



Name of Country and Jurisdiction:

Kenya



What forms of legally recognized relationships are available?



| LEGAL RECOGNITIONS FOR OPPOSITE-SEX COUPLE | GEOGRAPHY | LAW | AVAILABLE TO SAME-SEX COUPLE? |
|--|---|---|-------------------------------|
| Marriage | Kenya | Article 45(2) of the Constitution states that “[e]very adult has the right to marry a person of the opposite sex,” provided that both parties give free consent. The 2014 Marriage Act also defines marriage as the “union of a man and a woman.” | No |
| Legally recognized custom | Kalenjin, Kuria, and Akamba communities | Women may marry in accordance with Nandi customary law on woman-to-woman marriages. The right has been recognized by Kenya’s high court.* | No |

* Nandi customary woman-to-woman relationships are not seen as homosexual; instead, they are a way for families without sons to keep their inheritance within the family. These same-sex female “couples” are considered married, though the terms used for them are “mother-in-law” and “daughter-in-law.” The female “husband” (the “mother-in-law”) carries on the family name and property, while the female “wife” (the “daughter-in-law”) bears children, with the intention of having a son. The female “husband” may be widowed or have a living male husband, but he will not be the father of the female “wife’s” children, and the identity of the biological father, though often kin, is kept secret.

Sources:

Primary

- Constitution of Kenya, Revised Edition 2010, available at <http://www.kenyaembassy.com/pdfs/the%20constitution%20of%20kenya.pdf>.
- 2014 Marriage Act, available at http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/TheMarriage__Act2014.pdf.

Secondary

- Highlights Of The Marriage Act, 2014, <http://kenyalaw.org/kenyalawblog/highlights-of-the-marriage-act-2014>.
- “Getting Married in Kenya: The Marriage Certificate and Legal Requirements,” <http://www.kenyaweddings.co.ke/blog/item/72-getting-married-in-kenya-the-marriage-certificate-and-legal-requirements.html>.
- Civil Marriage – Formalities to be followed under Statutory Law, Infotrack East Africa, http://www.infotrackea.co.ke/articles/index.php?option=com_content&view=article&id=74%3Alegal-marriage-in-kenya&catid=42%3Asemapa&Itemid=74&limitstart=2.