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Ethics and International Discourse in Social Work: The Case of Uganda's Anti-Homosexuality Legislation

Lynne Healy and Hugo Kamyá

This paper discusses the role of international professional discourse in responding to cases of ethical and cultural dissonance. The discussion builds on the recent controversy over proposed legislation that would further criminalize homosexual behaviour in Uganda and the responses from international and regional professional organizations. For social work, the case was compounded by a statement from a local social work leader. The contributions and limitations of global ethical principles and international human rights standards in such cases are considered, with special attention to the salience of universalism and cultural relativism. Principles of discourse ethics and leadership ethics are also applied in the analysis. The authors conclude by recommending a moderately universalist stance that respects the dignity of all humans while preserving positive elements of African culture and worldview.

Keywords: Uganda; LGBT Rights; Universalism; Relativism; Human Rights; Discourse Ethics; Social Work Ethics; Leadership

Introduction

It is important to state that Uganda is used as an example in this paper, but it is not alone in rejecting the rights of gay men and lesbians. In fact, more than 70 countries currently criminalize homosexual behaviour, including several countries that impose penalties up to and including the death penalty (Bailey 2012). What makes the Ugandan case particularly important here is that it has generated considerable debate within the global social work community, largely because of statements made by the leader of the National Association of Social Workers Uganda (NASWU). The case raises important questions about the

Lynne M. Healy is Board of Trustees Distinguished Professor at the University of Connecticut School of Social Work, USA. She is Chair of the IASSW Human Rights Committee and is part of the team representing IASSW at the United Nations. Lynne Healy, School of Social Work, University of Connecticut, 1798 Asylum Avenue, West Hartford 06002 USA; Email: Lynne.healy@uconn.edu

Hugo Kamyá is Professor at Simmons College School of Social Work. A native of Uganda, he has worked to build international partnerships and professional exchanges between the United States and Africa. His involvement in the International Consortium for Social Development has engaged him on the issues that affect all minorities. Email: Hugo.kamyá@simmons.edu

universality of human rights and social work ethical principles. It also leads us to consider how respectful global dialogue can proceed in the context of sharp value differences.

The paper begins with an overview of the Uganda Anti-homosexuality Bill, followed by a summary of a statement issued in support of the Bill by the President of NASWU, and summaries of responses from global social work organizations to the Bill and NASWU. In the second section of the paper, we explore the values informing each side, briefly describing aspects of Ugandan culture, especially the roles of family, and discussing professional values and ethics. African and United Nations human rights documents are referenced to situate the case in regional and global context. The paper concludes with a discussion of leadership ethics and principles of discourse ethics to discern a way towards true dialogue.

The Case

The Uganda Bill

The Uganda Anti-homosexuality Bill of 2009 is a legislative proposal that would broaden the criminalization of same-sex relations in Uganda. It would prohibit any form of sexual relations between persons of the same sex and the promotion or recognition of such sexual relations through or with the support of any governmental entity in Uganda, or any non-governmental organization inside or outside the country. The Bill's drafters assert that its purpose is to protect the traditional family.

The Bill has four stated objectives:

- (1) To provide for marriage in Uganda as a contract between a man and a woman.
- (2) To prohibit and penalise homosexual behaviour and related practices, stating that they constitute a threat to traditional family.
- (3) To prohibit ratification of any international treaties, conventions, protocols, agreements and declarations which are contrary or inconsistent with the provisions of the Act, and
- (4) To prohibit licensing of any organizations which promote homosexuality.

As drafted, the Bill would impose the following penalties for offenses defined in the Bill:

- Trying to enter into a same-sex marriage—life imprisonment;
- Offering premises to an organization that defends the rights of gay men and lesbians—5 years and cancellation of registration;
- Being aware of any offence under the Act and failing to report it within 24 hours—3 years;

- Touching a person with the intent to commit a single act of homosexuality—life imprisonment;
- Attempt to commit an offence of homosexuality—7 years
- More than one conviction of acts of homosexuality—death penalty;

The proposed Bill provides for extra-territorial jurisdiction: gay and lesbian persons would be held liable for offences under this law even if such acts were committed in countries where same-sex marriages and same-sex sexual conduct are legal. Many provisions in the Bill portray a person who commits same-sex sexual acts as someone who preys on victims, ignoring the consensual nature of most same-sex sexual acts.

The Bill was tabled in 2009, but it has come up at every legislative session since. It is often raised at a time when the country is going through a crisis of some kind. There is some evidence that the Bill is used by politicians to divert public attention from other problems, including corruption. For example, legislative interest seemed to pick up at the time of discussions of the newly discovered oil resources in the western part of the country, implicating suspicious involvement of some lawmakers. It was raised again at the time of the unearthing of massive corruption associated with funding of global initiatives in the country, and again at the imprisonment of legislators who had questioned the mysterious death of one impassioned anti-corruption lawmaker. When the public demanded information around the country's natural resources, no information was provided and instead more noise around the Bill surfaced. The Bill was to be discussed before Christmas 2012 and delivered as a 'Christmas gift' but it did not come up. In December 2013, a version of the bill without the death penalty clause passed in the Parliament.¹

The NASWU statement

The importance of the issue to the global social work community was heightened when in March 2010, the National Association of Social Work Uganda (NASWU), a member association of the International Federation of Social Workers (IFSW), issued a statement in support of the Anti-Homosexuality Bill. The statement, written by the President of the Association, underscored how this Bill was necessitated by extraordinary developments in Uganda and around the world. The NASWU statement charged increasing incidents of homosexual abuse of children and youth by people exercising influence over them including teachers, pastors, and parents. It alleged recruitment of youth into homosexual practice with inducements including money. The NASWU President alleged that some organizations promoted homosexuality; indeed that they were created solely to

1. As this paper was going to press, President Museveni signed the bill into law on February 24, 2014 amid international outcry.

promote homosexuality in Uganda (e.g. Sexual Minorities Uganda; Integrity Uganda; Freedom and Roam Uganda). The statement also claimed that the Bill was necessitated by campaigns by some countries such as France and Brazil to secure a UN General Assembly resolution imposing homosexuality as an internationally protected human right. Finally, the statement rejected scientific theories, severely criticizing 'the mistake' western societies made in handling the issue of homosexuality as a minor, private issue. The NASWU statement continued to assert that the organization:

- (1) Rejects the view that same-sex attraction is an innate 'orientation'; rather, it is part of a range of feelings individuals ought to learn to bring under control as they mature;
- (2) Believes Uganda is justified to put in place appropriate legislation to comprehensively prohibit homosexuality;
- (3) Acknowledges that the Anti-homosexuality Bill has drafting errors in the way some offences and penalties are conceived, that should be corrected before its passage;
- (4) Warns against the clause requiring mandatory reporting of all known homosexual offences and suggests that it should be amended to exempt disclosure made in counselling situations, in organizations licensed to offer same-sex counselling services, to encourage those experiencing same-sex attractions to seek professional help on behaviour management. NASWU also recommends that licensed counselling organizations sign an undertaking not to dispense pro-homosexual advice to their clients.

Finally, NASWU expressed confidence in the Parliament of Uganda to produce a law other countries will emulate, saying that the Parliament is 'acclaimed worldwide for writing some of the best laws in the world'. Nonetheless, social workers were invited to engage in discourse with Parliament on this Bill before it becomes law (NASWU 2010).

The Global Profession Responds

The proposed Bill and the NASWU statement drew sharply worded statements from several international social work organizations. IFSW President David Jones issued a statement in March 2010. While he somewhat overstated the extent of UN treaty protections for sexual minorities (no explicit protections in fact exist in the treaties), Jones made it clear that social work ethics and the broader international human rights understandings make the proposed Bill unacceptable. 'The proposals before the Ugandan Parliament concerning homosexuality and gay rights are a violation of international human rights conventions and should be withdrawn' (IFSW 2010). In making his statement, Jones acknowledged the 'territorial integrity of national governments and member organizations' and indicated that IFSW usually does not speak out about national-level policies.

However, he continued ‘the regional and global risks to human rights arising from this legislation are such that a comment is required in this case’. In April, 2010, the Chair of the IFSW Ethics Committee ruled that President Jones’ statement was ‘entirely consistent with the IFSW/IASSW ‘Ethics in Social Work: Statement of Principles’ and was issued with the ‘authority of the Federation’ (Hugman 2010). In May 2010, the International Association of Schools of Social Work (IASSW) joined the discussion, expressing ‘grave concern’ about both the proposed Bill and the NASWU statement. It cited numerous ‘erroneous assumptions’ in the NASWU statement and labelled the claims made as ‘disrespectful, stigmatizing, hurtful and even harmful’ (IASSW, personal communication, May 2010). It further decried the use of scripture to appeal to religion, promoting intolerance and hatred. While it called for an open dialogue, the IASSW statement is clear on its opposition to the proposed Bill and NASWU statement.

The NASWU statement is clearly at odds with those of the global organizations. What values underlie these widely divergent views? These are considered in the following sections, exploring traditional views of family in Uganda, and then official global ethical principles of the profession. Human rights documents are also noted to put the professional discussion in a wider context.

Underlying Values: The Uganda Case

The Anti-Homosexuality Bill and the NASWU statement both claim a goal of protecting the traditional family. Cultural relativity often surfaces in issues of marriage and the family. In one north-eastern US state, a coalition advocating for same sex marriage named itself ‘Love Makes a Family’. This may make sense in the majority western culture where personal choice in marriage decisions is the dominant value. But it would not resonate in the Ugandan context where different concepts of family and community prevail. These are briefly explained below.

Cultural understandings of marriage, family and community in Uganda

The cultural understanding of family and community must be seen in the context of Uganda’s history, politics and dominant values. Uganda’s history is rooted in pre-colonial, colonial and post-colonial traditions. Though not officially colonized, Uganda was, in 1894, declared a Protectorate of the British Empire. It gained independence between 1961 and 1962. As their country transitioned to a nation-state, Ugandans, like other Africans, struggled to maintain their culture. Afflictions such as disease, hunger, poverty, war and inter-ethnic conflicts have affected Uganda’s family and gender roles, as well as class and community structures. All of these issues have resulted in deeply shared experiences of loss, including a loss of cultural roots and of the sense of safety, security and stability. In turn, this may have intensified a general desire to retain or revive ‘traditional’ beliefs and practices.

In his seminal book on African religion and philosophy, Kenyan scholar Mbiti ([1970] 1990) explains that ‘marriage is a complex affair with economic, social and religious aspects’. For many Ugandans, marriage is a duty through which certain responsibilities are fulfilled. Marriage ensures economic and social survival, especially through the offspring. A worthwhile life is considered to be one that reproduces itself: children are seen not only as a blessing from God but also as a guarantee for economic well-being. It is considered a taboo for two people from the same totemic clan to marry each other, yet inter-tribal marriage is accepted almost all over Africa, ensuring that closely related persons do not marry each other, and also develop and solidify new kinship bonds.

The Ugandan worldview, rooted as it is in traditional African worldview, reflects a deeply felt interrelationship between the personal and the collective. This experience of interconnectedness permeates people’s thoughts, behaviour and decisions, providing them with important insights into their circumstances (Kearney 1984). Africa’s version of corporate identity—the notion of a self that exists collectively—is reflected, for example, in the proverb *Umuntu ngumuntu ngabantu* (often simply referred to as *Ubuntu*, meaning ‘I am because we are’). This proverb expresses the lived realities of many Africans who continue to experience their daily functioning and life trajectories as dependent on being part of a larger community. Personal identity must be understood in the context of community identity: individual self-determination is de-emphasized in favour of promoting ideals of communal harmony and well-being.

In this world view, family, including extended family, forms the main social unit at the core of community: people remain reliant on family connections for security, support, and influence (Kamya 2005). In addition, values continue to be learned in the context of family, passed on from one generation to the next, transmitted in the form of proverbs and stories told on many occasions. Through participation in major events of the family life cycle, including coming of age ceremonies, holiday gatherings and other celebrations, members of the larger community contribute to the transmission of shared, communal values (Kamya 2005; Wanjohi 1999). For these reasons many Ugandans regard it as essential, to sustain—and defend—traditional family forms. In sum, the central role of family; the importance of child-bearing; a strong orientation towards communal values, and the fear of ‘losing one’s culture’ in a fast-changing, unsafe world, all help to explain how forms of individuality seen to threaten traditional notions might come to be regarded with suspicion. These factors help explain the attraction of the anti-homosexuality Bill for many Ugandans, rendering the Bill an expedient tool for political manoeuvring.

The African Charter on Human and Peoples Rights

In 1981, the Organization of African Unity (now the African Union) adopted a regional human rights document, the *African Charter on Human and Peoples Rights*. The Charter supports Ugandan perspectives on families, addressing

complexities of individual versus community rights. It departs from the UN Universal Declaration of Human Rights (UDHR) in a number of ways: most relevant for this paper is the Charter's emphasis on morality and duty. Article 17 clearly states that 'the promotion and protection of morals and traditional values recognized by the community shall be the duty of the state', and Article 18 recognizes the family as 'the custodian of morals and traditional values'. Chapter II of the Charter focuses on the duties of rights-bearers; individual rights are recognized but must 'be exercised with due regard to the rights of others, collective security, morality, and common interest' (Article 27:2). Furthermore, the individual is charged with the duty 'to preserve and strengthen positive African cultural values in his [sic] relations with other members of the society, in the spirit of tolerance, dialogue and consultation and, in general, to contribute to the promotion of the moral well-being of society' (29:7). Finally, Article 28 cites the duty to 'respect and consider his [sic] fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance'. The Charter provides support for diverse positions within the Uganda case debate. Communitarian values are strongly expressed, suggesting that exercising individual rights must strengthen family and community, and support 'traditional values'. However, the Charter also is very specific in using words such as tolerance, dialogue, and respect.

Uganda: Politics of the 'traditional' and openings for change

There are probably many ways to understand Uganda's situation. As noted, some of Uganda's response to the gay rights issue appears to be rooted in a 'traditional view of things'. It is not surprising that politicians often use the notion of 'tradition' to further their own interests and/or divert attention from other issues. As noted above, there is evidence that politicians raise the Anti-Homosexuality Bill to distract attention from other problems, especially corruption (Activists Fight Uganda's Anti-Gay Bill 2013). Public support is garnered by claiming traditional culture and attacking foreign influence. In other words, 'the traditional view of things' can lead to a conservatism that equates 'the traditional' with 'culture', elevating it to a pedestal. Traditional culture may not be questioned, and whoever deviates from this norm, goes against something sacrosanct. Such a view sets itself up as judge, jury and executor over any issue: debate and dialogue are not tolerated. Claiming that something goes against traditional culture is therefore convenient, appealing to people's fear of change.

A related tactic is to blame 'foreign influence'. It is true that Uganda has had its fair share of foreign influence, but not all influence has had deleterious effects. This argument overlooks the impact that non-foreign issues have had on the local cultures including local leadership, and the many complex effects of globalization. Indeed to blame 'foreign influence' for 'moral failures' is to avoid dealing with a complexity of pernicious effects. Using the arguments of 'tradition' and 'resisting foreign influence', politicians encourage people to buy into the support of such

issues as the anti-homosexuality Bill, serving as a diversion from other troubling issues. A further casualty of this is the ability to engage in civil discourse.

On a more positive note, because some of the support for the Bill is artificially boosted, there may be openings for education and challenge. It should also be recognized that there is a gay activist movement within Uganda (Ugandan gay activist Kasha Nabagesera visits Dublin 2013). In the current hostile climate, their activities are somewhat circumspect. However, domestic gay rights groups are an important element of the campaign for dialogue and change. As noted by a reporter for the US National Public Radio, there is 'hard work being done every day in Uganda by ordinary people just to build acceptance' (Activists Fight Uganda's Anti-Gay Bill 2013).

Professional Ethics and the Challenge of Universalism

Social work ethical principles

The responses to the Uganda situation by the IFSW and IASSW emphasized social work ethics. Indeed, it is often claimed that professional values unite the profession across specialties and borders. There are, however, challenges in developing a generally agreed statement of global social work values. The deontological approach to ethics 'stresses the overriding importance of fixed moral rules' and therefore favours development of a universal ethical code (Dolgoff, Loewenberg, and Harrington 2005, 42). In contrast, the teleological school holds that ethical principles may differ 'on the basis of the context in which they are made or on the consequences that result' (Dolgoff, Loewenberg, and Harrington 2005, 42).

International social work organizations have struggled with the tension between the deontological or universalist approach, and the teleological or relativist approach. In 2004, IFSW and IASSW adopted a new ethics document, *Ethics in Social Work: Statement of Principles*. The intention in adopting principles rather than a code was to allow for locally specific interpretations. However the resulting document incorporated the traditionally dominant tenets of the profession. The principles are organized into two sections, one on human rights and human dignity and the other on social justice. Human rights are presented as flowing from the belief in human dignity and worth; rights are elaborated as 'rights to self-determination, participation, treating each person as a whole; and taking a strength-based or empowering approach', (Hugman and Bowles 2012, 153).

A number of the principles relate directly to the case under discussion. The statement reasserts that 'social work is based on respect for the inherent worth and dignity of all people, and the rights that follow from this' (4.1). Although sometimes criticized as a 'western' notion (Silavwe 1995; Skegg 2005), the principle of self-determination is the first principle under human rights and human dignity. It reads: 'Social workers should respect and promote people's

right to make their own choices and decisions, irrespective of their values and life choices, provided this does not threaten the rights and legitimate interests of others' (4.1.1). Then, under social justice, the first principle addresses discrimination as follows: 'Social workers have a responsibility to challenge negative discrimination on the basis of characteristics such as ability, age, culture, gender or sex, marital status, socioeconomic status, political opinions, skin colour, racial or other physical characteristics, *sexual orientation*, or spiritual beliefs' (italics added) (4.2.1). Social workers are also expected to challenge 'unjust policies and practices' (4.2.4) and those 'conditions that contribute to social exclusion, stigmatization or subjugation' (4.2.5).

According to Congress (2012), social work national associations must accept this ethics document if they join the IFSW, underscoring its role as a universal statement. After reviewing numerous social work codes of ethics, Banks (2006) observed that the codes may 'reflect a growing homogeneity' within the profession (302 as cited in Congress). Yet, according to Smith (2010, 112), 'contradiction and conflicting views are inherent in the nature of ethics in social work'. It may be that surface homogeneity in the words used in ethical documents, masks deeper divisions. Nonetheless, the 2004 document was approved by all national associations present at the IFSW Adelaide General Meeting.

Hugman and Bowles (2012) note that the move from a 'code' to a statement of principles was both in recognition that no accountability mechanisms exist, and to demonstrate sensitivity to cultural relativity. They ask: 'if we accept that social work must be understood as a situated practice, can it be said that social work has an international identity through a commonly held set of values and principles? Or are the questions posed by cultural and social differences between the global North and South so fundamental that even the IFSW statement, with its deliberate level of generality, cannot be consciously embraced by social workers from all parts of the world?' (157). These questions are certainly raised in the debates over the NASWU statement and its departure from the global principle promoting equality based on sexual orientation.

United Nations processes and LGBT issues globally

The Uganda case is situated not only within Africa but in the changing global human rights context. Whereas the African Charter appears congruent with the Ugandan position, and debates between universalism and cultural relativism in the field of human rights continue, the UN is moving towards support for equal rights for sexual minorities. The strong universalist assumption underlying the United Nations UDHR is that human rights belong to all humans simply because they are human. They do not need to be earned, and are claimed as indivisible and inviolable.

Yet, non-discrimination and equality for sexual minorities is currently far from settled around the world. The changing landscape and lack of human rights consensus on the issue are underscored in the policies and actions of the United

Nations. On one hand, there is currently no human rights treaty that explicitly grants rights to sexual minorities. While the UDHR states that all humans have comprehensive rights just because they are human, the international human rights regime has seen it necessary to successively adopt treaties explicitly extending these rights to racial minorities (UNOHCHR 1965); women (UNOHCHR 1979) children (UNOHCHR 1989) persons with disabilities UNOHCHR (2006). This may suggest that without specific treaty provisions, the rights of LGBT persons remain unrecognized. On the other hand, countries are now being questioned about their treatment of sexual minorities by the treaty committee for the Covenant on Civil and Political Rights and by the Human Rights Council's Universal Periodic Review process. Uganda's most recent periodic human rights review was held in 2011 (UN Human Rights Council 2011b). Council members recommended that Uganda 'investigate and prosecute intimidation and attacks on LGBT community members and activities' (111.69) and 'take immediate concrete steps to stop discrimination and assaults against LGBT persons' (111.71). Not surprisingly, Uganda rejected these recommendations, and those to withdraw the Bill under discussion and to decriminalize homosexuality.

The Human Rights Council (HRC) adopted its first resolution on rights of LGBT populations in June 2011, when a resolution introduced by South Africa called for a study of discriminatory legislation and acts of violence based on sexual orientation and gender identity. The vote of 23 yes, 19 no and 3 abstentions indicates the contentious nature of the topic. Uganda joined 9 other African HRC members, 7 Islamic states, Moldova and Russia in voting no. Interestingly, two African countries, Zambia and Burkina Faso, abstained, and one, Mauritius, voted yes, suggesting a modest level of diverse views in the region (UN 2011a).

More and more UN leaders are speaking out about this issue. Previous High Commissioner for Human Rights, Louise Arbour, said in 2006: 'Neither the existence of national laws or the prevalence of custom can ever justify the abuse, attacks, torture and indeed killings that gay, lesbian, bisexual and transgender persons are subjected to' (quoted in Fleshman 2007, 12). Her successor, Navanethem Pillay, born and raised in South Africa, drew on her own experience under apartheid to underscore the principle of universality of rights. Calling attention to 'social and cultural stigmatisation', she expressed grave concern over discrimination related to sexual orientation, calling for the *universal* implementation of human rights (2008). Secretary General Ban Ki Moon has added his voice to the call for non-discrimination.

The Need for International Civil Discourse

As dialogue continues within the UN community, it is clear that a more constructive discourse is needed within the social work community. The values expressed in the NASWU statement contrast so sharply with those of the global social work organizations that they seem to leave little room for reasonable discussion. We address two issues that emerge from the case study. The first is whether the IFSW

and IASSW had legitimacy to speak out on the Uganda case. Second, and perhaps more important, is to examine prospects for civil dialogue on highly charged, value-laden issues. Principles of leadership ethics and discourse ethics offer some guidance in addressing these issues.

Leadership ethics: Is there a duty to speak, and how should it be exercised?

In 2010, the President of the Association of Schools of Social Work in Africa (ASSWA) also issued a statement on the Uganda case. He explained that the Executive Board had decided not to comment on the NASWU statement out of concern that statements impede useful dialogue: 'We in ASSWA believe in dialogue as a way of addressing vexing but realistic problems of our continent rather than issuing hasty statements steeped in self-belief no matter how sound that position might be' (Lengwe Katembula Mwansa, personal communication, June 2010). The President also cautioned the IASSW about statements that 'do not add value to the resolution of the problem or advance efforts to bring about positive change'.²

However, leadership ethics suggests an obligation for professional leaders to speak out on issues of ethical and human rights violations. This must be considered alongside cautions about the dangers of monologue. All social workers are expected to follow ethical standards, but leaders of agencies and organizations have greater responsibility (Congress 1997). Levy (1982) stated that agency executives are 'the duly appointed monitors of the manifest values and ethics of social organisations and the symbolic representations of them in and outside the organisation' (Levy 1982, 144). Leaders are expected to thoroughly 'understand professional and organisation ethical obligations, make moral choices, set the tone and climate to facilitate ethical practice by others' (Healy and Pine 2007, 81). The office holders of the IFSW, IASSW, ASSWA and NASWU are thereby special duty-bearers: social workers should expect them to represent professional values, facilitating ethical practice by their members. Leaders are highly respected in the African context and are expected to speak for their communities. Again, this carries the duty to speak responsibly and with accountability, promoting the well-being of the community. Irresponsible speech, especially which incites violence or hate, is destructive of community. In the worst cases, it fuels xenophobia and even genocide, as was well-documented in Rwanda.

There is little agreement and no systematic process to determine when and how the international professional organizations should act to protest human rights violations. As noted in the ASSWA statement on the Uganda debate, there have been many instances, including the post-election violence in Kenya and Zimbabwe and xenophobic attacks in South Africa, when the global organizations

2. It should be noted that in 2011, the AASSWA issued a strong statement condemning the murder of David Kato, LGBT activist, in Uganda (ASSWA, personal communication, February 11, 2011).

were silent (Lengwe Katembula Mwansa, personal communication, June 2010). In the Uganda case, the global profession's response was directed partially at the proposed Bill but more strongly in condemnation of the NASWU statement. The implicit rationale is that the leaders of the profession are particularly obligated to speak when social workers are either the perpetrators or victims of violations. Therefore, the obligation to speak would range from lower, on issues outside the realm of social work expertise, to higher for violations within our sphere (such as violence against children), and highest when the violator is a member of the profession. This suggests a ladder of situations obligating a global leadership response, moving from violations of human rights that are outside the expertise of social work, to serious violations by social workers at the opposite end of the spectrum. This modest proposal may provide a beginning point for considering the duty to act. The appropriateness of external versus internal monitors of human rights and ethics should also be weighed.

Principles for civil global discourse

In introducing the 2011 Resolution on Sexual Orientation to the UN Human Rights Council, South African delegate Jerry Matjila expressed his country's belief in intergovernmental dialogue as a way to address the controversy (UN 2011a). Mutua (2004) charged that in contentious issues dialogue is often aggressively rejected, especially by Western speakers who declare what is right. This 'forceful rejection of dialogue also leads to the inevitable conclusion that there is a hierarchy of culture, an assumption that is not only detrimental to the human rights project but is also inconsistent with the human rights corpus' commitment to equality, diversity and difference' (Mutua, 2004, 56). Holscher and Berhane (2008) noted that relativist views on human rights offer little to those suffering human rights abuse: 'Indeed, such views seem strangely disconnected from the troubles afflicting the world's victims of systematic oppression and human rights abuses, and worse, play into the hands of despotic governments which ... attempt to employ fragments of anti-imperialist, postcolonial and cultural relativity discourses to justify the subjugation of their peoples' (Holscher and Berhane 2008, 320). They expressed concern that relativist discourses can lead to abandonment of particularly vulnerable groups, a concern that can certainly apply to LGBT populations. Holscher and Berhane called for 'the profession to actively engage in a more participatory and egalitarian dialogue at the global level with a view to responding creatively to human rights abuses across the world' (Holscher and Berhane 2008, 312).

The ideas expressed by these diverse authors raise important points for our case. They suggest that in issuing statements of condemnation such as those offered by the IASSW and IFSW, organizations should take care not to 'aggressively reject' dialogue by assuming positions of moral superiority. At the same time, professionals, including those in Uganda in this case, should be cautious not to reify culture, especially when rights are violated as a result.

Habermas's theory of discourse ethics and communicative action offers insight on ways forward. Habermas proposed that norms, including ethical norms, become universal only through 'dialogic exchanges between committed inquirers' (Houston 2003, 819). According to Lovat and Gray (2008, 1110–1111), 'Solutions are shaped [by the worker and client] in a dialogical engagement within a socio-cultural context in which norms of appropriate deliberation and communicative action have already been established, including the norms of the worker's professional culture'. Nevertheless, Habermas reminds us not only that these norms must be constantly negotiated to achieve a common understanding to establish grounds for co-operative action, but must also include compassion, regard 'and considerateness for the other' (Houston 2003, 821). To move forward then, we must create a dialogue that incorporates 'inclusivity, open communication, empathy, and impartiality' (Houston 2003, 823).

If, as Houston (2009, 1279) claims, Habermas' ideas can 'mediate between the extremes of universalism and cultural contingency', they could be highly useful in global debates over LGBT issues. Houston recommends applying Honneth's theories along with Habermas to emphasize both 'egalitarian communication and the principle of inclusive recognition' in advancing 'moral decision making' in the profession (2009, 1276). Working towards more 'inclusive recognition' is important in addressing Mutua's (2004) concerns over equality in the dialogic process. Ideally this would be joined with what Houston called 'empathic consciousness and the use of regulated communication' as a way of addressing ethical dilemmas (Houston 2009, 1288).

Finally, lessons can be drawn from the Public Conversations Project (PCP) founded in the Boston area in 1989 to improve conversations on difficult issues. Their work offers some important guidelines towards ways of engaging around human rights in contexts of great diversity and deep divisions. The PCP seeks to foster understanding across seemingly unbridgeable divides over complex yet highly polarized social issues such as abortion. Using elements of appreciative inquiry, dialogue and deliberation, the Project offers training to improve dialogue and mutual understanding, enabling people to harness diversity and generate fresh thinking about stuck situations (PCP, n.d.). The PCP's experience suggests that the case of human rights in different cultures can benefit greatly from the insights provided by Critical Discourse Analysis.

Critical Discourse Analysis is a way of approaching and thinking about issues. According to Frohmann (1992, 386), 'it enables access to the ontological and epistemological assumptions or reveals hidden motivations behind a text'. Importantly, Critical Discourse Analysis does not provide absolute answers to specific concerns. It does however reveal the dynamics of that issue and can facilitate conversations surrounding it. This is achieved by drawing attention to how dominant discourses shape the way social reality is understood. Thus, Critical Discourse Analysis contributes to resolving harmful social polarization around highly contested issues, reminding participants that all views must have a place at 'the table of discussion'. Crucial in the process is how participants engage in the debate: collaborative dialogue is the key.

People are more likely to have a constructive conversation when they do not attack, and are not defensive, abstaining from polarizing ways of speaking. Participants in the dialogue agree to put aside confrontational argument, to avoid communication patterns that impaired previous conversations. In the same vein, equal respect for everyone enhances trust and collaboration. Such conversations are premised on developing affirming ways of being, offering re-humanizing interactions and valuing people's personal stories. In this kind of dialogue, attention must be paid to potential abuses of power and control of one group over another. Rather than asserting particular truth claims and assuming moral superiority, participants must be continuously suspicious of their own claims, and ways in which dominant discourses naturalize unjust social orders, especially relations of inequality (Fairclough 1985). This facilitates receptive dialogue where all participants are encouraged to listen attentively without judgment and ask questions that stimulate further conversations.

Our study of Uganda's Anti-homosexuality Bill, of gay and lesbian rights in Uganda and of global social work discourse reveals that many of the discussions have been monologues, rather than dialogue. Participants have expressed a sense of cultural superiority and of ethical 'righteousness.' Engaging in meaningful discourse means moving from monologue to dialogue. Monologic discourse blocks the open, unpredictable process of dialogue that nourishes human connection and creativity. Our case study reveals the danger that monologic discourse can lead to the annihilation of the other. It seeks to immobilize or destroy the other without consideration of the other's subjectivity (Kamya and Trimble 2002). The movement to dialogic discourse assumes an open engagement of all parties, where every participant takes into account and accepts the other's agency and subjective experience. The international social work discourse around Uganda's Anti-homosexuality Bill has tended to ignore key stakeholders, thereby effectively, even if unintentionally, foreclosing attempts to move forward, ultimately failing to make a tangible difference in the lives of the very people whose human rights are at stake. Genuine dialogue must allow for the humanization of the other and for a relational process in which self, the other and their interaction are respected. This claim must be made even when participants in the dialogue are located in distant parts of the world, with the knowledge that this complicates the relational process.

Conclusion: Towards Reducing 'Hegemonial Universalism' in Social Work Ethics

In his foreword to a book on African human rights, Deng (2008), Sudanese scholar and former Special Advisor to UN Secretary General for the Prevention of Genocide, tackled the claims of sovereignty often used to blunt outside criticism of human rights violations. He links sovereignty with responsibility, arguing that sovereignty claims include a duty to protect citizens' human rights. He continues that 'the international community, however, remains the residual guarantor of universal human rights and humanitarian standards in the quest for global peace

and security' (xii). Applying this to the Uganda case, we suggest that the NASWU had a responsibility to speak, but also has the responsibility to consider a pro-human rights stand, and to promote dignity for all. Furthermore, the IFSW and IASSW legitimately serve as 'residual guarantor of universal human rights' and should respond as needed. If we determine, based on the idea of responsible sovereignty, that cultural relativity cannot be claimed in a situation where adult same-sex activity is criminalized, we then turn to a question of strategy. How can internal and external agents move forward to promote change and ethical civil discourse without engaging in culturally inappropriate interventions?

First, as the principles of discourse ethics indicate, it is essential to avoid any form of 'othering' for dialogue to take place. Expressions of global outrage at Ugandan policy makers and social work leaders risk mirroring the extreme 'othering' of the gay and lesbian populations expressed in the Ugandan Bill and the NASWU statement.

Secondly, it will be helpful to acknowledge that LGBT rights is the new frontier of extending universal human rights, remaining an arena of struggle in many parts of the world. Although the NASWU President asserted that acceptance of homosexuality is a western idea, the reality is that some leaders in the West also reject the call for equal rights. Pope Benedict XVI called for a joining together of religious leaders to fight against gay marriage, and US based evangelical preachers have been active in Uganda, urging anti-gay action. Some, in fact, blame US Evangelical Scott Lively for introducing the idea of a 'western-imposed' gay agenda intent on destroying Ugandan culture, thereby inspiring the Uganda Bill (Bennett-Smith 2013). Although 16 countries and 13 US states have legalized same sex marriage, 35 US states have laws declaring marriage as pertaining only to unions between one man and one woman (Gay Marriage 2013; Pew Research 2013a). Hate crimes based on sexual orientation continue in many western countries. Nonetheless, acceptance and support for non-discrimination have grown substantially: recent shifts in public opinion in the United States on gay rights and gay marriage have been some of the most dramatic opinion shifts ever (Pew Research 2013b). Much of the change is attributed to personal interaction with family members, friends or neighbours who are gay. Countries in Latin America have recently moved to protect LGBT rights: Argentina has legalized same sex marriage. The South African Constitution includes non-discrimination on the basis of sexual orientation and gender identity. These developments signify the potential for change, but also allow for ample recognition that the issue of equality based on sexual orientation has been a struggle throughout the world. Recognizing this may help civil discourse.

Thirdly, it is important for global participants in the discourse to recognize that the pressures of globalization have created instability and insecurity affecting all levels from household to nation. In their wake, notions such as 'traditional culture' have become a source of comfort for many in a changing, often unsafe world. A greater appreciation of the complexities of culture requires recognition that particular cultural contexts shape families, communities, and social practices just as these in turn shape particular cultural contexts.

Indeed, as Laird (2000, 103) states, notions of culture are ‘constantly in motion, changing in meanings, and definitions’. Such recognition of the particularities, but also of the fluidity and complexity that connect local and global conditions may thus provide openings for a global discourse that is characterized by much greater levels of tolerance. As a result, paradoxically, social work’s ability to protect, promote and extend human rights might be strengthened. Dialogue will be enhanced if participants begin by identifying shared values, such as strengthening families and communities and ensuring peace. It is also useful to emphasize the realistic possibilities for understanding and acceptance of difference—of ‘others’—to evolve in *any* context, as well as opportunities for social work leadership to contribute accordingly: ‘no culture or comprehensive doctrine is ‘by nature’, or in any given or fixed way, either compatible or incompatible with human rights’ (Donnelly 2007, 291). Drawing on the positive example of South Africa, rather than expressions from outside the continent, may be particularly helpful in defining gay and lesbian rights as human, not Western.

Finally, we suggest that decriminalizing homosexuality is an important first goal for realizing rights, and is likely to be perceived as less threatening to ‘traditional values’ than campaigns towards, for example, marriage equality. In advocating ‘relative universality’, Donnelly (2007, 304) put it clearly: ‘the idea that the state should be permitted to imprison or even execute people solely on the basis of private voluntary acts between consenting adults, however much that behaviour or ‘lifestyle’ offends community conceptions of morality, is inconsistent with any plausible conception of personal autonomy and individual human rights’. The prospects for changing hearts and minds require humanizing the ‘other’. This can begin to occur once people are open with each other, an openness that requires decriminalization, anti-violence work and de-stigmatization. As these are realized, we can expect that some prominent persons will become open about their sexuality and extend the human face of the gay and lesbian communities, much as Philly Lutaaya’s brave admission of his AIDS status helped Uganda to lead on HIV prevention.³

Recognizing what Healy (2007) called ‘moderate universalism’ or what Staub-Bernasconi (2010) labelled ‘moderate debatable universalism and pluralism’ offers room for accommodating multiple perspectives in ethics to accompany the view of cultures as dynamic. Healy (2007) recommended a moderate universalist stance, recognizing the right of all people to full equality and a range of protections as detailed in human rights treaties, while also acknowledging the important role of culture to human well-being, encouraging more emphasis on positive communalist values. Staub-Bernasconi (2010) pointed out that neither ‘hegemonial universalism’ nor ‘fundamentalist pluralism’ is productive for social work. She differentiates between human needs, which are universal and demand

3. Philly Lutaaya, 1951–1989, was a popular singer and entertainer, the first well-known Ugandan to go public with his HIV status, giving AIDS a human face.

human rights protection, and human preferences—more contextually defined and experienced. As she stated, ‘individuals don’t have the same wishes and preferences or use the same socio-cultural and symbolic resources and practices to satisfy them’ (17). Therefore, rights (and, by extension, ethical principles) must be implemented with consideration of context. Pluralism has limits, however: ‘tolerance is not defined by indifference to or acceptance of any behaviour legitimized by cultural or religious tradition or political ideology, but by social respect in spite of (minor) moral differences and a clear delineation of where tolerance has to end: no tolerance for human suffering, social injustice or oppression; no tolerance for intolerance’ (Staub-Bernasconi 2010, 17). Staub-Bernasconi does not use the term ‘discourse ethics’ but recommends a process for mutual dialogue that incorporates its central principles.

Finally, the importance of at least a moderately universalist stance on human rights to social work is not new. In 1968, Madhav Gore of India addressed the international social work conference: ‘[The human rights perspective] has the advantage of clarifying what the moorings and long-term objectives of social work are. It will disturb the complacency of the individual social worker who may be tempted to acquiesce in the values of the local community even when they conflict with the broader (values) of the profession. It will require and compel the organized profession to take clear positions on social issues ... In the midst of a plurality of cultures and values there will be a need for the affirmation of an acceptable common denominator’ (Gore 1969, 67–68). The search for effective international dialogue in the Uganda case suggests that minds and hearts must remain open to a more nuanced position on social work ethics and human rights, while advancing the profession as a defender of human dignity and worth.

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