



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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### KEN101591.FE

Kenya: The attitude of society in general, and of government authorities in particular, toward homosexuals (2005-August 2006)

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#### Status of homosexuality

According to various recent sources, homosexuality is illegal in Kenya (News24.com 22 Feb. 2006; BTM 31 May 2006; African Veil 24 June 2006; Gay Kenya 4 Aug. 2006). Under the law, which makes no mention of sex between women (News24.com 22 Feb. 2006), sex between men is punishable by 5 to 14 years in prison (ibid.; BTM 31 May 2006; see also African Veil 24 June 2006). The United Nations Human Rights Committee has expressed concerns that homosexuality is considered "unnatural" by Kenyan authorities and is prohibited under the law (UN 15 March 2005). However, the Kenyan Minister of Health has reportedly stated that her government has no intention changing the existing laws (BTM 31 May 2006). The government's position reflects the position of Kenyan churches (ibid.).

#### Society's attitude toward homosexuals

An article published on 22 February 2006 citing the results of a 2005 poll in Kenya (the Research Directorate was unable to obtain a copy of the poll) indicates that 96 percent of respondents viewed homosexuality as being against their beliefs (News24.com 22 Feb. 2006). Corroborating sources note that, because of the "discrimination and stigmatization" they face in Kenya (African Veil 24 June 2006; Gay Kenya 4 Aug. 2006; US 8 Mar. 2006, sect. 5; News24.com 22 Feb. 2006), homosexuals keep "a low profile" (ibid.; see also Gay Kenya 4 Aug. 2006). They often have to live double lives (ibid.; News24.com 22 Feb. 2006) to avoid being disowned by their family and friends or being fired by their employers (ibid.; African Veil 24 June 2006; Pretoria 13 July 2006).

#### State protection and other available resources

According to the representative of Gay Kenya, a Kenyan gay rights advocacy association and a member of the International Lesbian and Gay Association (ILGA), since homosexuality is a crime in Kenya, legal protection is not possible as long as the current law remains unchanged (4 Aug. 2006). However, he pointed out that he is not aware of any case of a person being punished for homosexuality, explaining that it is difficult to find incriminating evidence since the people concerned, those who are lesbian, gay, bisexual or transgender (LGBT), usually have sex behind closed doors (Gay Kenya 4 Aug. 2006). Another source also states that the law prohibiting homosexuality is rarely enforced in Kenya (News24.com 22 Feb. 2006).

However, the Gay Kenya representative stated that, since homosexuality is a criminal offence, homosexuals in Kenya are always vulnerable: their private lives may be violated at any moment because the police have the right to enter a house when they suspect that a crime is being committed (Gay Kenya 4 Aug. 2006).

As for services for homosexuals, the Gay Kenya representative referred to a study by the University of Nairobi (the Research Directorate was unable to obtain a copy of the study) to point out that homosexuals have difficulty obtaining health care (ibid.). However, he added that the national HIV/AIDS organization has identified homosexuals as a vulnerable group requiring particular attention (ibid.). The Gay Kenya representative also stated that the Kenyan health minister has given Liverpool VCT, a non-governmental organization (NGO) in the health care field (LVCT n.d.), the right to operate in Kenya (Gay Kenya 4 Aug. 2006). LVCT has "a special program directed toward homosexual men" (ibid.).

According to some sources, a few NGOs in Kenya advocate for gay rights, such as Gay Kenya (ibid.; ILGA 2006), GALEBRITA (ibid.; News24.com 22 Feb. 2006; BTM 25 July 2006) and the Gay and Lesbian Coalition in Kenya (GALCK) (ibid.). An article from the Internet site of Behind the Mask, an African gay rights organization (BTM n.d.), mentions the recent creation of Minority Women in Action (MWIA), an organization advocating for the rights of lesbians and other minority and marginalized women in Kenya (BTM 25 July 2006). That same article states that the MWIA "aims to become a haven to many lesbians" who are subjected to discrimination in Kenya because of their sexual orientation (ibid.). On its Internet site, Gay Kenya provides members of the LGBT communities with information on HIV/AIDS (Gay Kenya n.d.a) and offers advice on precautions to take when they want to meet (ibid.).

n.d.b). A BBC article also highlights the "secretive" existence of some pubs and clubs for homosexuals in Nairobi (the capital of Kenya) (13 March 2006).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

#### References

African Veil. 24 June 2006. "Gay and Lesbian People 'Are Here in Africa'." <<http://www.africanveil.org/kenya009.htm>> [Accessed 14 August 2006]

Behind the Mask (BTM). 25 July 2006. Musa Ngubane. "Kenya Lesbians Finally Get Home." <<http://www.mask.org.za/article.php?cat=kenya&id=1273>> [Accessed 14 August 2006]

\_\_\_\_\_. 31 May 2006. "Homosexuals Not Threat to Aids Fight." <<http://www.mask.org.za/printpage.php?id=1097>> [Accessed 24 July 2006]

\_\_\_\_\_. N.d. "Who We Are." <<http://www.mask.org.za/index.php?page=whoweare>> [Accessed 21 August 2006]

British Broadcasting Corporation (BBC). 13 March 2006. "Being Gay, Christian and African." <<http://news.bbc.co.uk/2/hi/africa/4790118.stm>> [Accessed 14 August 2006]

Gay Kenya. 4 August 2006. Correspondence sent to the Research Directorate by a representative.

\_\_\_\_\_. N.d.a. "HIV/AIDS Information for Homosexual Persons." <<http://www.gaykenya.com/health.php>> [Accessed 14 August 2006]

\_\_\_\_\_. N.d.b. "GayKenya.Dating." <<http://www.gaykenya.com/dating.php>> [Accessed 14 August 2006]

International Lesbian and Gay Association (ILGA). 2006. "Full Members Approved Since 2004." <[http://www.ilga-world-conference-2006.ch/img\\_unique/Groups\\_approved.pdf](http://www.ilga-world-conference-2006.ch/img_unique/Groups_approved.pdf)> [Accessed 14 August 2006]

Liverpool VCT and Care Kenya. N.d. "About Liverpool VCT and Care, Kenya." <[http://www.liverpoolvct.org/About%20us/about\\_lvct.htm](http://www.liverpoolvct.org/About%20us/about_lvct.htm)> [Accessed 14 August 2006]

News24.com. 22 February 2006. "Being Gay In Kenya." (Behind the Mask) <<http://www.mask.org.za/article.php?cat=Opinion&id=838>> [Accessed 14 August 2006]

Pretoria News. 13 July 2006. Lilliane Omariba. "African Homosexuals Come Out of the Closet." <<http://www.mask.org.za/article.php?cat=kenya&id=1252>> [Accessed 14 August 2006]

United Nations UN. 15 March 2005. Human Rights Committee. "Human Rights Committee Concludes Consideration of Kenya's Report on Compliance with Covenant on Civil and Political Rights." (HR/CT/658) <<http://www.un.org/News/Press/docs/2005/hrct658.doc.htm>> [Accessed: 20 Sept. 2006]

United States (US). 8 March 2006. Department of State. "Kenya." *Country Reports on Human Rights Practices for 2005*. <<http://www.state.gov/g/drl/rls/hrrpt/2005/61575.htm>> [Accessed 2 August 2006]

#### Additional Sources Consulted

**Internet sites, including:** Amnesty International (AI), International Gay and Lesbian Association (ILGA), Human Rights Watch (HRW), Kenya Human Rights Commission.

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