AN ASSESSMENT OF THE HUMAN RIGHTS ATTITUDES TOWARD SEXUAL DIVERSITY IN KENYA: A CASE STUDY OF UNIVERSITIES IN NAIROBI

BY

MASSAWE, MARTHA BEATUS

UNITED STATES INTERNATIONAL UNIVERSITY - AFRICA

SUMMER 2017
AN ASSESSMENT OF THE HUMAN RIGHTS ATTITUDES TOWARD SEXUAL DIVERSITY IN KENYA: A CASE STUDY OF UNIVERSITIES IN NAIROBI

BY

MARTHA BEATUS MASSAWE

A THESIS SUBMITTED TO THE SCHOOL OF HUMANITIES AND SOCIAL SCIENCES IN PARTIAL FULFILLMENT OF THE REQUIREMENT FOR THE AWARD OF THE MASTERS OF ARTS DEGREE IN INTERNATIONAL RELATIONS

UNITED STATES INTERNATIONAL UNIVERSITY - AFRICA

SUMMER 2017
DECLARATION

I, Martha Beatus Massawe, declare this as my original work and has not been submitted to any other college, institution or University other than United States International University - Africa in Nairobi, Kenya for academic credit. All materials herein from other sources have been duly acknowledged.

Signature_________________________  Date:_________________________
Martha Beatus Massawe (ID 632443)

This thesis has been presented for examination and approval by the appointed supervisor

Signature_________________________  Date:_________________________
Professor Oscar Wanyutu Githua
Supervisor

Signature_________________________  Date:_________________________
Dr. Tom Onditi
Dean School of Humanities and Social Science

Signature_________________________  Date:_________________________
Ambassador Professor Ruthie C. Rono HSC
Deputy Vice Chancellor, Academic Affairs
Despite the adoption of liberal constitutions that provide for extensive bills of rights in the world, there has been strong resistance among African countries to extend these rights to include minority groups, particularly the lesbian, gay, bisexual, transgender, queer and intersex (LGBTI) community. To date, same-sex sexual relations, particularly male to male sexual relations remain outlawed in more than two thirds of African countries, Kenya included. Although several African leaders have spoken out against homosexuality in very strong terms describing it as ‘un-African,’ most laws criminalizing same-sex sexual acts were inherited from the colonial era and were enacted without the input of the people that currently enforce them. This study examines the opinions of ordinary African students in universities within Nairobi Kenya. It analyzes public opinion data from a questionnaire survey on the human rights attitudes toward homosexuality in Nairobi, Kenya, where the topic has been a subject of major debate in recent years especially with the current Kenyan president labeling same-sex sexuality as a “non-issue” in Kenya. This study also analyzes data from in-depth interviews with key informants in the LGBTI and human rights field in Kenya, and some within the Kenyan government. The author analyzes whether young educated adults in universities think homosexuality is ever acceptable, while trying to understand their moral, religious, and legal attitudes, and finding out whether they are willing to accept homosexuals living among them. The results indicate that the Kenyan students in universities still hold negative moral and religious attitudes toward homosexuality, with some minor variation by age, gender, and religion. However, they hold positive legal attitudes toward same-sex sexuality as a human rights issue which suggests that it may be possible to live in a country where laws do not have to specifically be made with respect to what is considered religiously correct by the population.
# ABBREVIATIONS AND ACRONYMS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AIDS</td>
<td>Acquired Immune Deficiency Syndrome</td>
</tr>
<tr>
<td>GALS</td>
<td>Gays and Lesbians in Zimbabwe</td>
</tr>
<tr>
<td>GSD</td>
<td>Gender and Sexual Diversity</td>
</tr>
<tr>
<td>GSM</td>
<td>Gender and Sexual Minorities</td>
</tr>
<tr>
<td>HIV</td>
<td>Human Immunodeficiency Virus</td>
</tr>
<tr>
<td>KHRC</td>
<td>Kenya Human Rights Commission</td>
</tr>
<tr>
<td>KNCHR</td>
<td>Kenya National Commission on Human Rights</td>
</tr>
<tr>
<td>KLR</td>
<td>Kenya Law Reports</td>
</tr>
<tr>
<td>LGBTI</td>
<td>Lesbian Gay Bisexual Transgender Intersex</td>
</tr>
<tr>
<td>MSM</td>
<td>Men who have sex with Men</td>
</tr>
<tr>
<td>NGLHRC</td>
<td>National Gay Lesbian Human Rights Commission</td>
</tr>
<tr>
<td>SMUG</td>
<td>Sexual Minorities Uganda</td>
</tr>
<tr>
<td>SPSS</td>
<td>Statistics Program for Social Sciences</td>
</tr>
<tr>
<td>STDs</td>
<td>Sexually Transmitted Diseases</td>
</tr>
<tr>
<td>STIs</td>
<td>Sexually Transmitted Infections</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
<tr>
<td>UNDP</td>
<td>United Nations Development Program</td>
</tr>
<tr>
<td>Acronym</td>
<td>Full Form</td>
</tr>
<tr>
<td>---------</td>
<td>-----------</td>
</tr>
<tr>
<td>UNHRC</td>
<td>United Nations Human Rights Commission</td>
</tr>
<tr>
<td>US</td>
<td>United States</td>
</tr>
<tr>
<td>USA</td>
<td>United States of America</td>
</tr>
<tr>
<td>VAW</td>
<td>Violence Against Women</td>
</tr>
<tr>
<td>WHO</td>
<td>World Health Organization</td>
</tr>
<tr>
<td>WSW</td>
<td>Women who have sex with Women</td>
</tr>
</tbody>
</table>
DEFINITION OF TERMS

Asexual – A person who generally does not feel sexual attraction or desire to any group of people. It should be noted that asexuality is not the same as celibacy.

Ally – Any heterosexual person who supports and advocates for the rights of LGBTI people, although LGBTI people can be allies too, such as a lesbian who is an ally to a transgender person.

Biphobia – Reluctance toward bisexuality and bisexual people as a social group or as individuals.

Bisexual – A person who is equally attracted to both people of their own gender and another gender.

Cisgender (often abbreviated to simply ‘cis’) – Is a characteristic of people having a gender identity that matches the biological sex that they were assigned at birth. It is the opposite of the term transgender.

Coming Out – The process of acknowledging one’s sexual orientation and/or gender identity to other people.

Gay – A person who is attracted primarily to members of their same sex. Although it can be used for any sex (e.g. gay man, gay woman, gay person), “lesbian” is the preferred term for women who are primarily attracted to women, and gay preferred for men who are primarily attracted to other men.

Gender identity – The gender that an individual feels more related to. For some people, gender identity is in accord with their physical anatomy. For transgender people however, gender identity may differ from physical anatomy or expected social roles. It is important to note that gender identity, biological sex, and sexual orientation are separate and that
you cannot assume how someone identifies in one category based on how they identify in another category.

**Heterosexual** – A person who is primarily attracted to members of the opposite sex. Heterosexuals are also known as “straight people”.

**Homophobia** – A range of negative attitudes and feelings toward homosexuality or people who are identified or perceived as being lesbian, gay, bisexual or transgender (LGBT). It can be expressed as antipathy, contempt, prejudice, aversion, or hatred, may be based on irrational fear, and is sometimes related to religious beliefs.

**Homosexual** – A clinical term for people who are primarily attracted to members of the same sex.

**Intersex** – A person whose sexual anatomy or chromosomes do not fit with the traditional markers of female and male. For instance, people born with both female and male anatomy (penis, testicles, vagina, uterus) and with chromosomes XXY.

**In the closet** – Is a term that describes a person who keeps their sexual orientation and/or gender identity a secret from some or all people.

**Lesbian** – A woman who is primarily attracted to other women.

**LGBT, LGBTI, LGBTIQ, LGBTIQA, TBLG** – These acronyms refer to Lesbian, Gay, Bisexual, Transgender, Intersex, Queer or Questioning, and Asexual or Ally. All the different identities are often lumped together within LGBTI, and they share sexism as a common root of oppression, however, there are specific needs and concerns related to each individual identity.
MsM – Men who engage in sexual behavior with other men, but who do not necessarily identify as gay, homosexual or bisexual.

Outing – The act of disclosing a gay, lesbian, bisexual or transgender (LGBTI) person’s true sexual orientation and/or gender identity without that person’s consent.

Queer – An umbrella term for sexual orientations and gender identities that are not heterosexual or which do not conform to the male/female gender binary.

Gender and Sexual Diversity (GSD), or simply Sexual Diversity – Is a term used to refer to all the diversities of sex characteristics, sexual orientations and gender identities, without the need to specify each one of the identities, behaviors or characteristics that form this plurality. Sexual diversity includes homosexual people, intersex people, transgender people, trans-sex identities, asexual people, and queer people. Socially, sexual diversity is the ‘acceptance term’ of being different but with equal rights, liberties and opportunities within the human rights framework.

Sexual minority – A group whose sexual identity, orientation or practice differs from the majority population of the surrounding society.

Sexual orientation – The type of sexual, romantic, and/or physical attraction someone feels toward others. Often labeled based on the gender identity/expression of the person and who they are attracted to.

Transgender – Is a term frequently used as an umbrella term to refer to all people who do not identify with their assigned gender at birth or the binary gender system. This includes transsexuals, cross-dressers, two-spirit people, and others.
Transphobia – The fear and/or hatred of transgender people or gender non-conforming behavior. Like biphobia, transphobia can also exist among lesbian, gay, and bisexual people as well as among heterosexual people.

Transsexual – A person whose gender identity is different from their biological sex, who may have undergone medical treatments to change their biological sex, often times to align it with their gender identity, or they may live their lives as the opposite sex.

Transvestite – A person who enjoys “cross-dressing”, wearing the clothes or cosmetics associated with the opposite sex but not necessarily engaging in homosexual relations.
# TABLE OF CONTENTS

DECLARATION ...................................................................................................................... ii  
ABSTRACT ........................................................................................................................ iii  
ABBREVIATIONS AND ACRONYMS ................................................................................ iv  
DEFINITION OF TERMS ................................................................................................. vi  
LIST OF FIGURES ........................................................................................................... xiii  

## CHAPTER 1: INTRODUCTION ...................................................................................... 1  
1.1 Background of the study ............................................................................................ 1  
1.2 Statement of the Problem and Summary of Gap to be filled .................................... 10  
1.3 General Objective of the Study .................................................................................. 13  
1.3.1 Specific Objectives ............................................................................................... 13  
1.4 Research Questions ................................................................................................... 13  
1.5 Significance of the Study ........................................................................................... 13  

## CHAPTER 2: LITERATURE REVIEW .......................................................................... 16  
2.1 Theoretical Review ..................................................................................................... 16  
2.1.1 Feminism: Gender Theory .................................................................................... 16  
2.1.2 Feminist Theology ............................................................................................... 17  
2.1.3 Intergroup Contact Theory .................................................................................. 18  
2.1.4 The Social Role Theory in Societal Attitudes ..................................................... 19  
2.2 Empirical Review ...................................................................................................... 20  
2.2.1 The Attitudes toward Sexual Diversity and the Factors that determine them .... 24  
2.2.2 Faith .................................................................................................................... 27  
2.2.3 The Position of the State .................................................................................... 28  

## CHAPTER 3: METHODOLOGY ................................................................................... 36  
3.1 Introduction ................................................................................................................ 36  
3.2 Research design ........................................................................................................ 36  
3.3 Target population ..................................................................................................... 37  

x
3.4 Data Sources and Instruments ................................................................. 37
3.5 Sample Population and Sampling Methods ........................................... 38
  3.5.1 Profile of the Participants and Justification ...................................... 38
3.6 Data Analysis ......................................................................................... 39
3.7 Data presentation ................................................................................... 39
3.8 Expected output ..................................................................................... 40
3.9 Limitations and De-limitations of the Study .......................................... 40
3.10 Ethical Considerations ......................................................................... 41

CHAPTER 4: FINDINGS ................................................................................. 42
4.1 Introduction ........................................................................................... 42
4.2 General Information ............................................................................. 42
  4.2.1 Gender .............................................................................................. 42
  4.2.2 Age .................................................................................................. 44
  4.2.3 Education ......................................................................................... 45
  4.2.4 Religious Affiliation ......................................................................... 47
4.3 Attitudes ................................................................................................. 48
  4.3.1 Moral Attitudes ............................................................................... 48
  4.3.2 Religious Attitudes ........................................................................... 51
  4.3.3 Curability of Homosexuality ............................................................. 52
  4.3.4 Concerns over Sexual Diversity ....................................................... 52
  4.3.5 Legal Attitudes ............................................................................... 53
4.4 Interview findings .................................................................................. 57

CHAPTER 5: CONCLUSION AND RECOMMENDATIONS ........................ 65
5.1 Introduction ........................................................................................... 65
5.2 Analysis and Recommendations ........................................................... 65
  5.2.1 General Moral Attitudes ................................................................. 65
  5.2.2 Religious Attitudes ........................................................................... 68
LIST OF FIGURES

Figure 1: Gender ........................................................................................................42
Figure 2: General Attitudes and Gender .................................................................43
Figure 3: Age ..............................................................................................................44
Figure 4: Attitudes and Age ....................................................................................45
Figure 5: Education ..................................................................................................46
Figure 6: Education and Attitudes ........................................................................47
Figure 7: Religion .....................................................................................................47
Figure 8: Moral Attitudes .......................................................................................48
Figure 9: Double Standards on Attitudes ...............................................................49
Figure 10: Awareness of Homosexuals .................................................................50
Figure 11: Awareness and Attitudes ......................................................................51
Figure 12: Religious Attitudes ................................................................................51
Figure 13: Cure for Homosexuality ......................................................................52
Figure 14: Concerns over Sexual Diversity ........................................................53
Figure 15: Human Rights for Everyone .................................................................54
Figure 16: Right to become a Homosexual ............................................................54
Figure 17: Employability of Homosexuals ............................................................55
Figure 18: Legal Marriage Recognition ................................................................56
Figure 19: Legalization of Consensual Same-Sex Sexual Relations ...................56
Figure 20: Same-Sex Sexual Relations Acceptability ............................................57
CHAPTER 1: INTRODUCTION

1.1 Background of the study

Homosexuality, lesbians, gay rights, trans-phobia, and homophobia, to mention but a few, are terms that have come up quite a bit in recent years in Africa, to the shock, and even anger in many people (GALS, 2008). Any sexual orientation other than heterosexuality is treated with scorn in most African societies (Vincent & Howell, 2014). Queer politics and the struggle for sexual rights are very new developments in most of Africa, dating generally from the 1990s (Wieringa & Sivori, 2013).

In terms of definition, homosexuality is sexual behavior or sexual acts between members of the same sex or gender while homophobia involves a range of negative attitudes and feelings toward homosexuality or people who are identified or perceived as being lesbian, gay, bisexual, transgender, or intersex (LGBTI) (Chadee, Nair, Chezelle, Peters, Sankar, & Philip, 2013). It is contempt, prejudice, aversion, hatred or antipathy which is often based on irrational fear, and is often related to religious beliefs (Berg, et al., 2012). Homophobia is observable in critical and hostile behavior such as discrimination and violence on the basis of sexual orientations that are non-heterosexual (Herek, 2004).

Homophobia is usually viewed in a socially negative context because gay men and lesbian women do not see themselves as making a choice in their relationship patterns but rather are born with a different sexual preference (Gavrilets & Rice, 2006). This takes us back to the idea that, even though hating a specific group of people will often be viewed as morally wrong, it is unfair to hate a person based on a decision they are not capable of making like their sex, race, and even sexual preference (Sharlet, 2010). While a person that is unsupportive of homosexual relationships may be entitled to their opinion and their negative attitude toward same-sex sexuality, homophobia is commonly known for
extending beyond the boundaries of the mind (Epprecht, Sexuality and Social Justice in Africa, 2013). This usually leads to separate issues like segregation, discrimination or even acts of physical violence (Gaudio, 2009).

Gender and Sexual Diversity (GSD), or simply Sexual Diversity, is a term used to refer to all the diversities of sex characteristics, sexual orientations and gender identities, without the need to specify each one of the identities, behaviors or characteristics that form this plurality (Davis, 2015). Sexual diversity includes homosexual people, intersex people, transgender people, trans-sex identities, trans-sexuality, such as gender fluid people, asexual people, and all those who consider that their identity cannot be defined, such as queer people (Parker & Aggleton, 2015). Socially, sexual diversity is the acceptance of being different but with equal rights, liberties and opportunities within the Human Rights framework (Davis, 2015).

Fundamental human rights and freedoms include, but are not limited to, the rights of sexual minorities to respect and dignity, non-discrimination, equality, participation, life, identity, self determination, and access to health services (Johnson, Jackson, & Herdt, 2000). Social exclusion and discrimination of gender and sexual minorities not only offends against human dignity but also denies people their fundamental human rights; including rights to life and liberty, citizenship, education and health amongst others (Young & Meyer, 2007). Despite advances in several societies in recent years to not exclude gender and sexual minorities from human rights, gender and sexual minorities continue to be amongst those most marginalized, excluded and discriminated against in many societies in the world (Amnesty-International, 2007). This leads to consequences such as a range of social and health problems, including the rapid transmission of the Human Immunodeficiency Virus (HIV) (Beall, 2005). The respect, protection and fulfillment of human rights (as well as recognition of human rights
violations) are key determinants of the HIV/AIDS epidemic and the overall development of a country (Mann, Grodin, Gruskin, & Annas, 2000). The broad range of human rights; civil, political, economic, social and cultural, should be equally enjoyed by all groups of individuals, notwithstanding their sexual orientation or gender identity if a country is to succeed as a developed nation (UNDP, 2007).

Worldwide, homophobia or homo-negativity is now a serious concern because many people are subject to persistent human rights violations because of their actual or perceived sexual orientation and gender identity (UNHRC, Discrimination and Violence Against Individuals Based on their Sexual Orientation and Gender Identity, 2016). These human rights violations take many forms, from denials of the rights to life, freedom from torture, and security of the person, to discrimination in accessing economic, social and cultural rights such as health, housing, education and the right to work. Furthermore, human rights violations through the non-recognition of personal and family relationships, pervasive interferences with personal dignity, and the attempts to impose heterosexual norms, and pressure to remain silent and invisible (O'Flaherty & Fisher, 2008).

Recently in Africa, political leaders have been signing legislations to make homosexual activities illegal, for instance; Uganda’s 2009 Anti-Homosexuality Bill. Some Africans now argue that prior to colonialism; there was never any legislation in Africa regarding homosexual activity in Africa because there was a lack of Africans practicing homosexual activities (Boyd, 2013). This has been so, even with a multitude of publications arguing the opposite, a generally accepted thought (Davis, 2015). The standard and simplified explanation offered by African leaders is that homosexuality is alien to the African culture and it was introduced to Africa by the European colonialists (Msibi, 2011).
Therefore, most scholars opposing same-sex sexual relations in Africa also argue that homosexuality is not an African concept but rather an influence from the western societies (Sharlet, 2010). There is an acute debate among social work educators for instance in Zimbabwe whether homosexuality is African or European (Boyd, 2013). The assumption that homosexuality is not African is based on a simplistic view of Africa as a homogenous entity. In reality however, Africa is made up of many ethnic groups with diverse cultures and sexualities. Furthermore, instances of homosexuality have been recorded in many cultures in the pre-colonial African societies hence contradicting the idea that homosexuality is un-African (Eugene, 1995).

Today, expressing anything positive about gays in Africa might stand as justification that the person expressing themselves is a homosexual too, and as a result, most helping professionals in developing countries especially in Africa, have neglected the gay community for fear of losing credibility in society which makes it harder for gender and sexual minorities to enjoy their human rights and develop to their full potential (Herek, 2004). It takes courage to take a pen and paper and start writing without prejudice about homosexuality in Africa. Due to stigma, prejudice and discrimination justified by religious and cultural beliefs, most helping professionals in Africa are not in any position to help gay people and that is where the problem begins (Mabvurira, Motsi, Masuka, & Chigondo, 2012).

Africans have however known for a very long time about people who somehow did not fit the heterosexual ideal (Zyl, 2011). In the main African languages for example, the concept of “homosexuality” goes by many terms depending on the community. In Zulu for example, nkoshana refers to sexual intercourse between male persons, or sodomy (Chadee, Nair, Chezelle, Peters, Sankar, & Philip, 2013). Other African words for same-sex sexual relations found in the region include matanyera (Nyanja), maotoane
(Sesotho), hungochani (Shona), mashoga, wasenge, mabasha and misago (Kiswahili), and ensenge or eshengi (Ovambo), and ‘yan daudu (Hausa) to mention but a few (Sharlet, 2010). The mere fact that such words exist in the African languages asserts that homosexual persons have indeed been known in the traditional pre-colonial African cultures. It therefore gives support for the case that LGBTI people in Africa fully deserve the same human rights and respect that are theoretically enjoyed by all other citizens (Busangokwakhe, 2006).

The majority population of Africans may need more convincing on this however. Zimbabwean gays and lesbians who choose to publicly admit their hungochani are in fact often perceived as a threat to the morals of black African society, aping a western perversion or prostituting themselves for tourist dollars and European style beer (as another term of contempt in Zimbabwean popular culture hints: ‘clear drinkers’) (Mabvurira, Motsi, Masuka, & Chigondo, 2012). President Robert Mugabe of Zimbabwe has encouraged this anti-homosexual or homophobic attitude. Amongst other names, he has called homosexuals ‘worse than dogs and pigs’, ‘gangsters’, and ‘an abomination, a rottenness of culture’ (GALS, 2008). The minister of home affairs in Namibia in an even more chilling speech urged new police recruits to arrest on sight gays and lesbians, and eliminate them from the face of Namibia (GALS, 2008).

Such threats have in many cases hardened people’s negative attitude toward homosexuality. They have contributed to a climate where individual gays and lesbians have experienced blackmail, job discrimination, police harassment, shunning by their families and even mob violence (Engelke, 2000). Lesbians in this climate are especially at risk from family members who arrange forcibly to get them pregnant, or from gangs of young men who seek to ‘cure’ them by rape (Mathuray, 2000). The stigmatization also leads to self-hatred or ‘internalized homophobia’ amongst gays and lesbians. This in turn
exposes them to relatively high rates of emotional depression, alcoholism, drug abuse or suicide (UHAI-EASHRI, 2013).

So, what causes homosexuality? While many theories try, none can definitively account for the great variety of same-sex sexual behaviors that appear around the world in different cultures, across time and in many animal species (Murithi, 2006). The last fact alone that homosexuality appears frequently in nature clearly destroys the argument that homosexuality is unnatural (Reid, 2013). In fact, nature is unquestionably one of the many factors to play a role in determining a person’s sexuality. It is almost certain, for example, that some people have a genetic predisposition to homosexual orientation or preference, so they are born that way (Greenberg & Bailey, 1993). The attraction to people of their own sex is in these cases is ‘hard-wired’ into their brains. For others, family socialization or a traumatic sexual experience (such as rape) at a young age may be the most important influence affecting their long-term sexual preference (Gavrilets & Rice, 2006). Physical closeness, gender imbalance in society, alcohol consumption, age, one’s stage in the life cycle, and other idiosyncratic factors can also affect short term decisions about sexual partners and conduct (so-called situational homosexuality) (Pharr, 1997).

This suggests that the question of what causes homosexuality is ultimately misguided. One might equally ask what causes heterosexuality, or even why humans are sexual at all. The answer is simply, they are. We need to acknowledge however that sexual rights does not mean freedom to copulate without restriction, as opponents sometimes largely proclaim; rather, it means putting an end to both discrimination against LGBTI persons because of their sexual orientation or identity, and the violation of any individual’s sexual autonomy and human dignity; it therefore excludes pederasty (man-
boy relationships), in most cases, and the heterosexual abuse of children (pedophilia) (Epprecht, Sexuality and Social Justice in Africa, 2013).

Furthermore, what we as Africans, today term as homosexual orientation or transgender identity was also not necessarily an offense but a respected attribute if caused by certain types of spirit possession and manifest in certain ways amongst the ChiShona people of Zimbabwe (Msibi, 2011). This would have included rare cases of physiologically ambiguous genitalia (hermaphroditism or intersex) as well as possession by benign spirits of the opposite sex (Busangokwakhe, 2006). Such explanations of the cause removed blame from an individual, and same-sex couples so possessed could live together as husband and wife without attracting opprobrium. A male in role of the latter, doing all the public duties and chores that a female wife would do, was known as “Murumekadzi” (literally, “man-woman”) (Epprecht, Sexuality and Social Justice in Africa, 2013). A woman who took the role of a man in an analogous relationship with another woman was mukadzirume (“woman-man”). In both cases, what happened between the couple inside their hut was not the subject of close investigation. Similarly, a man who never married or appeared resigned to a life of celibacy was thought to have “Chitsina”, an otherwise inexplicable streak of bad luck (Kabweira, 2006). The concept of “Chitsina” obviated close enquiry into actual sexual behavior or inclinations (Bongmba, The Wiley-Blackwell Companion to African Religions, 2012).

Looking at history itself from very early recordings, E-Pritchard (1937) recorded homosexuality among the Azande people of Northern Congo who practiced traditional customs that allowed warriors (older men aged 20 to 30 years) to marry younger men who were between 12 to 20 years (Busangokwakhe, 2006). The young men served as wives to the warriors before the warriors eventually decided to marry women. The warriors would pay bride price to the family of the young men that they intended to
marry, and the young men would eventually come to serve the warrior husbands both sexually and domestically (E-Pritchard, 1937).

African traditional art also provides evidence of homosexual expressions throughout the African continent, for instance: The Meru ritual leaders called mugawe among the Meru of Kenya, were depicted dressed as women routinely, and were even portrayed with art that showed them marrying other men (Ekine & Hakima, 2013). Furthermore, Coptic monks in the sixth or seventh century whose work included the painting of sacred manuscripts were known for their homosexuality, judging by a man’s wedding vow on a document that promises “never to take another wife, never to fornicate, nor consort with wandering monks” (Kabwira, 2006).

Furthermore, in many other African societies, people believed that success in life was sexually transmitted particularly through same-sex sexual acts (E-Pritchard, 1937). The same-sex sexual acts were believed to be a source of magical powers that would guarantee abundant good health, crop yields, and would ward off evil spirits (Ekine & Hakima, 2013). This is notable in Namibia and Angola when a caste of male diviners known as “gangas”, “chibados”, “zvibanda”, “quimbanda”, and “kibambaa” who were believed to carry powerful female spirits and they would eventually pass the spirits to other men who wanted success, and it was done through anal sex (Murray & Roscoe, 1998).

It is against this backdrop of research and scientific fact that arguments portraying homosexuality as a colonial heritage in Africa fall as red herring. Many scholars have sought to disapprove the belief that homosexuality is characterized by a moral decline, and is a bourgeois western innovation forced upon colonial Africa by white men, or alternatively, by Islamic slave traders (Gaudio, 2009). However, it has been scientifically
found that Africans were generally not hetero-normative with most communities being found to be normatively fluid, i.e. non-normative regarding sexualities (KHRC, 2011).

Nonetheless, Epprecht (2013) argues that remarkable progress has been made towards the recognition of sexual minority rights in Africa in recent years. At the state level, South Africa is already well known as a leader in the world, not just in Africa, for protecting the right to freedom from discrimination on the basis of sexual orientation in its constitution. South Africa, with Brazil, also led the way in June 2011 to have the United Nations Human Rights Council explicitly commit to the principle (UNHRC, Discrimination and Violence Against Individuals Based on their Sexual Orientation and Gender Identity, 2016). Mauritius was the sole African member of the council to support this successful resolution, but altogether ten African nations have now signed a separate joint statement in the General Assembly condemning violence and criminalization based on sexual orientation and gender identity (Epprecht, Sexuality and Social Justice in Africa, 2013).

There is also the concept of “Ubuntu” which should be taken into account when analyzing the background of Africans and their attitudes towards same-sex sexuality. Ubuntu is African humanism, and is a Bantu term originating as early as the mid-nineteenth century (Bongmba, Homosexuality, Ubuntu and otherness in the African Church, 2016). It is a pervasive African philosophy that defines the harmonic intelligence underpinning local cultures in Africa and it is the backbone of many African societies (SMUG, 2014). It is the essence of being a person and it means that we are people through other people, and we cannot be fully human alone, we are made for interdependence, and we are made for family (Bongmba, The Wiley-Blackwell Companion to African Religions, 2012). When you have ubuntu, you embrace others (Murithi, 2006). Ubuntu therefore stresses the interconnectedness of human beings.
beyond difference such as race, ethnicity, gender, religion or sexual orientation and it also acknowledges the importance of their individuality and independent identity (SMUG, 2014).

Such a tolerant and inclusive philosophy appears to sit ill at ease with the existence of laws, inherited from the colonial era, which criminalize private consensual conduct between adults (Bongmba, Homosexuality, Ubuntu and otherness in the African Church, 2016). Yet its potential role is to counter the lingering influence of that colonial intolerance to sexual diversity and restore the much older African tradition of diversity and openness (Murithi, 2006). Given the anthropological and historical evidence of the outweighing presence of same-sex practices within pre-colonial African societies, and the undisputed source of laws criminalizing homosexuality in British colonial rule, the assertion that homosexuality is un-African cannot therefore not be sustained (Aarmo, 1999). It is therefore apparent that it is the intolerance of homosexuality and the persecution of homosexuals which is un-African.

1.2 Statement of the Problem and Summary of Gap to be filled

Most studies that have been previously done to examine public opinion on same-sex sexuality and what factors determine individuals’ attitudes towards homosexuals or same-sex sexuality in general, came up with similar models in their findings. The general idea is that; men, religious people and the lower educated are less progressive in the attitudes towards same sex sexuality than their female, atheistic and higher educated counterparts who depict as having a more positive attitude towards same sex sexuality. However, innovative research is still necessary to test whether these models are useful in different contexts like the African setting where culture seems to be a huge concern when it comes to the idea of embracing same-sex sexuality. There is also need to find additional
predictors to explain more variance and how they would fit in the local African setting like Kenya.

It is clear that homosexuals face considerable challenges from the heterosexual population has well as from themselves. Efforts to improve the perception of homosexuality require an understanding of the factors related to those perceptions. However, most studies on these issues have been conducted in Western populations, and young educated adult's perceptions of homosexuality have seldom been established in non-Western societies. This study addresses this gap in the research literature by exploring young educated adult’s in universities on their perceptions of homosexuality and related factors in Nairobi, Kenya.

Furthermore, human sexuality in the past was not considered to be a development issue. Sexuality belonged to the category of nature and culture, while development was economics, infrastructure, and good governance. Feminism and HIV however changed the thinking and by now, most African leaders and even the biggest donors to Africa accept that fostering healthy sexuality is a legitimate and important development priority for a state (SMUG, 2014). If men, women and children have no rights or means to achieve sexual autonomy and fulfillment, and if there exists discrimination on the basis of gender, or sexuality, and negative attitudes toward homosexuality which lead to such discrimination, then gender based violence and sexually transmitted infections including HIV/AIDS are going to continue to impose significant costs to the economy of a country and body politic in general (Epprecht, Sexual Minorities, Human Rights, and Public Health Issues in Africa, 2012). If gender and sexual minorities human rights are not observed and promoted, then violence will persist, fertility rates and sexual transmitted diseases will remain dangerously high, and the state can expect a serious retardation of its economy over a few decades (Jolly, Cornwall, & Hawkins, 2013).
Therefore, understanding the associated patterns and cause for the risk for homophobic violence against LGBTI communities in Africa is crucial to policy advocacy, and addressing homosexual and intersex person’s health, women and children’s health, and overall development of a country. Human rights violations against sexual and gender minorities places a serious health burden (both physically and mentally) on men, women, and their children, and its role and prevalence is amplified through its connection to the attitudes held by a nation’s population toward the rights of sexual and gender minorities and the state’s position when it comes to the issue of same-sex sexuality.

To date, most studies on the prevalence of violence against homosexual persons have not established through an illustration of empirical data, reports, and statistics, a connection between the attitudes carried by a population towards same-sex sexual relations, the factors that determine the attitudes, the human rights violations involved, and the role of the state in the risk for homophobic violence towards LGBTI communities. This research therefore bases its data on the reports of violence against the homosexual persons in Kenya, questionnaires given to the public, as well as in-depth interviews of experts and key informants in the Kenyan government, and the human rights and LGBTI field, as an attempt to analyze the link between homophobic attacks toward homosexuals and the issues that inform such attitudes among the Kenyan population and how to provide the best strategies for the way forward. This is all because; there is a general belief that Africans are deeply homophobic and un-accepting of gender diversities whether legally, morally, or religiously. But the truth is that, up to now, it isn’t really known what the African public really thinks about same-sex sexuality and what exactly influenced them to think the way they do because hardly any work has been done to gather and analyze their views in a structured way.
1.3 General Objective of the Study

To understand the attitudes that young educated adults in universities in Nairobi, Kenya have toward sexual diversity in Kenya, and also to understand what informs and influences the particular attitudes.

1.3.1 Specific Objectives

i. To identify the attitudes that young educated adults in universities in Nairobi, Kenya have toward sexual diversity.

ii. To examine what informs the attitudes that the young educated adults in Nairobi, Kenya have toward sexual diversity.

iii. To understand the Kenyan state’s position when it comes to LGBTI rights as human rights and not special rights.

1.4 Research Questions

i. What attitudes do young educated adults in universities in Nairobi, Kenya have toward same-sex sexuality?

ii. How does religion and the patriarchal nature of the African society shape the attitudes of the population toward homosexual persons?

iii. What is the position of the Kenyan state with regards to the recognition of LGBTI communities and their human rights?

1.5 Significance of the Study

The best way to tackle a problem is to first understand what caused it because efforts to improve the perception of same-sex sexuality would require an understanding of the factors related to those perceptions. To teachers, students, future researchers, and
international relations scholars, this study can serve as a reference or guide on their work on LGBTI communities and human rights, and the study can also open up a further development of the objective of the study.

Secondly, this study aims to provide intellectual skills which can be used when analyzing attitudes held by a particular population. It also aims to encourage the public to accept and embrace differences while at the same time establishing a positive and non-oppressive strategy when resolving social conflicts in a non-violent way.

Thirdly, the world is growing into a global village. Legal and social change within the Kenyan society is inevitable. The idea of same-sex sexuality is no longer a new concept but rather a progressing reality. Taking legal responsibility to ensure the rights of gender and sexual minorities are observed is crucial to Kenya’s overall development, as well as understanding the mechanisms for the protection of these human rights at local levels. There is therefore a need to do away with harmful practices and the ignorance that encourages negative attitudes toward same sex sexuality in Kenya, by employing the principles of respect for all human beings, equality and protection of rights of all people. This study will therefore educate individuals in the Kenyan social set up on how to achieve full respect for human rights.

Furthermore, this study’s main aim is to assert the principle that the benchmark of a truly open, developed and democratic society is having the capacity to accommodate and manage difference of diverse views and lifestyles in a reasonable and fair manner. The rationale of the Kenyan Constitution, specifically in chapter four, is to tolerate different concepts about the nature of human existence and to inhabit the same public realm. This has to be done in a manner that is not mutually destructive, and that at the same time enabling the Kenyan government to function in a way that shows equal
concern and respect for all both in theory and in reality (KLR, 2010). This study therefore aims to reach out to the population and political front in order to understand this.

Lastly, by most African leaders like Yoweri Museveni of Uganda, and Robert Mugabe of Zimbabwe publicly condemning homosexuality, it becomes easier to brainwash the masses into thinking that homosexuality is indeed “un-African” hence in turn creates a more violent response of the mass towards homosexuals or the Lesbian Gay Transgender and Intersex community. The laws against homosexuality in Africa are becoming stricter and by the African leaders becoming more vigorous, the culture of Africans is becoming more homophobic despite the amount of information of the presence of homosexuality in African history, the people are becoming more ignorant which then becomes an obstacle when it comes to forming public policies. This study therefore attempts to give an approach on how LGBTI activists could strategize on how to achieve their objectives and how to best convince the state to legalize same sex sexual relations, and protect the rights of sexual and gender minorities.
CHAPTER 2: LITERATURE REVIEW

2.1 Theoretical Review

2.1.1 Feminism: Gender Theory

Feminism is a theory in international relations that emphasizes on the importance of looking at how gender shapes the current global political economy. It holds a central idea about the position of men and women in a society. Feminists, through their gender theory, see to it that if a society is structured in a way that there is a gender gap and no gender equity then it becomes harder for LGBTI communities and organizations to flourish within that society. Feminists’ argue that homophobia exists as part of the patriarchal nature of social structures in the world, and is an intentional pattern of behavior utilized to establish and maintain power of the male species and their masculinity (Deux & Lewis, 1984). The appropriate response to challenge and end violence against LGBTI communities according to the gender theory under feminism must therefore be through a major social, communal and cultural change to include an equal position of men and women (Cabera, 2010).

The gender theory highlights the contemporary limitations of sex and gender binaries and how they determine the political and economic environment of states. It explores the history of sex and gender relations, and deals with other theoretical aspects such as structuralism, post-structuralism, socialism, and psychoanalysis (Deux & Lewis, 1984). Feminists explore the concept of a troubling ‘gender’ by examining conventional understandings of gender that support masculine hegemony and heterosexist power, and subsequently the extent to which one can undermine such constitutive categories (that is, male/female, man/woman) and the consequences involved (Whitley & Kite, 1995).
Transgender people are often subjected to violence in order to “punish” them for transgressing gender barriers or for challenging predominant conceptions of gender roles, and transgender youth have been described as ‘among the most vulnerable and marginalized young people in society’ (Johnson & Vanderbeck, Law, Religion, and Homosexuality, 2014). The notion that there are two and only two genders is one of the most basic ideas in the binary Western way of thinking. Violations directed against lesbians because of their sexual acts are often inseparable from violations directed against them because of their sexual orientation (Gentry, 1987). Community restrictions on women’s sexuality result in a range of human rights violations, such as the case of a multiple rape of a lesbian in Zimbabwe, arranged by her own family in an attempt to ‘cure’ her of her homosexuality (Sokoloff & Dupont, 2005).

2.1.2 Feminist Theology

Feminist theology is another subset of feminism found in several religions of the world, including Buddhism, Christianity, Judaism, Islam and Hinduism. It argues that religious traditions, practices, scriptures, need to be reconsidered from a feminist perspective. It suggests that by increasing the role of women among religious authorities, reinterpreting male-dominated imagery and language about God, will socialize the society in a way that there would be no strict differences in gender roles (Cabera, 2010).

Feminist theology supports the use of a non- or multi-gendered language for God, arguing that language powerfully impacts belief about the behavior and essence of God. Most of the world’s religions personify God as a man which automatically accords the woman a subordinate position (Chadee, Nair, Chezelle, Peters, Sankar, & Philip, 2013). With a man, comes masculinity and strict differentiation between men’s masculinity and women’s femininity and hence strict defined gender roles. When an individual does not
conform to the two sexes concurrent with their gender roles, conflict arises (Kemp & Squires, 1997).

2.1.3 Intergroup Contact Theory

The contact theory also known as the Intergroup Contact Theory, developed by Gordon Allport in 1954, basically argues that one of the best way to improve relations among groups that are experiencing conflict is when there is interpersonal contact amongst the groups in conflict. The intergroup contact theory is based on the idea that interactions between members of different groups will help improve intergroup attitudes and reduce intergroup tensions and prejudice (Walters & Hayes, 1998).

The foundation of Gordon Allport's theory claims that under appropriate conditions, interpersonal contact is one of the most effective ways to reduce prejudice between majority and minority group members within a society (Bowman, 1999). If an individual has the opportunity to communicate with other individuals who portray a different lifestyle other than their own or be in contact with them, they are likely to be able to understand and appreciate different points of views or the diversity involving their way of life (Kurdek, 1988). As a result of the new appreciation and understanding, then prejudice should diminish. Issues of stereotyping, prejudice, stigma, and discrimination are commonly occurring issues between rival groups just like the current issue of social exclusion upon gender and sexual minorities within a state. Allport's theory suggests that properly managed contact between the groups in conflict should reduce these problems and lead to better interactions (Davies, Tropp, Pettigrew, & Wright, 2011).
2.1.4 The Social Role Theory in Societal Attitudes

The social role theory also known as the role theory in societal attitudes originated as an effort to understand the causes of sex differences and similarities in social behavior. It explains the differences between female and male behavior when in both different and similar situations. The theory argues that the beliefs and attitudes that people hold of the two sexes are derived from observations of the role performances of men and women in the society and thus reflect the sexual division of labor and gender hierarchy of the society (Lim, 2002).

These gender belief systems define appropriate behaviors for men and women: people use these gender stereotypes to define what is feminine and masculine, and form opinions about others depending on how well they conform to them. The theory suggests that attitudes towards homosexuals are shaped by these existing gender belief systems. Because the society has more strict expectations of masculinity than femininity (Hort, Fagot, & Leinbach, 1990), men who display feminine traits receive more negative reaction than women who display masculine traits.

It is therefore expected that gay men who violate male gender stereotypes would receive more negative reaction than gay women who violate female gender stereotypes. Furthermore, the more one is invested in the gender belief system, the more one is likely to have a negative view of gays and lesbians because they deviate from the gender norm, possibly forcing one to question the system itself (Lim, 2002). An additional explanation could be found in men’s traditional definitions of masculinity.

However, there are several criticisms against the role theory on societal attitudes which may explain and contribute towards the analysis of this study. One of the criticisms to the gender role theory is that, gender roles are considered as relatively stable and
unvarying within the theory and that individuals adopt them voluntarily however, it does not consider that gender roles can be resisted with individual change or other factors (Deux & Lewis, 1984).

Therefore, under the role theory of societal attitudes, men and women tend to display different political attitudes, as widely noted by journalists and social scientists. A deeper understanding of why and when gender gaps exist is necessary because these gender differences in the political realm and public opinion are both pervasive and impactful in several issues in the society like public policy advocacy especially for issues to do with human sexuality (Gentry, 1987). A range of evidence shows that the general shape of gender differences in political attitudes aligns with the social roles of men and women, particularly with regard to elements that associate agency and higher status with men and lower status with women (Whitley & Kite, 1995).

2.2 Empirical Review

Frank & Mceneaney (1999) argue that the criminalization of same-sex sexual relations in a country is in actual sense enslaving the populations in ‘communal, religious, and familial embeddings’ and it has roots in gender differentiation. This enslavement creates an air of negative attitudes towards same-sexuality which in turn fuels homophobia and violence against the LGBTI community. Emphases on the equality of gender in a society therefore make it an essential step towards the advocacy for the rise, widespread acceptance, and legitimization of same-sex sexuality. Cultural emphases on the individuality and equality of women work against the sharp differentiation that underlies normative heterosexuality and thus helps in constituting a legitimate claim for the liberalization of a state’s policies on same sex relations (Frank & Mceneaney, 1999).
Msibi (2011) however, denies the claim that criminalizing same-sex sexual relations in a state, promotes a higher prevalence of violence against homosexual persons within that state. He argues that appearances of extreme homophobia in Africa are deceiving. Mauritania for instance, has one of the most draconian laws against homosexuality acts in the world, with punishment up to the death sentence. Yet in 2009, the US state department found no evidence of either societal violence or systematic government discrimination based on sexual orientation, and there were no criminal persecutions during that year. He argues that there is a form of a “don’t ask, don’t tell” tolerance in Africa that appears to make places like Mauritania safer to discreetly tolerate same-sex lovers than countries where full legal rights cannot compensate for high levels of public revulsion, vigilantism, extortion and blackmail (Epprecht, Sexuality and Social Justice in Africa, 2013; Msibi, 2011). South Africa is the main case in point of the latter. People in the West (and elsewhere) who want to support these initiatives need to pay close attention to the ways in which they show their solidarity. The desire to speak out against homophobic discrimination is an admirable one, and the temptation to be angry or mocking against people who promote hateful stereotypes is understandable (Msibi, 2011).

Gaudio (2009) asserts that inattention to history plays into the hands of those who would have us believe that nothing in Africa happens unless inspired by the West History which also reminds us that Europeans were once at the forefront of the battle not to promote but to suppress homosexual practices, along with many other expressions of sexual and family diversity that they encountered in their supposed mission to civilize Africans during the colonial period. And it also reminds us that the idea “homosexuality is un-African” or “homosexuality is not an African culture”, and the current homophobia in Africa, owes a great deal to European and North American authors and propagandists
who had their own interests in rooting that sweeping generalization, regardless of what Africans themselves had to say (Gaudio, 2009).

Furthermore, according to Epprecht (2012), prior to colonialism, African societies practiced homosexual activities. They accepted this behavior and found nothing wrong about it. However, after the Europeans colonized Africa, they imposed their constitutions across the continent. Europeans had strict laws against homosexual activities because of their religious affiliations. When Europe turned the colonies back to the Africans, the newly independent governments decided to keep the colonial era constitutions (Busangokwakhe, 2006). By this time, Africans were convinced that homosexuals should be punished. Not only did the then African leaders choose not to change the constitutions they adopted, or at least try to in-corporate their African culture in the constitution to make it suit the local setting, they also chose to adopt all the social norms of the Europeans (Epprecht, Sexual Minorities, Human Rights, and Public Health Issues in Africa, 2012).

Brewer and Wilcox (2005) explore another dimension of the puzzle on how culture plays a part in shaping Africans attitudes. They talk about how Africans place a high value on procreation especially when it comes to the marriage institution. This is why despite the adoption of liberal constitutions that provide for extensive bills of rights within several countries in the world, there has been a strong resistance among African countries to extend these rights to include homosexuals or sexual and gender minorities. To date, homosexuality remains out-lawed in more than two thirds of African countries (Brewer & Wilcox, 2005). Dionne, Boniface and Chunga (2014), did a study to examine the extent to which existing anti-homosexual legislation reflects the true opinion of ordinary Africans. The results indicated that many Africans have negative attitudes toward homosexuality, with some variation by age, gender, religion, locality or education.
However, there is still little support for homosexuality among educated, urban, and younger Africans, which stands in sharp contrast with the Western countries such as the United States (Dionne, Boniface, & Chunga, 2014).

Boyd (2013) however continues to look at Africa’s history and how it plays part in shaping the attitudes that Africans currently have toward same sex sexuality. She argues that after adopting the harsh policies on same-sex sexuality from the Europeans, it then made the continent become more homophobic. She argues that Africa’s political and religious leaders learned that they could win elections and favoritism through condemning homosexuality just like the previous colonial missionaries did. This has therefore allowed leaders to outsmart more pressing issues such as education and health and the habit has allowed African leaders to create an atmosphere of homophobia and encourage the negative attitudes of the heterosexual population toward sexual diversity.

According to Whitehead (2010), the most threatening influence of homophobia and the negative attitudes toward sexual diversity in Africa, is the influx of evangelical and Pentecostal preachers from the western countries. These churches send missionaries to Africa to fund local churches and to share and enforce their ideas on Christianity. They have a lot of finance to appear daily on African media such as the television and radios which has proven to be influential on the masses. And so these evangalist preachers play up the supposed threat of homosexuality taking over the African culture and its children. This has played a large role in Uganda politics creating a law making homosexuality punishable by death (Whitehead, 2010).

Johnson and Robert, (2014), further argue that public debate on the social acceptance of homosexuality in Africa generally has tended to highlight religion as stumbling block. This is because, the surveys that have been done, show a strong
correlation between citizens’ level of religiosity and homo-negativity or homophobia. They see to it that the idea that religion and homosexuality are able to be measures using a common standard which needs to be critically examined. This is because, in very dissimilar and inconsistent ways, both have been so often employed in the construction of African national identities. This clash between sexual and religious belonging intersects, with struggles over cultural and national belonging.

2.2.1 The Attitudes toward Sexual Diversity and the Factors that determine them

Haddlock and Zanna (1993) define an attitude as the aspect that influences the behavior of the individuals. They explain that it is a usual way of doing things and is a disposition to approach an idea, event, person, or an object. Attitudes are formed over the years by various means. Sometimes, they are based on experiences. At times, they might be acquired from other people. An attitude might be based on the truth, or what an individual might consider to be the truth which means they can change with time (Dionne, Boniface, & Chunga, 2014). People might change their attitudes if they notice inconsistencies between their beliefs or when new information is pointed out to them and that particular information seems logical to them (Bowman, 1999). In the end, if attitudes are positive, then human relations will be positive. And positive human relations are necessary for a successful life and the overall development of a state.

An attitude is essentially like an evaluative statement that is either positive or negative depending on the degree of like or dislike for the matter in question (Haddlock & Zanna, 1993). Therefore attitudes can be positive, negative or sometimes neutral. People with a neutral attitude don't give enough importance to the situations or events in question (Plummer, 2001). They often ignore the problem, and leave it for someone else to solve. The “neutral” attitude is what Epprech (2013) and Msibi (2011) refer to as a
“don’t ask, don’t tell’ attitude among African societies. People know it’s there, they sometimes tolerate it, but they do not want to publicly advocate it as a natural human sexual preference variation, nor be associated with any homosexual person.

Attitudes can be religious, meaning influenced by religious teachings or based on what an individual has faith in, they can be legal attitudes, influenced by the law and regulations, or they can be moral attitudes, based on what an individual perceives to be right or wrong (Johnson & Robert, Law, Religion and Homosexuality, 2014).

A religious attitude is based on the faith that an individual has on a supreme power of being. It also involves the individual being part of a particular system of faith and worship. Bowman’s 1999 study on public towards homosexuality in a non-African setting reported that the climate toward homosexuality was more favorable in the Scandinavian countries than many homosexuals, legislators and researchers believe. The great majority of those surveyed did not express anti-homosexual attitudes and, in fact, supported the removal of negative sanctions against homosexuals. He further reported that those expressing positive attitudes toward homosexuals tend to be younger, have either no religious affiliation or belong to a major Christian denomination, and to personally know homosexuals (Bowman, 1999).

Moral attitudes mainly focus on what a particular group of people consider to be right or wrong. D’Augelli and Patterson (2001) argue that societal attitudes toward homosexuality vary greatly in different cultures and different historical periods and so do attitudes toward sexual desire, activity and relationships in general. All cultures have their own values regarding appropriate and inappropriate sexuality hence different thoughts on what they consider moral and immoral. Some sanction same-sex love and sexuality, while others disapprove of such activities. As with heterosexual behavior, different sets of
prescriptions may be given to individuals according to how they have been socialized, their gender, age, religiosity, social status or class (D’Augelli & Patterson, 2001).

Furthermore, with regards to legal attitudes, the Pew Research Center’s 2007 global attitudes survey found that people in Africa and the Middle East strongly object to the societal acceptance of homosexuality. On the other hand, the survey noted that acceptance for homosexuality is much higher in Europe and United States. Many Latin American countries including Brazil and Mexico also have a gay accepting majority. One interesting fact to note was, besides South Africa, every country that has legalized either civil unions or same-sex marriage is located either in Europe and America (Kohut, 2013).

According to Lim (2002), men are on average more authoritarian than women, since the ‘powerful’ characteristics of masculinity overlap with the characteristics of authoritarianism. Men are less permissive towards gender non-conformist behavior, since this is a violation of traditional patterns (Lim, 2002). This means that homosexual men are considered to be feminine or effeminate, and homosexual women are considered to be masculine and therefore authoritarians will see homosexuals as violators of the existing traditional patterns. Men also have a high degree of ‘group think’ and possibly homosexuals (who belong to another group) are therefore perceived negatively. The traditionalist and hierarchical viewpoint of the authoritarian is also more applicable to men than women, since traditionalists consider women to be of less importance for society (Lim, 2002).

A crucial element of Ugandan discourses about homosexuality relates to the above anxiety. It is a sexuality to be feared not just because it marks a group of people as different, but also because the actions of homosexuals seem to reject reproduction outright by supposedly refusing (or being unable to have) sex with someone of the
opposite sex which marks such persons as highly suspect, even anti-social (Nel & Judge, 2008). The uneasiness generated by homosexuality seems to stem in part from the ways an assertion of sexual rights necessitates a decoupling of sexuality from kinship, gender, and reproduction (Anderson, 2007).

The effect of education is also very important in social science research on attitudes towards homosexuality. In almost every study about moral attitudes, the effect of education is significantly positive meaning higher educated are more permissive towards any moral issue compared to lower educated (Nijmegen, 2012).

2.2.2 Faith

Apart from non-believers, Africa has three major groups of faith: traditional or ancestral, Christianity, and Islam. Christianity and Islam, through the bible and Qu’ran, both condemn homosexuality; although in Christianity, it is only condemned in the Old Testament and not the New Testament which is what most branches of Christianity follow. Islam today has a reputation for extreme homophobia through the teachings of the Qu’ran. In the Qu’ran, it is widely maintained and is even more explicit and unrelenting in its denunciation of homosexuality than the bible.

Epprecht (2013) argues that, whether understanding themselves as traditional, Christian, Islamic or creative combinations of the three, Africans have a long history of bending the rules to accommodate the quirks of human behavior and desire, especially when those quirks were recurrent. Understanding how religions in the past explained and accommodated the fact of sexual diversity in spite of the general commandment towards heterosexual marriage and reproduction might be helpful for today’s debates. For instance; that history shows that traditional religions, Christianity, and Islam are clearly far more complicated than headliners would have us believe.
2.2.3 The Position of the State

Generally in East Africa, hate speech against LGBTI persons is increasingly prevalent despite the East African countries having legislations which prohibit discriminatory or inciting language (SMUG, 2014). For instance, the Kenya Information and Communications Act provides a framework for bringing legal action against perpetrators of hate speech (NCLR, 2012). However, this law was enacted and is largely used to curb ethnic based hate speech while hate speech against gender and sexual minorities is continually widely tolerated. In spite of the proliferation of hate speech against sexual and gender minorities especially on social media, the body charged with enforcement of the law in Kenya, has remained silent on the matter (UHAI-EASHRI, 2013).

With regards to access to health care and development, discrimination keeps LGBTI persons away from both prevention and treatment programs, especially for HIV. While efforts by many East African states to include Men who have sex with Men (MSM) individuals in their national HIV programs is commendable, other LGBTI groups have been given minimal attention (Boyd, 2013). In Kenya, the constitution makes few provisions for social and economic rights (Kisia & Wahu, 2010). As a result, it becomes difficult for LGBTI persons to try to secure these rights through the judicial system. The Kenyan Constitution however does expressly provide for equality and a wide range of political, social and economic rights. In practice however, this has had little impact on the number of violations suffered by LGBTI individuals in the civil sphere (Njagi, 2011). The limited number of lawyers willing to take up LGBTI matters and the lack of national legal aid clinics in Kenya complicates access to justice in and out of court for persons engaging in same-sex sexual activities in Kenya (Lived Realities, Imagined Futures: Baseline Study on LGBTI organizing in Kenya, 2011).
Furthermore, in a region like East Africa where state agents themselves are the main human rights violators of LGBTI persons, maintaining discriminatory laws undermines efforts to reduce inequality, whether by legal or other means (Njagi, 2011). Discriminatory laws and the homophobia they perpetuate can manifest in a variety of ways. For instance, while research has shown that providing condoms in prisons is vital to curbing the spread of HIV, Kenya does not do so for fear of charges of encouraging homosexuality in prisons (Kinyili, Uhai 2012 Annual Report, 2013).

When transsexual people are arrested in Kenya, they are often charged with impersonation, harassed for immoral purposes and ‘homosexuality’ and the Kenyan state remains silent on the issue. LGBTI people in police custody are often subjected to physical, sexual and verbal violence both from the police and fellow inmates (Kisia & Wahu, 2010). Although the adoption laws in Kenya make no explicit mention of LGBTI persons, the processes are strict and involve a high degree of scrutiny of the applicant’s personal life (Kisia & Wahu, 2010).

Furthermore, In 2011, the Kenya Human Rights Commission published, the first research paper on the legal and social status of homosexual people in Kenya. Among those who came out or were ‘out-ed’ to their family members, 89% reported that they were disowned (KHRC, 2011). Employees were reported to have been terminated or subjected to hostility, ridicule, humiliation, and discrimination when their sexual orientation or gender identity became known in the workplace (Kinyili, Uhai 2011 Annual Report, 2012). When their identities were discovered, the LGBTIs could not seek employment or undertake other forms of business due to extreme homophobia present in their society. Furthermore sexual and gender minorities in Kenya are often evicted from their rental houses by neighbors and condemned for their orientation which is termed evil.
(UHAI-EASHRI, 2013). In cases where they were not evicted, they were then not allowed to use common utilities in the residential compounds such as swimming pools.

So what does the Kenyan constitution really say when it comes to same-sex sexuality? The Constitution of Kenya, which took effect in 27 August 2010, does not expressly protect the rights of LGBTI persons because, according to the experts who drafted the constitution, a majority of Kenyans would have rejected the constitution in the referendum to adopt it (Kinyili, Uhai 2012 Annual Report, 2013). However, many argue that Kenya's statutes discriminating against LGBTI persons are unconstitutional and void because of the constitution's broad protection of civil and human rights in theory.

Kenya’s penal code prohibits “carnal knowledge against the order of nature,” generally understood as consensual sex between men, and “indecent practices between males” (NCLR, 2012). As mentioned above, this law clearly violates constitutional rights, including the rights to equality and non-discrimination, human dignity, freedom and security of the person, privacy, and health of the person.

Sexual acts between men are illegal under Kenyan statutes and carry a maximum penalty of 14 years imprisonment, except 21 years in certain aggravating circumstances. Sexual acts between women are not mentioned specifically in those statutes, although it is arguable that the gender-neutral term "person" in Section 162 of the Penal Code includes women (KLR, 2010).

Furthermore, any male 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 obtain 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 five years (KLR, 2010).
The Kenya Human Rights Commission reported in 2011 about how these statutes have indirect but very adverse effects on LGBTI persons in Kenya;

Same-sex sexual practices between men remain criminalized and even though there are few convictions based on sections 162 to 165 of the Penal Code. LGBTI persons in Kenya are often harassed by the policemen, captured and held in remand houses beyond the constitutional period without charges being charged against them, and presented in court with heightened up charges. Closely related to this notion, is a group of corrupt police officials who often capture and blackmail LGBTI persons with several threats of imprisoning them if they do not give bribes. LGBTI sex workers, mostly Men who have sex with other men (MSMs) are often asked for bribes and sexual favors by male police officers in exchange for their freedom and security. Those who fail to give bribes or sexual favors are charged with heightened charges and sometimes raped by state security officers (KHRC, 2011).

When it comes to the eligibility of adopting children, the Children Act of 2001, makes homosexuals and unmarried couples in Kenya ineligible to adopt children. Even if that ineligibility does not apply specifically, a court may refuse to make an adoption order in respect of any person or persons if it is satisfied for any reason that it would not be in the best interests of the welfare of the child to do so (Lived Realities, Imagined Futures: Baseline Study on LGBTI organizing in Kenya, 2011).

With respect to transgender persons, the governmental Kenya National Commission on Human Rights (KNCHR) reported in April 2012 that transgendered people in Kenya often suffer stigma and discrimination and are not able to access gender re-assignment therapy (KNCHR, 2012). A witness who had testified at the Inquiry
indicated that she had undergone all the processes of re-assignment but Kenyatta National Hospital declined the surgery and did not offer any reasons for declining (KNCHR, 2012). They further added that her attempts to appeal to the Kenya Medical Practitioners and Dentist's Board were not successful, and without being allowed to complete the therapy, transgender people often suffer identity problems since they are biologically either male or female, and yet they present themselves in one of the gender by mode of dressing, personality expressions or through other socially defined roles (Kinyili, Uhai 2012 Annual Report, 2013). Furthermore, when arrested, police often face difficulties regarding what cells (male or female) to detain transgender individuals. When at entertainment areas, transgender people are afraid of using bathrooms designated for either sex for fear of being caught by other people and accused or mistaken to be using bathrooms for sexual crimes (UHAI-EASHRI, 2013). The witness testified that sometimes they meet opposite sex partners who force them to have sexual relations with them, and when they discover that they are not female or male (depending on the gender of the sex partner), they scream and attract members of public to the hotel room causing public nuisance, stigma and embarrassment to the transgender person (KNCHR, 2012).

2.2.3.1 International Pressure on Kenya to Legalize Same-Sex Sexual Activities

Kenya may not decriminalize same sex unions at this stage as such acts are considered as taboo and offences against the order of nature which are repugnant to cultural values and morality. Indeed the public gave overwhelming presentations to the Committee of Experts (on Constitutional Review) against the inclusion of same sex rights under the new constitution. It must however be reiterated that the government does not discriminate against anyone in the provision of services and no one is ever required under the law to declare their sexual orientation under any circumstances (UNHRC, Discrimination and Violence Against Individuals Based on their Sexual Orientation and Gender Identity, 2016).

Kenya further addressed these issues in May 2012 (UNHRC, Discrimination and Violence Against Individuals Based on their Sexual Orientation and Gender Identity, 2016).

Therefore, Kenya is evidently currently not undertaking any measures to decriminalize same sex unions basing on the above response. With regards to marriage, the Kenyan constitution provides under article 45 (2) that a person has the right to marry a person of the opposite sex, based on the free consent of both parties (KLR, 2010). However, under article 27 (4) of the Constitution, the grounds prohibited for non-discrimination are not limited and therefore this allows room for individuals to claim the violation of their rights on the grounds of their sexual orientation, in the event that they are discriminated against either directly or indirectly by the State or other individuals (KLR, 2010).
2.2.3.2 Universal Periodic Reviews

The United Nations Human Rights Committee (UNHRC) in May 2010 completed a Universal Periodic Review of the human rights situation in Kenya. During the review, Kenya expressed that with regard to same-sex relationships, there had been serious intolerance because of cultural beliefs and overwhelming opposition to the decriminalization of such relationships, as observed during the constitutional review process (UNHRC, Eighth Universal Periodic Review, 2010). However, the Kenyan Government did not support discrimination in terms of access to services.

Kenya was therefore given several recommendations, such as being prompt to take concrete steps to provide for the protection and equal treatment of lesbian, gay, bisexual and transgender persons (Netherlands); to decriminalize same-sex activity between consenting adults (Czech Republic); to repeal all legislative provisions which criminalize sexual activity between consenting adults (United States of America); to decriminalize homosexuality by abrogating the legal provisions currently punishing sexual relations between consenting individuals of the same sex, and to subscribe to the December 2008 General Assembly Declaration on sexual orientation and human rights (France) (UNHRC, Eighth Universal Periodic Review, 2010).

In response, Kenya indicated on 6 May 2010 that same-sex unions were culturally unacceptable in Kenya. More specifically, Geoffrey Kibara, Secretary, Justice and Constitutional Affairs, Ministry of Justice, National Cohesion and Constitutional Affairs, explained on behalf of the Kenyan delegation that there had been serious intolerance toward same-sex sexuality in Kenya from the public because of the cultural and religious beliefs in Kenya and that such relationships are considered taboo. The only way the acts would be accepted, Kibara argued that it would be through a long term cultural change
and hence noted that there is serious opposition to decriminalizing same-sex sexual relationships in Kenya (UNHRC, Eighth Universal Periodic Review, 2010). He argued that it is because when the constitution was being made, public views were taken into account on the matter and the views were toward continuing the current criminalization of consensual male to male same-sex relationships. He further argued that as a government, Kenya does not support discrimination on people who practice same-sex sexual relationships. Discrimination in terms of access to services is explicitly outlawed, particularly with regard to access to HIV/AIDS prevention and support facilities. The law that is HIV and AIDS Prevention and Control Act of 2006 expressly prohibits any discrimination towards same-sex relationships or people on the basis of their sexual orientation (UNHRC, Eighth Universal Periodic Review, 2010).

Despite Kibara’s response, it is clear that gender and sexual minorities still remain discriminated against access of health services which explains the current rapid transmission of HIV within Kenya (UHAIEASHRI, 2013).
CHAPTER 3: METHODOLOGY

3.1 Introduction

As an attempt to provide the best possible result, this study begins with an examination of domestic and international research. It particularly focuses on establishing a ground that homosexuality has always been practiced in Africa even prior to colonialism, which is what most of the target population are not aware of. Some of the sources used in the study were purposefully up-to-three decades ago just to validate that the issue of same-sex sexuality is not a recent development in African societies, but rather a progressing reality.

To better understand the legal, religious, and moral attitudes that young adults in universities in Nairobi, Kenya have toward same-sex sexuality, the study examines what determines the attitudes of young educated adults toward sexual diversity as well as examining the role of the state in the matter while making a brief comparison of other studies that have been done in other cultural settings. Furthermore, like most descriptive research studies, this study involves the formulation of a problem to be investigated, selecting a suitable research design, choosing and applying appropriate procedures for data collection, presenting the process and findings of the research and finally analyzing the data in a qualitative manner before giving recommendations and conclusions. This particular chapter discusses how the research questions intend to be answered.

3.2 Research design

This study uses a descriptive research design because the study’s general objective is to describe the characteristics and attitudes of a particular group within Nairobi, Kenya, and also determine the frequency in which homophobia could occur with its association to the attitudes of young educated adults together with what informs the attitudes toward
same-sex sexuality. This also means that the information in the study is derived from primarily historical, current and comparative literature. The study analyzes the objective of the study by using literature available and previous studies that have been done on the attitudes toward same-sex sexuality worldwide. It also uses the current information on the media, the Kenyan constitution, annual reports on violence against LGBTI communities in Kenya, questionnaires given out to a sample population, as well as information derived from semi-structured interviews carried out with key informants within the government of Kenya and in the human rights and LGBTI field.

3.3 Target population

The study focuses on the attitudes of young educated adults toward sexual diversity, and the state’s position on the rights of gender and sexual minorities in Nairobi, Kenya. The actors in this study are therefore the young educated adults in universities in Nairobi, Kenya.

3.4 Data Sources and Instruments

Information used in the study was obtained from primary and secondary sources of data. The secondary sources of information include books, journals, and annual reports from institutions of authority. All these were obtained from the USIU-A library, Kenya Human Rights Commission (KHRC) library, Kenya National Commission on Human Rights (KNCHR) library, and scholarly articles on the internet. The primary data was obtained from questionnaires of 70 respondents randomly sampled in universities in Nairobi, Kenya, and seven in-depth interviews of experts and key informants in the LGBTI, human rights, and social sciences field. With regards to ethical issues and due to purposes of security, the names and identities of all the participants in the study have been withheld.
The author took into account the kind of knowledge that is sought to produce from analysis of reports, questionnaires and interview data collected during this study. The need to avoid presumptuous questions that might distort the entire research process was a critical factor to uphold right through this qualitative study. This study is sensitive to other respondents, hence in constructing the research questions, the researcher had to remember that she was dealing with human beings and empathy had to be expressed at all times. It made the respondents to be open and answer the questions with ease.

3.5 Sample Population and Sampling Methods

3.5.1 Profile of the Participants and Justification

**Size of the Sample:** The total number of participants in this study is seventy seven (77). Seventy of the participants in the study who filled the questionnaires are university students who have passed tertiary education. The objective of the study is to find out the human rights attitudes that students in universities have toward same-sex sexuality and the factors that inform their attitudes hence the 70 university students stand as a reliable sample. The other seven participants in the study are key informants in the government of Kenya, human rights field, and LGBTI field and some are experts in the social sciences field. The information was obtained through in-depth interviews to ensure efficiency and reliability of the study’s objectives and output and bring context to the findings of the study.

- Qualification of participants for the questionnaire survey is tertiary education qualification since they are all university students. This means that all the participants fully understood the language used in the Questionnaire (English) and were able to respond to all the questions with ease. The participants are
specifically university students because if they are university students then they have passed the tertiary education and which means they are at an age where they should have a basic understanding of issues such as sexual diversity.

- The sampling unit of the study is based on four universities in Nairobi, Kenya; the United States International University - Africa, Daystar University, University of Nairobi, and the Pan Africa Christian University.

Social scientists aim to generate knowledge while explaining the particular and making generalizations that apply to broader populations. Therefore, the use of a single case study with the particular sample population of the Kenyan young educated adults in universities, and in-depth interviews of key informants in the field successfully met the objective of the study.

3.6 Data Analysis

The study uses a qualitative data analysis method which means a high proportion of it is text based, consisting of verbatim transcriptions of seven in-depth interviews, and seventy written questionnaires. The researcher used the statistical package for social sciences (IBM SPSS Statistics Software) to analyze the survey data from the questionnaires given to the university students.

3.7 Data presentation

The findings of the study are presented graphical forms of graphs showing the frequency and particular views that young educated adults within universities in Nairobi have toward sexual diversity, together with verbatim transcriptions and narratives of what the findings indicate. The data from interviews is also presented as a narrative.
3.8 Expected output

The study illustrates what makes young educated adults in universities more accepting of sexual diversity and gives an explanation of why the young educated adults have the particular attitudes that they have. By the end of this research paper, all research questions are answered.

3.9 Limitations and De-limitations of the Study

One of the major limitations to the study was the lack of enough book sources in the USIU library which are up-to-date (preferably within the last 10 years). Most of the current information about violence against the LGBTI communities can only be achieved through e-sources and it is quite difficult distinguishing between the sources with authority and those without authority. However, this limitation was overcome by relying only on the credited and certified academic sources of information as the source with authority. The researcher also sought more information from the Kenya National Commission on Human Rights (KNCHR) library as an effort to provide the best possible result.

Any old source was still an advantage too because of the nature of the study and the actors involved, they helped in expressing a trend and certain patterns on how attitudes may or may not change with time or depending on other factors. Furthermore, old sources were an advantage in the analysis of the study because of the current attitudes and perceptions that people in Africa hold about homosexuality. Most people assume that homosexuality is a new phenomenon in Africa, which came about with globalization and Western influence hence a phenomenon that is “curable”.
3.10 Ethical Considerations

Any study involving human beings as participants should highlight their privacy. It should be outlined to participants whether the information that they provide will be reserved secretly from public knowledge or not, and whether their names will be mentioned or not. This study comprises of people as participants. The researcher assured the participants that their names would not be linked to any information that they provided. They would be retained as confidential. None of the methods used required any participant to provide their personal details. Personal details refer to surnames, names and identity number that might assist in locating a person. The questions asked to the research participants were in a language that they fully understood.

Furthermore, a research permit from the National Commission for Science, Technology and Innovation (NACOSTI) in Nairobi Kenya was granted to the researcher as a step towards ensuring that this study is valid and does not cause any form of harm to the participants involved.
CHAPTER 4: FINDINGS

4.1 Introduction

This chapter presents the results and findings of the study of the research questions with respect to the data information collected from respondents. The chapter begins with general information of the participants of the study and the second part follows up with reports on the participants’ attitudes and part three focuses on reports from the interviews done by the researcher.

4.2 General Information

The respondents provided their general information on their particular gender, age, education, and religious affiliation.

4.2.1 Gender

From the general information it was found that fifty percent of the respondents were males and fifty percent were females. Thus an equal balance and representativeness of the two sexes as shown in figure 1 below;

![Gender Pie Chart](image)

Figure 1: Gender
4.2.1.1 General Attitudes and Gender

Research was done to test the general attitudes that the participants of the study had toward same-sex sexuality, and to further test the difference in societal attitudes between men and women as the gender theory under feminism has claimed. In terms of the general attitudes for both male and female participants of the study, 15.7% expressed a very positive attitude toward sexual diversity while 32.9% expressed a very negative attitude toward same-sex sexuality. Eighteen point six percent of the respondents expressed a positive attitude, 28.6 percent expressed a negative attitude, and only 4.3 percent were neutral. Fortytwo point eight five percent of the male participants of the study expressed a very negative attitude toward sexual diversity, 22.8% expressed a negative attitude, 14.3% of the men expressed a very positive attitude, 14.3% expressed a positive attitude, and only 5.7% were neutral. Seventeen point one percent of the women expressed a very positive attitude toward sexual diversity, 22.9% expressed a positive attitude, 2.9% were neutral, 34.2% expressed a negative attitude, and 22.9% expressed a very negative attitude toward sexual diversity as shown in figure 2 below;

Figure 2: General Attitudes and Gender
4.2.2 Age

In terms of Age, only 1.4% of the participants of the study were below 18 years old while the majority (57.1%) were between 18 to 24 years old. 34.3% of the respondents were between 25 to 35 years old, and 7.1% were between the age of 36 to 45 years old, as shown in figure 3 below;

![Age Frequency](image)

**Figure 3: Age**

**Age and Attitudes**

Research was done to test whether attitudes depended with the age and the level of education of individuals as similar studies on societal attitudes toward same-sex sexuality have suggested. The study targeted young educated adults in universities hence the two major age groups of the participants of the study were 18 to 24 years of age, and 25 to 35 years of age. The results indicated that the majority (65%) of those respondents who held either a negative attitude or very negative attitude toward same-sex sexuality where between 18 to 24 years and at the same time, a majority (63%) of those who held either a positive attitude or a very positive attitude toward sexual diversity where between the ages of 18 to 24 years of age. Only 4.29% of the respondents within the age groups of 18 to 24 years and 25 to 35 years expressed a neutral attitude, and 5.71% within the age
group of 36 to 45 years expressed either a negative attitude or a very negative attitude toward sexual diversity as shown in figure 4 below;

![Attitudes and Age Chart]

**Figure 4: Attitudes and Age**

### 4.2.3 Education

From the general information provided by the respondents basing on their level of education within the university, it was found that 34.5% were seniors in their final year of university, 21.4% were Sophomores in their second year of university, 15.7% were Juniors in their second year of university, 15.7% were masters students, and only 12.9% were Freshmen in their first year of university. Thus the majority of the respondents were seniors and about to finish their undergraduate degrees as shown in the figure 5 below;
Research was done to test whether attitudes depended on the level of education that the respondents had as similar studies have claimed; that the more educated an individual is then the more progressive their attitude toward same-sex sexuality should be. Thirty eight point six four percent of the respondents who expressed either a negative or a very negative attitude toward sexual diversity were in their senior year in university, 22.73% were in their sophomore year, 18.18% in their freshman year, 11.36% were in their junior year in university, and 9.09% were doing their masters. Thirty point four three percent of the respondents who expressed either a very positive attitude or positive attitude toward sexual diversity were in their junior year of university, 26.09% were in their Sophomore year, 17.39% were in their senior year, 17.39% were doing their masters, 8.70% were in their freshman year of university, and only 4.29% of the respondents were in their senior year in university and had a neutral attitude toward same-sex sexuality as shown in figure 6 below;

**Figure 5: Education**

**Education and Attitudes**

![Year in University Chart](chart.png)
4.2.4 Religious Affiliation

The religious affiliation for the participants of the study showed that majority of the respondents were Christians (80%), 15.7% Muslims, Atheist 2.9% and only 1.4% were from other organizations of faith as shown in figure 7 below;
4.3 Attitudes

4.3.1 Moral Attitudes

Research was done to test the moral attitudes that the respondents had toward sexual diversity. They were particularly asked whether they thought homosexuality was a natural sexual preference variation in humans, with the answers ranging from strongly disagree, disagree, unsure/neutral, agree, to strongly agree. Forty five point seven percent strongly disagreed, 25.7% disagreed, 14.3% agreed, 10% strongly agreed, and 4.3% were neutral/unsure as shown in figure 8 below;

![Moral Attitudes](image)

**Figure 8: Moral Attitudes**

**Double Standards on Attitudes**

Research on moral attitudes was further done to test what similar studies had suggested about people having double standards when it came to their attitude toward same-sex sexuality. It is basically the assumption that heterosexuals would be more comfortable working closely with homosexuals of the opposite sex compared to a homosexual of their same sex. This means that a heterosexual man should be more comfortable working closely with a lesbian woman compared to a gay man, and the vice versa applies, that a heterosexual woman should be more comfortable working closely with a gay man compared to a lesbian woman. Seventy one point four percent of the
respondents expressed that it did not matter on the sex of the homosexuality they had to closely work with, they were either equally uncomfortable with both sexes or equally comfortable with both sexes, 22.9% expressed that they would feel more comfortable working closely with a homosexual of a different sex other than theirs, while 5.7% expressed that they would feel comfortable working closely with a homosexual of their same sex compared to a homosexual of their opposite sex unlike what previous studies done in the western societies have claimed. The statistics are shown in Figure 9 below;

![Double Standards on Attitudes](image)

**Figure 9: Double Standards on Attitudes**

**Awareness of Homosexuals**

Research was done to investigate whether the participants of the study knew a homosexual person or whether they had a friend or a relative who identified as a homosexual. Overall, 55.7% agreed to knowing a homosexual person 38.6% of which expressed that they had a friend and/or relative who identified as a homosexual, 26% expressed that they did not know any homosexual person, and 7.1% were not sure whether they knew any homosexual person as shown in figure 10 below;
Figure 10: Awareness of Homosexuals

Intergroup Contact Theory

Research was done to test the intergroup contact theory and whether it applies to the attitudes of the young adults in universities toward sexual diversity. The research was based on the assumption that people who know a homosexual person and/or have a friend and/or relative who identifies as a homosexual should be more progressive in their attitudes toward sexual diversity compared to individuals who do not know any homosexual person or are not aware that they have come into contact with a homosexual person. The findings suggest that, overall, 76.26% of the respondents who hold either a positive or very positive attitude toward sexual diversity either know a homosexual and/or have a friend or relative who identifies as a homosexual, 4.35% were unsure, and 17.39% expressed that they had never had an encounter with a homosexual. Forty seven point seven three percent of the respondents who held either a negative or a very negative attitude toward sexual diversity either know a homosexual and/or have a friend or relative who identifies as a homosexual, another 47.73% of the respondents who held either a negative or very negative attitude toward sexual diversity did not know or had never met a homosexual person while 4.54% were unsure whether they had met a homosexual before as shown in figure 11 below.
4.3.2 Religious Attitudes

Research was done to investigate the religious attitudes that the respondents had toward sexual diversity. They were particularly asked whether sexual diversity was compatible with their religious beliefs and whether religion informs their attitudes toward most aspects of their lives. Forty five point seven percent strongly agreed that sexual diversity is not compatible with their religious beliefs, 31.4% agreed, 1.4% disagreed, 4.3% strongly disagreed, and 5.7% were neutral/unsure as shown in figure 12 below:

Figure 12: Religious Attitudes
4.3.3 Curability of Homosexuality

Research was done to investigate whether the participants thought homosexuality was curable or not. The options given to the respondents were that homosexuals could be cured if they sought either 1) Religious or spiritual help, (2) Medical help, (3) Both Religious/spiritual help and Medical help, (4) Unsure, and (5) N/A - It is not a disorder. Fifty percent of the respondents felt that homosexuals could be cured if they sought both medical help and religious or spiritual help, 20% thought that homosexuals could not be cured since it is only natural, 10% were unsure, and 7.1% felt that homosexuals could be cured if they sought medical help as shown in figure 13 below;

![Cure for Homosexuality](image)

Figure 13: Cure for Homosexuality

4.3.4 Concerns over Sexual Diversity

Research was done to investigate the biggest concern that the respondents had when it came to the aspect of same sex sexuality and sexual diversity. Thirty percent of the respondents expressed a concern over procreation, 20% expressed that they felt it was immoral and can be cured, 18.6% expressed a concern over the rapid spread of Sexually Transmitted Diseases or Infections (STIs & STDs), 8.6% expressed that it was not the
African culture, and 22.9% just felt that it was religiously wrong as shown in Figure 14 below;

![Concerns Expressed](image)

**Figure 14: Concerns over Sexual Diversity**

### 4.3.5 Legal Attitudes

Research was done to test the legal attitudes that the respondents had with regards to sexual and gender minority rights being human rights too. They were specifically asked whether they thought there should be no human rights violations basing on a person’s choice of gender and/or sexual orientation. Overall, 72.9% expressed that there should be no human rights violations basing on a person’s choice of gender and sexual orientation, 42.9% strongly agreed, 30% agreed, 10.0% disagreed, 12.9% strongly disagreed, and 4.3% were not sure as shown in figure 15 below;
The Right to become a Homosexual

Research was also done to test whether the respondents felt that a person has the right to become a homosexual if they choose be with the response choices being either strongly agree, agree, neutral/unsure, disagree, and strongly disagree. Twenty four point three percent of the respondents strongly agreed that a person has the right to become a homosexual if they choose to be, 38.6% agreed, 1.4% of the respondents were neutral/unsure, 18.6% disagreed, and 17.1% strongly disagreed that a person does not have the right to become a homosexual if they choose to be as shown in figure 13 below:
**Employability of Homosexuals**

Research was further done to investigate whether the respondents felt that homosexuals deserved the right to have any job they want provided that they are qualified for it. Overall, eighty eight point six percent of the respondents agreed that homosexuals deserved the right to have any job they want provided that they are qualified for it, 50% strongly agreed, 38.6% agreed, 4.3% disagreed, 2.9% strongly disagreed, and 4.3% were neutral as shown in figure 17 below;

![Figure 17: Employability of Homosexuals](image)

**Legal Marriage Recognition**

Furthermore, research was done to investigate whether the respondents felt that homosexuals deserve to be recognized under the marriage act in Kenya. Fifteen point seven percent of the respondents strongly agreed that homosexuals deserve to be recognized under the marriage act in Kenya, 7.1% agreed, 27.1% disagreed, 32.9% strongly disagreed, and 17.1% were neutral/unsure as shown in figure 18 below;
Figure 18: Legal Marriage Recognition

Legalization of Consensual Same-Sex Sexual Relations

Research was done to test whether the respondents felt that the Kenyan government should legalize consensual same-sex relations. Eight point six percent of the respondents strongly agreed that the Kenyan government should legalize consensual same-sex relations, 12.9% agreed, 22.9% disagreed, 40% strongly disagreed, and 15.7% were neutral/unsure as shown in figure 19 below;

Figure 19: Legalization of Consensual Same-Sex Sexual Relations
Same-Sex Sexual Relations Acceptability

Finally, respondents were asked to tick the most appropriate amongst three options which were: 1) Homosexuality should be totally condemned and those practicing same sex sexuality in Kenya should seek medical or spiritual help (Complete denial/condemnation), (2) Homosexuality should be accepted but with reservations (i.e. Same sex sexuality can be accepted but only under certain circumstances) (Acceptance with reservations), and (3) Homosexuality should be accepted, and the population should be taught on how to embrace and accommodate differences (Complete acceptance). Forty seven point one percent of the respondents expressed that homosexuality should be totally condemned and those practicing same-sex sexuality in Kenya should seek medical or spiritual, 27.1% felt that there should be complete acceptance and the society should be taught on how to embrace and accommodate differences, and 25.7% felt that there should be acceptance but with certain reservations as shown in figure 20 below;

![Same-Sex Sexual Relations Acceptability in Kenya](image)

**Figure 20: Same-Sex Sexual Relations Acceptability**

4.4 Interview findings

In-depth interviews were done with seven respondents within the Kenyan government and some of whom are experts in the LGBTI field and human rights field.
The major objective for carrying out the interviews was to understand Kenya’s position with regards to same-sex sexuality and understand briefly why the population in Kenya has the particular attitudes that they have toward same-sex sexuality. The following questions were asked with their respective responses;

**Are the sexual practices of two consenting adults really their own business in African context like Kenya?**

The respondents believed that the sexual practices of two consenting adults is really their own business in Kenya and gave an example of looking at it in history in the African context. They argued that the concept of sexuality in Africa in general has never been a taboo topic, it is the information on the diversity on human sexuality in the African context that is being withheld currently because it is the cultures that have now called it a taboo. They strongly recommend that people be given information on the African culture before coming of the missionaries, and how the African culture has evolved through the years.

**Is it true that some people choose to be gay because of particular life events like trauma, poverty, or more of a bandwagon thing?**

The respondents agreed to it that there are people who go through certain life events that make them disconnect completely to a particular sexual orientation, however at the end of the day, they believed that no one chooses to be gay because there is nothing one can do about attraction.

**Is there a bias on people’s attitudes toward a homosexual of their (same) sex compared to a homosexual of the opposite sex? Why so?**
The respondents agreed that yes, there is bias and it because of several reasons. First, it is because people generally worry about their reputation in the society and what other people may say about them when they see them with a homosexual of their same sex. There is always the fear that other people may think they are homosexuals too, so naturally, they would rather be seen publicly with a homosexual of the opposite sex. Second, ignorance plays a role too, people often fear that if they work closely with a homosexual of their same sex, then the homosexual may end up being attracted to them and that specific thought scares them. But then we should also consider the idea that, just because someone is a heterosexual male, it would not mean that every heterosexual female he encounters throughout his life, would be attracted to him.

**What are the attitudes that people have towards same-sex sexuality in Kenya?**

The respondents expressed that there is generally a lot of homophobia in Kenya, and it is largely because most people do not have an understanding of gender and sexual diversity. There are some who may be homophobic on the basis of their religious beliefs, but then again, when you interview them, you get to realize that they also do not have a complete understanding of their religious affiliation’s teachings. The respondents also claimed that there is some progress on the human rights attitudes amongst the urban young “Millenials” age group. This is because, in recent times, there are so many human rights organizations and the media has a hand on it too. There are many stories being published which have been written by queer people and even queer stories themselves for instance the books by Binyavanga Wanaina.

**In your opinion, what are the factors that determine an individual’s attitude toward sexual diversity in Kenya?**
The respondents gave out four specific factors that can determine an individual’s human rights attitudes toward sexual diversity which are; religious beliefs, the level of education (the more educated, the more progressive their attitude would be), exposure to cultural diversity, and finally how an individual has been socialized from birth.

**Does the patriarchal nature of most African societies like Kenya inform the attitudes that people have toward sexual diversity? I.e. especially considering the strict observance of gender roles?**

All the respondents agreed that patriarchy was the root of the problem because patriarchy does not support sexual diversity and gender non-conformity. With patriarchy, things have to be either black or white so to say, they cannot be grey. This is evident even from the rules and regulations in our society, they are meant to protect the patriarchal system hence men and women have been socialized in a way that they cannot explore their sexualities to their full potential, which also spreads out to other aspects of their lives. Patriarchy also creates hierarchy, and men are always at the top, so then a heterosexual man is always above a homosexual man in the ranks which creates room for violence to occur.

**Are women more progressive in their attitudes compared to men?**

The respondents saw to it that it’s a 50/50 thing when it comes to women and regarded it as a hit or miss because of religion too. They argued that women are generally more empathetic because they understand how it feels to be discriminated simply because of who you are, or even how you choose to dress, etc., so there’s a high probability that women are easier to convince to progress their attitudes.
They further suggested the “Genderbreadman” model proposed by Sam Killermann first in 2010. It is basically a model that shows how sexually fluid women are and provides a model for understanding gender and sexual diversity. It shows the difference between how a person identifies themselves, their attraction, their gender expression, and their biological sex. According to Killermann (2013), gender is one of those things everyone thinks they understand but most people don’t. Like inception, gender isn’t binary, it’s not either/or, in many cases, it is both/and (Killermann, 2013).

Can age determine a person’s attitude toward same-sex sexuality?

The respondents agreed that it may determine the patterns of some particular age groups, however, it also depends with how a person has been socialized and the amount of exposure they have had and that is why currently, older people have less progressive attitudes compared to younger people.

What causes homophobia?

The respondents expressed that it is mainly ignorance that causes homophobia, most people do not have enough information on sexual diversity. Furthermore, patriarchy also causes homophobia because patriarchy does not support sexual fluidity and gender non-conformity. Within a nuclear family, the family is made up of a man and a woman, even the laws are made to protect such patriarchal models. The respondents also commented on religion and how some churches currently preach hate against same-sex sexuality claiming that it is a threat to the human species existence which in turn sincerely convinces the population that sexual diversity would be a threat to human existence.

Has the Kenyan government at the very least attempted to protect the rights of gender and sexual minorities?
The respondents expressed that in terms of the state (executive branch and parliament), the Kenyan government has not done anything however, it is the judiciary that has attempted to protect the rights of gender and sexual minorities in Kenya. The Judiciary has done so by extending the issue of gender and sexual minorities in Kenya which has made it possible for all the organizations working on gay rights to be able to be registered and survive in Kenya. It has also made it possible for the current police force sensitization on the rights of sexual and gender minorities in Kenya. However, with the executive and the legislative branch, there is more of a “don’t ask, don’t tell” attitude, which is evident from how president Uhuru regarded homosexuality as non-issue. The respondents basically said that as long as the gay people and gay organizations in Kenya keep quiet and don’t flaunt anything they are doing then the government also remains silent, however, if they try to speak up then the government will hit back too.

What is the Kenyan state’s stand with regards to same-sex sexuality as of 2017?

As of 2017, the respondents expressed that there is more of a removed stand with Kenya when it comes to same-sex sexuality. There is no express support and as president Uhuru regarded it as a non-issue. But then we also have examples of people like Ruto who have completely denied it and certain other individuals within the government that make the situation worse.

Does religion influence the laws formulated in Kenya?

All the respondents agreed that religion plays a huge part in the laws formulated in Kenya. Popular morality is often and largely influenced by religion and Kenyan laws are based on popular morality.
Should the Kenyan government legalize consensual same-sex sexual relations? And do you feel that the Kenyan society is ready to embrace and accommodate same-sex sexuality?

All the respondents definitely agreed that Kenya should legalize consensual same-sex sexual relations and it does not matter whether the society is ready or not. We do not create safe societies because people are ready; we create safe societies because we need safe societies. The criminalization of consensual same-sex sexual relations just creates room for more violence in Kenya.

What are the biggest challenges you face when trying to fight for equality for gender and sexual minorities in Kenya?

The respondents expressed that the biggest challenge they face is very little support from the government. Sometimes they face state sponsored homophobia from officials in power. There is also a problem of lack of funding and a very difficult process of registration for any organization that intends to fight for the rights of sexual and gender minorities in Kenya.

What recommendations would you suggest as a solution toward ending the current violence against sexual and gender minorities in Kenya?

The respondents gave three key recommendations as a solution towards curbing homophobia; First, Advocacy from all people with positive attitudes towards sexual diversity. This awareness should be created on all levels and people should use whatever they can, be it social media, articles, seminars, or even school projects. Second, there should be a clear stipulation of non-discrimination within the laws and the laws should protect sexual and gender minorities. There should be comprehensive equality legislation
on how to punish people who carry out hate-crimes. Finally, the respondents suggested that there should be more information on the history of Africans and sexual diversity and it should be integrated in all systems of the country, for instance, integrated into the educational system.
CHAPTER 5: CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This specific chapter provides an analysis of the findings from the study and further contains the recommendations and conclusions of the study basing on the analysis and the research questions of the study.

5.2 Analysis and Recommendations

5.2.1 General Moral Attitudes

From the general attitudes, it may appear that women are slightly more progressive with their attitudes toward sexual diversity compared to men, however it cannot be conclusively claimed like other similar studies from western countries that women in African settings are definitely more progressive with their attitudes towards sexual diversity compared to men. Perhaps it really is a “hit or miss” as the interview respondents put it, i.e. when it comes to the attitudes of women toward sexual diversity, their attitudes may be reliant on other determinants such as religion, or how they have been socialized. However, it is good to note that only 34.2% of the women expressed a very negative attitude toward sexual diversity while 42.85% of the men expressed a very negative attitude toward sexual diversity which may suggest that women could be a bit more progressive, and if not, then there is room for their attitudes to be progressed into positive attitudes by an external actor.

The Social Role Theory also argues what these findings suggest; that women are generally more progressive in their attitudes toward sexual diversity compared to men. This therefore suggests that women should be considered amongst the first groups to approach when considering an awareness campaign on educating the population on sexual diversity, especially sexual diversity in the African societies, before and after the
arrival of missionaries. Women are naturally capable of birthing children; they therefore have an empathetic nature which would make them more understanding of concepts that are not considered perfect within the society. This can in turn also help with policy advocacy because women understand what it feels like to be discriminated just because of who you are (a subordinate to the male figure). Perhaps those who fight against violence against women should join hands with those who are fighting against violence against sexual and gender minorities in Kenya; there is a very thin line that separates the two.

5.2.1.1 Attitudes and Age

Contrary to what similar studies in Western societies have suggested that; the younger an educated individual is, then the more progressive their attitude toward sexual diversity should be, the findings of this study suggest otherwise. This means that; the findings from similar studies on attitudes toward sexual diversity amongst young educated adults in the Western societies may not apply to this particular non-Western setting. This is because; basing on what the findings from the similar studies suggest, then the young educated respondents between the ages of 18 to 24 years of this study should have been more progressive with their attitudes compared to the young educated respondents between the ages of 25 to 35 years, however the findings of the study indicate that a majority of the respondents who either hold a negative or very negative attitude toward same-sex sexuality are in fact within the ages of 18 to 24 years. This means that more innovative research is needed to understand the cause of this difference; perhaps the difference is tied to other determinants of attitudes like the religiosity of an individual or the concerns over the concept of same-sex sexuality that an individual has as observed within this study.
5.2.1.2 Education and Attitudes

Basing on what similar studies on the societal attitudes toward sexual diversity done in Western societies have claimed, the findings of this study suggest otherwise. This is because; the more educated respondents of this study should have been more progressive in their attitudes toward sexual diversity, however, the findings of this study suggest that a majority of the more educated respondents of this study who were in either their senior year in university or were doing their masters, are the among the majority of those who carry either a negative or a very negative attitude toward sexual diversity compared to their less educated counterparts (in this case, the respondents in either their freshman or sophomore year in university).

The findings of this study suggest that more innovative research is needed within the non-Western contexts like Nairobi, Kenya. Perhaps the attitudes carried by the young educated adults are tied to other factors like religion as the interview respondents had suggested. Furthermore, a course to address the misconceptions and negative perceptions that the young educated adults have toward sexual diversity should be considered for educational institutions in Nairobi, Kenya. Attitudes and beliefs about homosexuality or sexual diversity are formed in the early growing years of the individuals which means that information about same-sex sexuality and efforts to reduce prejudice and stigma about queer individuals should begin in educational institutions.

5.2.1.3 Intergroup Contact Theory

The findings of the study show that 76.26% of the respondents with positive attitudes toward sexual diversity either know a homosexual and/or have a friend and/or relative who identifies as a homosexual, however, 47.73% of those who hold negative attitudes also either know a homosexual person or have a friend and/or relative who identifies as a homosexual. The intergroup contact theory suggests that the respondents
who have had contact with homosexuals should have more progressive attitudes toward sexual diversity which is partly true according to the findings of this study because a majority of the respondents with either very positive or positive attitudes toward sexual diversity have had contact with a person who identifies as a homosexual. However, like most theories, the intergroup contact theory still has its fallbacks with the fact that 47.73% of the respondents who hold negative attitudes have also been in contact with a homosexual which suggests that perhaps being in contact with a homosexual person is not enough to progress a person’s attitude toward sexual diversity. There are several other instances where groups experience considerable contact and yet conflict still occurs, for instance; a majority of the conflicts in Africa like the 1994 Rwandan genocide between Hutus and Tutsi’s, and also the fact that men have plenty of contact with women and yet sexism still remains a problem in most societies in the world. Therefore, more innovative research is needed to explain such fallbacks of the contact theory and how it may or may not fit into the African setting like Nairobi.

5.2.2 Religious Attitudes

The findings of the study suggest that a majority of the respondents (88.5%) claim that sexual diversity is wrong and incompatible with their religious beliefs. However, we should note that, amongst the 88.5%, there are respondents who still maintained an overall positive attitude towards the legalization of same-sex sexual relations in Kenya. This means that, just because some people find homosexuality religiously wrong, or incompatible with their religious beliefs, it does not necessarily mean that they would have a negative legal/human rights attitude towards same-sex sexuality too. What it means is that, it could be possible to have policies generated entirely on what people consider as legally necessary in order to avoid violence upon sexual and gender minorities in Kenya. When a person has friends or family who identify as homosexuals, it
is only natural that they would want them to be allowed to develop to their full potential within your society, and they would not want them to be violated in any kind of way.

Another interesting fact is that all the Muslim respondents expressed very negative attitudes toward sexual diversity and using their religion as a source that informs their attitudes. This is explained earlier on the study where it is noted that in the Qu’ran, it is widely maintained and is even more explicit and unrelenting in its denunciation of homosexuality than the bible, which may explain why all the Muslim respondents had strong negative attitudes toward same-sex sexuality. Some Muslim respondents even went further and agreed to the statement that “There should be human rights violations on the basis of a person’s sexual orientation and/or choice of gender”.

There were several Christian respondents too that claimed that Jesus taught his people that homosexuality was wrong. However, looking at the bible, according to Marc Epprecht (2013), the only verses that condemn homosexuality are in the Old Testament. Nowhere in the New Testament does Jesus teach his disciples about homosexuality which goes on to tell us that perhaps there are many people who follow religious teachings blindly without actually understanding exactly what the religious teachings entail.

Furthermore, all religions teach love, forgiveness, and the idea of letting God be the judge of all sinners. Perhaps religious leaders need to start teaching the populations that God does not judge a person by their ability to follow rules and regulations but on the purity of their intentions. For instance, the current Catholic Pope Francis on the issue of homosexuality has commented that “Who are you to judge the sexual practices of another?” which reminds us that there are so many things we do in our daily lives that are incompatible with our religious beliefs, for instance, premarital sex.
Feminist theology comes in to suggest the second way to deal with negative religious attitudes toward sexual diversity. Feminist theology argues that there should be a multi-gendered use of the language and imagery of God which in turn should put an end to such strict differentiation on the sex and gender of the population. By personifying God as a man automatically accords the woman a subordinate position which creates room for violence given the nature of human beings. Therefore, policy advocates should also work with religious leaders on the fight against homo-negativity because it is clear that religion largely informs the attitudes of the population towards same-sex sexuality as Feminist theologians have claimed throughout the years.

5.2.3 The Curability of Homosexuality

According to the findings of the study, 50% of the respondents felt that homosexuals could be cured if they sought both medical help and/or religious or spiritual help. 12.9% of the 50% expressed that only religious and/or spiritual help could cure homosexuals, 7.1% felt that medical help could cure homosexuals, and 30% expressed that both medical and religious or spiritual help could cure homosexuals. These findings tell us that there is lack of knowledge amongst the university students on the idea of same-sex sexuality. This is because, it has both been declared by the United Nations and the World Health Organization that homosexuality is not a disorder thus no medical help could “fix” it so to say. This means that there is need of more information on the issues of same-sex sexuality to the heterosexual public of Kenya.

Therefore, there is a need of a comprehensive course on same-sex sexuality within the educational system of these universities. Perhaps when people fully understand the concept of sexual diversity, then their attitudes may change. It is one thing to not be in
favor of an issue that you completely understand, and another to claim not to be in favor of an issue you do not fully understand.

5.2.4 Human Rights Attitudes

Despite negative moral and religious attitudes, the respondents of the study still expressed positive legal attitudes particularly on the issue of human rights. The respondents displayed a positive outlook on the concept of human rights of homosexuals; a majority of the respondents (88.6%) agreed that homosexuals deserve the right to any job that they are qualified for, and that a person has the right to become a homosexual if they choose to be (62.9%).

However, a majority of the respondents (60%) disagreed to the idea of legalizing same-sex marriages in Kenya. Looking back, a majority of the respondents (52.8%) also either agreed to complete acceptance of sexual diversity and that the population be taught on how to embrace and accommodate differences, or sexual diversity should be accepted but with certain reservations. Although the reservations were not explicitly outlined by the respondents, an analysis of their responses to the other questions may indicate the reservations that they had in mind.

Since the majority of the respondents expressed that human rights are indeed universal, and that homosexuals deserve not to be discriminated from jobs basing on their sexual orientation and/or choice of gender but however denied the idea of legalized same-sex marriages, this tells us that perhaps the reservation they had in mind is the one that Marc Epprecht talks in his works as the “Don’t ask, don’t tell” attitude in African societies.

The respondents believe that homosexuals deserve the same rights as heterosexuals; however, their same-sex unions shouldn’t be openly displayed through acts
such as legal marriages. Perhaps the thought of homosexuality being “flaunted” to the point of having public same-sex marriages is what the respondents are not okay with. Second, it could be that the respondents refused the idea of legalizing same-sex marriages because they want a part of their culture preserved. That culture is the one of a nuclear family with the ability to bear children within the family, as Msibi (2011) noted that Africans value procreation over any other aspect.

Whatever the case, perhaps this is a good place to start with policy advocacy because any step taken is a step toward reaching full equality amongst heterosexuals and homosexuals. Policy advocates in Kenya should therefore use the idea of having acceptance with “reservations” as a start toward their fight for equal rights. This is because, naturally humans like to feel in control of the decisions they have made, and they do not want to feel like they have no control or a say to a decision they have made. Therefore perhaps acceptance with reservations is definitely a good convincing tool to start with. Those reservations can be dealt with, with time, however for now; the focus should be decriminalizing consensual same-sex sexual relations in Kenya.

**The concerns expressed**

All the respondents, regardless of having overall positive or negative attitudes toward sexual diversity expressed concerns over the effects of the legalization of the same-sex sexual relations in Kenya. These concerns were; Low procreation, Spread of STDs & STIs, same-sex sexuality is immoral and curable, and that sexual diversity is un-Africa (or not in the African culture). The issues of whether homosexuality is un-African and the curability of homosexuality have already been addressed at the beginning of this study, therefore, with regards to the other concerns, the following analysis and recommendations are provided below;
Spread of STDs and STIs

The concern over the spread of sexually transmitted diseases and infections is understandable because according to the Center for Disease Control and Prevention in Kenya, anal sex is the highest risk of sexual behavior for HIV transmission. Vaginal sex has a lower risk, and activities like oral sex, touching, and kissing carry little to no risk for getting or transmitting HIV. The vast majority of men, who contract HIV, contract it through anal sex. However, we need to acknowledge that anal sex is also one of the ways women can get HIV too.

This realization is needed within the policy makers in Kenya because by discriminating MSMs from sexual health and by not educating the public on such issues then this in-turn creates space for the rapid transmission of HIV infections and it is the population that suffers. The government of Kenya needs to realize that the rapid spread of such sexually transmitted diseases will just retard the population’s ability of delivering to their full potential which in turn affects the overall development of the country as well.

Low Procreation

Thirty percent of the respondents expressed a concern over procreation; some even further claiming that sexual diversity will lead to a population decrease. This thought is ultimately misguided and suggests that university students need to be taught about technology and the various forms of contraception, and fertilization methods that are available in recent times. Same-sex couples can opt for a surrogate mother or even adopt children. There are currently many children in orphanages in Kenya who are need of a loving home; it would be illogical denying these children a perfectly loving home where they can grow up to be bright efficient individuals. Studies have already been done which have concluded that children naturally have their own sexual orientation different
from their parents. This means that just because a child is raised by a gay couple, it does not mean that the child will turn out gay too. Such information has to be delivered to university students so that they have complete understanding on the matter of sexual diversity.

5.3 Position of the State

From the findings of the study, it is evident that Kenya is playing a removed stand from the issue of rights of sexual and gender minorities. However, Kenya still quietly intervenes to protect the rights of sexual and gender minorities which is evident from the recent campaign to sensitize policemen on how to deal with cases concerning gender and sexual minorities. It is also good to note the high court cases that the LGBTI organizations in Kenya have managed to win against the state which has made them get the right to register their organizations in Kenya. For instance, the High Court’s ruling to register the National Gay Lesbian Human Rights Commission (NGLHRC) under the Non-Governmental Organizations Coordination Board Act. This court decision is a significant victory for the LGBTI community, not only in Kenya, but elsewhere in Africa where LGBTI groups have faced similar obstacles to registration. Another great case of victory to note is the one of Audrey Mbugua, a transgender activist who stunned many Kenyans with her decision to be recognized as a woman. In July 2014, the high court ordered the authorities to register her lobby group, Transgender Education and Advocacy, saying their refusal to do so had no legal basis and was an abuse of power.

5.4 Conclusion

The violence, discrimination, and stigma against sexual and gender minorities in Kenya imposes a much bigger cost to the Kenyan society than what has been realized or acknowledged. Homophobia affects people from all classes of the Kenyan society
whether directly or indirectly. This extends to the poor, the religious people, married, and especially women and children. As illustrated in this study, homophobia is complicated and its effects are a dangerous cost to Kenya’s economy.

The paranoia that surrounds the concept of sexual diversity is understandable, especially the idea of the paranoia being blamed upon western societies. Looking at history, back at the days of slave trade and colonialism, and the horrific crimes done to Africans by the Europeans, it becomes understandable why the current African leaders become enraged with western suggestions on the decriminalization of consensual same-sex sexual relations. However, at the end of the day, as a nation, you cannot have half of your population being discriminated against just because they are women, and then another percentage discriminated just because of who they chose to love, it becomes almost impossible to envision and expect a developed nation with positive peace while the violence is still going on.

Kenya does not need to look to the West for ideas on how to develop effective responses to end violence against gender and sexual minorities; it can develop effective sustainable solutions on its own. Besides, there are several methods of conflict resolution methods that existed in traditional African societies before coming of the Europeans. Kenya needs to acknowledge that violence against sexual and gender minorities only retards its economy and staying quiet by playing a removed role does not help the situation, it makes it worse. The public needs to understand the concept of sexual diversity. The government needs to put up more programs to educate and sensitize the population on how to embrace and accommodate differences within their society. This homophobic culture is definitely not the African culture as it is seen even through the concept of “Ubuntu”. The Kenyan government needs to decriminalize consensual same-
sex sexual relations and let go of the claim that the Kenyan society may not be ready as explained in chapter two of this study. We do not create safe societies because people are ready; we create safe societies for everyone because we need safe societies in order to develop to our full potential.

Perhaps, we, as the population, also need to consider the emotional attachment of same-sex relations, instead of being quick to assume and imagine what goes on behind closed doors then perhaps it may make us more empathetic and understand where the attraction is coming from. Gender and sexual minorities are people just like anyone else, they too go through depression, and life hardships just like anyone else. It would be horrendous to imagine that someone would choose to be gay considering the unbearable conditions full of human rights abuses that they have to live in and the violence they have to face each and every single day of their lives.

Educational institutions are also the biggest tool which can be used to reach out to the population especially on the efforts to address the misconceptions and negative perceptions that surround the concept of sexual diversity within the African culture. Information about sexual diversity and efforts to reduce prejudice and stigma about homosexual individuals should begin in educational institutions because educational institutions may arguably be one of the best channels for generating awareness on sexual diversity. Therefore, schools and other educational institutions in Nairobi, Kenya should seriously consider including in their curriculums topics on human sexuality, sexual diversity within the African culture and perhaps how to manage people of homosexual orientation so that the population and also future leaders in Kenya will be sufficiently prepared to deal with the issue of sexual diversity.
REFERENCES


78


UNDP. (2007). A Review of Regional and National Human Rights Based on HIV and AIDS policies and Frameworks in Eastern and Southern Africa. UNDP.


APPENDICES

Questionnaire used for the study

ATTITUDES SURVEY

I, Martha Beatus Massawe, student ID No. 632443 am a Masters Student at United States International University (USIU) – Africa, pursuing a Post-Graduate program – Masters in International Relations (MIR). I am currently conducting a Research Dissertation on: ‘An Assessment of the Human Rights Attitudes towards same-sex sexuality in Kenya’, which is in partial fulfillment of the requirement for my masters degree. Please, note that any information provided will be treated with confidentiality and at no instance will it be used for any other purpose, other than for this Research Dissertation. As a participant in this study, you are free to refuse to participate, accept to participate or withdraw your consent to participate during the course of the survey.

PART I: Tick where appropriate

Age:   Below 18 years
       18 years – 24 years
       25 years – 35 years
       36 years – 45 years
       Above 46 years

Sex and/or Gender:   Male
                      Female

Occupation: .................................................................

Level of Education: Primary School Certificate
                   Secondary School Certificate
                   Bachelors degree holder
                   Masters degree holder
                   Doctorate

If you are an undergraduate student, what is your class standing?

A) Freshman
B) Sophomore
C) Junior
D) Senior

Religious affiliation (if any): .................................................................
PART II: Moral attitudes: (Strongly agree, Agree, Unsure/Neutral, Disagree, Strongly disagree) Tick or Circle or the correct response

1. Do you know any homosexual person?
   A) Agree
   B) Unsure
   C) Disagree

2. Do you have a friend who identifies as a homosexual?
   A) Agree
   B) Unsure
   C) Disagree

3. Do you have any relative/family who is a homosexual?
   A) Agree
   B) Unsure
   C) Disagree

4. The sexual practices of two consenting adults is their own business?
   A) Strongly Agree
   B) Agree
   C) Unsure
   D) Disagree
   E) Strongly Disagree

5. A person’s sexual orientation is their own business?
   A) Strongly Agree
   B) Agree
   C) Unsure
   D) Disagree
   E) Strongly Disagree

6. Homosexuality is a natural sexual preference variation in humans?
   A) Strongly Agree
   B) Agree
C) Unsure
D) Disagree
E) Strongly Disagree

7. Homosexuals could be cured if they sought medical help or any other kind of help?
A) Strongly Agree
B) Agree
C) Unsure
D) Disagree
E) Strongly Disagree

8. Would it disturb you if you found out your lecturer was a homosexual?
A) Strongly Agree
B) Agree
C) Unsure
D) Disagree
E) Strongly Disagree

9. Would it make you uncomfortable if you found out your doctor was a homosexual?
A) Strongly Agree
B) Agree
C) Unsure
D) Disagree
E) Strongly Disagree

10. Would you feel comfortable working closely with a gay man?
A) Strongly Agree
B) Agree
C) Unsure
D) Disagree
E) Strongly Disagree

11. Would you feel comfortable working closely with a lesbian woman?
A) Strongly Agree
B) Agree
C) Unsure
D) Disagree
E) Strongly Disagree

Part III Religious Attitudes

12. Are you religious? (i.e. You believe in, and worship a supreme power, or You are part of a particular system of faith and worship)
   A) Strongly Agree
   B) Agree
   C) Unsure
   D) Disagree
   E) Strongly Disagree

13. Religion informs your attitude toward most aspects of your life.
   A) Strongly Agree
   B) Agree
   C) Unsure
   D) Disagree
   E) Strongly Disagree

14. Sexual diversity is not compatible with your religious beliefs.
   A) Strongly Agree
   B) Agree
   C) Unsure
   D) Disagree
   E) Strongly Disagree

15. Homosexuals can be cured if they sought religious and/or spiritual help?
   A) Strongly Agree
   B) Agree
   C) Unsure
   D) Disagree
   E) Strongly Disagree
16. Tick the most appropriate;

A) Homosexuality should be totally condemned and those practicing same sex sexuality in Kenya should sought medical or spiritual help

B) Homosexuality should be accepted but with reservations. (i.e. Same sex sexuality can be accepted but only under certain circumstances)

C) Homosexuality should be accepted, and the population should be taught on how to embrace and accommodate differences.

**PART IV: Legal Attitudes (Strongly agree, Agree, Unsure/Neutral, Disagree, Strongly disagree)**

17. People have a right to be homosexual if they choose to be?

A) Strongly Agree

B) Agree

C) Unsure

D) Disagree

E) Strongly Disagree

18. There should be no human rights violations on the basis of a person’s sexual orientation or choice of gender?

A) Strongly Agree

B) Agree

C) Unsure

D) Disagree

E) Strongly Disagree

19. Homosexuals have a right to any job they want provided that they are qualified for it?

A) Strongly Agree

B) Agree

C) Unsure

D) Disagree

E) Strongly Disagree

20. Homosexuals deserve to be recognized under the marriage act in Kenya?

A) Strongly Agree

B) Agree
C) Unsure
D) Disagree
E) Strongly Disagree

21. Should the Kenyan government legalize consensual same sex relations?
A) Strongly Agree
B) Agree
C) Unsure
D) Disagree
E) Strongly Disagree

Why? ……………………………………………………………………………………………………………………………

**BONUS Question (You may choose to answer or not to answer this last question)**

In your opinion, what are the three major factors that can determine someone’s attitude toward same-sex sexuality? (e.g. perhaps religion, or culture, or age, or a particular life event, or education, or social status, etc)

i) ……………………………………………………………………………………………………………………………

ii) ……………………………………………………………………………………………………………………………

iii) ……………………………………………………………………………………………………………………………
Semi-Structured Interview Questions

1. Are the sexual practices of two consenting adults really their own business in African context like Kenya?

2. Is it true that some people choose to be gay because of particular life events like trauma, poverty, or more of a bandwagon thing?

3. Is there a bias on people’s attitudes toward a homosexual of their (same) sex compared to a homosexual of the opposite sex? Why so?

4. What are the attitudes that people have towards same-sex sexuality in Kenya?

5. In your opinion, what are the factors that determine an individual’s attitude toward sexual diversity in Kenya?

6. Does the patriarchal nature of most African societies like Kenya inform the attitudes that people have toward sexual diversity? I.e. especially considering the strict observance of gender roles?

7. Are women more progressive in their attitudes compared to men?

8. Can age determine a person’s attitude toward same-sex sexuality?

9. What causes homophobia?

10. Has the Kenyan government at the very least attempted to protect the rights of gender and sexual minorities?

11. What is the Kenyan state’s stand with regards to same-sex sexuality?

12. Does religion influence the laws formulated in Kenya?
13. Should the Kenyan government legalize consensual same-sex sexual relations? And do you feel that the Kenyan society is ready to embrace and accommodate same-sex sexuality?

14. What are the biggest challenges you face when trying to fight for equality for gender and sexual minorities in Kenya?

15. What recommendations would you suggest as a solution toward ending the current violence against sexual and gender minorities in Kenya?
Nacosti Research Permit

Nacosti permission to conduct research granted to the researcher.