

EFFECT OF CULTURE AND HUMAN RIGHTS ON SEXUAL ORIENTATION IN AFRICA

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Abstract

African people believed that every human right should be 'soluble' in culture. They dictated and decided what should be the rights of the people. Changing and adopting any cultural practice had never been easy. Therefore, sexual orientation as it is presently known became an anathema to the people and its culture hence, the reactions of African countries such as Uganda, Gambia and Nigeria on sexual orientation. The study investigated the level of knowledge and behaviour of social workers, policy makers and society on culture, human rights and sexual orientation. Survey design was adopted using qualitative approach. Colaizzi's descriptive phenomenological method of analysis was applied on data gathered through key informant in-depth interview (KII) and focus group discussion (FGD). Findings indicated poor knowledge of sexual orientation by the social workers, policy makers and society. Policy makers exhibited conservative opposition and repression towards sexual orientation. Social workers confused human rights with self-righteousness. The study concluded that education of all stakeholders: social workers, policy makers, and society about human rights and sexual orientation is inadequate. The study, therefore, recommended that education on human rights and sexual orientation should be emphasized among stakeholders, especially, policy makers like law makers. They should understand that human rights should not become subordinate to culture. The government should apply principle of persuasion and not persecution in its dealings with members of society on sexual orientation. Recognition of dignity and worth of the person with individual values is paramount rule. Finally, all social workers should take an oath of practice similar to medical profession to curb discrimination in practice, especially, on sexual orientation.

Key words: Culture, human rights, sexual orientation, education, Africa

Introduction

Sexual orientation has been of concern to the society for long and in recent times, has become of great interest to the majority of peoples in Western, Asian and African countries. In Africa, for instance, homosexuality is of great interest and concern to the majority, and those in the

minority who may have sympathy for it dare not come into the open with such interest and concern. Social homophobia in Africa has remained very great and can only be remedied when society puts its stamp of approval on sexual orientation (LaBarbera, 1994; Remafedi, Farrow & Deisher, 1991).

It is also believed that people with sexual orientation have greater tendency of being promiscuous (Paul & Paul, 2001). People in sexual orientation present the concept of homosexuality as a normal and reasonable choice.

Since sexual orientation is believed to be a mental issue starting from the brain, it is necessary to understand the anatomy of brains and compare anatomy of brains of males and females. Swaab and Fliers (1985) had established the presence of dimorphism in the pre-optic area of hypothalamus and found that males demonstrated a greater than two-fold difference in cell number and size compared to females. Therefore, the issue of sexual orientation also has a biological implication which must be clearly understood (Allen, Hines, Shryne & Gorski, 1989; LeVay, 1991; Byne, Tobet, Mattiace, et al, 2001). In order to have a proper understanding of sexual orientation, an approach that is biopsychosocial can be adopted. This is for the social workers and other caregivers on one hand and the clients and members of the society on the other hand.

Sexual orientation emerges within families where the children are all boys or girls. A boy is likely to develop homosexual orientation if he has older brothers (MacConaghy, Hadzi-Parlovic, Stevens, Manicavasagar, Buhrich & Vollmer-Connal, 2006). It is also an essence of human rights to allow for choice in any case of sexual orientation. Diamond (2003) found that sexual orientation was not completely a genetic one. He discovered that some lesbians relinquished their lesbian/bisexual identities and returned to heterosexual identities. This informs that sexual orientation should be by choice. The general view as expressed in Laurent, Toupance and Chaix (2012) stated that sexual orientation

was 'culturally driven'.

Perrin (2002) concluded that sexual orientation, probably, is not determined by any one factor but by a combination of genetic, hormonal, and environmental influences. There is no scientific evidence that abnormal parenting, sexual abuse, or other adverse life events influence sexual orientation. Current knowledge suggests that sexual orientation is usually established during early childhood (Perrin, 2002).

This study examined culture and human rights in Africa and its effect on sexual orientation with a view to suggesting relevant approaches in education for change.

Sexual Orientation, Culture and Human Rights

Sexual orientation, which is an important aspect of diversity, involves sexual and romantic attraction to persons of one or both genders. Sexual orientation towards the same gender is gay for male or lesbian for female (Kirst-Ashman, 2007). Gay is used generally for both male and female. The popular old term is homosexuality. Sexual orientation toward opposite gender is heterosexual; toward both sexes is bisexual. Sometimes heterosexual is referred to as straight.

It is difficult to know how many people are gay or lesbian; and more difficult in Africa especially in Nigeria where religion and culture cannot be separated. Homosexuality is stigmatised and gay men and lesbian women are afraid to reveal their identities (Kirst-Ashman, 2007; Carroll, 2005).

Strong, DeVault, Sayad and Yarber (2005) believe that persons with sexual orientation are about ten percent of the society; this segment is called "The Ten Percent Society". Strong, et al (2005) stated that the lesbians, gays and bisexuals (LGB)

suffer daily from homophobia in all its forms which includes physical and verbal attacks. Social workers more often than not do not understand their life situations and environmental issues because they first of all support the societal views of sexual orientation, jettisoning the non-discrimination principle of social work. Covert victimization occurs. This type of discrimination against a sexual orientation is not obvious, that is not obvious. There is also a state of internalizing homophobia among persons with sexual orientation-low self-esteem, depression, substance abuse, isolation, self-loathing, suicidal ideation, or acting out. Generally, LGB people have some "personal awareness of same-sex erotic feelings before puberty and that awareness becomes crystallized at puberty" (Hershberger and D'Augelli, 2000). It is, therefore, not an issue that can be discussed and concluded in a moment. This requires high understanding on the part of the social workers and other caregivers and LGB and society about human rights as it affects human and social choices.

For example, women lesbians talked about women making better sexual partners than men admonishing their tenderness, more consideration and understanding of feelings (Shere, 2004). Lesbians perceived men as unliberated "sexually or emotionally or any other way" (Shere, 2004). Lesbians saw sex with a woman as independence from men; and saw sexual performance of a man as another problem. A man would not perform sexually for more than twenty minutes whereas a woman would perform for more than an hour with a woman.

In essence, Shere (2004) concluded that lesbians saw sex as not an 'exchange' or a 'trade' 'services' and not focused on orgasm with more kissing and holding' and 'more concern for my pleasure' which was

experienced as liberating; sex with women was also seen as a political act by lesbians putting all energies (sexual, political, social, etc) into women and prevent men from enjoying sex with women (Shere, 2004). Social workers and other caregivers may not understand fully this trend in lesbians' thought unfortunately.

Discussing legalization of homosexuality or sexual orientation in Africa can be said to be dangerous or at best, hard. Only South Africa has passed law to allow it. Most countries in the West have passed a law allowing homosexuality. For example, Massachusetts in the US was the first state to approve it in 2004 and allowed gay marriage. Netherlands was the first country to legalise same-sex marriage in 2001; same-sex marriage became effective in UK on March 29, 2014. Canada was the fourth country in the world to legalise gay marriage. In Africa, 38 countries have not only banned homosexuality but also criminalized it. The countries include Nigeria, Uganda, Cameroon and the like. Republic of the Gambia still retains death penalty for homosexuals. Some countries also have not approved gay marriage or homosexuality. These countries include Jamaica, Malta, Turkey, Barbados.

Ancient Law of Moses (The Torah) forbids men lying with men (intercourse). Any contravention of this particular law in those times attracted death by stoning. Leviticus Chapter 18 in the Holy Bible, the Christian holy book is a reference. Unfortunately, some religious men and women may not know which of the sides to support – for or against for various reasons usually for monetary gains. Some religious leaders have also been accused of committing homosexuality, and this is becoming very frequent by the day.

One of these religious leaders, T.B.

Joshua – Leader of Synagogue Church of All Nations in Nigeria commented on homosexuality and cautioned that no one had right to judge apparently quoting from St. Matthew Chapter seven and verse one of the Holy Bible which says “Judge not, so that you will not be judged”.

People with sexual orientation other than heterosexuality are considered sinful in the African context. The only respect that is recognised for cultural diversity is “doing it their own way”. In other words, any sexual orientation that is different from what they accept in their culture is regarded as anti-social and must attract sanction. However, the social workers, especially, other caregivers have abandoned their ethical obligations to help people (Carroll, 2005).

The laws restricting, criminalizing and stigmatising lesbian, gay, bisexual and transgender (LGBT) are being enacted more frequently and forcefully in African countries in recent times. The arms of government - the executive, legislature and to some extent, the judiciary – and the society are actively involved in the promotion of intolerance, discrimination, and homophobia against LGBT. In fact, some members of society act as super spiritual as if they have to defend God’s case.

Therefore, any sexual orientation or nay other practices that do not conform with African culture cannot be recognised by human rights. Africans place high premium on their culture and religion. In the northern part of Nigeria, for example, where Islam is a major religion it is difficult to separate culture from religion. Human rights must be those accepted by practitioners of the religion. Universality of human rights has no place among these religious leaders and their people. Personal religious beliefs and affiliation are powerful predictors of

attitudes towards homosexuality. Most religions tend to categorise attitudes and behaviours about homosexuality as ‘unnatural’, ‘ungodly’ and ‘unpure’ (Yip,2005; Adamczyk & Pitt, 2009). In Kenya, the constitution defines marriage as between a man and a woman only. LGBT Kenyans, therefore, face systemic abuse and discrimination as a result of their sexual orientation (Finerty, 2013).

Persons who are LGBT suffer from homophobia. This suffering is both overt and covert victimization with covert nature greater than the overt one in Africa. Dworkin (2000) and Tully (2001) discussed various forms of discrimination against LGB in the developed countries. Discrimination against LGBT in Africa, though seriously linked to culture and religion, actually begins at family level. LGBT as members of family group are expected to have frequent face-to-face contact with one another, especially, in Africa; have norms which include expectations of members’ behaviours that shall conform with societal acceptable ones; and sense of commitment to and responsibility for such behaviours (Barker, 2003).

In this circumstance, the social workers in Africa, especially, in Nigeria find themselves in such a dilemma ethically that they end up doing nothing about the problems. They may want to act but would not want to offend culture and religion (Ayangunna, 2010). The social workers find it difficult to arrive at a sound professional position because of the weight societal values norms and principles placed on them by culture and religion. Human rights may have been relegated in this circumstance. Africans can only recognize human rights that are in consonance with their religion and culture.

Religion and spirituality are another

aspect of human diversity. Religion involves people's spiritual beliefs, according to Kirst-Ashman (2007) and Beckett and Johnson (1995), concerning the origin, character, and reason for being based on the existence of some higher power or powers providing direction for what is considered moral or right. Nigerians, especially, youths from the northern part are being radicalized and do not bother about the laws of the land. Homosexuals are also their target for elimination whenever they are remotely recognized, especially, by religious insurgents like book haram members (A group Moslem fundamentalists, who are opposed to Western education). Spirituality on the other hand is the views and behaviours that express a sense of relatedness to something greater than the self (Beckett & Johnson, 1995). With this belief of which social workers also share as part of African society, it becomes even more difficult to accept and fight for homosexuals covertly.

There is continual social intolerance against, LGBT people, and factors responsible for this may be a gap in the Nigerian education system which does not recognise choice as a right, including right to choose or not to choose a religion and the dynamics of culture. There is, therefore, the need to educate "ill-informed" members of the society against homophobia and "unfair" prejudice against sexual orientation (Francis & Msibi, 2011). The resentment against LGBT was so great that a gay bar in Cape Town, South Africa was targeted with a bomb injuring six persons in 1999 (Vollenhoven & Els, 2013). If this high level of homophobia exists in South Africa, the first and only country (so far) that has legalised homosexuality, then the level of intolerance and homophobia should be expected to be greater in other African

countries. In 2006, a 19-year old lesbian (Zoliswa Nkonyana) was beaten and stabbed to death in South Africa because of her sexual orientation. In 2008, a 31-year old, Eudy Simelane, one of the first women to live openly as a lesbian playing for South African soccer team was accosted, robbed, gang-raped and stabbed 12 times until she died. What happens in other African countries about LGBT? Education must be for a change.

Africans still hold the misconceptions about LGBT according to Vollenhoven and Els (2013) that:

i. **Homosexuality is a product of Western Culture or Result of over-modernisation**

Africans hold culture in high esteem and may not accept any intrusion into it. Any move that cannot conform must give way to culture in Africa. Consequently, homosexuality is regarded as "unafican" and in conflict with culture.

ii. **All Denominations of Religion Condemn Homosexuality**

Africans ways of life is religion. The Africans shall do everything to uphold the tenets of their religion. In the same vein, African shall fight to guide his/her religion. Christians believe that the Bible condemns homosexuality and majority of them wondered why there should be gay bishops to an extent that gay marriages began to happen in the Western countries. This, to most Africans, was a confirmation that homosexuality belongs to the Western countries. Islam equally condemns homosexuality.

We must, however, take into cognizance the presence of ambivalence that exists concerning LGBT among the faithful – Christians and Moslems alike.

In Nigeria, most of the LGBT always claim to belong to either Islam or Christianity.

iii. **Social Worker's non-Discriminatory Principle and Sexual Orientation**

Social workers in Africa often forget this rule that there should be no discrimination against any client in whatever form or shape, in whatever manner of behaviours including any or all aspects of sexual orientation.

Social workers in Nigeria also become judgmental and join in societal rationalization of sexual orientation. They allow religion and culture prevail on them above the ethical responsibilities to clients which include LGBT. Social workers also join in condemning those men who are effeminate, and this is common in the northern part of Nigeria. Those men who are effeminate are called "Dandawodu" in Hausa language (Nigerian language).

Different societies in Nigeria have set standards on sexuality and sexual orientation about what are culturally accepted as appropriate or inappropriate, moral or immoral, abominable or not abominable, healthy or unhealthy (Ikpe, 2004). Social workers are expected to understand this position to be able to serve society with in-depth knowledge about sexual orientation without necessarily offending the people's religions and cultures.

Methodology

Descriptive survey design was adopted for the study. Personal experience of undocumented cases involving sexual orientation as well as documentary evidences of resentment and homophobia on the part of Nigerian legislators and executives served

useful purpose. Qualitative techniques were employed using focus group discussion (FGD) and key informant in-depth interview (KII). Interview guide contained issues concerning level of knowledge about sexual orientation, attitude of the society, government, social workers and other caregivers towards sexual orientation and the interview guide also asked "why" and "how" an individual makes a choice and the "outcomes" of such choice. This method afforded the researcher the grace of gaining insight into people's lives and the meaning that people attach to their life experience (Fielding & Thomas, 2008).

The data for the study was collected through interviewing. The sample was drawn from Ibadan and from two ethnic groups: the Hausa and the Yoruba. These are two major ethnic groups in Nigeria with a combined population of over 110 million (Nigerian Population Commission, 2014, (estimate)). Hausa are in the north while the Yoruba are in the southwest of Nigeria. Those selected voluntarily agreed to participate in the study as respondents. Key informants were identified among these respondents.

Colaizzi's descriptive phenomenological method of analysis was used to analyse data collected.

In all, 12 sessions of FGDs and four key informant interviews were held.

These sessions were tape-recorded with expressed permission from the respondents. These responses were transcribed using Colaizzi's descriptive phenomenological method to analyse data (Colaizzi, 1978).

Discussion of Findings

The reports of focus group discussions and key informant interviews conducted were analysed under four distinct themes which are:

1. Knowledge level of social workers about

sexual orientation.

2. Knowledge level of law makers about sexual orientation.
3. Attitude of community members towards the rights of persons with sexual orientation.
4. Attitude of stakeholders towards training for change to accommodate persons with sexual orientation.

Interview guides were used for FGDs and KII. Each group comprised of ten respondents per discussion with the researcher as moderator.

1. Knowledge level of social workers about sexual orientation

It was discovered that most of social workers had inadequate knowledge of sexual orientation. Majority of respondents felt that sexual orientation was not taught during their training as social workers. As change agents, adequate knowledge through training on sexual orientation was needed to be helpful. Social workers did not see the need to promote practice over culture and religion. According to one of the respondents interviewed, at Ilorin, a city in the northern part of Nigeria, he said:

"I was employed as a social worker though I graduated with a degree in sociology and trained on the job, sexual orientation is strange to me. I was never taught at school in the first place, and the department where I work as a Principal Social Welfare Officer had never seen it in positive light. I think that our culture and religion abhor it and would not support it"

Male Social Worker (Urban) Ilorin, Kwara State

When asked if training in that respect would help, he said that he believes it would help in creating awareness and would add to social workers' knowledge about sexual orientation.

Another respondent, a female social worker in Ilorin reacted thus:

"I am only a social worker and I take instructions from my seniors. I don't know beyond what they know and don't do anything outside their instructions. As a government worker, you don't go beyond instructions. If they educate us on sexual orientation including our seniors, then, that would create awareness and better understanding of the matter – sexual orientation".

Female Social Worker (Urban) Ilorin, Kwara State

These respondents from Ilorin, Kwara State, with large population of Muslim faithfuls expressed their minds freely both at the FGD and KII about sexual orientation. They insisted that both religion and culture abhor sexual orientation. They also did not understand the biological and psychosocial factors in sexual orientation. Finally, they did not object to training in sexual orientation.

The respondents in Ibadan, the major city in Southwest Nigeria were of the opinion that sexual orientation was not

entirely new as news about it existed everywhere.

One respondent, a 45-year old woman and a petty trader said among others that:

"We hear of cases of homosexuality almost on daily basis. No one would come out in the open to declare support for it for fear of being castigated by the society or even punished. We have seen men openly effeminating here in the city. What then do we call this?"

*A 45-year old petty trader
(Woman)Ibadan (Urban)*

Most respondents agree with the woman and one man, a farmer added:

"We pretend a lot. I am not a supporter of sexual orientation but most people are doing it now. We know all that. People should be educated about it – culture or no culture, religion or no religion – we need to know why people are doing it."

*-A farmer from a village
near Ibadan*

2. Knowledge level of law makers about sexual orientation

Most of the Nigerian law makers believe that laws made are tailored towards the dictate of culture, religion and prevailing situation. Therefore, the national law makers criminalized homosexuality and the like in line with the country's strong belief in God and adherence to religious faith. One of the law makers said:

"Whether we like it or not, we know that homosexuality exists in the society among some persons. The issue is not whether homosexuality tampers with human rights or not; but our culture and religion abhor it. What are we going to tell our people if we did not legislate against it? We came from them and will return to them-including the clergy. Again, we demand for full education about sexual orientation."

*- House of Assembly
man, Ibadan (Urban)*

It becomes quite obvious then that our law makers may not know so much about factors responsible for sexual orientation. The need for training about this has become urgent and necessary.

3. On the attitude of communities towards the rights of persons with sexual orientation, the people would not want to hear or discuss it. Their views are that those persons in sexual orientation were products of the "devil" and must be punished and excommunicated for as long as they remain in it. They (persons with sexual orientation) must not receive mercy anywhere. Community members that identified those who were into it did nothing to them because they were members of the communities and law did not permit them to act as police would require evidence which would be difficult to get for proper prosecution at the court of law. Community members believe that sexual orientation is a Western culture and not in any way related to Africa and

African culture. Even in South Africa where homosexuality has been legalized, the African culture would not permit it to prevail as expected, especially, among the black African population of South Africa (Vollenhoven & Els, 2013).

4. Attitude of stakeholders towards training for change and to have knowledge about sexual orientation is such that an urgent plan must be put in place for this exercise. Culturally based and religiously acceptable training should be organised for all stakeholders. The issue of sexual orientation can no longer be kept behind the scene. For example, in Africa, it has become a major challenge for discussion and action. Homosexuality law in Africa has been principally tailored in line with culture and religion. Homosexuality is illegal in 38 African countries including Zambia, Nigeria, Uganda and Mauritania.

In Zambia, homosexuality carries penalty ranging from jail terms to death penalty. This jail term is in excess of up to sixteen years. In Mauritania and Sudan, homosexuality is an offence punishable by death. Nigeria is mild about the punishment. Nigeria's law does not allow for display of affection between homosexual couples in public. If this law is contravened, it is punishable to maximum of ten years imprisonment.

In Uganda, same-sex relationship is punishable by up to fourteen years in jail; and life sentence for multiple offences. Uganda law also forbids support of gay rights by individuals, companies, media organisations and NGOs (Vanguard Newspaper, 2014). Western approach to the matter of homosexuality in Africa has not worked and may not work despite all threats of withdrawal of aids and other supports from countries that have legislated against homosexuality. An approach that is

fundamentally African both in training and culture to teach issues of sexual orientation to the communities and social workers may add to knowledge.

Recommendations

The major problem with the world about Africa and sexual orientation, in my opinion, is the perceived imposition of idea on the people of Africa. For example, Africans cannot understand why homosexuality should be legalized. But, instead of educating the people on basic issues of sexual orientation, the threat of withdrawal of financial aids and other support was clamped on the government and people. Countries like Uganda, Kenya and the Gambia are just few of those countries which have experienced this. I therefore, recommend a systematic education of the people about all aspects of sexual orientation. This is not based on whether sexual orientation is right or wrong. As change agents, sexual orientation should be taught as part of social work training. The social workers should have full understanding of sexual orientation.

Therefore, a culturally based and religiously acceptable training could be organised for different segments of the society like communities, government workers, policy makers, teachers, health workers. This training should emphasise the biological and psychosocial aspects of sexual orientation. This is in line with FGD and KII results where demand were made to have better understanding of sexual orientation.

If adequate knowledge about sexual orientation is not readily made available, the rights to dignity and equality of LGBT shall continue to be jeopardized and constantly threatened leading to depression and hopelessness. The external factors which are principally environmental – religious, cultural – naturally affect and infiltrate all

activities of persons with sexual orientation.

Part of information dissemination of knowledge of sexual orientation is publication and distribution of literatures that are not repulsive to the people. Again, social workers appear to continue to swim in the ocean of culture and religion and have forgotten or may not have understood the non-discriminatory principle of social work practice. It may, therefore, not be out of place if social workers are inducted and asked to take an oath of practice similar to that of medical profession to protect the rights, dignity and worth of every person, especially those with sexual orientation.

Conclusion

It is pertinent to know that in Africa, especially, social classification inherently produces social differentiation; and this must be understood to be able to understand why sexual orientation has become such a controversial issue in Africa. Again, threats of sanctions can only strengthen people's antagonistic position on sexual orientation. What works is educating for change. Every effort should, therefore, be directed at fashioning out an acceptable educational system for a positive change of attitude towards sexual orientation on the part of social workers and other caregivers, the policy makers as well as the communities.

The people (the social workers, the teachers, the policy makers and members of the communities) must have a paradigm shift about sexual orientation to improve their knowledge and attitude towards sexual orientation. The rights and dignity of every person must be protected and respected at all and in all circumstances. The people may also be reawakened to examine, reject and replace all those policies that overtly or covertly impede or discriminate against human rights and social justice. We must re-orientate our thinking about sexual

orientation and accept the fact that they (persons with sexual orientation) are part of us and will remain with us. It is rather incomprehensible that these religious and highly culturally inclined leaders enjoy persons who effeminate and still turn around to condemn sexual orientation.

We must engage rather than disengage from persons with sexual orientation. The scope, breadth and depth of sexual orientation's presenting problem in the society must be examined properly because men who effeminate are tolerated in the same society. Why then is this high level homophobia in the same society. The society should talk to persons with sexual orientation for adequate understanding and respect for the rights of individuals whoever they may be.

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