

Kenya court scraps adolescent consensual sex laws

BY REUTERS

NAIROBI. A Kenyan court ruled on Wednesday that sections of a law targeting sexual offences in the East African nation cannot apply to minors found to have had consensual intercourse, a decision that rights groups expect to set a precedent in how the country handles relationships among adolescents.

Rights advocates said the decision would curb arrests and prosecutions of adolescents for consensual peer relationships and force reforms in policing, prosecution and access to confidential youth-friendly sexual and reproductive health services.

The Centre for Reproductive Rights and the Reproductive Health Network Kenya on behalf of three adolescents, and the Network for Adolescent and Youth of Africa (NAYA) filed a case in

August 2025 challenging four sections of the Sexual Offences Act, saying it was inapplicable to minors having consensual intercourse.

It cited the cases of two teenagers, where one, a boy, aged 17, was charged with defilement after police raided a room he shared with his 16-year-old girlfriend in February 2025, and another one, also 17, who faced prosecution after a pregnancy in a peer relationship before charges were withdrawn in May the same year.

The two cases have now been stayed and shall not proceed in their current form, Justice Bahati Mwamuye said in his judgement.



18
OFFICIAL AGE
OF CONSENT

Anyone at 18 years and over is considered an adult under Kenyan law.

The groups said the law failed to distinguish between exploitation and ordinary adolescent relationships, exposing teenagers to arrest, detention and long prison terms. Authorities had said protections were needed to safeguard children and avoid loopholes for adult predators.

"Young people in Kenya have been living in fear, afraid to go to a clinic, afraid to speak to an adult, afraid that a relationship could land them in a police cell," Victor Rasugu, executive director of NAYA Kenya, said in a statement.

"We will continue to push for full reform of the Sexual Offences Act so that no young person is ever again prosecuted for simply growing up."