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Anti-LGBTQ+ Proposed Bill and the Ghanaian Society:
Understanding the Impact of Homophobic law on LGBTQ+
People and their Supporters

By

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Candidate's Declaration

I confirm that, apart from works done by others that have been properly cited, the thesis is the result of my own investigation conducted under the supervision of Dr. Brianne Painia. To the best of my knowledge, this thesis has never been submitted entirely or partially to any institution or university for the award of a degree.

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Abstract

This study examines the impact of the Anti-LGBTQ+ proposed bill on LGBTQ+ people and their supporters in Ghana if passed. It has been identified in Ghana that, there is an argument that LGBTQ+ is not Ghanaian. In addition to the above argument, other factors such as religious beliefs, health factors, and concerns about morality have contributed to the passing of homophobic laws in Ghana and some African countries. These homophobic laws resulted in the violation of the rights of LGBTQ+ individuals in Ghana and these African countries. In Ghana, these beliefs and ideologies have led to the proposal of the anti-LGBTQ+ bill, which aims to strengthen the already existing criminal code (laws). By relying on primary sources of data, which were gathered through a documentary review online, the findings suggested that passing the anti-LGBTQ+ proposal bill will contribute to three main effects on LGBTQ+ individuals and their supporters. These effects include higher rates of violence, police abuse and over-incarceration; health discrimination; and disparities. Theoretically, these findings lend support to the proposition that the government and policymakers should create and put into practice policies and laws intending to eliminate LGBTQ+ discrimination rather than passing the Anti-LGBTQ+ proposed bill, thereby creating a safe space for these minorities.

Keywords: LGBTQ+, Un-African, criminalization, Sexuality, Criminal code, Anti-LGBTQ+ proposed law, Rights

Introduction

The world has witnessed great changes concerning gender and sexuality. People in countries like Britain, South Africa, and the United States of America, among others, have chosen to recognize their longstanding discrimination against lesbians, gays, bisexuals, transgenders, and queer people (WPR, 2022). Hence, they have made laws to protect and accept non-conforming sexuality and gender identities in their countries. Even though most of these countries have made laws, not all people identified as LGBTQ+ are protected under the law (Doan et al., 2015). According to Taylor (2016), the constitutions of Mexico, New Zealand, Portugal, South Africa, and Sweden grant equal rights to people based on sexual orientation but not gender identity. Also, the World Bank (2020) argues that, notwithstanding the social and political progress over the last two decades, lesbian, gay, bisexual, transgender, and intersex (LGBTQI+) people continue to experience pervasive harassment and prejudice in many countries, even though their sexuality and gender identities have been recognized. Although some countries have taken bold steps to make LGBTQ+ and its related activities less illegal, others are still struggling to accept it.

Countries such as Nigeria, Ethiopia, Gambia, Grenada, and Guinea have strict laws that criminalize LGBTQ+ and its related activities (WPR, 2022). For example, Nigerian laws state that carnal intercourse is against nature's order; entering into a same-sex marriage contract or civil union; making a public display of a same-sex amorous relationship; and registering, operating, or participating in gay clubs, societies, and organizations are all illegal and punishable by 14 years in prison (Morris, 1970). In addition, Nigeria also has the Sharia state law which has a death penalty for LGBTQ+ identify individuals. This law also criminalizes the discussion of LGBT rights (Ayo, 2014). According to research, Nigeria is one of the many countries that outlaw LGBTQ+ practice.

Countries such as Pakistan and Afghanistan also have the death penalty as part of the law to deter people from coming out to disclose their gender (trans) or sexual identities (HRW, 2012).

Ghana is no exception. The 1992 Constitution of Ghana, Article 17, states that all persons are, under the law, guaranteed equal and effective protection against discrimination on grounds of race, color, sex, language, religion, political or other opinions, nationality, ethnic or social origin, disability, property, birth, or other status. On the other hand, the criminal code does not guarantee equal rights in the activities of people identified as LGBTQ+ (1992 constitution, Article 29). More recently, there is also the upsurge of the Anti-LGBTQ+ proposed bill which its supporters claimed is going to strengthen the criminal code. This homophobic law specifically the anti-LGBTQ+ proposed bill has forced non-governmental organizations, international bodies, and other civil society organizations (CSOs) to fight against the strict rules the country has imposed on people belonging to LGBTQ+ communities. This advocacy arises from the fact that people should be given the freedom to enjoy their human rights irrespective of their gender or sexuality. In addition, people need to live in a country free of discrimination (Anthony, 2022; Greif-Hackett, and Sue, 2018). Therefore, I argue that the anti-LGBTQ+ proposed bill which is currently before lawmakers in Ghana should not be passed because passing it will have a negative impact on individuals identified as LGBTQ+ and their supporters. In other words, this paper is interested in identifying the impact of the anti- LGBTQ+ proposed bill on LGBTQ+ people and their supporters and further providing recommendations for policy making.

Literature Review

The arguments about the rights of LGBTQ+ people in many countries have been the concerns of many social scientists. Many African countries which despise LGBTQ+ activities argue that LGBTQ+ people cannot be granted the right to publicly express their sexual identities in their

countries because their activities are illegal and un-African or foreign. Others also argue that the religiosity of their countries does not permit the acceptance of LGBTQ+ and their activities. This argument has been made futile by social scientists. For instance, Tamale (2013), argues that religion cannot be the basis for denying LGBTQ+ people their rights because their activities are not foreign rather religion is foreign to the land of Africa. Similarly, Nkabinde and Morgan (2006), observed in their research that among the Sangoma tribe in South Africa to become a healer, a person must first answer "the calling" given to them by their ancestors. In most cases, the Songomas who were questioned had a powerful male ancestor who had ordered them to find a marriage partner. Their research focuses on how women of the Sangomo ethnic group take advantage of the social institution of unyankwobe (ancestral wives) to create a protected environment within which they can secretly maintain intimate, loving, and sexual same-sex relationships with their partners, all with the approval of their dominant male ancestors. Within the context of indigenous African culture, the same people involved in same-sex relationships are given legitimacy through the testimony of their ancestors. (See also Ayo, 2014; Dlamini, 2006; Adua, 2018; Tweneboa, 2020; Gyasi-Gyamera et al., 2019; Seo, 2017). Other researchers have taken bold steps to confirm that there was a practice of same-sex and non-conforming gender identities in Africa and for that matter Ghana even before colonization (see, Roscoe and Murray, 1998; Signorini, 1973). These researchers have also argued that colonization introduced discrimination policies to criminalize the activities of homosexuals, providing evidence that homosexuality or same-sex is not foreign to Africa and specifically Ghana (see Tamale, 2014).

Evidence of same-sex practice and the implementation of discrimination policies in Ghana from pre-colonization to post-colonization.

Before European colonialism, Ghana, which was formerly known as the Gold Coast, along with other African countries, had a population that included persons who were identified as same-sex and cross-dressers. The people who lived in the pre-colonial era attached religious and spiritual significance to certain aspects of these rituals and practices (Nkabinde & Morgan, 2006; Tamale, 2013).

Signorini (1973) observed that before colonization, the practice of age-segregated homosexuality was common among the Nzema (Nzima). Signorini (1973) explained that same-sex couples spoke openly about their attraction to their partners' physical beauty, character, and oratory skills. They fell in love, formed relationships, and slept in the same bed. The husband (the same-sex partner playing the man's role) paid "bride wealth" to the parents of the male wife, just as he would for a female bride, and the couple celebrated with a wedding banquet. This form of marriage, according to Signorini (1973), was called "agyale, or friendship marriages," and it was "typically between a man and a male adolescent, and less frequently between two women." There was also the practice of thigh sex and anal sex between older males and younger males among the Ashanti in Ghana, which was known as "*jigle keton*" and these marriages were practiced before colonization. (Upchurch, 2014).

Roscoe and Murray (1998) also identified the practice of gender mixing roles for both males and females among the Fantis. This was done due to the belief that those with heavy souls will desire women regardless of their biological sex, whereas those with light souls will desire men. They explained that in the 18th century, the Ashanti, another matrilineal Akan people who live on the modern-day Ivory Coast, established a powerful state. According to a 19th-century report reviewed, they used male slaves as concubines, treating them like female lovers. These male concubines wore pearl necklaces with gold pendants, and when their masters died, they were

assassinated as well and buried with them. Although there has been little evidence of queer identities in Ghana (Gold Coast) before colonization, it cannot be denied that people engaged in same-sex practices. Researchers like Roscoe, Murray, Upchurch, and Signorini have proven that Ghana, has a lot of homosexuals or the practice of homosexuals and gender non-conforming gender identities.

In 1874, the British eventually conquered Gold Coast, which is now known as Ghana, and established their formal dominion over the country in the early 20th century (Khan, 2015). As part of their rule, they successfully controlled the activities of the people on the Gold Coast, including their sexuality. Also, the Indian Penal Code of 1860 and the Queensland Criminal Code of 1899 which prohibited homosexuality by the British colonial leaders were imported to African colonies in the early colonial period. Customary rules in Africa were formed by Europe's puritanical sexual sensibilities, following a pattern that shaped Ghana's customs after Europe's conservative and authoritarian goals (Mulga, 2019). The Colonial penal codes were drafted with the British Empire's moral and religious mission in mind. The goal was to protect local Christians from "corruption" while also correcting and Christianizing "native" customs (O'Mahoney, 2018). O'Mahoney further argued that, even though these laws were similar in different colonies, such as Unnatural Carnal Knowledge, they were drafted differently due to time frame, geographical space, and the people occupying those spaces. In as much as this law was in existence, it is unclear whether the law was used to punish anybody in Ghana when it was passed (see also Read, 1962).

In 1957, when Ghana gained independence (Popa, 2010), many things changed, including the criminal code laws. After three years of independence, the sexuality law, which is known as the criminal code of 1960, was reviewed (HDT, 2022; Read, 1962). The law was reviewed to; whoever has unnatural carnal knowledge (a) of someone aged sixteen years or (c) over against his

will shall be charged with a first-degree felony and shall serve a jail term of not less than five years and not more than twenty-five years; or (c) if the fellow is sixteen years or over with his consent, he shall be charged with a misdemeanor; or even an animal shall be guilty of a misdemeanor and shall be charged with three years imprisonment (1992 Constitution, Article 17). Even though this law was in existence, Ghanaians largely did not publicly show any homophobic attitude towards LGBTQ+ individuals until 2012, when British Prime Minister David Cameron issued a comment linking aid to the decriminalization of homosexual behavior in Africa (Adua, 2018). This caught the attention of many Ghanaians, including politicians, who asked for a new law to strengthen the currently existing law (Adua, 2018). Fast forward to early 2021, a group of people identified as LGBTQ+ came together to open a headquarters in Accra, the capital city of Ghana. Two days later, Ghanaians realized the headquarters belonged to the LGBTQ+ community. This resulted in massive objections by many Ghanaian citizens, political leaders, and religious and educational institutions, forcing the president to shut the headquarters down (Nimi, 2021). Many people belonging to the LGBTQ+ community were arrested and detained for days before they were released. Since then, there has been pressure on the government to pass laws or strengthen the current laws to ensure that LGBTQ+ people and their supporters are punished (Nimi, 2021).

In late 2021, the parliament of Ghana formed an eight-member group to ensure that LGBTQ+ people are severely punished. The group came up with a bill titled "Anti-LGBTQ+ bill" and proposed that this bill be passed to strengthen Ghana's current law on criminal code (Wunpini, 2021). According to a news posted by Citi Room News (2021), the proposed bill have the following key features; individuals of the same sex who engage in sexual intercourse are to be fined between 50 and 5,000 penalty units or face a jail term of between 3 years and 5 years, or both, persons who use any medium or technological platform to produce, procure, market,

broadcast, disseminate, publish or distribute materials with the intention of promoting LGBTQ+ activities face a jail term of between 5 and 10 years, all LGBTQI+ groups, associations, clubs and organizations to be disbanded, anyone found guilty to be jailed for between 6 and 10 years, proscription of sex with or marriage to an animal, ban on same-sex marriage and marriage to someone who has undergone sex reassignment, anyone who funds or sponsors activities of LGBTQ+ groups or individuals to be jailed between 5 and 10 years, LGBTQ+ persons not to be granted an application to adopt or foster a child or children, persons of the same sex who make a public show of amorous relationship to face a jail term of between 6 months and a year, anyone who physically or verbally assaults, abuses or harasses a person accused of being LGBTQ+ to be fined between 500 penalty units and 1,000 penalty units or to be jailed between 6 months and a year, and a persons accused of being LGBTQ+ should be granted access to medical assistance if they make such a request during the period of their incarceration.

The bill as it stands now has not been passed due to the controversy surrounding it. These controversies were sparked in part by the fact that LGBTQ+ people are humans and have been part of Ghanaian society even before colonization. Another reason is that LGBTQ+ people are already discriminated against, and the passing of this bill will give people more chances to violate and abuse the rights of these vulnerable groups (Wunpini, 2021).

Methods

Study Setting

The study is based on the views of individuals who showed interest in the rise of LGBTQ+ issues in Ghana from late 2019 to early 2020 on some selected news websites and outlets such as YouTube, Facebook, News Now, Gh News, PinkNews, Joy News, Ghana Web, My Joy Online, CNN, DW, News and GTV News. These news websites were selected as the study settings because

they are regarded as very important platforms where political and social discourses such as interaction, discussion, and information sharing in various mobilizations take place (Earl et al., 2013). Also, these spaces are regarded as spaces where most people, especially Ghanaians, usually visit to get access to daily and credible news (BSW, 2022). Some of the websites selected were only associated with Ghana because Ghana is noted as one of the homophobic countries when it comes to LGBTQ+ and their related activities (HRW, 2012). This is because even though the country already has a law that restricts any other sexuality apart from heterosexuals, there has been a recent upsurge of a proposed anti-LGBTQ+ bill which its supporters believed should be passed to strengthen the already existing homophobic law.

Study Design

The study used a qualitative research approach to explore why people support or oppose the anti-LGBTQ+ proposed bill. I employed a qualitative research approach because the study does not rely on numbers but rather on people's opinions, expressions, interpretations, and experiences (Jansen & Warren, 2020). Using this design, I employed a document review to gather information on the opinions and ideas about the Anti-LGBTQ+ proposed bill and its related issues in Ghanaian society. With this, the views of the people were gathered from leading websites and outlets in Ghana, including YouTube, Facebook, News Now, Gh News, PinkNews, Joy News, Ghana Web, My Joy Online, and GTV News.

Data Collection Instruments

For the study, I employed a document review guide as the data collection instrument. The document review guide was developed based on the objectives and research questions of the study. The guide also contained meanings or descriptions of each of the themes that provided me with the needed classification system for the selection of the data. Moreover, it helped to capture the

descriptive characteristics of the selected websites as well as individuals sharing their views, including their names, country or location, job description, and position (particularly for political actors and religious leaders). Finally, the document review had details regarding the topic I wanted to investigate. (Bailey, 1994).

Before employing the document review guide to collect the data, I surfed through the websites mentioned above to analyze and evaluate which of the views or videos support or oppose the Anti-LGBTQ+ proposed bill. After gathering those documents, I ensured that I have permission to use the documents by studying the privacy policies that were observed by the above-mentioned websites to make sure there is no violation of ethical rules. After evaluating the ethical codes and gaining permission to use the data, the document review guide was used to collect and compile all the data into the “big data” which was easily available and accessible for use (Weller & Kinder-Kurlanda, 2015). These views or videos were collected within a particular period, that is, within two months (from February 25, 2022, through to April 15, 2022), and the search focused on a specific event or "searchable talk" that was about Anti-LGBTQ+ proposed bill in Ghana, generated using a quote such as "LGBTQ+ and Anti-LGBTQ+ law in Ghana" (Zappavigna, 2015) with the help of the document review guide. I chose "LGBTQ+ and Anti-LGBTQ+ proposed bill in Ghana" as the unit of analysis to find news or information about LGBTQ+ issues in Ghana

The overall data collected consisted of two hundred and fifty and lasted for approximately five weeks. Specifically, eighty views were collected from the individuals I grouped as opposers (LGBTQ+ people and human rights activists) of the Anti-LGBTQ+ proposed bill on news platforms and YouTube videos, while ninety and eighty views were collected from supporters (religious leaders, activists, and LGBTQ+ people) and (state/political actors) respectively. Moreover, by storing all my data in the “big data” I used the exclusion criteria to take some views

out. These consisted of unrelated, repeated, and unclear information about the Anti-LGBTQ+ proposed bill in Ghana. Also, the views of individuals on the Anti-LGBTQ+ proposed bill in Ghana but who do not live in Ghana were excluded. After the application of exclusion criteria, the views were slated down to twenty.

Participants and Procedure

The views of people who supports or opposes the proposed Anti-LGBTQ+ bill were selected for this study. The opposers of the proposed bill were listed as Activists and LGBTQ+ people while the supporters were listed by the websites as Political actors and religious leaders. Their views were primarily selected based on their experience as stakeholders in Ghana. These experiences were used as a benchmark for participation in the study. Also, their position as supporters or opposers of the Anti-LGBTQ+ proposed bill with both theory and practice experience augments their ability to provide thorough analysis and unbiased reflections. Finally, twenty views were selected for the study based on detailed information about the aims and objectives of the study.

Data coding and analysis

To begin the process of data analysis, I first familiarized myself with the topic by watching all the videos and views on the Anti-LGBTQ+ proposed bill and its related issues in Ghana. After that, I generated ideas about what might be happening based on the data. The process of analyzing the data was carried out by the theme analysis procedure provided in (Braun & Clarke, 2006). First, I read the transcripts and watched the videos to immerse myself in the facts while making notes on the significant points that stood out to me throughout each reading. An open coding technique was used to develop the initial codes, during which I engaged in line-by-line watching of the videos and reading the views acquired from the websites. Codes supporting why the Anti- LGBTQ+ proposed bills should be passed such as "LGBTQ+ is a choice," "LGBTQ+ is immoral," and "Allah

forbids the act of LGBTQ+" were inserted into the text of the code. While codes opposing why the anti-LGBTQ+ proposed bill should not be passed such as "LGBTQ+ is not Western Introduced", "The Anti-LGBTQ+ Bill is against fundamental human rights" and "I was born like this". Codes that did not reflect the primary goals of the study were further investigated, and those findings were incorporated into the study as sub-themes. The MAXQDA software was utilized to facilitate the management of the data analysis process.

Ethical Consideration

Due to the recent focus on the ethical use of social media updates, especially in social science research, I decided to look at the privacy policies of the websites and Townsend and Wallace's (2016) ethical guide to social media research to make sure the research did not break any ethical rules. To do morally sound research, it was important to think about ethical issues, because social scientists' studies must follow moral and ethical rules to keep study participants from getting hurt (Khan, 2014). The privacy of a user may be violated because these websites do not ask for permission to use the information they get from users before they use it. On the other hand, the website's privacy policy, which was just explained, forces users to automatically agree that their communications can be seen by the public when they use their platform. Because of this, the researcher thought that the users who were chosen for this study gave their permission for their data to be used again, even though this information is already available to the public. This was thought to be true because the users had talked about LGBTQ+ issues in public. Even though usernames, messages, and opinions were all available to the public in this study (though some websites chose to hide certain identities), I chose to hide some identities to make it less likely that participants could be found. When I needed to report views along with the names that were connected to them, I linked specific names to the views in question.

Findings

Demography of Participants.

The participants in this study are made of up of two groups. They are supporters (Religious leaders and Political actors) and opposers (LGBTQ+ identify individuals and Human Rights Activists) of the Anti-LGBTQ+ proposed bill and their demographic features in the video and news websites (YouTube, Facebook, News Now, Gh News, PinkNews, Joy News, Ghana Web, My Joy Online, CNN, DW News, and GTV News) selected for this study includes sex, gender, educational background, and positions they hold or held in Ghana. Generally, these participants were mostly in their thirties to fifties and had received a formal education, about ninety-nine percent of them. In the video, I identify that only a few people who identify as LGBTQ+ shared their views on the Anti-LGBTQ+ proposed bill. These few people were in their late twenties and early thirties. They were six in number. Of the six, two identified as gay, one identified as a lesbian, one identified as bisexual, and the other two identified as queer or transgender. Out of the religious leader whose views were selected for the study, sixty-five percent of them were Christian, and thirty-five percent were Muslim. This demonstrates that in Ghanaian society, Christianity is the dominant religion (GHPC, 2021). Practically all the participants (Religious leaders and Political actors) who expressed concern about the passing of the Anti-LGBTQ+ proposed bill on these websites were men.

Key terms and perspectives on understanding the supporting or opposing the Anti-LGBTQ+ proposed bill

Religious leader perspectives (Christian and Islamic)

Procreation will be destroyed and will attract the wrath of God.

Religious leaders argue that being LGBTQ+ would destroy the reason with which God created mankind in addition these sexual activities will attract the wrath of God if they are accepted into the Ghanaian community. This precedent was clear in the views of the Christian Council in late 2021, supporting the proposed Anti-LGBTQ+ bill. They stated,

"We wish to affirm again that marriage is a union between a man and a woman" (Genesis 2:24). Homosexuality is therefore a redefinition of the family system other than what God intended when he created mankind. It has no space for procreation and the nurturing of children with the love of a father and mother. Homosexuality is an act of perversion and abomination, and it attracts God's wrath (Leviticus 18:22, 20:13, and Genesis 19:1-28). (GhanaWeb.com, 2021)

It was observed that Christian leaders do not want to accept LGBTQ+ because of some verses written in the bible. Genesis 2:21–24 explains that "the LORD God caused a deep sleep to fall upon the man, and while he slept, he took one of his ribs and closed its place with flesh; [22] and the rib which the LORD God had taken from the man, he made into a woman and brought her to the man." [23] Then the man said, "This, at last, is bone of my bones and flesh of my flesh; she shall be called Woman because she was taken out of Man." Therefore, a man leaves his father and his mother and cleaves to his wife, and they become one flesh". According to some religious leaders, these verses from the Bible make a clearer argument as to why LGBTQ+ people and their activities cannot be accepted, especially by Christians.

To add to the argument by the Christian Council, especially on the issue of marriage and procreation, Archbishop Philip Naameh, the president of the Ghana Catholic Bishops Conference (GCBC), said,

"LGBTQI is a clear departure from God's purpose of creation because the woman was not created to be an object of pleasure for man," he added that the Catholic Church *"would only continue to recognize marriages between a man and a woman to ensure that God's purpose of creation is materialized"*[Online Graphics] (2021).

He further explained to CNN that

"Those who are promoting gays and lesbians are not going to have children at all."

The love for children is so prevalent in Ghanaian society, even to the extent that when straight people get married, they are expected to start having children as soon as possible. The love for children exists in Ghana because most people prefer to have what we call "generational names" (Osei, 2014). Some parents, especially fathers, also want their identity to remain even if they are no longer on earth. In addition to the above beliefs, Takyi (2001) has identified other factors as to why the love for children is prevalent in Ghana and Africa, which will be discussed later.

Allah forbids such an act.

Many Muslims in Ghana believe that Allah forbids LGBTQ+ people and their sexual activities, and therefore they do not encourage Muslims to associate with them. The leader of the Muslim Community in Ashiaman urged his members to be cautious about people who identify as LGBTQ+. He told his members to not familiarize themselves with such people because Allah forbids LGBTQ+. He stated,

"From the Islamic point of view, homosexuality is a forbidden action, a major sin, and anyone who partakes in it is considered a disobedient servant of Allah and will acquire his displeasure and disapproval" (MGN, 2021).

Looking at the above views, many members of different religious communities are very hostile towards LGBTQI+ people in Ghana. It was clear from some of the websites that most of these religious communities supported the anti-LGBTQ+ proposed bill and believed that the proposed anti-LGBTQ+ bill if passed would help ensure a safe space in society.

Political Leaders' Perspective

Political leaders who are in support of the Anti-LGBTQ+ bill have diverse views as to why they think it is important for this law to be passed in Ghana. Some argue that being LGBTQ+ is immoral; others also hold the view that being LGBTQ+ is a choice, yet other groups think that accepting LGBTQ+ will endanger public health and morals.

It is immoral and will affect our culture.

As it has already been stated, some political actors support the anti-LGBTQ+ proposed bill, because they claim that our culture does not support LGBTQ+ people and their activities. They explained that Ghana has morals, and our morals cannot be overlooked. In addition, they argue that this morality gives us identity and it cannot be trashed out because of LGBTQ+ and its related activity. One of the main proponents and supporters of the Anti-LGBTQ+ bill, Sam George made it clear by saying that,

The practice of LGBTQI+ will erode the country's moral values and injure the existing cultural orientation regarding sex and sexual relationships. He added on Facebook 2020 that, "We owe it to ourselves and the people of Ghana to uphold that which gives us our identity as a people." May we unite in this fight against the scourge and perversion that homosexuality presents. So help us, God. "

Other political actors stated that if LGBTQ+ people believe the anti-LGBTQ+ sentiment is too harsh, they should travel to countries that will support them, as Ghana cannot tolerate such acts.

Several comments, such as "if the LGBTQ+ people feel unsafe in Ghana, they can fly away" were also added (YouTube, 2022). These statements disclose the extent to which some political actors dislike and oppose the activities of people identified as LGBTQ+. For them, they are ready to make laws that will make society harsh for this individual. They believe this harsh condition will force people who identify as LGBTQ+ to change their ways.

LGBTQI+ is a choice

Some political actors also assume that sexuality is a choice and, therefore, people choose to be homosexuals. They argue that since there is no scientific proof as to whether LGBTQ+ is biological, it cannot be accepted in Ghana. Some of them opposed the argument that says that the anti-LGBTQ+ proposed bill should not be passed because it is against human rights. They explained that, even if it is human rights, so long as it poses a threat to other people in society, it should be curtailed. Ras Mubarak (former MP) argued that

"LGBTQI is a choice," he explained. "There is no evidence to show that people are born LGBTQI and so there is a need to pass a bill to criminalize it further." He adds that LGBTQI is alien and that all those in that community chose to join it. (DW News, 2021, YouTube)

In addition to Ras Mubarak, another view held by a political actor claim that

"Sexual preference is not a human right and even if it is a human right, according to the constitution, it can be curtailed so far as it poses an existential threat to public safety, public health, and public morals." He explained further that this act of homosexuality "poses a public health challenge and a public moral challenge". (DW YouTube, 2021).

In summing up the views of political leaders who are in support of the anti-LGBTQ+ proposed bill and oppose LGBTQ+ people and their activities, it is obvious that they are against LGBTQ+ people because they feel their activities are immoral, pose a threat to public health, and it is not biological. From these selected views, some political leaders believe it will be very difficult to accept LGBTQ+ people.

LGBTQ+ Community Perspective

I was born like this

Many people in the LGBTQ+ community have argued that they did not choose to be gay or lesbian. They explained that they were born lesbian, gay, bisexual, etc. and that there is nothing that can be done about it. They noted that they are afraid of the proposed bill because it will give people more opportunities to violate their rights. An anonymous transgender Ghanaian mentioned that:

I can't change the way I am. I can't change who I am. " He went on to say, "This is natural, and it is how I feel." But we are dead. We are all now dead. We can't go out again and we can't mingle with our friends again. (CNN, 2021).

One of the arguments surrounding the anti-LGBTQ+ proposed bill is that people become homosexuals because they choose to and not because they were born with it. But people who identify as LGBTQ+ explain that they did not choose to be lesbians, gays, queers, etc. To them, since they did not choose their sexuality, passing this proposed bill will make life difficult and very unhealthy for them. In addition, DW News (2021) also identified that "members of the LGBTQ community in Ghana say their lives will become a nightmare if the new bill is passed into law." This is because passing the law will give some citizens the ability to discriminate more against the rights of LGBTQ+ identified individuals.

The Perspective of Activists

LGBTQ+ is not Western Introduced

Activists argue that the Anti-LGBTQ+ proposed bill should not be passed because these minorities (LGBTQ+ people) have been part of Ghana long before colonization. Bediako, an activist who runs an NGO called Rightify Ghana, denounced the claim that homosexuality is a Western import or that LGBTQ activists were out to recruit and convert straight Ghanaians.

He stated,

"The same people who claim to have brought homosexuality to Africa are the same people who told them to have this hate they are using against us," he says. "There have always been queer Ghanaians." (CNN, 2021).

The Anti-LGBTQ+ Bill is against fundamental human rights

Aside from the argument by activists that LGBTQ+ people have been part of Ghanaian society even before colonization, other activists believe that passing laws to further criminalize LGBTQ+ and its related activities is against human rights. Professor Kwame Karikari (a member of the Coalition of Citizens Concerned about the Imminent Threat to Democracy and Human Rights) contends that,

"The new proposed law is not necessary because the constitution already criminalizes all unnatural carnal knowledge." He further explained, "This proposed bill is against the fundamental human rights of minorities, which includes the LGBTQ people." He added that he is not in support of the bill because it suppresses human rights and not because it discourages homosexuality or lesbianism. (My Joy News, 2021).

To add to the arguments above, activists are also concerned about their lives because this law, when passed, will also affect their rights. Some of the activists believe that the proposed Anti-

LGBTQ+ bill should not be passed because it is also a potential threat to them. Activist Nana Yaa Agyapong explained that passing the proposed bill could potentially result in her spending five years in prison.

She stated

"So that means sitting here speaking with you can potentially land me in jail; my freedoms will be curtailed; I will lose my job." She further said some activists have already lost their jobs.

Some activists in Ghana are fighting against the anti-LGBTQ+ proposed laws because they think it is a potential threat to both the lives of LGBTQ+ identified individuals and the activists themselves.

Discussions and Implications

The purpose of this paper was to identify the impact of homophobic law on LGBTQ+ people and their supporters to provide recommendations for policy making.

Ideally, the study confirms that the religious nature of Ghanaians and the love of children in Ghanaian society has been one of the main reasons for the support of the Anti-LGBTQ+ proposed bill in Ghana. However, Africans and Ghanaians have overlooked the fact that the beliefs and values that have led to the anti-LGBTQ+ proposal have a wide-ranging impact on both the individuals identified as LGBTQ+ and society at large. Yate and Snodgrass (2019) observed that a plethora of factors, such as an individual's lived and subjective experience of religion, religious tradition, and theological or spiritual views, all play a role in shaping an individual's location on the religious spectrum. They explain that the opinions held by religious groups towards sexual orientation and gender identity have a direct and indirect impact, respectively, on the religious affiliations of LGBTQ+ individuals (Yate & Snodgrass, 2019, see also Seo, 2017). Sexual and

gender minority groups have been persecuted and rejected by religion, which has resulted in substantial psychospiritual suffering (Beagan & Hattie, 2015; Hunter, 2010; Wood & Conley, 2014). On the other hand, it has been noted by Takyi (2001) that, in a significant amount of research on the social demography of African nations, Africans are one of the continents that place a high priority on having children and have a propensity to have larger families. The fact that parents in Africa get a significant number of resources from their children, a process that he refers to as the "intergenerational flow of wealth," is the primary reason why large families are the rule rather than the exception in the continent (Caldwell, 1982). In addition, families look at children as a way to increase their income and social prestige in the community through the acquisition of additional offspring. Therefore, according to Caldwell (1982), as long as this flow of resources is favorable to parents, the number of children a couple may choose to have will be larger.

It was surprising to note that in the study, aside from the common religious belief and the love for children in Ghana, there are other factors that, such as LGBTQ+, are a choice and/or pose a threat to societal order. The notion held by many Ghanaians that LGBTQ+ is a choice has contributed to the proposal of the anti-LGBTQ+ law. But scholars have argued that sexuality is not a choice or preference, but rather biological or innate (Spengen, 2014). Due to societal pressure from most African communities and most especially the Ghanaian communities, individuals identified as LGBTQ+ are unable to disclose their sexuality because of the belief that their sexuality is a choice. This has led to getting married to the opposite sex, thereby conforming to societal norms (HRW, 2018). This pressure from society on LGBTQ+ individuals is likely to contribute to infidelity or divorces in marriages.

Also, these beliefs and ideas, which led to the proposed anti-LGBTQ+ law, have contributed to the violation of the rights and freedoms of people who identify as LGBTQ+ and

those who support them. These denials of human rights have been grouped into five by Sears et al. (2017). In their work, they identified that discrimination policies have contributed to negative impacts on LGBTQ+ people and their supporters. These effects include higher rates of violence, police abuse, and over-incarceration, workplace harassment and discrimination, and health disparities (p, 54).

It has been observed in Ghana that LGBTQ+ individuals have suffered a lot of violence from both the police and the citizens. A typical example was in August 2015, in Nima, Accra. A young man was allegedly brutally assaulted by members of a vigilante group known as Safety Empire simply because they suspected he was gay. Also, "several men described being severely beaten by mobs of young men, often after being lured into compromising situations and blackmailed on social media." In addition, in May 2016, in a village outside Kumasi in the Ashanti Region, the mother of a young woman organized a mob to beat up her daughter and another woman because she suspected they were lesbians and in a same-sex relationship (HRW, 2017).

Aside from the high rate of violence, the anti-LGBTQ+ proposed law imposes a jail term on anyone who supports the activities of LGBTQ+ people as well as LGBTQ+ people themselves. This jail term, according to the already existing law, has a minimum of three years (1992 constitution of Ghana), unlike the proposed bill, which is tantamount to ten years' imprisonment for LGBTQ+ people and five years' imprisonment for activists and anybody who supports the activities of LGBTQ+ people. That is why the supporters of this bill believe that it is going to strengthen the already existing law. As already mentioned by some activists, working as human rights activists and fighting for the rights of LGBTQ+ people pose a great threat to them because there is a possibility of them going to jail for five years (Nimi, 2021).

In addition, there is also a significant number of people in the medical sector who have a hostile attitude towards LGBTQ+ people, which has led to the inability of LGBTQ+ people to disclose and talk about their health concerns. A negative environment like this has also influenced the health issues of LGBTQ+ people. Concerns have been expressed about the health and treatment of LGBTQ+ people in many different countries because of the homophobic inclinations that are prevalent among members of the medical profession (Norman et al. 2016). This indicates that passing the proposed bill will contribute to more denial of access to health care by individuals who identify as LGBTQ+.

Going forward the current proposed bill in parliament, which is also termed, as the Anti-LGBTQ+ should not be passed, as it will lead to the frequent violation and brutality of the human right of people identified as LGBTQ+, the already existing law should also be reviewed to eliminate discrimination against LGBTQ+ people in the society. In addition, even though the proposed law state that those who violate the right of LGTQT+ people will be imprisoned, I feel attention will not be paid to that, therefore, the government of Ghana should declare publicly that anyone caught violating the human rights of people identified, as LGBTQ+ should receive some punishment from the police. If someone suspects an individual being gay, lesbian, bisexual, trans, queer, and many more, they should report them to the police rather than beating them up or setting them ablaze. Finally, Since Ghana is a religious country and believes in a supernatural being, it will take a while for the activities of LGBTQ+ people, therefore LGBTQ+ individuals should stop publicly expressing their sexual and gender identities since their practices are not legalized and avoid public shaming or harm.

Conclusion

My argument that patterns of same-sex and different gender identities can be found in Africa has been supported by some critical literature, which in turn lends further support to the evidence of the existence of African homosexuality and gender identities. What was more unique was that I identify that Ghana's same-sex and gender identities are compatible with Ghanaian culture, cosmology, and spirituality. This has been accomplished within the confines of this brief forum. There is no question that same-sex practices are present in Ghanaian society; this fact cannot be called into question, and in my view, it was not introduced by colonial powers. The prevalence of LGBTQ+ is evidence that practices involving same-sex and cross-dressing provoke passionate public opinion, controversy, opposition, and terror. Sadly, there are still many cases of homophobia directed against LGBTQ+ people in Ghana and in Africa, most of which are frequently committed by Ghanaians themselves. The challenge for all of us is to mobilize all communities in order to promote respect, tolerance, and caring within the context of equality and human rights. This also means that to ensure a safe space for individuals who identify as LGBTQ+ people, it is important not to pass the Anti-LGBTQ+ proposed bill. This will ensure that both LGBTQ+ people and their supporters are safe and can enjoy their human rights. Furthermore, to ensure that discrimination is eradicated for the society to achieve equality especially for individuals identified as LGBTQ+ future research can focus on the connection between colonization and African sexuality and why remnants of that era such as homophobic norms or legislation remain in contemporary political Ghana

Work cited

- Adua, Justice.Y. “Religion and Homosexuality in Ghana: Assessing the Factors Constraining the Legalisation of Homosexuality in Ghana: A Study of the Klottey Korle Sub-Metropolitan Area of Accra.” *UGSpace Home*, University Of Ghana, (July 2018), <http://ugspace.ug.edu.gh/xmlui/handle/123456789/30142>.
- Anthony, Justice. K. “The Rights of Lesbian, Gay, Bisexual and Transgender people”. American Civil Liberty Union, (2022). <https://www.aclu.org/other/>
- Bailey, Kenneth D. *Methods of social research*. Fourth Edition. New York: The Free Press, 1994.
- Beagan, Brenda, and Hattie, Brenda. “Religion, Spirituality, And LGBTQ Identity Integration”. *Journal of LGBT Issues in Counseling*, 9, 92- 117, (2015).
- Busangokwakhe Dlamini. “Homosexuality in the African Context.” *Agenda: Empowering Women for Gender Equity*, no. 67 (2006): 128–36. <http://www.jstor.org/stable/4066801>.
- Braun, Virginia and Clarke, Victoria. “Using thematic analysis in psychology”. *Qualitative Research in Psychology* 3(2): 77–101, 2006.
- Caldwell, John C., and Pat Caldwell. “The Cultural Context of High Fertility in Sub-Saharan Africa.” *Population and Development Review* 13, no. 3 (1987): 409–37. <https://doi.org/10.2307/1973133>.
- Caldwell, John. *A Theory of Fertility Decline*. Canberra: ANU Press, 1982.
- Corbin, Juliet and Strauss, Ansem. “Basics of qualitative research: Techniques and procedures for developing grounded theory”. *Sage Publications*: London, (2015).

- Doan, Long, Lisa R. Miller, and Annalise Loehr. "The Power of Love: The Role of Emotional Attributions and Standards in Heterosexuals' Attitudes toward Lesbian and Gay Couples." *Social Forces* 94, no. 1 (2015): 401–25. <http://www.jstor.org/stable/24754258>.
- Earl, Jennifer., McKee Hurwitz, H., Mejia Mesinas, A., Tolan, Margaret, and Arlotti, Ashley. "This Protest Will Be Tweeted: Twitter and Protest Policing During The Pittsburgh G20". *Journal of Information, Communication & Society*, (2013), 16(4), 459-478.
- GHPC. "Ghana Population 2022." *Ghana Population 2022 (Demographics, Maps, Graphs)*, (2022), <https://worldpopulationreview.com/countries/ghana-population>.
- Gyasi-Gyamerah, Angel.A., Christopher M. Amissah, and Samuel A. Danquah. "Changing Attitudes toward Homosexuality in Ghana: The Power of Attributional Discourse." *SAGE Open* no. 2, (2019).
- Human Rights Watch. "no choice but to deny who I am". (2018,). From <https://www.hrw.org/report/2018/01/08/no-choice-deny-who-i-am/violence-and-discrimination-against-lgbt-people-ghana>
- Hunter, Ski. *Effects of conservative religion on lesbian and gay clients and practitioners: Practice implications*. Washington DC: National Association of Social Workers Press, 2010.
- Jansen, Derek, and Warren, Kerryn. "What Is Research Methodology? Definition + Examples." *Grad Coach*, Apr. 2020, <https://gradcoach.com/what-is-research-methodology/>.
- Khan, Shahid. "Qualitative Research Methods: Grounded Theory". *International Journal of Business and Management*. 9(11), 224, 2014.

Mallory, Christy, Taylor N.T. Brown, Susan E. Walch, and Brad Sears. “Economic Impact of Stigma and Discrimination against LGBT People.” *The Impact of Stigma and Discrimination against LGBT People in Florida*. The Williams Institute at UCLA School of Law, (2017). <http://www.jstor.org/stable/resrep35029.7>.

Mulga, Kamau. “African Homophobia and the Colonial Roots of African Conservatism.” African homophobia and the colonial roots of African conservatism. africasacountry.com, February 13, 2019. <https://africasacountry.com/2019/06/african-homophobia-and-the-colonial-intervention-of-african-conservatism/>.

Nimi, Princewill and McKenzle David. “How a US Group with Links to the Far-Right may have influenced a Crackdown on Ghana’s LGBTQI+ community”. *CNN*, (2021).

Nkunzi Nkabinde, and Ruth Morgan. “‘This Has Happened since Ancient Times... It’s Something That You Are Born with’: Ancestral Wives among Same-Sex Sangomas in South Africa.” *Agenda: Empowering Women for Gender Equity*, no. 67 (2006): 9–19. <http://www.jstor.org/stable/4066788>.

Norman, Ishmeal, Norvivor, Forgive. A, Komesuor, Joyce and Kweku, Margaret. “Homosexuality in Ghana”. *Advances in Applied Sociology*, (2016). <https://Advances in Applied Sociology - SCIRP>

O'Mahoney, Joseph. “How Britain's Colonial Legacy Still Affects LGBT Politics around the World.” *Connecting Research*, University of Reading, (Sept. 2018), Retrieved from <https://research.reading.ac.uk/research-blog/how-britains-colonial-legacy-still-affects-lgbt-politics-around-the-world/>.

- OUTLAWED: ‘The Love That Dare Not Speak Its Name.’” *Maps of Anti-LGBT Laws Country by Country | Human Rights Watch*, internap.hrw.org, http://internap.hrw.org/features/features/lgbt_laws/. Accessed 19 Feb. 2022.
- Parin, Paul, Fritz, Morgenthaler, and Goldy Parin-Metthey. *Fear thy neighbor as thyself*. Chicago: University of Chicago Press, p, 204, 1980.
- Read, James S. “Ghana: The Criminal Code, 1960.” *The International and Comparative Law Quarterly* 11, no. 1 (1962): 272–79. <http://www.jstor.org/stable/756174>.
- Roscoe, Will and Stephen O. Murray. *Boy-Wives and Female-Husbands: Studies in African Homosexuality's*, eds. New York: St Martins, 1998.
- Seo, Hyeon-Jae. “Origins And Consequences of Uganda’s Brutal Homophobia.” *Harvard International Review* 38, no. 3 (2017): 44–47. <https://www.jstor.org/stable/26528682>.
- Signorini, Italo. “Ag)Nwole Agyale: the Marriage between Two Persons of the Same Sex among the Nzema of Southwestern Ghana.” *Journal Des Africanistes*, Persée - Portail Des Revues Scientifiques En SHS, pp, 100 (Dec. 1973), https://www.persee.fr/doc/jafr_0037-9166_1973_num_43_2_1713.
- Sogunro, Ayo. “One More Nation Bound in Freedom.” *Transition*, no. 114 (2014): 47–59. <https://doi.org/10.2979/transition.114.47>.
- Spengen, Anna, "The Social Construction of Sexuality in Primary School Classrooms “Sociology *Major Research Papers*. 3. (2014) https://scholars.wlu.ca/soci_mrp/
- Takyi, Baffour K. “Marital Instability in An African Society: Exploring The Factors That Influence Divorce Processes In Ghana.” *Sociological Focus* 34, no. 1 (2001): 77–96. <http://www.jstor.org/stable/20832103>.

Tamale, Sylvia. "Homosexuality Is Not Un-African: It Is Legalized Homophobia, Not Same-Sex Relations That Is Alien to Africa." *America. Aljazeera*, (2014), Retrieved from <http://america.aljazeera.com/opinions/2014/4/homosexuality>

Taylor, Lin. "Only 5 Countries Give LGBT People Equal Constitutional Rights." *News. Trust ..Org*, news.trust.org, (2016), <https://news.trust.org/item/20160629130042-mg7w8/>. Accessed 12 Mar. 2022.

Tweneboah, Seth. "Religion, International Human Rights Standards, and the Politicization of Homosexuality in Ghana." *African Journal of Gender and Religion*, Volume 24, no. 2, (2018).

Welle, Deutsche. "Why Is Homosexuality Still Taboo in Many African Countries? DW: 04.12.2019." *DW.COM*, (2019), Retrieved from <https://www.dw.com/en/why-is-homosexuality-still-taboo-in-many-african-countries/a-51528737>.

Weller, Katrin., & Kinder-Kurlanda, Katharina. E. "Uncovering the Challenges in Collection, Sharing, and Documentation: The Hidden Data of Social Media Research? *In the ninth international AAAI conference on web and social media* (2015).

Wood, Andrew. W., & Conley, Abigail. H. "Loss of religious or spiritual identities among the LGBT population). *Counseling and Values*, 59(1), 95-111, (2014).

World Population Review, "LGBT Rights by Country 2022." 2022. <https://worldpopulationreview.com/country-rankings/lgbt-rights-by-country>.

WorldBank "Sexual Orientation and Gender Identity" (Jan 2022) <https://www.worldbank.org/en/topic/sexual-orientation-and-gender-identity#1>. Accessed

Wunpini, Fatimata. A. “An anti-LGBTQI bill in Ghana is the Outcome of Institutionalized Homophobia”. *The Washington Post*, (2021), retrieved from [washingtonpost.com/outlook/](https://www.washingtonpost.com/outlook/)

Yates, Jennifer, and Jill L. Snodgrass. “The Religious Locations of LGBTQ+ Survivors: Survivors of Christian Nonsexual Spiritual Abuse.” In *Navigating Religious Difference in Spiritual Care and Counseling: Essays in Honor of Kathleen J. Greider*, edited by Jill L. Snodgrass, 2:251–80. Claremont Press, 2019. <https://doi.org/10.2307/j.ctvwrn4c3.18>.

Zappavigna, Michele. “Searchable talk: The linguistic functions of hashtags”. *Social Semiotics*, 25(3), 274-291, (2015).

APPENDICES

APPENDIX A

Definition of terms and List of Abbreviations

LGBTQ+: Lesbian, gay, bisexual, trans, and queer

GHPC: Ghana Housing and Population Census

Nzema's- also known as Nzima or Appolo, is a Central Tano language spoken by the Nzema people of southwestern Ghana and southeastern Ivory Coast.

Akans - The Akan are a meta-ethnicity living primarily in the countries of present-day Ghana and Ivory Coast in West Africa.

Unnatural carnal knowledge – is defined as the engagement in a sexual practice that is presumed abnormal or unnatural, be it with an animal or with a person.

Agyale- Marriage between two persons of the same sex among the Nzema.

WPR: World Population Review

HWR: Human Right Watch

HDT: Human Dignity Trust

APPENDIX B

DOCUMENT REVIEW GUIDE

Introduction

The code sheet that is included in this protocol is intended to serve as a guide for me as I choose which views or videos will be appropriate for the study. The goals of the study as well as its research questions served as the inspiration for the structure of this guide. In addition to this, it contains descriptions of each of the topics, which provide me with an ideal classification system from which to select the data.

Descriptive Characteristics

- Name of author/Websites
- Country/Location
- Names of Participants
- Position

Category lists of individuals' views on the Anti-LGBTQ+ proposed bill

Category	Description	Example
LGBTQ+ Individual	Role in opposing Anti-LGBTQ+ proposed bill	
Activists	Affiliated with Civil Service organizations or human rights organizations in Ghana	Anti-LGBTQ+ proposed bill is against human rights (Activist)

Political Actors	Affiliated with governments and governments officials in Ghana	
Religious Leader	Affiliated with religious organizations and governments organizations in Ghana	

Topics\Issues and Examples

Topic	Description of category	Examples
Views opposing the Anti-LGBTQ+ proposed bill	Views calling on why the Anti-LGBTQ+ proposed bill should not be passed	Anti-LGBTQ+ proposed bill is against humans (Activists). LGBTQ+ is not western imposed (Activists)
Views supporting the Anti-LGBTQ+ proposed bill	Views calling on why the Anti-LGBTQ+ proposed bill should be passed	LGBTQ+ is a choice (Political Actor)