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Motorcycle Taxi Operators' Perceptions of Sexual and Gender Minorities in Coastal Region, Kenya

Esther Adhiambo

Executive Director, Initiative for Equality and Non-Discrimination, Mombasa, Kenya

Michael Muraguri

Research and Advocacy Officer, Initiative for Equality and Non-Discrimination, Mombasa, Kenya

Akiko Kobayashi

Master of International Affairs Candidate, Columbia University, New York, USA

Abstract:

The purpose of this study was to investigate motorcycle taxi operator's perceptions of sexual and gender minorities in Coastal region of Kenya. The study focused on the following three objectives; to assess the motorcycle taxi operators' perceptions of sexual and gender minorities in Coastal region, to investigate motorcycle taxi operators' perceptions of the root causes of violence against sexual and gender minorities in Coastal region and finally to identify possible solutions or remedies to the violence suffered by sexual and gender minorities in Coastal region. A cross sectional descriptive research design was used. The sampling techniques used were purposive and proportionate to size sampling. Descriptive statistics was used to analyze the data collected with the aid STATA software. Validity of the instruments was achieved through expert judgement of gender and human rights subject matter experts. Reliability was tested by subjecting the instruments to a pilot study through the internal consistency technique and a Cronbach's alpha of 0.8065 and an average inter item covariance of 0.1200 was obtained. This study was guided by the theory of social disorganization by Shaw and McKay. The study established that cultural values, religious perspectives and a lack of knowledge on the rights of sexual and gender minorities embedded in the constitution were major factors in instigating violence against sexual and gender minorities.

Keywords: Motorcycle taxi operators, Sexual and Gender minorities, Violence

1. Introduction

Sexual and gender minorities (SGM) have consistently been exposed to extreme hostility and human rights violations in Kenya. A case in point is the two Kenyan men that were subjected to forced anal examinations at the Mombasa Coast Provincial General Hospital in February 2015 after police took them into custody for alleged homosexual conduct. The two later launched a constitutional petition against the police, Director of Public Prosecutions, Coastal General Hospital, the Ministry of Health and the magistrate that ordered the forced anal examination at the High Court in Mombasa. The High Court threw out the case on 16th June, 2016 – ruling that the practice of 'testing' for homosexuality via anal exams is constitutional. The state has also challenged a High Court ruling that LGBTI groups have the right to freedom of association, arguing that the name of their organization for instance the National Gay and Lesbian Human Rights Commission was "improper" as the Penal Code of Kenya's constitution criminalises "gay and lesbian liaisons" (BBC News, 2016).

SGM in Kenya face the following challenges, that include the dominance of traditional religious and social attitudes towards gender, sexuality, marriage and family, which results in stigma and prejudice against those whose sexual orientation or gender identity does not conform to societal norms (Gay Kenya Trust, 2010). The absence of explicit protection from discrimination in Kenyan law and the existence of legal norms which have been interpreted as criminalizing further entrench stigma and discrimination against sexual and gender minorities. Prejudice and a lack of legal protection together contribute to a climate where sexual and gender minorities are disproportionately vulnerable to physical violence and discrimination in access to public services, including particularly healthcare, and employment (Kenya Human Rights Commission, 2011). Sexual and gender minorities feel they cannot be open about their sexual orientation or gender identity, or they will face harassment and violence.

Transgender persons face particular forms of marginalization and ill-treatment arising from discriminatory laws and from abuse by state officials. A number of discriminatory laws and policies, such as the absence of a rights-respecting legal gender recognition policy, compound discrimination. Transgender individuals have found that changing the gender on one's academic certificate for example the Kenya Certificate of Secondary Education requires one's original birth certificate upon which when the registering officer responsible sees one's born sex refuses to issue the certificate reflecting a name typically associated with a different gender. Traditional social and religious attitudes also play a significant role in perpetuating homophobia and transphobia in Kenya (Equal

Rights Trust, 2012). Religious leaders bear a great deal of responsibility for the stigma surrounding homosexual demeanour, due to the bias in interpreting the Bible and Quran in ways which condemn homosexuality rather than showing love, tolerance and acceptance. Motorcycle taxis are a popular form of transport in the coastal region of Kenya for many including gender and sexual minorities since they are cheap and quick. The motorcycle taxi operators are usually found at the side of main roads and in particular at bus stops where they wait for alighting passengers from buses and mini vans to take them to their various specific destinations. They are typically in groups of at least five since they found are in high population areas. Due to their low-income levels and sometimes being idle they are an easy prey for politicians and religious leaders, who mobilize them to achieve a certain agenda the leaders want to achieve.

In the Coastal Region of Kenya, sexual and gender minorities have suffered physical violence, psychological torture and loss of property at the hand of motorcycle taxi operators. Ignorance and intolerance have continued to fuel this inhumane treatment of sexual and gender minorities. The Initiative of Equality and Non-Discrimination (INEND) endeavored to undertake this study in order to have a better grasping of motorcycle taxi operators' perceptions of sexual and gender minorities. This will be crucial in generating innovative, context relevant educational and advocacy programmes for the general public including motorcycle taxi operators concerning the human rights of sexual and gender minorities in Coastal region.

1.1. Statement of the Problem

Unemployment in Kenya is on the rise, and it has led to many young men being employed or seeking self-employment as motorcycle taxi operators. These groups have in some chaos been a known source of violence and have rioted, destroyed property, attacked and physically harmed individuals. They have been known to be used by politicians, opinion leaders and religious leaders to bring turmoil. An example of this was witnessed in Mtwapa town, Kilifi County in 2010 when community residents attacked an HIV clinic frequented by men who have sex with men (MSM), and police, in "responding" to the attack, arrested some gay men. The main perpetrators were the local motorcycle taxi operators who were easily mobilized by religious leaders to attack the clinic. Thus, this study sought to investigate motorcycle taxi operators' perceptions of sexual and gender minorities in coastal region of Kenya.

1.2. Objectives of the Study

The study focused on the following three objectives:

- i. To assess the motorcycle taxi operators' perceptions of sexual and gender minorities in Coastal region.
- ii. To investigate motorcycle taxi operators' perceptions of the root causes of violence against sexual and gender minorities in Coastal region.
- iii. To identify possible solutions / remedies to the violence suffered by sexual and gender minorities in Coastal region.

1.3. Research Questions

The study focused on the following three research questions

- i. What are the motorcycle taxi operators' perceptions of sexual and gender minorities in Coastal Region?
- ii. What are motorcycle taxi operators' perceptions of the root causes of violence against sexual and gender minorities in Coastal Region?
- iii. What can motorcycle taxi operators tell us about possible solutions / remedies to the violence suffered by sexual and gender minorities Coastal region?

1.4. Significance of the Study

The Initiative of Equality and Non-Discrimination (INEND) feels it is imperative to reach these known perpetrators in order to educate and inform them on the need to change their perception of gender and sexual minorities. INEND intends to build relations with motorcycle taxi operators' representatives at major stages, in order to have allies who can stop the violence or increase public knowledge, by engaging in conversations on GSMs with those who will not have had training on sexuality and human rights. It is anticipated that by engaging these groups of perpetrators while sensitising and educating them on the need to respect human rights for all, they will be allies who can report violations against GSMs, and who can help in seeking assistance and justice for those who have been violated.

2. Literature Review

Fundamental steps have been put in place through the United Nations system, to inform and raise awareness of the human rights of gender and sexual minorities. The Human Rights Council passed a resolution to appoint an Independent Expert that will protect against violence and discrimination on persons of diverse sexual orientation and gender identity in July 2016 (United Nations Human Rights Office of the High Commissioner, 2016).

Although there is a seemingly gradual increase in awareness of the impact of sexual orientation and gender identity based discrimination, some countries most notably from the African continent and those with conservative state religions continue to oppose and antagonize efforts made. For instance, Human Rights Watch has written about the degrading practice of forced anal probe examinations on sexual and gender minorities in eight countries since 2010; these include Cameroon, Egypt, Kenya, Lebanon, Tunisia, Turkmenistan, Uganda, and Zambia (Human Rights Watch, 2016)

Opposition to increased awareness of discrimination based on sexual orientation and gender identity has also taken the form of resistance by some states to General Assembly and United Nations Human Rights Council resolutions and accreditation to the United

Nations of regional and international non-governmental organizations that deal with sexual and gender minorities. For instance, the abstaining to vote by Botswana, Ghana, India, Namibia, Philippines, South Africa in a UN resolution that mandates the appointment of an independent expert on sexual orientations and gender identities. In spite of this opposition, reference to human rights of sexual and gender minorities has increased at a wider berth globally, and new frontiers of dialogue and conversations opened up.

The African Charter on Human and People's Rights which was adopted on Adopted 27 June 1981, and entered into force on force 21 October 1986 by Member countries of the African Union. States in chapter one, article two "Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status" (African Charter On Human And Peoples' Rights, 1981) However sexual and gender minorities in African countries continue to face discrimination, prejudice and violence at the hands of state and non-state agents. Politicians have been at the forefront of instigating this discrimination and isolation of SGM, for instance in Kenya the Deputy President openly stated that homosexuality is not African and against Godly principles (Karanja, 2015) In Uganda, President Museveni has often come out gun blazing saying homosexuality is unnatural and is not a human right (CNN, 2014).

While African Political leaders have continued to use the argument of cultural relativism to oppose human rights of sexual and gender minorities, empirical evidence shows that homosexuality was practised among African communities even before colonization. The Azande community of South Sudan recognized and allowed the marriage of boy-wives and dowry was paid for them (Evans-Pritchard, 1970). Other tribes like the Bantu of Angola, Zulu of South Africa and Ameru of Kenya allowed transgender males to marry their fellow men (Greenberg, 1988). In Uganda, the Langi community allowed effeminate men to marry men as their brides to be. The Amhara people of Ethiopia viewed sexual minorities as God's errors and not as criminals deserving death (Murray & W Roscoe, 1998) It was with the entry of the White man's rule and colonisation that sexual and gender minorities were punished, criminalised and even death sentences handed down to them in Sub Saharan Africa (Gupta, 2008)

Kenya has ratified ICCPR and is now part of the Kenyan domestic law through Article 2 (6) of the Constitution of Kenya, 2010. The Constitution of Kenya affirms inclusiveness and protection of the marginalized as valued tenets of the Kenyan state. Further, through articles 27 (4) and (5), readtogether with Articles 259 (4) (b) and 260 (definition of a person and marginalized group), the Constitution of Kenya prohibits direct and indirect discrimination against any person by the State or other person (Constitution of Kenya, 2010). Article 27 (4) has an illustrative open ended list of grounds for non-discrimination and reads that "the State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth." Article 27 (5) states that "a person shall not discriminate directly or indirectly against another person on any of the grounds specified or contemplated in clause (4). This however may require judicial interpretation as it is not explicit.

Rights like, freedom of expression, religious equality, and the equality of women - continue to meet deep resistance from the political class and the general public due to culture (Nzomo, 2014). Proponents of this cultural relativism assert that even though human rights and values, are universal they differ to a great extent according to different cultural perspectives. It then follows that cultural relativists apply this theory to the promotion, protection, interpretation of human rights which can be construed in different ways in diverse cultural, ethnic, social, political and religious traditions. They politicize it further by asserting that human rights are western notions, imposed on the populations of Kenya.

Sexual and gender minorities (SGM) are subject to a number of discriminatory criminal laws, absence of protection framework, conservative social attitudes and religious beliefs, absence of legal gender recognition and discrimination at the hands of state and non-state actors. Homosexual conduct is illegal in Kenya, with the Penal Code specifying that "carnal knowledge against the order of nature" (section 162) and "act[s] of gross indecency" between men (section 165) are punishable with between 5 to 14 years' of imprisonment (Constitution of Kenya, 2010). While section 162 of the penal code does not make explicit reference to consenting sexual conduct between males, it has generally been interpreted as criminalizing such conduct, as have these other colonial-era laws (Kenya Human Rights Commission, 2011) The Office of the UN High Commissioner for Human Rights (OHCHR) has repeatedly expressed its concern that laws criminalizing same-sex relations between consenting adults constitute to the rights to privacy and non-discrimination violations as provided in the International Covenant on Civil and Political Rights (ICCPR) (Office of the United Nations High Commissioner for Human Rights, 2015)

2.1. Theoretical Framework

This study was guided by the theory of social disorganization by Shaw and McKay (Shaw & McKay, 1942). This theory puts emphasis on the place of work and the social groupings. It says that the social environment matters a lot in determining the behavior and attitude of an individual (Haynie, 2006). The social disorganization theory guided the researchers in determining the important societal roles of motorcycle taxi operators as well as of gender and sexual minorities in Coastal region of Kenya.

2.2. Conceptual Framework

The researchers in conceptualizing this study considered three variables. The independent variable was the of motorcycle taxi operators' perceptions, while the dependent variables were sexual and gender minorities and root causes of violence against gender and sexual minorities. The intervening variable affects the dependent variables either positively or negatively these were, culture, religion and politics.

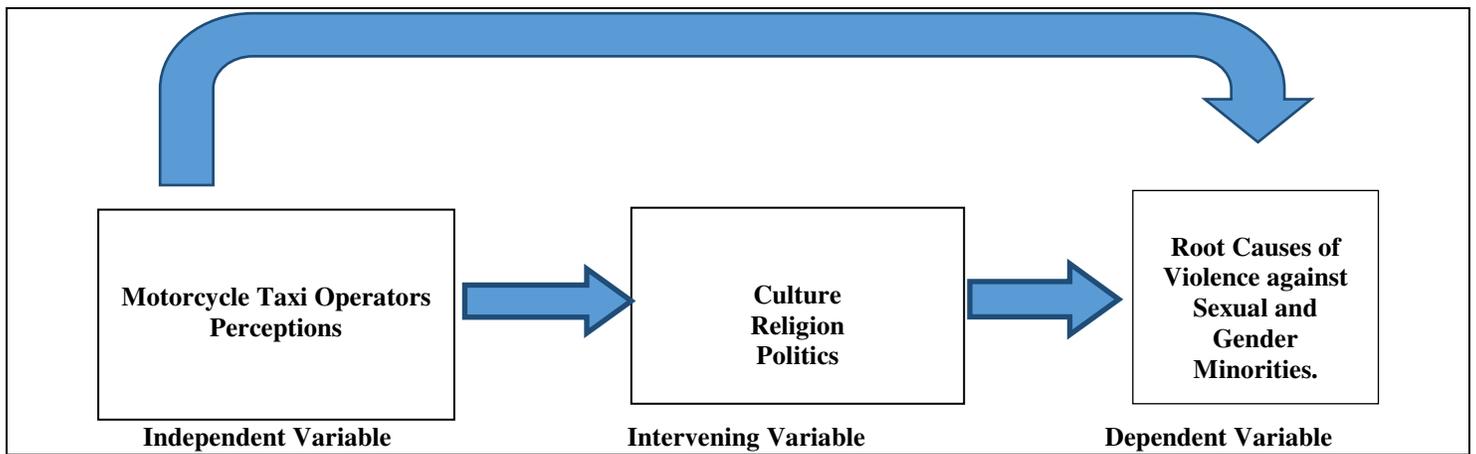


Figure 1: Conceptual Framework

3. Research Design

This study adopted a cross sectional descriptive survey research design. This is a type of observational study that entails analysing data collected from a populace, or a representative sample, at one specific point in time (Maxwell, 2013). This allowed the respondents to describe the phenomena under investigation without consuming much of their business time.

3.1. Sampling Procedure and Sample Size

Purposive and Proportionate to size Sampling was used to get the respondents for the structured questionnaires administered. From a study population of 505 motorcycle taxi respondents a sample size of 120 respondents was drawn using Nassiuma’s formulae (Nassiuma, 2000):

$$n = \frac{NC^2}{C^2 + (N - 1) e^2}$$

$$n = \frac{505 \times 0.25^2}{0.25^2 + (505 - 1) 0.02^2}$$

$$n = \frac{31.5625}{0.2641} = 119.51$$

$$n = 120 \text{ samples}$$

Thus, the sample size is 120 samples

Where: n = Sample size,
 N = Population,
 C = Coefficient of variation,
 e = Standard error.

Location	Population	Sample Size
Mtwapa	105	(105 ÷ 505) × 120 = 24.95
VOK	35	(35 ÷ 505) × 120 = 8.32
Bombolulu	30	(30 ÷ 505) × 120 = 7.13
Nyali	35	(35 × 505) × 120 = 8.32
Shanzu	300	(300 × 505) × 120 = 71.29
TOTAL	505	120.01

Table 1: Probability Proportionate to size Sampling

3.2. Data Collection and Analysis

Quantitative data collected was analysed using descriptive statistics, that is, mean, mode median, percentages and frequencies with the aid of STATA software (version 14). The results were presented in figures, percentages and frequency distribution table.

4. Questionnaire Survey Results

To understand the general characteristics of motorcycle taxi operators in the region and the knowledge and attitudes towards sexual and gender minorities, we conducted a self-administered questionnaire survey. We asked the leaders of motorcycle taxi operators associations for the numbers of members registered in the region and calculated the sample size (see Method section for details). Leaders recruited purposively the calculated sample size from the regions. We recruited 139 participants from the five regions (Table 2).

Location	Population	Target sample size	Actual Data collected
Mtwapa	105	25	28
VOK	35	8	11
Bombolulu	30	7	10
Nyali	35	8	10
Shanzu	300	71	80
TOTAL	505	120	139

Table 2: Computed and Actual Sample Size

All respondents completed the questionnaire in full.

4.1. Demographic Characteristics

All of the respondents were male. About a quarter of the respondents were age between 18 and 25 ($n = 39, 28.1\%$) and about a half of the respondents were age between 26 and 35 ($n = 72, 51.8\%$). About a half of respondents had at least some primary level education ($n = 65, 47.1\%$), and a similar number of respondents had some secondary education ($n = 58, 41.3\%$). The majority of them were Christian ($n = 99, 71.2\%$), and a quarter of them were Muslims ($n = 37, 26.6\%$). A large proportion of them entered the business due to either the lack of another source of income or in need of additional income ($n = 115, 82.7\%$). More than 90% of the participants earned below 20,000 KES per month from the motorcycle taxi operation ($n = 126, 91.3\%$). Among them, 65% earned below 10,000 KES per month from the business ($n = 83, 65.4\%$). Most of them have worked in the business less than 10 years ($n = 128, 92.8\%$).

Age Category	n	%
Below 18	1	0.7%
18 - 25	38	27.3%
26 - 35	72	51.8%
36 - 45	23	16.5%
46 - 55	3	2.2%
55 and Above	2	1.4%

Table 3: Age Distribution of the Respondents

4.2. Knowledge about Sexual and Gender Minorities

Close to 80% of the respondents indicated that they knew what gender and sexual minorities are when we asked in Yes / No format ($n = 110, 79.7\%$) (Table 4). However, when asked to provide a short definition for each term, many of the respondents either did not provide the definitions or confused the terms for bisexual, transgender and intersex. Many of the respondents were familiar with the term "gay" and "lesbian" and provided somewhat correct explanations.

	Yes (%)	No (%)
Do you know who are Gay, Lesbians, Bisexual, Transgender & Intersex?	110 (79.7%)	23 (16.7%)

Table 4: Knowledge about who are Sexual and Gender Minorities

More than half of the respondents answered they know some gay individuals ($n = 69, 50.4\%$). The percentage of people who knew some lesbians dropped to 23% ($n = 32, 23.4\%$) and eight percent or less for bisexual, intersex, or transgender (bisexual: $n = 3, 2.2\%$, intersex: $n = 8, 5.8\%$, transgender: $n = 10, 7.3\%$). This corresponds with majority of respondents being able to provide the definition for the term "gay", but not for "lesbian", "bisexual", "transgender" and "intersex".

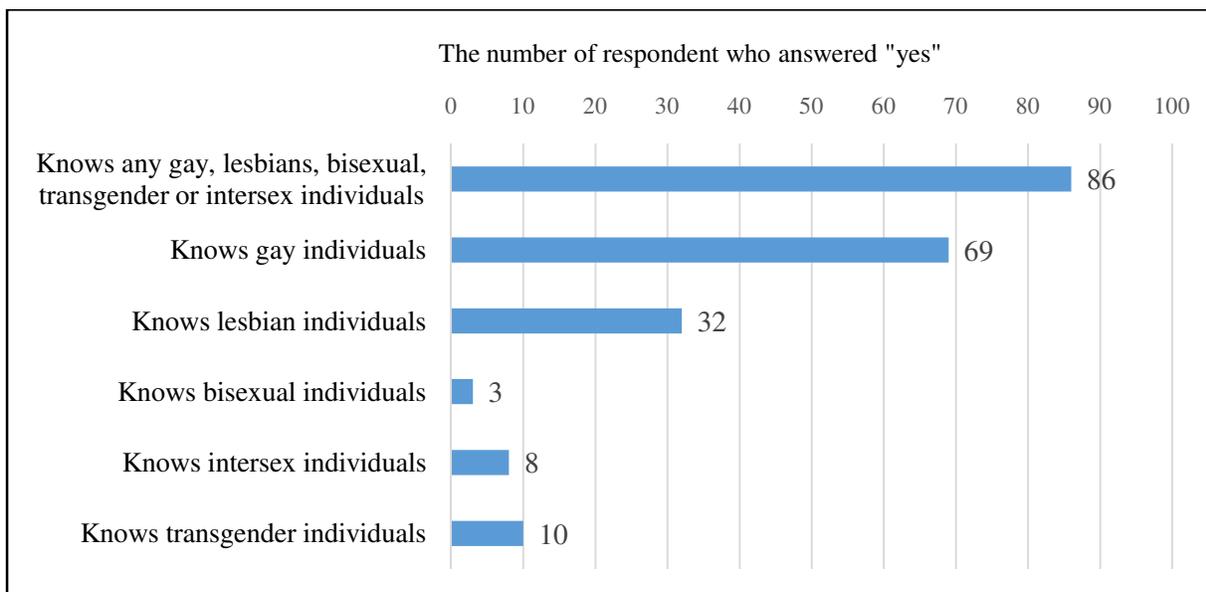


Figure 1: Knowing Someone Who is a Gender or Sexual Minority (n = 137)

4.3. Assaults towards Sexual and Gender Minorities

Asked if they have ever witnessed physical or verbal assault towards gender or sexual minorities, 40% of respondents answered yes (n = 60, 43.5%).

	Yes (%)	No (%)
Ever witnessed physical or verbal assault towards gender or sexual minorities	60 (43.5%)	78 (56.5%)

Table 5: Assaults against Sexual and Gender minorities

4.4. Perceived root causes of violence against Sexual and Gender minorities

The main perceived root causes of violence against sexual and gender minorities were “Traditional African beliefs” and “Religious beliefs” (n = 70, 50.7%, n = 66, 47.8%). Then "A lack of understanding of the human rights of Gender and Sexual Minorities" and "Peer pressure" followed (n = 56, 40.6%, n = 40, 29.0%).

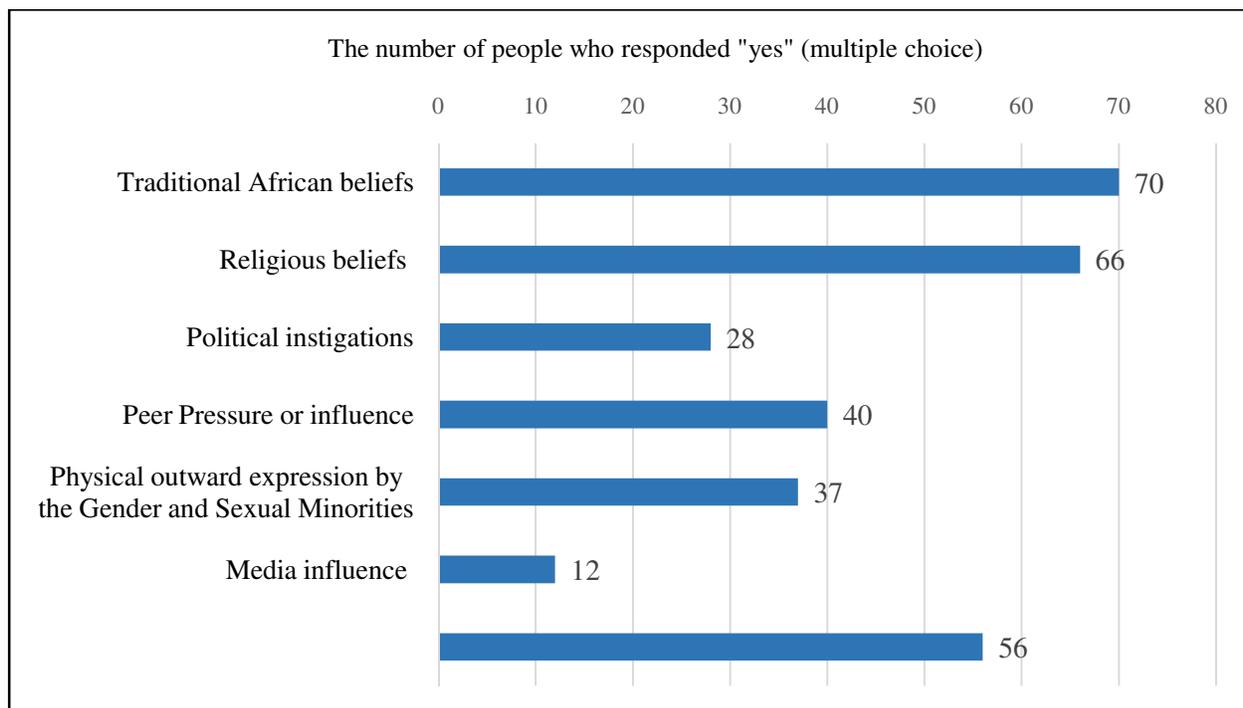


Figure 2: Perceived root causes of violence towards gender and sexual minorities (n = 138)

4.5. Frequencies of Occurrence of Assaults on Sexual and Gender Minorities

Among some types of the assaults on sexual and gender minorities, "Throwing a dismissive or contemptuous look at sexual and gender minorities" happened most frequently, about half of the respondent answered it happens either "Often" or "Always" (n = 67, 48.6 %) as shown in table 6

	n	Average*	S. D.*
1. Throwing a contemptuous look at sexual and gender minorities.	138	3.4	1.5
2. Telling insulting, sexually coloured jokes, stories, or Making sounds that are perceived to be inappropriate and sexually coloured in your company about sexual and gender minorities.	138	3.3	1.4
3. Gesturing or signaling to sexual and gender minorities in a sexually charged or suggestive way.	136	3.1	1.3
4. Intimidation or threatening on the grounds of your sexual orientation.	132	2.8	1.2
5. Refusal of entry to participate in activities, hotels, nightclubs or being served due to sexual orientation.	135	2.3	1.3
6. Spreading of sexually connoted rumors about sexual and gender minorities.	135	2.9	1.5

Table 6: Frequencies of Occurrence of Assaults on Sexual and Gender Minorities

* Response options - 5: always, 4: often, 3: sometimes, 2: rarely, 1: never

* Standard Deviation - a measure to quantify the amount of variation or dispersion of a set of data values

4.6. Possible Remedies to Reduce / Prevent Assaults

The respondents rated the effectiveness of 7 activities listed in Table 7, in reducing or preventing the assaults towards sexual and gender minorities, using the scale of 1 to 5, 1 being "Very Low" and 5 being "Very High". Although there were not large differences between the average score each activity earned, "Trainings and workshops on the human rights of sexual and gender minorities" and "Awareness campaigns of the human rights of sexual and gender minorities" came to the top, with the majority of the respondents rating the likely effectiveness of these activities as "High" or "Very High" (n = 71, 51.8%, n =69, 50.4 %).

	n	Average*	S. D.*
1. Awareness campaigns of the human rights of sexual and gender minorities.	137	3.1	1.5
2. Speedy and timely response from the Police service.	136	2.7	1.4
3. Media exposure to different cultures in the world through Newspapers, Radio, Television and Social Media	138	2.8	1.3
4. Cultural tolerance and acceptance to people who are culturally different from us.	132	2.7	1.5
5. Religious recognition, acceptance, appreciation of diversity of people in the society.	134	2.6	1.6
6. Trainings and workshops on the human rights of sexual and gender minorities.	137	3.3	1.5
7. Moderate outward physical appearance in dressing and make up	136	2.9	1.4

Table 7: Possible Remedies to Reduce / Prevent Assaults

* Response options - 5: very high, 4: high, 3: moderate, 2: low and 1: very low

* Standard Deviation - a measure to quantify the amount of variation or dispersion of a set of data values.

5. Conclusions

The study established that cultural values, religious perspectives and a lack of knowledge on the rights of sexual and gender minorities embedded in the constitution were major factors in instigating violence towards sexual and gender minorities. A majority of the motorcycle taxi operators knew about gays and lesbians but little about transgender, bisexual and intersex people. Verbal abuse that is sarcastic jokes and outright demeaning language was common against sexual and gender minorities.

5.1. Recommendations

On the basis of the study results, the researchers recommend the following;

- i. For the better understanding of sexual and gender minorities in the society, sensitization programmes should be held with motorcycle taxi operators. The programmes should include the correct information about the definitions of sexual and gender minorities, demystifying that it is an imported or a new phenomenon, and their human rights.
- ii. INEND should develop a network of motorcycle taxi operators, where it has its ambassadors among them on the ground, who will report the violent incidents towards SGM. Since the motorcycle taxi operators are on the ground daily and carry a variety of people and transverse different geographical areas while carrying passengers to their destinations.
- iii. Development of an online platform or a hotline where motorcycle taxi operators can report assaults to illustrate the whole picture of the violence towards SGM in the region.
- iv. Awareness programmes for key stakeholders that influence public attitudes towards SGM such as the media, political leaders' religious leaders and the police force should be implemented. The programme should cover the bill of rights for the minorities in international human rights law and in the Kenyan constitution.
- v. The sensitization programmes should target the key places in the community where the assaults were witnessed, as well as owners and staff of hotels, bars, nightclubs and restaurants.
- vi. INEND should use social media like WhatsApp, Facebook, and Instagram to inform the public about the human rights of sexual and gender minorities.

The outcomes and recommendations of this study would help human rights policy makers, civil society groups and government agencies in informing the public on the human rights of gender and sexual minorities.

5.2. Suggestions for Further Studies

The study relied on the non-random samples drawn from the limited geographical regions only. The issues of representation and generalization stand as limitations. Furthering the study to understand the generational differences in the attitudes towards SGM, tendencies to participate in assaults, and effective methods of reaching different age groups will be helpful to develop more effective sensitization programmes. Another suggestion for the further studies would be to interview the people who have actually attacked the SGM before. It is further suggested that studies would be carried out in other counties and among other groups of people in order to know the perceptions of people and the root causes of assaults against sexual and gender minorities in Coastal region of Kenya.

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