



Kenyan Rights Groups Look to Indian Supreme Court Ruling With Hope

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On Thursday 5th September, 2018, the Supreme Court of India issued a historical ruling reversing over 150 years of criminalization of the country's LGBT community. The judgment handed down by a five judge bench led by the country's Chief Justice ruled that Section 377 of India's penal code, that made consensual same sex acts between adults a crime, was unconstitutional.

A similar case, challenging sections of Kenya's Penal Code that criminalize same sex intimacy is currently before the High Court in Nairobi with a ruling expected in the near future. The case which is before a three judge bench is backed by rights organisation, the National Gay and Lesbian Human Rights Commission (NGLHRC).

Reacting to the Indian Supreme Court ruling, Ms. Njeri Gateru, Executive Director of the NGLHRC said:

"The news out of India is truly something to celebrate and we congratulate our LGBT family in India on this victory. Changing the law is a monumental step in beginning to address the systemic violence targeting LGBT persons across the globe.

The Supreme Court's insistence that colonial laws, cannot be used to continue to justify oppression of one group is also very important. We must begin to reclaim our own notions of fairness and equality as envisioned in the progressive Constitutions we have passed since that dark colonial era."

Laws such as those in India and Kenya are relics of British colonial history that saw anti-sodomy laws introduced in many of its colonies. Currently, there are approximately 71 countries across the world that criminalize same-sex relationships.

Recently, UK Prime Minister, Theresa May, [apologized for her country's role](#) in the criminalization of LGBT people across the Commonwealth.

In its ruling, the Supreme Court of India noted, among other things:

*“... this case **involves much more than merely decriminalising certain conduct which has been proscribed by a colonial law.** The case is about an aspiration to realise constitutional rights. **It is about a right which every human being has, to live with dignity. It is about enabling these citizens to realise the worth of equal citizenship.**”*

NGLHRC, which provides free legal assistance to LGBT individuals in Kenya, has found that Sections 162, 163 and 165 of the Penal Code of Kenya are used to justify continued violence and discrimination against the LGBT community and has long advocated for decriminalization. The next scheduled court date for its decriminalization challenge is September 20th in Nairobi.

Ends

Notes to Editors

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