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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 Schlenker, MP (Vice-Chairperson)
CLERK-AT-THE-TABLE:	honnale



Directorate of Audit Appropriations &
General-Purpose Committees
Clerk's Chambers
Main Parliament Buildings
NAIROBI

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. Clinton Sindiga
Legal Counsel Officer II

Mr. Benard Kipchumba
Clerk Assistant III

Ms. Felister Muiya
**Public Communications
Officer**

Ms. Damaris Kafuyai
Clerk Assistant III

Mr. Collins Mahamba
Audio Officer

Ms. Nancy Akinyi
Research Officer III

Ms. Viola Saiya
Research Officer III

Ms. Roselyn Njuki
Senior Sergeant at Arms

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 NCKK, 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 Coordination 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) 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.
- 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 billions 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 or 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: _____

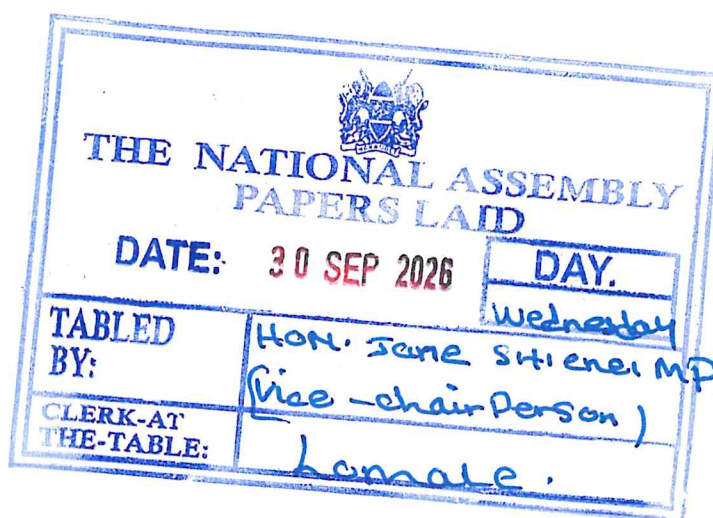

for

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

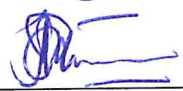
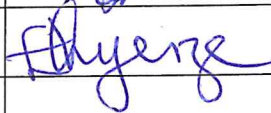
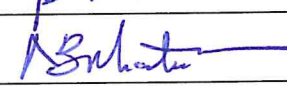
PUBLIC PETITIONS COMMITTEE

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.	