



# 2022 ANNUAL REPORT

#RESISTANCE  
REQUIRES JOY



**NGLHRC** NATIONAL  
GAY & LESBIAN  
HUMAN RIGHTS  
COMMISSION

DIGNITY EQUALITY FREEDOM

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## MESSAGE FROM THE EXECUTIVE DIRECTOR

**Friends, siblings, partners, beloveds,**

On December 13, 2012, a historic event unfolded at Nairobi's City Hall. In the full glare and wonder of the media and a much less accepting city, we boldly and unapologetically embraced our Queerness and Africanness at the inaugural Gay and Lesbian Awards (now Upinde Awards), where we officially introduced the National Gay and Lesbian Human Rights Commission. It was a radical act that, in that one night, transformed that esteemed place of business, of the leadership of the capital, into a home for queer joy.

A decade later, it remains a political statement to create a space for queer joy and fulfilment, especially in a year marked by the loss of our queer siblings – Sheila Lumumba, Rose Mbesa and many others – under violent circumstances. In challenging times, revisiting the sites of our pain and oppression, speaking our truths, and nurturing an alternate reality that honours the magic of our queer Africanness is not only vital, but essential.

In 2022, an election year in Kenya, NGLHRC delved into the role queer communities can play in electoral politics, pondering how their self-determination can reshape a nation by electing leaders who champion human rights. Teaming up with allied organisations, spearheaded by the Initiative for Equality and Non-Discrimination, our team engaged in a concerted effort called #QueeringtheBallot, a groundbreaking initiative focused on a widespread civic education campaign to mobilise queer communities across the country to vote and participate in the election as observers.

To our consternation, the election ushered in a new, more conservative government, one openly intent on hindering our efforts for inclusion and equity. In response, we have dedicated more time to devising new strategies to fortify and sustain our progress in this challenging context; including taking part in regional consultations on strategic litigation that focused on how to navigate the outcomes, be they favourable or negative, of our public interest cases.

In December, we held our annual Upinde Awards celebration, shining a light on the incredible courage and work of 18 nominees whose work inches us closer to our shared dream of a universe of equals. Resistance, we are reminded, requires joy, and we will persist in holding space for queer joy.

Looking around now, I witness many of our siblings confidently embracing their truths and living authentically because of the paths we are illuminating. The government hesitates to deny our rights because of the resistance we have mounted as a community. A movement stands tall, grows, and flourishes because of the gifts we have received, the accountability we have demanded, and the resilience our community has championed.

None of the strides we're making would be possible without the incredible, formidable team at NGLHRC. To the members of our Advisory Board, asanteni. With these strategists leading the way, we march forward. To the gladiators on my team – Imani, Sophie, Masafu, Lulu, Annette, Kigezo, Wambo, and Winnie – thank you always for making and protecting the magic.

Thank you all to our partners and funders, ranging from individuals, organisations, small businesses and collectives, for showing up consistently throughout the year. We are eternally grateful for your belief in our work and your support. To our newest partners, Creating Resources For Empowerment and Action and Danish Family Planning Association, welcome on board.

Shukran.



## OUR STORY, MISSION & OBJECTIVES

### OUR STORY:

Founded in 2012 by six young legal advocates, the National Gay and Lesbian Human Rights Commission (NGLHRC) emerged through conversations among passionate activists, igniting a realisation that legal redress for LGBTIQ+ individuals in Kenya was virtually inaccessible while violations on grounds of perceived sexual orientation and/or gender identity remained rife.

This was NGLHRC's entry point; marking the foundation of an organisation that bridges the gap between a progressive constitution and a dystopian queer reality of erasure, discrimination, and violence. We use the law to change the status quo; seeking redress for harm, and changing law and policy to ensure equal protection and prevention of discrimination on grounds of sexual orientation, gender identity and/or expression.

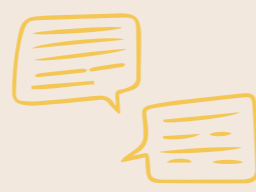
### OUR OBJECTIVES:



Achieving policy and legal reforms towards equality and full inclusion of sexual and gender minorities



Political and civic participation of LGBTIQ+ individuals and communities in Kenya



Promotion of freedoms of expression and association for LGBTIQ+ individuals and communities

# RESISTANCE REQUIRES

# JOY



**OUR MISSION:**

Our mission is to **promote** and **protect** the **equality** and **inclusion** of **LGBTIQ+ individuals** and **communities** in **Kenya**; and advance their **meaningful participation** in **society**.



NGLHRC's Vision calls on **resilience**, **passion** and **courage**.

Our work holds space for our lived realities in all the spaces that we occupy.



**"After a video of me and my ex partner went viral at my university we were both put in a disciplinary case that might have ended in expulsion.**

**A lot of people in the community suggested reaching out to NGLHRC. A lawyer talked me through the entire process, and really calmed my anxieties of expulsion by letting me know they didn't have grounds to expel me.**

**The disciplinary case was eventually dropped but I will never forget the sense of security and solidarity that I felt from NGLHRC those few weeks."**

Elle – Legal Aid Beneficiary



## OUR PROGRAMMATIC FOCUS

### Strategic Litigation

Our litigation work builds on Kenya's 2010 Constitution which transitioned the country into an open and democratic society based on human dignity, equality, equity and freedom. Through strategic litigation that is in the public interest, we use Kenya's Constitution to ensure the protection of all citizens regardless of their sexual orientation or gender identity. Since we began litigating in 2013, we have won two cases with significant impact. **Read more about our ongoing litigation under the 'Strategic Litigation' section of this report or on our [website](#).**

### Pro-Bono Legal Aid Centre

Since 2013, we have been the go-to-organisation for legal assistance for LGBTQI+ individuals in contact or conflict with the law across Kenya. Utilising the unparalleled expertise of our legal staff, NGLHRC offers free legal aid and support including; direct representation, legal opinions and advice, accompanying clients to police stations, drafting and execution of legal instruments, bail and bond, rapid security response, and alternative dispute resolution. NGLHRC also makes referrals to our in-house psychologist where clients can receive free mental health assessments and counselling services. Legal Aid is accessible via the hotline, in-person or through digital channels. **Read more about our 2022 case load under the 'Legal Aid' section of this report.**

### Legal Aid Community Outreach

The Legal Aid Centre extends its services to communities who have difficulties reaching us due to geographic distance from Nairobi or resource constraints, like limited internet or phone access. NGLHRC also offers Legal Aid outreach at the request of both individuals and organisations, and in response to regions where violations are prevalent. As a result of our outreach, we've witnessed a notable increase in the reporting of justice-related challenges and enhanced our capacity for gathering evidence and data concerning violations experienced by the LGBTQI+ community countrywide.

### Paralegal Training and Civic Education

Our team responds to requests for civic education from LGBTQI+ individuals living in Kenya and delivers training on issues ranging from election preparedness to land rights, health rights, and labour rights. Through our Access to Justice programme, we also offer paralegal training to LGBTQI+ individuals and their allies, building the capacity of local communities to promptly respond to violations and sustaining access to justice for LGBTQI+ communities in diverse regions of Kenya, including refugee camps.

NGLHRC created the 'Paralegal Resource Guide' & 'Paralegal Pocket Resource Manual' to help Paralegals on-the-ground respond to violations (Available in English & Kiswahili).

## OUR PROGRAMMATIC FOCUS

### Sensitisation Trainings

To help bridge gaps in access to justice for LGBTQI+ individuals coming into contact with the Law, NGLHRC conducts training sessions and conferences that build awareness of the challenges LGBTQI+ individuals face in accessing services. Our sensitisation efforts have successfully engaged various groups, including police officers, Court Users Committee members (composed of magistrates, prosecutors, court clerks and investigating officers), health practitioners, and judicial officers, including members of the Kenya Judges and Magistrates Association (KMJA).

### Advocacy And Engagement

We recognise that stigma, discrimination, harassment and violence towards the LGBTQI+ community comes mostly from ordinary citizens. Through advocacy and public engagement, NGLHRC challenges prevailing societal attitudes on diversity in Kenya, expanding public space for the enjoyment of the rights we seek to protect. Our activities include, public participation on governance issues, awareness campaigns like **#Repeal162** and **#LoveisHuman**, events such as the Upinde Awards and Brunch For Justice, civic protests in concert with other civil society actors, lobbying of Members of Parliament, and knowledge-sharing at regional and international conferences.

### Because Womxn

The LGBTQI+ movement in Kenya and across the globe is not free of patriarchy and sexism. To help remedy this wrong, NGLHRC created Because Womxn, an LBQ trans\*diverse and non-binary steered initiative built on a feminist analysis of power and equality. Because Womxn creates a space for discussion and programming around safety, security, health and wellness for non-heterosexual, non-cis, non-binary and non-men bodies within the greater equality movement in Kenya. We do this through intimate forums and the annual Uzima (meaning "wellness" in Kiswahili) Camp. Through Because Womxn, NGLHRC also increases civic awareness and seeds organising among LBQ trans\*diverse and non-binary groups.

### Lectures, University Moot Courts and Debate Competitions

Engaging with local universities has been a key part of our advocacy efforts. These initiatives, we have found, help challenge existing preconceptions among young people in Kenya while raising awareness about discrimination and the legal challenges faced by LGBTQI+ individuals. Using Intervarsity Debates and Moot Courts, NGLHRC invites young legal minds to engage in real-world issues and refine essential legal skills in front of a bench of mock judges. Students are asked to apply research, oral advocacy and legal analysis and present legal arguments on a case affecting sexual and gender minorities. We also conduct university lectures with a focus on the law, human rights and other issues affecting LGBTQI+ communities. Our work in this arena helps shape the next generation of legal minds, equipping them to navigate complex human rights issues and advocate for equality.

#### PETITION 51 OF 2015 & CIVIL APPEAL 56 OF 2016:

IN MARCH 2018, NGLHRC'S PETITION AT THE COURT OF APPEALS DETERMINED THAT THE USE OF FORCED ANAL EXAMINATIONS ON MEN SUSPECTED OF BEING GAY WAS UNCONSTITUTIONAL

#### PETITION 440 OF 2013:

IN FEBRUARY 2023, IN A CASE UNDER APPEAL AT THE SUPREME COURT, THE KENYA NGO BOARD'S REFUSAL TO REGISTER THE NGLHRC, BECAUSE THE WORDS 'GAY' AND 'LESBIAN' APPEARED IN ITS NAME, WAS DEEMED UNCONSTITUTIONAL

4000+

LEGAL MATTERS HANDLED SINCE 2013

4

COUNTIES WHERE NGLHRC HAS CONDUCTED LEGAL AID OUTREACH

Our Impact

2000+

TRAINED AND CERTIFIED COMMUNITY PARALEGALS

2

EASY-TO-REFERENCE GUIDES ON KENYAN LAW PUBLISHED

260+

JUDGES, MAGISTRATES AND OTHER JUSTICE ACTORS ENGAGED ON THE LEGAL AND JUSTICE NEEDS OF LGBTQI+ COMMUNITIES

WE'VE TAKEN BECAUSE WOMXN TO 16 TOWNS AND CITIES

5 ANNUAL INTERVARSITY MOOT COURTS HELD ACROSS 3 UNIVERSITIES

700+

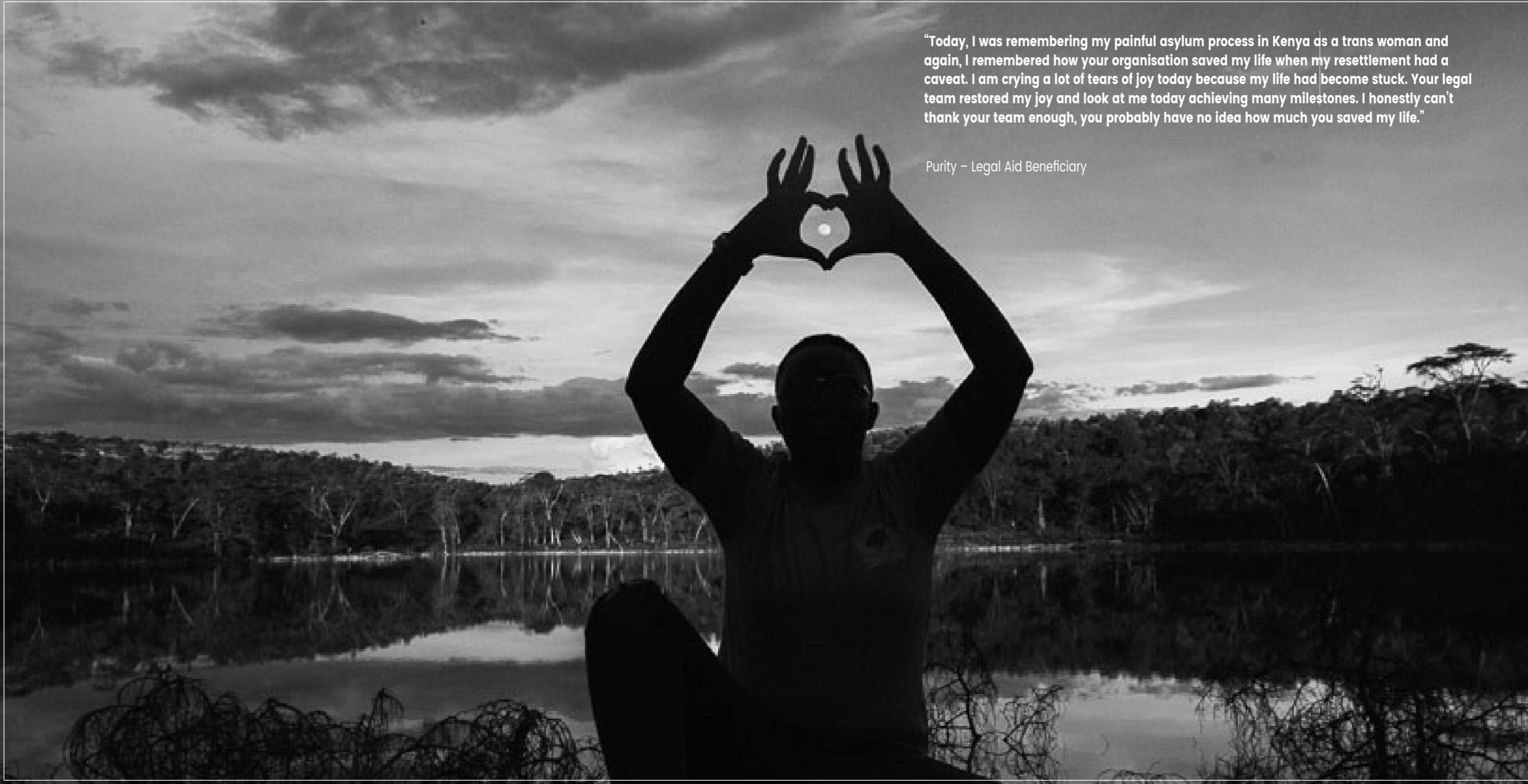
UNIVERSITY STUDENTS REACHED

Our Impact



“Today, I was remembering my painful asylum process in Kenya as a trans woman and again, I remembered how your organisation saved my life when my resettlement had a caveat. I am crying a lot of tears of joy today because my life had become stuck. Your legal team restored my joy and look at me today achieving many milestones. I honestly can't thank your team enough, you probably have no idea how much you saved my life.”

Purity – Legal Aid Beneficiary



2022 Uzima Camp, Lake Naivasha



## 2022 IN REVIEW

Every day, in counties across Kenya, the National Gay and Lesbian Human Rights Commission 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 communities and respective counties.

### Back to Regular Programming

After a pandemic-induced pause, we resumed in-person events. Our annual fundraiser, "Brunch For Justice," was a vibrant success in September, themed as 'A Queer Playdate,' blending fun and fundraising for our continuous efforts. In October, after a series of virtual events, we held our first physical Trivia Night in our garden, uniting the community over food, music, and trivia. Participants contributed KES 100 each, culminating in a pooled prize of KES 5,460 for the sharp-witted winner.

### Civic Education

NGLHRC conducted Civic Education in high-risk areas (Rongai, Migori, Siaya, Homa Bay) as part of our election safety measures. With 149 attendees, we focused on legal education about arrests, safety, and election preparedness. We also discussed NGLHRC's ongoing litigation and safety assessments for LGBTIQ+ communities during the period of rendering judgement. The sessions generated solutions for safe voting and provided security contacts for the election period.

### Annual Upinde Awards

With a loud, colourful, public celebration of queerness at the City Hall in Nairobi, NGLHRC was launched at the inaugural Gay and Lesbian Awards (now 'Upinde Awards') held in December 2012. A decade after this inaugural ceremony, we continue to celebrate the annual Upinde Awards in December. Alongside the regular categories – **Chanzo Award (Young Human Rights Defender)**, **Nguzo Award (Pillars of Support)**, **Shujaa Award (Acts of Courage)**, **Ubunifu Award (Creativity in Activism)**, and **Utumishi Award (Innovative Service Partnerships)** – in 2022, we introduced the **Fahari Award** which honours individuals in the LGBTIQ+ community who have demonstrated enduring dedication and exceptional service. Congratulations to all six of our 2022 winners!

### University Partnerships

In March, we participated in the 21st Kenya Model United Nations Conference at Kenyatta University School of Law, connecting with 100 students from various institutions to discuss law, human rights, and issues affecting sexual and gender minorities. In June, we teamed up with Moi University Annexe in Eldoret for our 5th Interschool Moot Court, involving teams from four universities: Moi University School of Law, Egerton University, Kisii University, and the University of Nairobi – Kisumu Campus. The University of Nairobi secured Best Memorial, while Kisii University won the Best Team award. In a post-event survey, 88.9% of the Moot Court participants said they would "take action to enhance access to justice of LGBTQIA+ persons in the country" in their capacities.

Additionally, in November, members of our legal team were invited to give a guest lecture at the Mt. Kenya University School of Law as part of the Refugee Law course. Our team held discourse with young legal minds, discussing protections for LGBTIQ+ asylum seekers, the challenges they face, and best practices for advancing their rights.

### Team Building & Wellness

In June, our new Advisory Board gathered for their first face-to-face meeting during a retreat along Kilifi's coast. The retreat focused on policy and strategic planning. September brought our restorative Silent Week for staff, and in November, we deepened bonds at the serene Kenyan South Coast during the annual staff retreat. We wrapped up the year with a team lunch and Secret Santa gift exchange. These moments of connection and rejuvenation define our supportive team culture.

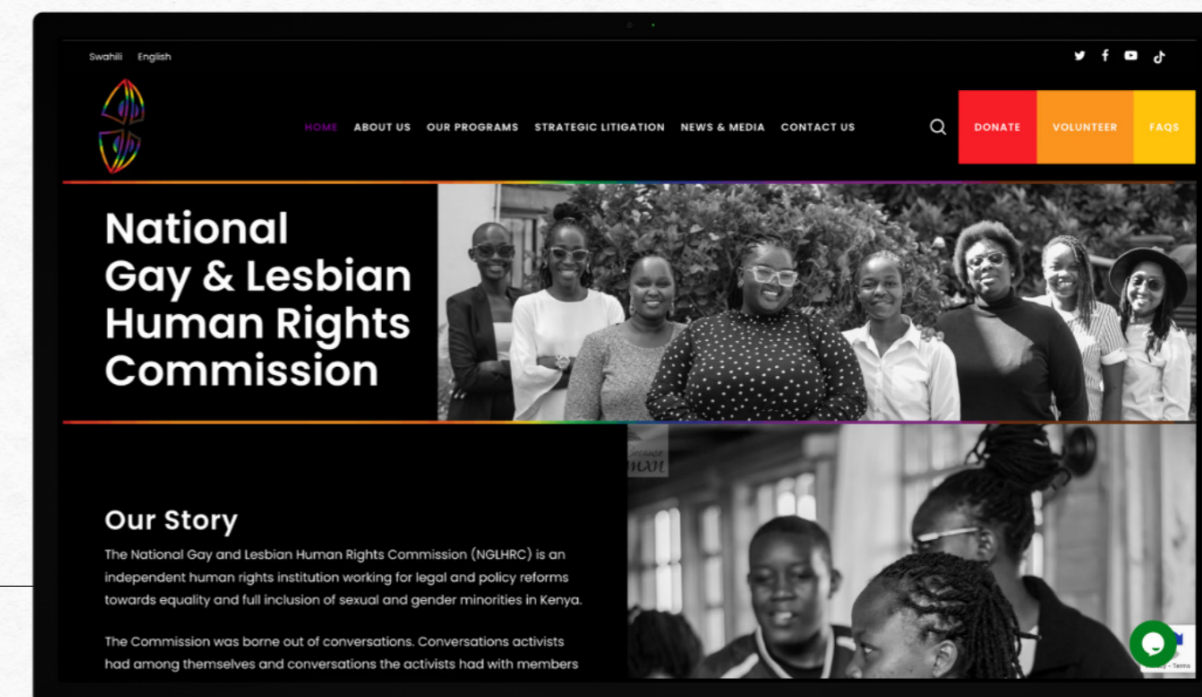
### Campaigns and Digital Presence

As part of a rebranding initiative in October, we introduced a new logo and [revamped website](#) to reflect our organisation's growth and evolving programs. This year also witnessed remarkable growth in our social media reach, including the successful launch of our [TikTok account](#) and over 3,000 new followers across all our channels.

### Election Preparedness

Ahead of the August 2022 General Election, NGLHRC worked with stakeholders, including government and justice actors, to develop plans for safeguarding the rights of our community during the election, and ensuring their participation in the electoral process. This resulted in the creation of the **#QueeringTheBallot campaign and Situation Room**, a one-of-a-kind initiative that marked a milestone in LGBTIQ+ civic participation in Kenya. Together with other civil society partners, we conducted election safety and security training in Nairobi, Kisumu, and Mombasa and enlisted 50 LGBTIQ+ election observers across Mombasa, Nairobi, Kisumu, Siaya, Busia, and Vihiga counties who received training on monitoring, safety and security ahead of the election. Learn more about [#QueeringTheBallot here](#).

In July, NGLHRC also participated in a Results Transmission System simulation hosted by the Independent Electoral and Boundaries Commission (IEBC) in Nairobi, as part of the IEBC's legal obligation to engage election stakeholders, including observers, monitors, media, and political representatives.



## 2022 IN REVIEW

### #JusticeForSheila

On April 17th, 2022, the tragic murder of Sheila Lumumba, a 25-year-old queer non-binary individual, in their apartment in Karatina, Nyeri County, shook us deeply. Since then, we've been tirelessly advocating for justice. This includes engaging authorities for swift action, providing legal counsel, and offering condolences to Sheila's family. To address the broader impact of Sheila's murder on the LGBTIQ+ community, we held a memorial on April 30th, 2022, coinciding with Sheila's burial. Following the arrest of the accused, Billington Mwati Wambui, in August, NGLHRC attended his arraignment. Billington pleaded not guilty to murder charges. The case is scheduled for a hearing on February 20th, 2023, following a determination that he was fit to stand trial.



### Legal Aid Centre

In total, 901 cases were handled by our Legal Aid Centre between January and December 2022, compared to 560 cases in 2021. We received requests for redress from 41 out of 47 Counties in Kenya, as well as eight African countries where NGLHRC has no jurisdiction. This shows the widespread nature of violations against LGBTIQ+ persons within Kenya and the region. **We offer a detailed look into our 2022 caseload and trends in the 'Legal Aid' section of this report.**

In March, we collaborated with ISHTAR MSM to conduct a legal aid clinic at Galck+ (formerly the Gay and Lesbian Coalition Kenya), focusing on improving access to justice for Gay, Bisexual, and Men who Have Sex with Men. We're also proud to announce that our Program Officer, Masafu Okwaro, has obtained mediator certification from the Mediation Training Institute of East Africa. This certification greatly enhances our ability to provide Alternative Dispute Resolution for complainants who prefer this approach.

### Because Womxn

After nearly two years of COVID-19 restrictions, we returned to in-person gatherings for Because Womxn, hosting seven forums throughout the year. The forums covered a diverse range of topics, including election preparedness, blackmail and extortion, security mechanisms, and celebrations like Bisexual Visibility Week and Coming Out Day. In November, we hosted the 4th Annual Because Womxn Uzima Camp at a tented camp in Naivasha. This year's Uzima (meaning 'wellness' in Kiswahili) gathered 16 LBQ trans\*diverse and non-binary individuals from Kisumu, Kilifi, Nairobi, and Eldoret for a three-day immersive learning experience focused on feminism, body neutrality, consent, and movement building.

### Empowerment through Paralegal Training

Over the course of the year, we held paralegal training sessions in Homa Bay, Kilifi, Kisii, Nairobi, and Mombasa. These sessions were to empower LGBTIQ+ individuals with essential legal knowledge, enabling them to address cases of violence, provide solutions, and navigate the justice system effectively. As a result, we certified over 100 new Community Paralegals, now equipped to respond to human rights violations and legal challenges within their communities.

### Partnering with Alliances and Stakeholders

In 2022, NGLHRC furthered its partnerships with key supporters, including KIOS, Human Dignity Trust, and the American Jewish World Service, with fruitful in-person meetings at our Nairobi offices. We maintained our tradition of offering an open space for community events, hosting the rehearsals and show of Nadharia's 'Kings of Kenya' drag performance.

We actively engaged in national platforms like the Universal Periodic Review Conveners Meeting and the Out Film Festival, as well as partnering with Amnesty International Kenya to champion the rights of LGBTIQ+ refugees and asylum seekers. At the county level, we advocated for the sexual reproductive health rights of young people in Nairobi through collaborations with Network for Adolescent and Youth Africa and the Centre for The Study of Adolescence. Additionally, we prioritised organisational capacity by participating in workshops like the Kenya Gender and Internet Governance Exchange and Feminist Tech Exchange on Digital Security, demonstrating our commitment to harnessing technology for sustainable progress.

Our work with stakeholders extended to global conferences, including the Regional High-Level Convening on Strategic Litigation and the International Conference on Family Planning where NGLHRC staff shared insights from our work and networked with peer institutions.

### Sensitisation of Judges, Magistrates & Court User Committees

Throughout the year, our team dedicated significant efforts to sensitising judicial actors on the specific justice challenges faced by the LGBTIQ+ community. This included engaging court user committee members (comprised of magistrates, prosecutors, court clerks and investigating officers) in Kwale, Lamu, and Msambweni towns, where we discussed topics, including: bail and bond decision-making, treatment of gender diverse individuals in holding cells, and the equitable interpretation and application of the law.

In March, we organised a virtual Magistrate's conference to reinforce capacity regarding the justice and legal needs of the LGBTIQ+ community in Western Kenya. Additionally, we conducted three virtual Judges' conferences in April, August, and December, engaging a total of 45 judges and magistrates in 2022 alone. In November, our ongoing partnership with the Kenyan Magistrates and Judges Association (KMJA) led to a panel presentation at their Annual General Meeting, furthering dialogue and promoting justice, equality, and inclusion for LGBTIQ+ citizens within the legal system.

### Regional Human Rights Advocacy

NGLHRC actively supported the validation of the UNDP Inclusive Governance Initiative (IGI), led by the Kenya National Commission on Human Rights (KNCHR), in its assessment of the inclusion of LGBTIQ+ populations in alignment with the SDGs' Decade of Action Commitments. IGI strives for improved laws, responsive public services, and inclusive social norms for sexual and gender minorities.

In 2022, we also collaborated with Redress, whose mission delivers justice and reparation for survivors of torture. NGLHRC played a crucial role in drafting and submitting a shadow report to the UN Committee Against Torture (UNCAT). Such shadow reports contribute to the oversight of state compliance with UNCAT provisions. You can read NGLHRC's report on the discriminatory violence affecting individuals identifying or perceived as LGBTIQ+ in Kenya [here](#).





## OUR REACH

Our team is constantly tracking the progress and reach of our programmes. We hold a steadfast commitment to ensuring the availability of our services across every county in Kenya. In 2022, as we resumed in-person programming, the NGLHRC actively collaborated with stakeholders, sharing our vision for equality and inclusion across 15 counties. We provided legal aid services, participated in strategic litigation, empowered LGBTIQ+ individuals through civic education and paralegal training, enhanced security awareness and election preparedness, conducted sensitisation workshops for justice actors, including judges and magistrates, and engaged in continuous advocacy within national universities through moot courts and lectures.

### 901 cases

handled by the Legal Aid Centre in 2022

### 41 out of 47 Counties

where requests for Legal Aid services were documented

### 8 countries

outside Kenya where requests for Legal Aid services were documented

### 50 LGBTIQ+

election observers enlisted for the 2022 General Election

### 149

participants in our Civic Education programme

### 45

Judges and Magistrates who took part in access to justice conferences

### 4 Universities

that participated in the 5th Intersivity Moot Court

### 88.9%

of Moot Court participants who said they would "take action to enhance access to justice of LGBTQIA+ persons in the country"

### 100

students engaged with NGLHRC at the 21st Kenya Model United Nations Conference at Kenyatta University School of Law

### 7

Because Womxn forums hosted

### 16

LBQ trans\*diverse and non-binary individuals who attended the 4th Annual Because Womxn Uzima Camp

### 100+

new certified Community Paralegals

### 3000+

new followers across NGLHRC social media channels

### 18

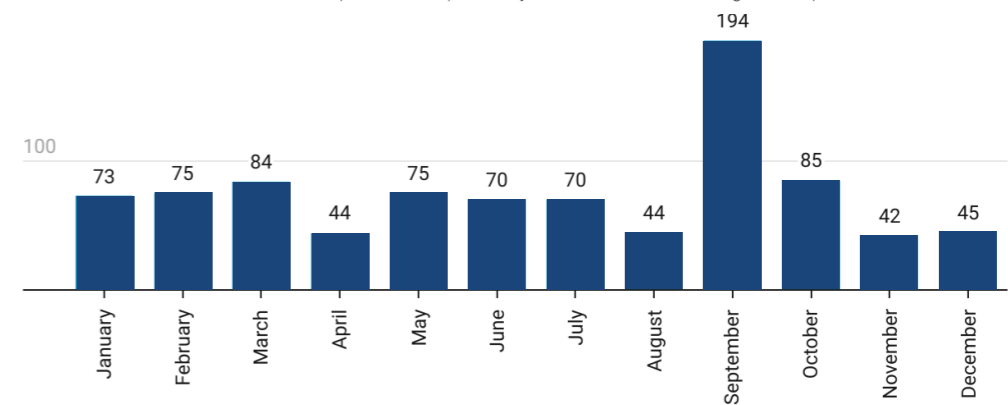
nominees celebrated at the Annual Upinde Awards ceremony

## LEGAL AID – BY THE NUMBERS

Punitive laws in Kenya compounded with societal prejudices, create a hostile environment that perpetuates the suffering of LGBTIQ+ individuals. Through Legal Aid, we offer the LGBTIQ+ community pathways for legal redress, and access to justice. In 2022, we received requests for Legal Aid from 41 out of 47 counties, showing how widespread violations are against LGBTIQ+ individuals.

### LGBTIQ+ RIGHTS VIOLATIONS IN KENYA: 2022 ANNUAL OVERVIEW

In 2022, we received requests for Legal Aid from 41 out of 47 counties, showing how widespread violations are against LGBTIQ+ individuals. Our data confirms both a surge in reporting of violations, and a pattern of violence against sexual and gender minorities in Kenya that is escalating at an alarming rate. Worryingly, cases documented by NGLHRC represent just a fraction of the larger reality.



The cases received by our legal team covered a wide range of legal issues, including:

- Aggravated Assault
- Anal Testing
- Arbitrary Targeting and Arrests of Activists
- Attempted Fraud
- Attempted Murder
- Blackmail and Extortion
- Breach of Privacy
- Burglary
- Conversion Therapy
- Cyberbullying
- Destruction of Property
- Discrimination & Stigma
- Economic Indignity
- Eviction due to sexual or gender identity
- Family Rejection
- Grievous Bodily Harm
- Homelessness
- Homophobia
- Insecurity
- Intimate Partner Violence
- Invasion/Breach of Privacy
- Malicious Prosecution
- Murder
- Outing
- Physical Assault
- Police Misconduct
- Profiling
- Psychosocial Support
- Rape
- Requests for Food Baskets
- Request for Paralegal Training
- Request for Partnerships
- Requests for Financial Assistance
- Requests for Financial Support
- Requests for Security Training
- Requests for Therapy
- Robbery with Violence
- Sexual Harassment
- Social Exclusion
- Sodomy
- Stalking
- Theft
- Threats and Intimidation
- Threats of Conversion Therapy
- Threats to Kill
- Torture and Cruelty
- Transmission of HIV/AIDS.
- Verbal Assault

Our data confirms both a surge in reporting of violations, and a pattern of violence against sexual and gender minorities in Kenya that is escalating at an alarming rate. Worryingly, cases documented by NGLHRC represent just a fraction of the larger reality. We posit that numerous other violations, on the basis of real or perceived sexual and gender identity or orientation go unreported, due to stigma and fear of further persecution.



# LEGAL AID – CASE TREND ANALYSIS

## Case Analysis

Each year, our legal staff conduct a case trend analysis that helps the Legal Aid Centre identify emerging trends and better allocate limited resources. Data from our Legal Aid is also useful in informing litigation efforts, and ongoing policy and legal advocacy. Some key findings from 2022:

### Denial of the right to education for LGBTIQ+ minors

Following comments made by the former Education Cabinet Secretary in December 2021 and February 2022, Prof. George Magoha, calling for expulsion from schools of minors suspected to be LGBTIQ+, there has been **a surge in cases where minors have been denied their right to education**. Denying the right to education for LGBTIQ+ minors has far-reaching consequences, including psychological distress, isolation, and limited future prospects. These minors also face bullying, discrimination, and harassment, often resulting in social withdrawal, while putting them at higher risk of homelessness due to family rejection or disownment by their families.

Exclusion from education also hinders their future employment opportunities, exacerbating financial challenges and increasing their vulnerability to exploitation due to low educational-attainment. Access to quality education is a fundamental human right, irrespective of sexual orientation or gender identity. Addressing this issue is crucial for inclusivity, reducing discrimination, and ensuring the well-being and success of LGBTIQ+ youth. **NGLHRC is actively engaged in litigation in this area, as detailed in the 'Strategic Litigation' section of this report.**

## Violent Attacks and Murders

**Sheila Adhiambo Lumumba** (they/them), a bright soul at 24 years old, was brutally murdered in April 2022 in Karatina, Nyeri County. The postmortem results paint a harrowing picture of their ordeal – they were subjected to horrifying acts of violence, suffering from stab wounds to the face and stomach, and sexual assault both vaginally and anally. Their bodies bore the scars of this cruelty, including a broken leg. **Rose Mbesa**, a resilient 50-year-old intersex individual, also met a tragic fate. She was ruthlessly raped and murdered, her lifeless body discarded by the roadside in Kachibora, Trans-Nzoia County. These tragic incidents serve as stark reminders of the challenges and dangers that members of our community continue to face.

### Discrimination Cases Beyond Kenyan Borders

The Legal Team received **requests for redress from eight countries: Tanzania, Lebanon, Burundi, Rwanda, Congo, Ethiopia, and Somalia**. Clients reached out to NGLHRC after interacting with online pages detailing our work in access to justice. The cases varied from Persecution, Conversion Practices, Intersex Mutilation, Torture, Familial Rejection, Physical Assault, Verbal Aggression, Cyber Bullying, Insecurity, Targeting and Profiling, Asylum Seeking, Stigma and Discrimination, Mental Health Needs, Dysphoria, Suicide, Homelessness and Threats to Life. Since NGLHRC's jurisdiction is confined to Kenya's territory, our team provided legal advice, crafted legal opinions, and facilitated referrals to established organisations in their jurisdictions.

## 2022 General Election

Kenya held its General Elections in August 2022. As observed in past general elections, we witnessed politicians use anti-LGBTIQ+ sentiments to garner votes among their electorate. As a result, **we documented an upshot of cases regarding breach of privacy and security, hate speech, public outings, attacks and closure of organisations that work toward providing services for LGBTIQ+ persons** in Nyeri and Kiambu Counties. In response, NGLHRC and its partners, provided safety and security sensitisation in preparation for the election as reported in our '2022 in Review' highlights.

### Plight of LGBTIQ+ Refugees and Asylum Seekers

In September 2022, **16 refugees and asylum seekers were arrested and detained while protesting peacefully** outside the Department of Refugee Affairs Secretariat in Nairobi. They were exercising their International Bill of Rights toward peaceful assembly as they protested the refusal and neglect of the state to recognise and register them as refugees in Kenya. While in police custody, they reported being subjected to torture and inhumane treatment. Over the years, NGLHRC has noted the state's ill-treatment and neglect of refugees and asylum seekers in Kenya. This worrying trend infringes on the rights of LGBTIQ+ persons to demand their rights in Kenya.

## State Actions Undermining Rights

The Legal Team noted with concern that the **State and state actors continue to use laws and legal procedures to silence and cause harm toward LGBTIQ+ persons** in Kenya. Progressive court judgements are treated as suggestions rather than legally binding orders. For example, the Court of Appeal in Mombasa issued orders in 2018 against forced anal examinations, however this practice continues to be used as a means of blackmail and extortion by police officers and public officials in a bid to scare, undermine and torture LGBTIQ+ individuals suspected of having adult consensual same-sex/gender conduct in private. This jeopardises the rule of law, erodes public confidence in the justice system, and makes it more difficult for citizens to exercise their constitutional rights and freedoms.

### Summary

Overall trends show an ongoing need for legal assistance and advocacy for LGBTIQ+ individuals in Kenya. NGLHRC persists in awareness-raising activities and supports various initiatives to improve access to justice for LGBTIQ+ persons.

Legal Aid Centre Caseload

Year	2014	2015	2016	2017	Jul 2018 - Jun 2019
Number of Cases	344	278	193	433	516

Year	Jul 2019 - Jun 2020	Jul 2020 - Jun 2021	2021	2022
Number of Cases	130	619	560	901



## STRATEGIC LITIGATION

Through our public interest litigation efforts, NGLHRC aims to bring the principles of our constitution to life, expanding the space for enjoyment of these rights by LGBTIQ+ communities who face marginalisation across Kenya. Below are some highlights from our work in 2022. For a more detailed overview of our strategic litigation endeavours, you can refer to the timeline on our [website](#).

### Freedom of Association under Article 36 of the Constitution of Kenya: Petition 440 of 2013

As of December 31st, 2022, NGLHRC was awaiting the Supreme Court of Kenya's decision on Petition 440 of 2013. This petition, first filed in 2013, challenged the NGO Coordination Board's refusal to register the National Gay and Lesbian Human Rights Commission as an NGO due to the presence of the terms 'gay' and 'lesbian' in its title. After securing victories in two lower courts, the Supreme Court upheld the High Court's ruling, dismissing the NGO Coordination Board's appeal. This marked a significant triumph for Freedom of Association in Kenya, with the decision issued on February 24th, 2023. Read the [NGLHRC Case Brief](#) on the petition.

### Right to Education under Article 53 of the Constitution of Kenya: Petition 4 of 2022

Petition 4 of 2022 emerged from the discriminatory remarks made by Kenya's former Education Cabinet Secretary (CS). The CS suggested that boarding school students perceived as LGBTIQ+ should only be allowed to attend schools during the day to curb incidences of homosexuality. His remarks led to the unjust expulsions and suspensions of, primarily, high school students perceived as LGBTIQ+. In February 2022, the Legal Resource Foundation, filed a petition on behalf of an expelled student challenging their expulsion under the constitutional right to education for all. The NGLHRC applied to be an interested party in the case, and in July, the High Court of Kenya at Kiambu granted our application to join the petition. Our submissions to the court will emphasise the well-being and educational rights of all students, advocating for fairness and against prejudicial measures. We will also shed light on how certain punitive measures in learning institutions support harmful 'conversion therapy' practices, deeply impacting LGBTIQ+ lives.

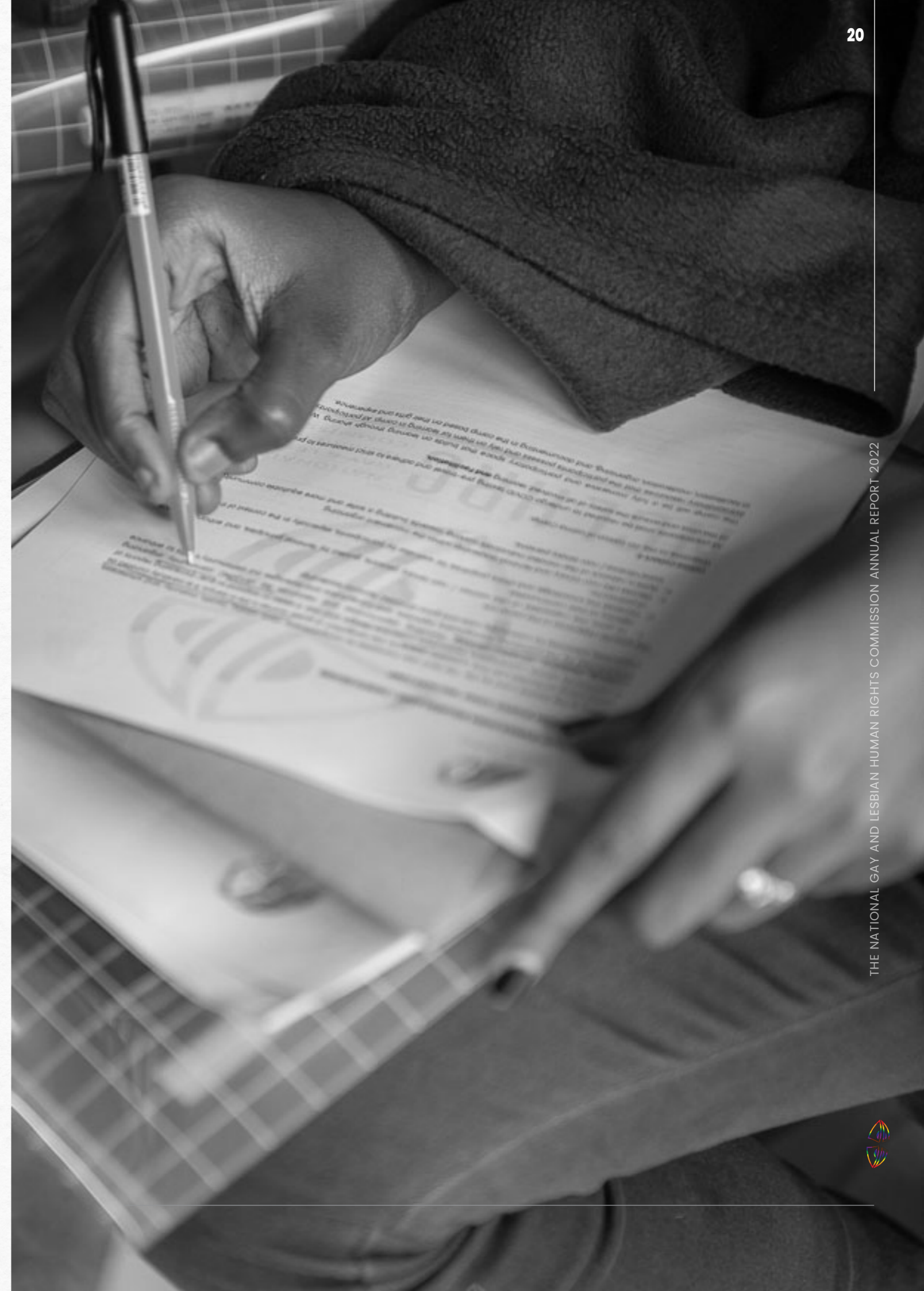
### Decriminalisation under the Repeal of Sections 162 (a) and (c), 163 and 165 of the Penal Code: Petition 150 of 2016

This petition challenges provisions of the Kenyan Penal Code which outlaw 'carnal knowledge against the order of nature and indecent acts between males whether in public or private.' These sections of the Penal Code continue to be used to defend and excuse discrimination and violence towards LGBTIQ+ individuals which goes against the Bill of Rights as enshrined in the Constitution. The petition, which is currently at the Court of Appeals, made minimal progress in 2022. Pre-hearing procedures and mentions for a possible hearing date took place, but we are yet to receive a hearing date from the Court. Our partners in this petition include, the Katiba Institute, Kenya National Commission on Human Rights and the Kenya Legal & Ethical Issues Network on HIV and AIDS.

### Capacity Building on Strategic Litigation

In November, we collaborated with Redress to empower 15 lawyers and human rights activists in Nairobi through training in Holistic Strategic Litigation Against LGBTIQ+ Torture. At the end of the workshop, participants were well-versed in international anti-torture standards, particularly those relevant to cases of torture against LGBTIQ+ individuals, including how-to-conduct investigations, the available accountability mechanisms, routes for litigation, case-building and legal drafting.

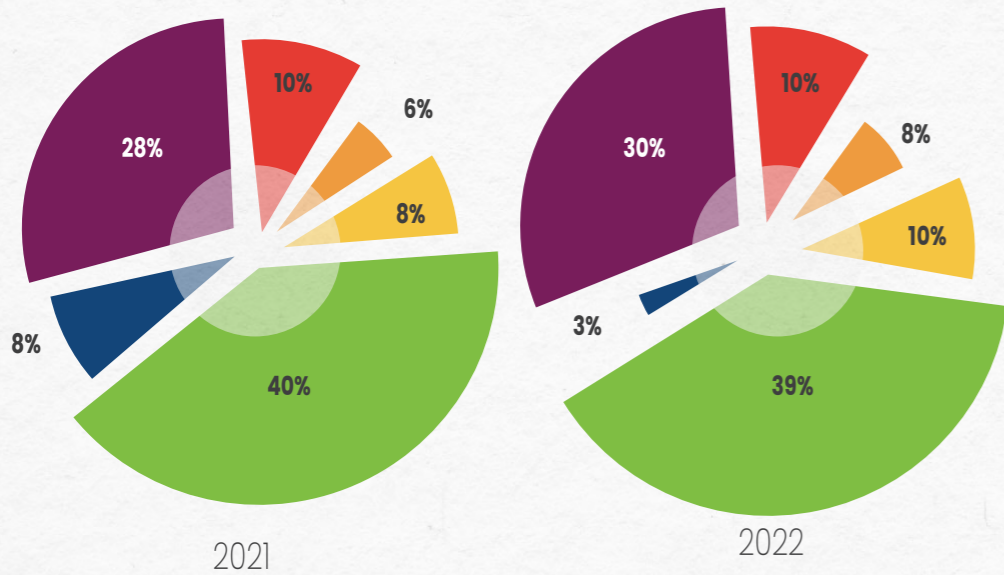
In September, NGLHRC joined the Regional High-Level Convening on Strategic Litigation organised by the Network of African National Human Rights Institutions (NANHRI). The event was aimed at enhancing understanding of strategic litigation as a means of securing rights for all. During this convening, NGLHRC delivered a presentation on its work and highlighted the role of National Human Rights Institutions (NHRIs) in advancing discussions and litigation concerning sexual and gender minority issues.



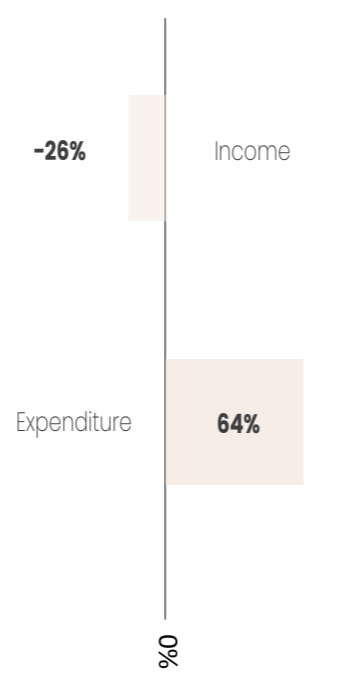
# FINANCIAL INFORMATION

Our grants address some of society's toughest issues – social challenges that require strategic and sustained engagement. In order to pursue consistent, multiyear programming, NGLHRC endeavours to budget in ways that yield financial and operating stability. In 2022, we conducted our ninth successful independent financial audit for the year ending December 31st, 2022. Sharing these findings with you helps us establish transparency in our financial operations.

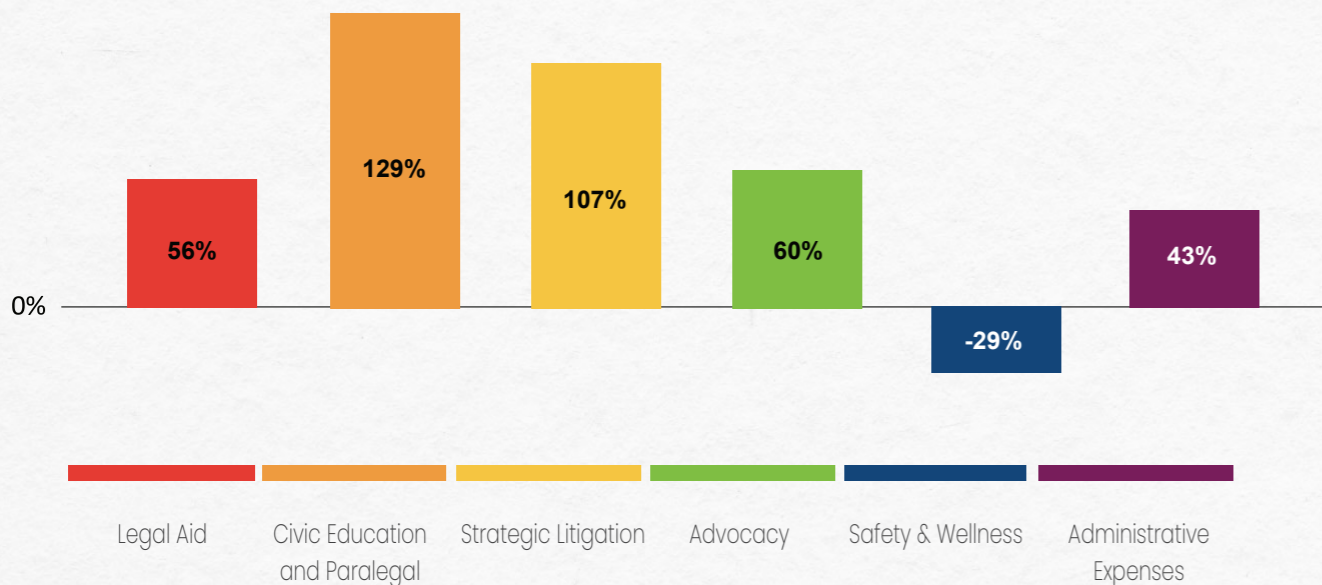
**Expenditure per Program**



**Income & Expenditure Growth in 2022**



**Change in Expenditure from 2021**



“From rigorous and wide-reaching civic education, to greatly needed legal aid services across the country, to courageous litigation that seeks to ensure Kenya’s constitution includes us all. I’m so proud of the work NGLHRC has been doing. As a board member, I’m excited for the next chapter of NGLHRC’s journey as it continues and expands the brilliant work.”

Aida Holly-Nambi – Board Member



# OUR TEAM: STAFF & BOARD

## ADVISORY BOARD

Our six-person Advisory Board provides crucial guidance that strengthens our work. They represent a diversity of professional expertise and gender balance.



**Achieng Akena**, Lawyer, Human Rights & Democracy Practitioner



**Faith Njahira**, Feminist Scholar, Researcher & Disability Inclusion Expert



**Aida Holly-Nambi**, Story Editor, PhD in Drama & Humanities



**Eric Wainaina**, Husband, Father & Musician



**Imani Alpha**, Community Manager at iGov Africa



**Dr. Brian Bichangi**, Medical Doctor & Passionate Traveller

Together, our **staff, volunteers, and board** represent a **diversity of national backgrounds, expertise** and **gender balance**.

## OUR STAFF

Comprised of some of the most passionate and dedicated minds, NGLHRC relies on an energised and competent core staff to manage its affairs.



**Njeri Gateru**, Executive Director



**Imani Kimiri**, Head of Legal Affairs



**Sophia Karani**, Head of Finance



**Masafu Okwara**, Programme Officer



**Annette Atieno**, Communication Officer



**Sheila Lulu**, Programme Assistant



**Winfred Mwangi**, Accounts Assistant



**Ainebyoona Sharlotte Kigezo**, In-House Psychologist



## PARTNERS

In addition to the individual donors who provided funding to us, our work was generously supported by:



The Danish Family Planning Association



SIGRID RAUSING TRUST



Thank you to all our 2022 partners:

- Amnesty International Kenya
- Centre for The study of Adolescence (CSA Kenya)
- Creating Resources for Empowerment in Action (CREA)
- Elite LBO
- Galck+ (formerly the Gay and Lesbian Coalition Kenya)
- Gender Based Violence Recovery Centre (GVRC)
- Goethe-Institut Kenya
- HIAS Kenya
- HOLAAfrica
- Initiative for Equality and Non-Discrimination (INEND)
- Ishtar MSM
- Jinsiangu
- Kenya Legal & Ethical Issues Network on HIV and AIDS (KELIN)
- Kenya Model United Nations
- Kenya National Commission on Human Rights (KNCHR)
- Kenyan Magistrates and Judges Association (KMJA)
- Nature Network
- Nadharia Kenya
- Network for Adolescent and Youth Africa (NAYA Kenya)
- Network of African National Human Rights Institutions (NANHRI)
- Open for Business
- Organization for Refuge, Asylum & Migration (ORAM)
- Positive Young Women's Voices (PYWV)
- Redress
- Talanta Africa
- Team No Sleep
- Defenders Coalition
- Udada Imara
- United Nations High Commissioner for Refugees (UNHCR)
- Upinde Advocates for Inclusion (UAFI)
- Variable Care Society (VSC)
- Watu Center for Health and Advocacy (WACHA)
- Western Kenya LGBTQ Feminist Forum (WKLFF)

# IN GRATITUDE



2022 Uzima Camp, Lake Naivasha



# MAKE A MEANINGFUL IMPACT



## GET INVOLVED

Every day, the National Gay and Lesbian Human Rights Commission changes the lives of our clients with the help of generous supporters. Here's how you can stand with us.

**Support Our Work:** Join our fight for equality by making a donation. [Click to donate \(via M-Changa\)](#) or by contacting us: [info@nglhrc.com](mailto:info@nglhrc.com). You can also partner with us to create programming for you or your organisation, organise events and protests, or host private fundraisers and social gatherings where you can learn more about our work.

**Attend an Event:** Whether you identify as LGBTIQ+ or simply want to learn how you can be a better ally, sign up for our [newsletter](#) and don't miss our next event.

**Speak Up and Out:** NGLHRC believes that we all have a duty and a responsibility to speak up. Homophobia and transphobia is not harmless or funny, if you hear something, say something. By sharing your voice and the stories of LGBTIQ+ people, you change perceptions and bust myths.

**Be a Resource:** With sustained efforts to clamp down on LGBTIQ+ identities, stay informed on the state of rights for the LGBTIQ+ community by signing up for our [newsletter](#) or keeping up with us on [Facebook](#) or [Twitter](#). You can also visit our website [Frequently Asked Questions](#) on being LGBTIQ+ in Kenya, [Countrywide Emergency Contacts and Safety Tips](#) and [Our Publications and Reports](#).



# #RESISTANCE REQUIRES JOY

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**In-House Psychologist:** +254700010198



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