SAFE SPACES





Have Called You By Name, You are Mine

A training manual on religious inclusion for Christians at the Periphery

Safe Spaces

I Have Called You By Name, You are Mine.

A training manual on religious inclusion for Christians at the Periphery



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KENYA

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Prologue

In Genesis 1:31, God saw all he had made - "And behold, it was very good". Even after the fall, God promises to reconcile all things to himself - Colossians 1:19-20. This book offers opportunity to extend religious leaders' knowledge on the diverse spectrum of God's creation, especially those at the periphery of Christian faith.

Religious leadership derives its mandate from Jesus' command to preach to all nations - Matthew 28: 16 - 20. While this preaching has to be passionate (in season and out of season), it also has to be compassionate. It should be careful not to use quarrelsome words such as the often quoted "love the sinner but hate the sin." Words such as these emphasize stigmatizing language which, as St. Paul notes such only ruin those who listen - "the Lord's servant must not be quarrelsome but must be kind to everyone, able to teach, not resentful" 2 Tim 2:24.

Empirical research done in Kenya ably demonstrates that how religious leaders who know Gender and Sexual minorities personally, are more likely than others to be empathetic. Moreover, such religious leaders are less likely to advocate for violence and social exclusion against gender and sexual minorities. This is hardly surprising because religious leaders know the value of "being known by name" - Isaiah 43:1, Jeremiah 1:5, and John 10:3.

This book is primarily targeted for those religious leaders who believe in the promise of salvation is for all people - 1 Timothy 2:4, includes gender and sexual minorities. Those who believe that God's grace and forgiveness has no limits Luke 17:4 will also find this book helpful in their work and calling.

List of Abbreviations

SOGIE Sexual Orientation and Gender Identity Expression

HR Human Rights

SRHR Sexual Reproductive Health Rights

LGBTI Lesbian, Gay, Bisexual, Transgender and Intersex

GALCK Gay and Lesbian Association of Kenya

CSO Civil Society Organization

MSM Men having Sex with Men

STI Sexually Transmitted Infections

UDHR Universal Declaration on Human Rights

ICCPR International Covenant on Civil and Political Rights

MARPS Most At Risk Populations

ICESCR International Covenant on Economic, Social and Cultural Rights

KHRC Kenya Human Rights Commission

KNHREC Kenya National Human Rights and Equality Commission

NYARWEK Nyanza Rift Valley and Western Kenya LGBTI Coalition

PEMA Persons Marginalized and Aggrieved

IAM Inclusive and Affirming Ministries

SEE Social Education and Ethics

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Daniel Peter Onyango



Executive Director

Let Good Be Told In us (CBO)

Nyanza Rift Valley and Western Kenya Network (NYARWEK)

INTRODUCTION

Background Information

The interplay between religion and law is a fascinating and intricate one. Like other institutions in society, religious institutions and their leaders play an important role in how gender and sexual minorities are perceived and treated. Christians have often sought to influence legislators in ways which furthered the creation of a society based on Christian principles. Christian churches have historically supported the civil power in its establishment of legislation to prohibit same-sex relations and to punish offenders.

Abrahamic religions like Christianity, Islam and Judaism in general have no doubt played an enormous role in encouraging homophobic attitudes. Many Christian religious leaders use the Bible to denounce homosexuality by pointing to passages that are used to condemn homosexual people. These passages include: the creation story as narrated in Genesis 1-3, the Sodom narrative in Genesis 19:1-26, Judges 19; Leviticus 18:22 - 'Do not have sexual relations with a man as one does with a woman; that is detestable' (NIV); Leviticus 20:13 - 'If a man lies with a male as with a woman, both of them have committed an abomination; they shall surely be put to death; their blood is upon them' (ESV); 1 Corinthians 6: 9-10 - 'Or do you not know that the unrighteous will not inherit the kingdom of God? Do not be deceived; neither fornicators, nor idolaters, nor adulterers, nor effeminate, nor homosexuals......will inherit the kingdom of God' (NASB); 1 Timothy 1: 9-10 - We also know that the law is made not for the righteous but for.....the sexually immoral, for those practicing homosexuality¹..... (NIV); Romans 1:27 - 'In the same way the men also abandoned natural relations with women and were inflamed with lust for one another. Men committed shameful acts with other men, and received in themselves the due penalty for their error' (NIV).

According to some Christians, these passages are crystal clear and as such, those who engage in homosexuality are sinners who deserve to be gravely punished by God. However, we cannot randomly choose isolated Bible verses and interpret them without regard to the Biblical and contemporary context, because that would be a fundamentalist or instrumentalist approach to religious instruction. In addition, while a person's sexuality is a very important part of their lives, it does not define who they are. A person should be defined in the first instance in terms of their relationship with God, since as Christians we believe that all human beings are created in image and likeness of God (Gn 1:27). To shun someone because of their sexuality is to narrow their identity and as a consequence the image of God in them, to sexuality alone.

^{1.} Some Biblical theologians however question whether the Greek word used in this context can be translated to mean homosexuality

The Lesbian, Gay, bisexual, Transgender and Intersex (LGBTI) persons who are in our society, places of worship, our neighbourhoods and even our families continue to face discrimination and rejection. They have been told by their families that they do not belong to them, they have been told by religious institutions that they are desperate sinners and by the law that they are criminals. We therefore cannot limit our discussion on homosexuality or non-conforming gender identity as if they existed auxiliary to the personhood of LGBTI persons. Rather we need to focus this discussion on religious perspectives on the live realities of LGBTI and on what role if any, religious institutions can play to positively change how the LGBTI are viewed and treated in Kenyan society.

It is clear from the study carried out by NYARWEK that there are many people in various churches and other religious institutions who have same sex attraction but are afraid to be open about it for fear of how they will be treated by those in their church among others. Building on the premise that our identity should be defined primarily in terms of our humanity before God and not in terms of sexual orientation or gender identity, the Church needs to understand that a consistent approach to pastoral care is needed.

Compassion and clear and unambiguous communication of God's love must begin at the pulpit and spreads out from there. Condemnation from the pulpit on the other hand closes the door to compassionate pastoral care outside the pulpit. Pastoral care should therefore be built on the proclamation of God's love for us regardless of our perceived sexual identity. In sum, there is need to treat the LGBTI persons with the same understanding, compassion and grace as others, and to create an atmosphere of tolerance and acceptance where their pastoral needs may be met.

It is in recognition of the above that the Nyanza Rift Valley and Western Kenya LGBTI Coalition (NYARWEK) has partnered with organizations like Inclusive and Affirming Ministries (IAM), Persons Marginalized and Aggrieved (PEMA Kenya), Kisumu Initiative for Positive Empowerment and other religious groups in increasing levels of awareness and advocating for safe space, tolerance and acceptance of the LGBTI community within religious contexts. Since 2012, NYARWEK's approach has been to reach out to religious leaders in an effort to make them aware of the existence of the LGBTI community and to provide a platform for interrogating the relationship between sexuality and spirituality. In addition, religious leaders are encouraged through a "clergy to clergy" concept to be champions of compassionate tolerance and expression of Christ-like love for the LGBTI persons.

Religious Leaders Survey

In May 2015, NYARWEK commissioned a survey to examine the perspectives of religious leaders and their institutions on gender nonconformity and same-sex sexuality. Gender nonconformity refers to a person's deeply held understanding of one's own gender identity

which may deviate from what is typically expected based on one's biological sex. The survey also sought to discover some possible determinants of religious attitudes and perceptions towards the LGBTI persons in Western Kenya. This was done with a view to identify gaps, suggest a way forward and consequently develop a contextual resource that can be used for training religious leaders on how to spiritually engage members of the LGBTI community.

Among other things, the survey sought the views of the respondents on their perception on the discrimination and violence faced by homosexuals. 84.5% of the respondents strongly agreed and agreed that violence against people was wrong, while 10% strongly disagreed and disagreed that the use of violence against people was wrong. At the same time, a shocking 35% of the respondents strongly agreed or agreed that violence against homosexuals can be justified if it helps to preserve cultural and social values. 62.2% on the other hand strongly disagreed or disagreed with the use of violence against homosexuals.

On awareness of homosexuality, of the 103 successfully enumerated, the majority (63.1%) of the respondents had had no contact with and therefore did not know any LGBTI persons, while 33% of the respondent had had some contact with or knew an LGBTI person. Only 30.1% of the respondents acknowledged that they were very knowledgeable about same sex sexuality, 36.9% of the respondents acknowledged that they had some little knowledge, while another 33% had no knowledge on same sex sexuality. 26.5% of the respondents admitted that their perceptions and attitudes towards the LGBTI had changed significantly since their initial contact with either a Lesbian, bisexual or gay person while 73.5 % of respondents recorded no change in perception. In general, respondents with frequent contact with the LGBTI persons tended to view homosexuality more positively than those who had minimal or no contact with them. And with respect to the causes of homosexuality, opinions were fairly varied. Only 3.9% of the respondents were of the opinion that people are born homosexual while 8.7% felt that it was because of the nurture, socialization or upbringing. The largest proportion (70.9%) thought that being gay or lesbian was simply just the way some people chose to live.

Based on the results of the survey and the Focus Group Discussions held with religious leaders, it was resolved that:

- There is need for a continuous process of trainings and forums for dialogue that are geared towards creating awareness on same sex sexuality and the need for love and compassion towards the LGBTI community.
- 2. There is also need for a multi-sectoral approach to these trainings, backed with data or detailed information from genetics, social science, sexual health, religion, philosophy, human rights and other relevant fields.

3. Taking the above into account should lead to the development of a contextual resource for training religious leaders that takes into account the various cultural, social and religious contexts and also creates awareness on LGBTI issues.

This manual, inspired by NYARWEK, religious leaders in Western Kenya and other stakeholders, is meant for training trainers and seeks to provide a toolkit of resources to help address stigma and discrimination faced by the LGBTI persons within faith communities. It is designed primarily as a resource to encourage thought and dialogue. The manual will hopefully equip clergy and those who hold leadership positions within religious institutions to more comfortably engage those they serve in a creative learning process to stamp out stigmatization and to create safe spaces for dialogue, tolerance and acceptance of the LGBTI persons.

Training Aims and Objectives

It is hoped that the training and workshops carried out using this manual will provide the participants with an opportunity to:

- i) Provide a theologically sound basis for tolerance, acceptance and mutual respect for all persons including sexual and gender minorities in the society
- ii) build sensitivity on stigma and discrimination, its dynamics, causes and effects
- iii) Identify culturally and religiously acceptable ways of working with sexual and gender minorities
- iv) Develop a pastoral response sensitive to sexual and gender diversity within our faith communities
- v) Create a cadre of change agents who will continue to advocate for social and religious tolerance and mutual respect for all human beings in our society.

Methodology

- i) Knowledge sharing sessions presented on Power point
- ii) Brainstorming sessions in small groups and plenary
- iii) Role playing and group exercises

Profile of Participants

Participants should be selected from among religious leaders and opinion leaders who have the most influence in the society. A training workshop may include leaders from one religion/denomination or from various religions/denominations. These may include pastors, theological students, leaders of faith based organizations and other church leaders.

MODULE 1-

The Role of Religion in Contemporary Society

Objectives:

At the end of this module, participants will be able to:

- Define religion and understand its role in forming attitudes and perceptions
- Identify the role of religion in influencing social change
- Define the role of religious leaders in ensuring the world is a better place for all
- Develop a basis for love and compassion towards the marginalized

Introduction

The religious and cultural landscape has shifted significantly over recent decades. In some societies, traditional religious institutions are becoming marginalized and separated from public life, with a growing number of people saying that they have no religious affiliation, yet more than eight in ten people worldwide still identify with a religious group. ² In many societies, recognition of the role played by faith and religious culture in public life is increasing. In these contexts, faith groups exercise influence, build social capital and provide services, advocate for change and also mobilize communities for positive and useful action.

Religion as a constructive force for good

Hardly a day goes by without religion being in the news. The nature of the media is such that most of its coverage focuses on strife and extremism, but beneath the surface of negativity is a deep ocean of creative thought and action by faith communities seeking to make the world a better place. Moved by a view of how a better world should be, by the appeal to love and justice in various holy writings, and by the example of selfless religious leaders throughout history, people of faith will continue to shape the way individuals and societies are organized around the world. Faith and religious observance, at their best are triggers of social progress; they play a key role in forming attitudes and perception and also stabilize social and political systems. In a nutshell, faith plays a positive role in societal affairs and is considered a constructive good which can have a positive influence in promoting social change.

Religions like Christianity, Islam and African Traditional Religions have been perceived as embodying social and spiritual resources that are fundamental for change

^{2.} http://www.pewforum.org/2012/12/18/global-religious-landscape-exec/

and development. The Christian Church for example, has been an active participant in defending its members and citizenry against state extremisms, advocating for human rights and raising consciousness on social and political issues.

Faith as a deconstructive force for evil

In equal measure, some Christian churches have paradoxically also played the role of opposing societal change and political reform by supporting oppression either overtly or by their silence. Religious fundamentalism has also been the most divisive breeding ground for some of the world's problems including war, terrorism, violence, apartheid and the like. Throughout history, religions have too often been either wielding power or on the side of the powerful. As a result, religion has in many instances ended up oppressing the poor and the weak in society, propagating slavery, economic injustices, injustices against women, etc. This is because in religious fundamentalism, there is a strict, literal, absolutist adherence to a set of beliefs which are held as infallible. To reach their objectives, fundamentalists supersede the wishes of the majority of the population and trample on the views of the minority. Fundamentalism is therefore dangerous in a world characterized by social diversity of race, ethnicity, religions, sexuality, gender and personal views.

What is religion?

Religion can be defined as a way of ordering the world that seeks to re-bind people to the sacred and to each other - the living, dead and the yet to be born. In other words religion seeks to bind a community and its members across generations to the sacred. As a tradition, religion is handed over from one generation to the next and interpreted so as to preserve continuity across the changes necessary to bring it to life in each new generation and context. Religion also signifies viewing and ordering the world in reference to:

- (i) Notions of sacred reality
- (ii) Spirituality in the human experience
- (iii) Tradition
- (iv) Providing concepts for ordering and understanding existence. (including ultimate problems of suffering and death)

Cunningham and Kesley define "religious" as displaying a "sacred regarding intention." They argue that the following are necessary elements of religion, yet no single element, taken alone, is sufficient to make a religion:

- a. Belief
- b. Feeling
- c. Practices
- d. The Individual and the community
- e. Moral values

Group Exercise: Facilitator should divide the training participants in groups of 3 - 5 participants, and have them answer the following two questions

 What challenge in your country troubles you and what do you think God wants you to do to address it?

Responses may include some of the following themes:

- HIV and Aids
- Population growth
- Climate change
- Food security
- Creating an informed society
- Anti-corruption
- Business ethics
- Civil society and Governance
- Societal values
- Peace building and Conflict resolution
- Human Rights

After the discussions each group is given five minutes to present their discussions in plenary. Thereafter, the facilitator highlights the following roles of religion.

The Role of Religion in influencing public attitudes, perceptions and behavior

- 1. Religious worldview provides a basic model of reality and serves to explain how and why things are the way they are and why they continue or change. It embodies for its adherents, whether explicitly or implicitly, the basic assumptions concerning the ultimate order of things on which they base their lives. It serves as an evaluation tool for judging and validating experience.
- 2. Religious worldview provides security and support for the behavior of a group of people. It systematizes and orders people's perceptions of reality in an overall design. It also filters out glimpses of reality that do not conform to the beliefs concerning how that reality should be. In so doing, it exists as a prophetic voice that calls for change and repentance from time to time.
- 3. Religion underpins a society's worldview. It is said to hold the key in formulating a society's worldview, regulating the way individuals perceive society and their specific roles in it. It specifies particular norms and values which themselves control private and

public life. It shapes people's relationships, responses and reactions which influence the individuals, family, community and beyond. Some of society's evils in history like slavery, apartheid and in Nazi Germany originated from and found justification from a religious worldview.

- 4. Religion provides powerful emotional symbols of group identity, like religious piety group prayer groups, dressings and practices, which bring people together even in the midst of great opposition. It has the potential to liberate, empower and restore people's dignity. It supplies a special kind of moral anchorage which society yearns for and provides meaning to life, offering people hope, faith and courage to overcome life's obstacles.
- 5. Religion can influence social change both in a positive and negative way. Religion can contribute to the status quo by invoking the sacred due to believers' respect for tradition and continuity thus inhibiting social change. On the other hand, certain aspects of religion challenge the status quo and encourage change. In particular circumstances, religion can be a profoundly revolutionary force, holding out a vision of how things ought to be. Historically, religion has been one of the most important motivations for change because of its particular effectiveness in uniting people's beliefs with actions, their ideas with social lives.
- 6. Religious movements have structures that help them teach, preach, influence and lead social change.

Meredith McGuire has identified three change promoting aspects of religion namely: religious ideas, religious leadership, and religious groups.³

Religious ideas: religious ideas and meanings indirectly influence society through people whose interests lie in pursuing those ideas. They also apply these ideas to social action by forming the content of what a group of people wants and what their perceived interests are. For example, the liberation struggles in Africa had important impetus for religious ideas. It is these ideas that explained the evils of colonialism and motivated people to act and change their political and social circumstances. Religious symbols frequently present an image for future change; they create a vision of what could be and suggest to believers their role in bringing about change. This is depicted in ideas such as 'the heavenly city' or 'new Jerusalem' especially when directed to the social sphere.

Religious Group: The religious group, whether large or small is also a potential for change. This potential exists because especially in a religious community, religion is a source of power. Religion is not just an experience of power but it also empowers its adherents. It provides for them an unstructured state in which all members of a community are equal, allowing them to share common experiences, usually through a rite of passage. This gives

^{3.} McGuire, Meredith. The Social Context, 3rd Edition. Belmont: Wadsworth Publishing Company, 1992, pg. 221

them the courage to apply the proposed new order to their social world. This kind of power can provide great dynamism and has the capacity to unite different segments of society thus bridging barriers of ethnicity, race, class, gender, family, nationality etc. In a nutshell, in Africa, religious groups have been the most effective vehicles for change because they are better situated to mobilize change oriented action. In some situations, religious organizations and leaders are virtually the only available voices of change.

Religious Leadership: The desire for change is usually articulated by a charismatic/prophetic, effective leader who can express desired change, motivate followers to act and direct their actions into larger movements for change. The followers of a charismatic person may feel empowered in their relationship with him or her and with one another. Historically, religion has been a major resource for these leaders because religious claims form a potent basis of authority. The religious leader is a prototype for change for he or she challenges the status quo, confronts the powers and the established way of doing things, claiming to be taken seriously on religious authority.

MODULE 2-

Understanding Leadership in Religious Calling

We often talk about religious 'leaders' but do we reflect enough on what it means to be leaders of faith? What is our role in society and do we mediate this role effectively. In this module we shall reflect on what it means to be religious leaders in our African context(s). Importantly, we shall reflect on how we either challenge or reinforce attitudes against the marginalized in our society.

Group Exercise: Through a popcorn question exercise, ask the participants to name the most important skill or characteristic of a religious leader.

Then Write the first four things you hear each on a separate piece of paper and tape each paper each of the four corners of the room. Ask participants to stand up and go to the corner they feel has the most important skill or characteristic for leadership.

Starting with one corner, ask participants to explain why they feel that skill/characteristic is important. After each group has spoken, review any additional leadership characteristics not mentioned by any of the groups. You can ask participants to mention values they would like to see in their religious leaders. Feel free to write them on a flipchart.

Definitions of Leadership

Leadership is about mapping out where you are and where you need to go to achieve your goals as a team or an organization. Leaders are therefore responsible for helping themselves and others to do the right thing, set direction, build an inspiring vision and create something new. Hierarchical leadership (having a leadership structure consisting of multiple levels) is common in most formal institutions such as the military, religious congregations, corporations, organizations; and in informal groups, among peers and social institutions. Those in formal leadership roles, however, are not necessarily the only leaders in an organization or group. Other people who have leadership skills emerge as strong voices, and people want to follow and listen to them. These informal leaders may not have decision making power, but people respect them and often believe in their vision. Whether leaders are born or made is an age old question for debate. However, most of us know leadership when we see it, and we can all improve our leadership skills.

Aspects of leadership

Here are a few aspects of leadership important for religious leaders in their work.

- A process of influencing group activities towards a goal
- Taking control of a group
- · Directing and managing
- Setting good examples for others to follow
- Having the ability to assemble, direct and serve others
- Having the ability to sensitize and lead the way/mobilize
- Being attentive and tolerant
- Knowledge of how to communicate a message
- · Being a servant rather than a master

Principles of Leadership

Group Exercise: The Facilitator should lead the participants in identifying the principles of leadership either in small groups or in plenary.

The principles identified could include the ones in the list below which is not exhaustive.

- Have a plan and learn how to communicate it
- Supervise the people you are leading by finding out what they need
- Monitor progress
- Take responsibility
- Listen and communicate
- Learn how to follow and let others lead
- Set an example for others to follow
- Act with maturity and humility
- Be tactful and innovative
- Act with honesty and integrity
- Create a vision
- Know yourself

Servant Leadership

Jesus is the originator of servant leadership. He portrayed, practiced and introduced this model of leadership in John 13:1-17 referred to as servant leadership. This model of leadership became visible and prominent when Jesus washed the disciples' feet. In so doing,

he exhibited love, humility and service through relationship building, counsel, mentoring, teaching and training. In John 13:4, Jesus puts his clothing to the side to wash the feet of his disciples. As a leader, he chooses to let his authority go, through a symbolic act of taking off his clothing and tying a towel round his waist. This act was considered the work of a slave in the Jewish culture. But for Jesus and his followers, the act of foot washing in John 13 has become a representation of love. Leadership can therefore be expressed not only through an act of humble service, but also through an intentional effort by the leader to pay close attention to his follower's physical and spiritual life showing sincere love.

Servant Leadership Qualities

- A servant leader must pay attention to his followers as Jesus did with Peter when he exhibited confusion and frustration at Jesus' washing his feet. A servant leader must show understanding towards his followers by placing himself in the shoes of his disciples.
- A servant leader influences his followers instead of forcing his followers to do what he
 wants. Jesus' reply regarding the washing of his feet portrayed the act of influence
 versus an act of force. Because of the influence of Jesus, Peter was able to accept
 the proposition of Jesus to wash his feet though Jesus was the leader.
- A servant leader engages in honest self-evaluation similar to the Biblical admonition to "first take out the log in your own eye, and then you will see clearly to take the speck out of your brother's eye."
- Jesus lived and modelled the truth he taught. Although one of his messianic titles
 is 'the servant," his service was rooted in his obedience to the will of the Father.
 As such, he modeled and taught the principles of servant leadership in his public
 ministry and private mentoring.
- Servant leadership that is rooted in genuine and deep love for God provides the wisdom and strength needed to give our lives in service to others.

Religious leaders and the exercise of power

Leadership contains within it notions of power and exercise of power. Religious leaders in our communities exercise different forms of power in and out of faith communities. The way they exercise this power determines the effectiveness of their message in the society. It also determines how well marginalized groups are treated in the society.

What is power?

Power is defined as having the authority to accomplish goals or act in a desired manner. Power may also be defined as the ability to make people do what you want them to do. For many people, the idea of power invokes notions of brutality, domination and selfishness. It is however important to remember that there are various types of power: some that denote force and cause suffering and others that refer to strength and leadership.

Power over: Power can be used to control others or get them to serve the powerful person's needs. Powerful people do not like to share power, as they fear that they will lose out in some way.

Power to: The ability and/or authority to make decisions or act in a desired manner, to shape one's life or one's world. It is a good use of power, as long as using one's power to act does not harm others.

Power with: Rooted in the understanding that power must be shared and cannot be controlled solely by one person. When power is shared it becomes stronger. Two people are obviously stronger than they would be alone, and a large group of people can influence powerful decision makers.

Power within: This is the basis for all types of power; it comes from life's experiences. It is the source of belief in our capabilities and strengths. It is the use of one's inner strength, wisdom and ability to act in ways that make one stronger to cope in difficult situations or more courageous to challenge unjust uses of power.

Power under: This is the use of power in destructive ways that come out of feelings of powerlessness. Examples include domestic violence and power struggles in community organizations.

<u>Group Exercise</u>; the facilitator should invite training participants to sing the "trust & Obey" song. After the song, divide the training participants into groups of 3-4 participants. Have them discuss the following:

- i. Do you believe that Jesus had power, how and where?
- ii. What problems do Christians have with the Trust & Obey message from Jesus

After groups have reported at the plenary, ask participants to join together in the "All To Jesus, I surrender all" song.

Religious Leadership

A Religious leader is one who is recognized by a religious body, order or organization as having some authority within that body to rule, guide and inspire members of the said religious body. A religious leader is also regarded as an authority on religious law and its interpretation. Religious leaders have some or all of these skills and characteristics mentioned above. In addition, they should have several unique qualities that cause them to stand out as religious leaders. These include:

"Compassion is sometimes the fatal capacity for feeling what it is like to live in somebody else's skin. It is the knowledge that there can never really be any peace and joy for me unless there is peace and joy finally for you too." — Frederick Buechner, author

- Belief in God
- Fairness and justice
- Patience and tolerance
- Honor for personal integrity
- Willingness to take unpopular stands and to advocate for unpopular positions
- Leading through vital personal relationships

The Bible is full of examples of prophets and kings who misused their power. It also has stories of people who did not want to use their power for good, because it was too hard. For example, Jonah refused to take the message of grace to Nineveh. There are also a number of stories of people who used their power for good. Notably, Jesus used his power to heal and release people from the burden of sin and challenged the unfair use of power by the religious authorities of his day. In Matthew 20:25-28 Jesus offers a radical view of power, suggesting that it can be used to serve and be a sacrifice for those you lead.

Leadership often starts with an individual on a personal level. However, leadership may also begin at a group level where an individual emerges with skills and the ability to perform leadership tasks and is affirmed by members of the group as a leader. Religious leaders should be inspired by their understanding of what God has intended for the world and how these ideas manifest themselves in different religious texts. Religious leaders ought to use the power available from within or given by God for the benefit of humanity.

A Religious leader can do the following:

- Start by developing leadership skills and a personal vision to better your community and the world
- Set realistic goals

- Strategize to mobilize society for social change
- Share your vision with other leaders and with your community

Love and compassion

What is compassion? By definition, it means a deep awareness of the suffering of another coupled with the wish to relieve it. It is not observing from the sidelines; it is the heartfelt care for another with both the intent and action. It exemplifies the character of God in who he is and how he responds to His children.

Theme for Reflection

"We can reject everything else: religion, ideology, all received wisdom. But we cannot escape the reality of love and compassion. This then is my true religion, my simple faith. In this sense, there is no need for temple or church, for mosque or synagogue, no need for complicated philosophy, doctrine or dogma. Our own heart, our own mind is the temple. The doctrine is compassion. Love for others and respect for their rights and dignity, no matter who or what they are: ultimately these are all we need. So long as we practice these in our daily lives, then no matter if we are learned or unlearned, whether we believe in Buddha or God, or follow some religion or none at all, as long as we have compassion for others and conduct ourselves with restraint out of a sense of responsibility, there is no doubt we will be happy......Compassion is not religious business, it is a human business. It is not a luxury. It is essential for our mental peace and stability. It is essential for human survival." - Tenzin Gyatso, the 14th Dalai Lama

Be compassionate - Luke 6: 36-37

"Therefore be merciful, just as your Father is merciful. Judge not, and you shall not be judged. Do not condemn and you will not be condemned. Forgive and you will be forgiven." (NKJV)

Compassion means to 'feel with,' to empathize or sympathize with someone. The Gospel of Luke takes compassion a step further and encourages us to have compassion as God would. That is a big task but as we are created in the image of God, we surely have the capacity for God-like compassion. Compassion achieves what justice alone cannot - it mends relationships. Relating with others is the most important aspect of living and this text tells us why. A loving relationship that does not judge or condemn, a love that forgives and is compassionate will then be returned to us in full measure. The scriptures compel us to show compassion to towards those in need, the aliens, the sick, the vulnerable and the oppressed. Throughout the Old and New Testaments the revelation of God's compassionate

character is revealed through his acts of kindness and concern for human suffering. From the beginning of creation God reveals himself as a God of covenant love - one who cares for His people.

Love and Compassion in the Old Testament

The significance of God's prevailing grace is seen in the following instances:

- He clothes Adam and Eve after their fall
- The account of the golden calf highlighted in Exodus 32-34 shows God's grace and compassion towards a sinful disobedient people. He restrains his wrath from the sinful.
- The same love would be expressed in the scattering of humankind at the tower of Babel. Despite the *fallen-ness* of the human race, God consistently demonstrates that He is a God of mercy.

The concept of loving kindness reverberates throughout biblical history. God leads, guides, provides for and protects His people - all based on His love. (Exodus 15:13; 20:6; Psalm 118:1-3) The covenantal love of God is joined together with God's compassion in Exodus 34:6-7. The Hebrew word for compassion is *raham*, which implies to love deeply, to have mercy and to be compassionate. It holds the basic meaning of sympathizing with others in distress with the desire to alleviate their suffering.

The basis of God's compassion toward Israel is his covenant with them. God's compassion towards His people resulted in the Israelites understanding that they are to display similar actions towards their brethren (Isaiah 1:17; Proverbs 19:17; Micah 6:8). Acts of compassion towards the aliens, the neighbour and especially to those who are in need or oppressed is required (Proverbs 21:10; Psalm 72:12-14; Exodus 22: 21-23), just as God's compassion reaches out to those in need of His care. God's love and care for His people, is displayed by those who protect the weak, promote justice and maintain peace (Leviticus 19: 9-18; Psalm 11:7). The compassion that causes an individual to help the weak, the sick, the disenfranchised or marginalized in society, is not limited to the children of Israel; it finds greater depth in the life of Jesus and is one of the cardinal virtues expected of the people of God in the New Testament (James 2: 1-13).

Compassion in the New Testament

Jesus Christ models and fully demonstrates the compassion and steadfast love of God. Because compassion is the character of God, the prophets declare that the same is required of the people of God (Micah 6:8). Jesus clearly shows compassion in how he treated people from every lifestyle. Christ's teaching challenged Judaic and Pharisaic parameters

of compassion experienced by the Jews at the time - from compassion for friends and neighbors, to all without exception, even to the point of loving one's enemies (Matthew 5:43-48; Luke 10: 30-37). Through the demonstration of His life, Jesus calls the people of God to practice love, kindness, compassion and servanthood towards those they encounter on a daily basis. The uniqueness of Jesus' ministry rests in his concern for persons - He truly loves people and considers them worthy of respect for what they are - bearers of the divine image of God. Christ's compassion has no limits. He ignores categories of people that are set within society and touches those who come to Him - no matter who they are or what they have done. This reaffirms that the principle of human dignity rests on a foundation of faith that asserts that God is the source and creator of all life. Human life is sacred because the human person is the most central and clearest reflection of God among us. Human beings have transcendent worth and value that comes from God; this dignity is not based on any human quality, legal mandate or individual merit and accomplishment.

In Luke 10, Jesus tells the story of the Good Samaritan in answer to the lawyer's inquiring question as to who is his neighbor. The lawyer is searching for limits and boundaries to set on whom he has to love. First century Judaism was ordered by boundaries with specific rules regarding how Jews should treat Gentiles or Samaritans, how priests should relate to others and how men should treat women. These boundaries allowed certain groups to assume positions of power and privilege. In answering the lawyer's question, Jesus broadens the concept of compassion and pity toward those in need by insisting that it is not just confined to members of the Jewish nation, but should be an act of love towards all people.

Galatians 3: 28 - 'There is neither Jew nor Greek, there is neither slave nor free person, there is not male and female, for you are all one in Christ Jesus.' (ESV)

Love and Compassion in the Church

The message is clear - one cannot love God and not love those whom God loves. And the converse is also true. An individual cannot love his neighbor with divine quality without loving God deeply. Love for God must support and pervade one another. It is therefore fundamental to view suffering and marginalized persons as created in the image of God and that each one of them is known and cared for by God without exception. Those who belong to God are therefore not to hold impartial judgment against another.

The poor, the disenfranchised, suffering and marginalized in society are precious to God (Isaiah 61:1; Luke 4:18; 6:20; 7:22). Jesus cares for the oppressed and downtrodden and His overall view of caring with compassion for those who are suffering can be summed up in Galatians 6:10, 'Therefore as we have opportunity, let us do good to all people, especially those who belong to the family of believers' (NIV). The Church is to be the conduit through which people are to experience the steadfast love and compassion of God.

It is the responsibility of the Church to minister to those in need, to bring the healing and comforting touch of Christ without partiality. Isaiah 30:18 says, 'The Lord longs to be gracious to you; He rises to show you compassion. For the Lord is a God of justice. Blessed are all who wait for him' (NIV). The Church can do no less.

MODULE 3 -

Stigma and Discrimination

Objectives:

At the end of the session, participants will be able to:

- Define stigma and discrimination
- Identify and discuss causes of stigma and discrimination
- understand consequences of stigma and discrimination
- Discuss stigmatization as experienced in scripture
- Identify the role of religious leaders in fighting stigma and discrimination

Introduction:

Akinyi's Story: Akinyi sat on the church steps all by herself, just after the church service. Congregants were engaged in conversations which were accompanied by occasional bursts of laughter.

No one seemed to be interested in her. That didn't trouble her much. What did trouble her was the pastor's sermon that morning. He preached on God's judgment of sin. The pastor's words still rang in her ears.... "AIDS is a result of one's sinful behavior" a statement that really troubled her; she had recently been diagnosed HIV positive and had started showing signs of AIDS. Everyone else had disowned her, including her family and friends. Her last hope was the church 'but how then is the church a place of refuge?' The pastor's sermon and the isolation she experienced in church left her really confused, hurting and contemplating suicide.

The above story illustrates the challenge of stigma and discrimination in our communities, both at family level and even at the Church. This leaves one to wonder;

- Where can one find comfort in the midst of pain and despair due to stigma?
- What is the cause of stigma?
- What does the Bible say about stigma and discrimination and what is the role of the Church in addressing stigma and discrimination issues?
- If Christ was physically here on earth, or had been there when this woman was stigmatized and discriminated, how would he have reacted and how would He relate with the woman?

Group Exercise Game; in the river

Explain: I will say "In the river", "on the bank" and "in the bank". When I say on the bank, you don't move and if I say in the bank you take one step backward, when I say in the river you take one step forward. If you make the wrong move then you are out of the game.

Discussions

Allow the game to run for 5 - 10 minutes. After the game, ask participants to sit down. In the large group, ask participants about their feelings during the game. Furthermore, ask those who made mistakes how it felt when group members laughed at or ridiculed them when they made wrong moves (feelings could be embarrassment, shame, humiliation, etc).

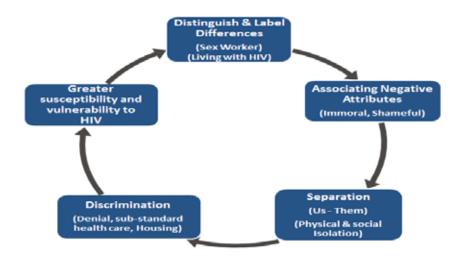
Facilitator tip: have the participants stand in a circle. Depending on the size of the group, you might want to play it outdoors.

Defining Stigma and Discrimination

The term **stigma** derives from Greek culture. In Hellenistic Greek the word *stigma* means a scar, mark or a brand indicating ownership. In the Graeco-Roman world stigma could be used on cattle and people. For people, it meant an actual physical mark, cut or burned into a person's skin designating a person's particular defect. This was a distinguishing sign so that the rest of society could recognize the marked person as disgraced and avoid contact with him/her. The reality represented by the term stigma is however not restricted to the Greek context. It is found and expressed in different ways in our societies.

Stigma is therefore a word that originally means a "sign," "point', or "branding mark." It is also defined as a <u>badge of shame</u>, a physical mark of infamy, or disgrace. Erving Goffman in his seminal work "Stigma: Notes on the Management of Spoiled Identity," first published in 1963 is widely recognized as the trailblazer of our modern understanding of the concept of stigma. In this book he describes stigma as "an attribute that is deeply discrediting" and results in the reduction of a person or group "from a whole and usual person to a tainted, discounted one." He notes that regarding "others" negatively, an individual or group confirms their own "normalcy" and legitimizes their devaluation of the "other".

Cycle of Stigmatization.



Adapted from N.Sartorius, 2006. "Lessons from a 10-year Global Programme Against Stigma and Discrimination because of an Illness." Psychology, Health & Medicine 11(3): 383-388.

Discrimination- Discrimination differs from Stigma. Discrimination is unfair treatment due to a person's identity, which includes race, place of origin, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability among others. As can be seen from the cycle of stigmatization above, stigma precedes discrimination. Having assigned a distinguishing label on a particular social character or difference, and consequently associating negative attributes to this label; creating the need to separate the "us" who are good/normal, vis-à-vis "them" this prepares grounds to treat anyone with that character differently - often unfairly. Acts of discrimination can be overt or take the

Equally, I cannot keep quiet while people are being penalized for something about which they can do nothing – their sexuality. To discriminate against our sisters and brothers who are lesbian or gay on grounds of their sexual orientation for me is as totally unacceptable as apartheid ever was. - Archbishop Desmond Tutu

form of systemic (covert) discrimination - laws that treat sexual minorities unfairly fall in the latter category.

Causes of Stigma and Discrimination

Irrational fears and lack of sufficient knowledge regarding someone's condition

- Social judgment, gender stereotypes, prejudice and ignorance.
- · Lack of awareness of stigma and its harmful consequences
- Structural facilitators such as laws, policies, institutions

Consequences of Stigma and Discrimination

- Denial of essential services including health services for people known or suspected to be gender and sexual minorities
- Suicidal thoughts and possible suicide
- Developing a practice of self-stigmatization internalization of social stigma
- Drugs and substance abuse
- Risky sexual behavior
- Intense fear of 'coming out.' Fear of coming out is not only limited to church settings
 (a faithful confiding to the pastor or church community), but it is also prevalent in
 families settings.

Stigmatization as Experienced in Scripture

A Biblical reflection on the issue of stigmatization should help members of the church understand their Christian calling in the fight against Stigma and Discrimination. It can also provide opportunity to discuss the sinful nature of stigma and discrimination, enable church members to use the bible as a tool to fight against stigma and discrimination and equip them to define and discuss challenges of stigma and Discrimination on our faith.

The Woman Subject to Bleeding: Mark 5:24-34 (Background reading: Leviticus 15:25-26)

Story also found in Matthew 9:20-26

A large crowd followed and pressed around him. And a woman was there who was subject to bleeding for twelve years. She had suffered a great deal under the care of many doctors and had spent all that she had, yet instead of getting better she grew worse. When she heard about Jesus, she came up behind him in the crowd and touched his cloak, because she thought, "If I just touch his clothes I will be healed." Immediately her bleeding stopped and she felt in her body that she was free of her suffering. (NIV)

Reflection Question

Enter into the heart of this woman. What fears might she be experiencing as she makes plans to touch the hem of the garment of Jesus?

Story Continues:

At once Jesus realized that power had gone out of him. He turned around and in the crowd he asked, "Who touched my clothes? "You see people crowding against you," his disciples answered, yet you asked, "Who touched me? But Jesus kept looking around to see who had done it. The woman knowing what had happened to her came at his feet trembling with fear, told him the whole truth. He said to her. He said to her, "Daughter, your faith has healed you. Go in peace and be freed of your suffering." (NIV)

Additional Personal Reflection questions

- Where do you find yourself in this story?
- Do you know the steps you can take to make your story parallel the story of Jesus?
- What was the driving force that moved Jesus to action?
- What would it take for you to move into action?
 Alternatively the group could answer the following questions;
 - 1. What does the fact the woman was fearful when she was discovered tell us?
 - 2. How do you think some in the crowd may have felt, including the disciples?
 - 3. How would you characterize her interaction with Jesus? How was it transformative?
 - 4. Do you see any similarity in this story and societal response to LGBTI? What are they?

The Nature of God in the context of stigma and discrimination:

God is loving (John 3:16): God loves the world to such an extent that he is prepared to sacrifice himself for the sake of his people. He does this even when people are no longer living according to his will. He is prepared to give us another chance in life and this he shows by loving us even before we love him.

Forgiving (Romans 14:10): It is God's nature to forgive us when we sin against him. All we need to do is to repent from our sins and confess them to God. 1 John 1:9 says 'God is faithful and just to forgive us all of our sins and cleanse us from all unrighteousness.' (ESV)

Another characteristic of God is that He is *merciful and full* of *compassion-* Psalm 145:8 says 'The Lord is merciful and compassionate, slow to get angry and filled with unfailing love.' (ESV)

We are all created in the image of God (Genesis 1:27). This is the basic teaching on human rights in the Bible. That means we are all loved equally by God and this kind of love is unconditional, whether one is HIV positive or negative, male or female, rich or poor, gay or straight. This therefore makes any form of discrimination a sin against God.

Loving your neighbor (Mark 12:31): The notion that we are different from others leads us to believe that we are better than others or that they are better than we are. Jesus gave us the commandment to love our neighbor as we love ourselves (John 13:34). That means we should stop looking at other people as being different from us, but as people who have the same feelings as we have and who need to be loved as we all need love.

A community of hope and compassion: The story of the Good Samaritan also gives us an example of the kind of community that we should have. Although there are people who seem not to care in our communities, the Good Samaritan gives us hope and assurance that there are still people who care. This story also illustrates that neighborly love which Jesus is talking about in Mark 12.

Humility of Christ (Luke 14:11) Feeling superior than other may lead you to looking down upon them and stigmatizing them. Jesus teaches us not to exalt ourselves but to always be humble. In Philippians 2:8 the Apostles Paul also teaches us about the humility of Christ. Humility is a hallmark of spiritual leadership. Servant leadership requires that a leader relinquishes temporal power, empathizes with those being led and viewing oneself as morally similar to offenders.

Individual and communal healing

Healing in the New Testament is not just individual and physical healing (Matthew 5: 1-14): Whenever Jesus healed a person, he brought complete healing, to the person in a holistic manner. People were healed from their physical ailments, they were healed spiritually, and they were also healed socially. Jesus was aware of the illnesses that caused stigma and discrimination. These diseases led to the sick people being declared unclean, resulting in them being social outcasts. Healing to these people also meant restoration of their social status and their human dignity.

Human community (Ubuntu): The Christian church is supposed to provide a healing community where all people will feel accepted and welcomed. The early church gives us an example of what the body of Christ should be. We hear how they were able to share and to live together as one big family (Acts 2:47).

Religious texts in addressing stigma and discrimination

Isaiah 56- God's welcome of foreigners and eunuchs into God's "house of prayer for all people."

Micah 6:8- the emphasis of justice in the prophets: 'He has told you, O mortal, what is good; and what does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God?' (NIV) This requires us to express kindness more readily by putting ourselves in the place of others who are in need and by so doing make the world a better place, giving a glimpse of the coming kingdom of God.

Deuteronomy 6:4-5, Leviticus 19:18 and **Luke 10:25-28** - As other rabbis of his time would have, Jesus blended Deuteronomy 6:4-5 ("Love God") and Leviticus 19:18 ("Love your neighbor as yourself"—note this comes between Leviticus 18 and 20!) in Matthew 22:34-40 as the greatest commandments, and the lens through which to interpret all of the law and the prophets. To confirm this was a common pairing, see Luke 10:25-28, in which Jesus solicits the same conclusion from an expert in religious law.

John 4: Jesus reveals his messianic identity to the outcast Samaritan woman at the well who had had five husbands and was living with a man unmarried. She becomes the first evangelist, bringing others from her village to meet Jesus.

Luke 10:25-37 the parable of the Good Samaritan, in which the most hated person to

Jesus' listeners "loved his neighbor as himself" in helping a victim of robbers—what a priest and a lay priest failed to do.

Acts 10 and 11- We encounter the full welcome of uncircumcised Gentiles into the church; those whose lifestyles were repugnant to the Jews.

Galatians 5:1 and the many letters of Paul that assert freedom from law and custom in

Christ, such as Galatians 5:1, "For freedom Christ has set us free."

1 John 4:16b. "God is love, and those who abide in love abide in God, and God abides in them." What follows repeats the theme emphasized throughout scripture to not be afraid, "there is no fear in love, but perfect love casts out fear. ... We love because God first loved us. Those who say, 'I love God,' and hate their brothers or sisters, are liars..."

Has the church lost or gained credibility by its treatment of LGBTI persons? Jesus Christ said, 'By this shall all men know that you are my disciples, if you have love for one another' John 13:35 (ESV). We cannot be witnesses to people we are running away from. This becomes more important in cases where the church perceives that the LGBTI persons are condemned

sinners. Instead of distancing ourselves from the LGBTI, do religious leaders need to help them in their spiritual relationship with God? What would Jesus do? Does the church run the risk of commendation by Jesus as found in Matthew 25:35, 36, 40 "whatever you did for one of the least of these brothers and sisters of mine you did for me"? (NIV)

Why Religious Leaders are Key in Fighting Stigma and Discrimination

Religious leaders have a significant impact on their communities and congregations. They speak both practically and prophetically within congregations to influence theological reflection around real-world issues. Through their leadership, clergy and laity alike can effectively raise the issues of LGBTI within and around their congregation, helping congregations confront stigma and discrimination and effectively begin transforming their church culture so as to live into a new way of being Christ's people in the midst sexual diversity.

What Religious Leaders Can do

As followers of Christ, we have a loving role we can play in challenging stigma and discrimination. We can all educate others and advocate for new attitudes and practices.

Be a Role Model:

Watch your language, avoid stigmatizing words and think about how you treat LGBTI persons.

Share What You Have Learned

Set up a workshop in your own faith community. Get others talking about stigma and how to change it.

Challenge Stigma When You See it in Your Congregations, Churches and Communities

Speak out, name the problem, and let people know that stigma hurts.

Act Against Stigma as a Group

Each group can look at stigma in their own situation and agree on one or two practical things they can do to bring about change.

Saying "Stigma is Wrong or Bad" is Not Enough

Help people move to action. Agree on what needs to be done, develop a plan, and then do it

 Provide a caring ear to stigmatized and discriminated persons in the community including the LGBTI persons

- Use informal conversations as opportunities to raise and talk about stigma
- Use real stories which put stigma into a practical context: Stories of poor treatment of LGBTI persons resulting in depression; stories of good treatment and its life-giving nature
- Challenge stigmatizing words in a compassionate way
- Correct religious myths and misconceptions and about the LGBTI
- Promote the idea of a friendly, supportive ear
- Convene faith community meetings or study circles to discuss what has been learned from the above methods and make decisions about what the community wants to do next.

MODULE 4 - Human Sexuality

Objectives:

At the end of this module, participants will be able to:

- Define human sexuality, beliefs and behavior
- examine religious and cultural impact on shaping and defining human sexuality
- Understand the range of terminology associated with sexual diversity

Definition of Human Sexuality

What is human sexuality? Human sexuality is the total of our physical, emotional and spiritual thoughts and feelings. It is more about who we are than what we do. Human sexuality is a central aspect of being human throughout life and encompasses sex, gender identities and roles, sexual orientation, eroticism, pleasure, intimacy and reproduction. Sexuality is experienced and expressed in thoughts, fantasies, desires, beliefs, attitudes, values, behaviors, practices, roles and relationships. While sexuality can include all of those dimensions, not all of them are always experienced or expressed.

Sexuality therefore is not merely a physical act between two people, but incorporates many meanings, including the act itself, the process of reproduction, lovemaking, as well as defining every individual's concept of sexual identity and gender. Sex also determines whether an individual is male or female. Most of us think of sex as being a defining factor into who we are. Unfortunately, it's not so simple, and biological sex has many sides, aspects, and dimensions.

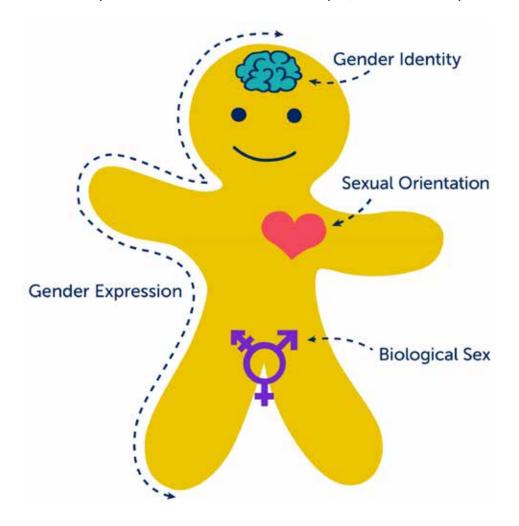
Understanding Gender & Sexuality

Conversations about gender and sexual minorities can seem very complicated for many people. This is because, for those who are not gender or sexual minorities, their experiences of gender or sexuality are reflected in the majority - what as a result becomes the social conventions, the norms. In other words their understanding of gender identity or sexual orientation becomes what is conventional - the social constructs of gender and sexuality.

There exists a minority in our human population for whom, as in every other aspect of human experience, this reality does not hold true. Since their experiences are also shrouded by secrecy, enforced shame and stigma, and for the case of sexual minorities - laws that

criminalize their behavior, understanding of their realities is very constrained.

In this section, we shall borrow heavily from Sam Killiman's work⁴ - who in our view has created a very easy to understand framework for explaining gender and sexuality. Killiman uses the Gender-bread person to illustrate these concepts, which we adopt below.



Biological Sex

Biological Sex is a "medical term used to refer to the chromosomal, hormonal, and anatomical characteristics that are used to classify an individual as female, male, or intersex." In many African societies, when a child is born, it is assigned a sex based solely on the baby's visible genitalia (i.e., what's between their legs). That is why the first few words spoken immediately after the child is born are: "it is a boy" or "it is a girl."

However, biological sex is much more complicated than just someone's genitalia. Biological sex includes a person's chromosomal, hormonal, and anatomical characteristics. Many of us know that typical male sex characteristics include testes, a penis, more testosterone than oestrogen, XY chromosomes, and features that develop such as wide shoulders and thick facial hair. Likewise, typical female characteristics include a vulva, vagina, ovaries,

^{4.} http://itspronouncedmetrosexual.com/2011/11/breaking-through-the-binary-gender-explained-using-continuums/#sthash.e3vJPX80.dpuf

a uterus, more oestrogen than testosterone, XX chromosomes, and features that develop later in life such as breasts and wide hips.

Variations in these characteristics are quite common. Rarely are two females or two males biologically the same. For example, someone may have most but not all of these characteristics. A man may have larger than usual breasts or a woman may have narrow hips. Depending on the climate of the room, ask for more examples from the audience.

Intersex: A person with more significant variations in their biological sex is typically called "intersex." Intersex is a general term used for a variety of conditions in which a person is born with a reproductive or sexual anatomy that doesn't seem to fit the typical definitions of female or male. In fact, for many people, the indications that they might be intersex don't appear until they get older (often after going through puberty).



It's easiest to understand biological sex as a continuum, with male and female on either end of the continuum while intersex is situated along the spread of the continuum.

Gender Identity

Gender identity refers to a person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth. Gender identity is how a person understands their own gender. It is deeply felt and can remain private for a long time - for some people even a life time.



Formation of identity is influenced by hormones, environment, biological sex, culture, class, and other personal circumstances. Our scientific understanding of gender identity suggests that children can form a gender identity by the age of three (Money, 1994). Being born biologically one way, but then identifying another way (e.g., someone who is biologically

female but who identifies as a man) may cause distress in places with rigid gender norms or hostility towards gender non-conformity.

Transgender is an umbrella term referring to an individual whose gender identity is different from their sex assigned at birth. As religious leaders it is important to attempt to understand what it must be for someone to have a gender identity that does not correspond to conventional social expectations. How do we express the love of God to transgender persons and more importantly how do we communicate the same to the society?

Sexual Orientation

Sexual orientation is about emotional, romantic, and sexual attraction. It is defined as "An enduring emotional, romantic, or sexual attraction primarily or exclusively to people of a particular gender." As with the previous three dimensions, sexual orientation exists on a continuum and so each person's sexual orientation is unique. However, four categories are commonly used to understand a person's sexual orientation.

Heterosexuality: "An enduring emotional, romantic, or sexual attraction primarily or exclusively to people of a different gender. People who are heterosexual often identify as 'straight.'"

Homosexuality: "An enduring emotional, romantic, or sexual attraction primarily or exclusively people of the same gender. People who are homosexual often identify as 'gay' or 'lesbian.'"

Bisexuality: "An enduring emotional, romantic, or sexual attraction to people of either gender. People who are bisexual often identify as 'bisexual.'"

Again as with biological sex and gender identity, it is easier to conceptualize sexual orientation as a continuum, with heterosexuality sitting at one end of the spectrum and homosexuality in the other. Bisexuality sits somewhere along the spread of the continuum.



In a nutshell, it is important to remember that everyone has a sexual orientation and sexual orientation exists along a continuum. It is clear that all of us have a sexual orientation. For the vast majority of the people in the society, sexual orientation is not something they think about, because it corresponds with the typical expectations. But for sexual minorities, sexual orientation is something they reflect upon more often than not, because of their minority status.

Human Sexuality and Christian Beliefs

Christianity incorporates a multitude of beliefs and practices. Christianity around the world offers blends of liberalism, conservatism, and everything in-between when it comes to ideas regarding sexual behaviors and faith. Biblical verses encouraging reproduction are found throughout the Old Testament, most frequently in the book of Genesis:

Bring forth with thee every living thing that is with thee, of all flesh, both the fowl, and of cattle, and of every creeping thing that creep up upon the earth; that they may breed abundantly in the earth, and be fruitful, and multiply upon the earth. And God blessed Noah and his sons, and said unto them, be fruitful, and multiply, and replenish the earth (Genesis 8:17; 9:1). KJV

I am God Almighty: be fruitful and multiply; a nation and a company of nations shall be a fee, and kings shall come out of thy loins (Genesis 35:11). KJV

It can be said that many passages found within the Holy Bible exude romance and the intimacy of human relationships, including the Song of Solomon. The Holy Bible is also one that makes its point regarding human sexuality and behavior clear to readers. Sexual terms, stories, and expectations when it comes to sex and sexual behaviors and relationships have made it clear that sexual interaction is part of the human condition. Sexual attitudes and behavior have changed over the centuries, but one aspect of humanity cannot be denied. During the Middle Ages and well into the Victorian era, sexual behavior was considered sinful for many Christians. As a matter of fact, by the eighth century, inhabitants throughout Europe were severely penalized and punished for anything that was considered immoral sexual behavior.

Over the centuries, church board members and policymakers have begun to either reject or accept sexual teachings and practices that have developed over centuries of tradition and beliefs. In many instances, it is believed that negative teachings regarding sex were to blame for literally driving many individuals away from Christian churches and fellowships because of the over-emphasis on guilt, shame, confusion and frustration. One particularly outspoken individual, Matthew Fox, a former Dominican priest, believed that the Catholic Church's obsession and focus on sin, sex, and celibacy was an early driving force behind the attitudes of early traditional church teachings that generated and stoked

many of today's attitudes regarding women and sex. Indeed, in early Catholic teachings, women and sex were often the focal point of blame for immorality, diseases, and unfaithful or unclean leanings, as well as leading individuals away from God.

In a nutshell, it can be seen that views regarding human sexuality, sexual conduct, and standards of morality between religions and religious faiths differ widely. Psychologists, counselors, psychiatrist, and teachers as well as laypeople should be familiar with the different aspects of the attitudes and behaviors that are based on religious teachings and beliefs.

Human Sexuality from an African Perspective

The issue of sexuality cannot be ignored in any culture given its unique role in human existence especially in the matter of procreation. In the words of Mbiti: In African societies sex is not for biological purposes alone. It has also religious and social uses. For procreation, pleasure, emotional bonding and connection sex plays an important and obvious role in any normal marriage and in any society of the world. There are African peoples among whom rituals are solemnly opened or concluded with actual or symbolic sexual intercourse between husband and wife or other officiating persons.

In Africa, there are laid down rules guiding sexual behavior, which are both universal and relative in view of cultural diversity. The establishment of norms of behavior in relation to marriage was particularly important for Africans. African society has been preoccupied with issues of survival, the fragility of populations, issues of procreation, the ordering of marriage, and the enhancement of fertility, through the establishment of family, clan and lineage alliances. The 'self' was affirmed and achieved permanence through the production of children, who were viewed as a source of economic security especially in old age. An individual lived with reference to the 'ancestors' and the expectation of descendants. Much African religion is concerned with the active role of those who have died, their intervention in the community of the living and the proper respect accorded to them. All were expected to marry and the community would act to assist those who, for whatever reason, were unable or unwilling to procreate.

Sexual activity between people of the same gender was of a different order from the duty of marriage and procreation. But, in societies where gender roles were clearly demarcated, and where sociability was often gender specific, close relations between people of the same gender were expected and esteemed. There was little suspicion of homoeroticism. Same-gender relations might involve peers and, particularly in acephalous and age-grade societies, played a strong role in socializing the young. In some more hierarchical societies like Buganda, Rwanda, Azande, close relations between chiefs or leaders and young (non-related) dependents or servants were expected. Same-sex activity might be encouraged as a prelude to the assumption of heterosexual activity and the duties of procreation and continuation of the clan.

If a culture of silence prevailed about the sexual content of such relations, that applied equally to heterosexual activities. What seems clear is that same-sex activities did not generally invoke criminal penalties. Same-sex activity operated within the realm of friendship and play rather than of duty and obligation, where sanctions for failure to conform to the demands of society were more likely to be invoked. The reversal of gender roles also had a religious value in many cults of possession, where a man became the 'spouse' of the divinity or spirit.

African Christian Marriage in the context of gender & Sexual diversity

These norms have been challenged both by religious institutions and by African nationalism. The latter has sometimes expressed its opposition to 'homosexuality' as a Western import, one to be rejected along with other aspects of the colonial past. In West Africa, in particular, the sense of the slave trade as an emasculation of Africans, has sometimes been carried over into denunciations of homosexuality as a new assault on African masculinity. In South Africa, homosexual practice was for a long time associated with white society, to be rejected along with apartheid and its dehumanizing practices. One of these was the compound system in the mines, and the institution of 'boy-wives' by which older men took on roles as protector of new mine workers in return for services, both material and sexual. That system has died along with the legal and economic system which sustained it. The Christian churches have presented an even greater challenge to traditional African sexuality, in particular the tolerance of same-sex activity. Christianity challenged polygamy; the idea that a marriage is only completed, indeed only starts to exist, once children have been produced; practices of arranged marriage and the *lobola* bride price.

In general, Christianity claimed to stand for more equality between man and wife, and on the claims of affection/love rather than family and clan considerations. Same-sex relations were seen to undermine all these values. On the other hand, Christianity has often encouraged forces which make same-sex activity more rather than less likely. Early marriage has been discouraged in the interests of education, often in single-sex boarding schools. The strategic alliance between Christians and some aspects of traditional culture, by which all the traditional stages of marriage should be completed before marriage in church can be performed, has often discouraged young people from going through a long, costly and tedious process before they can enjoy relations. This has led to the loosening of traditional practices without actually establishing widespread Christian marriage.

In Africa, Christianity has been a powerful vector of modernity, and one consequence of this has been a general emphasis on individualistic choice and the importance of the emotions. This has certainly been a contributory factor to the rise in Africa of gay sensibilities and a self-consciously gay community which rejects the prescriptive nature of marriage and procreation as the sole way of achieving human fulfillment.

Humans as Spiritual and Sexual Beings

The term 'spirituality' is notoriously difficult to define. It has a secular use (to describe a longing for something beyond the merely material), and a general religious use. But in Christian terms it is used to mean simply 'living as a Christian'. It describes the whole of the lives of those who have responded to God's gracious call to live in fellowship with him. Spirituality includes the life of the whole person. It is contrasted, not with the active elements of the Christian life, but with the carnal life of the natural man. Perhaps in is inevitable that popular usage often emphasizes the devotional aspects of spirituality, but these are little worth, or dangerous, when they do not lead to a life of obedience and service (Isaiah 1:11-17) writers like Richard Lovelace (1930-) Gerard Hughes and Charles Elliot (1939-) stress concern for social justice as a part of Christian spirituality.

Religion is a cultured phenomenon, a subculture within our larger cultural system. Different religions have different teachings about what constitutes sexual morality, while members within a specific religious denomination may also have different beliefs and practices. Religiosity, or acceptance of the teachings of a particular religion, is more important as a determinant of sexual behavior than a specific religion per-se. Orthodox Judaism, traditional Catholicism and traditional Protestantism are alike in their condemnation of masturbation, abortion, homosexuality, as well as premarital and extramarital coitus. More liberal members of these religions may not tolerate these activities, but may not fully endorse them as necessary means to maintain or attain health.

MODULE 5 -

Religious Texts and Human Rights

Objectives:

At the end of this module, participants will be able to:

- Appreciate Human Rights approaches from a religious perspective
- Understand issues of human rights in the context of stigma and discrimination against the LGBTI
- Identify issues that the church must advocate for in view of legal matters and policies
- discuss the involvement of Religious Leaders in the fight against stigma and discrimination by the church
- Develop localized community strategies for addressing stigma and discrimination against the LGBTI

Definition of Human Rights

Human rights are basic standards or entitlements without which people cannot live in dignity as human beings. They are attained at birth and are not granted by the state.

Characteristics of Human Rights

Human rights are:

- Inherent: This means they belong to every person by virtue of birth. All human beings are born free and equal in dignity and rights.
- Universal: They belong to everyone. Article 27 (4) (5) of the new constitution prohibits the state or any person from discriminating against a person, directly or indirectly, on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, disability, conscience, belief, culture, dress, language or birth.
- Inalienable: They cannot be taken away but can only be limited (e.g. lawful detention). However, article 25 stated four rights that cannot be limited at any time:
 - o Freedom from torture and cruel, Inhuman degrading treatment or punishment
 - Freedom from slavery and servitude

- o Right to fair trial
- o Right to order habeas corpus
- Indivisible: all categories of rights are inter-connected and interdependent. The civil-political and the economic, social and cultural rights complement and supplement each other and enjoyment of any rights is dependent on the realization of all others.

Nowadays the influence of Christian churches and theology on the idea of Human Rights is generally not questioned. Many believe that the Reformation movement was an important milestone in the development of the modern perception of human rights. However, in order to assess the contributions made by theology and churches to this discourse, it has to be distinguished between the idea of human rights and their political implementation. Moreover, it would not seem appropriate to state a common position among the various Christian churches and Christian theology towards Human Rights.

Until the 20th century, the approach of the churches on human rights in continental Europe remained skeptic if not hostile. This was due to the fact that the impetus of the French Revolution was strongly opposing the established church institutions. The emancipatory struggle against the oppressive structures was therefore also directed against the clergy of the Roman Catholic Church in France. Furthermore, the modern idea of an autonomous subject appeared unacceptable to many theologians, since the mainstream interpretation of the gospel considered human beings as depending on God's grace and God's eschatological revelations. The emerging concept of a self-determined individual - that is entitled to certain rights solely because of being human - sounded almost blasphemous in the ears of the church. In addition the idea of equality was a challenge to the dominant patriarchal and hierarchical structures including the Protestant stream of the church at the time.

Imago Dei - theological approach towards human rights

The classical theological justification for human rights is based on the idea of human beings as images of God. God created humanity in God's own image, and therefore all human beings equally inherit a special dignity that cannot and must not be violated by any other person or state. Nowadays the vast majority of Christian churches are committed to the universal concept of human dignity and human rights. Especially in its fragmentary and limited being - or theologically speaking in its need for redemption - the individual is truly attached to a reality that goes beyond final definitions.

A human being, created in the image of God, is never self-sufficient as an individual. As a creature he/she is set within the community of all living things and linked to his fellow humans. The Christian idea of humanity that draws its specific dignity from the *Imago Dei* has proved to be valuable. It enables us to serve the wellbeing of all fellow humans by facing

God's image. What this image means becomes obvious in Jesus Christ, in whom God himself as a human being suffered under enmity and violence, standing in love and solidarity with all in this world, who suffer and are oppressed. This Incarnation Christology is the profound and essential reason why Christians are obliged to respond to any attempted violation of fundamental human rights even within the churches and throughout the societies where they live in.

It all comes down to the insight that we as Christian churches directly benefit from the fundamental human rights such as the right to religious freedom. Therefore it seems inevitable to Christians all over the globe to commit themselves to the matter of human rights and their protection wherever it is necessary. In this way we may even find a new approach towards the world and finally to God its creator and redeemer.

The Bible and Human Rights

The Bible does not contain a fully elaborated, codified doctrine of human rights. We owe that development largely to the post-Enlightenment, Western secular tradition. But that tradition was built on a worldview and value system deeply conditioned by the Christian faith and by the biblical story in particular. Without the influence of that story, it is doubtful if human rights instruments like the Universal Declaration of Human Rights would ever have emerged. This session explores aspects of the biblical story that have given rise to human rights as we encounter them today. This is not to deny that followers of other world faiths would find many points of agreement with the sacred scriptures of their own faiths. But it is indeed the biblical story of faith which has most nurtured the soil out of which contemporary human rights have grown, and it is this story which continues to inspire Christians to be fully committed to the establishment of human rights for all.

Human rights & Creation Narrative

The creation stories of the book of Genesis assert right from the beginning the dignity and worth of the human person. In the first story human beings are seen as the 'pinnacle' of creation, made in the image of God, male and female, and given special responsibilities over the rest of creation. This is confirmed by the writer of Psalm 8 who in wonder says of God's creation of humankind, 'You have made them a little lower than God and crowned them with glory and honour'.

The second creation story puts human beings at the center of creation and begins to establish the family as the basis of human society. The story of sin entering into the world, followed by Cain's murder of Abel throws up the challenging and perennial question, 'Am I my brother's keeper?', with the intention of emphasizing the sacredness of human life and our responsibility to ensure that it is not violated.

^{5.} Christopher D Marshall: *Crowned with Glory and Honour: Human Rights in the Biblical Tradition*. Publ. Pandora Press USA, 2001 p.116

Human rights located in the nature of God

As James E. Wood writes, 'The creation of humankind in the image of God is, in fact, the foundation of all human rights, for human rights are located in the nature of God.'6 Repeatedly in the Old Testament the ways of God with humankind are described as 'justice and mercy' and these qualities are then required of women and men made in the image of God. At the heart of a Christian understanding of human rights is the Gospel call to love God who loved us first and to love each other unconditionally. So the prophet Micah describes it thus, 'For what does the Lord require of you but to do justice, love mercy and walk humbly with your God'. As Christopher Marshall expresses it, 'Rights are not reductions made on the basis of abstract notions of equality, freedom or justice. They are expressions of what God is like, as revealed in historical acts of deliverance. Rights represent the justice of God.'⁷

Human Rights in the Old Testament Society

It must be honestly stated that the Old Testament can appear ambiguous as a basis for human rights. Despite the dignity and worth of the human person being absolutely foundational to the Israelite faith, there are examples of what would appear to us today to be clear abuses of human rights: slavery, cruel behavior in times of war, subjugation of women and the denial of religious freedom to idolaters. But the Bible, and especially the Old Testament, does not hesitate to describe the reality and consequences of sin in the world that often make the full realization of human rights difficult or impossible. This is a universal reality, found in all societies since then, including those that would today consider themselves as having a Judeo-Christian foundation.

It is however, possible to see in the Old Testament certain foundational principles which, however inadequately worked out at the time, provide a positive basis for human rights. In particular the right to life is primary and emphasized in the Ten Commandments and in numerous other references. The rights of the poor, the vulnerable and the marginalized are also highlighted and summed up in the command to 'love the stranger/alien' and care for widows and orphans.

Prophetic voices

In the writings of the prophets we encounter a denunciation of those who abuse human rights, even and especially in the name of religion (Amos 5: 18-24). Instead, the plea of the prophets is for 'justice to flow down like waters, and righteousness like a neverfailing stream'. In the prophecy of Second Isaiah (Isaiah 65), we find the concern to create a just society where children do not die, where old people live in dignity and where those who work, are not treated falsely and receive a proper reward for their labours. At the heart of

^{6.} James E Wood: Baptists and Human Rights Baptist World Alliance 1997

^{7.} Christopher D Marshall: *Crowned with Glory and Honour: Human Rights in the Biblical Tradition*. Publ. Pandora Press USA, 2001 p.118

this Old Testament concern is the concept of SHALOM, often translated as 'peace' but which carries connotations of wholeness, healing and justice for all.

The mission and ministry of Jesus

The 'Manifesto' of Jesus at the beginning of his ministry, quoting the prophet Isaiah as having sent him to preach 'release for the captives, recovery of sight to the blind, and to let the oppressed go free' can be seen as a restoration of full rights to those who were marginalized and even despised in contemporary society. Such restorative justice was seen as a foundation for what was the core message of Jesus, the announcing of the coming of the Kingdom of God. As Helmut Frenz expresses it, 'Our commitment to human rights is an un-abandon-able part of the mission Christianity received from Jesus.'⁸

In the Sermon on the Mount in the Gospel of Matthew we see the vision of the 'upside-down' Kingdom of God where the poor, the hungry, and the persecuted are among those especially blessed. Jesus sets forth the foundation of faith as love of God and love of one's neighbour and in his parables explores the question 'Who is my neighbour?', and that the judgment of God is on those who have ignored the cries of the sick, the hungry and the poor. So that a denial of practical love for one's fellow human being, 'one of the least of these', is a denial of one's love for God.

Human Rights and the Early Church

It must be remembered that the Church began as a persecuted minority of the Roman Empire with no pretensions to political power. Therefore before its 'Christendom' era, the Church had its own experience of living as a minority with a denial of human rights. In what is widely seen as a post-Christendom era in Europe today the Church begins once again to find itself on the margins; and perhaps it is from the margins that it can have a renewed concern for justice and human rights.

The letters of the Apostle Paul are often seen as restrictive on rights e.g. of women and an acceptance of slavery which was universal at that time. But when allowance is made for the context of his time it can be seen that Paul was also concerned to model in the church a 'new society', based on justice and equality, in which there would be 'neither Jew nor Greek, slave nor free, but all one in Christ Jesus'. Paul and the early Church also proclaimed the freedom in Christ brought about by the resurrection and this gives rise to a magnificent vision that the whole of creation, including human beings, can be transformed and set free from its bondage. The Book of James majors on the impossibility of 'faith without works', contains a warning against those who deny the human rights of the poor, and defines 'the religion that God our Father accepts' as including looking 'after widows and orphans in their distress'.

^{8.} Helmut Frenz, 'Human Rights: A Christian Viewpoint', Christianity and Crisis 36 (June 1976) quoted in James E. Wood

^{9.} This is really important to highlight – just because a minority is persecuted at a particular point in history does not mean that will be their entire legacy.

Human Rights and the contemporary church

It is a fundamental Christian belief that men and women were created in God's image (Gen 1, 27). This basic belief indicates that human existence is of divine origin and a gift of God the "Maker of heaven and earth and all things visible and invisible" (Nicean-Constantinopolitan Creed), and that humankind was in the will and mind of the Creator before time began. This belief implies that our existence on earth lies not only in the relationship between God and man (in the sense of "anthropos", namely "human being" and not "anēr", namely "male"!), but also in the relationship between the children of God, a relationship marked by harmony and righteousness.

Human rights reflect the Covenant of God's faithfulness to his people, as well as of His love for the world. It is precisely in the light of this Covenant, fulfilled in the death and resurrection of Jesus Christ and in the power of the Holy Spirit, that the Churches commit themselves and take position when human dignity is trampled on, when fundamental rights are disregarded and whenever freedom is taken away. In acting so, the Churches are motivated by the firm conviction that the entire "Oikoumene", the whole inhabited earth that is destined to live in the peace of the Lord according to God's plan of Salvation, can become a safe haven for all His children only when the root causes that generate millions of victims of human rights violations - poverty, economic inequality, refugees, migrants and asylum seekers, racism, xenophobia and homophobia - are eradicated.

Many Church leaders are critically aware of the need for social justice in the modern world. The church has often project itself as a protector if not promoter of the dignity of the human person, and of socio-economic, cultural and civil-political rights. The Church should therefore ensure these rights are respected not only throughout the world but also within the community of believers. During the democratic struggles in numerous African countries, the church has often sided with the vulnerable often providing social services in situations where the government is unable or unwilling to provide.

Unfortunately, the church can also be held captive of predominant attitudes of social stigma - this is certainly the case with reference to LGBTI persons in Kenya. The prophetic mission of protecting LGBTI persons from violence, social exclusion and denial of essential services - including health services is largely lacking. There are many wo believe providing comfort to LGBTI persons who are socially excluded may be seen as encouraging socially stigmatized behavior. Sadly there are others who view violence as a means to "rehabilitate" them. Laws which have punitive jail sentences -ranging from 5 - 14 years in our penal code (sections 162, 163 and 165) must be seen from this context.

It is also important to ask whether in Jesus' mission of love, jailing sexual minorities for upto 14 years fits in his vision of saving grace, love and compassion. What then are the

contemporary human rights questions for religious leaders to address for the LGBTI persons in our society?

The future vision

Finally we must mention eschatology, the glimpses in both the Old and the New Testament of a future vision of the world as God would like it to be, when his Kingdom will find its fulfillment and consummation. We have already referred to some of the prophetic visions from the Old Testament. In the final section of the Bible, in the Book of Revelation, we find the vision of the New Jerusalem where there is no more 'mourning or crying or pain' and this contrasts with images of 'Babylon' where oppression, injustice and evil predominate. These eschatological visions are certainly in the future and 'not yet' but they are also 'now' in the sense that Christians can strive towards their realization by becoming involved in issues of justice and human rights in their contemporary context.

In a nutshell, it is this rich biblical story that is foundational for Christians as they engage in the struggle for human rights, rather than the rights themselves. It is a vision founded on the inclusiveness of God's love for all humankind, 'all of whom are created equally in the divine image and are equally inviolable as persons.' And human rights are always balanced by human responsibilities and the notion that 'people's deepest human needs for love, joy, forgiveness, intimacy and comfort, cannot be demanded as rights but must be received as gifts.' These powerful biblical motifs impel Christians to join with others who may be motivated by a different vision, to take their responsibilities seriously and find common cause in defending the human rights and dignity of those who are marginalized, oppressed and are least able to defend themselves.

It is a fact that most of these worldwide phenomena (poverty, economic inequality, refugees, migrants and asylum seekers, racism, xenophobia and homophobia) affect the daily life of our societies. Churches and Christian organizations have a collective responsibility to make sure that both individual and communal rights, particularly of those affecting minorities, are fully respected by all those in power. They also have the duty to express their belief that human rights cannot be dealt with in isolation from the larger issues of peace, justice and development. This is because the rights that every person enjoys in a given society, contribute effectually to the peace, stability and prosperity of that society. Experience shows that injustices in society may generate social, economic and political disorders.

In a nutshell, basic human rights and responsibilities are entitlements that equally belong to all people simply because they are human beings created in the image of God. Human rights do not have to be earned nor are they privileges that somebody gives to an individual. Human beings are entitled to them from the moment they are born.

^{10.} James E. Wood, Baptists and Human Rights, pg 11

^{11.} Marshall, Crowned with Glory and Honour, pg 118

Human Rights and the Kenyan law

National Legal and Policy Framework

- Homosexuality is effectively criminalized by the penal code under sections 162, 163 and 165.
- The penal code also criminalizes sex work(section 153(1) (2) and 154
- The constitution 2010 especially chapter 4 (bill of rights) details human rights
 entitlements by all people in Kenya. The constitution also provides for international
 law being part of the laws and international treaties ratified by Kenya also being part
 of laws of Kenya.

Policy framework

The Kenya National AIDS Strategic Framework 2009/10-2012/13 recognizes MSMs among MARPs in addition to sex workers.

International Human Rights Framework:

'All human beings are born free and equal in dignity and rights' (UDHR). Sexual orientation and gender identity are integral to everyone's dignity hence must not be a basis for discrimination.

LGBTIs are entitled to enjoy all the guaranteed human rights including SRHRs. LGBTIs are thus entitled to all rights provided in the ICCPR like:

- Right to life(Article 6)
- Freedom from inhuman and degrading treatment(article 7)
- Freedom from slavery, servitude and forced labor(article 8)
- Freedom of movement and to choose one's residence(article 12)
- Right to recognition as a person under the law(article 16)
- Freedom of association(article 22)
- Right to marry and found a family(article 23)
- Equality before the law(article 26)
- Rights of minorities(article 27)

The UDR, ICCPR and ICESCR also provide economic, social and cultural rights like

- Right to work(article 6)
- Right to social security(article 9)
- Right to motherhood, right to marriage and the family, right to adequate food, clothing, housing and freedom from hunger(article 11)
- The right to physical and mental health(article 12)
- The right to education

Obligations of Member States

Under international human rights law, states have obligation to respect, protect and fulfill rights spelt out in any instrument that they have ratified/acceded to.

States have obligation to:

- Respect: that the state respects the rights of its citizens; may not interfere with people who are trying to provide for themselves; nor prevent access of resources necessary for their livelihood.
- Protect: That the state has to ensure that non-state actors(e.g. civilians and private firms) do not interfere with access to essential resources neither commit human rights abuses
- Fulfill: that the state has the duty to ensure that everyone enjoys at least a minimum essential level of rights and on the basis of equality.

On August 27, 2010, after over twenty years of debate, Kenyan citizens achieved a new Constitution, replacing the one in place since Kenya gained independence from Britain in 1963. Heralded by local sources as the "birth of the second republic," the new Constitution guarantees all Kenyans fundamental rights and freedoms; these include, among others, the right to life, equality and freedom from discrimination, human dignity, privacy, and freedom of expression. The new Constitution also incorporates international treaties to which Kenya is a party, as well as general principles of international law into Kenya's domestic law, thereby enshrining international human rights norms into the new Constitution.

Despite the new Constitution's more progressive stance, not all Kenyans are able to enjoy the rights guaranteed to them under its provisions. In particular, lesbian, gay, bisexual and transgender (LGBTI) Kenyans continue to be targets of verbal and physical injury, sexual violence, and social marginalization. Additionally, they are subject to imprisonment on the basis of their sexual practice. Under Kenya's Penal Code, engaging in same-sex sexual activity, termed "carnal knowledge of a person against the order of nature," is characterized as an "unnatural offense" and is a felony punishable by up to fourteen years in prison. 12 Although the laws are rarely enforced, LGBT Kenyans are still prosecuted and imprisoned under these laws. Furthermore, the laws codify and legitimize a general attitude of homophobia that exists within the country and thereby lead to the routine human rights violations that LGBT Kenyans suffer. As such, the laws instill fear, facilitate abuse, and prevent LGBT Kenyans from achieving the equality to which they are legally entitled.

On November 17, 2011, the United Nations (U.N.) High Commissioner for Human Rights issued a report at the request of the General Assembly entitled, *Discriminatory Laws and Practices and Acts of Violence Against Individuals Based on Their Sexual Orientation and Gender Identity*. In the report, the Commissioner asserts, "The fact that someone is lesbian, gay, bisexual or transgender does not limit their entitlement to enjoy the full range of human rights" and enumerates obligations that states have toward LGBTI citizens under international human rights law. Additionally, the Commissioner makes it clear that "the criminalization of private consensual homosexual acts violates an individual's right to privacy and to non-discrimination and *constitutes a breach of international human rights law*."

Kenya's anti-sodomy laws undeniably increase the vulnerability of LGB Kenyans to blackmail and abuse. The laws instill a fear of imprisonment that dissuades LGBTI Kenyans from reporting human rights violations to the authorities and, indeed, provide authorities and other individuals with a justification for committing the abuse. This link is most readily demonstrated in the targeted police abuse against LGBTI Kenyans: because officers can legitimately arrest people for committing "carnal knowledge of a person against the order of nature," they are essentially handed a carte blanche to punish Kenyans on the basis of their sexual orientation or gender identity.

LGBTI Kenyans are not always able respond to all the abuse and human rights violations because of the constant threat of imprisonment or other forms of retaliation at the hands of bigoted officials. In equating LGBT Kenyans with criminals, the laws contribute to the overall atmosphere of homophobia throughout the country, which leads to violence against LGBT Kenyans in the first instance.

^{12.} The Penal Code, (2009) Cap. 162.

^{13.} See U.N. High Commissioner for Human Rights, Discriminatory Laws and Practices and Acts of Violence Against Individuals Based on Their Sexual Orientation and Gender Identity, pg. 16

^{14.} THE OUTLAWED AMONGST US, supra note 9, at 44.

^{15.} The Penal Code, (2009) Cap. 163

On November 17, 2011, the U.N. published its first formal report on LGBTI rights. 16 The report constitutes the organization's most powerful affirmation that LGBTI individuals are entitled to protection within the international human rights paradigm. The report provides a comprehensive overview of the worldwide discrimination and violence that LGBTI people experience on the basis of their sexual orientation and gender identity and notes that states have obligations to protect sexual minorities under various international treaties and customary law. As an initial matter, it states that the application of international human rights law is guided by the principles of universality and non-discrimination as set forth in Article 1 of the United Nations Declaration on Human Rights. It then asserts that the Vienna Declaration confirms that, although cultural differences must be respected, all states have a duty to "promote and protect all human rights and fundamental freedoms." 17 In other words, cultural beliefs regarding homosexuality do not trump states' obligations to ensure that people are not discriminated against on the basis of their sexual orientation or gender identity. The report then enumerates obligations that states have toward LGBT individuals under international human rights law: to protect the right to life, liberty and security of persons irrespective of sexual orientation or gender identity; to prevent torture and other cruel, inhuman or degrading treatment on the grounds of sexual orientation or gender identity; to protect the right to privacy and protect against arbitrary detention on the basis of sexual orientation or gender identity; to protect individuals from discrimination on grounds of sexual orientation and gender identity; and to protect the right to freedom of expression, association and assembly in a non-discriminatory manner.

The new Kenyan Constitution incorporates three changes that have significant implications for the legality of Kenya's anti-sodomy laws: First, it features an extensive Bill of Rights and imposes an affirmative duty on the State to promote and fulfill the rights enumerated in the Bill of Rights. ¹⁸ Second, it incorporates international laws into Kenya's domestic law. Third, under Article 2 part 4, "any law, including customary law that is inconsistent with the Constitution is void to the extent of the inconsistency, and any act or omission in contravention of the Constitution is invalid." The new Constitution's heightened protection of individual rights, coupled with the increased recognition that discrimination based on sexual orientation or gender identity violates international human rights law, provides a strong framework for arguing that Kenya's anti-sodomy laws are currently unconstitutional under Kenya's own domestic law.

^{16.} UN Issues First Report on Human Rights of Gay and Lesbian People, UN NEWS CENTRE (Dec. 15, 2011), http://www.un.org/apps/news/printnewsAr.asp?nid=40743.

^{17.} U.N. High Commissioner for Human Rights, supra note 16,

^{18.} The Bill of Rights set forth in the old Constitution read as follows: "Every person in Kenya is entitled to the fundamental rights and freedoms of the individual . . . whatever his race, tribe, place of origin or residence or other local connection, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest."

The Bill of Rights

Under the Bill of Rights, every individual under Kenya's jurisdiction has the following rights and fundamental freedoms, among others: the right to life; equality and freedom from discrimination; human dignity; freedom and security of person - which includes protection from torture and cruel, inhuman or degrading treatment; privacy; freedom of expression; freedom of association; the highest attainable standard of health; education; and access to justice. Elaborating on the right to freedom from discrimination, the new Constitution prohibits discrimination on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, color, age, disability, religion, conscience, belief, culture, dress, language, or birth.

Although the Constitution does not explicitly list sexual orientation as a prohibited ground of discrimination, the rights and fundamental freedoms set forth in the Bill of Rights must apply to LGBTI individuals in Kenya under its "on any ground" catchall provision. Furthermore, unlike the Independence Constitution, which allowed "fundamental rights" to be curtailed for the "public interest," a right or fundamental freedom in the Bill of Rights can only be limited under the new Constitution to "the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, taking into account all relevant factors"²⁰

Additionally, the new Constitution imposes an affirmative duty on the State and State organs to "observe, respect, protect, promote and fulfill the rights and fundamental freedoms in the Bill of Rights." The new Constitution also provides that State organs and public officers have a duty to address the needs of vulnerable groups within society. Although the new Constitution does not explicitly name sexual minorities as a "vulnerable group," it includes "members of minority or marginalized communities" within this category. Given the societal oppression, stigmatization and abuse that LGBT individuals currently experience in Kenya, as well as their recognition as a marginalized group by the international community, they certainly qualify for this status and the corresponding protections under the new Constitution.

Finally, despite the increasing recognition that sexual minorities are entitled to protection under international human rights law, there is a general lack of legal enforcement of LGBTI human rights. Although recent efforts to bring awareness to LGBTI human rights may ultimately lead to legal ramifications for states with laws that criminalize homosexuality, the international community currently appears to be limiting its influence to non-legal measures.

¹⁹ CONSTITUTION, Article 27 section 4

²⁰ Article 24 section 1

²¹ Article 21 section 1

²² Article 21 section 3

The recent report by the U.N. High Commissioner on Human Rights on LGBT human rights violations signals an important milestone in the international community regarding its commitment to enforcing the rights of sexual minorities. Never before has there been such an explicit statement that LGBT rights are human rights and that anti-sodomy laws violate international law. Because Kenya's new Constitution incorporates general principles of international law into domestic law, advocates can point to this report in fighting for change in Kenya.

In a nutshell, basic human rights and responsibilities are entitlements that equally belong to all people simply because they are human beings created in the image of God. Human rights do not have to be earned nor are they privileges that somebody gives to an individual. Human beings are entitled to them the moment they are born.

Forms of Human rights Abuses faced by LGBTI persons

☐ Harassment by state officials

Sections 162, 163 to 165 of the penal code criminalize same sex marriages. LGBTI persons are routinely harassed by the police, held in remand houses beyond constitutional requirements and often presented in court with trumped up charges.'

☐ Stigma and Exclusion by family and society

Family members often alienate, harass and humiliate LGBTI when they are "outed". According to a report by KHRC, 89% of LGBTI persons who come out or are "outed" reported being disowned by their families. Some are forced to undergo psychological counseling in the belief that they undergoing a psychological crisis. Religions also condemn them as unworthy and wretched. Religious beliefs and practices are often a strong factor in determining how people respond to LGBTI family members. Religion is often invoked when families distance themselves and condemn other members of the family who are LGBTI.

In most communities, an intersex child is deemed to be a curse-can either be killed or is abandoned.

They can be discharged of their duty, fired or denied promotions.

☐ Physical violence and death

Physically assaulted, beaten by a mob, called derogatory names and subject of online ridicule. LGBTI persons are seen as subnormal, pathological, perverted and deserving annihilation.

Kicked out of pubs and told that they need real penis to cure them of their disease.

Expulsion from learning institutions
LGBTI persons are expelled, suspended, punished on grounds of actual or suspected sexual orientation.
Someone was expelled from Yala High School on being suspected to be gay.
☐ Blackmail and extortion
Educated professionals are often blackmailed by colleagues at work or cartels who threaten to expose them.
Families also blackmail into surrendering their children, arguing that they are not fit to raise a proper family.
☐ Lack of access to healthcare and lack of comprehensive services
Doctors often violate the privacy of LGBTI persons by exposing them to other staff, the police or preaching to redeem them. Some deny them medical care.
Most LGBTI persons, concerned about being exposed, seek medical attention when the condition has really worsened.
Some doctors also are not adequately informed about the medical needs of LGBTI persons.

It is impossible to find medical insurance.

Sexual orientation or gender identity is not a pathological condition which needs to be studied or treated through corrective counseling. Many LGBTI persons undergo forced rectal examination, hormonal or shock therapy or exorcism to remove the devil residing in them. Often there is no informed consent.

Jesus Rejected at Nazareth

Religious leaders cannot ignore all these pains that the LGBTI persons encounter in the society. But religious leaders, who take up the role of protecting the marginalized, also have to be aware for the risks from the society. By challenging deeply entrenched forms of stigma, religious leaders have to be prepared for the same treatment that Jesus received when he began his ministry Luke 4: 16 - 22.

¹⁶He went to Nazareth, where he had been brought up, and on the Sabbath day he went into the synagogue, as was his custom. He stood up to read, ¹⁷ and the scroll of the prophet Isaiah was handed to him. Unrolling it, he found the place where it is written:

18 "The Spirit of the Lord is on me,
because he has anointed me
to proclaim good news to the poor.
He has sent me to proclaim freedom for the prisoners
and recovery of sight for the blind,
to set the oppressed free,
19 to proclaim the year of the Lord's favor."

²⁰ Then he rolled up the scroll, gave it back to the attendant and sat down. The eyes of everyone in the synagogue were fastened on him. ²¹ He began by saying to them, "Today this scripture is fulfilled in your hearing."

²² All spoke well of him and were amazed at the gracious words that came from his lips. "Isn't this Joseph's son?" they asked.

MODULE 6-

Discipleship

Objectives:

At the end of this module, participants should be able to

- · suggest ways of dealing with homophobia
- Develop guidelines for the Church to become more sensitive and effective pastoral care for LGBTI persons

Introduction

While a person's sexuality is a very important part of their lives, it does not define who they are. Biblically, a person should be defined first and foremost in terms of their relationship with God. To refer to someone as a homosexual, a lesbian or a heterosexual is therefore to narrow their identity to their sexuality alone. It is not farfetched to say that gender and sexual minorities in our churches are afraid to be open about it for fear of how they will be treated by those in their church, amongst others. The fear of, prejudice, stigma and discrimination in our churches is very real. The following is a combination of life stories that typify common experience.

Paul's story:

I was brought up in a strong loving, Christian home and was very actively involved in a lively evangelical church. I became a Christian when I was young, was well taught and had real love for the Bible. I was very committed to the youth work in my church and tried to live for Christ and witness for Him inside and outside the Church. During my teenage years I began to realize that I was different. I found myself attracted to boys rather than girls. I didn't choose it to be so, it just was. I resisted it and prayed against it. I understood what my Church taught about homosexuality and wrestled to overcome my feelings and pretended to be like the rest of the boys. Eventually in my late teenage years, I confided in a Christian friend about my predicament. This friend was understanding and continued to talk to and pray for me over a number of years. Because of the respect I had for the church's teaching on homosexuality, I practiced celibacy but felt alone, fearful and overwhelmed.

The pressure of keeping it to myself, the feelings of shame, the guilt that I was living a lie and the fear of how the news would affect my parents and my church life eventually took its toll on my mental health. I had to take various medicines for depression and one occasion came very close to committing suicide. People in church would crack jokes about 'gays' and I just wanted to crawl into a hole. How could I open up to them when they

were joking about my struggles? Whenever homosexuality was mentioned in church, the Biblical position of calling practicing homosexuality sin was outlined without ever a word of compassion or understanding for people like me who were struggling so hard and hadn't chosen to feel the way I did.

One of my greatest struggles was that I had always been brought up to respect and tell the truth. Yet here I was living and telling lies to protect myself and my family. Eventually I felt I had no option but to tell my parents about my struggles. They were devastated and so were my friends at church. They were devastated and so were my friends at church. Unfortunately they wanted to play no part in what I was going through and instead turned their backs on me. I still love my family and respect my church but when I really needed someone to listen to me without judgment, there was no one. I would love to be straight. It would cause so much less pain but for the sake of my own sanity I have eventually had to accept that I am gay. I am a both a Christian who loves God and his word but I am also gay.

A Mother's experience:

A mother told how her daughter had attempted suicide several times before she eventually 'came out'. There followed a grieving process where she struggled to accept that her daughter had same sex attractions. She eventually came to terms with it but still needs support. She found that she lost friends within the church and had no one to turn to for understanding and help. Only through external information and a support group independent of the church was she able to find help. She found pulpit ministry difficult as it either only condemned same sex relationships or referred to people with same sex attractions in a negative light with little compassion or understanding for the struggle they go through. She has since moved to another church where she has found understanding and continues to experience love and compassion for herself and her daughter's struggles.

The stories above highlight some experiences of sexual and gender minorities in many churches. It is therefore evident that there has been a lack of understanding, compassion and grace. People with same sex attractions have found that they have not been treated with the same compassion as those who have presented other pastoral needs, including those who may be regarded as living in sin, such as fornication, unfaithfulness or the unmarried.. We drive them away from our churches especially evangelical churches where they assume that they will be condemned. We distort their view of God by implying that He shares our hate of gay people. Our passing remarks and sweeping generalizations in favor of a hard line against gays force many silent sufferers into the misery of secret loneliness. Fear, disgust, hostility and self-righteousness are not Christian reactions. If they dominate our reactions to gay people then perhaps we too need help and counsel.²³ This being the case there is need to call such attitudes sinful and to call for repentance on our part as a church.

Defining Transphobia and Homophobia²⁴ in a Christian Context

Transphobia is defined as aversion to, or discrimination against transgender or transsexual people. It also includes any form of justification for discrimination, hate speech or violence against transgender women and men. Homophobia on the other hand is usually defined as 'an irrational fear and prejudice towards homosexual people and homosexuality. Andrew Goddard in *Fulcrum* May 2006 defines homophobia as -'the victimization or diminishment of human beings whose affections happen to be ordered towards people of the same sex.' He comments that his definition is not based on 'rights' but on attitudes and behavior 'that represent a denial of the humanity of a certain people because of their imagined or actual gender identity, sexual attractions, orientation, or relationships.'²⁵

As Christians we believe our identity should be defined primarily in terms of our humanity before God and not in terms of sexual orientation. It would be helpful in dialogue therefore if we focused more on the whole person before God and not to make sexuality the focus of our understanding. There is need for the Church to understand that a consistent approach is needed. Compassion begins in the pulpit and works out from there. Condemnation from the pulpit closes the door to compassionate care outside the pulpit. Pastoral care is built on what we proclaim.

Pastoral Care for the LGBTI

A common question for religious leaders is - how does one minister to the spiritual needs of gender and sexual minorities without entrenching stigma and discrimination? Moreover in situations where the church has defined marriage as being union between one woman and one man, is there room for sexual minorities?

In a context where gender and sexual minority theology is still evolving, how does a religious leader navigate between the need to minister to LGBTI persons while the church leadership may be opposed to this ministry? These are but a few of the many questions religious leaders working with gender and sexual minorities have to grapple with. In the section below are some few guiding points on how to engage with gender and sexual minorities in a way that is sensitive to their gender identity and sexual orientation.

1. Use Respectful language: Pastoral care should recognize the need for temperate language and balance in pulpit ministry. Unhelpful statements/words like 'Adam and Eve, not Adam and Steve'; Love the sinner hate the sin', sodomy, abnormal, unnatural or any of the more derogatory colloquialisms. All of these lock the door to effective pastoral care before it is even open. It is important for the gay person and

^{24.} The use of 'Phobia' related to transgender people i.e., Transphobia and homosexual people i.e., homophobia is being more and more questioned. Phobia is an unwanted kind of illness, like against spiders, small rooms etc. Hate and anger against LGBTI is different. But it is still widely used, even here in Kenya.

^{25.} Andrew Goddard, 'Homophobia,' Fulcrum Newsletter (May 2006), http://www.fulcrum-anglican.org.uk/news/2006/2006052goddard.cfm?doc=108

- the person's family to hear some compassionate understanding of the feelings and struggles involved as well as the Biblical issues.
- 2. First contact discernment: There is need for pastoral wisdom in first contact. For a person struggling with their sexuality or gender non-conformity to tell someone they may have taken months or even years. It takes a great deal of courage to 'come out'. The fear of rejection, loss of love, even hatred may almost be palpable at the point of disclosure. From that moment there is no retreat. It is therefore important that a minister, religious leader, family member or elder understands that their first reactions have the potential to crush or bring hope. The person will hear body language and attitude even more than words.
 - 2.1 What they do NOT need to hear at that moment:
 - That they are imagining it
 - That they are sick
 - That they are a disgrace or a pervert
 - That they are demon possessed
 - 2.2What they do need to hear at that moment:
 - That they are loved no matter what
 - That they have displayed great courage in disclosing to you
 - That you appreciate the trust placed in you
 - That you will seek to listen and understand what they are going through
- 3. It is imperative to state that the role of pastoral care is NOT to force change on a person who dealing with gender identity dysphoria or same sex attractions into counseling let alone suggest their experiences are manifestations of demonic activity. We must recognize the danger of suggesting that they are sick and needs to be healed. All of us, in various ways are in need of the healing grace of Christ.
- 4. Certain principles must be taken into consideration in all pastoral care and especially in this matter.
 - (i) Confidentiality is paramount
 - (ii) Quick prayers and chapter and verse sticking plasters are to be avoided
 - (iii) The pastoral care giver must be aware and accepting of his/her own sexual brokenness

- (iv) The person being cared for should not be segregated. Churches must continue to live with those who act and behave in ways seen as inconsistent with God's word all in Christ are parts of one body
- (v) When counseling help is sought, trained, skilled and competent helpers on matters of sexual orientation and gender identity should carry it out and the pastoral care giver must be willing to refer on. But when counseling is not sought it may be an encouragement to help the person set personal boundaries and to be accountable.
- 5. The church has a crucial responsibility to create an environment of love, understanding, acceptance, patience, forgiveness, openness and grace. This calls for those with pastoral responsibility to:
 - (i) Recognize sympathetically in services and teaching the struggles involved by the LGBTI persons and their families.
 - (ii) Actively promote an atmosphere of understanding and acceptance rather than fear and rejection.
 - (iii) Encourage and support families and friends to be inclusive, accepting, understanding and loving. The LGBTI person is still the same as before they got to know.
 - (iv) Provide resources to help individuals with gender identity dysphoria or same sex attractions and their families and the congregation to be informed about the issues involved.
 - (v) Actively promote church family intimacy and the inclusion.
 - (vi) Explore the possibility of support groups (possibly linking several churches both for the LGBTI communities and their families).
 - (vii) Acknowledge a person's right to private life.
 - (viii) The Church must also create a safe space for those who need to talk about their sexuality or gender identity.
 - Such a safe space could be phoned or visited and should preserve confidentiality
 - This space should not be a counseling center per se as the very nature of the struggle for many is that they do not feel the need for counseling but do need to talk in confidence about how they feel. Such a safe space would

- send a strong message of compassion and care to the wider community.
- Those who offer their service in such a safe space should receive appropriate training particularly in understanding the issues involved and in Christian listening skills.
- 6. There is need for change and greater understanding in the wider Church. This calls for education, careful listening and dialogue. In every way it is easier to stand at the side of the road or in the pulpit, or 'on air' and shout condemnation. But it does not win hearts or minds. And it certainly does not show the pastoral care of Jesus Christ. Church leaders should therefore:
 - (i) Strongly state that attitudes and approaches within our congregations which 'victimize or diminish human beings whose affections happen to be transgender or those who are attracted to persons of the same sex' are unacceptable
 - (ii) Encourage repentance for the occasions when LGBTI persons have been treated in ways severely lacking in grace within religious contexts and encourage an attitude of grace and mercy to be shown to all who struggle with different aspects of their sexuality.

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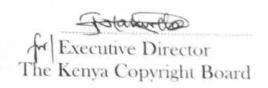
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