT

ATHMAN AHMED.....3RD RESPONDENT

THE ANTI-LGBTQ MOVEMENT.....4TH RESPONDENT

AND

THE NATIONAL COMMISSION ON HUMAN RIGHTS.....1ST INTERESTED PARTY

AMNESTY INTERNATIONAL-KENYA.....2ND INTERESTED PARTY

THE KENYA HUMAN RIGHTS COMMISSION.....3RD INTERESTED PARTY

THE NATIONAL COHESION AND INTEGRATION COMMISSION-4TH INTERESTED PARTY

WITNESS STATEMENT

1. My name is I. O. I am an adult person of sound mind and disposition, residing and working for gain in Mombasa. I am fully conversant with the facts that gave right to the present petition and duly authorized by the 2nd Petitioner to give this statement and produce evidence on its behalf, and thus competent to give this statement and produce evidence.
2. When the anti-LGBTIQ+ demonstrations started in March, 2023, I was tasked by PEMA Kenya an LGBTIQ+ serving organisation to observe the rallies for the safety of the LGBTIQ+ community.
3. I also joined a Whatsapp group titled "ANTI LGBTQ MOVEMENT KENYA" ran by the 2nd to 4th Respondents.
4. In the group members of the movement planned a campaign of hate and violence against the LGBTIQ+ community in Kenya. They planned hate messaging, raids, attacks, demonstrations etc.
5. On 17th March, 2023, the anti-LBTIQ+ movement held rallies across the country calling to violence against the LGBTIQ+ community and the punishment of judges for ruling in favour of the freedom of association for the LGBTIQ+ community. I attended the one held in Mombasa. The marchers after going around town streets chanting anti-gay slogans and carrying banners with anti-LGBTIQ+ messages gathered at the Makadara grounds where several leaders addressed them.
6. One of the speakers told the crowds; *"sheria ya kiislamu ni wauliwe, sheria ya kiislamu, wauliwe, wachomwe, wakatwekatwe, katakataa chomaa,* (dancing crowd interjects with chants of "chinja" "chinja" "chinja") *..majaji wamekhalifu katiba ..wafutwe..majaji wafutwe.."*
7. Another speaker said: ***"Yeyote atakayefanya mambo ya ushoga na usenge tutamchoma hapa Mombasa"*** to which the crowds cheered and chanted *"choma" "choma" "choma".*
8. Then **one** of the speakers raised a young male child to his shoulders, upon which the child addressed the crowds: *".. kwa majina naitwa Ahmad Mohamed, na mimi naungana mkono na Sheikh wangu Yusuf Abdi kwamba tumekataa LGBTQ tumewakataa na tukiwapata tutavikata vichwa vyao tuwatenganishe takbir, takbir mimi nimeungana kwamba tukiwashika LGBTQ tutawaua, tuwaachanisha kichwa na mwili wao, tutawachinja, nani ameunga mkono na mimi? ...tutawachinja LGBTQI. Chinja, chinja, chinja watu wa Likoni, watu wa Likoni chinja, watu wa Mombasa chinja..."*

9. That on 15th September 2023, the anti-LGBTIQ+ movement held another demonstration in Mombasa which I also attended. Marchers marched through public streets in Mombasa and in particular along Makadara Road and later held a rally at Makadara Grounds. During the said march and rally at Makadara Grounds, the 2nd, 3rd , 4th and 5th Respondents called on the public to kill LGBTQ+ identifying individuals in accordance with Biblical and Sharia law and further for the latter to be expelled from the country. They called for the judges to be punished.
10. That while addressing the gathered marchers the 5th Respondent in particular said:

> "Na hebu niseme hivi, tulileta mswada katika bunge, mimi nilileta mswada wa kupigana ***na mambo ya usagaji na ushoga, nikamaliza, ndugu yangu Kaluma akaleta Bill katika bunge ya taifa, ambayo bado iko, tunasubiri iletwe katika bunge, kisha imwendeee raisi wa jamhuri ya Kenya atie sahii. Lakini Supreme Court imeturuka badala ya kungoja matokeo ikaenda na kusema wapewe mashirika waunde mashirika waweze ku jiregister. Mimi nauliza kuna mtu yeyote amezuiwa kwenda supermarket, kuna mtu amezuiwa kwenda kanisani, kuna mtu amezuiwa kwenda msikitini, kuna mtu amezuiliwa kufanya kazi? Haki gani hii mashoga wanata maana tunaambiwa sis sote ni binadamau, na binadamu wana haki sawa, hakuna binadamu shoga mwenye haki zaidi ya mwengine. Shehe hapa ameniambia tusichochee mimi nasema dawa ya moto ni …, niseme nisiseme, nataka kusema hivi, na mimi sisemi sheria zangu, katiba ya Kenya imekataa, katiba ya Kenya imekataa, kwa hivo sielewi watu wa supreme court walikuwa wanasoma katiba gani. Hiii kama wewe ni mkristo fuata ukristo, kawa wewe ni muislamu fuata uislamu, Biblia inasema waueni, sio mimi ni nani..Biblia inasema wafanye nini… Qurani inasema wadhibiwe, sio mimi nimesema Quran inasema .. ..bassi dawa ni hio kwa sababu sasa ni lazima tulinde mji wetu na nimeskia hapa mwenyekiti akisema NGO wanawaandikia barua waambieni waniadikie mimi wawachane na nyinyi . Hata haya mashirika haya mashirika yanaongozwa na mashoga na waasagaji katika hayo mashirika…katika bung la taifa nilimwambia balazi wa Marekani… kama kweli mnawapenda, kwa sababu waafrika mmemaliza, nchi za milki za kiarabu***

mmemaliza, mumeua viongozi……Mumenagusha dini...na kuleta sheria zenyu.. .mumeua watoto wetu kwa jina ya ugaidi, hakuna kitu hamjafanya dunia hii, Africa mmemaliza, na sasa Africa wana nguvu ya kitu kimoja ,sisi hatuna family planning sasa mnataka kutuletea family planning ya masenge na wasagaji. Wewe balozi ya marekani please listen to me if you are really interested, if your government is interested in this thing take them to your country and let them perform there…..waambieni nimesema dawa ya moto nimoto…"

11. That I was with AO, MC, HS, RM,MO among others.
12. That on 6th October, 2023, the 2nd - 5th Respondents held another demonstration in Nairobi in which again they called for the killing and expulsion from Kenya of LGBTQ+ identifying persons. They also called for the punishment of judges.
13. The 5th Respondent in particular while addressing demonstrators outside the Parliament Buildings again called for the killing of LGBTQ+ identifying persons, saying:

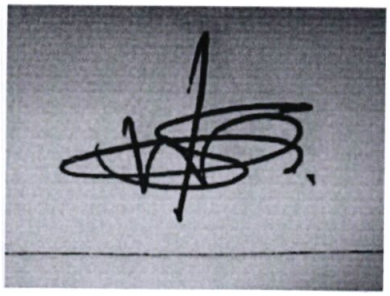
    ..wacha na mimi niseme dakika moja..wacha niseme ile iko moyoni, tunataka kutoa ilani, ***na watusikie vizuri, maana Biblia na Quran imekataa. Nikinukuu Biblia inasema waueni, nikinukuu Quran inasema waadhibiwe. Kwa hivyo tunataka kusema hivi, wewe Mwamerika tunashehimu the (..) foreign policies between these two countries but if you love them, if you feel that is their democratic right, wekeni wao kwa ndege, mpeleke America, mfanye ushoga huko. Ya pili, ya pili, enyi wakenya wazalendo, sheria ya Mahakama imekiuka sheria ya mwenyezi mungu, mkienda nyumbani mkuwe vigilant, mueke sheria ya Mungu mbele, mkipata watu wanaharibu boma zenyu msikubali hata kwa dakika kwa sababu mwenyezi mungu aliumba Adam na .., iko mahali imeandikwa Adam and Steve? Halafu ilani nyengine kwa viongozi wote Kenya huu ni wakati wakati mwafaka wa kusimama na kupigana na hii tabia….na mimi hebu niwekeE wazi enyi mashoga, enyi wasagaji na enyi vyombo vya madola mnaoleta uchavu huu Kenya…….hatutaki kura ya mashoga, ya masenge….***

14. The 5th Respondent thereafter gave a press interview where he repeated his call.
15. That the rallies and the speeches of the respondents were widely broadcast on the media and social media.

16. I reported the issues to the 2nd Respondent herein, as they are involved in legal matters affecting LGBTQ people.
17. That later we recorded statements with the police on 3 occasions.
18. That the incitement to violence by the respondents led to facilities serving LGBTIQ+ being closed, he community unable to access critical services and commodities like PreP, ARVs, PeP, counselling etc. Many were assaulted, evicted from houses, many stopped going outside. Some had to close their businesses, while others fled areas considered unsafe to relative safety. The community battled mental stress.

That is all I wish to state.

Signed by the said I. O on this 8th day of August 2024.



I. O

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TICAH
Trust for Indigenous Culture and Health

Trust for Indigenous Culture and Heath (TICAH) reply to the Petition to the National Assembly public petition committee on the [public petition no.4 of 2024 regarding the proliferation of lesbians, gays bisexuals, transgender, and Queer (LGBTQ) in the country]

Organization

The **Trust for Indigenous Culture and Health (TICAH)** is a Kenyan based trust that seeks to promote holistic health among communities in Kenya. We believe that holistic health and culture are connected. We believe that all Kenyans should fully enjoy the highest attainable standard of health without discrimination on any basis. We believe we experience good health in our body, spirit and mind and within our relationships, households, and communities.

Introduction

The public petition no.4 of 2024 regarding the proliferation of lesbians, gays bisexuals, transgender, and Queer (LGBTQ) in the country adversely impacts peaceful co-existence of the communities we work with by way of manipulating facts, invoking sensationalism and thus endangering the lives LGBTQ persons. We are concerned that the above-mentioned petition risks eroding hard won gains we have made in pursuit of holistic health among our communities including LGBTQ persons.

The sensational titling of the petition and use of term proliferation is dangerous considering recent violations[1] of LGBTQ persons. Moreover, a strict reading of the petition which faults a court decision points to the culture of impunity that has led to disregard for court decisions and weakening of independent institutions in this case this the judiciary. The communities we work with are very keen on a vibrant and independent judiciary to address the grave injustices they continue to suffer. We therefore appeal to the public petition committee of the National Assembly to expunge from its records and disregard the above-mentioned petition for the harm it is likely to cause LGBTQ persons as well as the families in which they exist.

[1] https://www.bbc.com/news/articles/cdx9501vejdo

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Aligned to the tenets of public participation that require citizens to be involved in decision making processes at all levels of government, we make the following submissions and recommendations.

1. That violations of human rights meted on LGBTQ persons are not mere claims but verifiable causes of concern for ALL Kenyans.
2. That the violence and violations of human rights suffered by LGBTQ were the basis for the referenced court case leading to affirmation of the right of association by the court.
3. That LGBTQ persons are part and parcel of our families and as such do not increase, 'proliferate,' independent of how the population grows naturally.
4. That, the stability of the family, a fundamental unit of our society, is dependent on every member of the family regardless of their sexual orientation.

We therefore recommend that the public petition committee;

1. Oversees repeal of the penal code inherited from the British colonial government to ensure that the code addresses the lived realities of Kenyans. The repeal should be done in line with constitutional principles such as equality and non-discrimination.
2. Order investigations into any attempts to violate LGBTQ persons instituted by members of parliament or other organized actors.
3. Enact legislations to fully implement article 43 of the Kenyan constitution with a view of removing any barriers that would prevent enjoyment of the highest standard of health by any Kenyan regardless of their class, sexual orientation and any other distinction.



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TICAH Executive Director

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REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

CONSTITUTIONAL AND HUMAN RIGHTS DIVISION

HCCHR PET. NO. E048 OF 2023

IN THE MATTER OF: THE CONSTITUTION OF KENYA ARTICLES 2, 3, 8, 10, 11, 12, 19, 20, 21, 222, 23, 24, 25, 27, 28, 29, 31, 32, 33, 37, 39, 40, 56, 159, 160 and 258 OF THE CONSTITUTION OF KENYA.

IN THE MATTER OF: THE PROTECTION OF RIGHTS AND FUNDAMENTAL FREEDOMS AND ENFORCEMENT OF THE CONSTITUTION

BETWEEN:

JOHN MATHENGE…….. 1ST PETITIONER

THE CENTRE FOR MINORITY RIGHTS AND STRATEGIC LITIGATION....2ND PETITIONER

AND:

THE INSPECTOR GENERAL OF POLICE……1ST RESPONDENT

SALIM SAID……...……..2ND RESPONDENT

ATHMAN AHMED……..……..3RD RESPONDENT

THE ANTI-LGBTQ MOVEMENT……4TH RESPONDENT

AND

THE NATIONAL COMMISSION ON HUMAN RIGHTS…….1ST INTERESTED PARTY

AMNESTY INTERNATIONAL-KENYA……..2ND INTERESTED PARTY

THE KENYA HUMAN RIGHTS COMMISSION……...3RD INTERESTED PARTY

THE NATIONAL COHESION AND INTEGRATION COMMISSION-4TH INTERESTED PARTY

WITNESS STATEMENT MUSA HUSSEIN

1. My name is Musa Hussein. I am an adult person of sound mind and disposition, residing and working for gain in Mombasa. I am fully conversant with the facts that gave right to the present petition and duly authorized by the 2nd Petitioner to give this statement and produce evidence on its behalf, and thus competent to give this statement and produce evidence.

2. I remember in October of 2023, a group calling itself the Anti-LGBTQ Movements held protests in Mombasa, calling for the killing, lynching and expulsion of LGBTQ persons from Kenya.

3. Immediately following the protests, I received threats to my life and my personhood. I was receiving verbal threats from my neighbors and the community at large who had heard the call for killing and lynching LGBTQ persons in Kenya.

4. These threats caused me a lot of anxiety and mental anguish. I could not leave my house due to fear of the threats being actualized. I could not access food, water or vital medication and my physical and mental health deteriorated.

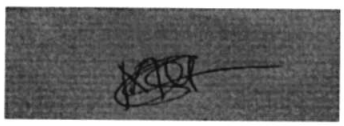
5. My sense of security was gone as I did not trust that the people who were threatening me would not act on their threats. Especially because the Anti-LGBTQ movement seemed to be backed by very influential people, for example, Mohamed Ali.

6. Hon. Mike Sonko had also tagged me on his page as an LGBTQ person and this exposed me to threats both online and offline.

7. Finally, I was left with no choice but to ask for help from various organizations. In particular, I ask for help from PEMA Kenya and HAPA Kenya both of whom in conjunction with each other assisted in relocating me to a safe house.

8. That is all I wish to state.

Signed by the said Musa Hussein at Mombasa on this 17th day of August 2024.



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KENYA HUMAN RIGHTS COMMISSION

PUBLIC PETITION REGARDING THE KENYA HUMAN RIGHTS COMMISSION'S OBJECTION TO THE FRIVOLOUS AND VEXATIOUS PUBLIC PETITION NUMBER 4 OF 2024, THAT IS A THREAT TO THE ENJOYMENT OF FUNDAMENTAL RIGHTS AND FREEDOMS:

[Standing Order 223]

PUBLIC PETITION NO.1 OF 2025

I, the undersigned, am a citizen of Kenya and the Executive Director of the Kenya Human Rights Commission. The Kenya Human Rights Commission (KHRC) is a national human rights organization dedicated to promoting constitutionalism, transparency, and accountability within governance in Kenya. I write to you, in my capacity as the Executive Director, and on behalf of citizens representing youth leaders and human rights defenders, to submit this petition pursuant to Articles 37 and 119 of the Constitution of Kenya.

DRAW the attention of the House to the following:

1. **THAT**, over the past decade, civil society organizations, including the Kenya Human Rights Commission (KHRC) and many others, have made significant progress and gains in advocating for the protection and enjoyment of fundamental rights for all Kenyans, regardless of their identity and sexual orientation.

2. **THAT** the KHRC has always worked with minority, marginalized, and disadvantaged groups to enable them, in their own way, to articulate, defend, and realize their human rights, be they civil, political, economic, social, and cultural. One such group is Kenya's LGBTQI+ community, which includes gender and sexual minorities, that is, Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTQI+) persons. The KHRC and LGBTQI+ Organizations continue to receive cases of human rights abuses against LGBTQI+ persons.

3. **THAT** the KHRC, together with other civil society actors have worked with LGBTQI+ persons, addressing various human rights violations including: physical, verbal and sexual violence.

4. **THAT** the Constitution of Kenya, 2010 guarantees all Kenyans shall enjoy the rights and fundamental freedoms in the Bill of Rights to the greatest extent consistent with the nature of the right or fundamental freedom, equal protection, and freedom from discrimination.

5. **THAT** the Constitution of Kenya 2010 guarantees all Kenyans the rights to privacy, equality, dignity, and non-discrimination. It articulates a set of national values that include human rights, non-discrimination, and protection of the marginalized. Further, the constitution integrates international law - including treaties ratified by Kenya that prohibit discrimination on the grounds of sexual orientation - into Kenyan law. These provisions

A memorialization initiative of the Kenya Human Rights Commission (KHRC) at its 30th-plus anniversary
An independent non-profit organization with a mandate of enhancing human rights centered governance at all levels
Board of Directors:
Davinder Lamba - Chair | Betty Okeyo - Vice Chair | Davis Malombe - Executive Director | Nerima Wako Ojiwa | Kwamchetsi Makokha
Maina Kiai | Gabriel Dolan | Wanjiru Gikonyo | Lorna Dias

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provide Kenyan authorities with an opportunity to eliminate laws and practices that discriminate based on gender identity and sexual orientation.

6. **THAT** the Kenyan Courts have on several occasions issued progressive decisions regarding LGBTQ+ rights, particularly regarding the right to freedom of association. Courts have affirmed the right of the LGBTQI+ community to form and register associations, including non-governmental organizations like the National Gay and Lesbian Human Rights Commission.

7. **THAT in** 2015, the High Court ruled in favor of the National Gay and Lesbian's Human Rights Commission in a case involving freedom of assembly and association. The Non-Governmental Organizations Board (NGO Board), a government agency, had refused to register NGLHRC, claiming that it was promoting immorality.

8. **THAT** the court found that the NGO Board was impermissibly discriminating based on the presumed sexual orientation and gender identity of NGLHRC's personnel, in violation of constitutional protections around non-discrimination. The Court of Appeal upheld the ruling in March 2019, although the NGO Board has appealed to the Supreme Court.

9. **THAT** on 24th February, the Supreme Court ruled that the National Gay & Lesbian Human Rights Commission (NGLHRC) must be allowed to officially register as a non-governmental organisation (NGO), saying it is unconstitutional to deny registration based on the applicants' sexual orientation. The ruling aligned with previous judgments from the High Court and the Court of Appeal.

10. **THAT** the public petition No.4 of 2024 submitted by the Nyali MP Hon. Mohammed Ali be disregarded in its entirety as its contents and prayers pose a serious threat to the enjoyment of fundamental rights and freedoms and constitute a direct attack on some Kenyans based on their sexual orientation and gender identity.

11. **THAT** the Hon Mohammed Ali has on numerous occasions blatantly incited violent anti-LGBTQI+ protests in Mombasa and Lamu against some Kenyans because of their sexual orientation and has continued to invoke religious texts to justify his indefensible stance, including calling on his supporters to kill people with different sexual orientation.

12. **THAT** this Petition also draws attention to the grave implications of the Family Protection Bill (2023), introduced by Hon. Peter Kaluma, which proposes extreme and draconian measures that criminalize same-sex relationships, LGBTQI+ advocacy, public expression of gender identity, and even access to healthcare and legal registration for LGBTQI+

organizations. Inspired by Uganda's Anti-Homosexuality Act and heavily influenced by ultra-conservative foreign interests, this Bill represents a frontal assault on the Constitution of Kenya, particularly the rights enshrined in Articles 27, 31, 36, and 43(1)(a).

13. **THAT** the Bill further aims to deny emergency medical services to individuals on the basis of perceived sexual orientation or gender identity, in direct violation of both national and international humanitarian and human rights principles.

14. **THAT** the provisions of the Family Protection Bill, including punitive measures such as long prison sentences for consensual same-sex relationships, bans on cross-dressing, and limitations on freedom of assembly, reflect a dangerous regression into hate-based legal systems. If passed, the Bill would legitimize and escalate violence, harassment, and systemic exclusion of LGBTQI+ individuals, create legal justification for vigilante violence, and roll back Kenya's gains in public health, particularly in the fight against HIV/AIDS.

15. **THAT** the Bill also seeks to undermine the 2023 Supreme Court ruling affirming LGBTQI+ organizations' right to register, thereby disregarding the constitutional role of the judiciary and violating the separation of powers. Kenya must resist such legislation that would invite international condemnation, economic sanctions, and the erosion of our democratic and human rights.

16. **THAT**, according to Human Rights Watch, Kenya's failure to move forward on decriminalization of same-sex relations violates its obligations under international law. The UN Human Rights Committee (UNHRC), the body that interprets the International Covenant on Civil and Political Rights (ICCPR), to which Kenya is a state party – held that laws prohibiting consensual same-sex conduct violate the rights to privacy and non-discrimination - in its 1994 decision in Toonen v. Australia.

THEREFORE, your humble Petitioners pray that the National Assembly, through the Public Petitions Committee:

a) Rejects Public Petition No. 4 of 2024 in its entirety. We urge the House to decline to enact or recommend any measure that would implement the requests of that petition, given that those requests (including stricter criminalization of homosexuality, censorship of educational materials, and investigations targeting LGBTQI+ advocacy groups) are unconstitutional and contravene Kenya's domestic and international legal obligations.
b) We pray that the relevant Departmental Committees (such as the Committee on Justice and Legal Affairs; on Education; on Administration and National Security; and on Health) be

tasked to inquire into the recent incitement of hate against LGBTQI+ persons and to ensure that the responsible state organs are taking action.

c) No new legislation be introduced or passed that singles out individuals on the basis of sexual orientation or gender identity for adverse treatment. We specifically urge that Parliament refrains from fast-tracking or enacting any new laws that would further criminalize or punish LGBTQI+ persons (such as imposing higher sentences, broadening criminal definitions to include simply identifying as LGBTQI+, or banning LGBTQI+ advocacy under the guise of "promotion").

d) That the National Assembly use its platform to promote civic education and dialogue on issues of sexual and gender diversity, grounded in facts and constitutional values

e) Pass comprehensive anti-discrimination legislation that prohibits discrimination on the grounds of gender identity and sexual orientation and includes effective measures to identify and address such discrimination.

f) The Kenyan Government should review discriminatory laws that affect LGBTQI+ persons. Particularly, the Kenyan Parliament should repeal the discriminatory sections 162 (a) and (c), 163, and 165 of the Penal Code.

g) The Kenyan Government should adopt equality legislation that specifically guarantees the enjoyment of rights by LGBTQI+ Kenyans.

h) Offer more protections to LGBTQI+ persons

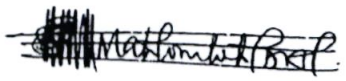
And your **PETITIONER** will forever pray,

Name of Petitioner: Davis Malombe

Full Address: 849 Amboseli Road, Opposite Gracefield Kindergarten, P.O. Box 41079-00100

National ID./ Passport No.: 13445436

Signature:

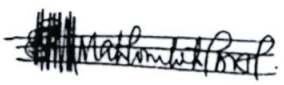


I, the undersigned, citizen of the Republic of Kenya, draw the attention of the House to the Public Petition regarding the Kenya Human Rights Commission's objection to the Frivolous and Vexatious Public Petition Number 4 of 2024, which is a serious threat to the enjoyment of fundamental rights and freedoms. I petition Parliament to disregard the petition submitted by Hon Mohamed Ali.

Name of Petitioner

Davis Malombe

Signature



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Website: www.khrc.or.ke

(P DLPS
Please deal.
23/06/25

Pamoja Tutetee Haki

KENYA HUMAN RIGHTS COMMISSION

PUBLIC PETITION REGARDING THE KENYA HUMAN RIGHTS COMMISSION'S OBJECTION TO THE FRIVOLOUS AND VEXATIOUS PUBLIC PETITION NUMBER 4 OF 2024, THAT IS A THREAT TO THE ENJOYMENT OF FUNDAMENTAL RIGHTS AND FREEDOMS:

(2) Head-PRT
Please process accordingly 24/6.

[Standing Order 223]

PUBLIC PETITION NO.1 OF 2025

I, the undersigned, am a citizen of Kenya and the Executive Director of the Kenya Human Rights Commission. The Kenya Human Rights Commission (KHRC) is a national human rights organization dedicated to promoting constitutionalism, transparency, and accountability within governance in Kenya. I write to you, in my capacity as the Executive Director, and on behalf of citizens representing youth leaders and human rights defenders, to submit this petition pursuant to Articles 37 and 119 of the Constitution of Kenya.

DRAW the attention of the House to the following:

1. **THAT**, over the past decade, civil society organizations, including the Kenya Human Rights Commission (KHRC) and many others, have made significant progress and gains in advocating for the protection and enjoyment of fundamental rights for all Kenyans, regardless of their identity and sexual orientation.

2. **THAT** the KHRC has always worked with minority, marginalized, and disadvantaged groups to enable them, in their own way, to articulate, defend, and realize their human rights, be they civil, political, economic, social, and cultural. One such group is Kenya's LGBTQI+ community, which includes gender and sexual minorities, that is, Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTQI+) persons. The KHRC and LGBTQI+ Organizations continue to receive cases of human rights abuses against LGBTQI+ persons.

3. **THAT** the KHRC, together with other civil society actors have worked with LGBTQI+ persons, addressing various human rights violations including, physical, verbal and sexual violence.

4. **THAT** the Constitution of Kenya, 2010 guarantees all Kenyans shall enjoy the rights and fundamental freedoms in the Bill of Rights to the greatest extent consistent with the nature of the right or fundamental freedom, equal protection, and freedom from discrimination.

5. **THAT** the Constitution of Kenya 2010 guarantees all Kenyans the rights to privacy, equality, dignity, and non-discrimination. It articulates a set of national values that include human rights, non-discrimination, and protection of the marginalized. Further, the constitution integrates international law - including treaties ratified by Kenya that prohibit discrimination on the grounds of sexual orientation - into Kenyan law. These provisions

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provide Kenyan authorities with an opportunity to eliminate laws and practices that discriminate based on gender identity and sexual orientation.

6. **THAT** the Kenyan Courts have on several occasions issued progressive decisions regarding LGBTQ+ rights, particularly regarding the right to freedom of association. Courts have affirmed the right of the LGBTQI+ community to form and register associations, including non-governmental organizations like the National Gay and Lesbian Human Rights Commission.

7. **THAT in** 2015, the High Court ruled in favor of the National Gay and Lesbian's Human Rights Commission in a case involving freedom of assembly and association. The Non-Governmental Organizations Board (NGO Board), a government agency, had refused to register NGLHRC, claiming that it was promoting immorality.

8. **THAT** the court found that the NGO Board was impermissibly discriminating based on the presumed sexual orientation and gender identity of NGLHRC's personnel, in violation of constitutional protections around non-discrimination. The Court of Appeal upheld the ruling in March 2019, although the NGO Board has appealed to the Supreme Court.

9. **THAT** on 24th February, the Supreme Court ruled that the National Gay & Lesbian Human Rights Commission (NGLHRC) must be allowed to officially register as a non-governmental organisation (NGO), saying it is unconstitutional to deny registration based on the applicants' sexual orientation. The ruling aligned with previous judgments from the High Court and the Court of Appeal.

10. **THAT** the public petition No.4 of 2024 submitted by the Nyali MP Hon. Mohammed Ali be disregarded in its entirety as its contents and prayers pose a serious threat to the enjoyment of fundamental rights and freedoms and constitute a direct attack on some Kenyans based on their sexual orientation and gender identity.

11. **THAT** the Hon Mohammed Ali has on numerous occasions blatantly incited violent anti-LGBTQI+ protests in Mombasa and Lamu against some Kenyans because of their sexual orientation and has continued to invoke religious texts to justify his indefensible stance, including calling on his supporters to kill people with different sexual orientation.

12. **THAT** this Petition also draws attention to the grave implications of the Family Protection Bill (2023), introduced by Hon. Peter Kaluma, which proposes extreme and draconian measures that criminalize same-sex relationships, LGBTQI+ advocacy, public expression of gender identity, and even access to healthcare and legal registration for LGBTQI+

organizations. Inspired by Uganda's Anti-Homosexuality Act and heavily influenced by ultra-conservative foreign interests, this Bill represents a frontal assault on the Constitution of Kenya, particularly the rights enshrined in Articles 27, 31, 36, and 43(1)(a).

13. **THAT** the Bill further aims to deny emergency medical services to individuals on the basis of perceived sexual orientation or gender identity, in direct violation of both national and international humanitarian and human rights principles.

14. **THAT** the provisions of the Family Protection Bill, including punitive measures such as long prison sentences for consensual same-sex relationships, bans on cross-dressing, and limitations on freedom of assembly, reflect a dangerous regression into hate-based legal systems. If passed, the Bill would legitimize and escalate violence, harassment, and systemic exclusion of LGBTQI+ individuals, create legal justification for vigilante violence, and roll back Kenya's gains in public health, particularly in the fight against HIV/AIDS.

15. **THAT** the Bill also seeks to undermine the 2023 Supreme Court ruling affirming LGBTQI+ organizations' right to register, thereby disregarding the constitutional role of the judiciary and violating the separation of powers. Kenya must resist such legislation that would invite international condemnation, economic sanctions, and the erosion of our democratic and human rights.

16. **THAT**, according to Human Rights Watch, Kenya's failure to move forward on decriminalization of same-sex relations violates its obligations under international law. The UN Human Rights Committee (UNHRC), the body that interprets the International Covenant on Civil and Political Rights (ICCPR), to which Kenya is a state party – held that laws prohibiting consensual same-sex conduct violate the rights to privacy and non-discrimination – in its 1994 decision in Toonen v. Australia.

THEREFORE, your humble Petitioners pray that the National Assembly, through the Public Petitions Committee:

a) Rejects Public Petition No. 4 of 2024 in its entirety. We urge the House to decline to enact or recommend any measure that would implement the requests of that petition, given that those requests (including stricter criminalization of homosexuality, censorship of educational materials, and investigations targeting LGBTQI+ advocacy groups) are unconstitutional and contravene Kenya's domestic and international legal obligations.
b) We pray that the relevant Departmental Committees (such as the Committee on Justice and Legal Affairs; on Education; on Administration and National Security; and on Health) be

PUBLIC PETITION REGARDING THE KENYA HUMAN RIGHTS COMMISSION'S OBJECTION TO THE FRIVOLOUS AND VEXATIOUS PUBLIC PETITION NUMBER 4 OF 2024, THAT IS A THREAT TO THE ENJOYMENT OF FUNDAMENTAL RIGHTS AND FREEDOMS

tasked to inquire into the recent incitement of hate against LGBTQI+ persons and to ensure that the responsible state organs are taking action.

c) No new legislation be introduced or passed that singles out individuals on the basis of sexual orientation or gender identity for adverse treatment. We specifically urge that Parliament refrains from fast-tracking or enacting any new laws that would further criminalize or punish LGBTQI+ persons (such as imposing higher sentences, broadening criminal definitions to include simply identifying as LGBTQI+, or banning LGBTQI+ advocacy under the guise of "promotion").

d) That the National Assembly use its platform to promote civic education and dialogue on issues of sexual and gender diversity, grounded in facts and constitutional values

e) Pass comprehensive anti-discrimination legislation that prohibits discrimination on the grounds of gender identity and sexual orientation and includes effective measures to identify and address such discrimination.

f) The Kenyan Government should review discriminatory laws that affect LGBTQI+ persons. Particularly, the Kenyan Parliament should repeal the discriminatory sections 162 (a) and (c), 163, and 165 of the Penal Code.

g) The Kenyan Government should adopt equality legislation that specifically guarantees the enjoyment of rights by LGBTQI+ Kenyans.

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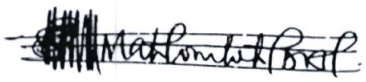
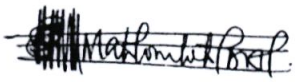


I, the undersigned, citizen of the Republic of Kenya, draw the attention of the House to the Public Petition regarding the Kenya Human Rights Commission's objection to the Frivolous and Vexatious Public Petition Number 4 of 2024, which is a serious threat to the enjoyment of fundamental rights and freedoms. I petition Parliament to disregard the petition submitted by Hon Mohamed Ali.

Name of Petitioner

Davis Malombe

Signature



PEMA KENYA
Advancing social inclusion and human rights

P.O Box 41562-80100 G.P.O, Mombasa. Email(s): [illegible]
Office Cell: +254 (0) 114288657
Socials (Facebook/Twitter(X)/Instagram/LinkedIn): Pema Kenya (@pemakenya)
Website: pemakenya.org

Your Ref: **TBA** Our Ref: **ED/PK/065/PEMA/25** Date: **19th June 2025**

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The Clerk
The National Assembly of Kenya
Parliament Buildings
P.O. Box 41842 – 00100
Nairobi, Kenya

Re: Opposition to Public Petition No. 4 Regarding the Proliferation of Lesbians, Gays, Bisexuals, Transgender and Queer (LGBTQ) in the Country

Dear Honourable Members of the Public Petitions Committee,

Pema Kenya is a membership-based organization established in 2008, working to create an enabling environment for Gender and Sexual Minority individuals and communities across Kenya. As a GSM-led organization, we strive to foster inclusive dialogue, promote understanding, and build partnerships that bridge existing gaps between GSM populations and the wider community.

We write to express strong opposition to Public Petition No. 4 presented by Hon. Mohamed Ali. In summary, the petitioner decries an emerging situation in which LGBTQ+ litigants have been successful in asserting their constitutionally protected rights in the courts, culminating in the Supreme Court decision which upheld the freedom of association of LGBTQ+ persons and their right to register associations for the defence of LGBTQ+ rights without discrimination. The petition notes that this is not only a local phenomenon, with similar movements witnessed in countries such as Uganda, Botswana, Zimbabwe, Namibia and others. The petitioner describes the recent Supreme Court decision in *NGOs Co-Ordination Board v EG & 4 Others* as an overstretch of the Court's mandate. The petition seeks four prayers:

- The intervention of the National Assembly with a view to have the Ministry of Interior and National Administration enforce relevant provisions of the Penal Code that prohibit adult, consensual and private same-sex conduct (i.e., Sections 162, 163, 165).
- Investigations by the National Assembly into the possibility of approved curriculum or content by the Kenya Institute of Curriculum Development regarding LGBTQ+ topics.
- Fast-tracking of the Family Protection Bill (2023) into law.
- Orders or directions that it deems fit in the circumstances of the matter.

As an organization which speaks up for, protects and defends the rights of all Kenyans, regardless of their sexual orientation and gender identity, including LGBTQ+ Kenyans, we urge the Public Petitions Committee to reject this petition.

The petition is an attempt to undermine rights and fundamental freedoms contained in the Constitution of Kenya. The Constitution guarantees the right to equality and non-discrimination (Article 27), dignity (Article 28), privacy (Article 31), and freedom of association (Article 36). The Supreme Court decision in *NGOs Co-Ordination Board v EG & 4 Others* has affirmed that the freedom of association under Article 36 of the Constitution cannot be unlawfully deprived to Kenyans on the basis of sexual orientation and gender identity. Previously, the High Court in *EG v Non- Governmental Organisations Co-Ordination Board & 4 Others (Petition 440 of 2013)* held that discrimination on the grounds of sexual orientation constituted a violation of Article 27 (4) of the Constitution.

Contrary to the petitioner's assertion, the Supreme Court's exercise of its duty and mandate to interpret the Constitution in line with constitutional principles and provisions is not an "overstretch." Articles 23,159 and 163 of the Constitution clearly delineate the Supreme Court's (and other superior courts') mandate when it comes to the interpretation and alignment of statute, policy and practice with the Supreme Law.

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PEMA KENYA
Advancing social inclusion and human rights

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Website: pemakenya.org

By linking the struggle for LGBTQ+ rights with threats against the family and children in particular, this petition fosters intolerance that could further fuel hate speech and violence against LGBTQ+ persons. Like all Kenyans, LGBTQ+ persons are part of families, communities and the Kenyan society as a whole. LGBTQ+ persons share commonly held beliefs that hold that children's rights should be protected and that their wellbeing, and that of families as a whole, should be safeguarded. We believe that the best way to safeguard the rights of children and families is to fully uphold the Constitution, particularly the Bill of Rights that provides for both civil and political rights as well as social, economic and cultural rights. Like any other person, LGBTQ+ persons deserve to live free from fear, discrimination, and violence. Indeed, some members of the Public Petitions Committee raised concerns about the human rights impact should the National Assembly decide to answer the prayers sought in the petition. It is the duty of all public servants to ensure that human rights and fundamental freedoms apply to all Kenyans in line with the provisions of the Constitution.

We note with concern the imputation in the petition that the struggle for LGBTQ+ rights is an agenda that has been imposed by forei actors. Nothing can be further from the truth. LGBTQ+ persons have been part and parcel of Kenyan society since time immemori and, either individually or through associations, have actively contributed to the diverse and vibrant civil society that Kenya enjoys today. Efforts to delegitimize civil society organisations on account of any foreign funding they may receive belies the fact that human rights, democratic principles and the rule of law enjoy high level of support among Kenyans.

The petition also describes same-sex conduct that is adult, consensual and private as unnatural. This statement is in contradiction to the historical record of the existence of LGBTQ+ persons in our society. A person's sexual orientation and gender identity are immutable characteristics that cannot be changed through coercion, laws or persuasion. Indeed, any attempts to force someone to change their sexual orientation or gender identity, even if theoretically possible, would require the widespread abuse of the rights and fundamental freedoms of all Kenyans, in contravention of the Constitution. There is no way of enforcing the current criminalization of adult, consensual and private same-sex conduct without breaking the law and violating human rights.

The petition erroneously asserts that the Constitution of Kenya "recognizes the ultimate authority of God as the source of objective moral laws." However, neither the preamble of the Constitution nor any provisions within it provide for the reliance of religious edicts in shaping laws and policies in the country. Article 8 of the Constitution states that there shall be no state religion in Kenya. Due to the religious, ethnic, and cultural diversity of Kenyans, a secular legal system that provides for the freedom of religion, belief, opinion and conscience is the only method to guarantee cohesion and unity in the country. Further, Article 10 which outlines Kenya's national values and principles of governance which can be adopted by all Kenyans in their diversity. To pass laws that are in line with the religious preferences and opinions of a small section of Kenyan society, who are represented by this petition, would be a recipe for disastrous divisions in our society. That alone should be reason enough to dismiss this petition.

Lastly, by seeking prayers relating to matters currently before the Court of Appeal in the case of *Eric Gitari v Attorney General & Others (Civil Appeal 536 of 2019),* the petition is fatally flawed. Clause 223 (g) of the Standing Orders of the National Assembly precludes the tabling of petitions relating to matters pending before any court of law or other constitutional or legal body. We consider this petition to be an attempt to circumvent the legitimate authority of the Court of Appeal, which is currently in the process of determining the constitutionality of the criminalization of adult, consensual and private same-sex conduct.

It is because of the above-stated concerns that we oppose Public Petition No, 4 of 2024. Parliament must protect all Kenyans, not just the majority. We urge you to dismiss this petition.

Yours faithfully,

Ishmael Bahati, *Executive Director*

You are dealing. Proceed 26/6.

HUMAN IS MY IDENTITY ALLIANCE RESPONSE TO THE NATIONAL ASSEMBLY PUBLIC PETITIONS COMMITTEE ON THE PETITION BY HON. MOHAMMED ALI REGARDING THE PROLIFERATION OF LESBIAN GAY BISEXUAL TRANSGENDER AND QUEER IN THE COUNTRY

TO
THE CLERK
NATIONAL ASSEMBLY OF KENYA
PARLIAMENT BUILDINGS, PARLIAMENT ROAD
NAIROBI

PDLPJ & 26/06/25

We, Human Is My Identity Alliance members comprising of pro human rights individuals and organisations brought together by the recognition that human rights are universal, indivisible, inalienable and inherent upon every person wish to respond to the public petition dated 21st February 2024 by one Hon. Mohammed Ali with allegations against the LGBTQ+ Kenyans.

We note with a lot of concern that the petition is a mere strategy to negatively profile Kenyans with diverse sexual orientations and identities and promote falsehood in relation to their existence as citizens. The LGBTQ+ Kenyans just like any other citizens are law abiding persons subject to the laws of Kenya and therefore enjoy equal rights as any other citizens in Kenya.

The above subject petition outrightly seeks to curtail the LGBTQ+ persons rights and further entrench their already existing marginalization and exclusion which goes against various international conventions that bind Kenya as per Article 2(5) of CoK.

Under the Universal Declaration of Human Rights (UDHR) Article 7 provides:

"All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination"

Noting the above and based on the rights and obligations under our Constitution we wish to state and respond as follows:

1. The public petition by one Hon. Mohammed Ali is frivolous, has no basis and is meant to threaten the peaceful coexistence of peace-loving Kenyans. We equally note that the petition seeks to undermine the authority of the Supreme Court of Kenya that clearly pronounced itself on the matter of freedom of association for the LGBTQ+ people in Kenya in the case of Non – Governmental Organisations Coordination Board vs Eric Gitari and 5 Others.

2. Article 22 of the Constitution (CoK) affords every person the right to Institute in court proceedings with any claims of human rights denial, violation, infringement or threat as enshrined in the Bill of Rights and this includes LGBTQ+ persons in Kenya. Seeking a declaration to find sections of any law unconstitutional is a right that any Kenyan can exercise.

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3. The LGBTQ+ people have existed in Kenya and continue to co-exist within communities belonging to our cultural, ethnic, religious and gender diversity. Their existence has never threatened any community or institutions in the country.

4. Organising against discrimination of LGBTQ people in various African countries is premised on the fact that African people's struggles are interconnected and the fight for inclusion is not only a Kenyan issue but a regional and global campaign as per the UN Sustainable Development Goals principle ***"Leave No One Behind."***

5. Discrimination against the LGBTQ+ community has been rampant, fueled by fundamentalism and denies them the opportunity to fully realise their potential as envisaged by Article 19 CoK which provides:

   "The purpose of recognising and protecting human rights and fundamental freedoms is to preserve the dignity of individuals and communities and to promote social justice and the realisation of the potential of all human beings."

   In Kenya the deliberate exclusion and subsequent discrimination of the LGBTQ+ people costs the country billions of shillings.

6. The allegation accusing LGBTQ+ people threatening the family unit is unfounded. The rates of femicide and other unresolved Gender Based Violence related cases including Intimate Partner Violence, Incest, Child molestation and rape among others are the real threats to the family unit in Kenya with over 60% of cases taking place at home and by people well known to the survivors or victims.

7. There is no State religion in Kenya and therefore our values are all derived from Article 10 CoK and not religious texts or cultural morals.

We therefore recommend to the Committee:

1. To dismiss the said Petition in its totality.
2. To work with other relevant committees to include gender identity as a basis for hate speech in Kenya in the proposed NCIC Bill 2023
3. To respect the judicial decisions on equality and anti-discrimination issues, rule of law and separation of powers.
4. To abide by Kenya's international obligations and resist the urge to perpetuate any form of discrimination and hate against any person or group of people in Kenya.

For any further enquiries kindly contact us through Zaina.kombo@amnesty.or.ke

Submitted by:
Human Is My Identity Alliance Secretariat
C/O Amnesty International Kenya
1st Floor, 197 Lenana Place Lenana Road, Nairobi.

LGBTQ

KENYA LAW REFORM COMMISSION

NATIONAL ASSEMBLY
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KLRC
KENYA LAW REFORM COMMISSION

"A Vibrant Agency for Responsive Law Reform"

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When replying please quote

Ref. No. KLRC/48/64 VOL.IV(48)

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KENYA LAW REFORM COMMISSION
REINSURANCE PLAZA
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TAIFA ROAD
P.O. Box 34999-00100
NAIROBI, KENYA

.....20.....

20th May 2025

The Clerk of National Assembly
Clerk's Chambers
National Assembly
Parliament Building
P.O Box 41842 -00100
NAIROBI

Hhead-PPT
Please process.
Arap Lumin
3/6.

(3) Kawhi ✓
Please TMA
to s/6

ATT: Mr. Jeremiah W. Ndombi, MBS

Dear Jeremiah,

RE: REQUEST FOR WRITTEN SUBMISSIONS ON VARIOUS PUBLIC PETITIONS SUBMITTED TO THE NATIONAL ASSEMBLY

Your letter Ref. KNA/DLPS/PPETC/CORR/2025/018 dated 25 April, 2025 refers

The Kenya Law Reform Commission has analysed the petitions and prepared the attached consolidated submissions.

We thank you for your continued support and cooperation.

Yours Sincerely

PETER M. MUSYIMI, HSC
AG. SECRETARY/CEO

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KENYA LAWREFORM COMMISSION'S MEMORANDUM ON PUBLIC PETITIONS TO THE NATIONAL ASSEMBLY

MAY 2025

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A. INTRODUCTION

The Kenya Law Reform Commission (KLRC) is established under the Kenya Law Reform Commission Act, 2013 with a mandate to keep under review all the laws of Kenya to ensure that they conform to the letter and spirit of the Constitution. In this regard, KLRC advises the Government, including Parliament, on the reform and harmonisation of laws, promotion of access to justice and the development of a sound legal and regulatory framework for national development.

The Kenya Law Reform Commission (KLRC) acknowledges receipt of a letter from the National Assembly dated 25 April 2024 (ref: KNA/DLPS/ PPETC/CORR/2025/018) seeking submissions on the following issues:

(a) Proliferation of LGBTQ rights in the country;
(b) Amendment of the Penal Code to provide for the offence of sextortion;
(c) Enactment of the Kenya Robotic and Artificial Intelligence Society Bill, 2023;
(d) Decriminalisation of Attempted Suicide;
(e) Enactment of legislation of development of irrigation infrastructure;
(f) Enactment of the Bankers Professional Bill, 2023;
(g) Enactment of Legislation for Regulation of Credit Professionals;
(h) Enactment of Proposed Geophysical Professionals Bill; and
(i) Proliferation of Lesbians, Gays, Bisexuals, Transgender and Queer (LGBTQ) in the Country.

KLRC prepares this memorandum in response to the request, and in line with its mandate under section 6(c) of its Act, to provide advice technical assistance and information to the government with regard to the reform or amendment of a branch of the law. The memorandum is divided into three parts:

Part I of the memorandum addresses petitions related to enactment of amendment Acts to address the offences of sextortion and attempted suicide.

Part II of the memorandum covers the proposed enactment of laws to regulate banking, credit and geophysical professionals and the Kenya Robotic and Artificial Intelligence Society.

Part III of the memorandum responds to petitions seeking the enactment of legislation of development on irrigation infrastructure and review of the proliferation of Lesbians, Gays, Bisexuals, Transgender and Queer (LGBTQ) in the country.

PART I-CRIMINAL LAW

1. THE OFFENSE OF SEXTORTION

(a) Defining Sextortion

Sextortion is a blended word derived from the words "sex" and "extortion". The International Association of Women Judges defines sextortion as 'the abuse of power to obtain a sexual benefit or advantage.'[1]It has been said that for sexual extortion, there has to be abuse of authority in the exchange of sex for a service.[2] Sextortion has also been said to cover instances where someone makes demands with the threat of publishing another person's sexually embarrassing photos or videos. Sextortion is more about psychological than physical coercion.

---

[1] International Bar Association, 'Pressure builds worldwide for legal protection against sextortion', <https://www.ibanet.org/Pressure-builds-worldwide-for-legal-protection-against-sextortion> (Accessed 12/05/2025).

[2]Center for Gender and Development, 'Confronting Sextortion' <https://ccgdcentre.org/2023/05/30/confronting-sextortion/> (Accessed 12/05/2025)

(b) Prevalence of Sextortion in Kenya

It has been reported that sextortion affects vulnerable girls and women who seek various services such as national identity cards, supplies of sanitary pads, education, trainings and job placements.[3] It has also been reported that sex for fish is very rampant along the coastlines and shores where female fishmongers give in to sexual demands of fishermen so that they can attain the first pick from the boats.[4] It has further been reported that women and girls are pressured into sex in exchange for water, especially in the slums.[5] Traders are also not spared with cases of female traders are sexually exploited by brokers and market officials, also having been reported.[6]One of the hawkers within Nairobi is reported to have informed Members of the County Assembly that she had personally experienced the vice and that "my colleagues have also been told to sleep with these officers to be allowed to hawk without interference".[7]

A report by the Kenya ICT Action Network on the challenges faced by women in Kenya on the internet lists non-consensual distribution of intimate images and sexual harassment as some of the most prominent violations of their rights across digital platforms.[8] The report further notes that professional and prominent women, including women human rights defenders, women in politics, journalists, women with disabilities and women from marginalised groups, are frequent targets of online gender-based violence. Female politicians in Kenya have been particularly vulnerable to image-based disinformation campaigns that manipulate media to sexualize them.[9] This makes them fodder for

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[3] Ibid.
[4] Ibid.
[5]Simavi, 'Sextortion: The Silent Pandemic.' <https://simavi.nl/en/news-and-stories/sextortion-the-silent-pandemic> (Accessed 12/05/2025)
[6] Daily Nation, 'Sex for Business Protection: Women Traders Recount Nairobi's Living Hell'<https://nation.africa/kenya/news/gender/-sex-for-business-protection-women-traders-recount-nairobi-s-living-hell-4488864> (Accessed 12/05/2025)
[7] Daily Nation, 'Sex-for-Hawking Space Scandal Rocks City Hall' <https://epaper.nation.africa/read/release/11079>(Accessed 14/05/2025)

[8] ICJ Kenya, 'Protect Women from Rising Online Gender Based Violence', <https://icj-kenya.org/news/protect-women-from-rising-online-gender-based-violence/> (Accessed 12/05/2025)
[9] ibid

extortion, with certain elements demanding money in order not to release intimate pictures on the internet. While this is common against women, men have also been victims of this form of sextortion. These cases set out the need for urgent legislative intervention to include the offence of sextortion in the Statute Book.

(c) Legal Framework on Sextortion in Kenya

Sextortion has been difficult to prosecute since, as stated in the petition, the existing legislation does not define it or recognize it as a form of sexual offence. The closest offence to sextortion in the Statute Book is sexual harassment created under section 23 of the Sexual Offences Act, Cap. 63A. However, the offence of sexual harassment is limited to instances of employment, education and services offered by public officials. This leaves victims of other types of predators vulnerable.

Section 37 of the Computer Misuse and Cybercrimes Act, Cap. 79 C criminalizes the publishing or distribution of intimate or obscene images of other people without consent. However, the section does not speak to the extortion and blackmail that may be employed with the threat of publishing such images. While the actual publishing is an offence, victims may not wish to have such images published in the first place, hence give in to the extortionists' demands. This is what constitutes sextortion. It is therefore necessary to specifically criminalize sextortion in all its forms.

(d) Conclusion

In view of the foregoing, it is important to amend the law to create an offence that covers all forms of sextortion. KLRC considers the Sexual Offences Act the most appropriate law to amend in order to provide for the offence of sextortion. In addition, KLRC recommends that the proposed new provision should follow section 23 of the Sexual Offences Act which covers sexual harassment and numbered section 23A.

In relation to the proposal to provide support to victims of sextortion. KLRC is of the view that it is not necessary to make any further changes to the law to facilitate support for the victims as the Victim Protection Act, Cap. 79A comprehensively addresses this issue. This statute was enacted to give effect to Article 50(9) of the Constitution and to provide for protection of victims of crime and abuse of power including protection of the dignity of victims through the provision of better information, support services, reparations and compensation from the offender.

2. DECRIMINALISATION OF ATTEMPTED SUICIDE

(a) Introduction

The World Health Organization Policy Brief on the Health Aspects of Decriminalization of Suicide and Suicide Attempts names Kenya as one of only twenty-three countries in the world which still criminalize suicide attempts.

The Brief goes ahead to state that the criminalization of suicide perpetuates an environment that fosters blame and stigmatization towards people who attempt suicide and at the same time fail to recognize the role of social, economic and cultural factors that play a role in suicide and suicide attempts. The Brief further states that the criminalization deters people from seeking timely help and accessing interventions due to the fear of legal repercussions and stigma.

(b) Analysis

The Mental Health Act, Cap. 248 defines a person with mental illness as a person diagnosed by a qualified mental health practitioner to be suffering from mental illness, and includes a person with suicidal ideation or behaviour *(emphasis ours).*

Under the Act, therefore, a person who has attempted suicide would be seen more as a patient needing help than a criminal who should be punished. This was so stated in the

case of Republic v SWN (Criminal Case 20 of 2019) [2022] KEHC 3312 (KLR) (7 July 2022) (Sentence) where the High Court held that:

"As the facts patently announce, here is a young woman in need of treatment, care and protection. She is certainly not a deranged criminal in need of retribution and confinement".

In the above case, the accused person was found to have fatally stabbed her son killing him immediately. She then turned the knife on herself three times in an attempt to kill herself. One of the issues before the court was its role in sentencing an accused person who was mentally ill.

(c) Conclusion

In view of the foregoing, attempting suicide should be decriminalised in Kenya through the repeal of section 226 of the Penal Code and the proposed amendment is timely.

B. PART II-REGULATION OF PROFESSIONALS

1. INTRODUCTION

The KLRC was requested to analyse several legislative proposals seeking to regulate various professions. Before analysing each legislative proposal, this introductory part will address the following questions—

(a) What is a profession?

(b) What is the justification for the regulation of professionals?

(c) What are the various approaches to regulation of professionals?

(a) What is a profession?

Professionals occupy a position of great importance in the society because they deliver esoteric services to individuals, organizations and the government. The professional space has over the years accelerated as more occupations seek professional identity in addition to the traditionally established professions. In seeking to admit other occupations into the category of professions and setting mechanisms of professional regulation, one must begin by understanding definition and traits of a profession.

Prof. Horton B. (1958) set forth a criterion of a profession which can serve as a yard stick of what constitutes a profession. According to Horton, a profession must—

(a) "satisfy an indispensable social need and be based upon well established and socially accepted scientific principles;
(b) demand adequate pre-professional and cultural training;
(c) demand possession of a body of specialized and systemic knowledge;
(d) give evidence of needed skills which the public does not possess;
(e) have developed a scientific technique which is the result of tested experience;
(f) require the exercise of discretion and judgement in the manner of performance of duty;
(g) have group consciousness designed to extend scientific knowledge in technical language;
(h) have sufficient self-impelling power to retain its members throughout life and must be used as a mere stepping stone to other occupations; and
(i) recognize its obligations to society by insisting that its members live up to an established code of ethics."

Hughes E. (1968) equally argues that the essence of the idea of professionalism is that professionals profess to know better than their clients on what ails them or their affairs.

Garoupa N (2014) similarly considers a profession as an occupation with the following characteristics: specialised skills, that skill is partially or fully acquired by intellectual training, the service calls for a high degree of integrity, and it involves direct or fiduciary relations with clients.

In essence, a profession can be defined as a disciplined group of individuals, who adhere to ethical standards and who hold themselves out as, and are accepted by the public as possessing special knowledge and skills in a widely recognized body of learning derived from research, education and training at a high level, and who are prepared to apply this knowledge and exercise these skills in the interest of others.

(b) The need to regulate professionals

Regulation of professionals in any given industry is crucial for various reasons including, the need to set uniform standards for the services of that particular profession in order to ensure that consumers of the services are protected; promote accountability and continuous competencies and skills through continuous learning.

The regulation of professional groups has often been justified as being in the public interest with some scholars seeing professional associations and other similar groups as one of the four institutional bases of social order (along with the community, the market, and the state).

(c) Approaches to regulation of professionals

Recent years have witnessed an increase in interest in professional regulation with various models of regulation of professionals emerging. In this memorandum, KLRC will restrict itself to two forms of professional regulation; statutory regulation and self- regulation

(i) Statutory regulation of professionals

Under a typical statutory regulatory scheme, legislation establishes a regulatory authority that is made up of a majority of members either reelected by or appointed from the profession regulated by that authority.
In Australia, these authorities are called 'registration boards', in the United Kingdom they are known as 'Councils' and in various provinces of Canada, 'professional colleges.

These regulatory authorities have powers conferred by statute, to determine qualification and other requirements for registration and to maintain a publicly accessible register of qualified persons. Under this regime, it is an offence for an unregistered person to use those professional titles reserved for the profession.

The relevant statute sets also up a disciplinary system that, in most cases, empowers the regulatory authority to investigate complaints of professional misconduct and to impose sanctions on a practitioner, including deregistration if necessary. The effect of the regulatory scheme is to create an enforceable barrier to entry to the regulated profession and to regulate the standards of practice and conduct of registered practitioners.

(ii) Self-regulation' or peer review model

The term 'self-regulation' is used to describe the disciplining of one's own conduct by oneself. Self- regulation as an approach to professional regulation is widely used in professions, sports[10], the press, advertising and financial services. This model of regulation varies from the' command and control' model of regulation exhibited by the former model to regulation by the market. It enshrines the principle that a practitioner's peers are in the best position to judge what constitutes professional and unprofessional conduct and enables professional bodies or associations to govern their members in a manner that ensures that they are not subject to undue influence from the State or other external pressures.

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[10]International Olympic Committee (IOC), Federation Internationale de Football Association (FIFA), World Athletics (formerly IAAF), the International Bar Association (IBA), World Medical Association, are examples of self-regulating bodies.

Self-regulation, may not require legislation to be effective as the professionals have the liberty to develop desirable instruments to guide their governance frameworks and code of conduct; however, where legislation is desired, it may be seen as a contract between professionals and the state to regulate a field of activity and a group of practitioners for the benefit of society.

2. REGULATION OF ROBOTICS AND ARTIFICIAL INTELLIGENCE IN KENYA

The proposed Robotics and Artificial Intelligence Society is envisioned as a professional body meant to assist in the regulation, promotion and facilitation of the activities of robotics and artificial intelligence practices in Kenya.

Many countries have leveraged the power of robotics and artificial intelligence to achieve various feats. For instance, in education, AI has the power to transform and influence training. In agriculture, robotics and AI has the ability to provide farmers with real-time observations from their farmlands which can be used to quickly identify crop or pest diseases, increase yields, thereby increasing food productivity. In security, the efficient personnel deployment and vision systems that aid in tracking criminals and the analysis of crime data helps security personnel in solving many cases. In banking and finance, AI has been used to revolutionize the use of mobile money services.

In health, great advances have been made with regards to AI and its applications in the sector. AI's deep learning medical tools assist medical professionals by studying a patient's unstructured data to give a better insight into a patient's real-time needs.

In this regard, there is need to develop a framework that will enable the development of standards and certain codes of conduct for owners and owners of robot agents.

The enactment of the Robotics and Artificial Intelligence Society Bill is intended to establish the Society as a professional body whose mandate, just like other professional bodies, will majorly be to promote standards of professional competence and practice

among members of the Society; promote research into the subject of robotics and artificial intelligence; promote international recognition of the Society; and advise the Cabinet Secretary on matters relating to standards and policies in the area of robotics and artificial intelligence in all sectors of the Kenyan economy.

This is a great step in ensuring regulation of the profession. However, there is also need to enact a comprehensive piece of legislation which would provide a legal and institutional framework for the development of the robotics and artificial intelligence in Kenya (such as a Kenya Robotics and Artificial Intelligence Act). This law would provide for among others, the development and implementation of policies on use of robotics and artificial intelligence; research and development in the robotics and artificial intelligence; education and training in the field of robotics and artificial intelligence and the regulation of concerns relating to safety, security and civil rights as well as the whole spectrum of robotics and artificial intelligence in Kenya.

With this general framework in place, the establishment of the Society would augment the efforts espoused in that framework to ensure a robust robotics and artificial intelligence profession in Kenya.

3. REGULATION OF BANKING PROFESSIONALS IN KENYA

The banking industry is the cornerstone of a country's economy. In Kenya, the industry is regulated by the Central Bank of Kenya (CBK) through the Banking Act, Cap. 488, the Central Bank of Kenya Act, Cap. 491 and the attendant Regulations.

To ensure effective service delivery, the banking industry must adapt to evolving needs of the society by addressing the key issues in the industry. Over the years, the government has demonstrated its commitment towards strengthening the banking sector.

However, Kenya, just like other developing countries, is yet to establish a regulatory body for professional bankers. This analysis aims to assess whether there is a need to

regulate professional bankers in Kenya and the key considerations in establishing a professional body.

Having carefully analysed the petition KLRC is of the considered opinion the proposed development of the Bankers Professional Bill is justified to ensure that the banking industry is properly regulated.

The proposed bill would give the Kenya Bankers Association the necessary legal impetus. The legal framework should however, clearly establish the necessary governance structure and qualifications for membership.

Although the Banking Act, Cap. 488 creates an offence against a banking officer who engages in fraudulent and reckless activities, the proposed professional body will ensure that disciplinary action is taken against the responsible officer. This will promote accountability and ensure that the public has confidence in the industry. A professional body will similarly help in setting the ethical standards of professionals in the sector.

4. REGULATION OF CREDIT PROFESSIONALS IN KENYA

Credit is a form of agreement between two parties in which the creditor or lender, gives money, goods, services, or securities in return for a promised future payment by the debtor or borrower. The lender earns a profit by getting interest on the borrowed amount from the creditor. In Kenya, there has been a rise in the number of credit professionals who offer credit at exorbitant interest rates.

Due to ineffective regulation of the credit industry, there have been numerous complaints from borrowers including;

a) Unfairly high interest rates;
b) Hidden and unreasonable methods of computing interest and oppressive penalties;
c) Use of irregular enforcement of security interest over assets of the borrowers;
d) Harassment; and

e) Breach of privacy, humiliation and stressful relationship between the borrowers and the lenders.

There are some provisions in the Consumer Protection Act which provide for unfair lending practices, rescission of agreements where there is unfair practice, default charges and penalties chargeable by providers of credit. The Act also sets out various rights of consumers including the right to prepayment so that lenders cannot prohibit prepayment of loans and the right to statements on the loans.

The Business Laws (Amendment Act) 2024 amended among others, the Central Bank of Kenya Act, Cap 491, Laws of Kenya and the Microfinance Act, Cap 493C, Laws of Kenya to extend the regulatory oversight of the Central Bank of Kenya to credit providers that were previously not subject to CBK's oversight.

Previously, non-deposit taking credit providers were not under the regulatory oversight of the CBK. The Business Laws (Amendment) Act 2024 replaced the definition of digital credit providers under the CBK Act with non-deposit taking credit providers. This means that credit providers that were previously unregulated now fall under the regulatory oversight of the CBK regardless of the medium through which they offer their credit services.

Despite the fragmented efforts to regulate some elements of the credit industry, there is still need for a robust and comprehensive legal framework to address pertinent issues especially professionalism in the industry.

Regulation of the credit profession involves controlling the access to the credit practice by means of registration and certification or licensure. The aim is to ensure that credit professionals provide services in a competent, ethical and safe manner. This will guarantee quality credit services at affordable interest rates.

The appropriate model of credit profession regulation is self-regulation. This means the regulation of the profession by itself. The credit profession may be regulated by a professional body vested with statutory powers under legislation. These self-regulatory powers and functions include registration and certification or licensure of the credit profession's members.

5. REGULATION OF GEOPHYSICS PROFESSIONALS IN KENYA

Geophysics is a specialized field of Earth science that applies principles of physics, mathematics, and engineering to study the Earth's subsurface. Geophysical professionals, commonly referred to as **geophysicists**, use advanced techniques to detect and measure physical properties such as seismic waves, gravitational and magnetic fields, and electrical conductivity. Their work is critical in areas such as oil and gas exploration, groundwater mapping, mineral prospecting, infrastructure development, environmental protection, and natural disaster forecasting.

Despite the significance of geophysics in Kenya's socioeconomic development, there is currently **no law** governing or regulating geophysicists as a distinct professional group. The **Kenya Society of Geophysical Professionals** has consistently advocated for the formal recognition and regulation of the profession through an appropriate legal framework.

This response sets out the case for the establishment of a **Geophysical Professional Bill**, which would lead to the creation of a statutory body to regulate the profession.

Geophysics qualifies as a profession by all measures. Geophysicists are experts trained to interpret the Earth's physical characteristics. Their work underpins major national interests, including natural resource development, environmental sustainability, and disaster resilience. Their skills have a direct impact on public safety, economic growth, and environmental conservation.

The regulation of geophysical professionals is not merely a matter of professional pride—it is a **public interest imperative**. The lack of a legal framework exposes the public and the environment to significant risks due to:

(a) **Unqualified practitioners** conducting critical surveys that can compromise public safety (e.g., building on unstable ground);

(b) **Misrepresentation of geophysical data**, which can mislead major infrastructure, mining, and water projects;

(c) **Environmental harm**, especially where electromagnetic and seismic surveys are poorly conducted; and

(d) **Lack of accountability**, leading to reputational and financial losses for both the public and private sectors.

State regulation through an Act of Parliament would:

(a) Establish **minimum academic and ethical standards** for practice;

(b) Create a **register of licensed professionals**;

(c) Promote **continued professional development**;

(d) Enable the enforcement of a **code of ethics**;

(e) Provide **disciplinary procedures** to sanction professional misconduct;

(f) Enhance **public confidence** in the profession and in geophysical outputs used for planning and development.

In many jurisdictions, geophysicists are regulated alongside geologists and surveyors, professions already governed under Kenya's **Geologists Registration Act (Cap. 535)** and **Survey Act**, respectively. Kenya now lags behind in recognizing geophysicists as distinct professionals, yet their role continues to expand across critical sectors.

Geophysical professionals perform work that directly affects **public safety, natural resource management, environmental protection, and infrastructure development**. To preserve the integrity of this vital profession and protect national interest, there is a compelling case for **enacting a Geophysical Professionals Act**. Regulation through statute

will elevate the profession, ensure quality, uphold ethics, and protect both the public and the environment from substandard or unethical practice.

The proposed Geophysical Professionals Bill should:

(a) Establish a statutory body to license and regulate the practice of geophysics in Kenya;
(b) Define the scope of professional geophysical practice;
(c) Set educational and ethical standards;
(d) Protect the public, the environment, and national economic interests; and
(e) Promote research, innovation, and international alignment.

C. PART III-GENERAL

1. LEGISLATION FOR THE DEVELOPMENT OF IRRIGATIONINFRASTRUCTURE

Kenya's agriculture sector remains the backbone of the national economy. It contributes approximately 22.4% to the Gross Domestic Product (GDP), employs over 40% of the total population and more than 70% of Kenya's rural population. The sector is particularly vulnerable to the effects of climate change, erratic rainfall and land degradation, which continue to undermine food security, economic resilience and social stability.

The Petition raises a legitimate concern over the limited development of irrigation infrastructure in Kenya, noting that—

- Only about 4% of Kenya's arable land is under irrigation;
- Two-thirds of Kenya's land mass is classified as arid or semi-arid (ASAL), yet these areas are home to communities that would benefit greatly from irrigated agriculture;
- The existing policy and legal framework do not provide mechanisms for equitable, constituency-level implementation of irrigation projects.

The Petition rightly identifies a gap in equitable infrastructure development and the need for mechanisms to support grassroots implementation and community ownership as

further elucidated in the Kenya Kwanza manifesto. However, the legal strategy proposed that is by amending the Road Maintenance Levy Fund Act to support irrigation infrastructure, raises significant issues of legal coherence, functional clarity and constitutional consistency that must be addressed through a broader policy and institutional lens.

(a) Analysis

Overview of the Petitioner's Proposals

The Petitioner proposes that—

- Parliament amends the Road Maintenance Levy Fund Act, 1993, to expand its mandate into a broader Infrastructure Development and Maintenance Fund;
- A portion of this expanded fund be dedicated to the development of irrigation infrastructure in all 290 constituencies;
- Funds be administered by the National Irrigation Authority (NIA), in collaboration with other relevant public agencies.

Constitutional and Institutional Issues Arising

This proposal, while innovative, raises four critical issues:

- Functional Integrity and Sectoral Clarity - The proposal conflates two distinct functions—roads and irrigation—which fall under separate mandates in the Fourth Schedule of the Constitution. Road maintenance is a concurrent function where at the national level, the function is administered by road authorities such as KeNHA, KeRRA, KURA and the Kenya Roads Board (KRB) while the county roads are administered by the county governments. Irrigation on the other hand irrigation is primarily a county function under agriculture, except where national interests or transboundary issues are involved.

- Earmarked Funds and Purpose-Specific Legislation - The Road Maintenance Levy Fund (RMLF) is a ring-fenced fund created under statute for a specific

and limited purpose: to finance the maintenance of public roads. Expanding its use for unrelated purposes such as irrigation risks violating the principle of purpose-specific financing, undermining sectoral planning and resource predictability.

- **Institutional Coordination and Overlap** - Assigning the role of implementing constituency-level irrigation projects to the NIA, a national agency, without involving county governments, introduces institutional overlap, undermines the devolved system of governance and contradicts established planning and accountability frameworks under the County Governments Act, 2012 and the Intergovernmental Relations Act, 2012.

- **Governance, Accountability, and Legal Risks** - Repurposing a fund established by law for a completely different sector may expose the Government to legal challenges and reduce public confidence in the consistency and predictability of fiscal legislation. It may also lead to audit queries and institutional confusion.

(b) Considerations and Proposed Approach

Policy Must Precede Legislation

One of the cardinal principles of legislative development is that policy must inform law. Article 10 of the Constitution obliges all public institutions to observe the principles of good governance, transparency and accountability. Laws enacted in the absence of a clear and coherent policy basis tend to suffer from poor implementation, stakeholder resistance and legal contradictions.

The current National Irrigation Policy (2017) provides a foundation for addressing the larger issue that the petition did not clear bring out and that is that there is a lack of

sufficient, reliable and sustainable form of financing for irrigation for agriculture. In addition, our review of the policy indicates that it may does not fully incorporate—

- The realities of devolution and the increasing role of counties in local irrigation planning;
- The Government's current development blueprint—the Bottom-Up Economic Transformation Agenda (BETA);
- Climate change adaptation and resilience as a national imperative; and
- New financing models such as blended finance, development partnerships and conditional grants.

Before any legislation is amended or introduced in order to therefore provide for the broader issue, we propose that there is a need for the policy framework to be updated, validated through public and stakeholder participation and formally adopted by Cabinet.

Risks of Expanding the Road Maintenance Levy Fund

KLRC advises against amending the Road Maintenance Levy Fund Act to introduce an unrelated function. The rationale is as follows:

- Violation of Sector-Specific Planning – The RMLF was created to address the challenge of deteriorating road infrastructure by providing a consistent and predictable source of maintenance funds. Diverting its proceeds to other sectors undermines this purpose, may delay road maintenance projects and complicates long-term sector planning.

- Erosion of Legislative Integrity - Amending a statute for an unrelated purpose undermines the logic and coherence of the legislative framework and may lead to legal uncertainty, stakeholder resistance, and institutional disputes over mandates.

- Undermining Devolution - By proposing to bypass county governments in the financing and execution of local irrigation projects, the proposal contradicts Article 6(2) and the Fourth Schedule of the Constitution, which assigns irrigation and agriculture to county governments. It risks centralising functions that ought to be implemented locally, with full public participation and contextual understanding. The other risk is the introduction of multiple implementing bodies at the county government level, if the object of the proposal is that Members of Parliament would be responsible for the projects initiated under the amended legal regime.

- Precedent for Further Misalignment - Allowing this amendment could set a problematic precedent where other earmarked funds (e.g., for health, housing, or education) are similarly targeted for unrelated sectors, thereby destabilising Kenya's carefully constructed fiscal architecture.

(c) Proposed Alternative Framework for Achieving the Petition's Objective

KLRC fully acknowledges the valid policy concern raised by the Petition—Kenya urgently needs a more inclusive, equitable and sustainable approach to irrigation infrastructure development. However, the strategy to achieve this must be institutionally sound, constitutionally aligned and fiscally sustainable. We therefore propose the following approach, rationalised on our consideration of the merits of the proposal.

Step 1: Review and Update the National Irrigation Policy (2017)

The Ministry of Water, Sanitation and Irrigation, in collaboration with the county governments, NIA and key national bodies, including KLRC and development partners, should lead a review of the national irrigation policy to—

- Clarify the roles of national and county governments;
- Outline mechanisms for intergovernmental collaboration and financing;
- Promote pro-poor, community-led, and climate-resilient irrigation models;

- Establish equitable criteria for national investment in county-based irrigation projects;
- Integrate national development goals under BETA and Vision 2030.

Step 2: Develop a Dedicated Legislative Financing Framework

Following the revised policy, Parliament may consider legislation to:

- Establish a National Irrigation Infrastructure Development Fund under the Public Finance Management Act, 2012, structured as a conditional grant to counties;
- Amend the Irrigation Act, 2019, to include provisions on collaborative planning, equitable targeting and a public participatory process for selecting irrigation projects;
- Provide for transparent criteria, performance monitoring and public reporting mechanisms to promote integrity and accountability.

A. Step 3: Institutional Collaboration through Intergovernmental Frameworks

Rather than bypassing counties or implementing the policy proposals through Members of Parliament, the revised approach should:

- Leverage Article 189 of the Constitution and the Intergovernmental Relations Act to foster coordinated service delivery;
- Use platforms such as the Intergovernmental Budget and Economic Council (IBEC) and the Summit to agree on priorities, standards and financing modalities;
- Engage community-level stakeholders to ensure that irrigation initiatives respond to local needs and conditions.

(d) Conclusions and Recommendations

In conclusion, KLRC affirms the substantive concerns raised by the Petition regarding the inadequacy of irrigation infrastructure in Kenya. However, we dutifully submit that the proposed legislative pathway—through amendment of the Road Maintenance Levy Fund Act—is legally unsound, constitutionally problematic and institutionally risky.

We therefore make the following recommendations:

- Parliament should not adopt the proposed amendment to the Road Maintenance Levy Fund Act, 1993 as a legislative mechanism for financing irrigation projects;
- Parliament to direct for a comprehensive review of the National Irrigation Policy (2017) to align it with the Constitution, BETA priorities and intergovernmental frameworks;
- The responsible Ministry, KLRC and other relevant national and county government organs to thereafter develop appropriate legislation that is anchored in the revised policy, to establish a dedicated and transparent irrigation infrastructure financing mechanism;

The process to achieve the above should be facilitative and inclusive embodied by participatory law and policy reform process that engages all relevant sector players.
As always, we remain committed to upholding the principles of democratic governance and the rule of law in Kenya by supporting every effort to improve our laws in response to the social, economic and political needs of the country.

2. REVIEW OF THE PROLIFERATION OF LGBTQ RIGHTS IN THE COUNTRY

(a) The Concept of LGBTQ

The term LGBTQ is an alphabetism for lesbian, gay, bisexual, transgender, queer or questioning. LGBTQ can be interpreted in at least two ways:

1) *Broad interpretation*: LGBTQ is often used as an umbrella term to refer to people whose sexual orientation and gender do not conform to the cultural expectations of their society.

2) *Narrow interpretation*: LGBTQ is also used to refer specifically to lesbian, gay, bisexual or transgender people. Additional terms can be included to explicitly

communicate their inclusion, such as queer, questioning, intersex, asexual and two spirit.

(b) Pronouncements by the Courts on the position of LGBTQ in Kenyan laws

The courts have had occasion to pronounce themselves on LGBTQ matters as analysed below.

EG & 7 others v Attorney General; DKM & 9 others (Interested Parties); Katiba Institute & another (Amicus Curiae) [2019] KEHC 11288 (KLR)

The petitioners initiated legal proceedings challenging *Sections 162(a), 162(c) and 165 of the* Penal Code, Cap. 63. These sections prohibit what are termed "unnatural offences" and acts of "gross indecency," which have historically been interpreted and applied to criminalize consensual same-sex sexual activity. The Petitioners contended that these provisions were unconstitutional on several grounds.

Primarily, the petitioner argued that the sections were void for vagueness, lacking clear definitions of the prohibited conduct. Furthermore, the Petitioners asserted that the provisions violated the rights to non-discrimination, human dignity and privacy as guaranteed by the Constitution.

The case was consolidated with another similar petition, Petition 234 of 2016, as both raised common issues regarding the impact of these Penal Code sections on individuals who do not conform to societal expectations of gender identity, expression or sexual orientation.

The respondents submitted that the petitioners were attempting to use the judicial process to legitimize acts that were deemed indecent and to create rights not explicitly recognized in the Constitution. It was further argued that the criminalization of

homosexuality fell within the bounds of the law and that individual liberty could be legitimately curtailed when it conflicted with the common good and public policy.

The respondent also highlighted that during the drafting of the 2010 Constitution, the issue of same-sex relationships was considered, but there was no consensus or desire to legalize them. As a result, Article 45(2) of the Constitution specifically recognizes heterosexual marriage. It was argued that permitting consensual, private same-sex relations would implicitly lead to same-sex couples cohabiting, which would contradict the spirit and intent of the Constitution as drafted.

The High Court held; -
On the issue of vagueness, the Court acknowledged that while the Penal Code sections in question did not explicitly define terms like "unnatural offences" or "against the order of nature," these phrases had been defined in legal dictionaries and prior judicial pronouncements.

Therefore, the Court concluded that the lack of explicit definitions within the statute itself did not render the provisions unconstitutionally vague. The Court also accepted the principle that fundamental rights and freedoms, while guaranteed, are not absolute and may be limited to prevent prejudice to the rights and freedoms of others.

The Court placed significant weight on the intent of the legislature and the perceived social values of Kenya. It was stated that the court had a responsibility to uphold positive African cultural values and contribute to the moral well-being of society. The Court's interpretation of *Article 45(2) of the Constitution*, which recognizes heterosexual marriage, was also crucial.

The Court reasoned that if there had been a desire by the Kenyan people to protect and recognize same-sex relationships, this would have been reflected in the drafting of the 2010 Constitution. Consequently, allowing consensual, private same-sex relations would

contradict this perceived intent. The High Court in this case dismissed the case, upholding the constitutionality of the challenged provisions of the Penal Code.

NGOs Co-ordination Board v EG & 4 others; Katiba Institute (Amicus Curiae) (Petition 16 of 2019) [2023] KESC 17 (KLR)

Facts

The case originated from the decision of the Non-Governmental Organizations Co-ordination Board (NGO Board) to reject the registration of a proposed organization aimed at addressing the violence and human rights abuses suffered by the Lesbian, Gay, Bisexual, Transgender, Queer or Questioning (LGBTQ) persons in Kenya.

In a letter dated 25th March, 2015, the NGO Board refused to reserve any of the names proposed by Mr. Eric Gitari for this organization. The Board's Executive Director justified this refusal by citing *Sections 162, 163 and 165 of the Penal Code*, which criminalize certain sexual acts, implying that the proposed organization's focus was illegal.

Aggrieved by this decision, Mr. Gitari initiated legal action by filing High Court Petition No. 440 of 2013. He contended that the NGO Board's actions violated several articles of the Constitution, including *Article 20 (2), Article 27(4), Article 28 and Article 36*, as well as provisions of the NGO Coordination Act.

His core argument was that the refusal to register the organization, based on its focus on LGBTIQ rights and its proposed name, infringed upon the constitutional rights to freedom of association and non-discrimination.

Issues

The central issues of the case include:

1) Whether LGBTQ individuals possess the right to form associations in accordance with the law in Kenya;

2) If the answer to the first issue is affirmative, whether the NGO Board's decision to refuse the registration of the proposed NGO solely based on the choice of name and the perceived nature of the organization constituted a violation of the fundamental rights to freedom of association and non-discrimination as guaranteed by the Constitution; and

3) Whether the First Respondent, Eric Gitari, was required to exhaust internal dispute resolution mechanisms available under the NGO Coordination Act before filing his case in the High Court.

The High Court, in a decision by a three-judge bench, ruled in favour of Mr. Gitari. The court found that the limitation placed on the freedom of association for LGBTQ individuals by the NGO Board was not justifiable under *Article 24 of the Constitution.* The court held that while *Sections 162, 163, and 165 of the Penal Code* criminalize specific homosexual acts, they do not criminalize sexual orientation itself. Therefore, relying on these sections to restrict the registration of the organization was deemed unreasonable.

Regarding *Article 27* on non-discrimination, the High Court noted that the Board's objection extended beyond just the name to include the stated objects and purpose of the proposed NGO. The court held that interpreting *Article 27* in a manner that excludes individuals based on their sexual orientation would contradict fundamental constitutional principles such as human dignity, inclusiveness, equality, human rights, and non-discrimination.

The court concluded that the Board's attempt to reject the organization's formation on the grounds of furthering an "illegality" simply because it disapproved of the organization's objectives amounted to an infringement of the freedom of association.

In the end the Judges noted-

> "In conclusion, therefore, having considered the arguments on both sides, the precedents cited, the Constitution and the law, we are not satisfied that the Petitioners' attack on the constitutional validity of sections 162 and 165 of the Penal Code is sustainable. We find that the impugned sections are not unconstitutional. Accordingly, the consolidated Petitions have no merit. We hereby decline the reliefs sought and dismiss the consolidated Petitions"

Dissatisfied with the High Court's decision, the NGO Board lodged an appeal at the Court of Appeal. The appellate court, by a majority decision, dismissed the appeal and affirmed the High Court's ruling. The majority concluded that by refusing to register the NGO, Mr. Gitari was effectively "convicted" before contravening any law, and they characterized such an action as "retrogressive."

The two dissenting judges, however, held a different view. They argued that the freedom of association is subject to limitations as specified in the Constitution and that *Article 27(4)* specifically prohibits discrimination based on gender, but not sexual orientation. These dissenting judges maintained that since current laws in Kenya do not permit homosexual practices, the rejection of the proposed NGO registration was lawful.

Determination of the Supreme Court

The Court (majority decision) found that Mr. Gitari's intention was to register an organization to advocate for the rights of LGBTQ individuals, and this objective was not directly linked to the specific offenses described in *Sections 162, 163, and 165 of the Penal Code.*

As such, the Supreme Court agreed with the reasoning of both the High Court and the Court of Appeal, affirming that LGBTQ people, like all other individuals, have a fundamental right to freedom of association, which includes the right to form any kind of association.

The Supreme court when addressing the final issue, whether the Board's decision was discriminatory and contravened *Article 27*, the Supreme Court definitively ruled that the Board's refusal to register the organization focused on LGBTQ rights was indeed discriminatory.

The Court held that the word "Sex" as used in *Article 27 of the Constitution* encompasses sexual orientation. The Supreme Court upheld the High Court's position that any interpretation of the Constitution that excludes individuals based on their sexual orientation is inherently discriminatory. Based on these determinations, the Supreme Court dismissed the appeal, upholding the decisions of the lower courts and reinforcing the constitutional rights of LGBTQ individuals to freedom of association and protection from discrimination.

In a dissenting opinion, Ibrahim and Ouko SCJJ noted that –

> "...But a more pragmatic approach towards opening up the door for registration of the group would be to introduce legislative reforms, including amendment to the Penal Code and repeal of sections 162, 163 and 165 to decriminalise acts contemplated by those provisions based on the will and desire of the people of Kenya. That was the course adopted by many countries around the world. Social attitudes and concerns were constantly evolving. Lawmakers, as representatives of the people created, modified and repealed laws to achieve particular behavioural outcomes, often in an effort to respond to perceived changes in the society. The decision to repeal or amend those laws to accommodate LGBTQI community in Kenya was one that could only be made by the people from whom all sovereign power flowed or by their elected representatives and only after the involvement of the people.
>
> Though the language of article 27 of the Constitution was plain, the basic rule of constitutional interpretation was that the Constitution had to be given a holistic interpretation. Holistic interpretation had been described as interpreting the

Constitution in context. It was contextual analysis of a constitutional provision, reading it alongside and against other provisions, to maintain a rational explication of what the Constitution had to be taken to mean in the light of its history, of the issues in dispute, and of the prevailing circumstances. There was a clear distinction between 'sex' and 'sexual orientation'. Sexual orientation referred to each person's capacity for emotional, affectional and sexual attraction to, and intimate sexual relations with individuals of a different gender or the same gender or more than one gender

The word sex was used three times in the Constitution; in the article 27, in article 42(2) on the right to marry a person of the opposite sex and article 53(1)(f)(ii) on the detention in custody of a child, in conditions that took account of the child's sex. In the context of those articles, sex was used in reference to a person's sexual anatomy based on one's sex chromosomes- (male/female). The discrimination that was expressly prohibited by article 27 was on account of sex and not sexual orientation."

(c) Law Reform issues emanating from the Supreme Court's Judgement and proposed legislative reforms

As identified in the judgement in NGOs Co-ordination Board v EG & 4 others; Katiba Institute (Amicus Curiae) (Petition 16 of 2019) [2023] KESC 17 (KLR), the main contention was unbundling the definition of sex and whether to include sexual orientation in the definition of sex in Article 27(4).

The said provision states –

"27(4) The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth."

According to the Supreme Court majority decision the use of the word "sex" under article 27(4) of the Constitution did not connote the act of sex *per se* but referred to the sexual orientation of any gender, whether heterosexual, lesbian, gay, intersex or otherwise. Further, the word "including" under the same article was not exhaustive, but only illustrative and would also comprise freedom from discrimination based on a person's sexual orientation. Therefore, an interpretation of non-discrimination which excluded people based on their sexual orientation would conflict with the principles of human dignity, inclusiveness, equality, human rights and non-discrimination.

In the opinion of the dissenting Judges, there was nothing whatsoever in article 27(4) of the Constitution or on a reading of the Constitution as a whole which suggested that the framers of the Constitution were addressing their minds in any way whatever to problems of discrimination on grounds of sexual orientation. Had that been the intention, nothing could have been easier than to state so as had been done in some of the constitutions, statutes and international instruments. The intention was to prohibit discrimination based on the consideration whether a person was male or female. They further averred that in other jurisdictions, where the right against discrimination was meant to include sexual orientation, it had been expressly stated as such in either the statutes or the national constitutions of those countries.

From the reading of the decisions in the superior courts, it is clear that they are not all agreed on the import of the provisions of the Constitution and the Penal Code on same sex relations and LGBTQ in general. As noted by the Supreme Court Judges, lawmakers, as representatives of the people have the power to create, modify and repeal laws to achieve particular behavioural outcomes, often in an effort to respond to perceived changes in the society. The decision to repeal or amend those laws to accommodate the LGBTQ community in Kenya is one that could only be made by the people from whom all sovereign power flowed or by their elected representatives and only after the involvement of the people.

One such instance is through the Family Protection Bill sponsored by Hon. Kaluma which seeks to provide for the protection of the family in furtherance of Article 45 of the Constitution, to prohibit homosexuality and same sex marriage, to prohibit unnatural sexual acts and related activities and to proscribe activities that seek to advance, advocate, promote or fund homosexuality and unnatural sexual acts.
The Bill specifically unbundles the term sex by seeking to define it as the biological state of being male or female as physically observed and assigned at birth, or as medically determined and assigned by the time the person reaches puberty. The proposed definition proposes to specifically exclude sexual orientation and gender identity. This would cure the confusion on whether "sex" as set out in the Constitution includes "sexual orientation" without explicitly stating so.

The Bill also seeks to prohibit sexual acts and other activities among persons of the same sex, same sex marriage, unnatural sexual activities and procuring of prohibited sexual activities by false pretences, detention with the intent to commit prohibited sexual activity among others. It also makes it an offence to establish premises for prohibited sexual activity, and prohibits grossly indecent acts. It prohibits sex reassignment prescriptions or procedures and the promotion or funding of prohibited activities and proposes to penalize any breach including fines, jail terms, deregistration of associations and cancellation of licences issued to businesses that promote or host prohibited activities within their premises.

Enactment of this legislation or any other legislation in this respect would create more clarity and therefore guide the courts in the interpretation of Article 27(4) as read with Article 43 of the Constitution.

D. CONCLUSION

In conclusion, KLRC is committed to ensuring that legislations are drafted and/or amended to the highest possible standards to promote their effectiveness as well as ensure their clarity and intelligibility to their intended users.

REPUBLIC OF KENYA

MINISTRY OF EDUCATION

State Department for Basic Education

PUBLIC PETITION REGARDING THE PROLIFERATION OF LESBIANS, GAYS BISEXUALS, TRANSGENDER AND GUEER (LGBTQ) IN THE COUNTRY

Question (1) That, over the past decade, the Lesbians, Gay, Bisexuals, Transgender, and Queer (LGBTQ) community members and representatives have consistently made efforts to challenge in various courts laws that prohibit homosexuality and other acts deemed unnatural;

Response

1.0 Introduction

Hon. Chair, The Ministry is mainstreaming Human Sexuality Education in Kenya's Competency-Based Curriculum Lesbian, Gay, Bisexual, Transgender, and Queer/Questioning (LGBTQ) identification reflects a complex sexual identity crisis, particularly among children and adolescents who are still in the early stages of understanding and forming their sense of self. Without clear guidance, age-appropriate education, and supportive environments, many young learners struggle with confusion, emotional distress, and vulnerability related to their developing sexual identity.

KICD is mandated to ensure that the national curriculum and international curricula implemented in Kenya remains responsive to societal needs by identifying and integrating salient societal concerns—referred to as Pertinent and Contemporary Issues (PCIs) - into the curriculum and curriculum support materials. PCIs are societal issues that significantly influence learners' psychosocial well-being, access to and retention in education, academic completion, and ultimately their ability to thrive in the workplace and society. These issues are addressed through deliberate curriculum design intended to equip learners with knowledge, values, and psychosocial competencies required to navigate real-life challenges and contribute meaningfully to national development.

As part of Kenya's ongoing curriculum reform, the Basic Education Curriculum Framework (BECF, 2017) classifies PCIs into broad categories including: Citizenship, Health-Related Issues, Life Skills, Moral and Human Sexuality Education, Socio-Economic Issues. Among these, Human Sexuality Education has emerged as a critical area requiring deliberate intervention through the curriculum.

2.0 Identification of Human Sexuality as a Pertinent of Contemporary .....

Human sexuality was identified as a priority PCI through the 2016 National Needs Assessment Survey conducted to guide the CBC reform. The survey revealed alarming trends: early sexual debut, rising HIV/STI infection rates, adolescent pregnancies, early marriages, and increased school dropout rates. These patterns highlighted a gap in young people's ability to understand and manage their sexuality within appropriate developmental, cultural, and religious frameworks. Adverse negative effects of these issues have contributed to the weakening of family and social fabric as well as the youth failing to attain their full academic, career and economic potentials.

3.0 Mainstreaming Human Sexuality Education in the Curriculum

Hon. Chair, Following the findings and recommendations from the Needs Assessment survey, other relevant studies and presentations by stakeholders in Education, Human Sexuality in CBC is being addressed as a pertinent issue in the three dimensions of the curriculum. KICD has developed matrices on Human sexuality and corresponding values and life skills that have been providing guidance on the content to be mainstreamed in the curriculum to ensure the content covered at each grade is developmentally, morally and culturally relevant and appropriate. The spiral approach is employed to ensure that the content and complexity of the concepts increase as learner's progress from one grade to another.

Human sexuality like other PCIs is incorporated in the learning areas (subjects) with more emphasis given during the learning experiences. The designs have a component on PCIs. However, the Institute is also aware that the social environment and interaction at school and home also influence learner's moral and character development.

The concepts on Human Sexuality Education content and the requisite skills are based on two perspectives namely developmental and psychosocial perspective. The Developmental Perspective equips learners with age-appropriate knowledge, values, and competencies that empower them to make informed, healthy decisions about their sexuality. The Psychosocial Perspective focuses on building self-awareness, self-esteem, assertiveness, and decision-making skills—critical psychosocial competencies that enable learners to navigate peer pressure and societal expectations.

During the course material evaluation process, Kenya Institute of Curriculum Development (KICD) on behalf of the Ministry of Education ensures that books that are evaluated and approved for use in learning institutions contain content that is in tandem with the specifications given in the curriculum designs. The criteria indicate clearly that any material that promotes unethical practice should be disqualified. For

transparency, all evaluation criteria and curriculum design references are publicly available via the KICD website, and the Institute remains open to dialogue and continuous improvement. Thus, the Instructional materials are not expected to promote LGBTQ in any way.

4. 0 Stakeholder Involvement

Hon. Chair, Human sexuality, while personal and sensitive, is also a matter of national concern involving identity, morality, and social well-being. While the Constitution of Kenya recognizes parents as the primary moral guides, the education system—together with religious and civil society institutions—plays a complementary role. Human Sexuality Education within CBC is structured not merely as sex education, but as a broader developmental framework that supports learners in understanding, accepting, and appreciating their sexual identity. It promotes values such as abstinence, self-respect, and protection from risky behaviors.

Religious organizations such as NCCK, SUPKEM, KCCB, and the Hindu Council as well as developmental psychologists are involved in the curriculum development process including participation in mainstreaming of human sexuality education at the subject panel, validation of the curriculum at the Course panel and approval of the curriculum at the Academic Committee Level.