



SUPREME COURT AFFIRMS NGLHRC'S RIGHT TO REGISTER AS AN NGO IN KENYA

24 FEBRUARY 2023

The National Gay and Lesbian Human Rights Commission ([NGLHRC](#)) welcomes the decision of the Supreme Court of Kenya affirming the decisions of the [High Court](#) and the [Court of Appeal](#) to allow for the registration of The National Gay and Lesbian Human Rights Commission as a non-governmental organization (NGO) with the words 'gay' and 'lesbian' in its title.

This decision marks the end of a ten-year-long legal battle that began when the NGO Co-ordination Board rejected our application to register due to our name's reference to gays and lesbians. This obviously stood in contrast with the spirit and tenor of the Constitution that provides for the national values of Equality, non-discrimination and protection of the marginalized. Our struggle for recognition as an NGO underscores the importance of upholding these national values and principles, particularly in protecting the Human Rights of marginalized groups.

In their landmark decision the judges stated ' Given that the right to freedom of association is a human right, vital to the functioning of any democratic society as well as an essential prerequisite enjoyment of other fundamental rights and freedoms, we hold that this right is inherent in everyone irrespective of whether the views they are seeking to promote are popular or not ... As such, we agree with the reasoning of the High Court that just like everyone else, LGBTQ have a right to freedom of association which includes the right to form an association of any kind'

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In response, Njeri Gateru, NGLHRC's Executive Director said 'This affirmation by the supreme court of the land is especially necessary at a time when the rights of the people who NGLHRC intends to protect are particularly threatened; it emboldens our resolve as a community to agitate for a better Kenya for all of us'

We laud the Kenyan judicial system for consistently upholding our constitutionally enshrined rights. This decision builds the confidence of an unpopular minority in the belief that the Rule of Law will be upheld.

We thank our community, partners, and allies who have stood with us throughout this long legal battle. Your unwavering support has been instrumental in securing this victory, and we look forward to continuing to work with you.

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Notes to Editors:

The NGLHRC is an independent human rights institution that exists to realize legal and policy reforms towards equality and full inclusion of the sexual and gender minorities in Kenya and works to ensure that members of Kenya's LGBTIQ community can live free and equal lives, and, are treated with dignity and rights within their community and respective counties.

In addition to Strategic Litigation, we also provide free Legal Aid to sexual and gender minorities and engage in Advocacy. Through our [Legal Aid Centre](#) we receive cases and respond to discrimination and human rights violations because of real or presumed sexual orientation and gender identity. We have logged well over 3700

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cases since 2013 including 7 murders in the last 26 months, half of them being LGBTIQ+ human rights defenders.

For more information and interviews, contact us at:

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